

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

*1112 I Street, Suite #100  
Sacramento, California 95814  
(916) 874-6458*

**December 4, 2013**

TO: Sacramento Local Agency Formation Commission  
FROM: Peter Brundage, Executive Officer  
RE: **PROPOSED CIT OF ELK GROVE SPHERE OF INFLUENCE  
AMENDMENT (LAFC 09-10) (CEQA EIR SCH #2010092076)**

**RECOMMENDATION:**

Receive and file staff report.

**DISSCUSSION:**

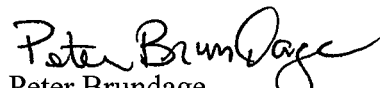
On November 6, 2013, the Commission adopted an intent motion directing staff to prepare a resolution disapproving the Sphere of Influence Amendment for the City of Elk Grove.

On November 25, 2013, the Elk Grove City Council adopted a Resolution No. 2013-228, withdrawing its May 21, 2008 application (as revised on August 18, 2010) for a Sphere of Influence Amendment. (See attached). Sacramento LAFCo was notified of the withdrawal on November 26, 2013, and accepted the withdrawal based on Government Code section 56428, subdivision (d). (See attached memo from legal counsel). This action closes the Commission Proceedings, (LAFCo Policy § I.D.).

**Government Code Section 56428(d)** states: At its meeting, the Commission shall consider the request and receive any oral or written testimony. The consideration may be continued from time to time, but not exceed 70 days from the date specified in the original notice. *The person or agency which filed the request may withdraw it at any time prior to the conclusion of the consideration by the Commission.*

Respectfully,

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

  
Peter Brundage  
Executive Officer

# MILLER & OWEN

A PROFESSIONAL CORPORATION

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## MEMORANDUM

TO: Sacramento Local Agency Formation Commission

FROM: Nancy C. Miller  
General Counsel

DATE: November 26, 2013

RE: Withdrawal of Application for Sphere of Influence Amendment

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Under the Cortese-Knox-Hertzberg Act, the agency that filed a request for a sphere of influence amendment "may withdraw it at any time prior to the conclusion of the consideration by the commission." (Gov. Code, § 56428, subd. (d).) Conclusion of consideration of an SOI Amendment application occurs when the commission approves, with or without amendment, wholly, partially, or conditionally, or disapproves the request, and follows the procedures outlined in section 56425. (Gov. Code, § 56428, subd. (e).)

In order to conclude consideration of the application, the Commission must adopt a resolution making certain written determinations, which are required by and listed in Government Code section 56425, subd. (e). (Government Code § 56425, subd. (e); LAFCo Policies, Standards, and Procedures, § V.H.6.)

**RESOLUTION NO. 2013-228**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE TO WITHDRAW ITS PENDING APPLICATION BEFORE THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION FOR A SPHERE OF INFLUENCE AMENDMENT AND DIRECTING CITY STAFF TO SUBMIT THE WITHDRAWAL OF THE APPLICATION FOR A SPHERE OF INFLUENCE AMENDMENT TO THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

**WHEREAS**, on February 27, 2008, the City Council passed and adopted Resolution No. 2008-54 approving a resolution of application and directing staff to submit an application for a Sphere of Influence amendment to the Sacramento Local Agency Formation Commission; and

**WHEREAS**, on May 21, 2008, the City of Elk Grove submitted an application for a Sphere of Influence amendment to the Sacramento Local Agency Formation Commission in conformance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code; and

**WHEREAS**, on August 18, 2010, the City of Elk Grove revised its application to reduce the overall land requested to be included in its Sphere of Influence area; and

**WHEREAS**, the Sacramento Local Agency Formation Commission's reference number for the City's Sphere of Influence amendment application is LAFC #09-10; and

**WHEREAS**, the City Council of the City of Elk Grove wishes to withdraw application LAFC #09-10; and

**WHEREAS**, Government Code §56428(d) allows the City to withdraw its application at any time prior to the conclusion of the Sacramento Local Agency Formation Commission's consideration of the application; and

**WHEREAS**, conclusion of the Sacramento Local Agency Formation Commission's consideration of the City's application LAFC #09-10 is not expected to occur before December 4, 2013.

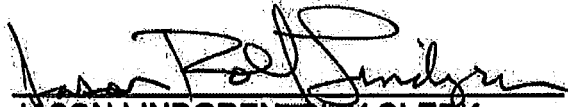
**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Elk Grove hereby adopts and approves this Resolution to withdraw its application before the Sacramento Local Agency Formation Commission for an Amendment to the City's existing Sphere of Influence (LAFC #09-10).

**BE IT FURTHER RESOLVED** that the City Council of Elk Grove hereby authorizes and directs the City Manager or her designee to withdraw the Sphere of Influence Amendment application (LAFC #09-10) to the Sacramento Local Agency Formation Commission, and to take all actions and execute all documents reasonably necessary to effectuate the withdrawal of the application.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25<sup>th</sup> day of November 2013.

  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

**ATTEST:**

  
JASON LINDGREN, CITY CLERK

**APPROVED AS TO FORM:**

  
JONATHAN P. HOBBS,  
CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2013-228**

**STATE OF CALIFORNIA            )**  
**COUNTY OF SACRAMENTO        )**       **ss**  
**CITY OF ELK GROVE             )**

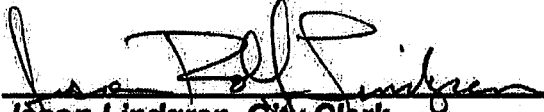
***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a special meeting of said Council held on November 25, 2013 by the following vote:***

**AYES :            COUNCILMEMBERS:        Davis, Detrick, Cooper, Hume, Trigg**

**NOES:            COUNCILMEMBERS:        None**

**ABSTAIN :        COUNCILMEMBERS:        None**

**ABSENT:         COUNCILMEMBERS:        None**

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**