

## ORDINANCE NO. 39-2008

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING SUBSECTION B IN SECTION 7.00.040 OF THE ELK GROVE MUNICIPAL CODE ADDING AN ALTERNATE POSITION TO THE HISTORIC PRESERVATION COMMITTEE

The City Council of the City of Elk Grove does ordain as follows:

#### Section 1: Purpose and Authority

The purpose of this Ordinance is to amend Subsection B in Section 7.00.040 of the City of Elk Grove Municipal Code adding an alternate position to the Historic Preservation Committee.

#### Section 2: Findings

In adopting this ordinance the City Council makes the following findings:

1. The proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15308. A Notice of Exemption has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).
2. The project is consistent with the goals, policies, and actions of the Elk Grove General Plan.

#### Section 3: Action

The City Council hereby amends the City of Elk Grove Municipal Code as set forth below.

**7.00.040 - Historic Preservation Committee.** A Historic Preservation Committee of the City is hereby established.

- B. Appointments of Members. The membership of the Historic Preservation Committee shall consist of seven regular members and one alternate member. All such appointments shall be by vote of not less than three council members.

#### 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:** 39-2008  
**INTRODUCED:** July 23, 2008  
**ADOPTED:** August 27, 2008  
**EFFECTIVE:** September 26, 2008

  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL ORDINANCE NO. 39-2008**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

*I, Susan J. Blackston, 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 July 23 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 27, 2008 by the following vote:*

**AYES :**       **COUNCILMEMBERS:**       *Davis, Hume, Scherman, Leary, Cooper*

**NOES:**       **COUNCILMEMBERS:**       *None*

**ABSTAIN:**   **COUNCILMEMBERS:**       *None*

**ABSENT:**    **COUNCILMEMBERS:**       *None*

**A summary of the ordinance was published pursuant to GC 36933(c) (1).**



**Susan J. Blackston, City Clerk**  
**City of Elk Grove, California**