

RESOLUTION NO. 2005-173

**A RESOLUTION OF
THE CITY COUNCIL OF THE CITY OF ELK GROVE
CLARIFYING ORDINANCE NO. 20-2005 RELATING TO PARKS**

WHEREAS, on May 11, 2005, the City Council of Elk Grove adopted Ordinance No. 20-2005, to be effective on June 11, 2005 concerning parks in the City; and

WHEREAS, the application of Ordinance No. 20-2005 “shall only apply to City owned and operated parks and recreational facilities”; and

WHEREAS, Section 2 of the Ordinance, states in part, that the Division of Parks shall be responsible for the operation and maintenance of all City parks facilities and landscaped traffic medians of the City; and

WHEREAS, The Elk Grove Community Services District has mailed to the City of Elk Grove a letter stating that the Elk Grove Community Services District is using Ordinance No. 20-2005, as a pretense for abandoning its responsibility for the maintenance of landscaped traffic medians, trail corridors and buffer lands, without regard to ownership, has it has done for the entire time the medians have been in existence, all the while keeping the public’s money from the assessments collected for that purpose; and

WHEREAS, the Elk Grove Community Services District has asserted that, effective July 1, 2005, it will no longer provide landscaping and maintenance of City-owned medians, trail corridors and buffer lands, based upon the mistaken interpretation of Ordinance 20-2005; and

WHEREAS, the City Council in adopting Ordinance 20-2005 made it clear that the City would be responsible only for landscaped traffic medians that are in a city owned and operated park or recreational facility; and

WHEREAS, it was never the intent that the City would be transferring the responsibility for the maintenance of city-owned landscaped medians from the Elk Grove Community Services District to the City; and

WHEREAS, if the Elk Grove Community Services District is allowed to persist in the present course based upon a misunderstanding of the City’s Park Ordinance, some landscape medians, trail corridors and buffer lands in the City will not be maintained, the years of assessment payers’ dollars invested in the landscaping of the medians, trail corridors and buffer lands will be destroyed by the Elk Grove Community Services District failure to maintain them, the resulting un-maintained growth of weeds could create a fire hazard and increase the allergens in the City, and serve as a serious impediment to economic development and job creation, all to the detriment to the public peace, health and/or safety and the conduct of City business; and

WHEREAS, the Elk Grove Community Services District has adopted a Landscape and Lighting Assessment District for the purpose of maintaining the traffic landscaped medians, trail corridors and buffer lands in the City, including those that are owned by the City and is collecting money from property owners for landscaping of the medians, trail corridors and buffer lands, without regard to ownership; and

WHEREAS, as its name implies, the existing Landscape and Lighting Assessment District is the appropriate source of funding for the landscaping of the medians, trail corridors and buffer lands;

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

1. **Recitals**. Each of the above recitals is incorporated herein and is true and correct.

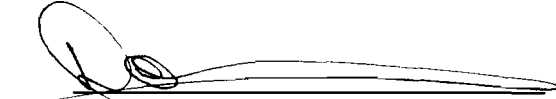
2. **Statement of Clarification**. The City Council states and declares that Section 1 of Ordinance No. 20-2005 controls the terms of the entire ordinance and that Section 2 provides that the Division of Parks shall be responsible only for the operation and maintenance of all City park facilities and landscaped traffic medians of the City located in City owned and operated parks and recreation facilities. The intent of the City Council, while clear from the four corners of Ordinance 20-2005 and is restated here only for clarification and as a statement of the operation of Ordinance 20-2005, is that the City will only maintain landscaped traffic medians located in City owned and operated parks and recreation facilities.

3. **Purpose**. The City Council wishes to make it clear to:

- A. The Elk Grove Community Services District that the operation of Ordinance 20-2005 does not relieve the district of its obligation to provide maintenance of the landscaped traffic medians, trail corridors and buffer lands, within the City without regard to ownership, for which it has collected assessments for nearly 20 years nor does it imply any change ability of the district to levy such assessments by operation of law or in the manner in which those community assets are to be maintained; and
- B. The property owners in the City of Elk Grove who have been paying to the Elk Grove Community Services District assessments for the maintenance of landscaped traffic medians, trail corridors and buffer lands, within the City, that the City has not collected any of these assessment dollars and that the Elk Grove Community Services District has been collecting and will continue to levy and collect these assessments for the maintenance of medians, trail corridors and buffer lands, within the City, without regard to ownership.


4. **Effective Date.** This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by a four fifths vote of the Elk Grove City Council on June 8, 2005.



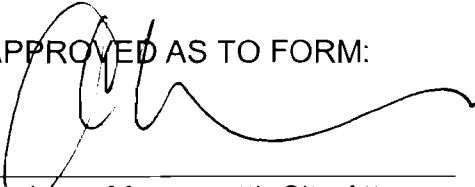
Daniel Briggs, Mayor
City of Elk Grove

ATTEST:



Peggy Jackson, City Clerk
City of Elk Grove

APPROVED AS TO FORM:



Anthony Manzanetti, City Attorney

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-173**

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 8th day of June, 2005 by the following vote:


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

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





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