

RESOLUTION NO. 2004-232

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
CREATING A SPECIAL SWAINSON'S HAWK HABITAT
ACQUISITION AND MANAGEMENT ACCOUNT**

WHEREAS, all conditions of land use entitlement approvals that were adopted and designed by the County of Sacramento to mitigate environmental impacts have been transferred to the jurisdiction of the City of Elk Grove; and

WHEREAS, the City of Elk Grove has undertaken to enforce all conditions of land use entitlement approvals that were designed to mitigate environmental impacts have been transferred to the jurisdiction of the City of Elk Grove, including the collection of mitigation fees imposed as conditions of approval by the County ("Fees"); and

WHEREAS, the City of Elk Grove has made significant progress to enhance the protection of the Swainson's Hawk by recently amending its Swainson's Hawk Ordinance to require developers to acquire habitat for the Swainson's Hawk at a 1:1 ratio for all large projects; and

WHEREAS, the City of Elk Grove recognizes that Swainson's Hawk habitat land is becoming more and more difficult to purchase and that the competition among development interests is squeezing out non-profits and public entities; and

WHEREAS, the Nature Conservancy has confirmed that existing market conditions make it difficult to acquire appropriately designated land for Swainson's Hawk habitat; and

WHEREAS, there is a need for funding for habitat protection, habitat management, habitat restoration, habitat administration and habitat acquisition; and

WHEREAS, the City of Elk Grove continues to exercise its best efforts, in consultation with the Friends of the Swainson's Hawk, The Nature Conservancy and the California Department of Fish & Game, and others, to identify an appropriate use for these Fees as early as possible; and

WHEREAS, there is a need to recognize that in today's market the Fees do not buy much land, that this function is now being accomplished by others, and that there exists an opportunity to take the time needed to identify a leveraged and strategic use for these Fees;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby create the Swainson's Hawk Habitat Fund.

BE IT FURTHER RESOLVED, that the Swainson's Hawk Habitat Fund (SHHF) shall be a sequestered fund for the purposes set forth herein, and shall bear interest that shall accrue to the benefit of the SHHF.

BE IT FURTHER RESOLVED, that the City of Elk Grove shall meet with appropriate environmental interests to jointly develop an expenditure plan for the SHHF that allows it to be used for management and operations of existing and future habitat lands, enhancement of habitat lands as well as the purchase of land or easements for Swainson's Hawk habitat.

BE IT FURTHER RESOLVED, that the City of Elk Grove shall expend these Fees with the written consent of the California Department of Fish & Game, and with notice to other interested parties, for habitat acquisition, habitat protection, habitat management, habitat restoration, habitat administration and other appropriate leveraged and strategic uses for these Fees, all of which shall benefit Swainson's Hawk habitat.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 15th day of September 2004.




SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-232**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 15th day of September 2004 by the following vote:


AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**