

RESOLUTION R2018 ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NAPA, STATE OF CALIFORNIA, UPDATING CITY FEES
AND CHARGES RELATED TO CITY SERVICES,
PRODUCTS, OR REGULATIONS, AND UPDATING FINES
FOR VIOLATIONS OF CITY CODES AND REGULATIONS**

WHEREAS, the City has identified, in Napa Municipal Code (“NMC”) Section 3.04.030, a range of City charges (including taxes, assessments, fees, and fines) 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, and administratively assembled by City staff in the Master Fee Schedule; and

WHEREAS, the City Council has previously established the amounts of City charges, and authorized City staff to administratively assemble those City charges in the Master Fee Schedule, pursuant to a series of City Council resolutions, including: R2007-103 (June 19, 2007), R2009-7 (January 20, 2009), R2009-147 (December 15, 2009), R2011-14 (January 18, 2011), R2011-23 (February 1, 2011), R2011-52 (April 5, 2011), R2011-73 (May 17, 2011), R2014-134 (July 22, 2014), R2015-118 (September 15, 2015), and R2017-045 (April 18, 2017); and

WHEREAS, City staff recommends that City Council authorize an update to the City fees identified in this resolution to reflect the actual and estimated reasonable costs incurred by the City in providing the services for which the fees are imposed; and

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

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 by a preponderance of evidence that the fee amounts identified in this Resolution will generate revenue in an amount that is no more than necessary to cover the reasonable costs incurred by the City in providing the services for which the fees are imposed, and that the amount of each fee is equitably allocated to each fee payor so that there is a fair and reasonable relationship between the amount of each fee and the payor’s benefits received from, or burdens imposed on, the City.

3. The City Council hereby finds that each of the fees approved pursuant to this Resolution is not a “tax,” as defined by California Constitution Article XIII C, Section 1(e), since each fee meets the definition for one or more “Fee Category” as described herein. Each fee identified on a row of Exhibit “A,” attached hereto and incorporated herein by reference, has a column labeled “Fee Category.” The Fee Category column

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identifies a number for each fee ("1" through "7") which corresponds to the relevant definition of California Constitution Article XIII C, Section 1(e), as follows:

- a. Fee Category "1" is Section 1(e)(1): a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the City of conferring the benefit or granting the privilege.
- b. Fee Category "2" is Section 1(e)(2): a charge imposed for a specific governmental service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the City of providing the service or product.
- c. Fee Category "3" is Section 1(e)(3): a charge imposed for the reasonable regulatory cost to the City for issuing licenses and permits, performing investigations, inspections and audits, and the administrative enforcement and adjudication thereof.
- d. Fee Category "4" is Section 1(e)(4): a charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.
- e. Fee Category "5" is Section 1(e)(5): a fine, penalty or other monetary charge imposed by the City as a result of violation of law.
- f. Fee Category "6" is Section 1(e)(6): a charge imposed as a condition of property development.
- g. Fee Category "7" is Section 1(e)(7): an assessment or property-related fee imposed in accordance with California Constitution Article XIII D.

4. The City Council hereby finds that the fee amounts identified on Exhibit "A," attached hereto and incorporated herein by reference, represent the estimated reasonable costs incurred by the City in providing the services for which the fees are imposed.

5. The City Council hereby approves each fee identified as a "proposed" fee on Exhibit "A."

- a. The City Council hereby authorizes the City Manager and the Finance Director to establish the amounts of the City's "Direct Costs" and "Full Costs," in accordance with the terms defined in Exhibit "A."
- b. The City Council hereby authorizes the City Manager and the Finance Director to update the fee amounts identified on Exhibit "A" for Fee Categories 1, 2, and 3, to be effective no earlier than January 1, 2019, in an amount equivalent to the increase in the "CPI-U San Francisco-Oakland-Hayward, October to October." The fee increase shall be effective 30 days after the increase is documented in the Master Fee Schedule, and published on the City's website.
- c. The City Council hereby authorizes the City Manager and Finance Director to update the "Fee Type" for the fees identified on Exhibit "B," attached hereto and incorporated herein by reference. Note that, for the fees identified on Exhibit "B," only the "Fee Type" is being corrected, but the fee amounts are not changed.

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6. The City Council hereby repeals each fee identified as a "current" fee on Exhibit "A."

7. The City Council hereby authorizes the City Manager and the Finance Director to implement the fee changes authorized by this Resolution by: (a) administratively organizing and publishing all City fees (including the fees described in the recitals, as updated by this Resolution) in a Master Fee Schedule, and (b) applying the "Legend for Implementing the Master Fee Schedule," as set forth on Exhibit "A," to all City fees.

8. This Resolution shall take effect immediately upon its adoption, as a documentation of the final action taken by Council. The fees approved pursuant to this Resolution shall be effective on July 2, 2018.

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 1st 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