



*EAST CONTRA
COSTA COUNTY
HABITAT
CONSERVANCY*

City of Brentwood

City of Clayton

City of Oakley

City of Pittsburg

Contra Costa County

GOVERNING BOARD

REGULAR MEETING

Monday, October 22, 2012

2:00 p.m.

City of Brentwood, Brentwood City Hall
150 City Park Way Brentwood, CA 94513

AGENDA

2:00 p.m. Convene meeting and adjourn to Closed Session

Closed Session

CS1) Conference with Real Property Negotiators

Property: APN 094-100-011; 6110 Kirker Pass Road, Pittsburg, CA

Agency Negotiators: John Kopchik and Abigail Fateman

Negotiating Parties: Conservancy and East Bay Regional Park District

Under negotiation: Price and payment terms

CS2) Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to Gov.

Code, § 54956.9(b): One potential case.

2:30 p.m. Open Session

Item 1 will not begin before 2:30 pm

- 1) Introductions.**
- 2) Report on any actions taken in Closed Session.**
- 3) Public Comment** on items that are not on the agenda (public comment on items on the agenda will be taken with each agenda item).
- 4) Consider APPROVING the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Governing Board Meeting of August 20, 2012.**

- 5) Consider **ACCEPTING** update from staff on the **October 2, 2012 Public Workshop: East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Amendment Ideas and Suggestions.**
- 6) Consider **ACCEPTING** update from staff on the **October 10, 2012 Public Meeting Introducing the U.S. Army Corps of Engineers' new Regional General Permit related to the HCP/NCCP.**
- 7) Consider **ACCEPTING** update on the **Periodic Fee Audit** being conducted by a team led by **Willdan Financial Services.**
- 8) Consider **APPROVING Resolutions No: 2012-02 related to Conservancy grant applications which AUTHORIZE Conservancy staff to:**
 - i. **Submit grant applications to the California Department of Fish and Game (CDFG) for the Natural Community Conservation Planning (NCCP) Local Assistance Grant (LAG) program (maximum total request: \$165,000); and**
 - ii. **Enter into a grant agreement to accept such grant funds as are approved by CDFG.**
- 9) Consider **AUTHORIZING** staff to execute a contract amendment for on-going consulting services with **ICF Jones and Stokes to increase the payment limit by \$20,000, from \$280,000 to \$300,000.**
- 10) Consider **AUTHORIZING** staff to execute a funding agreement with the **East Bay Regional Park District ("EBRPD"), one state grant agreement and one federal subgrant agreement with the California Wildlife Conservation Board (WCB) for state and federal funds for acquisition of the Alaimo Property (APN 094-100-011; 6110 Kirker Pass Road, Pittsburg CA, 94565).**
- 11) Consider **ACCEPTING** update on **Habitat Restoration and Maintenance Activities.**
- 12) **Adjourn and thank Mr. Frazier for his service on the Conservancy's Governing Board. Next regular meeting on December 13, 2012 at 8am at the City of Clayton.**

If you have questions about this agenda or desire additional meeting materials, you may contact Maureen Parkes of the Contra Costa County Department of Conservation and Development at 925-674-7203.

The Conservancy will provide reasonable accommodation for persons with disabilities planning to participate in this meeting who contact staff at least 24 hours before the meeting.

**EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY**

DATE: October 22, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Governing Board Meeting Record for August 20, 2012

RECOMMENDATION

APPROVE the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Governing Board Meeting of August 20, 2012.

DISCUSSION

Please find the draft meeting record attached.

CONTINUED ON ATTACHMENT: Yes
ACTION OF BOARD ON: October 22, 2012 APPROVED AS RECOMMENDED: _____
OTHER _____

VOTE OF BOARD MEMBERS

 UNANIMOUS
AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED _____
Catherine Kutsuris, SECRETARY OF THE EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

BY: _____, DEPUTY

Draft Meeting Record

East Contra Costa County Habitat Conservancy
Monday, August 20, 2012
City of Pittsburg

1) Introductions. *(The attendance list only reflects the names of people who signed into the meeting attendance record)*

Governing Board members in attendance were:

Joel Bryant	City Council, City of Brentwood
Hank Stratford	City Council, City of Clayton
Federal Glover	Contra Costa County Board of Supervisors
Jim Frazier	City Council, City of Oakley
Salvatore Evola	City Council, City of Pittsburg

Other attendees (who signed the sign-in sheet):

Joe Ciolek	Agricultural-Natural Resources Trust of CCC
Paul R. Detjens	CCC Flood Control District
Claudia Gemberling	CCC Flood Control District
Ben Johnson	Mayor, City of Pittsburg
Louis Parsons	Discovery Builders
Skip Spaulding	Farella Baun + Martell

Conservancy Staff members in attendance were:

Catherine Kutsuris	Secretary of the Conservancy
John Kopchik	Conservancy Staff
Krystal Hinojosa	Conservancy Staff
Maureen Parkes	Conservancy Staff

2) Public Comment on items that are not on the agenda (public comment on items on the agenda will be taken with each agenda item). There were no public comments.

3) Consider APPROVING the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Governing Board Meeting of July 26, 2012. The meeting record was approved. (5-0, Bryant, Evola, Frazier, Glover, Stratford)

4) Consider AUTHORIZING staff to execute a contract with Willdan Financial Services to perform a Supplemental Fee Audit, in an amount not to exceed \$42,000 and for term from August 20, 2012 to December 31, 2012. PROVIDE advanced authorization to staff amend the contract to increase the payment limit to a maximum of \$50,000, in the event that additional work is needed beyond what is anticipated at this time. Mr. Kopchik provided an overview of the item. The Request For Proposals (RFP) was sent to five firms, three

of which submitted proposals. The three responding firms were interviewed by a panel consisting of staff from the Cities of Brentwood, Oakley, Pittsburg, and the Conservancy (Clayton planning staff were not available). Following the interviews, references were checked and the panel spoke again by conference call to hear about the references and share perspectives. The general consensus of the panel was that Willdan Financial Services team was best suited for this project because of their extensive experience and diversity of expertise. Conservancy staff is recommending hiring the Willdan team.

Mr. Evola thanked staff for the rapid turn around on posting the RFP and selecting a firm and thanked the City staff for their significant contribution to the effort. Mr. Evola stated he supports staff's recommendation to select Willdan Financial Services.

Mr. Evola expressed concern with the nexus study being an optional task in the RFP. He requested that the scope of the contract include a mandatory component to address the nexus study and the Mitigation Fee Act findings. He stated he believed this to be the Board's intent at the previous meeting and stated that the Conservancy should provide the funding for the nexus study and findings, with no costs on developing nexus findings needing to be absorbed by the Cities.

Chair Bryant invited public comment. Louis Parsons, of Discovery Builders, offered public comment on the item. He expressed concern that the Mitigation Fee Act analysis and findings appear to be an optional task in the RFP and stated that this task should be performed regardless of whether the fees are recommended to go up or down.

Skip Spaulding, with Farella Baun + Martell representing Discovery Builders, offered public comment on the item. He stated that the audit must comply with the Mitigation Fee Act, including all parts of the analysis and it should address the aggregate cost burden. He also repeated the concern about the nexus study task being optional. He also stated that referring to the audit as "Supplemental" could be confusing or misleading, since it might suggest that the audit was just bullet-proofing or building on the EPS work. He stated it must be a complete, independent fee audit.

Chair Bryant thanked members of the public for comments and opened discussion among the Board. Mr. Glover asked Mr. Kopchik for his thoughts on the nexus study issue. Mr. Kopchik stated that the nexus task was described as optional in the RFP because he did not believe findings would be required if the audit did not recommend increases to any fees. Mr. Kopchik stated that the cost estimate and staff recommendation on contract amount did include the anticipated cost of the nexus task so it was covered if the Board wished to make the nexus task mandatory.

Mr. Glover made a motion to approve the staff recommendation for a contract with Willdan Financial Services, but proposed making the nexus study and findings a mandatory component of the work. Mr. Frazier proposed an amendment to the motion by Mr. Glover, directing that the work performed also include an aggregate cost burden analysis of the fees.

Mr. Evola raised the issue of the word “supplemental” to describe the project, stating that he wanted this to be a clearly defined and defensible document. Mr. Kopchik stated that he did not see a problem with removing the word “supplemental” from the project name. Mr. Kopchik also stated that an aggregate cost burden analysis was not reflected in cost estimate provided by Willdan. However, he stated staff had also recommended Board authorization to increase the contract limit to up to \$50,000 if necessary, and the cost of performing the extra analysis should be coverable under that higher limit. Mr. Evola suggested a second amendment to the motion to remove “supplemental” from the project name.

The Board unanimously approved the original motion and the two amendments to the motion. (5-0, Bryant, Evola, Frazier, Glover, Stratford)

5) Consider ACCEPTING update from staff on convening a workshop to provide stakeholders an opportunity to raise ideas on possible amendments to the HCP/NCCP. Mr. Kopchik provided update on the item and indicated that the proposed date was October 2. Mr. Evola requested that the Conservancy reach out to all builders in the HCP/NCCP jurisdictional area, including in the Oakley/Brentwood area. The Board accepted the update. (5-0, Bryant, Evola, Frazier, Glover, Stratford)

6) Consider DETERMINING that implementation of the Upper Sand Creek Basin Extension Project (“Project”) Habitat Mitigation and Monitoring Plan will fulfill the requirements for waving temporary impact fees associated with detention basins, in accordance with requirements of the section entitled “Temporary Impact Fees for Flood Detention Basins” in Section 9.3.1 of the HCP/NCCP. WAIVE all temporary impact fees for the Project. AUTHORIZE staff to file a Notice of Determination for this Board action with the County Clerk. Mr. Kopchik introduced and provided a general overview of the item. Mr. Paul Detjens with the Contra Costa County Flood Control and Water Conservation District, the project proponent, spoke on behalf of the project including providing a more detailed overview and background of the project. The item was approved as recommended. (5-0, Bryant, Evola, Frazier, Glover, Stratford)

7) Consider ACCEPTING update on grant awarded by the U.S. Fish and Wildlife Service. Mr. Kopchik provided an update on the \$1,000,000 FY2012 Cooperative Endangered Species Conservation Fund (Section 6 of the Endangered Species Act) grant awarded to the Conservancy by the U.S. Fish and Wildlife Service for land acquisition consistent with the Plan. The Board accepted the update. (5-0, Bryant, Evola, Frazier, Glover, Stratford)

8) Consider whether to reschedule the September 13, 2012 regular meeting. The meeting was rescheduled to October 22, 2012 at 2 p.m., tentatively at the City of Clayton. (5-0, Bryant, Evola, Frazier, Glover, Stratford)

9) Adjourn.

**EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY**

DATE: October 22, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Update on Periodic Fee Audit

RECOMMENDATION

ACCEPT update on the Periodic Fee Audit being conducted by a team led by Willdan Financial Services.

DISCUSSION

At its meeting on July 26, 2012, after considering an update on the proposed Mitigation Fee Adjustments and comments received, the Conservancy Board directed staff to solicit proposals from firms qualified to perform a Periodic Fee Audit and assist with nexus findings the participating cities and the County may make under the Mitigation Fee Act. During the August 20, 2012 special meeting of the Governing Board, the Board approved Staff’s recommendation to select and execute a contract with Willdan Financial Services to perform this work, and provided additional direction on this work, including making the nexus study a mandatory component, adding an aggregate cost burden analysis and removing the term “supplemental: from the name of the project.

Following the August 20, 2012 meeting, staff worked with Willdan Financial Services (“Willdan”) to refine their scope of work and execute a contract, as directed and authorized by the Board. The contract limit is \$43,529. The Board has previously provided staff the authorization to increase the contract limit up to a maximum limit of \$50,000, should this be necessary. A copy of the scope of work from the contract is attached to this report.

CONTINUED ON ATTACHMENT: Yes
ACTION OF BOARD ON: October 22, 2012 APPROVED AS RECOMMENDED: _____
OTHER: _____

VOTE OF BOARD MEMBERS

 UNANIMOUS
AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED _____
*CATHERINE KUTSURI, SECRETARY OF THE EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY*

BY: _____, DEPUTY

Work by the Willdan team is underway. Willdan has been provided copies of the powerpoint slides presented by Discovery Builders at the October 2 stakeholder workshop as a number of the slides concerned fee issues. Willdan anticipates submitting the results of its work to the Conservancy by November 30, 2012. The Board is scheduled to meet on December 13, 2012 and staff anticipates the Board will wish to include this item on that agenda for a presentation, questions and answers, public comment, and consideration of Board action on recommending adjustments to fees.

Bob Spencer, the leader of the Willdan team, will be present at the October 22 Board meeting to introduce himself and the Willdan team, explain their scope of work and answer questions.

Attachments:

- Scope of work from Willdan Contract
- Resume for Bob Spencer

Contractor will perform Fee Audit and related services for the Conservancy, as more particularly described below. Conservancy will reimburse Contractor on a time and materials basis according to the fee schedule provided in the attached document entitled, “Willdan Billing Rates and Cost Estimate for Fee Audit and Related Tasks”.

Task 1: Project Kick-off and Document Review

The Willdan team will review the provisions of the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (“HCP/NCCP”), the Implementing Agreement for the HCP/NCCP, the HCP/NCCP Ordinances and fee resolutions adopted by participating cities and the County, and associated state and federal permits that relate to the Fee Audit.

The Willdan team will have a kick-off meeting with the Conservancy to clarify background on the HCP/NCCP and its fee program.

Following the meeting, Willdan will develop a detailed work plan, along with a list of questions and informational requests. In addition, the project schedule will be coordinated with Robert Spencer of Urban Economics and Tom McGill of RBF (as needed), and an updated version will be provided to the Conservancy.

Task 2: Review of 2011 Fee Audit

The Willdan team will review the original 2011 fee audit performed by Economic & Planning Systems, Inc. (EPS); the prior Conservancy Board and City of Pittsburg actions relating to the fee audit; received comment letters; and the EPS, Conservancy staff, and attorney responses to comments.

Task 3: Update Cost Estimates

After reviewing all existing documents (including the 2011 EPS study), a key task of the Fee Audit is an examination and revision (if necessary) of the cost estimates that underlie the fee calculation.

This subtask will develop a cost model for analyzing and summarizing one-time and ongoing costs of implementing the updated HCP/NCCP. One-time costs are capital costs associated with acquiring land and restoring or creating habitat. Ongoing annual costs include program administration, land management, monitoring, and adaptive management to ensure that the HCP/NCCP meets its species, ecosystem, and resource conservation goals. Output from the cost model will be used in the funding model.

Initials:


Contractor


Conservancy

Willdan's team will produce:

- Draft cost variables and initial draft cost assumptions for review by the Conservancy;
- Cost calculations and cost model results; and
- Draft and final technical memoranda documenting cost model development.

Variables, cost analyses and technical memoranda will be reviewed with the Conservancy and revised as appropriate.

The following are the three (3) key cost categories, along with an explanation of the Willdan team's approach to their audit and update.

Task 3.1: Land Acquisition Costs

In estimating land costs, The Willdan team will examine the work prepared for the original fee, the EPS update, and the Conservancy's actual costs to date. To prepare a comparable estimate of land costs, The Willdan team will examine land acquisition costs in the HCP/NCCP Plan Area, together with similar nearby areas. This information, combined with actual experience and earlier estimates, will form the basis of likely land acquisition costs going forward.

Land valuation research estimating land acquisition costs will be undertaken. This effort is not a formal appraisal, but rather a reasonable estimate of land values for the purpose of determining Financing Plan costs. The valuation approach most likely to be applicable for this project is the Sales Comparison Approach. Research will produce estimates of per-acre land values suitable for cost model use for this large-scale effort. Willdan will evaluate both fee title and conservation easement acquisition, both approaches being eligible under the HCP/NCCP, and will consider the needs of willing sellers, conservation requirements of the HCP/NCCP and market conditions when estimating costs. Willdan will require transaction data from the Contra Costa County Assessor's Office and will supplement this information with transactional information from other appropriate entities. Willdan will use data from these sources to develop a new cost estimate for land acquisition.

This new cost estimate will be compared to the data used in the original fee calculations and the 2011 update work. The Willdan team will incorporate the new cost estimate into the fee calculations detailed below.

Task 3.2 Habitat Restoration Costs

The Willdan team will examine the Conservancy's record of restoration costs to date, along with the analysis prepared by EPS in its earlier work. Recognizing that the Conservancy is relatively new, the Willdan team will also provide independent estimates of restoration costs from its work in other jurisdictions. The Willdan team will take cost

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data from other HCPs; and understand their applicability to the Conservancy's program, as based on habitat type, species, and other local conditions.

Task 3.3 Preserve Management, Monitoring and other Plan Implementation Costs

The Willdan team will analyze information provided by the Conservancy on implementation costs to date, along with the calculations and assumptions contained in earlier work. The Willdan team will also gather data from work in other jurisdictions and apply this information to a new cost estimate on these implementation costs based on an understanding of the applicability of outside cost estimates to the Conservancy's anticipated costs, including consideration of differences in habitats, species, and other circumstances.

Task 4: Calculate Mitigation Fee Updates

Once the Willdan team has established a range of estimated costs, Willdan will use the Mitigation Fee criteria and already developed calculators to calculate a revised fee, and then compare it to existing fees. This effort will include a sensitivity analysis that illustrates the impact of any changed assumptions on the calculated fee. Willdan notes that the revised fee must always be based on the fair share ratios established in the original fee study

Task 5: Report

The Willdan team will prepare a report documenting results of the Fee Audit, as well as all sources of data, assumptions, and analysis. Willdan will also prepare an evaluation of the burden that the proposed fee places on new development.

Task 6 Public Meetings

The Willdan team will attend public meetings, including workshops, stakeholder meetings, and Board meetings; whereby, Willdan will be available to present fee audit and update findings, explain the methodology in whatever level of detail is necessary and consider input. The number of meetings required is uncertain at this time. The current cost estimate includes three meetings, additional meetings can be provided at our standard rates, plus actual expenses.

Task 7: Other Tasks

Willdan will perform other tasks, as requested by the Conservancy, to accomplish the Fee Audit.

Task 8: Nexus Findings

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Contractor

[Signature]
Conservancy

Willdan will assist the Conservancy with the preparation of documentation in support of nexus findings that may be made by participating cities and County in accordance with the Mitigation Fee Act (Government Code 66000). Based on information in the HCP/NCCP and the Fee Audit, and with guidance from the Conservancy, participating cities and the County, the Willdan team will compile and prepare tables and other information that the cities and County may draw on in support of their nexus findings. Because the outcome of the Fee Audit is not yet determined and of the specific information requested by the cities and County is not specifically known at this time, the precise scope of this task will evolve over the course of the project, but Willdan has provided an initial estimate of the cost of providing the nexus findings.

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Conservancy

Robert D. Spencer *Urban Economics*

Mr. Robert D. Spencer, d/b/a Urban Economics, has been consulting to local and regional public agencies for over 24 years. He has extensive experience developing resources for public infrastructure and services to serve a community's growth and revitalization. As an urban economist he understands the connections between land use and fiscal policies, and business and real estate markets. He is an effective communicator in presentations to public officials to guide their deliberations and decisions.

Habitat Conservation and Open Space Funding Plans

Representative projects for which Mr. Spencer was the principal and/or project manager include:

- ◆ Coachella Valley Association of Governments: Financing plan and impact fee for \$400 million multiple species habitat conservation plan.
- ◆ County of Santa Clara (with other local agencies): Financing plan and impact fee for \$700 million multiple species habitat conservation plan.
- ◆ County of Placer (with other local agencies): Financing plan and impact fee for \$1.3 billion multiple species habitat and open space plan.

Mr. Spencer also was the lead analyst for the \$262 million San Joaquin Council of Governments financing plan and impact fee for the multiple species habitat conservation and open space plan.

Nexus Studies for Fees and Service Charges

Mr. Spencer is one of California's leading experts on nexus studies for fees, rates, and assessments to fund infrastructure and services. These studies include impact fees (Mitigation Fee Act), mitigation fees (CEQA), regulatory fees, benefit assessments, and user fees. Often Mr. Spencer leads the extensive communication typically required with stakeholders and policy makers to make these programs a success. Mr. Spencer has been engaged by over 100 local agencies to develop funding programs for:

- ◆ Utilities (water, wastewater and storm drainage);
- ◆ Streets, transit, bicycle & pedestrian facilities;
- ◆ Public works, fire, police, and administrative facilities;
- ◆ Parks, open space, and habitat conservation; and
- ◆ Affordable housing.

Mr. Spencer's assistance to local agencies includes preparation of capital improvement plans, documenting statutory nexus findings, facilitating stakeholder involvement, and analyzing impacts on the local economy. He has assisted in developing regional fee programs that require the participation of multiple jurisdictions. Mr. Spencer has provided expert advice to the public agency plaintiffs in court cases defending existing fee programs. None of the

funding programs developed by Mr. Spencer over the past 22 years have been overturned by a court or subject to an out of court settlement.

Sample projects for which Mr. Spencer was the principal and/or project manager include:

- ◆ City of Redding: Comprehensive impact fee program for water and wastewater utilities, public safety, parks, and transportation.
- ◆ City of Fresno: Urban growth management (impact) fee program for fire, police, parks, and traffic facilities.
- ◆ City of Hercules: Impact fee program for utilities, transportation, public buildings, fire, and parks.

Mr. Spencer has been engaged by legal counsel for the public agency to act as a technical advisor in several impact fee litigations. The agency's included the cities of Lemoore and Stockton, both in California. The Stockton case involved a sewer connection fee and the Lemoore case concerned a multi-facility impact fee program. In each case another consultant had prepared the nexus study. Mr. Spencer was engaged to assist the public agency in defending the study.

Comprehensive Funding and Financing Plans

Mr. Spencer has prepared funding and financing plans for proposed development projects, specific plans, and master plans. His plans provide a strategy for financing backbone facilities, integrating various funding sources, and allocating costs fairly across all benefitting land uses. Representative projects for which Mr. Spencer was the principal and/or project manager include:

- ◆ City of Santa Rosa: Led a series of studies to evaluate the financial status of over \$400 million in development-related capital improvement programs and develop a strategy to address the need for substantial additional funding.
- ◆ City of Redding: Prepared a public facilities financing plan for the Oasis Road Specific Plan that required \$100 million in funding including \$50 million in financing for backbone facilities to accommodate 2,500 dwelling units and 3.1 million square feet of retail use.
- ◆ Tehama County and Sutter County: Advised on public facilities financing and urban services funding plans, including a Tehama project for 3,700 dwelling units and a Sutter project for 17,500 units and 50 million square feet of commercial and industrial space.
- ◆ City of Stockton: Prepared several water and wastewater financing plans to fund \$130 million in infrastructure to serve growth, including cash flow modeling to calculate connection fees that would fully fund existing and proposed revenue bond debt financing.

Economic Development and Impact Analysis

Mr. Spencer's experience in the area of economic impact analysis includes focused studies proposed development plans to jurisdiction-wide studies of broad economic development

policies. Representative projects for which Mr. Spencer was the principal and/or project manager include:

- ◆ City of Fort Worth: Led a team of consultants to develop strategies for funding a \$1.0 billion investment gap for transportation infrastructure, and evaluate economic impacts on the local economy. Specific attention was paid to impacts on the development and real estate industries through use of regional economic modeling (REMI and TREDIS), and a comprehensive interstate survey of development costs in 12 cities.
- ◆ Sacramento County: Provided technical advice in a comprehensive study of development exactions for infrastructure and services across 15 development projects throughout the Sacramento region.
- ◆ City of Roseville: Prepared an economic development strategy based on an extensive quantitative analysis of the City's strengths, weaknesses, opportunities, and threats, and including an implementation plan and budget for ongoing economic development programs.
- ◆ City of Roseville: Conducted an economic analysis of a voter initiative to impose an urban limit line, including the fiscal, jobs/housing, and economic development impacts.
- ◆ City of Los Angeles: Economic impacts of industrial development bonds on the local economy.
- ◆ City of Los Angeles: Case study of the economic impacts on trucking businesses, distributors and manufacturers from restricting truck traffic to nonpeak hour periods of the day.

Real Estate Market Analysis

Mr. Spencer has directed real estate market analyses ranging from project-level absorption estimates to long-range general plan projections. Representative projects for which Mr. Spencer was the principal and/or project manager include:

- ◆ City of Redding: Retail demand for a proposed 900,000 square foot shopping mall along Interstate 5.
- ◆ City of Roseville: Long range market-based land use projections for general plan update based on comparative advantages in the Sacramento region.
- ◆ City of Long Beach: Economic impacts on real estate development from a range of proposed policies such as impact fee and affordable housing programs.

Education

Master of Public Policy, Harvard University John F. Kennedy School of Government, with concentration in Urban Economic Development, 1986

Bachelor of Arts in Economics, Colorado College, 1982

Professional Affiliations

Urban Land Institute

Growth and Infrastructure Consortium (formerly National Impact Fee Roundtable)

Teaching and Speaking Experience

Growth & Infrastructure Consortium (formerly National Impact Fee Roundtable), moderator and speaker (various topics), 2002-2009.

“Stormwater Funding Strategies”, Regional Water Quality Control Board workshop, April 23, 2008.

“Takings and Exactions: Imposing Conditions on Development Without ‘Going Too Far’”, University of California at Davis Extension, 2002- 2004.

“Effective Local Approaches for Promoting Smart Growth: Financing and Planning Strategies”, Urban Land Institute and the Association of Bay Area Governments, September 26, 2003.

Prior Professional Experience

Willdan Financial Services (formerly MuniFinancial), Principal Consultant, 1999-2009

Hausrath Economics Group, Consultant, 1989-1999

Ernst & Young, Local Government Management Consulting Practice, Analyst, 1987-1989

City of San Jose, Management Intern, 1986-1987

**EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY**

DATE: October 22, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Conservancy Grant Applications

RECOMMENDATION

**APPROVE Resolutions No: 2012-02 related to Conservancy grant applications which
 AUTHORIZE Conservancy staff to:**

- i. Submit grant applications to the California Department of Fish and Game (CDFG) for the Natural Community Conservation Planning (NCCP) Local Assistance Grant (LAG) program (maximum total request: \$165,000); and**
- ii. Enter into a grant agreement to accept such grant funds as are approved by CDFG.**

DISCUSSION

The California Department of Fish and Game (CDFG) administers grants from CDFG's Natural Community Conservation Planning (NCCP) Local Assistance Grant (LAG) Program. CDFG offers these grants to eligible applicants on an annual basis for high priority tasks urgently needed to implement approved NCCP's. The Conservancy has applied for and received LAG grants several times in the past. CDFG solicited concept proposals in the last several weeks and invited the Conservancy to submit a full proposal for up to \$165,000.

In order to enter into an agreement to receive grant funding, CDFG requires an approved resolution from the Conservancy's Governing Board. The procedures established by CDFG require the Grantee to certify by resolution the approval to apply for, and accept grant funds and provide authorization to enter into an agreement with the CDFG to implement the critical activities related to the NCCP Program.

CONTINUED ON ATTACHMENT: YES
 ACTION OF BOARD ON: October 22, 2012 APPROVED AS RECOMMENDED: _____
 OTHER: _____

VOTE OF BOARD MEMBERS

 UNANIMOUS
 AYES: _____
 NOES: _____
 ABSENT: _____
 ABSTAIN: _____

I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED _____
CATHERINE KUTSURIS, SECRETARY OF THE EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

BY: _____, DEPUTY

In the concept proposal, Conservancy staff requested LAG funding for key implementation tasks that are part of the 2012 Conservancy Work Plan, and will be part of the proposed 2013 Work Plan, including the following activities on the Ang parcel: riparian planting, pond restoration, and fencing to protect and enhance riparian and grassland habitat. Figure 1, attached, provides an overview of the proposed activities. If an award is approved, these projects would likely be covered in one grant agreement. Please find the proposed resolution attached.

The Natural Resource Conservation Service, which is part of the U.S. Department of Agriculture, manages a grant program to grazing tenants called the Environmental Quality Incentive Program (EQIP) which funds resource conservation actions on grazing lands. Conservancy staff has been coordinating with the grazing tenant at Ang regarding the actions proposed above and many of them would benefit not only covered species and habitat but also improve rangeland management. It is hoped that, if awarded, LAG funds could be used as match for an EQIP grant to the grazing tenant. This would enable the Conservancy and the rancher to pool resources and collaborate in implementing the riparian planting, fencing and the improvement of cattle watering sources.

Attachments: Resolution 2012-02

Figure 1: Draft Map of planting, fencing and pond restoration

Resolution No: 2012-02

RESOLUTION OF THE EAST CONTRA COSTA COUNTY HABITAT
CONSERVANCY AUTHORIZING THE APPLICATION AND ACCEPTANCE OF
GRANT FUNDS FOR URGENT NATURAL COMMUNITY CONSERVATION
PLAN IMPLEMENTATION TASK OF WETLAND AND RIPARIAN PROJECTS IN
EASTERN CONTRA COSTA COUNTY

WHEREAS, certain local assistance grant funds are made available annually on a competitive basis by the California Department of Fish and Game for Natural Community Conservation Planning (NCCP) Program urgent implementation tasks; and

WHEREAS, the grants are awarded pursuant to guidelines established by the California Department of Fish and Game for determination of project eligibility for funds; and

WHEREAS, said procedures established by the California Department of Fish and Game require the Grantee to certify by resolution the approval to apply for, and accept grant funds and provide authorization to enter into an agreement with the California Department of Fish and Game to implement urgent activities related to the NCCP Program.

NOW, THEREFORE, BE IT RESOLVED that the East Contra Costa County Habitat Conservancy approves the filing of an application for local assistance for the above project in an amount up to \$165,000.

IT IS FURTHER RESOLVED that the East Contra Costa County Habitat Conservancy appoints the Executive Director as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

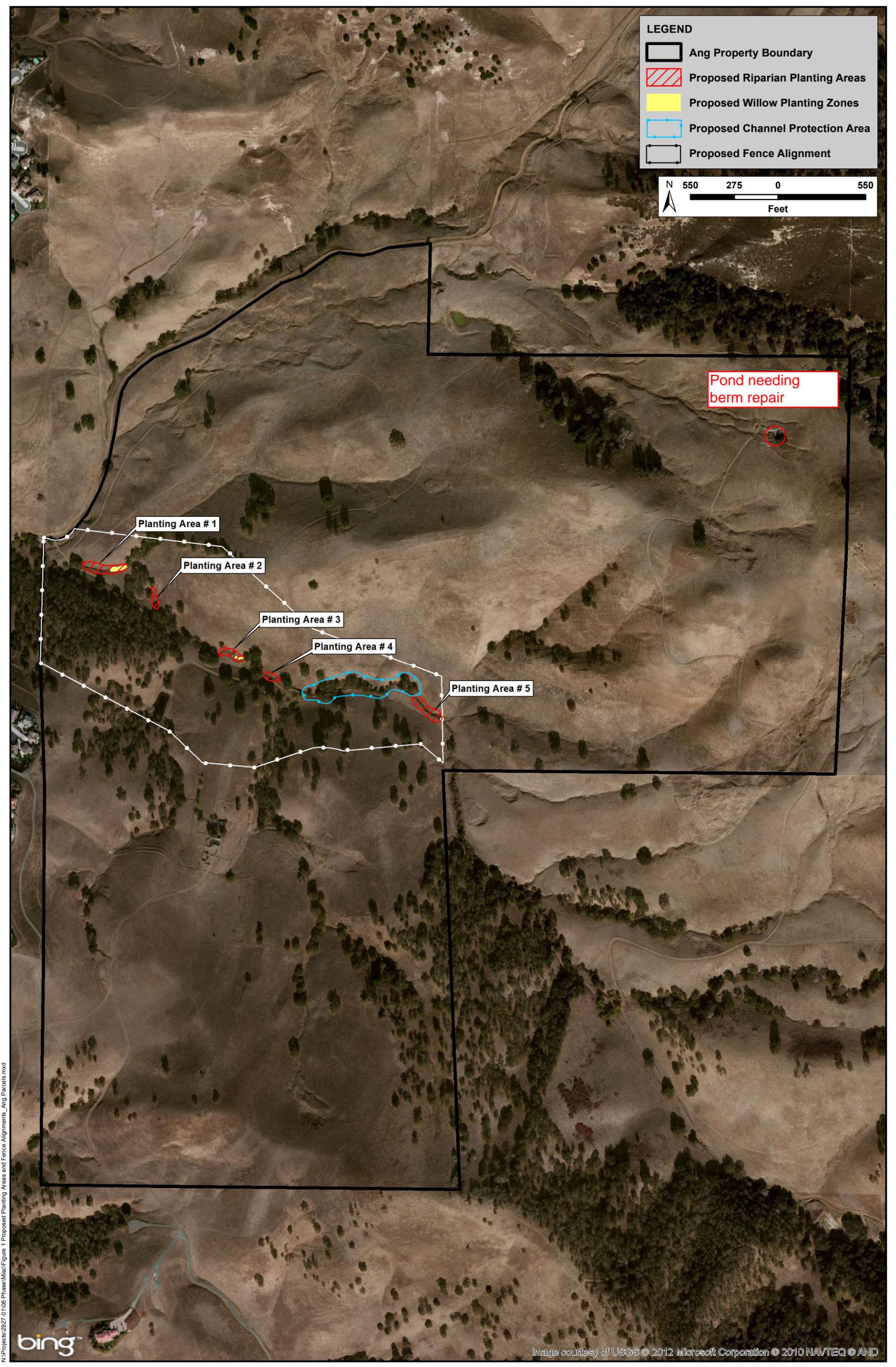
Approved by the following vote on October 22, 2012.

Ayes:

Noes:

Abstain:

Attest: _____
John Kopchik, Executive Director



N:\Projects\2027-01\06 Phase\Misc\Figure 1 Proposed Planting Areas and Fence Alignments_Ang Parcels.mxd



Image courtesy of USGS © 2012 Microsoft Corporation © 2010 NAVTEQ © AND

**EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY**

DATE: October 22, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Amendment to Contract with ICF Jones and Stokes

RECOMMENDATION

AUTHORIZE staff to execute a contract amendment for on-going consulting services with ICF Jones and Stokes to increase the payment limit by \$20,000, from \$280,000 to \$300,000.

DISCUSSION

Staff from the State Water Resources Control Board (SWRCB) has recently reaffirmed a desire and intent to work with the Conservancy to develop a regional wetlands permitting program for projects covered by the East Contra Costa County HCP/NCCP to complement the Regional General Permit recently approved by the U.S. Army Corps of Engineers. The state's program would most likely take the form of a Programmatic Certification of the Corps' Regional General Permit (RGP), though Programmatic Waste Discharge Requirements may also be considered. Obtaining such a permit program from the SWRCB and its associated Regional Boards is an explicit goal outline in the HCP/NCCP and has been a top priority for the Conservancy. SWRCB staff has asked the Conservancy for immediate technical assistance to develop the program. The need for technical support is driven in large part by the lack of precedent for such a permitting program.

The Conservancy's existing contract with ICF Jones and Stokes covers a wide range of services, including a full-time contract planner to manage HCP/NCCP permitting program, preparation of preserve management plans (including monitoring program plan, recreation plan, and exotic pest control plan), preparation of the Annual Report, assistance with wetland permitting coordination and general technical support to the Conservancy. ICF Jones and Stokes provided effective

CONTINUED ON ATTACHMENT: Yes
ACTION OF BOARD ON: October 22, 2012 APPROVED AS RECOMMENDED: _____
OTHER: _____

VOTE OF BOARD MEMBERS

 UNANIMOUS
AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED _____
*CATHERINE KUTSURIS, SECRETARY OF THE EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY*

BY: _____, DEPUTY

technical support to the Conservancy and Army Corps during development of the RGP and have the necessary skills and experience to perform a similar role for the SWRCB's proposed parallel program. A contract amendment is needed because the level of effort needed to respond to the SWRCB's request for technical support had not been anticipated in the budget planning for this contract.

To enable an effective and immediate response to the SWRCB's request, the recommendation is to execute a contract amendment with ICF Jones and Stokes to increase the payment limit by \$20,000, from \$280,000 to \$300,000. The term of the contract would remain unchanged, and the contract would expire December 31, 2012. Please find an overview of the proposed amendment below:

- Contract amendment amount: increase payment limit by \$20,000
- Additional tasks: Technical support to the Conservancy and SWRCB in the development of regional wetlands permitting program for the state that will complement the recently adopted US Army Corps Regional General Permit by providing permitting assurances and streamlining to projects covered by the HCP/NCCP. Specific tasks are anticipated to include: research on any partially-similar SWRCB permit programs, technical suggestions on permit structure and organization, development of draft language and provisions for consideration by the Conservancy and SWRCB and technical analysis and documentation to help formulate and support the eventual permit program
- Funding sources: Conservancy funds.

The proposed contract amendment is consistent with the Conservancy's approved 2012 Budget.

**EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY**

DATE: October 22, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Report on small habitat maintenance and restoration activities

RECOMMENDATION

ACCEPT update on habitat maintenance and restoration activities.

BACKGROUND

Staff will provide a verbal update and photos on recent maintenance and restoration activities within the preserve system.

CONTINUED ON ATTACHMENT: Yes
ACTION OF BOARD ON: October 22, 2012 APPROVED AS RECOMMENDED: _____
OTHER: _____

VOTE OF BOARD MEMBERS

___ UNANIMOUS
___ AYES:
___ NOES:
___ ABSENT:
___ ABSTAIN:

I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED _____
*CATHERINE KUTSURIS, SECRETARY OF THE EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY*

BY: _____, DEPUTY