

RESOLUTION NO. 80-489

Adopted by The Sacramento City Council on date of

July 29, 1980

AMENDING RESOLUTION NO. 79-603
BY EXTENDING FROM JULY 31, 1980
TO AUGUST 12, 1980 THE ELK GROVE
UNIFIED SCHOOL DISTRICT'S DECLARA-
TION OF IMPACTION (M-284)

WHEREAS, the City Council has provided by Chapter 67 of the Sacramento City Code that a school district which is experiencing overcrowding (impaction) of facilities because of rapid development may declare itself an affected district and receive interim relief thereunder; and

WHEREAS, the Elk Grove Unified School District Board of Directors did on June 18, 1979 adopt Resolution No. 31, which declares that through June 30, 1980 it is an affected district, and that Kirchgater Elementary, Leimbach Elementary, Reith Elementary, Kerr Junior High, Elk Grove High and Valley High Schools are impacted; and

WHEREAS, the Elk Grove Unified School District Board of Directors did on July 30, 1979 adopt Resolution No. 4A, 1979-1980, which supplements the Declaration of Impaction; and

WHEREAS, such resolutions and accompanying application demonstrate rated capacity, projections of enrollment over capacity, exercise or rejection of specified options, schedules of mitigation, and supplemental materials in support of the Declaration of Impaction as required by Chapter 67 and resultant regulations; and

WHEREAS, the City Council finds such application adequate and reasonable; and

WHEREAS, the City Council finds the mitigation program proposed in said application to be consistent with the Valley Hi Community Plan and the General Plan; and

WHEREAS, the Attorney General has recently opined that school facility impaction fees constitute "special taxes" under the provisions of Article 13A of the California Constitution; and

WHEREAS, the City Council has approved entering into an agreement with the Elk Grove Unified School District for the Elk Grove Unified School District to indemnify and hold harmless the City from all liability, cost or expense for imposing school impaction fees pursuant to Chapter 67 of the Sacramento City Code should such imposition of fees be held invalid under said Article 13A or for any other reason;

NOW, THEREFORE, the City Council does resolve that the Elk Grove Unified School District is an affected district within the meaning of Chapter 67, Sacramento City Code, and that the Director of Building Inspections of the City of Sacramento shall not from the effective date hereof through August 12, 1980, issue any permit for the construction of any new residential facility within the attendance areas of the above specified attendance areas unless the District has issued a certificate of mitigation or a certificate of waiver of mitigation therefore; and

RESOLUTION NO. 80-489

FURTHER, the Elk Grove Unified School District may collect from all persons proposing to construct new residential units in the subject school attendance area, fees not to exceed \$400 for each single-family dwelling unit and \$105 for each dwelling unit in a multi-family development. For subdivisions of 51 or more units, the District may require the dedication of land in lieu of part or all of such fees, provided the value thereof is equivalent, and the site is designated for school purposes on adopted City plans.

Philip L. Bentley
MAYOR

ATTEST:

Lorraine Mayana
CITY CLERK

M-284