

**RESOLUTION NO. 2004-150**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
SETTING FEES FOR PROVIDING HEARING OFFICERS TO HEAR APPEALS  
RELATED TO THE ENFORCEMENT OF THE CITY'S STORMWATER  
DRAINAGE ORDINANCE**

**WHEREAS**, the City of Elk Grove (the "City") incurs costs to provide a hearing officer to hear appeals of notices and orders issued by the City for violation of the City's Stormwater Drainage Ordinance No. 22-2003 (the "Ordinance"); and

**WHEREAS**, Chapter 15.12.440(b) provides that the City shall and Article XI, Section 7 of the California Constitution authorizes the City to impose fees to offset the costs of hiring hearing officers; and

**WHEREAS**, the amount of the fee does not exceed the cost of providing such a hearing officer; and

**WHEREAS**, notice was published pursuant to the requirements of Government Code sections 66018 and 6062a; and

**WHEREAS**, at the time and place set forth in the notice this Council held a hearing on the proposed fee and duly considered all protests related thereto, including the charges to be imposed pursuant thereto.

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

1. **Adoption of Fee.** Those specific fees as set forth in Attachment 1 are hereby approved.

2. **Effective Date.** The fees authorized by this Resolution shall become effective immediately after the date of the adoption of this Resolution.

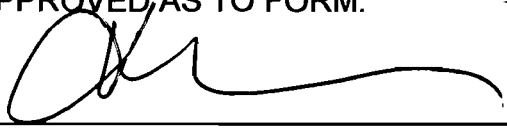
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 16<sup>th</sup> day of June 2004.

  
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SOPHIA SCHERMAN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI  
CITY ATTORNEY

## **ESTIMATED COSTS FOR CONDUCTING ADMINISTRATIVE HEARING**

Chapter 15.12.440 (b) requires the City Council to approve administrative fee for appeals to violation of the City's Stormwater Ordinance. The Administrative Fee of \$1,000 includes the estimated hearing officer related costs shown below.

- Review City's Stormwater Ordinance and NPDES Permit – 3 hours at \$100 per hour = \$ 300.
- Conduct hearing – 2 hours at \$100= \$200.
- Prepare written determination – 4 hours at \$100 = \$ 400.
- Roundtrip mileage from downtown Sacramento - \$0.39 x 30 miles = \$11.70.
- Travel to and from downtown Sacramento – 1 hours at \$100 = \$100.

Total = \$1,011.70  
**Rounded: \$ 1,000**

### **Annual Inflation Adjustment**

One each July 1, commencing on July 1, 2005, the Administrative Fee for a hearing officer shall be automatically increased by the lesser of Local Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area for all Urban Consumers or 5% of the amount in effect from the previous Fiscal Year. The CPI used shall be as determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2004 to April 2005.

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-150**

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 16<sup>th</sup> day of June 2004 by the following vote:***


**AYES 4:        COUNCILMEMBERS: Scherman, Soares, Briggs, Leary**

**NOES 0:       COUNCILMEMBERS:**

**ABSTAIN 0: COUNCILMEMBERS:**

**ABSENT 1: COUNCILMEMBERS: Cooper**



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