

ORDINANCE NO. 19-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REPEALING SECTION 16.120.120 OF THE ELK GROVE MUNICIPAL CODE GOVERNING THE ELK GROVE FEE DEFERRAL PROGRAM TO REMOVE THE EXPIRATION CLAUSE FOR THE PROGRAM

WHEREAS, the City of Elk Grove ("City") requires the payment of various types of impact fees to help address the impacts of new development; and

WHEREAS, the City recognizes that the payment of impact fees represents a substantial financial commitment for many development projects; and

WHEREAS, the City recognizes that in some cases deferring the payment of certain impact fees to a later date may assist in the development of projects; and

WHEREAS, the deferral of payment of certain impact fees has become an important tool in the City's efforts to facilitate new residential and commercial development, attract and expand businesses to and within the City, and to create jobs and grow the City's tax base; and

WHEREAS, Elk Grove Municipal Code Chapter 16.120, provides for the deferral of payment of certain impact fees under specified circumstances; and

WHEREAS, Elk Grove Municipal Code Chapter 16.120 is set to expire by its own terms on October 28, 2018, unless extended by City Council action; and

WHEREAS, the City desires to repeal section 16.120.120 of the Elk Grove Municipal Code, thereby repealing the expiration (sunset) clause of Chapter 16.120.

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

Section 1: Purpose and Authority

The purpose of this Ordinance is to repeal section 16.120.120 of the Elk Grove Municipal Code as shown in Section 3 below. This Ordinance is authorized by Article 11, Section 7 of the California Constitution.

Section 2: Findings

Finding: Repeal of section 16.120.120 of the Elk Grove Municipal Code is exempt from the provisions of the California Environmental Quality Act (CEQA).

Evidence: CEQA Guidelines Section 15061(b)(3) states that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that the proposed project will not have a significant adverse effect on the environment, the project is not subject to CEQA. The proposed repeal of section 16.120.120 does not constitute the approval of a project and it does not propose nor authorize any action that would have potential to cause a significant

adverse effect on the environment. Thus, the repeal of section 16.120.120 will not have a significant adverse effect on the environment and is therefore not subject to CEQA.

Finding: The proposed repeal of Municipal Code section 16.120.120 is in the public interest.

Evidence: The City has reviewed the proposed repeal of section 16.120.120, has reviewed the staff report, and has considered this matter at a duly noticed public meeting. The deferral of payment of certain impact fees is intended to further the City's efforts to facilitate new residential and commercial development, attract and expand businesses to and within the City, and to create jobs and grow the City's tax base.

Section 3: Repealing EGMC Section 16.120.120

The City Council hereby repeals section 16.120.120 of the Elk Grove Municipal Code, as follows (strike-out text shows language repealed):

~~16.120.120 Expiration:~~

~~This chapter shall remain in effect for two years from its effective date, and as of that date is automatically repealed, unless extended or earlier repealed by ordinance of the City Council.~~

Section 4: 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.

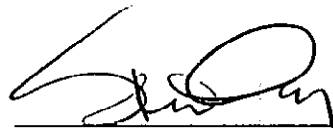
Section 5: Severability.

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 6: Effective Date and Publication

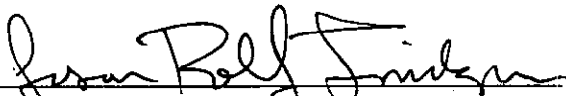
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 19-2018
INTRODUCED: September 12, 2018
ADOPTED: September 26, 2018
EFFECTIVE: October 26, 2018



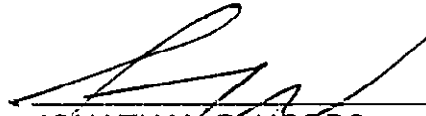
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS
CITY ATTORNEY

October 4, 2018

Signed

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 19-2018**

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 September 12, 2018 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 26, 2018 by the following vote:

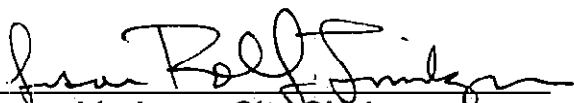
AYES : **COUNCILMEMBERS:** *Ly, Suen, Detrick, Hume, Nguyen*

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**