

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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April 7, 2004

TO: Sacramento Local Agency Formation Commission
FROM: Peter Brundage, Executive Officer
RE: City of Elk Grove: Incorporation Mitigation Measures

RECOMMENDATION

Staff recommends that this item be continued to your next regularly scheduled Commission meeting of May 5, 2004.

DISCUSSION

The City of Elk Grove has requested a continuance of this item to May 5, 2004. The City of Elk Grove has three outstanding incorporation measures to be satisfied before a Mitigation Monitoring Program Completion Certificate assuring compliance can be issued by your Commission:

1. Enter into a Joint Road Maintenance Agreement with the County of Sacramento to maintain roads that demarcate the City of Elk Grove-County boundary.
2. Annexation into Sacramento Regional Transit District; membership on the Sacramento Regional Transit District Board.
3. Purchase habitat for the Swainson's Hawk.

The City of Elk Grove has made progress in each of these areas. LAFCo will report back on May 5, 2004 regarding the work-in-progress or completion of these items, depending on their status.

Status of Waiver of Legal Counsel

The City of Elk Grove did not agree to waive the potential conflict of interest with Commission Counsel. As you recall, the firm of Miller, Owen & Trost represents both LAFCo and Sacramento Regional Transit, even though each entity is represented by a different partner in non-related areas of law.

Therefore, if the Commission elects to enforce the mitigation measure requiring the City of Elk Grove to annex to Sacramento Regional Transit District, LAFCo will need to hire outside legal counsel for this specific issue.

Commission Options Regarding Regional Transit Mitigation Issue

It appears that the Commission will have the following four alternatives related to this issue:

- (1) Commence efforts to retain outside Counsel to pursue legal enforcement of original LAFCo imposed mitigation measure.
- (2) Continue to monitor contract extensions for either a fixed or extended time period.
- (3) Develop some mutually agreed upon performance standard acceptable to the Commission, Sacramento Regional Transit District Board of Directors and the Elk Grove City Council.
- (4) Acknowledge that the Agreement between Sacramento Regional Transit District and the City of Elk Grove satisfies compliance with the Commission imposed mitigation measure.

NOTE:

Recently, the City of Elk Grove and Sacramento Regional Transit District have entered into an Agreement whereby Regional Transit will provide regional service funded by the City of Elk Grove, the City of Elk Grove will retain responsibility for local service, the City of Elk Grove will join the Sacramento Regional Transit District Board as a member, and the two entities will enter into agreements to provide a seamless transit service to benefit all customers. The agreement was approved by the Sacramento Regional Transit Board and the Elk Grove City Council. The Agreement terminates January 2005, unless it is extended.

I recommend your Commission continue this matter to your next regularly Scheduled Commission meeting of May 5, 2004.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Peter Brundage
Executive Officer

PB:Maf
(Incorp Mitigation Measures)