

RESOLUTION NO. 2004-241

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
CALLING AN ELECTION REGARDING STORM DRAINAGE FEES ON ALL
REMAINING PROPERTIES WITHIN THE CITY LIMITS THAT ARE NOT SUBJECT
TO A STORM DRAINAGE LEVY**

WHEREAS, on July 21, 2004, the City Council (the "Council") of the City of Elk Grove (the "City") adopted Resolution No. 2004-173 (the "Resolution of Intention") expressing its intention to levy storm drainage fees on certain property identified therein; and

WHEREAS, City staff subsequently recommended that the area that drains into Deer Creek be excluded from this proceeding, pending additional study of the costs of storm water drainage in that area, and that the originally proposed unit service charge be reduced to reflect the reduced costs of serving the remaining area; and

WHEREAS, the area upon which the fees are now proposed to be levied is depicted on Exhibit A hereto and the amount of the fee is described on Exhibit B hereto; and

WHEREAS, this Council fixed 6:30 p.m. (or as soon thereafter as the matter may be heard) on Wednesday, September 15, 2004, at City Hall, 8400 Laguna Palms Way, Elk Grove, California, as the time and place for a public hearing on the proposed storm drainage fees and provided for notice of the hearing; and

WHEREAS, this Council hereby finds that a notice of the time and place for the public hearing has been published twice in a ten-day period with at least five days intervening between publications in The Elk Grove Citizen and mailed to the record owner(s) of each parcel in the area upon which the fees are proposed to be levied at least forty-five days before the hearing; and

WHEREAS, the public hearing was duly convened by this Council at the time and place indicated in the notice and all protests received by the City Clerk were presented to the Council; and

WHEREAS, this Council thereupon proceeded with the public hearing and duly heard all interested persons desiring to be heard and duly considered all of the protests at the hearing; and

WHEREAS, at the time of the close of the public hearing, there had not been submitted written protests representing owners of a majority of the parcels proposed to be charged the storm drainage fees.

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

Section 1. Recitals. The foregoing recitals are true and correct and this Council so finds and determines.

Section 2. Election. This Council hereby submits the question of the levy of the storm drainage fee to the owners of the property proposed to be charged. The election shall be held on Tuesday, November 9, 2004. The City Clerk is directed to mail a ballot by first-class mail, postage prepaid, not later than Friday, September 24, 2004, to the owner(s) of the property upon which the fees are proposed to be levied. The ballot shall be in the form attached hereto as Exhibit B. Each owner shall have one vote per parcel owned. The ballots must be returned not later than 4:00 p.m. on the day of the election, at which time the City Clerk shall close the election. (If all ballots are received prior to that date and time, the City Clerk may close the election then.) The City Clerk shall commence the canvass of the returns of the election as soon as the election is closed at the City Clerk's office. At the conclusion of the canvass, the City Clerk shall declare the results of the election.


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 15th day of September 2004.



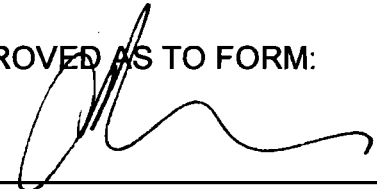
SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A MAP OF PROPERTY

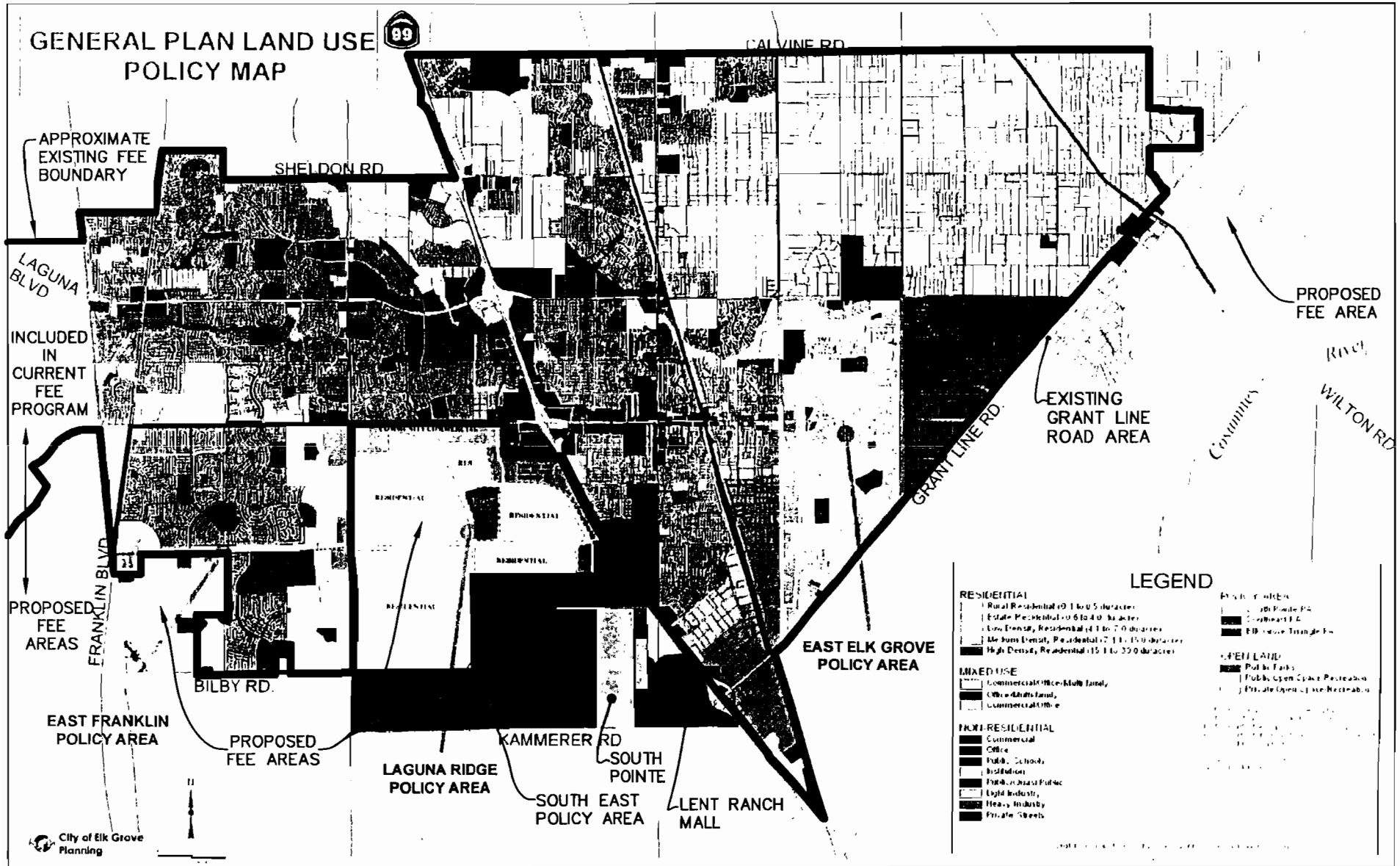


Exhibit B

Form of Ballot

**OFFICIAL BALLOT
CITY OF ELK GROVE
STORM DRAINAGE FEE ON
ALL REMAINING PROPERTIES WITHIN THE CITY LIMITS THAT ARE NOT
SUBJECT TO A STORM DRAINAGE LEVY**

Assessor's Parcel Number(s): _____

Name(s) of Property Owner(s): _____

Property Owner's Address: _____

Storm Drainage Fee. The amount of the proposed fee is based on each parcel's proportional share (based on the amount of stormwater runoff from the parcel) of the cost of operating and maintaining drainage facilities. The fees are calculated as follows:

1. A single-family residential parcel shall pay a monthly charge equal to the administrative charge + (Unit Service Charge (USC) x each residential dwelling unit).
2. All other non-exempt parcels shall pay a monthly charge equal to the administrative charge + (USC x parcel area in square feet x the Impervious Factor ÷ 2000).

The administrative charge is the amount of each parcel's share of the actual cost of billing and collecting storm drainage service fees, and administration. The initial amount of the administrative charge (the maximum rate for FY 2004-05) is \$1.74.

The initial amount of the Unit Service Charge (the maximum rate for FY 2004-05) shall be \$10.86. The Impervious Factors are given in the following table:

Property Category	Impervious Factor
Commercial/Office	0.80
Industrial	0.70
High Density Residential	0.60
Institutional/Medium Density Residential	0.50
Low Impervious Development	0.10

The maximum administrative charge and Unit Service Charge (USC) will be increased annually by the percentage change in the Consumer Price Index (CPI) - All Urban Consumers for the San Francisco - Oakland - San Jose areas.

Instructions For Completing and Delivering This Ballot

To express your view on the proposed storm drainage fee, place a check mark before the word "YES" or "NO," then sign and date the ballot. After completing your ballot, seal it in an envelope and mail or deliver this entire ballot to the City Clerk at 8380 Laguna Palms Way, Elk Grove, California, 95758. Ballots may be sent or delivered to the City Clerk at any time, but MUST be received not later than 4:00 p.m. on Tuesday, November 9, 2004, the time set for the election. If all ballots are received prior to that date and time, the City Clerk will close the election and tabulate the ballots.

PLEASE EXPRESS YOUR VIEW BY MARKING AND SIGNING BELOW

- Yes, I/we approve the proposed storm drainage fee described above.
- No, I/we do not approve the proposed storm drainage fee.

I/we hereby declare under penalty of perjury that I am/we are the record owner(s) of the parcel(s) listed above.

Signature of Record Owner

Date

Signature of Record Owner

Date

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-241**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Peggy E. Jackson, 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 the 15th day of September 2004 by the following vote:

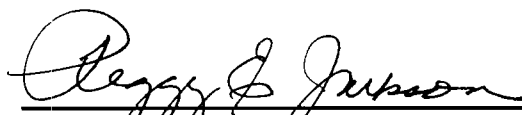
AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**