

Minutes of Meeting of September 1, 2004

The Sacramento Local Agency Formation Commission met this first day of September at 5:30 P.M. in Board Chambers of the Sacramento County Administration Center, 700 H Street, Sacramento, California.

PRESENT: Illa Collin, Chair; Lauren Hammond, Vice Chair; Commissioners Sophia Scherman, Charles Rose, Elliot Mulberg, Chris Tooker, Muriel Johnson; Alternate Commissioners Gay Jones and John Jachens.

ABSENT: -0-

STAFF: Peter Brundage, Executive Officer; Don Lockhart, Assistant Executive Officer; Nancy Miller, Commission Counsel; Marilyn Ann Flemmer, Commission Clerk.

The Chair called the meeting to order at 5:35 P.M. The Clerk called the roll. The Chair made a presentation to Former Commissioner Roberta MacGlashan honoring her for her contributions and participation with Sacramento LAFCo.

Consent Calendar

1. Minutes of Meeting of August 4, 2004
2. Claims dated August 27, 2004
3. Conflict of Interest Code

With the correction of minor typographical errors in the Minutes of August 4, 2004, approval of the Consent Calendar was moved by Commissioner Muriel Johnson, seconded by Commissioner Hammond and unanimously passed.

City of Elk Grove: Incorporation Mitigation Measures

Mr. Brundage reviewed his staff report and recommendation on the two outstanding issues regarding the City of Elk Grove, Sacramento Regional Transit District Annexation and Swainson's Hawk Habitat Mitigation.

Dr. Beverly Scott, General Manager, Sacramento Regional Transit District, addressed the Commission. Dr. Scott stated that "Regional Transit has worked out an agreement with the City of Elk Grove but the provision of regional services is of extreme concern to the District. There is no one right way," stated Dr. Scott, "the region must see the District with respect to the kind of services we want." There was Commission discussion; Dr. Scott answered questions.

Mr. Anthony Manzanetti, City Attorney, City of Elk Grove, addressed the Commission. Mr. Manzanetti stated "the City is working with Regional Transit to give Elk Grove better local service and to contribute to a strong regional system. An annexation would create a weaker system," stated Mr. Manzanetti. Mr. Manzanetti stated that in his opinion, "everything is in

place for LAFCo to issue a Certificate of Completion on its Mitigation Measures." He stated he did not question LAFCo's mandate for transit service. However, to mandate how the service should be provided is, he believes, beyond LAFCo's purview (and of questionable legality). Mr. Manzanetti maintained that "one legislative body cannot tell another legislative body how to use its discretion." He urged the Commission to issue the Certificate of Completion. There was Commission discussion.

Motion to Table

Commissioner Rose moved to table the mitigation measure of Annexation to Sacramento Regional Transit District and that staff monitor the situation and report back on when legislation is signed by the Governor and report on the status of the Agreement between Sacramento Regional Transit District and the City of Elk Grove to make sure it satisfies LAFCo's mitigation measure. Motion failed for lack of a second.

Motion to Continue

Commissioner Tooker moved to continue the item until legislation is signed by the Governor and the City of Elk Grove has signed its Agreement with Sacramento Regional Transit District. Commissioner Collin seconded the motion which passed. [Commissioner Scherman voted no.]

Legislative Issue

A motion was made by Commissioner Hammond, seconded by Commissioner Mulberg, to direct staff to check with CALAFCo regarding the introduction of legislation to enhance Regional Transit's ability to serve newly incorporated cities and report back. The motion passed unanimously.

Swainson's Hawk Habitat Mitigation Measure

The Executive Officer reviewed his staff report and recommendation.

Mr. Mike Eaton, Executive Director, Nature Conservancy, addressed the Commission. Mr. Eaton stated he has worked with the City of Elk Grove; "they have made diligent efforts to purchase habitat land for the Swainson's Hawk, however, land values have outpaced the collected funds and it is no longer viable to mitigate for lost habitat simply by fee collection." Mr. Eaton stated that "the City has adopted a new ordinance in which developers must provide habitat land for land developed. Fund collection cannot keep pace with land values." Mr. Eaton stated "it is economically impossible for Elk Grove to comply with the outdated mitigation measure they inherited from the County. The funds collected to date might best be expended through a collaborative discussions with Fish and Game." There was Commission discussion; Mr. Eaton answered Commission questions.

Commission Counsel Nancy Miller stated she has talked with Fish and Game and "the City of Elk Grove has done everything they can to spend the mitigation funds. A new ordinance requiring 1:1 mitigation has been adopted, something no one else has done. In my opinion,

they have met the condition," stated Ms. Miller, "and the certificate could be issued tonight but we continue to monitor and encourage that the City meet with the stakeholders."

Ms. Jude Lamare, Friends of the Swainson's Hawk, Sierra Club, and ECOS addressed the Commission. Ms. Lamare stated "we want to continue this laborious process of monitoring with LAFCo. The records, details, monitoring and all the pieces of a plan for compliance should be documented. There is nothing wrong with the City of Elk Grove's attempt at compliance but LAFCo should never minimize its role in the community because often the process is what knits us together," stated Ms. Lamare. Ms. Lamare stated "we are ok with participation in the development of an expenditure plan that allows the City's hawk habitat funds to be used for purposes other than land purchase. But we ask for a full accounting of the fees collected," stated Ms. Lamare. There was Commission discussion; Ms. Lamare answered Commissions questions.

Mr. Vern Goehring, South County Citizens for Responsible Growth, addressed the Commission. Mr. Goehring stated staff's recommendation for appropriate environmental groups to jointly develop an expenditure plan with the City is reasonable. He requested that Citizens of the South County for Responsible Growth be included in the collaboration process.

Mr. Tony Manzanetti, City Attorney, City of Elk Grove, addressed the Commission. Mr. Manzanetti stated the City of Elk Grove agrees with Nancy Miller. He addressed the 1:1 open space compliance for Lent Ranch. [East Franklin was not approved by the City of Elk Grove; previously approved by County of Sacramento.] "A public entity cannot compete for the purchase of land on the open market," stated Mr. Manzanetti. "The reality is that now, we cannot buy land, we are competing with developers," he stated. "We do not have a problem with recommendation #3, we believe if we are going to obtain land, we're going to have to partner with other folks to do it. Ms. Miller has stated the City has done what it was required to do; we believe the certificate should be issued," stated Mr. Manzanetti. There was Commission discussion; Mr. Manzanetti answered Commission questions.

Motion to Issue Certificate of Completion

Commissioner Rose moved that the ordinance requirements have been met; the Executive Officer should be authorized to issue a Certificate of Completion on the Swainson's Hawk Mitigation Measure. Commissioner Hammond seconded the motion.

Alternative Motion

Commissioner Tooker moved the Commission accept the recommendation of Counsel and find that the City has complied but that the Commission monitor the issue and that the City adopt a resolution that recognizes the commitment to work with stakeholders in a dialogue. Commissioner Scherman stated the City is not able to purchase land; it has made a commitment to use its funds to enhance other sites, the certificate should be granted. The motion received no second and died.

Vote to Issue Certificate

Commissioner Rose's motion passed unanimously.

FY 2004-05 Budget Report

Mr. Brundage reviewed his staff report and recommendation to direct the Executive Officer to use the surplus carryover to reduce the FY 2005-06 assessments from contributing agencies. The recommendation also included adoption of a Resolution LAFC 1286 Amending the FY 2004-05 Budget to increase the Contingency Fund by \$68,178 for a Total FY 04-05 Final Budget of \$749,178. Commissioner Hammond moved approval of staff's recommendation; the motion was seconded by Commissioner Scherman. Commissioner Mulberg stated the Special District Advisory Committee agreed with the Executive Officer's recommendation. The motion passed unanimously.

Draft Herald Fire Protection District MSR & SOI Update

The Executive Officer stated this is a no action item; it will be presented to your Commission at a future meeting.

Freeport Reorganization Status

The Assistant Executive Officer briefly announced the City of Sacramento is working on an outreach with the citizens of Freeport. The Conducting Authority hearing has been set for September 22, 3:00 P.M. in staff offices.

Open Space Policy Update Continued.

Work Status No report.

Legislation Don Lockhart gave a brief oral report on SB 1266, AB 2306 and AB 2067.

There was no further business; the meeting was adjourned at 7:57 P.M.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Marilyn Ann Flemmer
Commission Clerk