

RESOLUTION NO. 2004-238

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING A TOBACCO RETAILERS LICENSE FEE**

WHEREAS, commencing on the effective date of Chapter 4.62 of the Elk Grove City Code, the City of Elk Grove will require tobacco retailers to obtain a Tobacco Retailers License from the City; and

WHEREAS, City Council intends to collect a Tobacco Retailers License Fee to offset the costs associated with enforcing Chapter 4.62, including annual compliance inspections, youth decoy operations, and costs associated with fee administration (the "License Program"); and

WHEREAS, pursuant to Section 15378(b)(4) of the State CEQA Guidelines, the adoption of the Tobacco Retailers License fee is not a "project" subject to the California Environmental Quality Act, because it is a funding mechanism having no physical effect on the environment; and

WHEREAS, pursuant to Public Resources Code Section 21080 (b)(8), the California Environmental Quality Act does not apply to the adoption of the license fees because the fees are for the purpose of (a) meeting operating expenses; including employee wage rates and fringe benefits, and (b) purchasing or leasing supplies, equipment and material; and

WHEREAS, pursuant to Government Code section 66018, notice of a public hearing on the adoption of the fees was published twice in the Elk Grove Citizen (with at least five days intervening between publications) commencing at least ten days prior to September 1, the original date of the public hearing, in accordance with Government Code section 6062(a); and

WHEREAS, the City Council ordered the hearing continued to September 15, 2004; and

WHEREAS, a duly noticed public hearing before the City Council on the adoption of the license fees was held on September 15, 2004, at which hearing public testimony was received and duly considered; and

WHEREAS, the amount of the Tobacco Retailers License Fee does not exceed the estimated reasonable cost of the License Program.

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 the City Council so finds and determines.

Section 2. Establishment of City of Elk Grove Tobacco Retailers License Fee. A fee is hereby established in the amount of \$270 for the purpose of funding the cost of the License Program. The fee shall take effect commencing upon the effective date of Chapter 4.62 of the Elk Grove City Code.

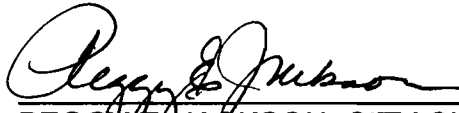
Section 3. Collection of Elk Grove Tobacco Retailers License Fee. The fee levied pursuant to this resolution shall be paid by the license applicant to the City at the time the application for a license is submitted.

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

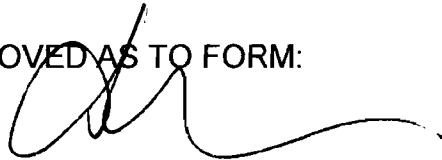
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 15th day of September 2004.


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. 2004-238

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 15th day of September 2004 by the following vote:

AYES 3: COUNCILMEMBERS: Scherman, Soares, Briggs

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:

RECUSALS: COUNCILMEMBERS: Cooper, Leary



A handwritten signature in cursive script, reading 'Peggy E. Jackson', written over a horizontal line.

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