

RESOLUTION NO. 2022-130

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF
UNDERSTANDING WITH THE SACRAMENTO ZOOLOGICAL SOCIETY
REGARDING MASTER PLANNING AND ENVIRONMENTAL REVIEW FOR
A ZOO IN ELK GROVE (CEQA EXEMPT)**

WHEREAS, on September 23, 2021, the City of Elk Grove (City) and Sacramento Zoological Society (SZS) entered into an Exclusive Negotiation Agreement (ENA) to explore development of a zoological park in Elk Grove; and

WHEREAS, on March 23, 2022, the City Council received a report on the feasibility study describing the potential construction and operating characteristics for a potential Zoo in Elk Grove; and

WHEREAS, the City Council directed staff to prepare a Memorandum of Understanding with SZS regarding master planning and environmental review for a Zoo in Elk Grove; and

WHEREAS, the project and the entitlements and approvals based upon information produced from the California Environmental Quality Act (CEQA) environmental review process and following public review process and all legally required procedures remain in the City's complete discretion to approve, condition, or deny the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that execution of the Memorandum of Understanding is exempt from CEQA based upon the following finding:

Finding: Execution of the Memorandum of Understanding does not constitute the approval of a project and is also exempt from review under the California Environmental Quality Act

Evidence: The MOU does not legally bind the City to construction of the Zoo, nor will it result in any physical change to the environment. Rather, it provides a process for the continued planning of the Project and the formal preparation of the Environmental Impact Report pursuant to CEQA. Therefore, the approval of the MOU does not constitute the approval of a project and is therefore exempt from CEQA review. (Pub. Res. Code § 21065, CEQA Guidelines §§ 15060(c),(2)(3); 15061(b)(3); 15378(a)). Further, section 15262 of the State CEQA Guidelines provides a statutory exemption for activities that are limited to planning and feasibility studies for possible future actions. Pending certification of the EIR and completion and City approval of the Plan of Finance, Master Infrastructure Plan, and Project entitlements, the Project remains subject to the City's full exercise of discretion as a lead agency under CEQA to consider the EIR and approve or disapprove the Project and to require the Project to undertake mitigation measures or alternatives as may be set forth in the EIR, including the alternative of not proceeding with the Project. Therefore, approval of the MOU qualifies for this exemption and no further environmental review is required at this time.

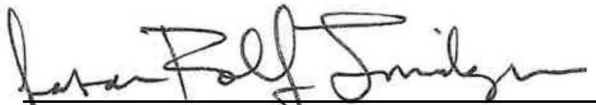
AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the Memorandum of Understanding with the Sacramento Zoological Society, in substantially the form presented, setting forth the activities, responsibilities and outcomes of the master planning and environmental review efforts regarding the potential Zoo project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of May 2022




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2022-130

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

I, Jason Lindgren, 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 May 25, 2022 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Suen, Hume, Spease, Nguyen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California