

## **EXHIBIT “A”**

### **City of Napa Policies and Procedures for the Establishment, Implementation, and Enforcement of City Fees, Fines, and Charges**

#### **1. Authority.**

- a. 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 charter city authority, the City is and shall be exempt from any conflicting provisions of State law governing general law cities.
- b. The City also relies on the City’s police power authority (to regulate health, safety, and welfare) set forth in California Constitution Article XI, Section 7, as well as other relevant constitutional, statutory, or legal authority authorities, including those specified when each charge was adopted by Council.
- c. The Policies and Procedures for the Establishment, Implementation, and Enforcement of City Fees, Fines, and Charges (which may be referred to herein as “this Policy”) shall be interpreted in accordance with the relevant provisions of State law, including those summarized above, the City Charter, and the Napa Municipal Code (“NMC”), particularly NMC Chapter 3.04.

#### **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.

#### **3. Administrative Regulations.**

- a. The City Manager is hereby 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 Policy. The City Manager may delegate, in writing, the duties and authority set forth in this Policy to other qualified City employees and representatives.
- 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. This will include procedures and guidelines by which: (A) the City charges are based on the reasonable estimate of

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the City’s costs of providing services; including: actual direct and indirect costs for labor, materials, and equipment; and (B) the City establishes the amounts of regular updates based on objective cost of living indexes.

- 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 the parameters for enforcing debts through collection agencies or through legal proceedings with the assistance of the City Attorney, and parameters for evaluating and taking action on the adjustment of uncollected delinquencies in the interests of justice, considering the magnitude of the delinquency, the City’s cost of enforcement, and any potential challenges to the City’s legal authority. The City will consider the extent to which any City charge is in violation of any law (including the Constitution of the United States, or the Constitution of the State of California).
  - iii. Standard procedures and guidelines by which the City will consider appeals of City charges, in accordance with the NMC, including NMC Sections 3.04.050 and 1.26.
  - iv. Identification of any delegation of duties or authority from the City Manager to other qualified City employees or representatives.
- c. The City Council hereby authorizes the City Manager and the Finance Director to administratively organize and publish all City charges approved by City Council in a Master Fee Schedule.