

## ORDINANCE NO. 14-2016

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE SECTION 7.00.040(A) RELATING TO MEMBERSHIP OF THE HISTORIC PRESERVATION COMMITTEE

**WHEREAS**, Title 7 of the Elk Grove Municipal Code (Historic Preservation) was adopted by the City Council on January 24, 2007; and

**WHEREAS**, Section 7.00.040(A) establishes the criteria for membership of the Historic Preservation Committee (HPC) and prohibits City staff from serving on the HPC; and

**WHEREAS**, this amendment will allow City staff to join the HPC provided that the job duties associated with the staff's employment do not conflict with the goals and responsibilities of the HPC; and

**WHEREAS**, the adoption of this ordinance does not constitute the approval of a project under the California Environmental Quality act ("CEQA"), and is therefore exempt from CEQA review.

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

#### Section 1: Amendment to Section 7.00.040(A)

Section 7.00.040.(A) of the Elk Grove Municipal Code is hereby amended in its entirety to read as follows:

**A. Membership of the Historic Preservation Committee.** Each member of the Historic Preservation Committee must be at least eighteen (18) years of age, reside in the City of Elk Grove, and be registered to vote. The members of the Historic Preservation Committee shall include persons who have demonstrated special interests, competence, experience, or knowledge in historic preservation. City staff shall not be categorically precluded from serving as a member of the Historic Preservation Committee provided that the job duties associated with the staff's employment do not conflict with the goals and responsibilities of the Committee. If at any time an item is brought to the Historic Preservation Committee for consideration that conflicts with an employee-member's area of responsibility in City employment, the member shall recuse himself/herself from any discussion and/or decision on the item. The makeup of the Historic Preservation Committee should meet the professional qualification standards of a certified local government, to include having at least two (2) Committee members who are professionals in the disciplines of history, architecture, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, or landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the

community. Members of the Historic Preservation Committee are subject to the laws governing conflicts of interest applicable to appointed government officials. One (1) member of the Historic Preservation Committee shall be a member and official representative of the Elk Grove Historical Society. One (1) member of the Historic Preservation Committee shall be a member and official representative of the Old Town Elk Grove Foundation.

#### Section 2: 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 3: 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 4: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

#### Section 5: 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:** 14-2016  
**INTRODUCED:** July 13, 2016  
**ADOPTED:** July 27, 2016  
**EFFECTIVE:** August 26, 2016

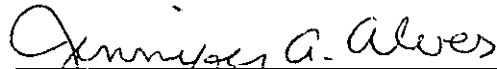


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GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JENNIFER A. ALVES,  
ASSISTANT CITY ATTORNEY

Date signed: August 17, 2016

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 14-2016**

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 July 13, 2016 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 27, 2016 by the following vote:*

**AYES :**                   **COUNCILMEMBERS:**    *Davis, Ly, Detrick, Hume, Suen*

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

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

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

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

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