

ORDINANCE NO. 25-2004

**AN ORDINANCE OF
THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING SECTION 16.83 OF THE ELK GROVE MUNICIPAL CODE TO REPEAL
DEVELOPMENT IMPACT FEES FOR RECLAIMED WATER FACILITIES IN THE
LAGUNA SOUTH AREA**

WHEREAS, at the request of the Sacramento County Water Agency (the "SCWA"), the City of Elk Grove (the "City") included within its Laguna South Public Facilities Fee Program a developer impact fee to pay the costs of the SCWA's construction or acquisition of reclaimed water facilities; and

WHEREAS, the City has been collecting the Laguna South reclaimed water facilities development impact fee and forwarding the funds to the SCWA for construction or acquisition of reclaimed water facilities; and

WHEREAS, the SCWA has proposed that the SCWA assume responsibility from the City for the collection of revenues for this purpose from property owners, and this Council has concluded that such a transfer of responsibility would be in the best interests of the City; and

WHEREAS, the SCWA Board has adopted an ordinance that imposes a charge for reclaimed water facilities that will be effective as of September 1, 2004; and

WHEREAS, this Council will by resolution reduce the amount of the City's fee to zero effective as of September 1, 2004, and repeal the fee and its associated administrative provisions of Chapter 16.83 of the Municipal Code by this ordinance.

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

Section 1. Recitals. The foregoing recitals are true and correct and this Council so finds and determines.

Section 2. Amendment of Municipal Code Section 16.83. The following sections of Section 16.83 of the Elk Grove Municipal Code relating to the fee for reclaimed water facilities are hereby deleted:

Section 16.83.010 (II)(4), which refers to reclaimed water facilities

Section 16.83.140 (II)(4), which establishes the fee

Section 16.83.110, which establishes a fund for reclaimed water facilities fees

Section 16.83.020(i), which defines that fund

Section 3. 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 Government Code section 36933(c)(1).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 18th day of August 2004.



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON, CITY CLERK



ANTHONY MANZANETTI
CITY ATTORNEY

Effective Date: September 17, 2004

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