

THE CHARTER OF THE CITY OF NAPA

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NAME AND RIGHTS OF THE CITY

Section 1. Name of the City.

The corporation now existing and known as the City of Napa shall continue and be a body politic and corporate, and by that name shall be known, and as such shall have perpetual succession.

Section 2. Rights and liabilities.

The City of Napa shall remain vested with, and continue to have, hold and enjoy all property, rights of property, and rights of action of every kind and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

Section 3. Boundaries.

The boundaries of the City of Napa shall be as follows:

(Note: This legal description is in the original Charter; however, territory is constantly being annexed to the City by ordinance, and the City Engineer's records should be referred to for the boundaries of the City at any particular times.)

Section 4. Powers of the City.

The City of Napa shall have and may exercise all powers which now are or may hereafter be conferred upon municipalities by the Constitution and laws of the State of California, and which it would be lawful for this Charter specifically to enumerate, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in and by this Charter shall be held to be exclusive.

Section 5. Corporate powers, by whom exercised.

The corporate powers of the City of Napa shall be vested in a City Council composed of a Mayor and four Councilmen. All the powers of the City, except as otherwise provided in this Charter, are hereby vested in the City Council, and except as otherwise prescribed herein, the City Council may by ordinance prescribe the manner in which any power of the City may be exercised.

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ELECTIVE OFFICERS

Section 6. Who are.

The elective officers of the City of Napa shall be a Mayor and four Councilmen.

Section 7. Officers elected at large.

The Mayor and Councilmen shall be elected at the General Municipal Election on a general ticket from the City at large.

Section 8. Terms of office.

The terms of all elective officers shall be for four years, commencing on the first Tuesday of the month succeeding their election and until their successors have qualified. (Amended June 5, 1953; July 3, 1963; June 15, 1971; March 14, 1973; November 4, 1986; June 7, 1994.)

Section 9. When elected.

Each office shall be filled by election at the General Municipal Election immediately preceding the date of the expiration of the term of said office, except at the first General Municipal Election under this Charter.

Section 10. Qualifications of elective officers.

No person shall be eligible to hold any elective office in the City of Napa unless he is and has been a resident therein for a period of one year immediately preceding the date of such election, and he must continue a resident of said City during the term of this office, and if he fails to so continue a resident of said City, his office shall, by reason thereof, become vacant.

Section 11. Vacancy—What constitutes.

A vacancy shall exist in any elective office when the person elected thereto fails to qualify within ten days after the issuance of a certificate of election; dies, resigns, ceases to be a resident of the City of Napa; absents himself continuously therefrom for a period of more than thirty days without permission of the City Council; fails to attend the meetings of the City Council for a like period without being excused therefrom by said body; is convicted of a felony; is judicially determined to be insane or an incompetent person; forfeits his office under the provisions of this Charter; is removed from office by judicial proceedings or when such vacancy is declared to exist therein in the manner in this Charter provided.

Section 12. Vacancies in elective office, how filled.

In case of a vacancy in any elective office, however created, the same shall be filled by appointment made by a majority vote of the remaining members of the City Council within forty-five days from the date of such vacancy. In the event such an appointment is not so made within said forty-five days, the City Council shall immediately call a special election to fill such vacancy or vacancies in the same manner as election of elective officers at a regular municipal election; provided, however, that such special election to fill vacancies need not be called if a General Municipal Election is scheduled within one hundred eighty days from the date of such vacancy or vacancies, nor shall such special election be held within sixty days prior to a State-wide election unless consolidated with it, nor shall such special election be held with sixty days after such State-wide election.

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Council appointees to fill such vacancy or vacancies shall hold office until the first Monday the month following the next General Municipal Election, at which election a person or persons shall be elected to serve for the remainder of said unexpired term, or for a new term if the term of the vacated seat has expired. (Amended May 25, 1949; January 27, 1965; March 14, 1973; June 7, 1988; June 7, 1994.)

Section 13. Oath of office.

Every officer of the City of Napa, before entering upon the duties of his office, shall take the oath prescribed by the Constitution of this State and file the same with the City Clerk.

Section 14. Official bonds.

All officers, except the Mayor, Councilmen and City Attorney, shall give bonds for the faithful performance of their duties, payable to City of Napa, to be approved by the City Council, in such penal sum as shall have been prescribed by ordinance. If at any time, in the opinion of the City Council, for any cause, such bonds shall become insufficient, it may require a new or additional bond to be given. The premium or charge for bonds given by surety companies for such officers shall be paid by the City. (Amended May 25, 1949; January 27, 1965.)

Section 15. Salaries.

The members of the City Council shall receive compensation for their services only upon the passage of an ordinance providing for such compensation. No ordinance so enacted shall be valid if the amounts of compensation provided for therein are in excess of the limits provided for General Law Cities in Section 36516 of the Government Code of the State of California as it presently exists or may hereafter be amended by the State Legislature. Any change in compensation shall not apply to a member of the Council during his term of office except that when a member of the Council becomes eligible for such adjustment by reason of starting a new term of office other members shall likewise become eligible for such adjustment. (Amended June 11, 1968.)

Section 16. Administering oaths, subpoenas.

Every officer of the City of Napa and every member of any board provided for in this Charter shall, in all matters of or pertaining to the City or its business, have the power of administering oaths and affirmations, and the City Council and every such board shall have the power to issue subpoenas to compel the production of books, papers and documents and to take and hear testimony concerning any matter or thing pending before the City Council or before any such board.

If any person so subpoenaed neglects or refuses to appear or to produce any book, paper or document, as required by such subpoena, or shall refuse to testify before the City Council or before any board, or to answer any question which a majority of such City Council or board shall decide to be proper and pertinent, he shall be deemed in contempt, and the City Council or any such board shall have power to take the proceedings in that behalf provided by the General Laws of this State.

The Chief of Police must, on the request of the City Council, of any member of any such board, detail a police officer or police officers to serve such subpoenas.

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ELECTIONS

Section 17A. Elections.

The City Council shall, by ordinance, determine the time, method and manner of holding elections under this Charter.

Voting on all Charter amendments, candidates, the submission of bonds or any other matter submitted to the electors for adoption or rejection, the voter shall express his choice by indicating "YES" or "NO" on the ballot.

The candidate who receives the most votes cast for the office for which he is a candidate shall be elected to such office, except that in the event there is more than one vacancy in the office for which candidates are elected, the candidates up to the number of vacancies who receive the highest number of votes shall be elected to such vacancies.

Candidates for vacancies in unexpired terms of elective offices shall file nominations separately and shall be elected as provided in this section.

All sections of the Charter, or parts thereof, in conflict with this section are repealed. (Amended May 23, 1945; February 17, 1964; March 13, 1969; March 4, 1997.)

Section 23. Circulation of Petitions: City Attorney Headline for Petitions.

The City Attorney shall prepare a headline describing in summary form the contents of each and every petition proposing an initiative measure. Each petition circulated on any such measure shall include said headline at the top of each page of the petition. (Amended March 4, 1997.)

DECLARING VACANCY

Section 49. Recall.

There shall be a recall. The mode and form of such recall shall be in accordance with the applicable general laws of the State of California in effect at the time of such recall. (Amended June 5, 1953.)

THE MAYOR

Section 58. Counting cash.

The cash in the Treasury shall, at least once a month, be counted and audited under the direction of the City Council and a report thereof made, in writing, to the City Council. (Amended June 9, 1944.)

Section 59. Public functions.

The Mayor shall represent the City at all public functions.

Section 59A. Vice-Mayor.

At the first regular meeting of the City Council, within thirty days following a General Municipal Election, the City Council shall annually select a Vice-Mayor to serve a one-year term from the duly qualified Councilmen by a majority vote of said Council.

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In the event that the office of Vice-Mayor shall become vacant for any reason, then within not more than thirty days from and after the date of such vacancy, the City Council shall appoint a Vice-Mayor as hereinbefore provided.

In the event that no appointment of a Vice-Mayor is made by the City Council as aforesaid, the senior Council member shall become Vice-Mayor, based on the longest period of continuous Council service to the City of Napa. In the event that two or more Council members have the same period of continuous Council service, the Council member having received the largest number of votes at the time of his election shall be considered the senior Council member for the purpose of determining the right to become Vice-Mayor.

If by reason of absence from the City, sickness or any other cause, the Mayor is unable to perform the duties of his office, the Vice-Mayor shall act in his place and he shall have all the power and authority which the Mayor would have possessed if personally present to attend to such duties.

The Vice-Mayor shall be available to assist and perform such duties as may be requested at the pleasure of the Mayor.

In the event the position of Mayor becomes vacant, the Vice-Mayor shall serve as Mayor until the City Council appoints a Mayor or until the vacancy is filled by a vote of the electorate as set forth in Section 12 hereof. Such service by the Vice-Mayor as Mayor as herein provided shall not affect his elected tenure of office. (Added January 27, 1965; Amended June 15, 1971; November 8, 1988; June 7, 1994.)

THE CITY COUNCIL

Section 60. **Meetings.**

On the first Tuesday of the month following a General Municipal Election, the City Council shall meet at the usual place for holding its meetings, at which time any newly elected Mayor or Councilmember shall assume the duties of his office. Thereafter the City Council shall meet at such times and places as may be prescribed by ordinance or resolution, except that it shall meet regularly at least once a month. The City Council shall prescribe the manner in which special meetings may be called.

At all meetings of the City Council a majority shall constitute a quorum to transact business; a smaller number may adjourn from day to day and may compel the attendance of absent members in such a manner and under such penalties as the City Council previously by ordinance may have prescribed. The Mayor shall preside at all meetings of the City Council and shall be entitled to vote upon all meetings coming before the City Council. (Amended June 9, 1944; January 27, 1965; March 14, 1973; November 4, 1986; June 7, 1994.)

Section 61. **Rules and records.**

The City Council shall determine its own rules and order of business and shall keep a journal of its proceedings in which shall be entered the "Ayes" and "Noes" on every question acted upon by it.

Section 62. **Ordinances.**

Each proposed ordinance shall be introduced in written or printed form. No ordinance, unless it be an emergency measure, adopted by an affirmative vote of four of the members of the City Council, shall be passed until it has been read at two regular meetings.

An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety; or one providing for the usual daily operation of a municipal department in which an emergency is set forth and defined in a preamble thereto.

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Section 63. Enacting clause of ordinances.

The enacting clause of all ordinances passed by the City Council shall be: "Be it ordained by the City Council of the City of Napa as follows:." The enacting clause of all ordinances submitted to popular election by the initiative shall be: "Be it ordained by the people of the City of Napa as follows:."

Section 64. When ordinances take effect.

All ordinances passed by the City Council shall be in effect thirty (30) days from and after the date of their passage, except as otherwise in this Charter provided. (Amended June 9, 1944; March 4, 1997.)

Section 65. Recording and publication of ordinances.

Every ordinance upon its final passage shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk. (Amended May 11, 1921.)

Section 66. Financial reports.

Annually the City Council shall publish a report of the financial proceedings of the City for the preceding fiscal year, and copies thereof shall be distributed as prescribed by the City Council so as to reach as many of the citizens of the City as possible. (Amended May 18, 1955.)

Section 66A. Annual audit.

It shall be the duty of the City Council, by a majority affirmative vote, to contract with a Certified Public Accountant, not later than the third Monday of March in each year, for an examination of all books and accounts of the City for the current fiscal year and to report, in writing, the results of such examination to the City Council. (Added June 29, 1962.)

Section 67. Improvement on streets.

Except as otherwise, in this Charter, or by ordinance of the City, provided, the general laws of the State of California, now in force, or which may hereafter be adopted by the Legislature of this State, relative to the improvement of and work upon streets, lanes, alleys, courts, places and sidewalks, including the establishments of and change of the grade thereof; the construction of sewers, water, storm water or other mains, ditches, pipes or conduits therein; the laying out, opening, extending, widening, straightening or closing up, in whole or in part, of any thereof; the condemning and acquiring of any or all land necessary and convenient therefor; the planting, maintenance and care of shade trees upon or along the same, and of hedges upon the lines thereof; the eradication of weeds within the City and the cleaning of weeds, grass, dirt, rubbish and rank growths from the streets and sidewalks therein, or any other work or improvement upon the same; the levying and collecting of assessment upon property for doing such improvement, or work, or carrying out all or any of such purposes, and for the issue of improvement bonds to represent such assessment, shall govern and control and all proceedings shall be in conformity therewith.

Section 69. Eminent domain.

In all matters where the right of eminent domain is conferred by the laws of the State of California, the City of Napa is hereby vested with said right, to be exercised, in conformity to said laws, whether the property affected is within or without the corporate limits of said City of Napa.

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Section 70. Bonded indebtedness.

Whenever the City Council shall determine that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement or other works, property or structures necessary or convenient to carry out the objects, purposes or powers of the municipality, the costs of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, the City of Napa may incur a bonded indebtedness therefor; and the general laws of the State of California relative to the procedure for authorizing the incurring of such bonded indebtedness and for the issuance and redemption of such bonds now in force, or which may hereafter be adopted, shall govern and control and all proceedings shall be in conformity therewith; provided that, notwithstanding any provision of the general laws of the State of California, or any other provision of this Charter, no bonded indebtedness shall be incurred by the City which, together with the amount of bonded indebtedness outstanding, shall exceed fifteen percent of the assessed value of all real and personal property in the City subject to taxation for City purposes; except that bonded indebtedness heretofore or hereafter created for water supply, storage or distribution purposes or facilities shall be exclusive of the limitation on the amount of bonded indebtedness of the City contained in this section or otherwise provided by law, and bonded indebtedness may be incurred for such purposes without limitation as to amount. (Amended July 25, 1946.)

Section 71. Creating certain liens.

Whenever the owner or occupant of any land or building shall be required to remove weeds, grass, rank growths, dirt or debris from any such lands or buildings or from the street in front thereof; or to remove from such lands or buildings, garbage, ashes, animal and vegetable refuse, dead animals, animal offal, waste or other offensive matter; standing pools of water or anything injurious to health, in such manner and at such times and under such notice as the City Council, by ordinance, shall prescribe, and such owner or occupant shall fail so to do, the City of Napa may remove the same or cause the removal thereof and the expense incurred therein shall become a lien upon said lands; or whenever the City of Napa shall furnish, supply or provide water, gas, electric power or electric current, or any commodity, service or accommodation, to any owner or occupant of any land or building for use thereon or therein, or connected therewith, the charge therefor shall be and become a lien upon such land. All such liens shall be prior to all other liens, encumbrances or exemptions, except State and County taxes, having the force and effect of a tax lien, and may be enforced in such manner as shall be prescribed by ordinance.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

Section 75. Appointive officers.

The appointive officers of the City of Napa shall be a City Treasurer, a City Manager, a City Clerk and a City Attorney appointed by a majority vote of the City Council to hold office at the pleasure of the City Council; and a City Assessor, a City Collector, a City Auditor, a Public Works Director, a Planning Director, a Finance Director, a Police Chief, and a Fire Chief, all to be appointed by the City Manager. The Council may from time to time by ordinance, designate other positions as appointive officers for the head of any City department, or for positions within the offices of the City Manager or City Attorney. The appointive officers over whom the City Manager holds the power of appointment with the exception of the Fire Chief and the Police Chief may be removed by the City Manager at any time. Upon their qualification and appointment, each of the hereinbefore stated officers whose positions are full-time shall become and remain a resident of the City of Napa during the time he is an officer except as herein otherwise stated. (Amended May 25, 1949; May 29, 1964; May 9, 1966; November 4, 2014.)

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Section 76. **Appointment and removal of appointive officers.**

All appointive officers over whom the City Council holds the power of appointment shall be appointed or removed by a majority vote of the City Council with the exception of the removal of the City Manager which removal may only be accomplished as follows:

At a regular meeting of the City Council, it shall adopt a resolution of intention to remove said City Manager, which resolution shall be approved by a majority of the members of the City Council and shall set forth the grounds for such proposed removal. A certified copy of said resolution of intention shall then be served personally upon said City Manager who shall have the right to defend himself against said charges before said City Council at a public hearing and at a time to be fixed by it, which shall be not less than two weeks after the service of said resolution of intention upon said City Manager and not more than thirty days thereafter.

The City Council may thereupon, or within five days thereafter, enact a resolution by an affirmative vote of a majority of the members of said City Council, either by discharging said City Manager or retaining him in office, as it may by such resolution determine.

Pending such hearing and by said resolution of intention, the City Manager may be suspended from office but shall be entitled to his salary during the time of such suspension if reinstated. (Amended May 25, 1949.)

Section 76.1. **Personnel system.**

The provisions of this Section 76.1 may be referred to as the personnel system or the classified service. The rights provided to employees under this section are provided to classified employees; provided, however, after each Police Chief and Fire Chief has been appointed by the City Manager as an appointive officer pursuant to Section 75, the rights provided to classified employees under this Section 76.1 are also provided to that Police Chief and that Fire Chief. The phrase “classified employee” shall mean each full-time regular employee of the City of Napa, except the appointive officers as defined by Section 75 of this Charter. The phrase “regular employee” shall mean an employee who satisfactorily completed the probationary period pursuant to subsection G herein and the Civil Service Rules. As used in this section, the phrase “Civil Service Rules” or the term “rules” may be used interchangeably to refer to rules approved by the City Council in accordance with subsection E herein.

- A. Civil Service Commission. There shall be a Civil Service Commission (which may be referred to in this section as the “Commission”) which shall consist of five members to be selected as follows: Two members shall be appointed by the City Council; two members shall be elected by the classified employees at an election to be conducted by the City Clerk, held under the rules of the Civil Service Commission; and one shall be appointed by the other four.

Terms of office shall be for three years except that the first Commission appointed hereunder, one of those elected by the employees and one appointed by the Council shall be assigned by lot to a two-year term, and the initial term of the fifth member shall be one year.

Vacancies shall be filled for unexpired terms in the same manner as full-term vacancies are filled.

A vacancy shall exist on the Civil Service Commission when the person elected or appointed thereto fails to qualify within ten days after said election or appointment; dies, resigns, ceases to be a resident of the City of Napa; absents himself continually therefrom for a period of more than 60 days without permission of the Civil Service Commission; fails to attend the meetings of the Civil Service Commission for a 60-day period or three consecutive meetings whichever period of time may be shorter without being excused therefrom by said Commission; is convicted of a felony; is judicially determined to be insane or an incompetent person; or forfeits his office under the provisions of this Charter. The Civil Service Commission shall declare when a vacancy exists hereunder. If said vacancy shall not be filled within 30 days of the date on which a vacancy is declared to exist by the

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Commission, the remaining members of the Civil Service Commission shall forthwith appoint a qualified person to fill such vacancy.

The members of the Civil Service Commission shall be residents of the City of Napa for a continuous period of at least one year immediately preceding appointment to said Commission, shall be qualified electors of said City and shall serve without compensation. No person shall be eligible to be appointed to said Commission who holds any salaried public office or employment in the service of the City of Napa nor shall any member, while a member of the Commission or for a period of one year after he has ceased for any reason to be a member, be eligible for appointment to any classified position in the service of the City.

At the first meeting of the Civil Service Commission and annually thereafter, the Commission shall elect a chairman and a vice-chairman.

- B. Duties of the Civil Service Commission. The Civil Service Commission shall determine the order of business for the conduct of its meetings and shall meet regularly if so required by the rules, or on call of the Chairman, or three members of the Commission; three members of the Commission shall constitute a quorum for the transaction of business, but at least three concurring votes shall be necessary to make any action effective.

The functions of the Commission shall be:

- (1) To make, amend and repeal rules and regulations for the classified service which, upon the approval of the City Council, shall have the force and effect of supplementing this section and revisions and amendments thereof. All rules and regulations so made shall be consistent with the provisions of this section.
 - (2) To act in an administrative capacity to the City Council on problems concerning personnel administration.
 - (3) As provided by this section and by rules hereafter adopted by the Civil Service Commission, to hear appeals submitted by any person in the classified service relative to any situation connected with his employment status or condition of employment. Upon the conclusion of any such hearing the Civil Service Commission shall certify its findings to the City Council, and except for bad faith or lack of evidence, such findings shall be final. In such an event of bad faith or lack of evidence, the Council shall be the final review board to whom an employee may appeal under this section; the Council's decision shall then be final.
 - (4) In any investigation or hearing conducted by the Commission, it shall have the power to examine witnesses under oath and compel their attendance or the production of evidence before it by subpoenas issued in the name of the City and attested by the City Clerk. It shall be the duty of the Chief of Police to cause all such subpoenas to be served and refusal of a person to attend or to testify in answer to such a subpoena shall subject said person to prosecution in the same manner set forth by law for failure to appear before the City Council in response to a subpoena issued by the City Council. Each member of the Civil Service Commission shall have the power to administer oaths to witnesses.
 - (5) To hold hearings and make recommendations to the City Council on the adoption or revision of the position classification plan. The City Council may adopt a position classification plan or plans and class specifications and revisions thereof from time to time within the scope as recommended by the Commission and allocate and reallocate positions in the classified service to classes within the scope as recommended by the Commission. The Commission shall recommend all salaries to the Council, for such action as the Council sees fit.
- C. Personnel Manager. A Personnel Manager shall be appointed as a classified employee, pursuant to the requirements of Subsection 76.1 F. The rules shall document procedures for the appointment of the Personnel Manager, including an opportunity for advisory input from Commission members, and

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an identification of the department head authorized to appoint the Personnel Manager. The Personnel Manager shall:

- (1) Be the custodian of all personnel records and shall be the official upon or with whom all notices, requests for hearings, complaints and other official documents related to the implementation of this section shall be served and filed.
- (2) Manage and coordinate staff support to the Civil Service Commission; and prepare agendas and minutes for, and attend, all meetings of the Civil Service Commission.
- (3) Administer all provisions of the rules established hereunder, not specifically reserved to the City Council or the Civil Service Commission.
- (4) Prepare rules and amendments thereof, for the consideration of said Civil Service Commission and City Council.
- (5) Prepare a classification plan and class specifications, salary schedules and revisions thereof, for the consideration of said Civil Service Commission and City Council.

D. (Repealed November 4, 2014.)

E. Adoption of Rules. In addition to such other matters as may be necessary and proper to carry out the intent and purposes of this section, rules shall be formulated by the Civil Service Commission subject to approval by the City Council, establishing specific procedures to govern the following phases of the personnel program.

- (1) The preparation, installation, revision and maintenance of a position classification plan and salary schedules covering all positions in the classified service.
- (2) The formulation of minimum standards and qualifications for each class of position, together with the salary to be attached to each position; provided, however, that said minimum standards and qualifications shall not require that all applicants for said classified service be residents of the City.
- (3) The public announcement of vacancies and examinations and the acceptance of applications for employment.
- (4) The preparation and conduct of examinations and the establishment and use of employment lists containing names of persons eligible for appointment.
- (5) The certification and appointment of persons from employment lists to fill vacancies and the making of temporary and emergency appointments.
- (6) The evaluation of employees.
- (7) The transfer, promotion, demotion and reinstatement of employees in the classified service.
- (8) The separation from the service of employees through lay-off, suspension, dismissal and for incapacity to perform required duties.
- (9) The standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training.
- (10) The maintenance and use of necessary records and forms.

F. Appointments. Appointments to vacant positions under this section shall be made by the department heads, subject to the approval of the City Manager, in accordance with the rules established herein and from employment lists resulting from open competitive examination, promotional examination, transfer, demotion or reinstatement.

- (1) If appointment is to be made from employment or promotional lists, the name of the persons willing to accept such appointments shall be certified by the Personnel Manager in the order in which they appear on the lists, provided that eligibles on promotional lists for any particular class shall be certified before eligibles on open lists. Appointment shall be made from the

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eligibles standing highest on the employment list or lists for the class whenever a position in the classified service is to be filled. If at least one current regular employee is on the list, the number of eligibles certified shall not exceed by more than two the number of vacancies to be filled. If no current regular employee is on the list, the number of eligibles certified shall not exceed by more than five (5) the number of vacancies to be filled.

Notwithstanding any other provision of this section, the number of eligibles certified for appointment to Police Officer Trainee and Police Officer Entry shall be determined by the City Manager in consultation with the Police Chief and Personnel Manager prior to the announcement of the examination. Any regular city employee on the eligible list shall be included, regardless of ranking, in the number of names certified to the Personnel Manager. As provided herein, the Commission shall make, amend and repeal rules and regulations consistent with the provisions of this section, and to ensure that merit principles are not circumvented.

- (2) Each employment or promotional list shall last for at least six months from the date of its establishment but may not last for more than four years. Upon abolition of a list, each eligible person thereon shall be notified by letter addressed to his or her last known address.
 - (3) In the absence of appropriate employment lists, a provisional appointment may be made by the appointing power of a person meeting the minimum qualifications for the position; provided, however, that an employment list shall be established for such position within 90 calendar days. No position shall be occupied under provisional appointment for a total of more than 180 calendar days. In the event of an emergency, the appointing power may appoint such persons as are required to meet the situation, but such appointment shall not exceed 15 workdays.
 - (4) No credit shall be allowed in the giving of any examination or the establishment of any employment or promotional lists for service rendered under provisional appointment, and time worked under provisional appointment shall not count towards completion of a probationary period.
 - (5) During the period of suspension of any employee, or pending final action on proceedings to review the suspension, demotion or dismissal of any employee, the vacancy created may be filled by the appointing power only by provisional appointment.
- G. Probationary Period. All original and promotional appointments shall be for a probationary period of six months which period may be extended for an additional six months except for police and fire appointments which shall be for a period of one year, during which the employee may be rejected at any time. Such rejection shall not be subject to appeal. However, the Civil Service Commission may, upon receipt of a request for review of such rejection from an employee with existing permanent status in the classified service and following review of all pertinent records, conduct a hearing consistent with other provisions of this section and its rules. The findings following such hearing shall be forwarded to the appointing authority for action as he sees fit.
- An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless charges are filed and he is discharged as provided in this section and the rules.
- H. Status of Present Employees. Any person holding a position or employment included in the classified service who, on the effective date of this section, shall have served continuously in such position, or in some other position included in the classified service for a period of at least six months, or one year for police and fire employees, immediately prior to such effective date, shall assume regular status in the classified service in the position held on such effective date without preliminary examination or working tests and shall thereafter be subject in all respects to the provisions of this section.
- I. Powers of the City Council. The City Council shall retain such power as is vested in it by law subject to the provisions of this section and the rules and regulations adopted by the Civil Service Commission and approved by the City Council. It is the intent and spirit of this section to provide a

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fair and just approach to municipal employment in order that City employees may be selected, appointed, transferred, promoted, demoted, reinstated or laid off on a merit basis and/or removed, dismissed, demoted, suspended, reprimanded or disciplined only upon signed written charges that are filed, heard or determined and a finding made as provided in this section, but in no sense to impair the efficiency of the public service.

Any person in the classified service shall be subject to suspension without pay by the City Council not to exceed 30 working days with right to appeal, resulting from signed written charges referred to the City Council as provided in subsection J hereof. Further, as a means of imposing disciplinary punishment of infractions of a minor nature the City Council may direct the Civil Service Commission to prepare rules and regulations whereby the City Manager may suspend an employee under his supervision without pay for a period not to exceed five working days. An employee shall have the right to appeal under this particular subdivision of this section.

- J. Removal, Dismissal, Fine, Demotion, Suspension, Reprimand or Otherwise Penalizing an Officer or Employee. Filing and Referral of Signed Written Charges. Hearings and/or Investigations to be Conducted, Exoneration of Charges. Certify Findings. Every officer and employee in the classified service shall retain his office or employment so long as it exists under the same or a different title during good behavior and shall not be removed, dismissed, fined, demoted, reprimanded in writing, suspended, reduced in compensation as a punishment or otherwise penalized except as provided in Subsection I hereof and in this section. This section as well as Subsection I hereof is subject, however, to every provision of the Constitution of the United States and of the State of California and applicable State Statutes designating a general ground or general grounds of forfeiture of office or employment, or imposing a criminal liability.

No person who shall have served the probationary period in a permanent office or employment as hereinabove provided for shall be removed therefrom or penalized in any manner, except upon signed written charges filed with the Personnel Manager either by the head of a department of City government, or by any other person. Such written charge shall be specific as to time, place and circumstances.

Upon receipt of a written appeal to such charges the Personnel Manager shall refer the said charges to the Civil Service Commission for a hearing as provided for herein. Such accused officer or employee shall have the right to present his or her case orally and/or in writing, to call witnesses in his or her behalf, to present evidence and to be represented by counsel or other representation of his or her own choice.

A copy of the charges and place of hearing shall be given the accused personally or shall be mailed to him or her by registered mail at his or her last known address by the Personnel Manager not later than 20 days before any hearing. Hearings shall be commenced before the expiration of 30 days from the date such charges are referred to the Civil Service Commission by the Personnel Manager.

The provisions of Sections 54950 and 54958 inclusive of the Government Code of California, as now applicable or may hereafter be amended, shall apply to the kind of hearings to be held under this section. Such hearings as this section applies to may, however, be attended by the parties thereto and the City Council.

If the accused officer or employee fails to appear at any hearing without showing good cause for such failure to appear, he may be reprimanded, fined, demoted, dismissed, removed, reduced in compensation or otherwise penalized without further proceedings. If he appears at the time and place set for any hearing, the Civil Service Commission shall hear the matter.

After concluding any hearing the Civil Service Commission within ten days shall certify its findings to the City Council that the accused was exonerated, reprimanded, fined, demoted, removed, dismissed, reduced in compensation or otherwise penalized and except for bad faith or lack of evidence such findings shall be final. In such event of bad faith or lack of evidence, the City Council

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shall be the final review board to whom an officer or employee may appeal under this section; the City Council's decision shall then be final.

- K. **Abolition of Position.** Whenever, in the judgment of the City Council, it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists the Civil Service Commission shall abolish any position in the classification plan. In laying off any employee or employees through the abolition of position the Civil Service Commission shall observe the seniority rule with due regard for efficiency. Furthermore, the Civil Service Commission shall endeavor to transfer any employee or employees holding any abolished position to another suitable position in the classified service to which he is qualified. The name of such employee or employees so laid off shall be placed at the top of the appropriate employment list or lists as provided by the rules. If the abolished position is renewed within two years of its being abolished, the City Manager shall rehire the employee or employees so laid off according to the seniority rule with due regard for efficiency.
- L. **Political Activity.** No person shall be appointed to, or demoted or dismissed from, any position in the classified service or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations or race.
- No person shall seek or attempt to use any political endorsement in connection with any appointments to a position in the classified service.
- No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person, an appointment or advantage in pay or other advantage in employment in any such position for the purpose of influencing the role or political action of any person, or for any consideration.
- Nothing herein shall be construed to deprive any employee in the classified service of his privilege of voting and privately expressing his views as a citizen; nor shall such employees be denied the right to take part in non-partisan activities in support of or in opposition to ballot measures touching upon or concerning these employment rights, privileges or benefits.
- Nothing in this section shall be construed to prevent such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to a public office, save and excepting as is otherwise specifically prohibited by law.
- Any willful violation thereof or violation through culpable negligence shall be sufficient grounds to authorize the discharge of any officer or employee.
- M. **Solicitation of Contributions.** No officer, agent, clerk or employee under the government of the City and no candidates for any City office shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, whether voluntary or involuntary, for any political purpose whatsoever, from anyone on the employment list or holding any position under the provisions of this section.
- N. **Right to Contract for Special Service.** The City Council may contract with some competent agency for the performance by such agency for technical service in connection with the establishment of the personnel system or with its operations, as may be necessary for:
- (1) The public advertising of all examinations.
 - (2) To provide and maintain eligibility lists for the various positions in the classified service.
 - (3) The holding of open, free competitive examinations and the administering of other suitable tests to fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed. (Added May 29, 1964; Amended January 27, 1965; May 9, 1966; March 14, 1973, March 2, 1999; March 4, 2003; November 4, 2014.)

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Section 77. Consolidation of offices.

The City Council shall have the power of consolidating any two or more appointive offices over which it holds the power of appointment as set forth in Section 75 hereof, and the City Manager shall have the power of consolidating any two or more appointive offices over which he holds the power of appointment as set forth in Section 75 hereof, provided, further, that the City Manager in furtherance of any such consolidation may appoint to any of the offices over which he has the power of appointment a person, or persons, appointed to any office or offices over which the City Council has the power of appointment and that the City Council, in furtherance of any such consolidation, may appoint to any of the offices over which it has the power of appointment a person, or persons, appointed to an office or offices over which the City Manager has the power of appointment; provided, however, that the office of City Auditor shall not be consolidated with any office receiving, holding or expending City funds. (Amended May 25, 1949.)

Section 78. Financial settlements.

Every officer collecting or receiving any money belonging to, or for the use of, the City of Napa, shall, on or before the first Monday in each month, or at more frequent intervals if directed by the City Council, settle for the same with the City Auditor, and immediately thereafter pay the same into the Treasury on the order of the City Auditor, and no warrant for said officer's salary shall be drawn by the City Auditor until such payment is made.

Section 79. Compensation of officers and employees.

The City Council shall fix the compensation of all officers and employees, except as in this Charter otherwise provided, and no officer or employee shall be allowed any fee, prerequisite, emolument, reward or compensation aside from the salary or compensation as fixed by the City Council, and all fees received by him in connection with his official duties shall be paid by him into the City Treasury.

Section 80. Resolution of disputes regarding wages, salary or benefits between the City of Napa and Public Safety Employees.

- A. Declaration of Policy. It is hereby declared to be the policy of the City of Napa that strikes by firefighters and police officers pose an imminent threat to public health and safety and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.
- B. Prohibition Against Strikes. No City of Napa police officer or firefighter employee, employee union, association or organization shall strike or engage in such concerted economic activity against the City of Napa. Disputes regarding wages, salaries or benefits unresolved by negotiations should be resolved by the procedure set forth herein. Any such employee who fails to report for work without good and just cause or who aids, abets or encourages strikes, or other such economic activity against the City of Napa shall be subject to disciplinary action, including, but not limited to, termination from the City of Napa employment, subject to the provisions of this charter, the City's Personnel Rules and Regulations and lawful procedures.
- C. Obligation to Negotiate in Good Faith. The City of Napa, through its duly authorized representatives, shall negotiate in good faith with the recognized collective bargaining agents of city employees who are (1) peace officers as defined by California Penal Code Section 830 et seq., and/or are identified as public safety members by the California Public Employees Retirement System (currently, the Napa Police Officers Association) or (2) firefighters or firefighter paramedics as defined by California Penal Code 245.1 and/or who are identified as public safety members by the California Public Employees Retirement System (currently, the Napa Firefighters Association. Said employees are

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referred to collectively as “Public Safety Employees”), on all matters relating to the wages, salaries, hours and other terms and conditions of employment, including the establishment of procedures for the resolution of grievances submitted by any recognized collective bargaining agents of Public Safety Employees, over the interpretation or application of any negotiated agreement, including a provision for binding arbitration of those grievances. Unless and until agreement is reached through negotiations between the City of Napa and the recognized employee organization(s) for the Public Safety Employees or a determination is made through the arbitration procedure as hereinafter provided, no existing benefit or condition of employment for the Public Safety Employees shall be eliminated or changed.

- D. Impasse Resolution Procedures. All disputes or controversies pertaining to wages, hours or terms and conditions of employment which remain unresolved after good faith negotiations between the City of Napa and any recognized employee organization for Public Safety Employees shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City of Napa or by the recognized employee organization involved in the dispute.

Representatives designated by the City of Napa and representatives of the recognized employee organization involved in the dispute, controversy or grievance shall each select one arbitrator to the Board of Arbitrators within three days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City of Napa and the employee organization, and shall serve as the neutral arbitrator and Chairman of the Board. In the event that the arbitrators selected by the City of Napa and the employee organization cannot agree upon the selection of the third arbitrator within 10 days from the date that either party has notified the other that it has declared an impasse, then either party may request the State of California Conciliation Service to provide a list of seven persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City of Napa and the employee organization cannot agree within three days after the receipt of such list on one of seven to act as the third arbitrator, they shall alternatively strike names from the list of nominees until only one name remains and that person shall then become the third arbitrator and chairman of the Arbitration Board.

Any arbitration convened pursuant to this section shall be conducted in conformance with, subject to and governed by Title 9 of Part 3 of the California Code of Civil Procedure.

At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Board may establish, a last offer of settlement on each of the issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours and other terms and conditions of public and private employment, including, but not limited to, changes in the average consumer price index for goods and services, the wages, hours and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City of Napa and its ability to meet the cost of the award.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until 10 days after it is delivered to the parties. During that ten-day period the parties may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the conclusion of the ten-day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board together with any amendments or modifications agreed to by the parties shall be publicly disclosed and shall be binding upon the parties. The City of Napa and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the award.

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The expenses of any arbitration convened pursuant to this section, including the fee for the services of the Chairman of the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

Section 85. **City Manager.**

The City Manager shall be the administrative head of the City government. He shall be chosen by the City Council without regard to political consideration and solely with reference to his executive and administrative qualifications.

Residence shall not be a qualification for his appointment; but promptly thereafter he shall become and thereafter remain an actual resident of the City.

The powers and duties of the City Manager shall be as follows:

- (a) To see that all ordinances are enforced.
- (b) To appoint, except as otherwise provided, all administrative officers, subordinate officers and employees and remove the same, except as otherwise provided, and have general supervision and control over the same.
- (c) To exercise general supervision over all privately owned public utilities operating within the City.
- (d) To see that the provisions of all franchises, permits and privileges granted by the City are fully observed and to report to the City Council any violation thereof.
- (e) To act as purchasing agent for the City. When so acting he shall give preference to local merchants, quality and price being equal.
- (f) To attend all meetings of the City Council, unless excused therefrom by the City Council or the Mayor.
- (g) To examine, or cause to be examined, without notice, the conduct of any officer or employee of the City.
- (h) To keep the City Council advised as to the needs of the City.
- (i) To devote his entire time to the interests of the City.
- (j) To appoint such advisory officers and boards as he may deem desirable, with the growth of the City, to advise and assist him in this work; provided such officers and boards shall not receive any compensation.
- (k) To make such recommendations to the City Council or Board of Equalization regarding the assessment roll as he may deem advisable.
- (l) To possess such other powers and to perform such additional duties as are or may be prescribed by this Charter or by ordinance.
- (m) From time to time, in order to facilitate the prompt, economical and efficient dispatch of City business, to assign assistants, deputies and employees from any office or department of the City government to perform such work or service in connection with any other office or department thereof, or to work in more than one said office or department.

The City Manager and such other officers of the City as may be designated by vote of the City Council, shall be entitled to seats with the City Council but shall have no vote therein. The City Manager shall have the right to take part in the discussion of all matters coming before the City Council.

In case of the absence or disability of the City Manager, the City Council may designate as City Manager pro tem some qualified person to perform the duties of the office temporarily. (Amended May 25, 1949.)

Section 86. **No interference between City Council and City Manager.**

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No member of the City Council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager in the making of any appointment or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for City Manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to City offices or employments. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the City Council, who may be removed therefrom by the City Council or by any court of competent jurisdiction.

No persons related to the City Manager by blood or by marriage shall be eligible for employment. (Amended May 25, 1949.)

FINANCE AND TAXATION

Section 87. Fiscal year.

The fiscal year of the City of Napa shall commence upon the first day of July of each year, or at such time as may be fixed by ordinance. (Amended May 11, 1921; March 4, 1997.)

Section 88. Tax system.

The City Council shall by ordinance provide a system, not inconsistent with the provisions of this Charter, for the assessment, levy and collection of all City taxes. The City Council shall have the power to avail itself, by ordinance, of any law of the State of California, now or hereafter in force, whereby assessments may be made by the Assessor of the County in which the City of Napa is situated and taxes collected by the Tax Collector of said County. Other provisions of this Charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Section 89. Department estimates of annual requirements.

On or before the first Monday in July in each year or on such date in each year as shall be fixed by the City Council, appointive officers and boards shall send to the City Manager a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices and boards for the subsequent fiscal year. (Amended May 25, 1949.)

Section 90. Annual estimate of City's requirements and revenue.

On or before the first Monday in each year, or on such date in each year as shall be fixed by the City Council, the City Manager shall submit to the City Council an estimate of the probable expenditures of the City government for the subsequent fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the City, and the wants of all the departments of the municipal government in detail, showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property and the probable amount required to be levied and raised by taxation. (Amended May 25, 1949.)

Section 91. Annual budget.

The City Council shall meet annually, prior to fixing the tax levy, and make a budget of the estimated amounts required to pay expenses of conducting the business of the City government for the subsequent fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof

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allowed to each department, office or board as the City Council may deem advisable. (Amended May 25, 1949.)

Section 93. Annual tax levy.

Not later than the first Tuesday in September of each year, the City Council must levy a tax upon the assessed valuation of the property of the City, subject to the provisions of this Charter, designating the number of cents upon each one hundred dollars of the valuation thereof, sufficient to raise the amounts estimated in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Section 95. Limit of tax levy.

The tax levy authorized by the City Council to meet the municipal expenses for each fiscal year shall not exceed, except as in this Charter otherwise provided, the maximum rate of one dollar and forty cents on each one hundred dollars of the assessed value of all real and personal property within the City, and the City Council in making said levy shall apportion not less than four cents to the recreation fund to be used and applied to the cost and expense of maintaining and operating public parks, playgrounds and recreational facilities of the City; *(provided, however, that in the event any bonded indebtedness of the City is authorized at a special bond election on May 4, 1959 and thereafter incurred in whole or in part, then so long as any bonds so authorized shall be outstanding said maximum rate of one dollar and fifty cents shall be reduced for each fiscal year in which any tax is levied pursuant to this Charter for payment of the principal of and interest on such outstanding bonds, by an amount equal to the rate of bond tax so levied, and in any such fiscal year the amount of money which would have been raised by the tax levy pursuant to this section had said maximum rate of one dollar and fifty cents not been so reduced shall be provided by the City from any other source of available monies; provided, further that no reduction in the maximum tax rate pursuant to the foregoing proviso shall be deemed to be a limitation on the right and obligation of the City to levy taxes without limitation of rate or amount, except for any intangible personal property which is taxable at limited rates, for the payment of the principal of and interest on all bonded indebtedness of the City at any time outstanding).

All sections of the Charter, or parts thereof, in conflict with this section are repealed. (Amended June 10, 1959; February 17, 1964.)

*(Note: The electorate failed to authorize bonded indebtedness at the special bond election May 4, 1959; therefore, the portion in parenthesis has no effect.)

Section 95.1. Tax levy providing emergency medical technician service.

City Council of the City of Napa shall be authorized to increase the tax levy set forth in Section 95 of this Charter by an additional sum not to exceed six cents on each \$100 of assessed valuation for the purpose of providing emergency medical technician service "Paramedic" through the Fire Department. (Added January 25, 1977.)

Section 96. Bonds and other special taxes.

The City Council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the City, and to levy and collect special taxes, in addition to the annual tax hereinbefore provided for, whenever authorized by the people at any general Municipal Election, by the majority vote of the electors voting thereon. At any such Election the City Council may be authorized to levy a special tax each year, for a period of years not exceeding five years, in all, for any permanent municipal improvement.

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Section 97. Tax lien.

All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first day of March in each year and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided that when real estate is offered for sale for City taxes due thereon, the same shall be struck off and sold to the City, in like case and in like manner and with like effect and with like right of redemption as it may be struck off and sold to the State when offered for sale for State or County taxes; and the City Council shall have power to provide for the procedure to be followed in such sales to the City and redemption thereafter. (Amended June 30, 1970.)

Section 98. Tax deeds.

All deeds made under any sale of property for or special assessments, under the provisions of this Charter, shall have the same force and effect in evidence as is or may be provided hereafter by law for deeds for property sold for non-payment of State and County taxes.

Section 99. Uniform accounts and reports.

The City Manager shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the City which receive or disburse monies. (Amended May 25, 1949.)

CONTRACTS

Section 100. Form of contracts.

All contracts shall be in writing executed in the name of the City of Napa by an officer or officers authorized to sign the same and must be countersigned by the City Auditor who shall number and register the same in a book kept for that purpose. All contracts shall be approved, as to form, by the City Attorney, and no contract made, save and excepting as hereinafter stated, the expense of the execution of which is not provided by law or ordinance, to be paid by assessment on the property benefited, shall be binding or of any force unless the City Auditor shall endorse thereon his certificate that there remains, unexpended and unapplied, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract. In the case of any contract entered into by the City for the purpose of the purchase of water from any governmental entity with the purchase price of such water being paid on an annual basis for the amount of water taken including possible costs to the governmental entity for construction and maintenance of facilities, such endorsement by the City Auditor shall not be required. (Amended May 9, 1966.)

Section 101. Public works to be done by contract.

In the erection, improvement or repair of all public buildings and works, in all street and sewer work, and in all work in and about streams or waterfronts, or, in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies or materials for the same when the expenditure required exceeds the sum prescribed by Section 20162 of the Public Contract Code of the State of California, or as amended, the same shall be done by contract and shall not be let to other than the lowest and best bidder as determined by the City Council after advertising for sealed proposals for the work contemplated, or supplies or materials required, for five consecutive days in some newspaper printed and

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published in the City of Napa, or after posting notice inviting sealed proposals therefor for five days on or near the Council Chamber door. Such notice shall distinctly and specifically state the work contemplated to be done or supplies or materials to be furnished; provided, however, the City Council may reject any and all bids, if deemed excessive, and re-advertise for bids or provide for the work to be done by the proper City department, or the supplies or materials to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from the responsible bidder. In case no bid is received, the City Council may likewise provide for the work to be done by the proper department or the supplies to be purchased in the open market.

The City Council, in its discretion, shall have the authority to adopt, by ordinance or resolution, criteria and requirements for determining the lowest and best bidder in the award of City contracts under this section and otherwise, including but not limited to, criteria and requirements; (1) affording preference in the award of City contracts to businesses located and persons residing within the City of Napa; and (2) requiring non-discrimination on basis of race, religion, color, national origin, gender, creed or affiliation by persons and businesses bidding on and receiving City contracts. The City Council, in its discretion, also shall have the authority to adopt all or part of the State of California Uniform Construction Cost Accounting Act, Public Contract Code Section 22000, et seq., as amended. If the City Council adopts the expenditure limits and requirements set forth in Public Contract Section 22032, as amended, those limits and requirements shall prevail over the limits and requirements otherwise set forth in Public Contract Code Section 20162 and this section.

Notwithstanding any other provision of this Section, and in addition to the exceptions recognized by at law, the City Council shall have the authority to waive any and all requirements of this section for the erection, improvement or repair of recreational facilities, excepting any ancillary building, parking lot and off-site improvement exceeding \$75,000.00, if the City Council determines by a four-fifths (4/5) vote that one or more community organizations and/or volunteers will perform a substantial portion of the labor to be performed and/or a substantial portion of the materials will be donated at no cost or substantial discount or be paid for by independent contributors or fundraising efforts, and that such voluntary labor and/or donated materials will substantially decrease the cost to the public for such project. (Amended May 18, 1955; January 27, 1965; June 7, 1994; March 6, 2001.)

Section 102. Progressive payments on contract.

Any contract for public works projects may provide for progressive payments, provided no such payments can be authorized which, with any prior payments, shall exceed ninety percent of the value of the labor done and materials used; and provided, further, that no contract shall provide for or authorize or permit the payment of more than ninety percent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper office, department or board. (Amended January 23, 1951; March 4, 1997.)

Section 103. Officers not to be interested in contracts.

No member of the City Council, nor any other officer or employee of the City, shall be interested, directly or indirectly, in any contract, job, work or service for the City, or with the profits or emoluments thereof or in the expenditure of any money on the part of the City other than his fixed compensation, and any contract with the City in which any such officer or employee is or becomes interested shall be void. No member of the City Council or other officer or employee of the City shall knowingly accept any gift, frank, free ticket, pass, reduced price or reduced rate of service from any person, firm or corporation operating a public utility or engaged in business of a public nature with the City or from any person known to him to have or to be endeavoring to secure a contract with the City. Any officer or employee violating any of the provisions of this section shall be guilty of malfeasance and shall be removed from office.

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Section 104. Collusion by bidder.

If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bids being made, then the contract so awarded shall be null and void and the City Council shall advertise for a new contract for said work or provide for such public work to be done by the City.

Section 105. Collusion with bidder.

Any officer of the City or of any department thereof who shall aid or assist a bidder in securing a contract to furnish labor, materials or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall willfully mislead any bidder in regard to the Character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor to have been performed than has been actually performed or to the receipt of a greater amount of different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

FRANCHISES

Section 106. Franchise may be exclusive.

The City of Napa may grant, extend, renew or otherwise act upon franchises as may be by ordinance hereafter enacted by the City Council of the City of Napa. (Amended January 24, 1957; June 30, 1970.)

PUBLIC UTILITIES

Section 126. Power to acquire public utilities.

The City shall have power to acquire, construct, maintain and operate any or all public utilities, either within or without the corporate limits of the City. The City may also acquire, lay, maintain and own all fixtures located in the streets and public places necessary for the operation of public utilities and may in like manner acquire, construct, maintain and own public utility plants, whether for manufacture or distribution, or both, either within or without the corporate limits of the City.

Section 127. Income of utilities owned.

All income derived from the operation or management of any public utility by the City shall be devoted exclusively to the payment of expenses of operating, maintaining, improving or bettering such public utility and to the payment of any debts and interest thereon which may have been incurred for the acquiring, improving, operating or maintaining of such utility.

INITIATIVE

Section 147. Initiative.

There shall be an initiative. The mode and form of such initiative shall be in accordance with the applicable general laws of the State of California in effect at the time of such initiative. (Amended November 14, 1972.)

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REFERENDUM

Section 162. Referendum.

There shall be a referendum. The mode and form of such referendum shall be in accordance with the applicable general laws of the State of California in effect at the time of such referendum. (Amended November 14, 1972.)

MISCELLANEOUS

Section 167. When this Charter takes effect.

For the purpose of nominating and electing candidates for Mayor and Councilmen, in accordance with this Charter, this Charter shall take effect from the time of the approval of the same by the Legislature, and for all other purposes it shall take effect on the first Monday in June, A.D., 1915, at twelve o'clock noon.

Section 168. Existing ordinances continued in force.

All ordinances, resolutions and regulations in force at the time that this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be amended or repealed.

Section 169. Terms of incumbents in office.

The Mayor and the five members of the City Council, in office at the time of the approval of this Charter, by the Legislature, shall continue to hold office and discharge their duties until the first Monday in June, A.D. 1915, at twelve o'clock noon, and until the election and qualification of the Mayor and Councilmen elected under this Charter, and each public Library Trustee shall continue to hold office until the expiration of his term and the appointment and qualification of his successor. The term of each of the other officers in office at the time this Charter takes effect shall cease and terminate when the City Council elected hereunder shall by resolution so declare, but the powers and duties of their office shall be such as shall be prescribed in this Charter, or by ordinance passed pursuant thereto.

Section 170. Violations of Charter and ordinances.

The City Council shall prescribe fines, forfeitures and penalties for the violations of any of the provisions of this Charter, or of any ordinance of the City, which violations shall be deemed infractions or misdemeanors, and the same may be prosecuted by the authorities of the City of Napa in the name of the people of the State of California, and may be redressed by civil action at the option of the City authorities. Any prisoner sentenced to imprisonment for the violation of the provisions of this Charter or of any ordinance may be imprisoned in the City jail, or, if the City Council by ordinance shall so prescribe, in the County Jail of the County in which the City of Napa is situated, in which case the expenses of such imprisonment shall be a charge in favor of said County against the City of Napa. (Amended March 4, 1997.)

Section 171. Off-street parking revenue bonds.

General Authority. The City of Napa, in addition to all other powers elsewhere enumerated in this Charter or granted to it by the Constitution or laws of the State of California, shall have power to acquire (whether by purchase, lease, eminent domain or otherwise), construct, establish, improve, extend, maintain, operate,

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administer, lease and sublease off-street vehicular parking facilities and places within the City of Napa, including any and all public parking lots, garages or other automotive parking facilities, in order to relieve traffic congestion and promote the welfare of the citizens and inhabitants of said City, and, for the payment of the cost thereof, to issue bonds payable from the revenues of any or all such off-street vehicular parking facilities and from other revenues, all as hereinafter provided in this Section 171. The provisions of this Section 171 (comprising Subsections 171.1 to 171.12, inclusive) constitute full and complete authority for the issuance of revenue bonds as herein provided by the City Council of the City of Napa and no other procedure or proceedings, consents, approvals, orders or permission from any municipal officer or board of the City of Napa shall be required for the acquisition, construction or completion of any project, or the issuance of any revenue bonds under this Section 171, except only as specifically provided in this Section 171. The powers and authorities conferred by this Section 171 are in addition to and supplemental to all other powers and authorities conferred upon the City of Napa. The method provided in this section for the acquisition, construction and completion of projects and the issuance of revenue bonds shall be deemed an additional method for acquiring, constructing and completing such projects and providing funds therefor; provided that the City of Napa may in its discretion acquire, construct or complete off-street vehicular parking facilities and issue general obligation bonds of the City of Napa therefor, subject, however, to the condition that the City of Napa shall not, while any revenue bonds authorized by this Section 171 are issued and outstanding, acquire, construct or complete any off-street vehicular parking facilities, other than those specifically described in a resolution of issue pursuant to the provisions of this Section 171 which compete with any project acquired, constructed, operated or maintained through the issuance of such outstanding revenue bonds by the City Council.

Subsection 171.1. Definitions.

The following terms whenever used or referred to in this Section 171, or in any resolution of issue, shall have the following meanings, respectively, unless a different meaning appears from the context, viz:

- (a) Bonds. The term “bonds” or “revenue bonds” means the written evidence of any obligation issued by the City, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this Section 171, in order to obtain funds with which to carry out any of the purposes of this section, irrespective of the form of such obligation.
- (b) Project. The term “project” means any one or more off-street vehicular parking facilities which is designated by the City as a project in a resolution of issue.
- (c) Existing Off-Street Parking Facilities. The term “existing off-street parking facilities” means and includes any off-street vehicular parking facilities now or hereafter owned by the City and operated or controlled by the City at the time of adoption of a resolution of issue and not theretofore designated by the City as a project in a resolution of issue and not acquired, constructed, established, improved, extended, maintained or operated, in whole or in part, from the proceeds of sale of any revenue bonds issued under this Section 171.
- (d) Revenues. The term “revenues” means and includes any and all rates, fees and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the City from, the operation of a project, or arising from a project, including any such revenues as may have been or may be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term “revenues” also includes (a) net revenues from on-street parking meters within the City at any time owned or controlled by the City, and (b) net revenues of any existing off-street parking facilities to the extent that net revenues from either or both of said sources shall be pledged, or otherwise made available, for the payment of principal and interest of revenue bonds and the operation and maintenance costs of any project or as security or further protection for bonds by a resolution of issue.

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- (e) Net Revenues. The term “net revenues” when used with reference to on-street parking meters within the City means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such on-street parking meters after deducting therefrom the actual necessary costs and expenses of (a) the acquisition, installation, maintenance and replacement of such parking meters, (b) the collection of revenues therefrom, and (c) enforcement of all parking meter ordinances and regulations, all calculated on sound accounting principles, but without any allowance for depreciation or obsolescence. The term “net revenues,” when used with reference to any existing off-street parking facilities, means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such existing off-street parking facilities after deducting therefrom all taxes and payments in lieu of taxes payable with respect to such facilities and the actual necessary expenses of maintaining and operating such facilities, calculated on sound accounting principles, but without any allowance for depreciation or obsolescence.
- (f) Resolution of Issue. The term “resolution of issue” means any agreement entered into by the City Council, including any resolution adopted by the City Council, pursuant to which revenue bonds are issued; and includes any agreement entered into or resolution adopted by the City Council amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

Subsection 171.2. Powers.

Without limiting the generality of Section 171, the City Council of the City of Napa shall have the following powers, viz.:

- (a) Acquisition of Properties. To acquire by grant, purchase, gift, devise, lease or by the exercise of right of eminent domain and to hold, use, sell, lease, sublease or dispose of any real or personal property or any interest in any thereof, including rights-of-way, necessary or appropriate for the full exercise, or convenient or useful for the carrying on, of any of its powers pursuant to this Section 171.
- (b) Street Improvements. To acquire any lands, property or rights-of-way necessary or convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for the ingress to or egress from any project.
- (c) Improvements. To improve any lands so acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for any project.
- (d) Administration. To construct, establish, improve, extend, maintain, operate, administer, lease and sublease any project.
- (e) Fees and Charges. To fix rates, fees or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, fees or charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue. All rates, fees and charges shall be paid only in such coin or currency as on the date of payment is legal tender for public and private debts, or in scrip or tokens issued only upon payment of the face value thereof in such coin or currency.
- (f) Revenue Bonds. To issue revenue bonds in order to raise funds for the purpose of acquiring, constructing and establishing any project or of acquiring lands for any project or of acquiring, constructing, completing, improving, extending, maintaining, operating or administering any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided.

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- (g) Agreements. To make contracts, leases, subleases and agreements relative to the acquisition, operation or maintenance of any project or any part of any project with any person, private corporation or public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof.
- (h) Leases. To rent or lease for commercial purposes space in any project which in the opinion of the City Council is not and will not during the term of such lease, be required for off-street vehicular parking facilities, provided that the aggregate of all such space so rented or leased at any one time in any project shall not exceed twenty percent of the surface area of such project and that the term of any such rental or lease shall not exceed a period of five years from its date.
- (i) Regulations. To adopt such rules and regulations as may be necessary regarding the operation and maintenance of any project and to enable the City to exercise the powers and perform the duties conferred or imposed by this Section 171.
- (j) General Authority. To do any and all acts or things necessary or appropriate to carry out the purposes of this Section 171 and the provisions, covenants and agreements contained in any resolution of issue adopted pursuant to the authority conferred by this Section 171, provided that nothing in this Section 171 contained shall be construed directly or by implication to be in any way in derogation or in limitation of any powers conferred upon or existing in the City by virtue of the provisions of the Constitution or laws of the State of California or any other provision of this Charter. All powers herein granted are subject to all contractual obligations which may be entered into by the City with the holders of revenue bonds issued hereunder.

Subsection 171.3. Pledge of Net Parking Meter Revenues.

In addition to all other powers elsewhere enumerated in this section, the City Council shall have power to pledge, place a charge upon or otherwise make available and authorize payment of all or any part of the net revenues collected by the City from the establishment and operation of (a) on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City, and (b) existing off-street parking facilities, for such periods of years as shall be determined by the City Council, for the payment of operation and maintenance costs of any one or more projects authorized by this Section 171 or as security or further protection for the payment of principal of and interest on bonds issued pursuant to this Section 171.

Subsection 171.4. Issues of Revenue Bonds; Series and Divisions.

The City Council may provide for one or several issues of revenue bonds and may issue bonds in series or may divide any issue into one or more series or divisions and fix different maturities or dates for each series or division, different rates of interest or different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security or be of the same interest rate, but the terms thereof shall, in each case, be provided for by the City Council by a resolution of issue at the time of or prior to the issue thereof.

Subsection 171.5. Authorization of Revenue Bonds.

Each issue of revenue bonds shall be authorized by the City Council by a resolution of issue adopted by affirmative votes of at least three members of the City Council at any duly assembled meeting which may be a regular, adjourned regular, or a special meeting. A resolution of issue shall provide for the aggregate principal amount, date or dates, maturities, interest rates, denominations and form of revenue bonds and may provide for the registration, transfer and interchange of any revenue bonds and coupons issued pursuant to this Section 171 and shall prescribe the purpose or purposes for which said revenue bonds are to be issued and the terms and conditions on which said revenue bonds are to be executed, issued, secured, sold and paid and, if desired, the terms and conditions on which said revenue bonds may be redeemed prior to maturity or refunded.

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Subsection 171.6. Provisions Relating to Bonds.

The following provisions shall apply to (a) all revenue bonds issued pursuant to this Section 171, and (b) each resolution of issue relating to the revenue bonds thereby authorized.

- (a) Date of Bonds. Bonds shall bear dates prescribed by the resolutions of issue.
- (b) Maturity. Bonds may be serial bonds or sinking fund bonds or a combination thereof, with such maturities as shall be provided in a resolution of issue. No bond by its terms shall mature in more than forty years from its own date and, in the event of any authorized issue is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bond of each separate series or division of any authorized issue.
- (c) Interest. Bonds shall bear interest at a rate of not to exceed six percent per annum, payable annually or semi-annually, or in part annually and in part semi-annually.
- (d) Coupon or Registered Bonds. Bonds may be issued as coupon bonds or as registered bonds. A resolution of issue may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds and may provide that the bonds shall be registered as to principal only or as to both principal and interest, or otherwise as the resolution of issue shall prescribe.
- (e) Redemption. Bonds may be called upon such terms and conditions and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding six percent of the par value of such bonds), if any, as may be fixed in the resolution of issue. No bond shall be subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call is expressly stated on the face of the bond.
- (f) Source of Payment. All revenue bonds shall be payable exclusively from revenues pledged to their payment. No taxes for the payment of such revenue bonds shall be levied upon the taxable property of the City.
- (g) Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption is sufficient to incorporate all of the provisions thereof and of this Section 171 into the body of said revenue bond and its appurtenant coupons. Each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Section 171 and shall be bound thereby.
- (h) Recital in Bonds. All revenue bonds shall contain a recital on their face that neither the payment of principal of nor of interest on such revenue bonds constitutes an indebtedness of the City of Napa.
- (i) Place and Manner of Payment. The principal of and interest on bonds may be paid at any one or more places within or without the State of California and in any specified coin or currency of the United States of America.
- (j) Execution and Authentication of Bonds. Bonds may be executed and authenticated by the manual, lithographed or printed facsimile signature of any officer or officers of the City and may also be authenticated by a trustee or fiscal agent appointed by the City Council, all as may be provided in the resolution of issue. If any of the officers whose signatures or countersignatures appear on the bonds cease to be officers before the delivery of the bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officers had remained in office until the delivery of the bonds and coupons.

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- (k) Issuance of Temporary Bonds. Pending the actual issuance or delivery of definitive bonds, the City Council may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the City Council may determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.
- (l) Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.
- (m) Security. All revenue bonds shall be secured by an exclusive pledge and charge upon all or a portion of (a) the revenues of the project for the acquisition, construction and completion of which said bonds are issued or authorized to be issued, (b) revenues from on-street parking meters, and (c) revenues of any existing off-street parking facilities, all as provided for in the resolution of issue. Revenues of a project include improvements and extensions of such project later constructed or acquired. The revenues of the project, any interest earned on the revenues of the project and all pledged on-street parking meters revenues and pledged revenues of existing off-street parking facilities shall constitute a trust fund for the security and payment of the principal of and interest on the bonds, and so long as any bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that any amounts required for the maintenance and operation costs of the project and any and all other costs and expenses relative to the project or to the bonds may be apportioned from the revenues but only to the extent specified in the resolution of issue.
- (n) Bonds of Same Issue To Be Equally Secured. Bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without priority for number, date of bonds, of sale, of execution or of delivery; except that if the City Council authorizes the issuance of bonds of different series, it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.
- (o) Refunding Bonds. The City Council may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this section, subject to any limitations contained in the resolution of issue pursuant to which such revenue bonds are issued. All provisions of this section applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby and, in addition, for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds and the issuance of such refunding bonds. Such expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded, or to the date upon which the bonds to be refunded will be paid pursuant to call thereof or agreement with the holders thereof, and also the premium, if any, necessary to be paid in order to call and retire the outstanding bonds and the interest accruing thereon to the date of call or retirement.
- (p) Validity of Bonds. The City Council shall have power to determine that, upon the issuance of any revenue bonds hereunder, any and all acts, conditions and things required to exist, to happen and to be performed, precedent to and in the issuance thereof, will have existed, will have happened and will have been performed, in due time, form and manner, as required by the

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Constitution and laws of the State of California and by this Charter and any resolution of issue and to include such determination by appropriate recital in the revenue bonds which shall be conclusive and binding upon the City. From and after the issuance of any issue of revenue bonds, such findings and determinations of the City Council shall be conclusive evidence of the existence of the facts so found and determined in any action or proceedings in any court, State or Federal, and no bona fide purchaser of any revenue bond containing a recital as set forth above shall be required to see the existence of any fact or the performance of any condition or the taking of any proceeding required prior to such issue or to the application of the purchase price paid for such revenue bonds. Revenue bonds shall be deemed to be issued whenever definitive bonds or any temporary bonds or interim receipts exchangeable therefor have been delivered to the purchasers thereof and the purchase price thereof has been received by the City Treasurer of the City or in the case of bonds to be refunded through exchange whenever such exchange has been made.

Subsection 171.7. Validity of Bonds Not Affected by Actions of City Relative to Project.

The validity of the authorization and issuance of any revenue bonds by the City Council shall not be dependent on or affected in any way by:

- (a) Proceedings taken by the City for the acquisition, construction or completion of any project or any part thereof;
- (b) Any contracts made in connection with the acquisition, construction or completion of any project; or
- (c) The failure to complete any project for which bonds are authorized to be issued.

Subsection 171.8. Sale of Bonds.

Before selling any bonds the City Council shall give notice inviting sealed bids in such manner as the City Council may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the City Council determines that the bids received are not satisfactory, the City Council may reject all bids received, if any, and either readvertise or sell the bonds at private sale. The City Council may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of six percent per annum payable semi-annually, to the respective maturity dates of said bonds. In connection with any sale of revenue bonds the City Council may cause to be prepared and circulated such official statements or circulars as in the opinion of the City Council may be necessary or desirable to effect such sale on the most advantageous terms to the City.

Subsection 171.9. Payment of Incidental Expenses and Interest and Creation of Funds from Proceeds of Sale of Bonds.

All costs and expenses incidental to the issuance and sale of bonds, including (without limiting the generality of the foregoing) the cost of preparation of the bonds and coupons, the cost of all traffic and economic surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, financial and economic consultant's, trustee's and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund or other funds and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed six months thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the bonds.

Subsection 171.10. Provisions Relating to Resolutions of Issue.

The following provisions shall govern and apply to each resolution of issue adopted by the City Council, viz., a resolution of issue, may provide that:

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- (a) **Bond Construction Fund.** The proceeds of sale of all revenue bonds authorized thereby shall either be deposited in a fund separate and apart from all other funds of the City or paid direct to any bank or trust company designated by the City Council as the fiscal agent of the City, and that said proceeds shall be held by the City or such fiscal agent in a separate account to be designated the "Construction Fund" and be disbursed in the manner and upon the conditions provided therein for the object and purpose of the acquisition, construction and completion of the project therein designated, including the payment of all incidental expenses and interest and the creation of other funds therein provided for, and may provide that moneys in any construction fund may be invested subject to such limitations as may be provided therein; and that any moneys in a construction fund remaining unexpended after said object and purpose shall have been completed shall be applied to the payment of the principal of and interest on said bonds, and that none of said moneys shall be transferred to any other fund of the City or used for any purpose other than as specified herein.
- (b) **Continuous Operation of Project.** The City shall, so long as any bonds thereby authorized shall be outstanding, operate the project designating in the resolution of issue continuously and in an efficient and economical manner and in good working order and condition and shall make all necessary repairs, improvements and replacements.
- (c) **Rates, Fees and Other Charges.** The City Council will prescribe, revise and collect rates, fees and charges (a) for use of the facilities provided by the project acquired, constructed or completed from the proceeds of sale of the bonds issued pursuant to such resolution of issue, (b) for any services rendered in connection with such project, and (c) for use of any on-street parking meters and existing off-street parking facilities, any revenues from which are pledged to secure the bonds; that such rates, fees and charges shall at all times be sufficient to yield revenues from the project and net revenues from such on-street parking meters and existing off-street parking facilities equal to all redemption payments and interest charges on said bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said bonds, or as a depreciation charge or other charge in connection with such project and for the payment of all costs of maintenance and operation of the project; and that such rates, fees and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.
- (d) **Holding and Application of Revenues.** The City will hold or cause to be held in trust the revenues pledged to the payment of the principal of and interest on the bonds issued thereunder, or to any reserve or other fund created for the security or further protection of the bonds, and will apply such revenues or cause them to be applied only as provided therein.
- (e) **Preservation and Protection of Security.** The City will preserve and protect the security of the bonds issued thereunder and the rights of the holders thereof and will warrant and defend such rights; that the City will pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon revenues or which might impair the security of any bonds issued for the acquisition, construction or completion of any project; and that any right, power or privilege of the City to mortgage or otherwise encumber or to sell, lease or dispose of a project or to enter into any lease or agreement which impairs or impedes the operation of a project or of any part thereof necessary to provide adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues may be limited, restricted or prohibited upon such terms and conditions as may be provided therein.
- (f) **Proceeds of Project Taken by Eminent Domain.** If any part of a project shall be taken by eminent domain or other proceeding authorized by law, the proceeds to the City therefrom shall

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be applied to the replacement of such project or to the payment and retirement of the bonds issued pursuant to such resolution of issue or as otherwise set forth therein.

- (g) Insurance. The City shall maintain the kinds and amounts of insurance specified therein on a project or any part thereof (including insurance of any project against loss of revenues from any cause whatsoever, against public liability or property damage and against loss by fire or any other hazard, as may be provided therein) and may provide for the payment of the premiums thereon and for the use and disposition of proceeds of any such insurance thereafter collected.
- (h) Books, Records and Accounts. The City will keep accurate books and records of account showing all revenues received from the operation of any project and all expenditures thereof and all revenues from on-street parking meters and existing off-street parking facilities pledged or otherwise made available as security or as further protection for the bonds issued pursuant to said resolution of issue; that all such books and records shall be open at all times during business hours to the inspection of the holders of one or more of the bonds or of any specified percentage of such holders or their duly authorized representatives; that annual or other periodic statements of the condition of such project and of all of said other revenues will be furnished to the holders of the bonds; that summaries of all such statements will be published at least annually in the official newspaper of the City and that the books and records of the City pertaining to the operation of any project and to all of said other revenues shall be audited by independent public accountants in such manner and under such circumstances as may be set forth therein.
- (i) Trustee; Fiscal Agent; Paying Agents. The City will designate a bank or trust company, qualified to do business in the State of California, as a trustee or fiscal agent for the City and holders of bonds issued under said resolution of issue; that such trustee will be authorized to act on behalf of holders of the bonds or any stated percentage thereof and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders; that the City shall designate any bank or trust company in any city in which any bonds are made payable as the City's paying agent in such city; that the City shall fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the City and that the duties and powers of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of the bonds, the payment of the principal thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the management of any funds provided for in the resolution of issue shall be as specified therein.
- (j) Competitive Projects. The City shall not, while any revenue bonds authorized hereunder are outstanding and unpaid, acquire, construct, complete or maintain within the City, or permit any person to maintain on any City-owned property within the City, any off-street vehicular parking facilities or places, excepting those therein described, which compete in any way with any project or which are similar to any off-street vehicular parking facilities or bonds hereunder, and may define the word "compete" as used in the preceding sentence and in such resolution of issue and may except from the covenant authorized to be made by this section any and all off-street vehicular parking facilities then or thereafter maintained by the City.
- (k) Limitation on Additional Indebtedness. The incurring of additional indebtedness payable in whole or in part from the revenues charged with payment of the bonds issued pursuant to such resolution of issue shall be limited or restricted as therein provided.
- (l) Events of Default. The rights, limitations, powers and duties arising upon breach by the City of any of the covenants, conditions or obligations therein contained shall be as therein provided and may provide the terms and conditions upon which all bonds issued thereunder may be

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declared or become due and payable prior to maturity and the terms and conditions upon which such declaration and its consequences may be waived.

- (m) Amendment or Modification of Resolution of Issue. May prescribe a procedure by which its terms and conditions and the terms and conditions of the revenue bonds issued thereunder may be subsequently amended or modified with the consent of the City and the vote or written consent of the holders of a specified principal amount or proportion of the bonds issued and outstanding, including provision for meetings with bondholders and the manner in which the consents of the bondholders may be given; may set forth a specific statement of the effect of each such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto and may contain a provision that bonds held by the City or by the State of California or any public corporation, political subdivision, city, county, district, or any agency of any thereof, shall not be counted as outstanding bonds or be entitled to vote or consent, but shall nevertheless be subject, to any such amendment or modification.
- (n) Use of Surplus. After all of the revenue bonds issued thereunder shall have been fully paid or discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds shall become and be the property of the City and be used by the City for any lawful purpose.
- (o) Additional Covenants and Agreements. Such other acts and matters may be included therein together with any and all such additional covenants and agreements on the part of the City as the City Council shall deem necessary or advisable.

Subsection 171.11. Rights of Bondholders.

Except as provided otherwise in any resolution of issue, the holder of any bond issued pursuant to this Section 171 may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the City or any official or employee of the City or assumed by any thereof in connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement or rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this section. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this Section 171.

Subsection 171.12. Revenue Bonds Excluded from Bonded Indebtedness of City. Revenue bonds issued under this Section 171 shall not be taken into consideration in determining the bonded indebtedness which the City of Napa is authorized to incur and shall be excluded from any limitation provided by this Charter or by general law on the amount of bonded indebtedness of the City. (Added March 22, 1954.)

Section 172. **Property owner pricing for real property.**

An owner of any real property has the sole right to establish the price for which that property may be sold, leased, rented, transferred or exchanged. Any law of the City of Napa that would abridge that right is hereby repealed. This limitation shall not affect the power of the City of Napa to regulate zoning or its exercise of power of eminent domain. (Ratified November 6, 1984.)

Section 180. **Rural Urban Limit line.**

- A. There is hereby established a Rural Urban Limit line, which shall also be referred to as the "RUL." The boundaries of the RUL shall be as depicted on Figures 1-1a and 1-1b of the City of Napa General Plan, as amended by the City Council on July 22, 2014. The RUL shall not be amended or modified,

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and no urban development shall be permitted in any area outside the RUL except as approved by the City's voters, following approval by the City's Planning Commission and City Council as a General Plan amendment. Notwithstanding the foregoing, the RUL may be changed, modified or amended as a General Plan amendment by four-fifths (4/5) vote of the City Council, without approval by the voters, where necessary to comply with state or federal law, or to allow any community or recreational facilities, parks, public service facilities including, but not limited to, fire and police stations and substations, or similar facilities sponsored or developed by the City of Napa, the Napa Valley Unified School District, or other public educational facilities. No amendment or modification to the RUL, either by voter approval or by four-fifths (4/5) City Council vote, shall be permitted unless the City Council first has determined that such amendment or modification is consistent with the criteria contained in Chapter 9 of the draft General Plan Update, known as Envision Napa 2020, approved by the Napa Planning Commission in June 1998.

- B. Except as expressly provided herein, no City of Napa water service shall be provided for any area or site outside the RUL. The City of Napa shall provide City water service to all properties within the incorporated area of the City of Napa and may, in its sole discretion, provide City water service for areas or sites outside the RUL and outside the incorporated area of the City of Napa as of March 1999 as follows:

To be used for municipal purposes by any other incorporated city or municipality;

To be used for community facilities, recreational facilities, parks, public service facilities including, but not limited to, fire and police stations and substations, any similar facilities, as well as any public school facilities sponsored or developed by the City of Napa, the Napa Valley Unified School District or other public educational bodies;

If such area or site qualifies for interruptible surplus agricultural water service pursuant to Napa Municipal Code Section 13.04.050 as the same may be amended from time to time;

For existing uses which have been provided with City of Napa water prior to the effective date of this charter amendment;

As necessary to fulfill any contractual obligation existing prior to the effective date of this charter amendment;

For any other uses approved by four-fifths (4/5) vote of the City Council. (Ratified March 2, 1999; Amended November 4, 2014.)

PARKS

Section 185. **Alston Park.**

The property designated as Alston Park, situated generally on the west side of Dry Creek Road between Trower Avenue and Vinehill Drive and as described in the City's General Plan (Envision Napa 2020) in effect in March 2003, shall be used solely for passive recreation and open space purposes, and shall not be used, improved or developed for any other purpose. Nothing in this section, however, shall prohibit or limit the use, maintenance, improvement or development of Alston Park in a manner that is consistent with the park's passive recreation and open space purposes and uses as of March 2003 and does not substantially diminish the park's natural condition, or as is necessary to use, repair or maintain city utility facilities, or to comply with state or federal law or the existing conservation easement applicable to the park. This section shall lapse and terminate, and shall be of no force or effect, on and after January 1, 2018.

CHARTER

The following Sections were repealed from the Charter of Napa and were removed per City request.

Section	Title	Disposition
ELECTIONS		
18	First election.	(Repealed January 27, 1965.)
18A	Interim election.	(Repealed February 17, 1964.)
19	Manner of electing for long and short terms.	(Repealed February 17, 1964.)
20	Circulation of Petitions: Petition Circulator—Residency.	(Repealed March 6, 2001.)
21	Circulation of Petitions: Petition Circulator—Compensation.	(Repealed March 4, 1997.)
22	Circulation of Petitions: Petition Circulator—Registration.	(Repealed March 6, 2001.)
24	Duplication of registration.	(Repealed May 23, 1945.)
25	City register.	(Repealed May 23, 1945.)
26	Form of register.	(Repealed May 23, 1945.)
27	Purging register.	(Repealed May 23, 1945.)
28	Use of register.	(Repealed May 23, 1945.)
29	Evidence.	(Repealed May 23, 1945.)
30	Cancellation of register.	(Repealed May 23, 1945.)
31	Candidates.	(Repealed May 23, 1945.)
32	Withdrawal of candidates.	(Repealed May 23, 1945.)
33	Election proclamation.	(Repealed May 23, 1945.)
34	Requirement of ballots.	(Repealed May 23, 1945.)
35	Form of ballots.	(Repealed May 23, 1945.)
36	Arrangements of ballots.	(Repealed May 23, 1945.)
37	Sample ballots.	(Repealed May 23, 1945.)
38	Election supplies.	(Repealed May 23, 1945.)
39	Officers of elections and polling places.	(Repealed May 23, 1945.)
40	Preferential voting.	(Repealed May 23, 1945.)
41	Duties of election officers.	(Repealed May 23, 1945.)
42	Counting ballots.	(Repealed May 23, 1945.)
43	Rejecting votes.	(Repealed May 23, 1945.)
44	Canvass of returns.	(Repealed May 23, 1945.)
45	Tie votes.	(Repealed May 23, 1945.)
46	Informalities in elections.	(Repealed May 23, 1945.)
47	General election regulations.	(Repealed May 23, 1945.)
48	Additional regulations by ordinance.	(Repealed May 23, 1945.)

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Section	Title	Disposition
DECLARING VACANCY		
50	Form of petition.	(Repealed June 5, 1953.)
51	Signing of petition.	(Repealed June 5, 1953.)
52	Soliciting prohibited.	(Repealed June 5, 1953.)
53	Certificate of City Clerk.	(Repealed June 5, 1953.)
54	Canvass by City Council.	(Repealed June 5, 1953.)
55	Submission of question.	(Repealed June 5, 1953.)
56	Canvass by returns.	(Repealed June 5, 1953.)
THE MAYOR		
57	Expert.	(Repealed June 29, 1962.)
THE CITY COUNCIL		
68	Exceptions to general street laws.	(Repealed June 5, 1953.)
72	Advisory board.	(Repealed May 25, 1949.)
EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS		
73	The five municipal departments.	(Repealed May 25, 1949.)
74	Assignment of departments.	(Repealed May 25, 1949.)
81	Powers of the department of revenue and finance.	(Repealed May 25, 1949.)
82	Powers of department of streets and public improvement.	(Repealed May 25, 1949.)
83	Powers of the department of public buildings, parks and utilities.	(Repealed May 25, 1949.)
84	Powers of department of public health and safety.	(Repealed May 25, 1949.)
FINANCE AND TAXATION		
92	Board of equalization.	(Repealed June 30, 1970.)
94	Computing tax.	(Repealed June 30, 1970.)
FRANCHISES		
107	Ordinance granting, renewing or extending franchises.	(Repealed June 30, 1970.)
108	Application and sale of franchise.	(Repealed June 30, 1970.)
109	Return of deposit.	(Repealed June 30, 1970.)
110	Conditions of grant to be determined.	(Repealed June 30, 1970.)
111	Advertising notice of sale.	(Repealed June 30, 1970.)
112	Bidding for the franchise.	(Repealed June 30, 1970.)
113	Bond required.	(Repealed June 30, 1970.)
114	Free competition in bidding.	(Repealed June 30, 1970.)
115	Service and accommodation.	(Repealed June 30, 1970.)
116	Rates, regulations and reports.	(Repealed June 30, 1970.)

CHARTER

Section	Title	Disposition
117	Right of the City to purchase.	(Repealed June 30, 1970.)
118	Fire and police alarm and telephone wires.	(Repealed June 30, 1970.)
119	Other conditions may be imposed.	(Repealed June 30, 1970.)
120	Lease or assignment of franchises.	(Repealed June 30, 1970.)
121	Forfeiture for non-compliance.	(Repealed June 30, 1970.)
122	Extensions.	(Repealed June 30, 1970.)
123	Renewals of franchises.	(Repealed June 30, 1970.)
124	Spur track permits.	(Repealed June 30, 1970.)
125	Franchises for utilities not suburban.	(Repealed June 30, 1970.)
GOODMAN LIBRARY		
128	Free public library and trustees thereof.	(Repealed February 17, 1964.)
129	Meetings and records of Library Board.	(Repealed February 17, 1964.)
130	Powers of Library Trustees.	(Repealed February 17, 1964.)
131	Reports of Library Trustees.	(Repealed February 17, 1964.)
132	Revenue for library.	(Repealed February 17, 1964.)
133	Library fund.	(Repealed February 17, 1964.)
134	Use of library.	(Repealed February 17, 1964.)
135	Contracts concerning books.	(Repealed February 17, 1964.)
136	Title to property of library.	(Repealed February 17, 1964.)
POLICE COURT		
137	Police Court created.	(Superseded by Constitutional Amendment reorganizing the Inferior Courts 1950.)
138	General jurisdiction of Police Court.	(Superseded by Constitutional Amendment reorganizing the Inferior Courts 1950.)
139	Concurrent and coordinate jurisdiction of Police Court.	(Superseded by Constitutional Amendment reorganizing the Inferior Courts 1950.)
140	Appeals from Police Court.	(Superseded by Constitutional Amendment reorganizing the Inferior Courts 1950.)
141	Procedure in Police Court.	(Superseded by Constitutional Amendment reorganizing the Inferior Courts 1950.)
142	Fees, moneys, etc., in Police Court.	(Superseded by Constitutional Amendment reorganizing the Inferior Courts 1950.)
143	Records of Police Court.	(Superseded by Constitutional Amendment reorganizing the

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Section	Title	Disposition
		Inferior Courts 1950.)
144	City Council's duty to Police Court.	(Superseded by Constitutional Amendment reorganizing the Inferior Courts 1950.)
145	Duties of police officers in Police Court.	(Superseded by Constitutional Amendment reorganizing the Inferior Courts 1950.)
146	Disqualification of Police Judge.	(Superseded by Constitutional Amendment reorganizing the Inferior Courts 1950.)
INITIATIVE		
148	Proposals of ordinance.	(Repealed November 14, 1972.)
149	Notice of hearing before City Council.	(Repealed November 14, 1972.)
150	Hearing of proposal.	(Repealed November 14, 1972.)
151	Action by City Council.	(Repealed November 14, 1972.)
152	Notice of intention to submit to electors.	(Repealed November 14, 1972.)
153	Form of initiative petition.	(Repealed November 14, 1972.)
154	Signing initiative petitions.	(Repealed November 14, 1972.)
155	Soliciting the signing of initiative petitions.	(Repealed November 14, 1972.)
156	Examination by and certificate of City Clerk.	(Repealed November 14, 1972.)
157	Canvass by City Council.	(Repealed November 14, 1972.)
158	Ballots.	(Repealed November 14, 1972.)
159	Measure to be mailed to voters.	(Repealed November 14, 1972.)
160	Canvass of returns.	(Repealed November 14, 1972.)
161	Repeal.	(Repealed November 14, 1972.)
REFERENDUM		
163	Form of petition.	(Repealed November 14, 1972.)
164	Ballots.	(Repealed November 14, 1972.)
165	Measure to be mailed to voters.	(Repealed November 14, 1972.)
166	Canvass of returns.	(Repealed November 14, 1972.)