

MINUTES OF NOVEMBER 5, 2003

The Sacramento Local Agency Formation Commission met this fifth day of November, 2003, at 5:30 P.M. in Hearing Room #2 in the Sacramento County Administration Center, 700 H Street, Sacramento, California.

PRESENT: Elliot Mulberg, Chair; Commissioners Charles Rose, Christopher Tooker, Roberta MacGlashan, Muriel Johnson, Lauren Hammond; John Jachens.

ABSENT: Ila Collin. Not Present: R. Dickinson, S. Scherman, D. Jones.

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

CONSENT CALENDAR

On a motion made by Commissioner Tooker, seconded by Commissioner Rose, the Minutes of October 1, 2003 and Claims dated October 30, 2003, were unanimously approved.

REPORT BACK: ELK GROVE INCORPORATION MITIGATION MEASURES

The Executive Officer reviewed the mitigation measures imposed on the incorporation of Elk Grove. Mr. Brundage stated the monitoring was an on-going matter with the exception of measure #2, Regional Transit District annexation. The City has complied with the measure's intent, he recommended that the City of Elk Grove be granted a Certificate of Compliance. He recommended that the Commission require the City to report yearly on the on-going habitat mitigation measures.

There was Commission discussion regarding mitigation measure #2. Mr. Brundage stated the City of Elk Grove has a contract with Regional Transit District for transit and paratransit services within the City but the contract will end June, 2004. The City has not annexed to the District, however, an R.T. annexation is not a LAFCo process. Commission Counsel stated that LAFCo cannot mandate that the City of Elk Grove annex to R.T., however, to withdraw from R.T., the City must make findings regarding the provision of transportation.

There was discussion concerning AB 1717 (effective 1/1/04) that allows new cities to annex to Regional Transit. Commissioner Hammond stated one cannot expect a dollar-for-dollar service return within city limits when that service encompasses an entire region. Commissioner MacGlashan stated the City of Citrus Heights went through a negotiation process for service with R.T.

Commissioner Tooker asked if the Certificate of Compliance would remove the matter from LAFCo's jurisdiction. Commission Counsel stated once you certify compliance, the issue has been satisfied, and the matter closed with LAFCo. However, there are

conditions that

require continuing compliance, i.e., #2 and #9, and require continuous monitoring. Commissioner Rose asked if the County was in compliance with condition #6, regarding water overdraft of aquifers and no current use of surface water. Commissioner MacGlashan asked if there was ever an end to the monitoring process.

Mr. David Storer, Assistant City Manager, City of Elk Grove, addressed the Commission. Mr. Storer stated there are performance measures that should be monitored and we do not have a problem with monitoring. We wish to have transit service that is superior service for the citizens of Elk Grove. The City has had discussions with staff relative to RT service and we want to provide the best service we can for the dollars we expend. We concur with staff's recommendation to issue a Certification of Compliance, concluded Mr. Storer.

Mr. Mike Kashiwagi, Public Works Director, City of Elk Grove, addressed the Commission. Mr. Kashiwagi stated he did not know the answers to Mr. Rose's questions, but that the issue was a process of education. I agree that planning in for the future, the issue requires that we become more knowledgeable about County policies regarding surface water use, stated Mr. Kashiwagi.

Commission Counsel suggested staff return with a Resolution that certifies some mitigation measures and conditionally certifies others, requiring the City to report back annually or if changes occur, sooner.

Mr. Mike Wiley, Assistant General Manager, Regional Transit District, addressed the Commission. Mr. Wiley stated that service levels currently provided to the City of Elk Grove are similar to those provided at the time of incorporation; we expanded services in a major restructure and increased bus service to Elk Grove. He referred to a draft consultant's report regarding Elk Grove funding. Regional Transit has expressed some concern regarding the findings presented to the City of Elk Grove. There was discussion regarding service, costs and the potential that the City of Elk Grove may choose to terminate service with R.T. Mr. David Storer stated "Our Council wants to come to its own conclusions."

Certification of Completion

There was additional Commission discussion regarding the implication of issuing a LAFCo Certificate of Compliance. Commissioner Hammond moved that the Executive Officer issue the Certification of Mitigation Measures with the City's report back on the Commission's concern regarding water. The motion was seconded by Commissioner MacGlashan. The motion did not pass. [Yes: Rose, MacGlashan, Hammond. No: Tooker, Mulberg. Abstain: M. Johnson.]

Commissioner Tooker moved Commission Counsel's recommendation to return at the next meeting with a conditional partial certification that recognizes conditions that have

been met and identifies performance measures to be followed up on for measures which are not yet complete. The motion was seconded by Commissioner Rose and passed unanimously with Commissioner Hammond abstaining.

LAFCo Agricultural/ Open Space Policy Background

Assistant Executive Officer Don Lockhart reviewed the staff report providing background, legislative mandates, other efforts underway in the region, and the intent of the new policy language. There was Commission discussion. Staff was directed to continue with outreach and report back.

Incorporation Fee Policy

Peter Brundage reviewed the staff report and recommended option #3, Partial Cost Recovery from Proponent/ Full Cost Recovery from New City. There was Commission discussion. Commissioner Tooker moved adoption of the staff recommendation, option #3. Commissioner MacGlashan seconded the motion which was unanimously passed.

Establish Nominating Committee for Special District Advisory Committee

The Chair proposed the following members as the Nominating Committee for the Special District Advisory Committee: Charles Rose, John Jachens and Elliot Mulberg. The Nominating Committee will review applications and submit a slate of applicants to the Commission for confirmation. Commissioner M. Johnson moved adoption of the Chair's proposal; the motion was seconded by Commissioner MacGlashan. The motion was unanimously approved.

Citrus Heights Sphere of Influence Update

Mr. Lockhart briefly stated LAFCo staff is collaborating on the MSR process with City Planning. Citrus Heights will take the lead on public outreach. Commissioner MacGlashan stated that the resolution the City Council adopted initiating the Sphere of Influence Amendment is comprised of very small areas in which the residents or businesses have expressed an interest in being part of the City of Citrus Heights.

There were no further reports. The meeting was adjourned at 7:35 P.M.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Marilyn Ann Flemmer
Commission Clerk

MAF
(Minutes November 5, 2003)