

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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March 2, 2005

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer

RE: **Issuance of Final Program Completion Certificate for
City of Elk Grove Incorporation
Mitigation Monitoring Reporting Program**

RECOMMENDATION

Direct your Executive Officer to issue the Final Program Completion Certificate related to Mitigation Measure No. 2 pursuant to the Mitigation Monitoring Program for the Incorporation of Elk Grove, authorized by your Commission in Resolution No. 1208.

DISCUSSION

On September 1, 2004, the Commission determined the City of Elk Grove has complied with all of the Mitigation Measures *except No. 2* set forth in LAFC Resolution No. 1208 dated June 2, 1999. As you recall, Mitigation Measure No. 2 requires the City of Elk Grove to annex to Sacramento Regional Transit District, as required by Regional Transit District's principal act.

Harriet Steiner, your Commission's outside legal counsel, determined that LAFCo may not enforce Mitigation Measure No. 2 without litigation. Based on her legal opinion, the outcome of such a law suit could not be certain.

Since Ms. Steiner's opinion, the City of Elk Grove and Sacramento Regional Transit District introduced legislation to address this issue. Assembly Bill 466 was introduced and signed by the Governor; AB 466 became effective January 1, 2005. The bill provides an alternative approach to annexation. It also required the City and the District to enter into an Agreement for service. Your Commission directed me to report back to you after Assembly Bill 466 had been signed by the Governor and an Agreement between Sacramento Regional Transit District and the City of Elk Grove had been reached.

The City of Elk Grove has complied with AB 466 and entered into an Agreement with Sacramento Regional Transit District for transit service. Dr. Beverly Scott, General Manager, Sacramento Regional Transit District, has confirmed that the City of Elk Grove is in compliance with the Agreement.

RECOMMENDATION

Therefore, I recommend that your Commission direct the Executive Officer to issue the final Program Completion Certificate for the Mitigation Monitoring Program established pursuant to LAFCo Resolution 1208.

PB:Maf
(EG Final Incorp Certificate)