

RESOLUTION NO. 2006-2

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING AN APPLICATION FEE FOR THE COSTS OF FORMATION OF AND
ANNEXATION TO COMMUNITY FACILITIES DISTRICT NO. 2006-1
(MAINTENANCE SERVICES).**

WHEREAS, the City of Elk Grove conditions approval of the development of property upon the developer's providing the City a means by which to obtain the funds needed to pay for maintenance required as a result of that development;

WHEREAS, the mechanism to be used to obtain the necessary funds for additional maintenance is the inclusion of the developer's property within a community facilities district and the levy of special taxes within the district;

WHEREAS, in order to comply with this development condition, the developer needs the City to form (or have formed) the community facilities district and/or apply to the City to conduct the proceedings necessary to annex the developer's property to the community facilities district;

WHEREAS, City Council intends to collect fees to offset the costs associated with proceedings for the formation of and annexations to the community facilities district pursuant to applications from developers;

WHEREAS, the adoption of the application fee is not a "project" subject to the California Environmental Quality Act, because it is a funding mechanism having no physical effect on the environment;

WHEREAS, because the application fee is a fee described in Government Code section 66014, (i) notice of the time and place of this meeting as well as a general description of the matter to be considered are to be mailed at least 14 days prior to the date of this meeting to those parties (if any) who have filed requests for such notification, and since no requests were filed no notices were mailed and (ii) data indicating the amount of the estimated cost required to conduct the community facilities district proceedings and the resources anticipated to fund the proceedings were made available to the public at least 10 days prior to the date of this meeting, all in accordance with Government Code section 66016;

WHEREAS, the amount of the application fee does not exceed the estimated reasonable cost of conducting the community facilities district proceedings;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove :

Section 1. Recitals. The foregoing recitals are true and correct and the City Council so finds and determines.


Section 2. Establishment of the Community Facilities District No. 2006-1 (Maintenance Services) Application Fee. A fee is hereby established in the amounts detailed on Exhibit A for the purpose of funding the cost of conducting proceedings for the formation of and annexations of property to the City's Community Facilities District No. 2006-1 (Maintenance Services).

Section 3. Collection of Community Facilities District No. 2006-1 (Maintenance Services) Application Fee. The fees levied pursuant to this resolution shall be paid by the property owner to the City at least one week prior to the public hearing on formation of the community facilities district or annexation to the community facilities district, as the case may be.

Section 4. Establishment of City of Elk Grove CFD No. 2006-1 (Maintenance Services) Fund. There is hereby created a special interest-bearing trust fund entitled the "City of Elk Grove CFD No. 2006-1 (Maintenance Services) Fund." All application fees collected pursuant to this resolution shall be placed in that fund and shall be expended by the City solely to pay the costs of proceedings for the formation of and annexations of property to the City's maintenance community facilities district.


Section 5. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 11th day of January, 2006.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit A

CFD No. 2006-1 (Maintenance Services) Formation/Annexation Application Fee Amounts

The application fee is as follows:

- For each development project, an application fee of \$70 per residential unit up to the 100 proposed residential units, for a maximum application fee of \$7,000 per project.
- For each development project, an application fee of \$280 for nonresidential acre, for a maximum application fee of \$7,000 per project.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-2**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 11th day of January, 2006 by the following vote:


AYES 5: COUNCILMEMBERS: Scherman, Briggs, Soares, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**