

ORDINANCE NO. 2012-01

**AN ORDINANCE OF ALAMEDA COUNTY FLOOD CONTROL &
WATER CONSERVATION DISTRICT, ZONE 7 AMENDING
FLOOD PROTECTION AND STORM WATER DRAINAGE
DEVELOPMENT IMPACT FEE SCHEDULE**

BE IT ORDAINED by the Board of Directors of Zone 7 of the Alameda County Flood Control & Water Conservation District ("Zone 7"), that an ordinance amending the Agency flood protection and storm water drainage development impact fee is hereby adopted to read as follows:

SECTION 1: BACKGROUND, PURPOSE AND AUTHORITY.

On March 17, 2010, the Zone 7 Board of Directors adopted Ordinance No. 2010-01 to amend the Flood Protection and Storm Water Drainage Development Impact Fee Schedule ("Schedule"). In approving the Schedule, Zone 7 approved an escalating Development Impact Fee with graduated increases to take effect on January 1st of each year from 2011 through 2012. (See Ordinance No. 2010-01, Appendix A)

The purpose of this ordinance is to amend the Schedule by deleting the increase that was approved to take effect on January 1, 2012, and to maintain the 2011 fee for 2012.

This ordinance is enacted pursuant to Section 12.1 of the Alameda County Flood Control & Water Conservation District Act and other applicable law.

SECTION 2: FEE SCHEDULE AMENDMENT.

Appendix A of Ordinance No. 2010-01 is hereby amended to read as shown on Appendix A – Revised, which is attached hereto and incorporated herein.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect 30 days following the date of adoption by the Zone 7 Board of Directors.

SECTION 4. POSTING.

Within 15 days from the date of passage of this ordinance, the Clerk of the Zone 7 Board shall post a copy of it in at least three public places within the Zone 7 Service Area.

Adopted by the Board of Directors of the Alameda County Flood Control & Water Conservation District, Zone 7 on the 18th day of January 2012 by the following roll call vote:

AYES:

NOES:

ABSENT:

EXCUSED:

S. Figueras

Sandy Figueras, President of the Board of Directors of Zone 7 of the Alameda County Flood Control & Water Conservation District

Judy Rector

Judy Rector, Secretary of the Board of Directors

**APPENDIX A – REVISED
OF ORDINANCE NOS. 2010-01 & 2012-01**

**ZONE 7 FLOOD PROTECTION AND STORM WATER DRAINAGE
DEVELOPMENT IMPACT FEE SCHEDULE**

1. The flood protection and storm water drainage development impact fee payable by each Developer of a Development Project within the Zone 7 Service Area shall be equal to the product of the number of square feet of impervious surface created (as determined pursuant to Ordinance No. 2009-01) and \$0.96 per square foot (2009 dollars).
2. In addition to the Fee set forth above, on January 1 of each calendar year, the scheduled Fees may also be adjusted by Board Resolution in accordance with any increase in the Engineering News Record (ENR), Construction Cost Index (CCI), based on the percent increase between December 2009 and December of the current year. Beginning January 1, 2012, the total fee shall remain at the 2011 level of \$1.00 per square foot.