

ORDINANCE O2018-__

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA,
STATE OF CALIFORNIA, FORMING THE CITY OF NAPA
INDUSTRIAL DEVELOPMENT AUTHORITY**

WHEREAS, the City of Napa (the "City") has determined that there is a need in the City for an industrial development authority to be established under the California Industrial Development Financing Act (California Government Code, Title 10, commencing with Section 91500 (the "Act")).

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

SECTION 1. City of Napa Industrial Development Authority. There is in the City a corporate instrumentality of the State of California known as the City of Napa Industrial Development Authority (the "Authority").

SECTION 2. Need for Industrial Development Authority. Pursuant to the Act, the City Council hereby declares that there is a need within the City for the Authority.

SECTION 3. Function of City of Napa Industrial Development Authority. Authority shall function pursuant to this Ordinance and the Act.

SECTION 4. Board of Directors. The City Council of the City of Napa hereby declares itself to be the governing board of the Authority, which governing board shall be designated the Board of Directors.

SECTION 5. City Employees. The City Council hereby authorizes the following City employees to perform the services of the following officers of the Authority, when designated by the Board of Directors: Executive Director (City Manager), Treasurer (City Finance Director and, if there is no longer a City Finance Director, the City Treasurer), Secretary (City Clerk) and General Counsel (City Attorney). The City Council further authorizes the City Manager to designate City employees to act as the assistants and deputies of those officers of the Authority.

The City Manager and the Executive Director shall (as part of the budget processes for the City and the Authority) propose the scope of services to be performed by City employees on behalf of the Authority as described in this Ordinance. The budgeted services are subject to approval by the Board of Directors and the City Council. The budgeted services may be amended from time to time by resolutions approved by the Board of Directors and the City Council. The budgeted services may include the designation of City employees (in addition to those authorized by this Ordinance) authorized to perform services on behalf of the Authority. The budgeted services may include advances of payments of funds by the City on behalf of the

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Authority. City employees performing services on behalf of the Authority shall be subject to all rules and regulations governing the conduct of City employees (as set forth in the City Charter, City ordinances and resolutions, and other City rules and regulations as duly adopted by the City Council or the City Manager), including the City's human resources rules and regulations and the City's conflict of interest code.

In return for the services provided by the City as described in the previous section, the Authority shall compensate the City in accordance with budgets approved by the Board of Directors. The compensation may include all reasonable costs related to the budgeted services, including costs of the Human Resources Department, general administration and overhead. The City shall submit to the Authority a statement of the costs incurred by the City in rendering services to the Authority and the Authority shall pay such costs in the manner reasonably required by the City.

The Board of Directors hereby authorizes the City Manager to execute on behalf of the City a cooperative agreement with the Authority to the extent necessary to implement the provisions of this Ordinance.

SECTION 6. 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 7. 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

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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 21th day of August, 2018, and had its second reading and was adopted and passed during the public meeting of the City Council on the 4th day of September, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Dorothy Roberts
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney