

RESOLUTION NO. 2005-313

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ESTABLISHING A FEE TO RECOVER THE COST OF PROCESSING AN
APPEAL TO THE CONSTRUCTION BOARD OF APPEALS**

WHEREAS, the City Council of the City of Elk Grove (the "Council") on October 12, 2005 duly adopted ordinance 35-2005, which amended Section 16.02.160 (Section 105) of the Elk Grove Municipal Code to establish the Elk Grove Construction Board of Appeals;

WHEREAS, the Elk Grove Construction Board of Appeals was created to hear appeals of decisions made by the Elk Grove Building Official in applying provisions of the 2001 California Building Code, as hereafter amended by the State Legislature and as hereafter adopted and amended by the Elk Grove Municipal Code;

WHEREAS, in Ordinance 35-2005 the Council declared its intent to adopt a resolution establishing a fee for an appeal to the Elk Grove Construction Board of Appeals;

WHEREAS, by this Resolution, the City of Elk Grove wishes to adopt such an appeal fee; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove that the following appeal fee is hereby adopted as follows:

Section 1. Fees for Appeal to the Elk Grove Construction Board of Appeals. The administrative appeal fee for appealing a decision by the Elk Grove Building Official to the Elk Grove Construction Board of Appeals regarding an interpretation and/or application of the 2001 California Building Code as that Code is hereafter amended or adopted, is \$800. On each July 1, commencing on July 1, 2006, the filing fee for an appeal to the Construction Board of Appeals shall be automatically increased by the lesser of Local Consumer Price Index ("CPI") for the San Francisco-Oakland-San Jose Area for All Urban Consumers or 5% of the amount in effect for the previous Fiscal Year. The CPI used shall be as determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2005 to April 2006.

Section 2. No Mandatory Duty of Care. This resolution 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 3. Severability. If any provision of this resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the

invalid provision or application, and to this end the provisions of this resolution are severable. This City Council hereby declares that it would have adopted this resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions, if any, should be severed and the balance of the resolution enforced.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED this 12th day of October 2005.



DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON
CITY CLERK



ANTHONY MANZANETTI
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-313**

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 12th day of October, 2005 by the following vote:

AYES 4: COUNCILMEMBERS: Briggs, Scherman, Soares, Cooper

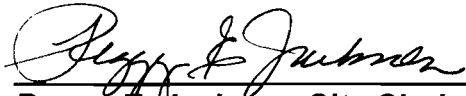
NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: Leary:

RECUSAL 0: COUNCILMEMBER:





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