

# Town of Yountville

## Resolution Number 24-4296

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE APPROVING, AUTHORIZING, AND DIRECTING THE TOWN MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ROBERT ORR FOR THE DONATION OF A COMMISSIONED BRONZE SCULPTURE OF GEORGE C. YOUNT AND FINDING THE MEMORANDUM OF UNDERSTANDING EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

---

#### Recitals

- A. The Town has been approached by local resident Robert Orr (the “Donor”) with a generous offer to donate a commissioned sculpture of George C. Yount (the “Sculpture”) to memorialize Yount’s historical impacts to Yountville and the Napa Valley for placement in front of Yountville Town Hall.
- B. The life-sized sculpture will be created by an experienced artist and constructed out of bronze to resemble the historical description of George C. Yount with an estimated value of \$80,000.
- C. The Town desires to accept the donation, place the Sculpture permanently in front of Town Hall, insure the Sculpture against damage and theft, and maintain the Sculpture to the artist’s specifications into perpetuity.
- D. The Town Council desires to approve the execution of a Memorandum of Understanding, attached hereto as **Exhibit A** and incorporated herein by reference (the “Agreement”), to coordinate the donation, acceptance, and maintenance of the Sculpture as described above.

#### **Now, therefore, the Town Council of the Town of Yountville does resolve as follows:**

SECTION 1. RECITALS: The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2. APPROVAL OF AGREEMENT: The Town Council hereby approves the Agreement attached hereto as Exhibit A. The Town Manager is hereby authorized and directed to execute in the name of and on behalf of the Town the final form of the Agreement, and the Town Clerk is hereby authorized and directed to attest to the final form of the Agreement. Execution of the Agreement by the Town Manager shall be conclusive evidence of the approval of any changes therein or additions thereto.

SECTION 3. AUTHORIZATION TO MAKE MODIFICATIONS: The Town Manager or his designee is hereby authorized to modify the Agreement as necessary to further the purposes of the Agreement and to reach agreement with the Donor, subject to review and approval by the Town Attorney and the Donor.

SECTION 4. CEQA FINDINGS: The Town Council finds approval of the Agreement is not a Project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) (common sense exception) as it can be seen with certainty that the execution of the Agreement and installation of the Statue will not have a significant effect on the environment. To the extent this approval is a Project under CEQA, it is categorically exempt pursuant to CEQA Guidelines

sections 15303 (new construction and conversion of small structures) as an installation of a new, small structure; 15304 (minor alterations to land) as a minor public alteration in the condition of land which does not involve the removal of healthy, mature, scenic trees; and 15311 (accessory structures) as the placement of a minor structure accessory to an institutional facility. None of the exceptions to the categorical exemptions provided in CEQA Guidelines section 15300.2 are applicable.

SECTION 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Town Council declares that it would have adopted this Resolution, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE: This Resolution shall take effect immediately upon its passage and adoption.

SECTION 7. CERTIFICATION: The Town Clerk shall certify the passage and adoption of this Resolution and shall give notice of its adoption as required by law. Within 15 days from the date of passage of this Resolution, the Town Clerk shall post a copy of the Resolution in accordance with California Government Code in at least three public places in the Town.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 16th day of, July 2024 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Margie Mohler, Mayor

ATTEST:

\_\_\_\_\_  
Hilary Gaede, Communications Director/Town Clerk