

**RESOLUTION NO. 2004-79**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPOINTING KENT BASTAIN AS HEARING OFFICER TO CONDUCT AN ADMINISTRATIVE HEARING UNDER THE CITY'S STORM WATER MANAGEMENT DISCHARGE CONTROL ORDINANCE NO. 22-2003 IN RESPONSE TO A REQUEST FOR AN ADMINISTRATIVE APPEAL TO NOTICES OF NON-COMPLIANCE ISSUED TO LENNAR COMMUNITIES, INC.**

**WHEREAS**, the City has issued Notices of Non-Compliance to Lennar Communities, Inc. on February 13, 16, and 19, 2004 that requires an Administrative Hearing officer for an appeal hearing; and

**WHEREAS**, the City's Storm Water Management and Discharge Control Ordinance No. 22-2003 specifies that the City Council must appoint the hearing officer; and

**WHEREAS**, the City was prepared to enter into a long-term contract for hearing officer services, but that contract fell through two days before the City Council meeting at which the contract was to be approved; and

**WHEREAS**, the statutory timeline for conducting the administrative hearing regarding the administrative appeal from the Notices of Non-Compliance issued to Lennar Communities, Inc. on February 13, 16, and 19, 2004 expires before the next regularly scheduled City Council meeting; and

**WHEREAS**, Kent Bastian, of the City of West Sacramento's Department of Public Works, has agreed to act as the hearing officer;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elk Grove as follows:

1. There is a need to take immediate action and that the need for action came to the attention of the City of Elk Grove subsequent to the agenda being posted as specified in the Brown Act.

2. The City Council hereby appoints Kent Bastian of the City of West Sacramento's Department of Public Works as the hearing officer to conduct an administrative hearing under the City's Storm Water Management and Discharge Control Ordinance No. 22-2003 in response to a request for an administrative appeal to Notices of Non-Compliance issued to Lennar Communities, Inc. on February 13, 16, and 19, 2004.

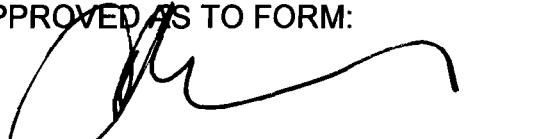
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 21<sup>st</sup> day of April 2004.

  
SOPHIA SCHERMAN, 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. 2004-79**

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

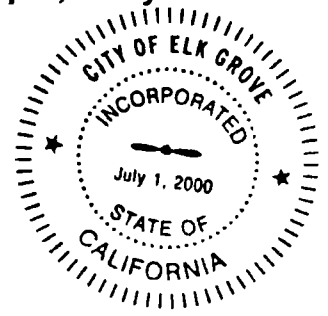
***I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 21<sup>st</sup> day of April 2004 by the following vote:***

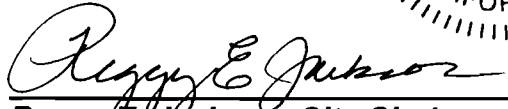
**AYES 5:     COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary**

**NOES 0:     COUNCILMEMBERS:**

**ABSTAIN 0: COUNCILMEMBERS:**

**ABSENT 0: COUNCILMEMBERS:**



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