

ORDINANCE NO. 05-2002

**AN ORDINANCE OF THE CITY OF ELK GROVE AMENDING CHAPTER 16.82 OF
THE ELK GROVE MUNICIPAL CODE PERTAINING TO DEVELOPMENT
IMPACT FEES FOR THE ELK GROVE / WEST VINEYARD
PUBLIC FACILITIES FINANCING PLAN AREA**

WHEREAS, on July 1, 2000, the City Council of the City of Elk Grove adopted Ordinance No. 2000-1 providing that the County Ordinances would remain in effect for 120 days pursuant to Government Code Section 57376(a) and adopted Ordinance No. 2000-8 providing that all Sacramento County fees, rates, charges, and assessments remain in effect unless superceded by subsequent City Ordinance;

WHEREAS, on October 25, 2000, the City Council of the City of Elk Grove adopted Ordinance No. 2000-14A providing that County Ordinances adopted by the Elk Grove City Council on July 1, 2000, with exceptions as provided in the Ordinance, shall remain in full force and effect as City of Elk Grove Ordinances until the City Council has enacted ordinances superseding them;

WHEREAS, included among the County Ordinances adopted by the City Council of the City of Elk Grove is Chapter 16.82 of the Sacramento County Code, Establishment of Development Fees to Finance the Cost of Public Facilities Within the Elk Grove/West Vineyard Public Facilities Financing Plan Area, which is Chapter 16.82 of the Elk Grove Municipal Code;

WHEREAS, on January 15, 2002, the County of Sacramento Board of Supervisors introduced "An Ordinance Amending Title 16, Chapter 16.82 of the Sacramento County Code Regarding Development Impact Fees for the Elk Grove / West Vineyard Public Facilities Financing Plan Area (hereinafter "Amended County Ordinance)," which is incorporated herein by this reference; and

WHEREAS, the Amended County Ordinance authorizes an initial program fee adjustment, an annual program fee adjustment, and minor cleanup.

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

Section 1. The purpose of this Ordinance is to amend Chapter 16.82 of the City Code relating to the establishment of development impact fees in the Elk Grove / West Vineyard Public Facilities Financing Plan Area by adopting the changes included in the Amended County Ordinance.

Section 2. The City Council of the City of Elk Grove hereby amends Chapter 16.82 of the City Code and adopts the changes included in the Amended County Ordinance.

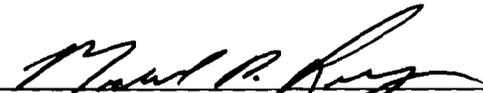
Section 3. In applying, interpreting and enforcing this Ordinance, the following general rules of construction and interpretation shall apply:

a. The use of the words "County," "County of Sacramento," or their equivalents shall be understood to mean "City of Elk Grove" or its equivalent. The use of the words "Board of Supervisors," "Board" or their equivalents shall be understood to mean "City Council" or its equivalent. The use of the words "Administrator," "Administrator of the County of Sacramento Public Works Agency" or their equivalents shall be understood to mean "City of Elk Grove Public Works Director" or its equivalent. The use of the words "Planning Director," "Director of the Sacramento County Department of Planning and Community Development" or their equivalents shall be understood to mean "City of Elk Grove Planning Director" or its equivalent.

b. In the event there are seemingly conflicting or inconsistent provisions in the changes included in the Amended County Ordinance, the inconsistent provisions should be reconciled to avoid the declaration of an irreconcilable conflict and to carry out the fundamental legislative purpose of this Ordinance as an Ordinance of the City of Elk Grove.

Section 4: Effective Date and Publication - This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publishing 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).

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 6th day of February 2002.


MICHAEL P. LEARY, MAYOR
CITY OF ELK GROVE

ATTEST:


PEGGY JACKSON, CITY CLERK
CITY OF ELK GROVE

APPROVED AS TO FORM:


ANTHONY MANZANETTI,
CITY ATTORNEY
CITY OF ELK GROVE

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

AN ORDINANCE AMENDING CHAPTER 16.82 OF TITLE 16 OF THE SACRAMENTO COUNTY CODE REGARDING DEVELOPMENT IMPACT FEES FOR THE ELK GROVE/WEST VINEYARD PUBLIC FACILITIES FINANCING PLAN AREA

The Board of Supervisors, State of California, ordains as follows:

SECTION 1. Section 16.82.030 of Chapter 16.82, Title 16 of the Sacramento County Code is amended to read as follow:

16.82.030 ESTABLISHMENT AND ADMINISTRATION OF ELK GROVE/WEST VINEYARD LIBRARY FUND. (a) There is hereby created by the office of the County Auditor-Controller in the County Treasury a special interest-bearing trust fund entitled the Elk Grove/West Vineyard Library Fund. All library development fees collected pursuant to this Chapter shall be placed in said fund and shall be expended by the Sacramento Public Library, or its successor agency, solely to pay the costs of library facilities identified in the PFFP - Development Fee Program.

(b) The Elk Grove/West Vineyard Library Fund shall be administered by the Sacramento Library Authority.

SECTION 2. Section 16.82.040 of Chapter 16.82, Title 16 of the Sacramento County Code is amended to read as follow:

16.82.040 ESTABLISHMENT AND ADMINISTRATION OF ELK GROVE/WEST VINEYARD SACRAMENTO METROPOLITAN FIRE PROTECTION DISTRICT AMERICAN RIVER FIRE PROTECTION DISTRICT FIRE FUND. There is hereby created by the office of the County Auditor-Controller in the County Treasury a special interest-bearing trust fund entitled the Elk Grove/West Vineyard Sacramento Metropolitan Fire Protection District American River Fire Protection District Fire Fund. All fire protection development fees collected within Subzones 2, 3 and 5 pursuant to this Chapter shall be placed in said fund and shall be expended by the Sacramento Metropolitan Fire Protection District American River Fire Protection District or its successor agency solely to pay the costs of fire protection facilities identified in the PFFP - Development Fee Program.

(b) The Elk Grove/West Vineyard Sacramento Metropolitan Fire Protection District Fire Fund shall be administered by the Sacramento Metropolitan Fire Protection District.

SECTION 3. Section 16.82.050 of Chapter 16.82, Title 16 of the Sacramento County Code is amended to read as follow:

16.82.050 ESTABLISHMENT AND ADMINISTRATION OF ELK GROVE/WEST VINEYARD EGCSO FIRE FUND. There is hereby created by the office of the County

Auditor-Controller in the County Treasury a special interest-bearing trust fund entitled the Elk Grove/West Vineyard EGCS D Fire Fund. All fire protection development fees collected within Subzones 4, 6, and 7 pursuant to this Chapter shall be placed in said fund and shall be expended by the Elk Grove Community Services District or its successor agency solely to pay the costs of fire protection facilities identified in the PFFP Development Fee Program.

(b) The Elk Grove/West Vineyard EGCS D Fire Fund shall be administered by the Elk Grove Community Services District

SECTION 4. Section 16.82.060 of Chapter 16.82, Title 16 of the Sacramento County Code is amended to read as follow:

16.82.060 ESTABLISHMENT AND ADMINISTRATION OF ELK GROVE/WEST VINEYARD EGCS D PARK IMPROVEMENT FUND. There is hereby created by the office of the County Auditor-Controller in the County Treasury a special interest-bearing trust fund entitled the Elk Grove/West Vineyard EGCS D Park Improvement Fund. All park improvement development fees collected within subzones 4 and 6 pursuant to this Chapter shall be placed in said fund and shall be expended by the Elk Grove Community Services District or its successor agency solely to pay the costs of parks and recreation facilities identified in the PFFP- Development Fee Program.

(b) The Elk Grove/West Vineyard EGCS D Park Improvement Fund shall be administered by the Elk Grove Community Services District

SECTION 5. Section 16.82.061 of Chapter 16.82, Title 16 of the Sacramento County Code is amended to read as follow:

16.82.061 ESTABLISHMENT AND ADMINISTRATION OF ELK GROVE/WEST VINEYARD SOUTHGATE PARK IMPROVEMENT FUND. There is hereby created by the office of the County Auditor-Controller in the County Treasury a special interest bearing trust fund entitled the Elk Grove/West Vineyard Southgate Park Improvement Fund. All park improvement development fees collected within subzones 2, 3 and 5 pursuant to this Chapter shall be placed in said fund and shall be expended by the Southgate Recreation and Parks District or its successor agency solely to pay the costs of applicable parks and recreation facilities identified in the PFFP- Development Fee Program.

(b) The Elk Grove/West Vineyard Southgate Park Improvement Fund shall be administered by the Southgate Recreation and Parks District

SECTION 6. Section 16.82.062 of Chapter 16.062, Title 16 of the Sacramento County Code is amended to read as follow:

16.82.062 ESTABLISHMENT AND ADMINISTRATION OF ELK GROVE/WEST VINEYARD EGCS D EEG PARK IMPROVEMENT FUND. There is hereby created by the office of the County Auditor-Controller in the County Treasury a special interest

bearing trust fund entitled the Elk Grove/West Vineyard EGCSO EEG Park Improvement Fund. All park improvement development fees collected within Subzone 7 pursuant to this Chapter shall be placed in said fund and shall be expended by the Elk Grove Community Services District or its successor agency solely to pay the costs of parks and recreation facilities identified in the PFFP - Development Fee Program.

(b) The Elk Grove/West Vineyard EGCSO EEG Park Improvement Fund shall be administered by the Elk Grove Community Services District

SECTION 7. Section 16.82.070 of Chapter 16.82, Title 16 of the Sacramento County Code is amended to read as follow:

16.82.070 ESTABLISHMENT AND ADMINISTRATION OF ELK GROVE/WEST VINEYARD ROADWAY FUND. There is hereby created by the office of the County Auditor-Controller in the County Treasury a special interest-bearing trust fund entitled the Elk Grove/West Vineyard Roadway Fund. All amounts collected from roadway development fees within Subzones 1, 2, 3, and 4 shall be placed in said fund and shall be expended by the County of Sacramento or its successor agency solely to pay the costs of roadway facilities identified in the PFFP - Development Fee Program.

(b) The Elk Grove/West Vineyard Roadway Fund shall be administered by the Administrator.

SECTION 8. Section 16.82.071 of Chapter 16.82, Title 16 of the Sacramento County Code is amended to read as follow:

16.82.071 ESTABLISHMENT AND ADMINISTRATION OF ELK GROVE/WEST VINEYARD EEG ROADWAY FUND. There is hereby created by the office of the County Auditor-Controller in the County Treasury a special interest-bearing trust fund entitled the Elk Grove/West Vineyard EEG Roadway Fund. All amounts collected from roadway development fees within Subzone 7 shall be placed in said fund and shall be expended by the County of Sacramento or its successor agency solely to pay the costs of roadway facilities identified in the PFFP - Development Fee Program.

(b) The Elk Grove/West Vineyard EEG Roadway Fund shall be administered by the Administrator.

SECTION 9. Section 16.82.080 of Chapter 16.82, Title 16 of the Sacramento County Code is amended to read as follow:

16.82.080 ESTABLISHMENT AND ADMINISTRATION OF ELK GROVE/WEST VINEYARD TRANSIT FUND. (a) There is hereby created by the office of the County Auditor-Controller in the County Treasury a special interest-bearing trust fund entitled the Elk Grove/West Transit Fund. All amounts collected from transit development fees shall be placed in said fund and shall be expended by the Regional Transit District or its successor agency solely to pay the costs of transit facilities identified in the PFFP - Development Fee Program.

(b) The Elk Grove/West Vineyard Transit Fund shall be administered by the Regional Transit District.

SECTION 10. Section 16.82.164 of Chapter 16.82, Title 16 of the Sacramento County Code is hereby repealed.

~~16.82.164 REFUND OF DEVELOPMENT FEE FOR ELK GROVE WEST VINEYARD ROADWAY FUND.~~ If the Board of Supervisors decreases the amount of the Elk Grove/West Vineyard Roadway development impact fee within nine months of the effective date of this ordinance, any person who has paid the higher fee during that period shall be entitled to a refund in the amount of the difference between the fee paid and the decreased fee.

SECTION 11. Section 16.82.190 is hereby added to Chapter 16.82, Title 16 of the Sacramento County Code to read as follows:

16.82.190 INITIAL PROGRAM FEE ADJUSTMENT. On January 15, 2002, the Administrator shall authorize the adjustment of the Program Fee Per Development Unit for each type of development in each fee category as follows

(a) "Mean" indexes for June 1999 and December 2001 will be computed by averaging the index for 20 U.S. Cities with the index for San Francisco by resort to the June 1999 issue and December 2001 issue of the Engineering News Record magazine Construction Cost Index.

(b) An adjustment factor shall be computed by dividing the "mean" index as calculated in subsection (a) of this section for December 2001 by the "mean" index as calculated in subsection (a) of this section for June 1999

(c) The new Program Fee Per Development Unit shall be calculated by multiplying the adjustment factor, as calculated in subsection (b) of this section, by the Program Fee Per Development Unit in place prior to the initial adjustment.

(d) The Estimated Cost of the Facilities used in the Capital Improvement Program and for calculating credits and reimbursements pursuant to Sections 16.82.150, 16.82.160, and 16.82.170, 16.82.171, and 16.82.172 shall be adjusted initially using the same adjustment factor pursuant to Section (a) and (b) of this section

SECTION 12. Section 16.82.191 is hereby added to Chapter 16.82, Title 16 of the Sacramento County Code to read as follows:

16.82.191 ANNUAL PROGRAM FEE ADJUSTMENT. Beginning March 1, 2003, and thereafter each year no later than March 15, the Administrator shall authorize

the adjustment of the Program Fee Per Development Unit for each type of development in each fee category as follows:

(a) A "mean" index will be computed by averaging the index for 20 U.S Cities with the index for San Francisco by resort to the January issue of the Engineering News Record magazine Construction Cost Index of the year inwhich the calculation is being made.

(b) An adjustment factor shall be computed by dividing the "mean" index as calculated in subsection (a) of this section by the "mean" index for the previous January, however, the March 2003 adjustment factor shall becomputed by dividing the "mean" index as calculated in subsection (a) of this section by the "mean" index for December 2001, and, if a new Program Fee has been adopted after January of the previous year, the adjustment factor shall use the "mean" index from the month that the fee was adopted.

(c) The new Program Fee Per Development Unit shall be calculated by multiplying the adjustment factor, as calculated in subsection (b) of this section, by the Program Fee Per Development Unit in place prior to the annual adjustment

(d) The Estimated Cost of the Facilities used in the Capital Improvement Program and for calculating credits and reimbursements pursuant to Sections 16.82.150, 16.82.160, and 16.82.170, 16.82.171, and 16.82.172 shall be adjusted annually using the same adjustment factor pursuant to Section (a), (b) and (C) of this section

SECTION 13. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on January 15, 2002 and on January 22, 2002 further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this ____ day of _____, 2002, by the following vote:

AYES:Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

**Chairperson of the Board of Supervisors
of Sacramento County California**

(SEAL)

ATTEST:_____
Clerk of the
Board of Supervisors