

POLICY RESOLUTION NO. 16

POLICY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NAPA, STATE OF CALIFORNIA, REGARDING THE ESTABLISHMENT,  
IMPLEMENTATION, AND ENFORCEMENT OF FEES AND CHARGES

WHEREAS, the City has identified, in Napa Municipal Code ("NMC") Section 3.04.030, a range of City charges (including taxes, assessments, and fees) that have been established by the City pursuant to separate ordinances and resolutions, most of which have been previously documented in ordinances codified in the NMC or in the version of Policy Resolution No. 16 adopted by the City Council on September 13, 2005 (hereinafter referred to as the "2005 Policy Resolution"); and

WHEREAS, pursuant to NMC Section 3.04.030, the Council has indicated that City policies related to the establishment, implementation, and enforcement of City charges may be adopted by ordinance or resolution; and

WHEREAS, the City has previously, pursuant to the 2005 Policy Resolution, established certain City policies related to the implementation of City charges; and

WHEREAS, the City intends to modify the 2005 Policy Resolution with the goals of: (a) continuing to use Policy Resolution No. 16 to document City policies and procedures related to the establishment, implementation, and enforcement of City charges (with clarifications as set forth in this resolution), and (b) discontinuing the use of Policy Resolution No. 16 for the purpose of assembling previously adopted amounts of City charges, and (c) delegating authority to the City Manager to establish administrative regulations for the detailed implementation of City policies related to City charges (including the administrative assembly of a "Master Fee Schedule" of all City charges established by the City); and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

1. Adoption.

- a. The City Council hereby approves the updated Policy Resolution No. 16 (hereinafter referred to as "Policy Resolution No. 16" or "this resolution"), as set forth herein.
- b. The 2005 Policy Resolution shall remain in full force and effect except to the extent specifically modified by this resolution. To the extent there are any conflicts between the 2005 Policy Resolution and this resolution, the provisions of this resolution shall take precedence.

2. Purpose and Goals.

- a. It is the policy of the City that, to the extent authorized by law, the costs of providing City services will be equitably apportioned as a charge to those who benefit from, or create the need for, the City services.
- b. The City affirms, to the greatest extent possible, the City's constitutional "home rule" authority as a charter city pursuant to California Constitution Article XI, Section 5. Pursuant to the City's constitutional "home rule" authority, the City is and shall be exempt from the provisions of State law governing general law cities; provided, however, the City may expressly adopt one or more provisions of State law to govern the implementation of City charges to the extent expressly provided in the City Charter, the Napa Municipal Code, Council resolution, or other Council action. This statement is intended to be a clarification of the City's authority.

- c. To the extent any person responsible to pay a City charge considers all or some portion of the City charge to be in violation of any law (including the Constitution of the United States of America, or the Constitution of the State of California), that person may challenge the charge by requesting a hearing before the City Manager, pursuant to Napa Municipal Code Section 3.04.040. Any such request shall be made in writing to the City Manager within 30 days after written notice imposing the City charge, stating all grounds which the responsible person wishes the City to consider. A failure by the responsible person to make a timely challenge in accordance with this Subsection 2(c) shall constitute a failure to exhaust administrative remedies.

### 3. Administrative Regulations.

- a. The City Manager is authorized and directed to establish and maintain written administrative regulations to implement the City's procedures related to the establishment, implementation, and enforcement of fees and charges, in accordance with the requirements of the City Charter, the Napa Municipal Code, and this resolution. The City Manager may delegate, in writing, the duties and authority set forth in this resolution to other qualified City employees.
- b. A copy of the administrative regulations shall be maintained in the office of the City Clerk. The administrative regulations shall be recommended for approval by the Finance Director, and subject to approval as to form by the City Attorney. The administrative regulations shall, at a minimum, address the following elements:
  - i. Standard procedures and guidelines related to the regular review of the adequacy of the dollar amounts of fees and charges, and the preparation of recommendations for Council approval of the establishment of new fees and charges and the updating of existing fees and charges.
  - ii. Standard procedures and guidelines related to the implementation and enforcement of City fees and charges. These procedures and guidelines shall specifically include the methods by which the City will collect unpaid fees and charges, including parameters for enforcing debts through small claims court or collections agencies, and parameters for evaluating whether the cost of enforcing uncollected delinquencies is outweighed by the likely recovery if successful. The City Manager, in consultation with the City Attorney, shall be authorized to approve settlements of disputed City charges in an amount not to exceed the City Attorney's authority to settle liability claims against the City (\$5,000 per claim, pursuant to Resolution R1999-166).
  - iii. Standard procedures and guidelines for the establishment and documentation of the actual costs of providing services that are covered by revenues generated by City charges. The actual costs shall include direct costs of labor, materials, and equipment, as well as indirect costs and overhead to the extent reasonably related to the services provided.
  - iv. Standard procedures and guidelines for the establishment and documentation of annual updates to City fees based on objective cost of living indexes.
  - v. Identification of any delegation of duties or authority from the City Manager to other qualified City employees.
  - vi. There shall be a "Master Fee Schedule" that documents the dollar amounts, effective dates, and legal authority (whether City Council ordinance, resolution, or other legal authority) of all City fees and charges.

4. This Resolution shall take effect on June 19, 2007.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 19th day of June, 2007, by the following vote:

AYES: Council members Inman, Mott, van Gorder, Vice-Mayor Krider, Mayor Techel  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST: Sara J. Cox  
CITY CLERK OF THE CITY OF NAPA