

ORDINANCE NO. 15-2012

AN URGENCY 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 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 proposed adoption of the amendment to the Elk Grove Municipal Code is in the public interest and will protect the public peace, health and morals in the City.

Evidence: The deferral of the payment of fees is specifically intended to help facilitate the development of projects, which the City expects will result in positive benefits through the creation of new residential development, retail development, employment opportunities, and sales tax and other revenues. The development of new projects ensures the City maintains a solid and diversified economic base capable of supplying adequate jobs for residents, resources for businesses, and economic security for the community. The amendment is necessary to ensure that the Fee Deferral Program does not lapse thus maintaining the established process used to attract new businesses. Chapter 16.120 specifically provides that the deferral of fees shall not negatively affect the ability of the City to proceed with capital improvements funded by development impact fees.

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:

*Note: Additions are shown in **bold**, deletions are shown in ~~strikethrough~~.*

16.120.120 Expiration.

This Chapter shall remain in effect until June 30, **2014** ~~2012~~, 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.

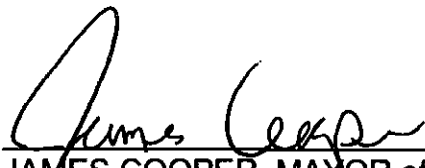
Section 5: Severability.

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 is declared to be an urgency ordinance for preserving the public health, safety and welfare and shall take effect and be enforced immediately upon adoption.

ORDINANCE: **15-2012**
ADOPTED: June 27, 2012
EFFECTIVE: June 27, 2012



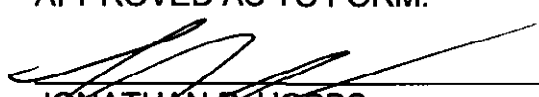
JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

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 URGENCY ORDINANCE NO. 15-2012

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 urgency ordinance, published and posted in compliance with State law, was duly introduced, 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:

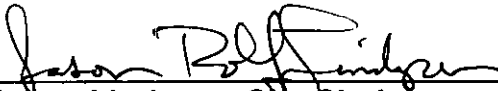
AYES : **COUNCILMEMBERS:** *Detrick, Cooper, Davis, Scherman*

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