

ORDINANCE NO. 17-2012

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING ELK GROVE MUNICIPAL CODE SECTION 2.12.020(B) TO
REMOVE DISTRICT REQUIREMENTS REGARDING APPOINTMENTS TO THE
YOUTH COMMISSION**

WHEREAS, Elk Grove Municipal Code (EGMC) Section 2.12.020 regarding membership to the Youth Commission was created by Ordinance No. 45-2008, establishing both requirements of members to hold office, and establishing requirements that appointments be made by members of the City Council of applicants from their respective district; and

WHEREAS, on June 27, 2012 four applications were received for two vacancy appointments for District 1, and though all applications met the requirements to hold office, three were disqualified from consideration as they did not meet the appointment requirement to live in the district or attend school in the district to be considered for appointment; and

WHEREAS, the City Council wishes to amend EGMC Section 2.12.020(B) regarding appointments to the Youth Commission to remove district requirements regarding appointments.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose.

The purpose of this ordinance is to amend Elk Grove Municipal Code (EGMC) Section 2.12.020(B) to remove district requirements regarding appointments to the Youth Commission.

Section 2: Amendment to EGMC Section 2.12.020(B) Membership (to the Youth Commission).

EGMC Section 2.12.020(B) titled "Membership" is hereby amended to remove district requirements for appointments as follows:

2.12.020 Membership.

...

B. Each member of the City Council shall appoint two (2) members to the Commission.

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: Savings Clause.

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 6: Effective Date and Publication.

This Ordinance shall take effect immediately pursuant to Government Code Section 36937. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) 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 Government Code section 36933(c)(1).

ORDINANCE: 17-2012
INTRODUCED: July 11, 2012
ADOPTED: July 25, 2012
EFFECTIVE: August 24, 2012



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: August 9, 2012

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 17-2012**

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

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on July 11, 2012 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 25, 2012 by the following vote:


AYES : **COUNCILMEMBERS:** *Cooper, Hume, Davis, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Detrick*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Jason Lindgren, City Clerk
City of Elk Grove, California**