

RESOLUTION NO. 2002-27

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE ELK GROVE / WEST VINEYARD PUBLIC FACILITIES FINANCING PLAN DEVELOPMENT FEE PROGRAM 2002 FEE ADJUSTMENT

WHEREAS, on February 24, 1993, the BOARD of Supervisors, (the "BOARD"), of the County of Sacramento, (the "COUNTY"), approved the Elk Grove/West Vineyard Public Facilities Financing Plan - Report on Public Facilities Required and Directed the Department of Public Works to complete the financing plan including a development fee program to finance portions of the required major roadway, transit, fire protection, library, and park improvements facilities; and

WHEREAS, on September 22, 1993, the BOARD approved the Elk Grove / West Vineyard (the "EGWV") Public Facilities Financing Plan (the "FINANCING PLAN") Development Fee Program which includes the following components: Roadway Development Fee, Florin Fire Protection District Development Fee, Elk Grove Community Services District (the "EGCSD") Fire Protection Development Fee, EGCSD Park Improvement Development Fee, Library Development Fee, and Transit Development Fee; and

WHEREAS, on March 11, 1997, the BOARD approved the EGWV FINANCING PLAN Development Fee Program - Update of EGCSD Fire Protection and Park Improvement Development Fees; and

WHEREAS, on January 20, 1998, the BOARD approved EGWV FINANCING PLAN Development Fee Program - Report on Implementation of a Southgate Recreation and Park District Park Improvement Development Fee; and

WHEREAS, on June 9, 1999, the BOARD adopted Resolution No. 99-0739 approving the EGWV FINANCING PLAN Development Fee Program – 1998/99 Update (the "UPDATE") which resolution also included the following nexus findings:

- a) The purpose of EGWV FINANCING PLAN Development Fees is to ensure that development within the EGWV FINANCING PLAN area, including the East Elk Grove area, is capable of being provided, within a reasonable period of time, with adequate levels of roadway, transit, fire protection, park improvement, and library facilities.
- b) The use of EGWV FINANCING PLAN Development Fees is to fund the major facilities identified in the UPDATE.

c) There is a reasonable relationship between the use of EGWV FINANCING PLAN Development Fees and the type of development projects on which the fees are imposed as set forth in the UPDATE.

d) There is a reasonable relationship between the need for the identified public facilities and the type of development projects on which the fees are imposed as set forth in the UPDATE.

e) There is a reasonable relationship between the amount of the EGWV FINANCING PLAN Development Fees and the cost of identified public facilities or portion of the identified public facilities attributable to the development on which the fees are imposed as set forth in the UPDATE; and

WHEREAS, on April 18, 2000, the BOARD adopted Resolution No. 2000-0422 approving a revision to the roadway capital improvement program (the "CIP") which resolution also included the following nexus findings:

a) With the revised CIP, there is still a reasonable relationship between the fee's use and the type of development project on which the fee is imposed as set forth in the EGWV FINANCING PLAN; and

b) There is a reasonable relationship between the need for the identified public facilities and the type of development projects on which the fees are imposed as set forth in the EGWV FINANCING PLAN; and

c) There is a reasonable relationship between the amount of the EGWV FINANCING PLAN Development Fees and the cost of identified public facilities or portion of the identified public facilities attributable to the development on which the fees are imposed as set forth in the EGWV FINANCING PLAN; and

WHEREAS, on July 1, 2000, the City Council (the "COUNCIL") of the City of Elk Grove (the "CITY") adopted Ordinance No. 2000-8 providing that all COUNTY fees, rates, charges, and assessments remain in effect unless superceded by subsequent CITY Ordinance;

WHEREAS, the CITY Department of Public Works has recommended that the fee rates adopted on June 9, 1999 be adjusted and increased; and

WHEREAS, Government Code Sections 66000 and following, (the "LAW"), require a local agency to hold a noticed public hearing, at which oral or written presentations can be made, prior to the adoption of a resolution approving a new fee or increasing an existing fee; and on January 16, 2002 at 6:30 P.M., the COUNCIL commenced a Public Hearing on the proposed fee adjustments; and

WHEREAS, notice of said public hearing as required pursuant to the provisions of the LAW has been duly and properly given; and

WHEREAS, all written and oral presentations have been duly considered by the COUNCIL.

BE IT RESOLVED AND ORDERED as follows:

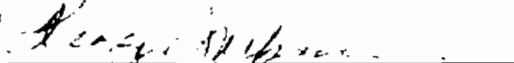
1. The above recitals are true and correct and the COUNCIL so finds and determines.
2. The COUNCIL finds and determines that the nexus findings approved by COUNTY Resolution No. 99-0739 and Resolution No. 2000-0422, and adopted by the CITY with Ordinance No. 2000-8, are still true and correct and that the only proposed changes are adjustments of the program fee per development unit for each type of development in each fee category and estimated project costs (which are also used to calculate credits and reimbursements) based upon the change in the construction cost index as described in Section 3 and Section 4.
3. Staff is hereby authorized and directed to revise the EGWV FINANCING PLAN to initially adjust the program fee per development unit for each type of development in each fee category and estimated project costs (which are also used to calculate credits and reimbursements). The initial adjustment shall be based upon the change in the "mean" index which is computed by averaging the index for 20 U.S Cities with the index for San Francisco by resort to the June 1999 and the December 2001 issues of the Engineering News Record magazine Construction Cost Index.
4. Staff is hereby authorized and directed to revise the EGWV FINANCING PLAN to annually adjust the program fee per development unit for each type of development in each fee category and estimated project costs (which are also used to calculate credits and reimbursements), commencing in March 2003. The annual adjustment shall be based upon the change in the "mean" index from the previous January, or from December 2001 for the 2003 adjustment, to January of the year of the adjustment or, if a new Program Fee has been adopted after January of the previous year, the adjustment factor shall use the "mean" index from the month that the fee was adopted.
5. The revised EGWV FINANCING PLAN Development Fee Program fee rates pursuant to Section 3 are hereby approved and imposed, as shown in Exhibit A attached hereto, and shall become effective in 60 days or upon the effective date of the ordinance titled, "An Ordinance of the City of Elk Grove Amending Chapter 16.82 of the Elk Grove Municipal Code Pertaining to Development Impact Fees for the Elk Grove / West Vineyard Public Facilities Financing Plan Area," which was introduced on January 16, 2002, whichever is later.

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PASSED AND ADOPTED by the City Council of the City of Elk Grove, State of California, this 16th day of January 2002.


MICHAEL P. LEARY, MAYOR
CITY OF ELK GROVE

ATTEST:


PEGGY JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY MANZANETTI,
CITY ATTORNEY

AYES: Leary, Scherman, Soares,
Cooper, Briggs
NOES: None
ABSTAIN: None
ABSENT: None

Exhibit A
ELK GROVE/WEST VINEYARD FINANCING PLAN DEVELOPMENT FEES
SUMMARY OF DEVELOPMENT FEE PER DWELLING UNIT EQUIVALENT (DUE) FOR
EACH FEE COMPONENT

Development Fee Component	Existing Fee Per DUE	Proposed Fee Per Due*	Subzones
EGWV Roadway	\$5,003	\$5,366	2, 3, & 4
EEG Roadway	\$5,441	\$5,835	7
Transit	\$248	\$266	2, 3, 4, & 7
SRPD Park Improvement	\$1,399	\$1,500	2, 3, & 5
EGCSD EGWV Park Improvement	\$1,014	\$1,088	4 & 6
EGCSD EEG Park Improvement	\$1,561	\$1,674	7
American River Fire Protection	\$499	\$535	2, 3, & 5
EGCSD Fire Protection	\$432	\$463	4, 6, & 7
Library	\$294	\$315	2, 3, 4, 5, 6, & 7

*Commencing in March 2003, the proposed Fee Per DUE will be adjusted based upon the change in the "mean" index from the previous January, or from December 2001 for the 2003 adjustment, to January to the year of the adjustment or, if a new Program Fee has been adopted after January of the previous year, the adjustment factor shall use the "mean" index from the month that the fee was adopted.