

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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April 7, 2004

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer

RE: **Elk Grove Incorporation Mitigation Measures**
Sacramento Regional Transit District
Request for Legal Counsel Opinion

RECOMMENDATION

Authorize your Executive Officer to contract with independent counsel to write an opinion on whether or not LAFCo can enforce the Elk Grove Incorporation Mitigation Measure that requires the City of Elk Grove to annex to Sacramento Regional Transit District.

REQUEST

Sacramento Regional Transit District and the City of Elk Grove have reached an Agreement for regional transit services. LAFCo's mitigation measure regarding annexation to the Sacramento Regional Transit District does not at this time appear to be of issue to the District.

However, attached please find a request from the Sacramento Regional Transit District, dated April 5, 2004, in which the District requests a determination regarding:

"... if LAFCo believes that its conditions of annexation to the RT District are enforceable with respect to only those steps that an annexation entity must take (independent of the actions of third parties)."

Since the City of Elk Grove has not approved a Waiver of the Conflict of Interest with the firm Miller, Owen & Trost, LAFCo needs to seek an opinion from independent counsel to address Sacramento Regional Transit District's request. Even though Regional Transit's request is for future reference, it will likely be needed to evaluate the long term compliance with the intent of the mitigation measure. The legal opinion does not require the Commission to take any action but provides a legal basis if it chooses to do so in the future.

PB:Maf
Attachment

(RT and Independent Counsel)