

RESOLUTION NO. 2017-025

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE
COSUMNES COMMUNITY SERVICES DISTRICT (CCSD) FOR FEE COLLECTION
AND DISBURSEMENTS OF CITYWIDE DEVELOPMENT IMPACT FEES ELIGIBLE
FOR FINANCING BY THE STATEWIDE COMMUNITY DEVELOPMENT
INFRASTRUCTURE PROGRAM (SCIP)**

WHEREAS, the City of Elk Grove (the "City") is a participant in the Statewide Community Infrastructure Program ("SCIP") of the California Statewide Communities Development Authority ("CSCDA") pursuant to Council adoption of Resolution No. 2012-96 on May 23, 2012; and

WHEREAS, as a participant in SCIP, the City has established an account with CSCDA held by Wilmington Trust, National Association, as trustee (the "SCIP Trustee"), and administered by BLX Group, LLC (the "SCIP Program Administrator") in which certain amounts collected on behalf of the City in connection with SCIP are held (the "City SCIP Account"); and

WHEREAS, various entities (the "Fee Recipients") are entitled to receive certain amounts paid by developers of real property within the City as impact fees, connection fees or other capital charges (the "Eligible Fees") eligible for financing through SCIP; and

WHEREAS, the City anticipates that various Fee Recipients may request that the City assist them in financing their Eligible Fees through SCIP; and

WHEREAS, in order to allow the Eligible Fees of Fee Recipients to be financed through SCIP, the City, each Fee Recipient and CSCDA must enter into a Fee Collection and Disbursement Agreement (the "Fee Collection Agreement") providing that, for any parcel which applies for SCIP financing, the City will collect the Eligible Fees on behalf of the Fee Recipient and remit them to CSCDA for deposit in a separate subaccount within the City SCIP Account and that CSCDA will make or cause to be made disbursements from such subaccount to the Fee Recipient in accordance with properly executed requisitions of the Fee Recipient; and

WHEREAS, the Fee Collection Agreement in substantially the form attached hereto, is on file with the City Clerk and is presented to the City Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove as follows:

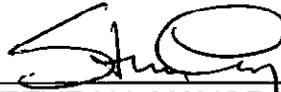
Section 1. Recitals. The foregoing recitals are hereby found and determined to be true and correct.

Section 2. Authorization. The Fee Collection Agreement in substantially the form attached hereto is hereby approved. The City Manager or designee (an "Authorized Officer") is hereby authorized to enter into a Fee Collection Agreement in

substantially said form at the request of any Fee Recipient, including but not limited to the Cosumnes Community Services District (CCSD), with such modifications and changes thereto as the Authorized Officer, in consultation with the City Attorney and Orrick, Herrington & Sutcliffe LLP, as bond counsel for SCIP, shall approve, such approval to be conclusively established by the execution of each Fee Collection Agreement. The Authorized Officer is hereby authorized and directed to execute each Fee Collection Agreement, as so modified, on behalf of the City.

Section 3. Effective Date. This resolution shall take effect from and after the date of its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of February 2017.



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2017-025**

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 resolution 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 February 8, 2017 by the following vote:

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

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



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