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# CITY OF SACRAMENTO

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CITY MANAGER'S OFFICE  
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## DEPARTMENT OF LAW

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SACRAMENTO, CALIF. 95814  
TELEPHONE (916) 449-5346

December 3, 1980

Honorable City Council  
City of Sacramento  
Sacramento, California

In re: Extension of Ordinance Regulating Construction  
in Impacted School Areas

Members in Session:

### SUMMARY

Under the attached ordinance, the City's existing school impaction ordinance, currently set to expire on December 13, 1980, would be extended. This is the ordinance which authorized the Council's adoption of the Elk Grove School District's schedule of mitigation which included fees for interim school facilities from new residential construction. The ordinance must be extended if the Council desires to permit the District to continue to collect school impaction fees.

### DISCUSSION

Attached is an ordinance which would extend the City's school impaction ordinance (Chapter 67 and Section 9.600 of the City Code) currently due to expire on December 13, 1980. This is the ordinance under which the Council has adopted a schedule of mitigation of impaction for that portion of the Elk Grove School District within the City of Sacramento. Under the schedule, the District is charging \$810 per single family unit and \$205 per multifamily unit. Of these amounts, \$560 of each single family and \$115 of each multifamily fee is being impounded pending the outcome of the issue of whether such fees are "special taxes" under the Jarvis-Gann initiative (California Constitution Article XIII A). The amounts impounded represent the increase in fees since July 1, 1978 when Article XIII A became effective.

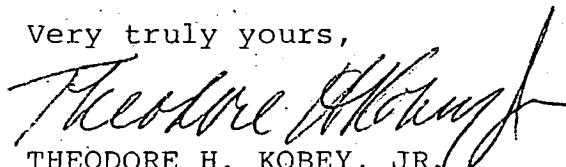
We are advised that a community workshop on school financing has been scheduled by the District for Monday, December 8, 1980. Information from this meeting will be reported to the Council.

Honorable City Council  
December 3, 1980  
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RECOMMENDATION

If the Council wants to continue the City's school impaction ordinance in effect, the appropriate action would be to adopt the attached ordinance.

Very truly yours,



THEODORE H. KOBAY, JR.  
Assistant City Attorney

THK:kn

Attachment

RECOMMENDATION APPROVED:



WALTER SLYN  
City Manager

ORDINANCE NO. ~~4447~~

FOURTH SERIES

4450

AN ORDINANCE EXTENDING THE EFFECTIVE DATE OF CHAPTER 67 AND SECTION 9.600 OF THE SACRAMENTO CITY CODE RELATING TO CONSTRUCTION IN IMPACTED SCHOOL AREAS AND DECLARING SAME TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Extension of Effective Dates of Chapter 67 and Section 9.600 of the City Code.

The effective dates of Chapter 67 and Section 9.600 of the Sacramento City Code relating to residential construction in impacted school areas are hereby extended indefinitely and to that end, Section 3 of Ordinance No. 4006, Fourth Series, is hereby repealed. Any declaration of impaction approved by the City Council prior to this ordinance and which was in effect immediately prior thereto, is hereby extended subject to all the provisions of Chapter 67.

SECTION 2. Emergency.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are the need to extend the effective date of Chapter 67 and Section 9.600 of the City Code which otherwise will expire on December 13, 1980. It is necessary for Chapter 67 and Section 9.600 to continue in effect in order to continue to provide a means to ameliorate the effects of overcrowded schools.

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK



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December 9, 1980

Honorable City Council  
City of Sacramento  
Sacramento, California

In re: Extension of Chapter 67 -  
Elk Grove School Impact Fees

Members in Session:

We recommend that all school impaction fees collected by the Elk Grove School District be impounded by the County Treasurer until Winberry v. Shasta Co. has been decided (involving the validity of school impaction fees). Currently, pursuant to an agreement with the District, the amount of the fee equal to that which was charged prior to Proposition 13 (\$250 per single family, \$90 per multi-family unit) is being retained by the District. The excess (currently \$560 per single family, \$115 per multi-family) is being impounded by the County. We are concerned that the Court of Appeals will rule that such fees are invalid because they are "special taxes" within the meaning of Proposition 13. Our concern is heightened by the fact that the extension of Chapter 67, which authorizes the fees, arguably could itself amount to a new imposition of fees. We anticipate a decision soon and recommend that all fees be impounded until such time as the decision in the Winberry case is rendered.

Very truly yours,

*Theodore H. Kobay, Jr.*  
THEODORE H. KOBAY, JR.  
Assistant City Attorney

THK:kn

RECOMMENDATION APPROVED:

*Walter J. Slupe*  
WALTER J. SLUPE  
City Manager