

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**  
**1112 I Street #100**  
**Sacramento, California 95814**  
**(916) 874-64358**

December 3, 2003

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer

RE: **Incorporation Mitigation Measures**  
**City of Elk Grove**

**RECOMMENDATION**

1. Adopt the attached Resolution certifying the completion of Mitigation Measure Nos. 1, 3, 4, 6, 7, 8, and 10, set forth in Resolution No. LAFC 1208.
2. Adopt performance standards for Mitigation Measure Nos. 2, 5, and 9 and direct staff to monitor Mitigation Measure Nos. 2, 5, and 9, and report back to your Commission by June 30, 2004, or sooner.

**DISCUSSION**

On November 5, 2003, staff presented a report recommending that the Commission authorize your Executive Officer to issue a Program Completion Certificate related to the Mitigation Measures adopted by your Commission on June 2, 1999, in Resolution No. LAFC 1208 regarding the incorporation of Elk Grove. The Commission directed staff to report back with performance standards or criteria related to Mitigation Measure Nos. 2, 5, and 9. The following table summarizes each mitigation measure and its current status.

|                      |   |   |
|----------------------|---|---|
| Mitigation Measure 1 | Boundary adjustment.  | Status: Complete.   |
| Mitigation Measure 2 | Maintain existing public transit service including applicable paratransit service. Annexation to Regional Transit District. | Status: Not Complete but in progress. The City of Elk Grove has a contract with Regional Transit & Paratransit that expires on June 30, 2004. Negotiations with RT not complete. Monitor with review in July, 2004.   |
| Mitigation Measure 3 | Street Lighting and Road Maintenance  | Status: Complete.   |
| Mitigation Measure 4 | Transportation Fee Programs   | Status: Complete  |
| Mitigation Measure 5 | Joint Road Maintenance Agreements between City and County for roads with common boundaries.                                 | Status: Not complete but in progress. Monitor with review in July, 2004.  |
| Mitigation Measure 6 | Contract for Water Services   | Status: Complete.   |
| Mitigation Measure 7 | Contract for Storm Drainage   | Status: Complete.   |
| Mitigation Measure 8 | Elk Grove to become participant and co-permittee under National Pollutant Discharge Elimination System (NPDES)              | Status: Complete  |
| Mitigation Measure 9 | Transfer of County land use entitlement approvals and environmental mitigation measures to City of Elk Grove.               | Status: Not complete but in progress. Transferred from County to City of Elk Grove. Approved prior to incorporation. Primary outstanding issue relates to expenditure of funds for the purchase of Swainson's Hawk foraging habitat. The City has increased and |

|                       |   |   |
|-----------------------|---|---|
|                       |   | adopted a permanent mitigation fee. The City continues to collect this fee and deposit it into a trust account. The City has not yet purchased land or easements. Monitor with annual review commencing July, 2004. |
| Mitigation Measure 10 | Maintain Communities Facilities and Financing Districts | Status: Complete.   |

There are three mitigation measures that the Commission considered to be only partially complete on November 5. The City of Elk Grove has been working on these issues and much progress has been made. The Commission will need to decide how and when these mitigation measures may be deemed fully satisfied.

**Performance Measures**

Staff provides the following performance (standards) measure suggestions to be used to evaluate the three partially completed mitigation measures.

**Regional Transit**

The City of Elk Grove demonstrates by June 30, 2004 that it has annexed to Regional Transit; it extends the existing contract (or enters into a similar contract for transit services with a contractor), or it provides public transit services at a similar, or an improved, level of service at the time of incorporation.

Staff recommends that the City of Elk Grove should have the option of how to fulfill this requirement. However, LAFCo strongly recommends annexation to Regional Transit District or long term contract with the District.

**Road Maintenance Agreement**

The legislative bodies of the City of Elk Grove and County of Sacramento adopt a formal joint road maintenance agreement. The Commission acknowledges that a verbal agreement between each agency currently exists.

**Purchase of Swainson's Hawk Habitat**

The Commission acknowledges the City has adopted a permanent mitigation fee and continues to deposit said fee in a trust account for the sole purpose of purchasing and maintaining Swainson's foraging habitat. In addition, the City of Elk Grove must purchase

habitat (fee or easement) approved by the State Department of Fish and Game and locate a trustee agency to monitor the habitat program. The Commission will review compliance in July, 2004.

***Performance Standard:*** 50% or more of trust account should be expended or in escrow to purchase fee or easement habitat approved by the State Department of Fish and Game.

***Purpose of Incorporation Mitigation Measures***

From my point of view, incorporation mitigation measures imposed by LAFCo are to ensure that policies and services are transferred from one jurisdiction to another jurisdiction without interruption and provided at a similar, or higher, level of service to residents prior to incorporation.

After incorporation, cities are required to adopt ordinances, general plans and other policies and procedures. As legislative bodies, city councils have the ability to establish their own priorities, to amend and to change how they do business. If cities elect to make changes in service provision, they are required to follow the appropriate process and hold public hearings. Cities retain the power to provide municipal services directly or by contract. Legislative bodies of incorporated cities are accountable to their constituents, regional entities, and State law.

Programs and service levels may change over time for a number of reasons. City councils, as corporate entities, are charged with the duty of evaluating the potential for those changes as well as the authority to make them. There may be limited situations in which LAFCo would monitor mitigation measures on a long term basis. However, this is likely to be the exception rather than the rule.

Respectfully submitted,

***SACRAMENTO LOCAL AGENCY FORMATION COMMISSION***

Peter Brundage  
Executive Officer

PB:Maf  
Attachment

(EG Incorp Mitigation Measures)