

ORDINANCE O2018-\_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE SECTIONS 3.04.040, 3.04.050, AND 3.20.090, REGARDING THE DEFINITIONS OF, AND APPEAL PROCEDURES FOR, CITY TAXES, ASSESSMENTS, FEES, FINES, AND CHARGES

WHEREAS, the City has adopted various charges (in the form of taxes, assessments, fees, fines, and other charges) for City services, pursuant to the City's constitutional "home rule" authority as a charter city pursuant to California Constitution Article XI, Section 5, as well as the City's police power authority (to regulate health, safety, and welfare) set forth in California Constitution Article XI, Section 7, as well as various other legal authorities as specified when each charge was adopted by Council; and

WHEREAS, the City has documented the charges for City services in various ordinances and resolutions of the City, including those charges codified in the Napa Municipal Code, and those that have been previously summarized in policy resolutions of the City Council (including Policy Resolution No. 16); and

WHEREAS, the City has determined that a clarification of City policies and procedures is warranted regarding the efficient establishment, implementation, and enforcement of charges for City services; in particular, a clarification of procedures previously documented in Napa Municipal Code Sections 3.04.040, 3.04.050, and 3.20.090; 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 meetings.

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

**SECTION 1: Amendment.** Napa Municipal Code Section 3.04.040 is hereby amended by repealing the previous language of subsection "(A)" in its entirety, and adopting language to replace it as set forth below [NOTE: provisions of the previous subsections "(B)" through "(C)" of Section 3.04.040 are not modified by this ordinance, and shall remain in full force and effect]. The new language of Subsection 3.04.040(A) is hereby adopted, to read as follows:

"A. As used in this section:

"Assessment" shall have the meaning set forth in California Constitution Article XIII D, Section 2, and the meaning defined by ordinance of the City Council including those codified in this Title 3 for assessments levied on businesses.

## ATTACHMENT 1

“Charge” means any tax, assessment, fee, or fine imposed by the City.

“City Collector” means the person designated by the City Manager in accordance with City Charter Sections 75 and 77.

“Fee” means any monetary obligation imposed by the City that is not a tax, not an assessment, and not a fine.

“Fine” means any fine or enforcement cost, as identified in Section 1.16.050.

“Tax” means any “special tax” or “general tax” as defined by California Constitution Article XIII C, Section 1.”

**SECTION 2: Amendment.** Napa Municipal Code Section 3.04.050 is hereby amended by repealing the previous language in its entirety, and adopting language to replace it as set forth below:

“3.04.050 Appeals.

- A. The City Collector is authorized to determine the amount of any tax, assessment, fee, fine, or charge (collectively referred to herein as “charge”) that has been established by the City Council (by ordinance or resolution). The City Collector is authorized to impose the charge upon the person responsible for payment of the charge (the “responsible person”) by providing written notice of the determination to the responsible person. The written determination shall include the bases for the charge, the amount of the charge, the date the charge is owed to the City, and the responsible person’s appeal rights pursuant to this section.
- B. It is a code violation (as defined by Section 1.16.010) for any person to fail to comply with a written determination made by the City Collector pursuant to this section.
- C. Any written determination made by the City Collector pursuant to this section shall be final unless appealed pursuant to the requirements of this section. Failure to timely appeal pursuant to this section constitutes a waiver of the appeal and a failure to exhaust administrative remedies.
- D. Any person aggrieved by a determination by the City Collector pursuant to this section may appeal by filing a request for an administrative hearing, within 10 days of the issuance of the City Manager’s determination, in accordance with the provisions of Chapter 1.26.”

**SECTION 3: Amendment.** Napa Municipal Code Section 3.20.090 is hereby amended by repealing the previous language in its entirety, and adopting language to replace it as set forth below:

“3.20.090 Appeals.

- A. Any written determination made by the City Collector pursuant to this chapter shall be final unless appealed pursuant to the requirements of this section. Failure to timely appeal pursuant to this section constitutes a waiver of the appeal and a failure to exhaust administrative remedies.
- B. Any person aggrieved by a determination of the City Collector pursuant to this chapter may appeal by filing a request for an administrative hearing, within 10 days of the issuance of the City Collector’s determination, in accordance with the provisions of Chapter 1.26.”

**SECTION 4: Title, chapter, and section headings.** Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

**SECTION 5: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 6: Effective Date.** This ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK OF THE CITY OF NAPA

**ATTACHMENT 1**

STATE OF CALIFORNIA }  
COUNTY OF NAPA } SS:  
CITY OF NAPA }

I, Dorothy Roberts, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 1<sup>st</sup> day of May, 2018, and had its second reading and was adopted and passed during the public meeting of the City Council on the 15th day of May, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Dorothy Roberts  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney