

Additions are underlined.
Deletions are ~~struck through~~.
Revision markers are noted in left or
right margins as vertical lines.

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING CHAPTER
3.44 (PROPERTY TAX ADMINISTRATIVE FEE) TO REMOVE
OBSOLETE PROCEDURES AND MODIFY PROCEDURES FOR THE
IMPOSITION AND APPEAL OF FEES**

WHEREAS, California Revenue and Taxation Code Section 95.2 (“R&T 95.2”) was enacted to allow counties to impose property tax administrative fees to recover their actual costs of assessing, collecting and allocating property taxes, from all local public agencies in proportion to the property tax proceeds received by each public agency, commencing in fiscal year 1990-91; and

WHEREAS, the Napa County Board of Supervisors (“Board of Supervisors”) adopted Chapter 3.44 of the County Code to implement the recovery of such property tax administrative fees (“PTAF”) pursuant to R&T 95.2; and

WHEREAS, California Revenue and Taxation Code Sections 95.3 (“R&T 95.3”) was subsequently enacted to replace and supersede R&T 95.2, modifying the manner in which counties may recover PTAF; and

WHEREAS, R&T 95.3 does not require the County Board of Supervisors to establish PTAF by ordinance or resolution nor require the County to invoice the public agencies for collection of PTAF from the public agencies, and instead allows for a more streamlined process through the deduction of PTAF from the property tax apportionment collected and allocated to

each public agency by the County Auditor-Controller, with the exception of PTAF due from school public agencies and the County's Educational Revenue Augmentation Fund ("ERAF") which are excluded from payment to the County under R&T 95.3; and

WHEREAS, the Board of Supervisors is not legally required under state law to annually review and approve the PTAF and hold a public hearing prior to the establishment of PTAF for each fiscal year; and

WHEREAS, amendment of Chapter 3.44 of the Code will remove obsolete and superseded law and simplify the process for assessing property tax administrative fees.

The Board of Supervisors of the County of Napa, State of California, ordains as follows:

SECTION 1. Chapter 3.44 (Property Tax Administrative Fee) is hereby amended to read in full as follows:

Chapter 3.44

PROPERTY TAX ADMINISTRATIVE FEE

Sections:

- | | |
|-----------------|---|
| 3.44.010 | Purpose - Statutory authority. |
| 3.44.020 | <u>Establishment of fees</u>Definitions. |
| 3.44.030 | <u>Appeal Fee imposed.</u> |
| 3.44.040 | <u>(Reserved.) Notification and collection of fee.</u> |
| 3.44.050 | <u>(Reserved.) Interest to be charged on unpaid balance.</u> |
| 3.44.060 | <u>(Reserved.) Actions to collect.</u> |
| 3.44.070 | <u>(Reserved.) Retention of increased property tax allocations.</u> |
| 3.44.080 | <u>(Reserved.) Remedies.</u> |
| 3.44.090 | <u>(Reserved.) Annual review of property tax administrative fee.</u> |

3.44.010 Purpose - Statutory authority.

This chapter implements the provisions of Sections 95.3 97 of the Revenue and Taxation Code which provides for the imposition of a property tax administrative fee by counties. Any matters not set forth herein, including definitions, allocation provisions, calculations, procedures and related matters shall be determined in accordance with applicable state law.

3.44.020 Establishment of fees~~Definitions.~~

A fee is hereby imposed upon every incorporated city and every other local jurisdiction, including redevelopment agencies, and special districts, receiving property tax revenues for

~~which Napa County provides property tax assessment, collection, and administrative services. The amount of the fee shall be proportionate to the property tax administration costs incurred by Napa County which are attributable to each entity. "Local jurisdiction" means every special district, school district, community college district, county superintendent of schools, redevelopment agency, or other governmental agency, excepting incorporated cities, for or on behalf of which Napa County provides property tax assessment, allocation, or collection services.~~

3.44.030 Appeal Fee imposed.

~~Any incorporated city or other local jurisdiction which believes that the charges imposed hereunder are improperly or incorrectly allocated to it shall have the right to appeal said determination to the board, in writing, not later than thirty days after the city or jurisdiction is sent notice of the amount of said allocation. The board shall conduct a public hearing on said appeal pursuant to the procedures set forth in Chapter 2.88, except the provisions of subsections (F)(1) and (F)(2) of Section 2.88.010 shall not be applicable. Its decision shall be final.~~

~~A. — In each fiscal year, Napa County shall receive from, or on behalf of, every incorporated city and every other local jurisdiction for which the county provides property tax assessment and collection services, an amount equal to the county's property tax administrative costs proportionately attributable to such incorporated city or local jurisdiction for the previous fiscal year.~~

~~B. — For fiscal year 1990-91, a property tax administrative fee is imposed on every incorporated city and every other local jurisdiction for which the county provides property tax assessment, allocation and collection services in an amount equal to the county's 1989-90 fiscal year property tax administrative costs proportionately attributable to such incorporated city or local jurisdiction. The amount of each such fee is set forth in Exhibit A which is attached to the ordinance codified in this chapter and by this reference incorporated herein as though set forth in full. Said allocation of property tax administration costs does not exceed the actual county costs of assessing, collecting, and allocating property taxes for the 1989-90 fiscal year, including applicable administrative overhead costs as permitted by Federal Circular A-87 standards.~~

~~C. — The amount of the property tax administrative fee in future years may be established by ordinance or resolution, subject to compliance with Section 3.44.090.~~

3.44.040 (Reserved.) Notification and collection of fee.

~~A. — The auditor controller shall, in the manner required by law, annually allocate charges proportionately attributable to incorporated cities directly to the county general fund, thereby increasing the amount of property tax otherwise allocable to the county.~~

~~B. — The county auditor controller is authorized and directed to invoice each local jurisdiction for its share of property tax administrative costs. All such invoices shall be due and payable in thirty days.~~

~~C. — Notwithstanding subsection (B), no invoice shall be submitted to any school district, community college district, or county office of education, nor shall any of those entities be required to pay any invoice for property tax administrative costs for services rendered in the 1990-91 fiscal year or in any subsequent fiscal year. This subsection shall not be construed to prevent the auditor from imposing and collecting from school districts, community college districts, and county offices of education invoices for property tax administrative costs for services rendered to those entities in the 1989-90 fiscal year.~~

3.44.050 (Reserved.)Interest to be charged on unpaid balance.

~~Any invoice which remains unpaid in whole or in part after thirty days, shall bear interest on the unpaid balance thereof. The rate of interest shall be the rate earned by the treasurer tax collector on funds under her control during the period the fees remain unpaid or the legal rate established pursuant to Section 685.010 of the Code of Civil Procedure, whichever is less.~~

3.44.060 (Reserved.)Actions to collect.

~~Any fee required to be paid by a public entity under this chapter shall be deemed a debt owed to the county. In the event that such fee is unpaid, the entity shall be liable to any action brought in the name of the county for the recovery of such amount.~~

3.44.070 (Reserved.)Retention of increased property tax allocations.

~~For each local jurisdiction which does not pay the invoice within thirty days of the date of invoice, and for each city, the auditor controller is authorized and directed each year to retain up to one half of any increased property tax allocation to which said public agencies may be otherwise entitled until the county receives all property tax administrative costs to which it is entitled under this chapter, regardless of the fiscal year in which the property tax administrative fee originally became due.~~

3.44.080 (Reserved.)Remedies.

~~The county shall avail itself of all remedies available at law or equity including, but not limited to, offsetting any delinquent amounts due in accordance with Section 907 of the California Government Code or in any other manner authorized by law, to collect sums owed to the county as a result of the imposition of the fees authorized by this chapter.~~

3.44.090 (Reserved.)Annual review of property tax administrative fee.

~~A.——The auditor shall by June 30, 1992, and for each fiscal year following June 30, 1992, within a reasonable period of time following the close of each fiscal year but not more than twelve months following the close of said fiscal year, redetermine and issue a report regarding the actual costs incurred by the county during the previous fiscal year of assessing, collecting and allocating property taxes, including the applicable overhead costs permitted by Federal Circular A-87 standards. The report shall also include a table identifying the proposed allocation of those costs consistent with the method of calculation set forth in Section 97 of the California Revenue and Taxation Code or any successor statutory provision and any implementing regulations. The report shall constitute the proposed charges to be imposed on each incorporated city and local jurisdiction as its proportionate share of the administrative costs incurred by the county during that fiscal year. The report shall be submitted to the clerk of the board of supervisors and shall be mailed to any public agency or person that has filed a written request with the clerk of the board or auditor for mailed notice of hearings or meetings regarding new or increased fees or charges in the manner prescribed by Section 66016 of the California Government Code, Section 97(e)(3) of the Revenue and Taxation Code or any other applicable provision of law.~~

~~B.—— Upon receipt of said report by the clerk of the board a public hearing shall be scheduled for the purpose of revising the various allocations in accordance with such report after giving the notice required by Chapter 8 of Division 1 of Title 7 of the Government Code (commencing with Section 66016) or any other applicable provision of law. The clerk of the~~

~~board shall mail a notice of the hearing together with a copy of the auditor's report to every public entity that will be assessed a property tax administrative fee whether or not a request for notice has been filed.~~

~~C. After the hearing is concluded, and if the board concludes that the allocations of the property tax administrative costs among the various entities must be revised, the board shall make such changes in the report of the auditor as it deems necessary, if any, adopt the report and establish the new allocation by ordinance or resolution.~~

~~D. At least once each fiscal year, the auditor controller shall issue the report required by subparagraph (e)(3) of Section 97 of the Revenue and Taxation Code and make the apportionment required by that subparagraph, if any. To the extent feasible this report, and any apportionment that may be required, shall be included in the report required by subsection (a) of this section.~~

SECTION 2. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 3. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 4. A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the ____ day of _____, 2015, and passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the ____ day of _____, 2015, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

DIANE DILLON, Chair of the Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM Office of County Counsel	Approved by the Napa County Board of Supervisors
By: _____ (by e-signature) Deputy County Counsel	Date: _____
By: _____ (by e-signature) County Code Services	Processed by: _____
Date: _____	Deputy Clerk of the Board

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
GLADYS I. COIL, CLERK OF THE BOARD