

ORDINANCE NO. 14-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE SECTION 16.120.120 TO EXTEND THE FEE DEFERRAL PROGRAM FOR AN ADDITIONAL TWO YEARS

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 Chapter 16.120 to the Elk Grove Municipal Code (EGMC) as shown in Section 3, below.

The City of Elk Grove has the authority to adopt this ordinance pursuant to California Constitution Article XI, section 7 and California Government Code section 65858.

Section 2: Findings.

Finding: The proposal to amend Chapter 16.120 to the Elk Grove Municipal Code is exempt from the provisions of the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared and completed in accordance with 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 amendment to Chapter 16.120 would broaden the program allowing for the deferral of certain development impact fees and does not propose nor authorize any action that would have a potential to cause a significant adverse effect on the environment. Furthermore, Chapter 16.120 states that in order to be eligible for a development fee deferral, a project must have completed all environmental compliance requirements. Thus, it can be seen with certainty that the amendment to Chapter 16.120 will not have a significant adverse effect on the environment and is therefore not subject to CEQA.

Section 3: Amendment to EGMC Section 16.120.120.

The City Council hereby amends Section 120 of Chapter 16.120 of the Elk Grove Municipal Code to read as follows:

16.120.120 Expiration.

This Chapter shall remain in effect until June 30, 2014, and as of that date is repealed.

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.

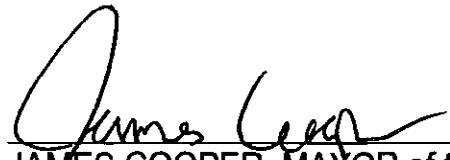
Section 5: Severability.

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.

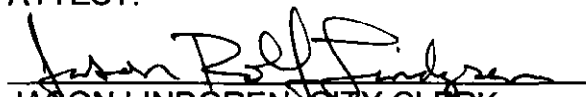
Section 6: Effective Date and Publication.

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) 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).

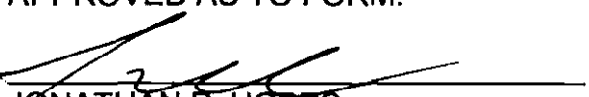
ORDINANCE: 14-2012
INTRODUCED: June 13, 2012
ADOPTED: June 27, 2012
EFFECTIVE: July 27, 2012



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
INTERIM CITY ATTORNEY

Date signed: July 3, 2012

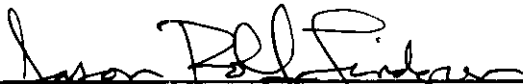
**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 14-2012**

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 June 13, 2012 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 27, 2012 by the following vote:

AYES : **COUNCILMEMBERS:** **Cooper, Davis, Detrick, Scherman**
NOES: **COUNCILMEMBERS:** **None**
ABSTAIN: **COUNCILMEMBERS:** **None**
ABSENT: **COUNCILMEMBERS:** **Hume**

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



**Jason Lindgren, City Clerk
City of Elk Grove, California**