

**RESOLUTION NO. 2005-265**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AUTHORIZING PROJECTS 40 ACRES AND GREATER TO MITIGATE THE LOSS  
OF SWAINSON'S HAWK FORAGING HABITAT BY PAYMENT OF FEES  
ASSOCIATED WITH THE DELTA BREEZE PROJECT AND AUTHORIZING THE  
CITY MANAGER OR HIS DESIGNEE TO EXECUTE MITIGATION COMPLIANCE  
AGREEMENTS FOR THE LOSS OF SWAINSON'S HAWK FORAGING HABITAT**

**WHEREAS**, the City of Elk Grove has acquired property that will be converted and managed as Swainson's Hawk foraging habitat – the Delta Breeze project; and

**WHEREAS**, the Delta Breeze project will create mitigation habitat for projects in the City of Elk Grove; and

**WHEREAS**, the mechanism for mitigating the loss of Swainson's Hawk foraging habitat through the Delta Breeze project is the payment of a mitigation fee; and

**WHEREAS**, pursuant to Chapter 16.130.040(a) of the Municipal Code, projects 40 acres and greater must mitigate the loss of Swainson's Hawk foraging habitat through the acquisition of conservation easements ; and

**WHEREAS**, Chapter 16.130.110 of the Municipal Code authorizes the City Council to approve alternative mitigation measures for the loss of Swainson's Hawk foraging habitat; and

**WHEREAS**, the Delta Breeze project represents an alternative mitigation measure for the loss of Swainson's Hawk foraging habitat; and

**WHEREAS**, individual mitigation compliance agreements must be executed in order to achieve mitigation for projects 40 acres and greater through the Delta Breeze project;

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to Chapter 16.130.110 of the Municipal Code, the City Council of the City of Elk Grove hereby authorizes projects 40 acres and greater to mitigate for the loss of Swainson's Hawk foraging habitat through the payment of fees associated with the Delta Breeze project.

**BE IT FURTHER RESOLVED** that the City Council of the City of Elk Grove hereby authorizes the city manager or his designee to execute mitigation compliance agreements for the loss of Swainson's Hawk foraging habitat by payment of fees associated with the Delta Breeze project

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-265**

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

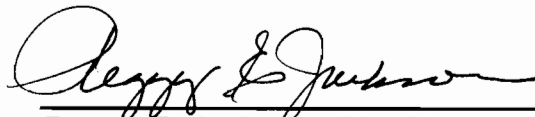
**I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 14th day of September, 2005 by the following vote:**

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

**NOES 0:       COUNCILMEMBERS:**

**ABSTAIN 0: COUNCILMEMBERS:**

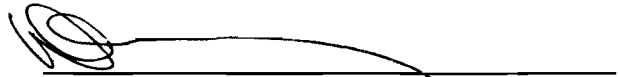
**ABSENT 0: COUNCILMEMBERS:**



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




**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14<sup>th</sup> day of September 2005.

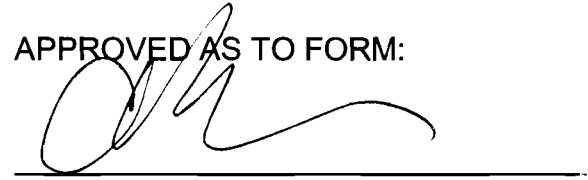


DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY