

**AGENDA ITEM #5**

May 2, 2018

Miscellaneous Public Correspondence

**Lockhart. Don**

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**From:** Dale Steele <dalet.steele@gmail.com>  
**Sent:** Thursday, April 26, 2018 2:37 PM  
**To:** Commission. Clerk  
**Subject:** Request LAFCo Reconsideration of Elk Grove SOI Amendment  
**Attachments:** Request LAFCo Reconsideration of Elk Grove SOI Amendment.pdf

**EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments.

I am writing to go on record urging the LAFCo to proceed with reconsidering the landowner requested Sphere of Influence amendment to the City of Elk Grove. My letter goes into more detail with new information as well as a closer examination of existing input which wasn't adequately considered or addressed in the previous decision on this proposal.

Please reconsider the SOI amendment to Elk Grove. As it stands it is not in the best interest of the public or environment.

Dale T Steele  
[dalet.steele@gmail.com](mailto:dalet.steele@gmail.com)  
916-382-2453

# Request LAFCo Reconsideration of Elk Grove SOI Amendment

I am writing to go on record urging the LAFCo to proceed with reconsidering the landowner requested Sphere of Influence amendment to the City of Elk Grove. If approved, this amendment would allow conversion of over 1100 acres of farmland that also provides valuable wildlife habitat and ecosystem services including water quality, groundwater recharge, air quality, carbon sequestration and more. If the existing decision to approve this amendment stands it would set a new precedent in planning for growth. Assumptions made by LAFCo Commissioners overestimate the availability of resources such as water to support this new growth. These same assumptions underestimate the impacts to wildlife and ecosystem services from this amendment allowing new growth beyond the existing SOI.

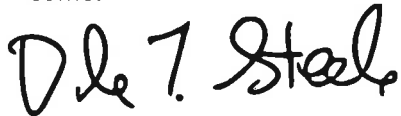
The issues involved in this amendment are both regional and complex and the proposed amendment is in conflict with existing regional infrastructure planning. There are over 20 significant and unavoidable impacts that come with the decision to approve the amendment that won't be fully mitigated. These impacts involve the direct and indirect loss of farmland, agricultural economy and wildlife habitat. The overuse of water supply and reduction of groundwater is of particular concern and was not adequately addressed in the previous review of this proposal.

As a long time resident of Sacramento County and previously of San Joaquin County I am well aware of the efforts to expand Elk Grove. There is still much land within the existing boundary that has been approved for development but not built out yet. Prudent economical and environmental planning requires that this "in-fill" land be developed first. Even if adequate mitigation had been included for the impacts associated with this SOI amendment proposal, it would not be appropriate or efficient use of public funds to proceed with more development outside existing boundaries now.

I have worked in California throughout my 30+ year career as state environmental planner and biologist and after reviewing the staff report and proposed SOI amendment it is obvious that there are many inadequate assumptions and a lack of full mitigation. The comments received point these problems out but were not adequately considered. The existing decision to approve the amendment calls into question the LAFCo process and the need for it to be reformed. The existing and increasing issues facing California, especially climate change, air quality, water availability, farmland and habitat loss call for

sound planning decisions that are truly in the best interests of the public and future generations that will have to live with the results. This existing decision does meet that standard and must be reevaluated.

LAFCo Commissioners must bring this amendment back for a reevaluation and much more thorough review of the issues and facts. Don't rely on inadequate assumptions and push the resulting problems on to the public including our children and grandchildren to come.

A handwritten signature in black ink that reads "Dale T. Steele". The signature is written in a cursive, slightly slanted style.

Dale T Steele

dalet.steele@gmail.com

916-382-2453

## Lockhart. Don

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**From:** Steve Uhler <sau@wwmpd.com>  
**Sent:** Thursday, April 26, 2018 4:58 PM  
**To:** Commission. Clerk  
**Cc:** FOSH  
**Subject:** Comment: May 2, 2018 Agenda item 5. Requests For Reconsideration: Landowner Initiated Proposed Sphere of Influence Amendments for the City of Elk Grove

EXTERNAL EMAIL: If unknown sender, do not click links/attachments.

Comment, May 2, 2018 Agenda item 5. Requests For Reconsideration: Landowner Initiated Proposed Sphere of Influence Amendments for the City of Elk Grove

Power Content Label vs. Product Content Label and supplying clean renewable power to any Sacramento County development plans.

Dear LAFCo Commissioners,

Please consider the ability of SMUD to deliver clean renewable electricity to Sacramento County in the next 20 years.

You may have heard that SMUD has a electricity product called "Greenenergy"?

SMUD says, "Join SMUD's Greenenergy program and we will meet up to 100 percent of your electricity needs with power made from renewable resources like wind, water, sun and biomass."

If SMUD can actually deliver the renewable power, you should ask SMUD why they don't have a Title 20, 1393 compliant "Power Content Label" on their website for Greenenergy electricity products.

The California Energy Commission (CEC) can help with identifying compliant power content labels, they regulate the labeling of electricity products. See <http://energy.ca.gov/pcl/>

For Title 20, 1393 see:

[https://govt.westlaw.com/calregs/Document/IOE1D4149545241E698C3431F24F562A1?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IOE1D4149545241E698C3431F24F562A1?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

The current label for Greenenergy on SMUD's website is called a "Product Content Label", see <https://www.smud.org/-/media/Going-Green/Greenenergy/Power-Content-Label-Greenenergy.pdf> as found here <https://www.smud.org/en/Going-Green/Get-Green-Energy/Residential> .

Please compare the Greenenergy Product Content Label to the Power Content Label for SMUD's default electricity product <https://www.smud.org/-/media/Documents/Corporate/Environmental-Leadership/Power-Content-Label-full.pdf> that can also be found on the CEC website at [http://www.energy.ca.gov/pcl/labels/2016\\_labels/Sacramento\\_Municipal\\_UTILITY\\_District.pdf](http://www.energy.ca.gov/pcl/labels/2016_labels/Sacramento_Municipal_UTILITY_District.pdf) .

The submission of a Title 20, 1393 Power Content Label is required by law for all electricity products. There is no current Greenenergy Power Content Label on the CEC website <http://www.energy.ca.gov/pcl/labels/> .

Please also compare with the power content label shown in the application for Green-e Certification found on the last page of <https://www.green-e.org/docs/energy/applications/SMUDGreenenergyPartnerApplicationNov2014.pdf> .

Is the SMUD Greenergy "Product Content Label" a counterfeit or pretend "Power Content Label"?

You may ask, what's the big deal?

In a recent (8/15/2017) CEC docketed (2016-OIR-05) comment on AB 1110 Power Source Disclosure (PSD) and Power Content Labels (PCL) made by SMUD, <https://efiling.energy.ca.gov/GetDocument.aspx?tn=220790> SMUD Senior Attorney William W. Westerfield, III said "SMUD strongly disagrees with the exclusion of REC only or unbundled REC transactions from the PSD power mix percentage calculations. This is particularly problematic for SMUD's green pricing program (Greenergy), which includes procurement of significant amounts of unbundled solar, wind and other renewable RECs, and includes those renewable resources in the Greenergy PCL."

Unbundled RECs represent the use of electricity at retail by a consumer not claiming the RECs other than the SMUD customer purchasing the Greenergy electricity product. The power received by the SMUD Greenergy electricity product consumer is not delivered clean renewable power.

I believe this clearly indicates that SMUD does not intend to deliver 100% renewable electricity for the Greenergy electricity product. The use of a "Product Content Label" may be SMUD's way of trying to not provide a Title 20 (AB 1110) Power Content Label that may say that SMUD renewable electricity has greenhouse gas associated with it and is not zero carbon.

Please pay attention to where Sacramento County is going to get delivered clean zero carbon renewable energy to support any system used in any development plans and the local environmental effect of not delivering clean zero carbon renewable energy.

thanks,

Steve Uhler  
[sau@wwmpd.com](mailto:sau@wwmpd.com)

## Lockhart. Don

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**From:** Lisa Phenix <lisap@winfirst.com>  
**Sent:** Friday, April 27, 2018 9:24 AM  
**To:** Commission. Clerk  
**Subject:** Fwd: LAFCo Hearing 5/2 530pm re: Elk Grove Expansion

**EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments.

Begin forwarded message:

**From:** Lisa Phenix <[lisap@winfirst.com](mailto:lisap@winfirst.com)>  
**Subject:** LAFCo Hearing 5/2 530pm re: Elk Grove Expansion  
**Date:** April 26, 2018 at 3:14:43 PM PDT  
**To:** [commissionclerk@saclafo.or](mailto:commissionclerk@saclafo.or)

Dear LAFCo Commissioners:

I ask that you grant a reconsideration hearing on your 2/7/18 4-3 decision to allow a landowner requested Sphere of Influence amendment to the City of Elk Grove. The allowed conversion of 1,156 acres of farmland is a huge change in planning for growth.

Reconsideration is warranted because these issues are regional and complex, including conflict with regional infrastructure planning. Reconsideration is further warranted as the decision results in 22 significant and unavoidable impacts that won't ever be fully mitigated. Also, the decision impacts include direct and indirect loss of farmland and agriculture in Sacramento County.

Thank you in advance for your careful, considerate and thorough attention to this request for reconsideration.

Sincerely,

Lisa Phenix, mom of three, and Sacramento County resident and property owner.

lisa phenix

<http://www.lisaphenix.com>

lisa phenix

<http://www.lisaphenix.com>

**Lockhart. Don**

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**From:** Ann Kohl <kohl@cwo.com>  
**Sent:** Monday, April 30, 2018 10:03 AM  
**To:** Commission. Clerk  
**Cc:** FOSH  
**Subject:** Reconsider expansion of Urban Service Boundary at Kammerer Road and Hi99.

**EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments.

TO: LAFCo Commissioners,

Please reconsider your vote for the expansion of the Elk Grove Sphere of Influence at Kammerer Road and Highway 99. This expansion of the Urban Services Boundary will undermine the future of Sacramento County. Many advocate for a sustainable future and have worked for years to control Urban Sprawl, and protect valuable farmland, wild life habitat, and scarce ground water. See detailed reasons below.

I urge LAFCo Commissioners to VOTE NO TO THIS EXPANSION of the Elk Grove sphere of influence.

Ann Kohl  
2710 Sierra Blvd.  
Sacramento, CA 95864

In 1993 the Sacramento County adopted an Urban Services Boundary (USB) to protect farmland against sprawl development. The developer of Kammerer/Highway 99 SOIA wants LAFCo to authorize 1158 acres beyond the USB, despite thousands of undeveloped acres of vacant land inside the USB and City of Elk Grove.

**Protection of farmland?** The Sacramento County Farm Bureau has opposed approval of this project because of the loss of farmland and other impacts on agriculture that would result. The EIR finds the approval of Kammerer/99 SOIA would have significant and unavoidable (can't mitigate for) impacts on farmland. See <http://www.swainsonshawk.org/Images/Significantunavoidable.pdf> for a list of the 14 different significant impacts that can't be mitigated.

**Endangered wildlife?** The EIR for this proposal finds significant, unavoidable and unmitigatable impacts on wildlife if this project is approved. An approval will signal that decisionmakers will sacrifice the



success of the South Sacramento County Habitat Conservation Plan, intended to mitigate for the loss of wildlife habitat **inside the USB.**

**Adequate Water Supply for the Future?** The Sacramento County Water Agency has stated that all available water has been allocated for existing and future development **within the USB.** The Sacramento County General Plan states that more development is **presently** planned in the County than can be served by water supply. Yet this proposal will either further drain the groundwater supply already depleted in the South area, or take water intended for other projects, long ago entitled. The EIR states that **depletion of groundwater** supplies is a **significant and unavoidable impact** of an approval of this proposal.

**Climate change?** Our Climate Action Plan depends on sticking with the adopted Metropolitan Transportation Plan (SACOG's MTP) and its strategy for curbing vehicle trips. The MTP assumes Elk Grove stays within its current boundaries until at least 2036. SACOG has told LAFCo that the **Kammerer/99 proposal is outside the MTP footprint.**

**Urban Sprawl?** The proposal is the very definition of urban sprawl -- approving farmland for urban use while adequate land supply already exists within the urban area for expected growth. LAFCOs are mandated to curb urban sprawl and protect farmland by saying no to premature expansion of cities. (click here to see LAFCo's statutory requirements and policies [http://www.swainsonshawk.org/Images/State Law and LAFCo Pol.pdf](http://www.swainsonshawk.org/Images/State%20Law%20and%20LAFCo%20Pol.pdf)).

**LAFCo needs to do its job and say NO to the Kammerer Road/Highway 99 Sphere of Influence.**

## Lockhart. Don

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**From:** Elizabeth Smith <rocklvr@gmail.com>  
**Sent:** Monday, April 30, 2018 5:57 AM  
**To:** Commission. Clerk  
**Cc:** swainsonshawk@sbcglobal.net  
**Subject:** SOIA Application "Kammerer 99"

**EXTERNAL EMAIL:** If unknown sender, do not click links/attachments.

Dear LAFCo Commissioners,

I'm writing to ask you to reconsider the approval for the requested Sphere of Influence amendment to the cit of Elk Grove. With 22 unavoidable and un-mitgatable impacts, it seems like a poor decision.

Urban sprawl, loss of habitat, and farm loss are all serious reasons to reject this project. Please go over this case again and look at all the facts... try not to get too excited about extra tax dollars (or whatever is making you think this is a good idea).

Remember that your decisions will make an impact on the land and our communities that can not be undone.

Thank you for your consideration.

Sincerely,  
Elizabeth R. Smith  
95817

**Thorpe. Diane**

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**From:** vanderv@surewest.net  
**Sent:** Tuesday, May 01, 2018 8:26 PM  
**To:** Commission. Clerk  
**Subject:** To LAFCo Commissioners, May 2 EG

**EXTERNAL EMAIL:** If unknown sender, do not click links/attachments.

To LAFCo Commissioners:

Please reconsider your decision to allow Elk Grove to disregard the Urban Services Boundary (USB) that has been the foundation of urban planning in Sacramento County. Planning for water, transportation, habitat and other key resources has been based on the USB for decades. SACOG (our regional planning agency) has stated emphatically that Elk Grove does not need more farmland to grow, and that the proposal conflicts with the Metropolitan Transportation Plan.

Respectfully submitted,

Virginia Volk-  
Anderson

1408 La Sierra  
Drive

Sacramento, CA 95864

**Lockhart. Don**

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**From:** Commission. Clerk  
**Sent:** Wednesday, May 02, 2018 8:28 AM  
**To:** Lockhart. Don  
**Subject:** FW: To LAFCo Commissioners, May 2 EG

Have a great day,  
*Diane Thorpe*

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**From:** [vanderv@surewest.net](mailto:vanderv@surewest.net) [<mailto:vanderv@surewest.net>]  
**Sent:** Tuesday, May 01, 2018 8:26 PM  
**To:** Commission. Clerk  
**Subject:** To LAFCo Commissioners, May 2 EG

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Respectfully submitted,

Virginia Volk-  
Anderson

1408 La Sierra  
Drive

Sacramento, CA 95864

5-2-18

9:35 AM

To: Clerk for Commissioners

From: Suzanne Ricci

I e-mailed this comment letter for the commission at 8:30 AM, - if not received by you, please be sure my letter is distributed to the Commissioners.

Thank you.

Suzanne Pecci

10212 Equestrian Drive  
Elk Grove , CA 95624  
phone & fax 1(916)686-6768  
slpecci@aol.com

Page 1 of 3

May1, 2018

VIA EMAIL, USPS & FAX

Mr. Don Lockhart, Executive Officer  
LAFCo Commissioners

SACRAMENTO LAFCo  
1112 I Street, Suite 100  
Sacramento, CA 95814

Please replace page 1 of this comment with corrected amount of grant funding sought by project. Sorry for inconvenience.

Re: Kammerer/Hwy 99 (Wackman Ranch) SOIA  
**(Reconsideration Request Hearing)**

Dear Mr. Lockhart and Commissioners:

As a 40 year resident of rural east Elk Grove, I have worked over the past 3 years to learn and understand the impacts the Sustainable Groundwater Management Act (SGMA) will have on domestic well owners in South County-Elk Grove/Wilton-as well as municipal users in the City of Elk Grove. It is my opinion, that the ambitious and well-publized goals of the Elk Grove City Council to seek approval for SOIAs at this time to add 8,000 acres of new development— one piece at a time— to the south county region exacerbates the already complicated and unresolved regional issues of water planning and governance, at the same time the South county region is seeking Prop 1 funding from the State Water Resources Control Board of over **\$304,000,000** as matching funds for a Water Storage Investment Program (WSIP) valued at almost One Billion Dollars.

As all of you are aware, the Regional San's South Sacramento County Agricultural Habitat Lands Recycled Water Program aka Water Storage Investment Program (WSIP) is Part 1 of 2 —and a first step to address climate change and the cyclical droughts and flooding events, and develop a resilient and reliable water supply for the region that involves a monetization of the program's public benefit for habitat, agriculture, recreation, water storage and conjunctive use— without impacting the current population. A Study Area in a Sphere of Influence for possible future urbanization does not qualify as a public benefit under the Water Storage Investment Program. The approximate 1100

Page 2

acres of ag land in the Wackman/Hwy 99 SOIA study area for potential urbanization approved by LAFCO on February 7, 2018 are within the boundaries of the South County WSIP.

In reviewing the CEQA documents for the South County WISP, it appears that LAFCo staff provided misleading and incomplete information for the WISP FEIR of Jan. 2017 when the LAFCO staff letter dated Aug. 2016 provided information that the City of Elk Grove had withdrawn the SOIA without providing updated information about the NOP for the Wackman/Hwy 99 that was released on March 2016. In my opinion, this action on the part of LAFCo staff appears to have been an effort not to connect the Wackman Ranch/ Felletto parcel within the south County WSIP boundaries with the LACo approved Wackman/Hwy99 SOIA for the same parcel. They are connected. They are the same parcel. The parcel planned for WSIP infrastructure for water recharge for a potential future water supply is the same parcel with the potential for development and urbanization at some time in the future and which may in fact benefit from the WSIP future water supply.

I am very supportive of the concept of the proposed South County WSIP and the potential to recharge aquifers in the South American sub-basin that provide a public benefit to agriculture and habitat and that has the potential of providing the infrastructure for a future water supply source for the region. There is, however, a question of public perception and a perceived violation of the public trust surrounding the approval of this SOIA that can't be overlooked and must be addressed by LAFCo, especially because public funds for public benefit are involved.

Presentations of Water Storage Investment Programs (WSIPs) by 7 applicants statewide are being heard by The State Water Resources Control Board in Sacramento from May 1-3, 2018, with the Regional San's presentation of the project for South County WISP agendaized for May 3. The 7 presentations of the Water Storage Investment Programs (WSIPs) by the applicants will be reviewed, closely scrutinized and judged competitively by the SWRCB for eligibility of their program's public benefit elements demonstrated by the application. The 7 programs will be competitively ranked, and voted on for potential funding. A determination of eligibility by the SWRCB, however, does not guarantee funding.

Because of nature of the widespread controversy surrounding this SOIA approval, it is also reasonable to assume that the State Water Resources Control Board has been made aware of the SOIA attached to the South County WSIP. The unknown impact of LAFCo's approval of the Wackman/Hwy99 SOIA has yet to play out on May 3 when The Regional San South Sacramento County Agriculture & Habitat Lands Recycled Water, Groundwater Storage Conjunctive Use Program (South County Ag Program) will be presented to the SWRCB by Regional San for a competitive review, eligibility

Page 3

determination, ranking and potential funding for a program that has the potential to benefit the entire region.

LAFCo has the opportunity on May 2, 2018 to reevaluate the basis for their decision of approval and reconsider their approval of the controversial Wackman/Hwy99 SOIA made on February 7, 2018 in order to further study the very complex Regional San's WSIP project, which over time has the potential to evolve into a future water supply for the region, including this SOI.

I feel as a voter in this region that it is encumbant on you as elected and appointed officials to research the issues and understand and be concerned about the impact your vote has on the residents of South County —Elk Grove/Wilton,the farmers that want to continue farming, and habitat that needs protection. All of us need to begin to understand and adjust to the new statewide and regional issues involving climate change and water supply needs as the region's population and farming economies continue to grow.

I am asking you to reconsider your decision to approve the Wackman/Hwy99 SOIA pending your further study of the issues and the resolution of the regional conversation we are having about our future water supply, as we continue to search for ways to locally implement SGMA by all interested parties and stakeholders in Elk Grove and the surrounding region.

Thank you.

Sincerely yours,

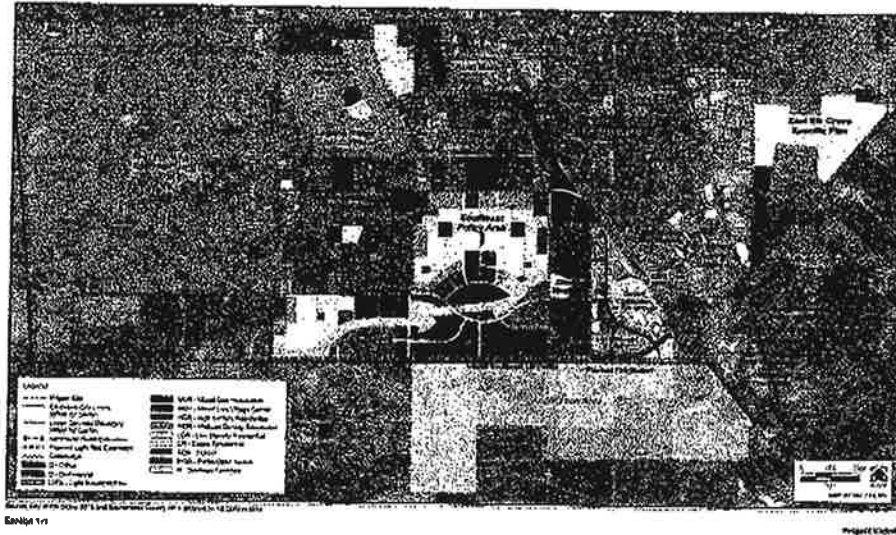
Suzanne Pecci



# ELK GROVE NEWS.NET

## As LAFCO Reconsiders Expansion of Elk Grove, Public Comments, Including Planning Commissioner, Condemn Annexation

<http://www.elkgrovenews.net/2018/05/as-sacramento-lafco-to-reconsiders.html>



May 1, 2018 |

At their regular monthly meeting on Wednesday, May 2, the Sacramento Local Agency Formation Commission (LAFCO) will hold a second hearing reconsidering their February 7 decision opening the doors for an expansion of Elk Grove city limits.

That decision which approved the environmental impact statement for a so-called sphere of influence (SOI) application is a significant step to annex the nearly two square miles into Elk Grove. Unlike an unsuccessful effort led by the city in 2013 to annex 12-square miles, this smaller annexation is being pursued by private real estate developers Reynolds & Brown, Kamilos Development, and Feletto Development who want to build thousands of residential dwellings.

The second hearing, which was initially scheduled for April but rescheduled to tomorrow, was granted after requests from several environmental groups and individuals. Collectively they claimed the 4-3 commission decision was flawed and did not fully consider issues such as how will water be supplied conveyed for the development.

Along with the comments from environmental groups and Elk Grove area residents, public comments also came from residents outside the area. Typical of this was a comment from Camichael, California resident Peggy Berry who framed the issue as anti-citizen and pro-developer.

In her comments dated April 4 Berry wrote; "When will sound planning stand a chance against monied interests? It's discouraging and makes citizens who care about the broader picture of preserving open spaces and their dwindling habitats feel their caring means little to nothing when looking at Sacramento's future desirability."

East Sacramento resident Alison Rood urged the LAFCO commission to reign in urban sprawl saying "As a 60 year resident of Sacramento who has seen so many wild places turned to suburban sprawl, I beseech you to reconsider the February decision to convert 1,156 acres of farmland in the Elk Grove area. We share our lives with animals and habitats that are vital to the health of our planet. We have surely paved over enough of our natural world."

Also weighing in on the decision was Elk Grove Planning Commissioner Mackenzie Wieser who urged reconsideration and reversal of their decision. Wieser, who was appointed to the commission by Mayor Steve Ly wrote "I realize that although your vote doesn't bring bulldozers to the property right away...we really need to think about the future of our State."

Referencing the long-established urban service boundary, Wieser added "When we draw a line or decide on a boundary we should stick to that." The area approved by LAFCO for annexation into Elk Grove is outside that boundary.

Elk Grove residents commenting included Suzanne Pecci and Lynn Wheat who submitted lengthy criticisms of the decisions. Both Pecci and Wheat have been actively involved in water and land uses issues respectively in Elk Grove.

In her three page letter, Wheat comments on several aspects of the expansion including economic conditions that preclude the need for an expansion at this time. Wheat noted the unfinished Outlet Collect at Elk Grove which sits unfinished. Construction stopped on the shopping center 10 years ago this July and its future remains murky.

Wheat noted "The city has vacancies within every existing retail, commercial, and office complex in the current city limits. Some completed complexes have been vacant for years, and our economic development department and commercial owners have been unable to fill the vacant sites."

Additionally Wheat noted "LAFCo did not examine vacancy rates in commercial properties in Elk Grove, or the available market studies on demand for this zoning in Elk Grove" and that "the role of LAFCO commissioners is to protect our region from urban blight and preservation of farmland."

Pecci noted concerns "about the long-term impact your failure to reconsider the approval of this SOIA may have on the approximate 1,500-2,000 long-time ag res residents in Elk Grove whose sole source of water is their domestic well. The rural community of Elk Grove occupies about 25-percent of the land area within the city limits of Elk Grove."

In an often technical and legal discussion of regional groundwater, Pecci says LAFCO failed to consider these in the approval and in environmental documents that preceded that decision. Specially Pecci noted "that it is important this commission take into account the current ongoing complex negotiations that are being conducted regarding water planning and management and governance, the unresolved basin boundary issues in the south American [river] sub basin and Cosumnes [river] subbasin and the settlement of a lawsuit for which information was not provided in the RDE,IR as factors in reconsidering your approval of this SOIA."

Tomorrow's meeting will be held at the Sacramento County Administration Building at 700 H Street, Sacramento and starts at 5:30 p.m.

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POST A COMMENT

Posted by EGN

**Constance V. Conley**  
8854 St. Anthony Court  
Elk Grove, CA 95624  
916.719.8570  
[connie4eg@frontiernet.net](mailto:connie4eg@frontiernet.net)

# **LAFCo Public Comment Submission**

To: Commissioners of the Sacramento Local Agency  
Formation Commission

Via Facsimile and Email: 916.874.2939 to  
Donald.Lockhart@SacLAFCo.org

From: Constance V. Conley

Meeting Date: **May 2, 2018**

Re: **Item 5 - In the Matter Elk Grove SOI**

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I respectfully submit an official request that LAFCo Chair Pat Hume recuse himself from Item 5. Request for Reconsideration of February 7, 2018 Commission Action - Landowner Initiated Proposed Sphere of Influence Amendments for the City of Elk Grove, Sacramento Regional County Sanitation District & Sacramento Area Sewer District (LAFCo #07-15) (CEQA Eir Sch #2016032015) citing a conflict of interest.

The city of Elk Grove, and especially its council members, are not new to conflicts of interest. I cite the Sacramento County Grand Jury's Special Report of February, 2005 entitled, ***"Elk Grove City Council and Conflict of Interest Issues."***

At the April 14, 2010, Elk Grove City Council Meeting, Mr. Hume quickly addressed an e-mail correspondence he received asserting that because his extended family owns property adjacent to the SOI area created a conflict of interest. Mr. Hume stated the following:

"Yes, my stepfather does own property in the transition zone. We are not blood relatives. We have no financial interest.

Furthermore, Mr. Hume stated because of consanguinity he did not have to recuse himself. I beg to differ. "A person's relative within the second degree by affinity are: a) **anyone related by consanguinity to the person's spouse within the first or second degree**; or b) the spouse of anyone related to the person by consanguinity within the first or second degree. Gov't Code 573.024(b).

Even with no financial interest or not, conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future. A reasonable person would surmise that Mr. Hume has his family's best interests in mind, as would any other person regarding family matters.

Additionally, because the conflict of interest allegations were so severe, the Grand Jury stated the Elk Grove City Council must avoid even a perception of a conflict of interest, interpreted Government Code Section 1090 as, **"not only to strike at actual impropriety, which might bear on an official's decision . . . It is also intended, "not only to strike at actual impropriety, but also to strike at the appearance of impropriety."**

At the very least, the appearance of impropriety in this matter does exist and I also believe that Mr. Hume has a non-pecuniary interest in Item 5 even if his private interest does not relate to money, but does arise out of kinship, friendship and/or familial interests in this matter.

I am of the opinion that a clear perception of a conflict of interest is present, and because of that, Mr. Hume must recuse himself on Item 5 because public confidence in the integrity of not only the governmental process but the integrity of LAFCo is vital.

In closing, elected officials have a responsibility to always serve the public interest in performing their duties. Personal interests, whether these are financial, or relate to family, friends or associates, should not influence public duty.

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\*\*\* TX REPORT \*\*\*  
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TX IMAGE SET NOT TO DISPLAY

JOB NO. 2147  
ST. TIME 05/02 11:19  
SHEETS 1  
FILE NAME

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ERROR Don.Lockhart@saclafco.org

dl

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SHEETS 1  
FILE NAME

TX INCOMPLETE -----

TRANSACTION OK -----

ERROR Don. Lockhart@saclafco.org

dl

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TX IMAGE SET NOT TO DISPLAY

JOB NO. 2150  
ST. TIME 05/02 11:35  
SHEETS 1  
FILE NAME

TX INCOMPLETE -----  
TRANSACTION OK -----  
ERROR

Don.Lockhart@sacdafco.org

dl



\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TX IMAGE SET NOT TO DISPLAY

JOB NO. 2151  
ST. TIME 05/02 11:36  
SHEETS 1  
FILE NAME

TX INCOMPLETE -----  
TRANSACTION OK -----  
ERROR Don. Lockhart@saclafco.org dl

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

JOB NO. 2152  
ST. TIME 05/02 11:37  
SHEETS 1  
FILE NAME

TX INCOMPLETE -----  
TRANSACTION OK -----  
ERROR Lockhartd@saccounty.net  
Thorped@saccounty.net

Don Lockhart  
Diane Thorpe

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TX IMAGE SET NOT TO DISPLAY

JOB NO. 2154  
ST. TIME 05/02 11:38  
SHEETS 1  
FILE NAME

TX INCOMPLETE -----  
TRANSACTION OK -----  
ERROR Lockhartd@saccounty.net  
Thorped@saccounty.net

Don Lockhart  
Diane Thorpe

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TX IMAGE SET NOT TO DISPLAY

JOB NO. 2155  
ST. TIME 05/02 11:53  
SHEETS 1  
FILE NAME

TX INCOMPLETE -----  
TRANSACTION OK -----  
ERROR Lockhartd@saccounty.net  
Thorped@saccounty.net

Don Lockhart  
Diane Thorpe

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TX IMAGE SET NOT TO DISPLAY

JOB NO. 2153  
ST. TIME 05/02 11:38  
SHEETS 1  
FILE NAME

TX INCOMPLETE -----  
TRANSACTION OK -----

ERROR Lockhartd@saccounty.net  
Thorped@saccounty.net

Don Lockhart  
Diane Thorpe

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TX IMAGE SET NOT TO DISPLAY

JOB NO. 2156  
ST. TIME 05/02 11:53  
SHEETS 1  
FILE NAME

TX INCOMPLETE -----  
TRANSACTION OK -----

ERROR Lockhartd@saccounty.net  
Thorped@saccounty.net

Don Lockhart  
Diane Thorpe