

RESOLUTION NO. 2006-154

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING A POLICY REQUIRING INDEMNIFICATION FOR LEVYING
DEVELOPMENT IMPACT FEES FOR OTHER PUBLIC AGENCIES**

WHEREAS, the City of Elk Grove controls land use decisions within its jurisdiction and exercises its police power under the California Constitution to require private land developers to pay development impact fees to finance public improvements and public services necessary to serve new development;

WHEREAS, within Elk Grove, some public improvements will be owned and some public services will be provided by other public agencies whose geographic jurisdiction overlaps that of the City, but which agencies do not have police power to levy impact fees to finance them;

WHEREAS, if the City adopts a development impact fee at the request of another public agency, pursuant to Government Code section 66020, any person affected may protest the fee imposed upon a development project and thereafter file an action against the City to set aside the imposition of the fee;

WHEREAS, the public agency whose facilities and services are financed by the development impact fee should bear the costs associated with defending its validity;

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 this Council so finds and determines.

Section 2. Adoption of Policy. The City Council hereby adopts the policy that, if another public agency requests the City to levy a development impact fee on its behalf (or revise a fee previously levied), the City shall require the other public agency to indemnify the City and its agents, officers and employees from any claim, action or proceeding and from any damage, liability or loss connected with the imposition of the development impact fee.

Section 3. Exceptions. The City Council may make exceptions to this policy in cases where (a) the other public agency is a joint exercise of powers agency of which the City is a member, (b) the other public agency is a regional agency or authority and the City is represented on its governing board, and (c) because of other circumstances the City's interests are adequately served without an indemnification agreement or are better served by foregoing such an agreement.


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

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of June 2006.



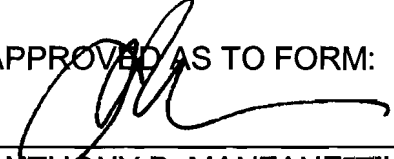
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-154**

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

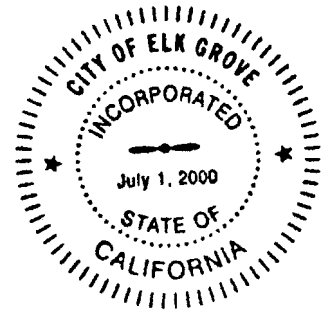
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 14, 2006 by the following vote:


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

NOES : COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Briggs





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