

ORDINANCE NO. 09-2002

**AN UNCODIFIED ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF ELK GROVE
REPEALING CHAPTER 2.115 OF THE
ELK GROVE MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF ELK GROVE, CALIFORNIA, does ordain as follows:

Section 1: Findings.

- A. The City Council of the City of Elk Grove has adopted portions of the Sacramento County Code as the City's own, including Chapter 2.115 regarding Campaign Reform.
- B. Based upon the unique circumstances of the County's ordinance found in Chapter 2.115 and based upon the uncertainty of the legality of the legality of the County's public campaign financing system found in Chapter 2.115 adopted by the City of Elk Grove, the City Council finds that:
 - 1. Chapter 2.115 of the Elk Grove Municipal Code is of questionable validity, in whole or on part,
 - 2. Chapter 2.115 of the Elk Grove Municipal Code presents irreconcilable inconsistencies as it may or may not apply to campaign financing of candidates for elective office in the City of Elk Grove, and
 - 3. The California State laws regulating campaign finance remain in place.
- C. Based on these findings, the City Council finds that the most appropriate action is to repeal Chapter 2.115, in its entirety, and follow the State of California laws regarding campaign finance.

Section 2: Repeal of Chapter 2.115.

Based on findings set forth in Section 1, above, the City Council hereby repeals Chapter 2.115 of the Elk Grove Municipal Code – Campaign Reform, in its entirety. In all other respects the Municipal Code of the City of Elk Grove shall remain in effect an unaltered by this ordinance.

Section 3: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

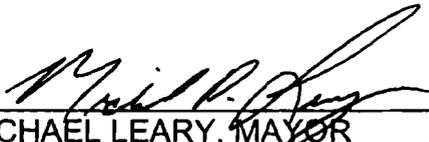
Section 4: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

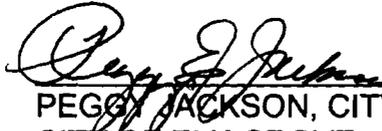
Section 5: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 20th day of February 2002.


MICHAEL LEARY, MAYOR
CITY OF ELK GROVE

ATTEST:


PEGGY JACKSON, CITY CLERK
CITY OF ELK GROVE

APPROVED AS TO FORM:


ANTHONY MANZANETTI,
CITY ATTORNEY,
CITY OF ELK GROVE

AYES: Leary, Scherman,
Briggs, Soares
NOES: None
ABSTAIN: None
ABSENT: Cooper

Effective date: March 22, 2002