

RESOLUTION R2024 ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NAPA, STATE OF CALIFORNIA, ESTABLISHING SELF-HAUL
GATE FEES AT THE CITY'S MATERIALS DIVERSION
FACILITY TO BECOME EFFECTIVE FEBRUARY 1, 2024,
JULY 1, 2024, JULY 1, 2025, JULY 1, 2026, JULY 1, 2027, AND
JULY 1, 2028**

WHEREAS, the City and Napa Recycling & Waste Services, LLC ("NRWS") are parties to a contract by which NRWS provides services to the City for collection and transportation of Municipal Solid Waste, Recyclable Materials, and Compostables and operation of the Napa Materials Diversion Facility (City Agreement No. 8687, hereinafter referred to as "Contract"); and the Contract was originally approved by the City Council on December 7, 2004, and was subsequently amended and restated on October 18, 2022 (R2022-095) and on April 18, 2023 (R2023-038); and

WHEREAS, under the terms of the Contract, the City, as owner of the Napa Materials Diversion Facility ("MDF"), is responsible for determining what materials are accepted at the MDF and for establishing gate fees to be charged to self-haul customers for material delivered to the MDF; and

WHEREAS, the City Council has previously taken a series of actions to establish and update gate fees, including: April 19, 2016 (R2016-43, effective May 1, 2016); October 15, 2019 (R2019-116, effective November 1, 2019); January 19, 2021 (R2021-006, effective February 1, 2021) and June 1, 2021 (R2021-054, effective July 1, 2021); and

WHEREAS, City staff has reviewed projected revenues and costs associated with the acceptance and processing various recyclable and/or compostable materials at the MDF including recent shipping and recovery costs specifically for wood waste; and

WHEREAS, City staff has summarized the increased costs in the staff report and in a "MDF Gate Fee Analysis" available as second attachment to staff report, and determined that processing costs have increased and that certain gate fees should be increased in accordance with this Resolution to reflect the increased processing costs; and

WHEREAS, the Utilities Director has determined that MDF self-haul gate fees are not subject to the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(8), based on the findings set forth in the "MDF Gate Fee Analysis" that support the conclusions that revenues from the fees: (A) meet the operating expenses, including employee wage rates and fringe benefits, (B) are used to purchase or lease supplies, equipment, or materials, (C) meet financial reserve needs and requirements, (D) are used for capital purchases necessary to maintain service within the existing service area, and (E) are used to maintain intracity transfers in accordance with Council priorities; and

WHEREAS, the City is authorized to establish "self-haul gate fees" to recover the cost of providing services to self-haul customers who deliver materials to the MDF, pursuant to the City's home rule authority as a charter city (pursuant to California Constitution, Article

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XI, section 5, and City of Napa Charter Section 4) and the City's police power (pursuant to California Constitution, Article XI, section 7); and

WHEREAS, the City's authority to establish "self-haul gate fees" is subject to the requirements of Proposition 26 (California Constitution Article XIII C, section 1(e)), and the City has documented in this Resolution compliance with those requirements, as well as compliance with California Government Code Sections 66016 – 66019; and

WHEREAS, at least ten days prior to the date this Resolution is to be considered, a legal advertisement was published the Napa Valley Register announcing a public hearing on January 16, 2024, where a staff report and cost analysis would be made available to the public documenting the amount of cost, or estimated cost, required to provide the service for which the fees herein adopted are levied and the revenue sources anticipated to provide the service; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meeting.

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

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.
2. The City Council hereby finds that the self-haul gate fees established by this Resolution are charges imposed for a specific government service that: (i) is provided directly to those who are charged the fees, and (ii) is not provided to those not charged the fees. The City Council hereby finds that the amount of the self-haul gate fees meet the criteria set forth in the subparagraphs to this section 2, below, based on the facts identified in this Resolution, particularly including the MDF Gate Fee Analysis identified in the recitals to this Resolution.
 - a. The amount of the fees do not exceed the reasonable costs of providing the service. The fees will generate revenue to offset the estimated reasonable operational and contractual costs incurred by the City in accepting materials at the MDF for processing and composting and/or recycling operations. The amount of each fee is no more than necessary to cover the costs incurred by the City in conducting the activities to provide the services for which the fees are imposed.
 - b. The City has allocated the service costs to each individual fee payor in a manner that bears a reasonable relationship to each payor's burdens on, and benefits received from, the City activities and services.

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- c. Based on the findings set forth in this section 2, the fees established by this Resolution are not “taxes” as defined by California Constitution Article XIII C, section 1(e).

3. The City Council hereby approves and establishes the self-haul gate fees for the MDF in the amounts set forth in the chart in Exhibit A to this resolution with the corresponding effective date for each column as identified: February 1, 2024, for “Gate Fees Effective 2-1-24”; July 1, 2024, for “Gate Fees Effective 7-1-24”; July 1, 2025, for “Gate Fees Effective 7-1-25”; July 1, 2026, for “Gate Fees Effective 7-1-26”; July 1, 2027, for “Gate Fees Effective 7-1-27”; and July 1, 2028 for “Gate Fees Effective 7-1-28”.

4. The City Council hereby authorizes the City Manager and the Finance Director to implement the fees established by this Resolution, including: (a) administratively organizing and publishing the fees in the City’s Master Fee Schedule; and (b) implementing and enforcing the fees in accordance with the City Council Policy Resolution for the establishment, implementation, and enforcement of City Fees (R2018-046).

5. This Resolution shall take effect immediately upon its adoption.

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 16th day of January, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney

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Exhibit A

MDF Self-Haul Gate Fees Effective 2/1/2024, 7/1/2024, 7/1/2025, 7/1/2026, 7/1/2027 & 7/1/2028

| Material | Current Gate Fees | Gate Fees Effective 2-1-24 | Gate Fees Effective 7-1-24 | Gate Fees Effective 7-1-25 | Gate Fees Effective 7-1-26 | Gate Fees Effective 7-1-27 | Gate Fees Effective 7-1-28 |
|---|-------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Compostable Food Material (Food Scraps and Soiled Paper) * | \$68 per ton | \$68 per ton | \$73 per ton | \$78 per ton | \$83 per ton | \$88 per ton | \$92 per ton |
| Packaged Organics (Compostable Food Material requiring de-packaging processing). * | NA | \$96 per ton | \$96 per ton | \$101 per ton | \$106 per ton | \$111 per ton | \$115 per ton |
| Carpet & Underpadding (residential/commercial carpet accepted. Must be clean & dry) * | \$62 per ton | \$62 per ton | \$65 per ton | \$67 per ton | \$69 per ton | \$71 per ton | \$73 per ton |
| Concrete & Asphalt * | \$29 per ton | \$29 per ton | \$31 per ton | \$32 per ton | \$33 per ton | \$34 per ton | \$35 per ton |
| Drywall * | \$32 per ton | \$32 per ton | \$34 per ton | \$35 per ton | \$36 per ton | \$37 per ton | \$38 per ton |
| Scrap Metal | Free | Free | Free | Free | Free | Free | Free |
| Appliances & Microwaves | \$27 per item | \$27 per item | \$28 per item | \$29 per item | \$30 per item | \$31 per item | \$32 per item |
| Yard Trimmings * | \$57 per ton | \$57 per ton | \$62 per ton | \$67 per ton | \$72 per ton | \$77 per ton | \$81 per ton |
| Wood (untreated) * | \$67 per ton | \$67 per ton | \$72 per ton | \$77 per ton | \$82 per ton | \$87 per ton | \$91 per ton |
| Chipped Wood (untreated, pre-chipped trees or branches, less than 2", minimal green material) * | \$43 per ton | \$43 per ton | \$48 per ton | \$53 per ton | \$58 per ton | \$63 per ton | \$67 per ton |
| Stumps * | \$83 per ton | \$83 per ton | \$88 per ton | \$93 per ton | \$98 per ton | \$103 per ton | \$107 per ton |
| Tires (less than 22 inches) | \$5 per item | \$5 per item | \$5 per item | \$5 per item | \$5 per item | \$5 per item | \$5 per item |
| Electronic waste (computer equipment TVs) | Free | Free | Free | Free | Free | Free | Free |
| Minimum Charge per load * | \$24 | \$24 | \$25 | \$26 | \$27 | \$28 | \$29 |

* Minimum Charge per load is applicable only to materials listed in above chart with an "**"