

ORDINANCE NO. 24 –01

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF EL CENTRO, CALIFORNIA, PROVIDING FOR  
THE CONTINUING DEFERRAL OF PAYMENT OF CERTAIN  
DEVELOPMENT IMPACT FEES

WHEREAS, THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA  
FINDS THAT:

A. The City Council of the City of El Centro (the “City Council”) has adopted certain sewer capacity, water capacity and development impact fees collected from development to support the City’s municipal services and infrastructure.

B. The City supports both residential and commercial development in the City to stimulate the local economy and provide direct and indirect benefits to the City and its residents and businesses by creating construction jobs, new market-rate and affordable housing units and new tax bases and revenues to the community.

C. Pursuant to the provisions of the El Centro Municipal Code, development impact fees (Section 20-103) and sewer and water capacity fees (Section 24-11) (collectively, “Development Impact Fees”) currently must be paid by developers of new development at the time of issuance of building permits.

D. On April 20, 2021, the City Council adopted Uncodified Ordinance No. 21-03, which provided for the temporary deferral of payment of the Impact Fees.

E. Said ordinance will expire and be of no further force and effect on February 1, 2024.

F. It is in the public interest and to the public benefit for the City Council to stimulate and encourage new development in the City by adopting a new ordinance that continues to provide for the temporary deferral of the Impact Fees for a longer period of time.

G. The City Council also finds that the time for payment of such development impact fees should be deferred for longer than one year because projects often are not completed within a one-year time period.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CENTRO DOES  
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. TEMPORARY DEFERRAL OF PAYMENT OF SEWER AND WATER  
CAPACITY FEES.

A. Notwithstanding any other requirements of Section 24-11 of the El Centro City Code, the City Manager shall have the authority to consider and approve in writing the deferral of payment of sewer and water capacity fees to the date of final inspection by the City or the issuance of a Certificate of Occupancy for the project, whichever is later.

B. In addition, and as a condition of the deferment of time of payment of the Impact Fees pursuant to this ordinance, the City shall require the property owner, or lessee if the lessee's interest appears of record, prior to and as a condition of issuance of any building permit, to execute a recordable contract approved by the City Manager, and acceptable to the City Attorney, which contract shall be reported to the City Council as an informational item.

## SECTION 2. TEMPORARY DEFERRAL OF PAYMENT OF DEVELOPMENT IMPACT FEES.

A. Notwithstanding any other requirements of the El Centro City Code Section 20-103, the City Manager shall have the authority to consider and approve in writing the deferral of payment of development impact fees to the date of final inspection by the City or issuance of the final Certificate of Occupancy, whichever is later.

B. As a condition of the deferment of time of payment of the Impact Fees pursuant to this ordinance, the City shall require the property owner, or lessee if the lessee's interest appears of record, prior to and as a condition of issuance of any building permit, to execute a recordable contract approved by the City Manager, and acceptable to the City Attorney, which contract shall be reported to the City Council as an informational item.

SECTION 3. This ordinance shall automatically expire and be of no force and effect on February 20, 2029, unless the City Council shall have first acted to extend or otherwise alter the provisions of this ordinance prior to that time.

SECTION 4. Nothing contained in this ordinance shall be deemed to authorize or permit the deferral of payment of any fee or charge imposed upon development within City except for those fees expressly enumerated in Section 1 and 2 of this ordinance.

SECTION 5. Nothing contained in this ordinance shall be deemed to create any new fee, charge, or increase any existing fee or charge, to which the procedures specified in Section 66017 of the Government Code of the State of California would be applicable.

SECTION 6. If any section or provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, this ordinance shall be deemed invalid. The City Council hereby declares that it would not have adopted this ordinance if any of the sections or provisions thereof may be declared invalid or unconstitutional or contravened by legislation.

SECTION 7. This ordinance shall take effect thirty (30) days from and after its adoption. Within fifteen (15) days after adoption, this ordinance shall be published once in a newspaper, published and circulated within the City of El Centro, California, and there shall be posted in the Office of the City Clerk a certified copy of the full text of this ordinance.

INTRODUCED at a regular meeting of the City Council of the City of El Centro, California, held on the 6<sup>th</sup> day of February, 2024.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 20<sup>th</sup> day of February, 2024.

CITY OF EL CENTRO

By \_\_\_\_\_  
Sylvia Marroquin, Mayor

ATTEST:

By \_\_\_\_\_  
Norma Wyles, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

By \_\_\_\_\_  
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA     )  
COUNTY OF IMPERIAL     ) ss  
CITY OF EL CENTRO         )

I, Norma Wyles, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Ordinance No. 24-01 had its first reading on February 6, 2024, and had its second reading on February 20, 2024, and was passed by the following vote:

AYES:           Cardenas-Singh, Oliva, Marroquin, Garcia, Carter  
NOES:           None  
ABSENT:       None  
ABSTAINED: None

AYES:           Cardenas-Singh, Oliva, Marroquin, Garcia, Carter  
NOES:           None  
ABSENT:       None  
ABSTAINED: None

By \_\_\_\_\_  
Norma Wyles, City Clerk