

ITEM: **PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN AMENDMENT TO TITLE 3, CHAPTER 3.32 COUNTY CAPITAL FACILITY FEE, SECTION 3.32.150 SUNSET CLAUSE**

RECOMMENDATION: **Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. Introduction and First Reading of an Ordinance Amendment to Title 3, Chapter 3.32 County Capital Facility Fee, Section 3.32.150 Sunset Clause of the Lathrop Municipal Code to Remove the Sunset Clause of the County Facilities Fee Program**

SUMMARY:

On February 2005, the County Facilities Fee Program was adopted by the City Council to ensure new development demands are met by the County as growth occurs. The City incorporated Chapter 3.32 to Title 3 of the Lathrop Municipal Code (LMC) establishing the County Facilities Fee Program. The County Facilities Fee Program is an ongoing program dependent on new development, meaning, the fee will exist as long as new development continues. Therefore, the County Facilities Fee Program is considered a continuing program without an expiration term.

Staff discovered that the City's Municipal Code includes an end date (Sunset Clause LMC § 3.32.150) for the County Facilities Fee Program. However, San Joaquin County's Chapter 9-1245 adopted the County Facilities Fee Program without a sunset clause. Therefore, in order to establish consistency with the County's Ordinance, Staff requests Council adopt an ordinance to remove LMC § 3.32.150 Sunset Clause.

BACKGROUND:

On February 2005, the County Facilities Fee Program was adopted by the City Council to ensure new development demands are met by the County as growth occurs. The City incorporated Chapter 3.32 to Title 3 of the Lathrop Municipal Code (LMC) establishing the County Facilities Fee Program. Chapter 3.32 incorporated a Sunset Clause (LMC § 3.32.150) for the County Facilities Fee Program set to take effect on July 1, 2013.

On November 2012, the City's LMC § 3.32.150 was extended to July 1, 2019. However, the County Facilities Fee Program is an ongoing program dependent on new development, meaning, the fee will exist as long as new development continues. Therefore, the County Facilities Fee Program is considered a continuing program without an expiration term.

Currently, the LMC Chapter 3.32 includes a Sunset Clause (LMC § 3.32.150) for the County Facilities Fee Program deemed inconsistent with the County's fee adoption. San Joaquin County's Chapter 9-1245 adopts the County Facilities Fee Program

CITY MANAGER'S REPORT **PAGE 2**
AUGUST 12, 2019 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO AMEND ORDINANCE 3.32.150
SUNSET CLAUSE

without a sunset clause. Therefore, in order to establish consistency with the County's Ordinance, the LMC § 3.32.150 Sunset Clause should be removed.

REASON FOR RECOMMENDATION:

Maintain consistency with County's bylaws for the County Facilities Fee Program.

FISCAL IMPACT:


There is no fiscal impact associated with the update of the LMC § 3.32.150.

ATTACHMENTS:

- A. An Ordinance Amending Title 3, Chapter 3.32 County Capital Facility Fee, Section 3.32.150 Sunset Clause of the Lathrop Municipal Code to Remove the Sunset Clause of the County Facilities Fee Program

CITY MANAGER'S REPORT
AUGUST 12, 2019 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO AMEND ORDINANCE 3.32.150
SUNSET CLAUSE

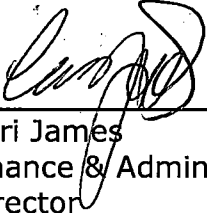
APPROVALS:



Vanessa Portillo
Deputy Finance Director

7.22.19

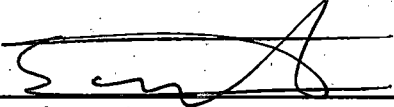
Date



Cari James
Finance & Administrative Services
Director

7/29/19

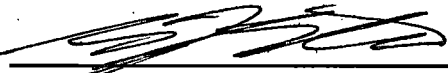
Date



Salvador Navarrete
City Attorney

7-18-19

Date



Stephen Salvatore
City Manager

8.2.19

Date

ORDINANCE NO. 19-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP
AMENDING TITLE 3, CHAPTER 3.32 COUNTY CAPITAL FACILITY FEE,
SECTION 3.32.150 SUNSET CLAUSE OF THE LATHROP MUNICIPAL CODE TO
REMOVE THE SUNSET CLAUSE OF THE COUNTY FACILITIES FEE PROGRAM**

WHEREAS, on November 5, 2012, City Council extended the sunset of the County Facilities Fee Program through July 1, 2019; and

WHEREAS, the County Facilities Fee Program was adopted by resolution of the County (Ord. 4252 § 1, 2005) without a sunset clause; and

WHEREAS, staff recommends removal of LMC § 3.32.150 Sunset Clause provision to allow consistency with the County's adopted ordinance for the County Facilities Fee Program;

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF LATHROP HEREBY ORDAIN AS FOLLOWS:

Section 1. Revise CMC 3.32.150 as follows:

~~Section 3.32.150~~

~~This Chapter shall be of no further force or effect after July 1, 2019.~~

Section 2. Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portions thereof.

Section 4. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

Section 5. Publication. The City Clerk shall certify to the adoption of this ordinance and shall publish a summary thereof and post a certified copy of the full ordinance in the office of the City Clerk at least five days prior to the adoption of the proposed ordinance; and within fifteen days after adoption, the City Clerk shall publish a summary of the ordinance with the names of the members of the City of Lathrop City Council voting for and against the same.

THIS ORDINANCE was regularly introduced at a regular meeting of the City Council of the City of Lathrop on August 12, 2019, and was passed and adopted at the regular meeting on the _____ day of _____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

**PAGE LEFT
INTENTIONALLY
BLANK**