

ORDINANCE NO. 3-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE CHAPTERS 16.82 AND 16.95 TO SYNCHRONIZE COST INDEX UPDATES FOR VARIOUS DEVELOPMENT IMPACT FEE PROGRAMS

WHEREAS, the City of Elk Grove administers thirteen separate Government Code 66000 Development Impact Fee programs (Fee Programs) to finance various capital facilities that have benefit to the future residents of Elk Grove; and

WHEREAS, all of these fee programs are adjusted annually by a cost index (index adjustments); and

WHEREAS, Elk Grove Municipal Code currently directs index adjustments at various dates throughout the year; and

WHEREAS, it is beneficial to both the Developers and the City to have only one indexing date annually for all programs to allow for more stable planning; and

WHEREAS, January 1 is the preferred indexing date as it is the start of the calendar year and occurs during the offseason for development.

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

Section 1: Purpose

The purpose of this ordinance is to amend Title 16 of the Elk Grove Municipal Code to align all impact fee program updates to the January 1 start of the Fiscal Year.

Section 2. Action to add EGMC Section 16.82.060(D)

EGMC Section 16.82.060 is hereby amended to add Section 16.82.060(D) as follows:

D. On January 1st of each calendar year, the amounts of the fee components of the Laguna Ridge park fee described in Section 16.82.050 shall be automatically adjusted by the average of the change in the San Francisco Construction Cost Index (CCI) and the change in the Twenty (20) City CCI as reported in the Engineering News Record for the twelve (12) month period ending October of the prior year.

Section 3. Action to add EGMC Section 16.82.080(D) and EGMC Section 16.82.080 (E)

EGMC Section 16.82.080 is hereby amended to add Section 16.82.080(D) and Section 16.82.080(E) as follows:

D. On January 1st of each calendar year, the amounts of the facilities and administration related fee components of the Laguna Ridge supplemental park fee

described in section 16.82.070 shall be automatically adjusted by the average of the change in the San Francisco Construction Cost Index (CCI) and the change in the Twenty (20) City CCI as reported in the Engineering News Record for the twelve (12) month period ending October of the prior year.

E. On January 1st of each calendar year, the amounts of the land acquisition fee components of the Laguna Ridge supplemental park fee shall be automatically adjusted by the percentage change in appraised value reported as of July 1st of the previous calendar year as compared to July 1st of two calendar years prior. The values shall be reported by a licensed appraiser hired by the City to provide a value of residential land within the Laguna Ridge Specific Plan.

Section 4. Action to amend EGMC Section 16.95.060(A)

EGMC Section 16.95.060 (A) is hereby amended as follows:

A. On January 1st of each calendar year, the fee adjustments described within this section shall automatically occur. Adjustments in the amount of the estimated construction costs of providing the specified road fee program facilities will be based upon adjustments in the Caltrans Cost Index. The adjustment will be based on a three (3) year moving average of the 3rd Quarter of the prior year's index beginning with year 2010 (2010 3rd Quarter index is 76.2, 2011 3rd Quarter index is 81.7, 2012 3rd Quarter index is 79.3). All other public facilities index adjustments will be based upon the average of the change in the San Francisco Construction Cost Index (CCI) and the change in the Twenty (20) City CCI as reported in the Engineering News Record for the twelve (12) month period ending October of the previous year.

Section 5: 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 6: 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 7: 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 affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect 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 8: 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 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 GC 36933(c)(1).

ORDINANCE: 3-2013
INTRODUCED: February 27, 2013
ADOPTED: March 13, 2013
EFFECTIVE: April 12, 2013




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: March 15, 2013

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 3-2013

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 February 27, 2013 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 13, 2013 by the following vote:


AYES : **COUNCILMEMBERS:** *Davis, Detrick, Cooper, Hume, Trigg*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

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



Jason Lindgren, City Clerk
City of Elk Grove, California