



*EAST CONTRA
COSTA COUNTY
HABITAT
CONSERVANCY*

City of Brentwood

City of Clayton

City of Oakley

City of Pittsburg

Contra Costa County

GOVERNING BOARD

SPECIAL MEETING

Monday, August 20, 2012

2:00 p.m.

City of Pittsburg
City Hall, Council Chambers, 3rd Floor
65 Civic Avenue, Pittsburg, CA 94565

AGENDA

- 1) **Introductions.**
- 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).
- 3) **Consider APPROVING the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Governing Board Meeting of July 26, 2012.**
- 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.**
- 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**
- 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..**

- 7) Consider ACCEPTING update on grant awarded by the U.S. Fish and Wildlife Service.**
- 8) Consider whether to reschedule the September 13, 2012 regular meeting.**
- 9) Adjourn.**

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: August 20, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Governing Board Meeting Record for July 26, 2012

RECOMMENDATION

APPROVE the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Governing Board Meeting of July 26, 2012.

DISCUSSION

Please find the draft meeting record attached.

CONTINUED ON ATTACHMENT: Yes
ACTION OF BOARD ON: August 20, 2012
OTHER _____

APPROVED AS RECOMMENDED: _____

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

Governing Board Meeting

July 26, 2012

City of Oakley

The Board convened the meeting at 12:00 p.m. and announced adjournment to the Closed Session.

Open Session

- 1) Introductions.** *(The attendance lists only reflect the names of people who signed into the optional meeting attendance record)*

Governing Board Members in attendance were:

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

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

Randi Adair	California Department of Fish and Game
Seth Adams	Save Mount Diablo
Ron Brown	Save Mount Diablo
Peter Colby	Contra Costa Water District
Tom Guarino	PG&E
Timothy Krisch	Maze and Associates
Louis Parsons	Discovery Builders

Conservancy Staff members in attendance were:

Catherine Kutsuris	Secretary of the Conservancy
Chris Beale	Resources Law Group, Conservancy Attorney
John Kopchik	Conservancy Staff
Abby Fateman	Conservancy Staff
Krystal Hinojosa	Conservancy Staff

- 2) **Report on any actions taken in Closed Session.** There were no actions to report out of 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).** There were no public comments.
- 4) **Consider APPROVING the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Governing Board Meeting of May 10, 2012.** The meeting record was approved. (5-0, Bryant, Evola, Frazier, Glover and Stratford)
- 5) **Consider ACCEPTING the audited financial statements and related documents for the Year Ending December 31, 2011.** Mr. Kopchik provided a brief overview and introduced Tim Krisch from Maze and Associates. Mr. Krisch spoke regarding the audit, summarizing the following three reports that had been prepared: Basic Financial Statements, Memorandum of Internal Controls and Single Audit. Mr. Krisch stated regarding the Basic Financial Statements, the Conservancy had received an unqualified opinion which is the highest level of assurance that an independent auditor can issue for an entity. Mr. Krisch stated that with respect to Internal Controls, the Conservancy had no findings, material weaknesses or significant deficiencies. Mr. Krisch also stated that for the Single Audit, there was one finding. The Single Audit is an audit of compliance with the actual federal grant agreement. There was a finding that the grant agreements state that there needs to be signage acknowledging the funder on land acquired and such signage had not been posted.

The Board accepted the reports and directed that next year’s reports include two years of information. (5-0, Bryant, Evola, Frazier, Glover and Stratford)

- 6) **Consider the following actions related to Conservancy finances:**
 - a) **ACCEPT mid-year status report on finances and the 2012 Conservancy Budget.**
 - b) **AUTHORIZE staff to execute contract amendments for on-going consulting services with:**
 - i. **HT Harvey and Associates: Increase the payment limit by \$98,000 from \$65,000 to \$163,000; and**
 - ii. **Thunder Mountain Enterprises: Increase the payment limit by \$25,000 from \$20,000 to \$45,000.**

The Board approved the staff recommendation, accepting the mid-year status report and the 2012 Conservancy budget, and authorizing staff to execute the contract amendments for HT Harvey and Associates and Thunder Mountain Enterprises. (5-0, Bryant, Evola, Frazier, Glover and Stratford)

- 7) **Consider APPOINTING Ms. Kelly Davidson to fill the “Rural and Suburban Resident” vacancy on Public Advisory Committee, as recommended Chair Joel Bryant.** Chair Bryant remarked on Kelly Davidson’s overwhelming qualifications for this position and recommended that she fill the vacancy. Kelly Davidson was appointed

to the “Rural and Suburban Resident” position. (5-0, Bryant, Evola, Frazier, Glover and Stratford)

- 8) Consider ACCEPTING update from staff on adjustment of HCP/NCCP mitigation fees, comment letters received by participating cities during their consideration of the Conservancy Board’s July 22, 2011 recommendation regarding adjustment of fees, and response from Conservancy staff, Economic and Planning Systems and Conservancy’s Counsel (Resources Law Group) to these comment letters [ITEM CONTINUED FROM MAY 10, 2012]. PROVIDE guidance to staff on next steps.**

Mr. Kopchik summarized the background on the item contained in the staff report. Mr. Kopchik stated that, to enable the Conservancy to move ahead quickly with a Supplemental Fee Audit, he had prepared a draft Request for Proposals (RFP) for the Supplemental Fee Audit for consideration by the Board which had also been uploaded to the website and noticed to the distribution list. Mr. Kopchik stated that he had also contacted five firms who were qualified to perform this work and expressed interest in applying. Those firms were: David Taussig and Associates, Goodwin Consulting Group, Hausrath Economics Group, PMC and Willdan.

Louis Parsons, Discovery Builders, submitted a letter and spoke regarding the item and draft RFP, summarizing the contents of the letter. Mr. Parson’s said he had reviewed the RFP and stated that he believed it was inadequate because it did not include the requisite nexus analysis and did not address the Mitigation Fee Act issues. Mr. Parsons also requested that the Board direct staff to have a workshop and study session to discuss possible modifications to the HCP plan including the land use cover map and fee zones.

Mr. Evola asked staff to comment and indicate whether the nexus finding support issue could be addressed later or was better addressed now. Staff responded that it is the cities and the County who ultimately adopt the fees and make findings. The Fee Audit should be done in such a way that the cities and the County may rely on it and the HCP for findings. However, the Conservancy may do more than is required by the fee audit provisions of the HCP if it chooses. Mr. Evola stated the he believed that the Conservancy should assist the cities and the County in this regard.

Mr. Evola made a motion to accept the format of RFP, modify the scope to include Mitigation Fee Act and nexus findings support through, at staff’s discretion, one RFP or two, and to have a special meeting of the Conservancy Board to be held on August 20, 2012 at 2pm at the City of Pittsburg to consider proposals. The motion was approved. (5-0, Bryant, Evola, Frazier, Glover and Stratford)

A second motion was made by Mr. Frazier to direct staff to convene the workshop as requested, reach out to other interested stakeholders including the Building Industry Association and others interested in the HCP, and to meet separately with Discovery Builders in advance. The motion was approved. (5-0, Bryant, Evola, Frazier, Glover and Stratford)

- 9) **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 Austin-Thomas North Property (APN 075-070-004; 094-100-012; 5755 Nortonville Road, Pittsburg CA, 94565).** Mr. Kopchik gave a presentation describing the property, summarizing the written materials in the packet. Mr. Evola inquired about the access to the property. John Kopchik stated that driveway is from Nortonville Road and the property also adjoins Kirker Pass Road and access could be created there.

Seth Adams, Save Mount Diablo, the seller of the property, spoke and described many positive attributes of property. He spoke regarding its historical background, endangered species, location in a wildlife corridor between the Weapons Station and Black Diamond Mines, rare alkaline plant species, valuable cattle tunnel under Kirker Pass Road and public access potential. The Save Mount Diablo Board had approved purchase of the property at \$500,000 above its appraised value—and had approved its sale at a loss of a similar amount--because of the importance of the property. He thanked the Conservancy for its consideration of this acquisition.

The Board approved the staff recommendation, authorizing staff to execute the agreements with East Bay Regional Park District and California Wildlife Conservation Board for acquisition of the property. (5-0, Bryant, Evola, Frazier, Glover and Stratford)

- 10) **Adjourn.** The meeting was adjourned. A special meeting was scheduled for August 20, 2012 at 2pm at the City of Pittsburg.

**EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY**

DATE: August 20, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Contract for Supplemental Fee Audit

RECOMMENDATION

AUTHORIZE 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.

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 Supplemental Fee Audit and assist with nexus findings the participating cities and the County may make under the Mitigation Fee Act. The Board also scheduled a special meeting for August 20, 2012 to consider selecting a firm and authorizing a contract to perform this work.

Summary of Process: Conservancy staff distributed the Request for Proposals (“RFP”) for the Supplemental Fee Audit on July 26, 2012 to the following five firms (a copy of the RFP is attached):

- David Taussig and Associates
- Goodwin Consulting Group
- Hausrath Economics Group
- PMC
- Willdan Financial Services

CONTINUED ON ATTACHMENT: Yes	APPROVED AS RECOMMENDED: _____
ACTION OF BOARD ON: <u>August 20, 2012</u>	
OTHER: _____	

VOTE OF BOARD MEMBERS

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

I HEREBY 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

To address the Board's determination that the Conservancy also recruit for services related to assisting the participating cities and the County with findings they may make on Mitigation Fees pursuant to the Mitigation Fee Act, Conservancy staff drafted an Addendum #1 to the RFP. Conservancy staff consulted with the staff at the cities regarding Addendum #1 and support services needed. On August 2, 2012, Conservancy staff distributed Addendum #1 to the firms that had received the RFP, except for Goodwin Consulting Group who had informed the Conservancy that they would not be submitting a proposal. Addendum #1 acknowledges that the extent of work to support the cities and the County with findings will become clearer as the project progresses and requests respondents to provide a general description and cost estimate for this task, recognizing that the scope will be refined later (see Addendum #1, attached).

The following three firms submitted proposals by the August 8, 2012 deadline and were interviewed on Monday, August 13, 2012 (copies of all three proposals are attached):

- Hausrath Economics Group
- PMC
- Willdan Financial Services

The interview panel consisted of:

- Dana Hoggatt, Planning Manager, City of Pittsburg
- Joshua McMurray, Senior Planner, City of Oakley
- Erik Nolthenius, Planning Manager, City of Brentwood
- Krystal Hinojosa and John Kopchik, Conservancy

The interview panel met with each firm for approximately 45 minutes, receiving an overview presentation and then engaging in a question and answer discussion. The interview panel discussed qualifications and shared their perspectives following each interview. Conservancy staff contacted references for the two most qualified firms on August 9. On August 10 the interview panelists participated in a conference call to receive information gleaned from references and discuss options and preferences. In addition, on August 10, 2012, John Kopchik and Dana Hoggatt participated in a telephone conference with Derek Wong of PMC who was proposed as a key part of the PMC team but had pre-existing family commitment the following week. The teleconference provided an opportunity for a portion of the interview panel to hear from Mr. Wong but no questions were asked that might provide one firm with an ability to prepare that other firms would not be granted. Conservancy staff wishes to acknowledge the valuable participation provided by city staff. Their advice and opinions were extremely helpful to Conservancy staff in shaping the recommendation.

Recommendation and rationale: While all of the proposals were very well done and all of the firms possess the requisite experience and skill to successfully complete the requested work, Conservancy staff are recommending awarding the contract to the team led by Willdan Financial because of their demonstrated expertise with the guiding clients in setting and adjusting fees pursuant to the Mitigation Fee Act, strong communication and presentation skills as demonstrated in the interview, their recognition that a multi-disciplinary team approach would be needed and their outstanding references. Their proposed cost estimate and billing rates were higher than other respondents but staff believes the positive attributes mentioned above outweigh

the cost consideration. In addition, it should be pointed out that the scope of work for this project is somewhat uncertain and staff that believes Willdan assumed a greater level of effort than did others in estimating the cost. Likewise, as discussed below and as represented in Willdan's August 16, 2012 memo with supplementary information (attached), Willdan is willing to reduce its billing rates for this project by about 10%.

Conservancy staff contacted Willdan to discuss revisions to their proposal intended to reduce costs and improve the final product. Staff requested a billing rate decrease, a reduced assumption on hours required, a stated commitment to defend the work if requested, biological expertise with greater knowledge on northern California HCPs and flexibility to retain an additional outside expert on cost estimation if warranted. Willdan's response to this request is presented in the attached memo dated August 16, 2012.

Should the Board approve the staff recommendation, staff would work with Willdan to develop their original proposal and August 16, 2012 memo into a Scope of Work that would be included in the Conservancy's standard time and materials contract. Upon execution of the contract, work would immediately commence. It is anticipated that a draft of the Supplementary Fee Audit would be completed in time for the Board's December 13, 2012 meeting. A draft product could also be presented earlier at a Special Meeting if so desired by the Board. Staff is recommending that the Board provide advanced authorization to amend the contract to increase the payment limit up \$50,000 in the event that additional work is needed beyond what is anticipated at this time. This is recommended in order to allow work to proceed as rapidly as possible even in the event of unanticipated work.

Attachments:

- RFP
- Addendum 1 to RFP
- Willdan Proposal
- Willdan memo dated 8-16-12 with
- Hausrath Proposal
- PMC Proposal

EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

Request for Proposals (RFP) Supplemental Fee Audit for the East Contra Costa County Habitat Conservancy

The East Contra Costa County Habitat Conservancy is soliciting proposals from entities interested in and capable of performing an audit of implementation costs associated with the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan.

Background

The East Contra Costa County Habitat Conservancy (“Conservancy”) was formed to implement the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (“HCP/NCCP” or “Plan”). The Plan provides a framework to protect natural resources in eastern Contra Costa County while improving and streamlining the environmental permitting process for impacts on endangered species.

The Conservancy is a joint exercise of powers authority formed by the Cities of Brentwood, Clayton, Oakley and Pittsburg and Contra Costa County to serve as the “Implementing Entity” for the Plan. The California Department of Fish and Game and the U.S. Fish and Wildlife Service have issued regional endangered species permits pursuant to the Plan which allow these four cities and the County, as well as the Contra Costa County Flood Control and Water Conservation District, the East Bay Regional Park District and the Conservancy (collectively, the “Permittees”) to provide endangered species permits for certain activities and projects in the region that they implement or approve. The Plan and permits require the Permittees to perform a number of conservation measures to mitigate impacts of projects covered by the plan and permits and to contribute to recovery of endangered species. These required conservation measures include acquisition, management and monitoring of a Preserve System and construction of restored or created wetlands and waters in the Preserve System. As the “Implementing Entity” for the Plan, the Conservancy’s responsibilities include the implementation of these conservation measures.

To fund implementation of these conservation measures, the Plan requires the Permittees either to collect fees from proponents of projects that are covered by the Plan or, in some cases, to secure appropriate land or habitat restoration from the proponents in lieu of some or all fees. Section 9.3.1 describes the fee requirements, setting forth several types of fees, collectively referred to as Mitigation Fees. The two primary types of Mitigation Fees are the Development Fee and the Wetland Mitigation Fee. The Development Fee is a per-acre fee charged for the full area of the project and used to pay for the implementation of the bulk of the conservation measures required by the Plan, including the acquisition, management and monitoring of the Preserve System. The Wetland Mitigation Fee applies only to the extent (acreage or linear feet) of wetlands and waters that will be impacted by a project and is used to pay for restoration or creation of wetlands and waters within the Preserve System. The Wetland Mitigation Fee varies by the type of wetland or water impacted and is based on the estimated cost of restoring or creating that type of wetland or water. The Plan also provides for collection of Rural Road Fees

and temporary impact fees, but these fees are derivatives of the Development Fee and Wetland Mitigation Fee. See Section 9.3.1 of the HCP/NCCP for additional detail.

Each Permittee is required by the Plan to collect Mitigation Fees and convey these fees to the Conservancy. The participating cities and the County have adopted ordinances (and, in the case of the cities, fee resolutions) requiring applicants for certain development permits to comply with the HCP/NCCP and pay Mitigation Fees (or provide appropriate land or habitat restoration). The Conservancy then expends the Mitigation Fees, along with other sources of funding, to implement the HCP/NCCP.

The Plan requires periodic adjustment of Mitigation Fees. In addition to annual automatic adjustment of fees according to prescribed cost indices, the Plan contains a subsection of 9.3.1 entitled, “Periodic Audit and Adjustment of Mitigation Fees” (attached). This subsection requires the performance of a “fee audit” during years 3, 6, 10, 15, 20 and 25 in order to “...ensure that the fees generated by development and other covered activities are adequately covering their share of Plan costs” (“Fee Audit”). The Conservancy is responsible for hiring an independent auditor to perform the Fee Audit. To put any recommended fee adjustments resulting from the Fee Audit into effect, the participating cities and the County would need to amend their ordinances or fee resolutions.

The Conservancy conducted the first Fee Audit in 2011. The Conservancy hired Economic and Planning Systems, Inc. (“EPS”) to conduct the Fee Audit and EPS conducted the work and prepared a report dated March 17, 2011 with the results. EPS concluded that no changes were needed to the Development Fee, but did recommend changes to the Wetland Mitigation Fee. The Conservancy Board reviewed the report provided by EPS in March of 2011. In July of 2011, the Conservancy Board approved the report and recommended that the participating cities and the County adjust the Wetland Mitigation Fees as recommended in the report.

The City of Pittsburg City Council was the first entity to consider the recommended fee adjustments in a public meeting. The City received comments expressing concern with the proposed fee adjustments and the EPS report of March 17, 2011 report. The Conservancy Board considered these comments, as well as responses prepared by EPS, Conservancy staff and legal counsel, on May 10, 2012. On July 26, 2012, the Conservancy Board directed staff to release this Request for Proposals and scheduled a special Board meeting for August 20 at 2 pm at the City of Pittsburg to select an entity to perform the Supplemental Fee Audit and authorize a contract. The Board also directed staff to recruit for additional services related to providing documentation in support of nexus findings the participating cities and the County would need to make in adopting certain changes to Mitigation Fees. These additional services will be the subject of an addendum to this RFP or a new and separate request for proposals.

Requested Services

The Conservancy wishes to retain a qualified entity (“Contractor”) to conduct a supplemental Fee Audit (“Supplemental Fee Audit”). The purpose of the Supplemental Fee Audit is to provide a separate audit of HCP/NCCP implementation costs and assessment of whether “the fees generated by development and other covered activities are adequately covering their share of Plan costs”. The Supplemental Fee Audit must meet the requirements of the HCP/NCCP for a

Fee Audit, in particular the requirements set forth in the Subsection of 9.3.1 that pertains directly to the Fee Audit (see attached).

Key tasks include the following:

- 1) Review the provisions of the HCP/NCCP, the Implementing Agreement for the HCP/NCCP, the HCP ordinances and fee resolutions adopted by participating cities and the County, and associated state and federal permits that relate to the Fee Audit. Chapters 9 and Appendices G and H of the HCP/NCCP provide the background information, methodology and cost estimate data used to calculate the original Mitigation Fees. All of these materials may be obtained from the Conservancy website at the following page:
<http://www.co.contra-costa.ca.us/depart/cd/water/HCP/documents.html>
- 2) Review the original Fee Audit performed by EPS in 2011, the prior Conservancy Board and City of Pittsburg actions on this matter, the comment letters received, and the EPS, Conservancy staff and attorney responses to comments. These materials have been consolidated into one bookmarked PDF file which may be obtained from the Conservancy website at the following page:
<http://www.co.contra-costa.ca.us/depart/cd/water/HCP/Meetings/pdfs/2012/7-26-12/Item8ATTACHMENTS.pdf>
- 3) In consideration of the above, update the cost estimates provided in the HCP/NCCP with the best available current information. The original cost estimate information is provided in Chapter 9 and Appendix G of the Plan. The following types of costs need to be considered:
 - a. Land acquisition costs: The Conservancy will provide information regarding these implementation costs to date. The Contractor will be expected to review this information as well as compile and review other relevant comparable sales information from inside the HCP/NCCP Plan Area and, if relevant, from outside the Plan Area.
 - b. Habitat restoration costs: The Conservancy will provide information regarding these implementation costs to date. The Contractor will be expected to review this information and compile and review other relevant information regarding restoration costs from similar projects conducted separate from the HCP/NCCP.
 - c. Preserve management, monitoring and other Plan implementation costs: The Conservancy will provide information regarding these implementation costs to date, though cost information is fairly limited because the Plan is in an early stage of implementation. The Contractor will be expected to review this information and compile and review other relevant information regarding preserve management, monitoring and other HCP implementation costs, from similar programs conducted separate from the HCP/NCCP.
- 4) Calculate appropriate Mitigation Fee updates based on the updated cost estimates generated by Contractor and the Mitigation Fee criteria and calculators provided in Chapter 9 and Appendices G and H of the HCP/NCCP.

- 5) Prepare a report describing any recommended adjustments to the Mitigation Fees and the explaining the rationale for the recommendations, including a detailed presentation of methods, data and data sources.
- 6) Participate in public meetings to explain approach, methods and recommendations, answer questions and receive input. The number of meetings is not known at this time. Contractor may propose an approach or state an estimated cost per public meeting.
- 7) Other tasks necessary to accomplish the purpose of the Supplemental Fee Audit and comply with the HCP/NCCP.

The Conservancy anticipates that the entity retained for Supplemental Fee Audit will work on a time and materials basis in order to allow the work tasks to be adjusted as the Supplemental Fee Audit progresses.

Submittal Requirements

In order to be considered for selection, respondents should submit a proposal containing the following information:

- 1) A proposed work plan for performing the Supplemental Fee Audit. The work plan should concisely describe the proposed approach, schedule and work products. The work plan should also describe the individuals proposed to perform the work and the role they will play.
- 2) A cost estimate for performing the Supplemental Fee Audit. The cost estimate must include billing rates for individuals proposed to conduct the work as well as billing rates for anticipated direct expenses.
- 3) A statement that the respondent has reviewed the Conservancy's contract template (attached) and can and will comply with the terms of that contract template if selected.
- 4) A list of clients in the HCP/NCCP Plan Area in the prior ten years.
- 5) Names, addresses, and telephone numbers of 2 persons who may be contacted as references.
- 6) Qualifications and experience information for the respondent, which include the following detailed information:
 - a. General information about respondent's firm or services.
 - b. Qualifications to perform the Supplemental Fee Audit. Please include relevant experience with fee audits and with developing or adjusting mitigation fees and/or development impact fees.
 - c. Resumes of individuals proposed to perform the Supplemental Fee Audit.
- 7) The name, address, telephone and e-mail address of the principal contact person to whom correspondence should be directed.

Selection Process

The Conservancy will make the selection based on the following criteria:

- 1) The overall quality of the proposal and an assessment of the ability of the proposed work plan to effectively, efficiently and accurately meet the purpose of the Supplemental Fee Audit.
- 2) The respondent's relevant qualifications and experience.
- 3) The respondent's independence from the Conservancy and ability to perform the Supplemental Fee Audit without conflict of interest.
- 4) Previous experience in conducting relevant services for governmental organizations. The firm or individual chosen should have demonstrated and proven experience in preparing fee audits for governmental organizations.
- 5) Quality of past work and verification of qualifications, experience, and references provided.
- 6) The proposed budget for services rendered, including billing rates.
- 7) Performance in an interview. The Conservancy anticipates that one or more of the best qualified respondents will be invited to an interview.

Based on the above information, Conservancy staff will make a recommendation to the Conservancy Board on hiring respondent to perform the Supplemental Fee Audit. The final decision will be made by the Conservancy Board.

To be considered, proposals must be received no later than **Wednesday, August 8, 2012**. Please submit an electronic copy of your application materials to:

Maureen Parkes (Email: maureen.parkes@dcd.cccounty.us)
East Contra Costa County Habitat Conservancy
C/o Contra Costa County Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
(925) 674-7803

Questions about the RFP should be directed to John Kopchik at (925) 674-7203 or john.kopchik@dcd.cccounty.us.

Thank you for your interest and for your consideration of submitting a proposal.

Attachments:

- A) Excerpt from Section 9.3.1 of the HCP/NCCP
- B) Conservancy's contract template (not included in this draft)

Attachment A

Excerpt from Section 9.3.1 of the HCP/NCCP:

Periodic Audit and Adjustment of Mitigation Fees

To ensure that the fees generated by development and other covered activities are adequately covering their share of Plan costs, a thorough fee audit will be completed by March 15 of years 3, 6, 10, 15, 20, and 25, where year 1 is the first full calendar year of Plan implementation (e.g., if permits for the Plan are issued in December 2006, the first periodic audit would occur by March 15, 2009; if permits for the Plan are issued in January 2007, the first periodic audit would occur by March 15, 2010). This schedule was developed to balance the need for frequent assessments with the need to accumulate enough data on which to base a meaningful audit and contain administrative costs.

The cost review process will include a review of the costs and their underlying assumptions that were developed as part of the original funding plan. Actual land sales in the inventory area transacted after the start of the HCP/NCCP will be evaluated and compared to the original land cost assumptions to determine the actual change in land costs. The actual costs of operating, maintaining, and managing the Preserve System will also be compared to the original estimates of these costs to determine the actual change in non—land costs. The Implementing Entity will hire an outside, independent financial auditor to conduct this analysis.

If either portion of the development or road fee (land acquisition or preserve management) is found to be lower than needed to offset the fee share of actual costs, that portion of the fees will be increased. If either portion of the fees is found to be higher than needed to offset the fee share of actual costs, then the fees will be reduced. Automatic annual fee increases will resume after the periodic fee audit and will continue until the next periodic audit.

Following completion of the independent fee audits, fees may be adjusted to reflect refined cost estimates. However, the fee on new development must always be based on the fair share apportionment ratio discussed above (see also the Development Fee Calculator in Appendix H, which was used for this Plan to apportion costs according to the fair share apportionment ratio and set fees). For example, if state and federal contributions are not as high as predicted, the fee on development cannot be raised to make up the difference. Likewise, if grant funds exceed expectations, additional recovery lands will be acquired and development fees will not be reduced.

Attachment B

Conservancy's template contract

STANDARD CONTRACT
(Purchase of Services - Long Form)

1. **Contract Identification.**

Subject: East Contra Costa County HCP/NCCP

2. **Parties.** The East Contra Costa County Habitat Conservancy (Conservancy) and the following named Contractor mutually agree and promise as follows:

Contractor:

Capacity:

Address:

3. **Term.** The effective date of this Contract is _____. It terminates on _____ unless sooner terminated as provided herein.

4. **Payment Limit.** Conservancy's total payments to Contractor under this Contract shall not exceed \$ _____.

5. **Conservancy's Obligations.** Conservancy shall make to the Contractor those payments described in the Payment Provisions attached hereto which are incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

6. **Contractor's Obligations.** Contractor shall provide those services and carry out that work described in the Service Plan attached hereto which is incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

7. **General and Special Conditions.** This Contract is subject to the General Conditions and Special Conditions (if any) attached hereto, which are incorporated herein by reference.

8. **Project.** This Contract implements in whole or in part the following described Project, the application and approval documents of which are incorporated herein by reference:

STANDARD CONTRACT
(Purchase of Services - Long Form)

9. **Legal Authority.** This Contract is entered into under and subject to the following legal authorities:
California Government Code Sections 6502 and 31000.

10. **Signatures.** These signatures attest the parties' agreement hereto:

EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

By _____ Secretary of the Conservancy	ATTEST: By _____ Conservancy Staff
--	--

CONTRACTOR

Name of business entity By _____ (Signature of individual or officer) _____ (Print name and title A, if applicable)	Name of business entity By _____ (Signature of individual or officer) _____ (Print name and title B, if applicable)
---	---

Note to Contractor: For Corporations (profit or nonprofit), the contract must be signed by two officers. Signature A must be that of the president or vice-president and Signature B must be that of the secretary or assistant secretary (Civil Code Section 1190 and Corporations Code Section 313). All signatures must be acknowledged as set forth on Form L-2.

PAYMENT PROVISIONS
(Fee Basis Contracts - Long and Short Form)

Number

1. **Payment Amounts.** Subject to the Payment Limit of this Contract and subject to the following Payment Provisions, Conservancy will pay Contractor the following fee as full compensation for all services, work, expenses or costs provided or incurred by Contractor:

[Check one alternative only.]

- a. \$ monthly, or
- b. \$ per unit, as defined in the Service Plan, or
- c. \$ after completion of all obligations and conditions herein.
- d. Other: As specified in the Service Plan.

2. **Payment Demands.** Contractor shall submit written demands for payment in the manner and form prescribed by Conservancy. Contractor shall submit said demands for payment no later than 30 days from the end of the month in which the contract services upon which such demand is based were actually rendered. Upon approval of payment demands by the Conservancy Secretary, or his designee, Conservancy will make payments as specified in Paragraph 1. (Payment Amounts) above.

3. **Penalty for Late Submission.** If Conservancy is unable to obtain reimbursement from the State of California as a result of Contractor's failure to submit to Conservancy a timely demand for payment as specified in Paragraph 2. (Payment Demands) above, Conservancy shall not pay Contractor for such services to the extent Conservancy's recovery of funding is prejudiced by the delay even though such services were fully provided.

4. **Right to Withhold.** Conservancy has the right to withhold payment to Contractor when, in the opinion of Conservancy expressed in writing to Contractor, (a) Contractor's performance, in whole or in part, either has not been carried out or is insufficiently documented, (b) Contractor has neglected, failed or refused to furnish information or to cooperate with any inspection, review or audit of its program, work or records, or (c) Contractor has failed to sufficiently itemize or document its demand(s) for payment.

5. **Audit Exceptions.** Contractor agrees to accept responsibility for receiving, replying to, and/or complying with any audit exceptions by appropriate county, state or federal audit agencies resulting from its performance of this Contract. Within 30 days of demand, Contractor shall pay Conservancy the full amount of Conservancy's obligation, if any, to the state and/or federal government resulting from any audit exceptions, to the extent such are attributable to Contractor's failure to perform properly any of its obligations under this Contract.

Initials: _____
Contractor Conservancy

Adapted from
Contra Costa County
Standard Form L-3

SERVICE PLAN
(Purchase of Services – Long Form)

Number

SAMPLE LANGUAGE. THIS FORM WILL NEED TO BE CUSTOMIZED BY
STAFF FOR EACH SPECIFIC CONTRACT.

(FOR TIME AND MATERIALS CONTRACTS:)

Contractor will perform one or more of the following services listed below for the Conservancy. Conservancy will reimburse Contractor on a time and materials basis according to the fee schedule provided in the attached document entitled, “xxx Fee Schedule”)

LIST DUTIES HERE

(FOR FIXED FEE-CONTRACTS:)

Contractor will perform the services described in the attached scope of work for the Conservancy. Conservancy will reimburse Contractor on a fixed-basis according to the attached cost estimate provided with the scope of work, “Cost Estimate”.

Initials:

Contractor

Conservancy.

SPECIAL CONDITIONS
(Purchase of Services - Long Form)

1. **Notice to Proceed.** Contractor shall not perform any work pursuant to this Agreement nor incur any costs reimbursable by Conservancy unless and until directed to do so by Conservancy staff through the issuance of a Notice to Proceed. Such Notices to Proceed shall indicate the general task requested of Contractor consistent with the Service Plan and shall specify an interim payment limit. Contractor shall not perform work not authorized by a Notice to Proceed nor incur costs in excess of the Interim Payment Limit set therein.

2. **Confidentiality.** Contractor shall not disclose information relating to any Conservancy matter, program, project, personnel or operations that Contractor learns of or receives during the term of this Agreement. At all times hereafter, Contractor will keep in confidence and trust all such information and will not use or disclose any such information without Conservancy's advance written consent, except as may be necessary in the ordinary course of performance of Contractor's services under this Agreement. This obligation survives the termination of this Agreement.

GENERAL CONDITIONS
(Purchase of Services - Long Form)

1. **Compliance with Law.** Contractor shall be subject to and comply with all applicable federal, state and local laws and regulations with respect to its performance under this Contract, including but not limited to, licensing, employment and purchasing practices; and wages, hours and conditions of employment, including nondiscrimination.

2. **Inspection.** Contractor's performance, place of business and records pertaining to this Contract are subject to monitoring, inspection, review and audit by authorized representatives of the Conservancy, the County of Contra Costa ("County"), the State of California, and the United States Government.

3. **Records.** Contractor shall keep and make available for inspection and copying by authorized representatives of the Conservancy, the County, the State of California, and the United States Government, the Contractor's regular business records and such additional records pertaining to this Contract as may be required by the Conservancy.
 - a. **Retention of Records.** Contractor shall retain all documents pertaining to this Contract for five years from the date of submission of Contractor's final payment demand or final Cost Report; for any further period that is required by law; and until all federal/state audits are complete and exceptions resolved for this contract's funding period. Upon request, Contractor shall make these records available to authorized representatives of the Conservancy, the County, the State of California, and the United States Government.

 - b. **Access to Books and Records of Contractor, Subcontractor.** Pursuant to Section 1861(v)(1) of the Social Security Act, and any regulations promulgated thereunder, Contractor shall, upon written request and until the expiration of four years after the furnishing of services pursuant to this Contract, make available to the Conservancy, the County, the Secretary of Health and Human Services, or the Comptroller General, or any of their duly authorized representatives, this Contract and books, documents, and records of Contractor necessary to certify the nature and extent of all costs and charges hereunder.

Further, if Contractor carries out any of the duties of this Contract through a subcontract with a value or cost of \$10,000 or more over a twelve-month period, such subcontract shall contain a clause to the effect that upon written request and until the expiration of four years after the furnishing of services pursuant to such subcontract, the subcontractor shall make available to the Conservancy, the County, the Secretary, the Comptroller General, or any of their duly authorized representatives, the subcontract and books, documents, and records of the subcontractor necessary to verify the nature and extent of all costs and charges thereunder.

This special condition is in addition to any and all other terms regarding the maintenance or retention of records under this Contract and is binding on the heirs, successors, assigns and representatives of Contractor.

4. **Reporting Requirements.** Pursuant to Government Code Section 7550, Contractor shall include in all documents or written reports completed and submitted to Conservancy in accordance with this Contract, a separate section listing the numbers and dollar amounts of all contracts and subcontracts relating to the preparation of each such document or written report. This section shall apply only if the payment limit under this Contract exceeds \$5,000.

5. **Termination and Cancellation.**

- a. **Written Notice.** This Contract may be terminated by either party, in its sole discretion, upon thirty-day advance written notice thereof to the other, and may be cancelled immediately by written mutual consent.
- b. **Failure to Perform.** Conservancy, upon written notice to Contractor, may immediately terminate this Contract should Contractor fail to perform properly any of its obligations hereunder. In the event of such termination, Conservancy may proceed with the work in any reasonable manner it chooses. The cost to Conservancy of completing Contractor's performance shall be deducted from any sum due Contractor under this Contract, without prejudice to Conservancy's rights to recover damages.
- c. **Cessation of Funding.** Notwithstanding Paragraph 5.a. above, in the event that federal, state, or other non-Conservancy funding for this Contract ceases, this Contract is terminated without notice.
6. **Entire Agreement.** This Contract contains all the terms and conditions agreed upon by the parties. Except as expressly provided herein, no other understanding, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.
7. **Further Specifications for Operating Procedures.** Detailed specifications of operating procedures and budgets required by this Contract, including but not limited to, monitoring, evaluating, auditing, billing, or regulatory changes, may be developed and set forth in a written Informal Agreement between Contractor and Conservancy. Informal Agreements shall be designated as such and shall not be amendments to this Contract except to the extent that they further detail or clarify that which is already required hereunder. Informal Agreements may not enlarge in any manner the scope of this Contract, including any sums of money to be paid Contractor as provided herein. Informal Agreements may be approved and signed by the Secretary of the Conservancy or his designee.
8. **Modifications and Amendments.**
- a. **General Amendments.** This Contract may be modified or amended by a written document executed by Contractor and the Conservancy Governing Board or, after Board approval, by its designee, subject to any required state or federal approval.
- b. **Administrative Amendments.** Subject to the Payment Limit, the Payment Provisions and the Service Plan may be amended by a written administrative amendment executed by Contractor and the Secretary of the Conservancy (or designee), subject to any required state or federal approval, provided that such administrative amendment may not materially change the Payment Provisions or the Service Plan.
9. **Disputes.** Disagreements between Conservancy and Contractor concerning the meaning, requirements, or performance of this Contract shall be subject to final written determination by the Secretary of the Conservancy, or his designee, or in accordance with the applicable procedures (if any) required by the state or federal government.
10. **Choice of Law and Personal Jurisdiction.**
- a. This Contract is made in Contra Costa County and shall be governed and construed in accordance with the laws of the State of California.
- b. Any action relating to this Contract shall be instituted and prosecuted in the courts of Contra Costa County, State of California.

11. **Conformance with Federal and State Regulations and Laws.** Should federal or state regulations or laws touching upon the subject of this Contract be adopted or revised during the term hereof, this Contract shall be deemed amended to assure conformance with such federal or state requirements.

12. **No Waiver by Conservancy.** Subject to Paragraph 9. (Disputes) of these General Conditions, inspections or approvals, or statements by any officer, agent or employee of Conservancy indicating Contractor's performance or any part thereof complies with the requirements of this Contract, or acceptance of the whole or any part of said performance, or payments therefor, or any combination of these acts, shall not relieve Contractor's obligation to fulfill this Contract as prescribed; nor shall the Conservancy be thereby estopped from bringing any action for damages or enforcement arising from any failure to comply with any of the terms and conditions of this Contract.

13. **Subcontract and Assignment.** This Contract binds the heirs, successors, assigns and representatives of Contractor. Prior written consent of the Secretary of the Conservancy or his designee, subject to any required state or federal approval, is required before the Contractor may enter into subcontracts for any work contemplated under this Contract, or before the Contractor may assign this Contract or monies due or to become due, by operation of law or otherwise.

14. **Independent Contractor Status.** This Contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship between the parties of agent, servant, employee, partnership, joint venture or association.

15. **Conflicts of Interest.** Contractor, its officers, partners, associates, agents, and employees, shall not make, participate in making, or in any way attempt to use the position afforded them by this Contract to influence any governmental decision in which they know or have reason to know they have a financial interest under California Government Code Sections 87100, et seq., or otherwise.

16. **Confidentiality.** Contractor agrees to comply and to require its officers, partners, associates, agents and employees to comply with all applicable state or federal statutes or regulations respecting confidentiality, including but not limited to, the identity of persons served under this Contract, their records, or services provided them, and assures that:

a. All applications and records concerning any individual made or kept by Contractor or any public officer or agency in connection with the administration of or relating to services provided under this Contract will be confidential, and will not be open to examination for any purpose not directly connected with the administration of such service.

b. No person will publish or disclose or permit or cause to be published or disclosed, any list of persons receiving services, except as may be required in the administration of such service. Contractor agrees to inform all employees, agents and partners of the above provisions, and that any person knowingly and intentionally disclosing such information other than as authorized by law may be guilty of a misdemeanor.

17. **Nondiscriminatory Services.** Contractor agrees that all goods and services under this Contract shall be available to all qualified persons regardless of age, sex, race, religion, color, national origin, ethnic background, disability, or sexual orientation, and that none shall be used, in whole or in part, for religious worship or instruction.

18. **Indemnification.** The Contractor shall defend, indemnify, save, protect and hold harmless the Conservancy, its governing body, officers, employees, representatives and agents from any and all demands, losses, claims, costs, suits, liabilities and expenses for any damage, sickness, death, or injury to person(s) or property arising directly or indirectly from or connected with the services provided hereunder which is caused in whole or in part, by the negligence or willful

misconduct of the Contractor, its officers, employees, agents, servants, employees, subcontractors, or any persons under its direction or control, and shall make good to reimburse Conservancy for any expenditures, including reasonable attorney's fees and costs, the Conservancy may make by reason of such matters and shall, if requested by Conservancy, at the sole cost and expense of Contractor, defend any such claim or suit or provide counsel reasonably acceptable to Conservancy to contest or defend any such claim or suit. Contractor's obligations under this section shall exist regardless of concurrent negligence or willful misconduct on the part of the Conservancy or any other person; provided, however, that Contractor shall not be required to indemnify Conservancy for any expenditures, including attorney's fees and costs, for the proportion of liability a court determines is attributable to the negligence or willful misconduct of the Conservancy, its governing body, officers, or employees. This indemnification clause shall survive the termination or expiration of this Agreement.

Conservancy agrees to give Contractor prompt written notice of any claims or other matter as to which Conservancy believes this indemnification provision is applicable, and failure to do so will relieve Contractor of any obligations or liability pursuant to this indemnification provision to the extent that Contractor is prejudiced in its defense of the action or claim by the Conservancy's failure to give such notice. Neither party, nor their successors or assigns, shall admit any liability to any matter for which indemnification is sought, or settle, compromise, pay or discharge the same without the prior written consent of the other, which shall not be unreasonably withheld or delayed, and Conservancy shall reasonably cooperate with Contractor in the contest and defense thereof.

19. **Insurance**. During the entire term of this Contract and any extension or modification thereof, Contractor shall keep in effect insurance policies meeting the following insurance requirements unless otherwise expressed in the Special Conditions:

a. **Liability Insurance**. For all contracts where the total payment limit of the contract is \$500,000 or less, Contractor shall provide comprehensive liability insurance, including coverage for owned and non-owned automobiles, with a minimum combined single limit coverage of \$500,000 for all damages, including consequential damages, due to bodily injury, sickness or disease, or death to any person or damage to or destruction of property, including the loss of use thereof, arising from each occurrence. Such insurance shall be endorsed to include Conservancy and its officers, agents and employees as additional insureds as to all services performed by Contractor under this agreement. Said policies shall constitute primary insurance as to Conservancy, the County, the state and federal governments, and their officers, agents, and employees, so that other insurance policies held by them or their self-insurance program(s) shall not be required to contribute to any loss covered under Contractor's insurance policy or policies. For all contracts where the total payment limit is above \$500,000, the aforementioned insurance coverage to be provided by Contractor shall have a minimum combined single limit coverage of \$1,000,000, and Contractor shall be required to provide Conservancy with a copy of the endorsement making the Conservancy an additional insured on all general liability, worker's compensation, and, if applicable, all professional liability insurance policies as required herein no later than the effective date of this Contract.

b. **Workers' Compensation**. Contractor shall provide workers' compensation insurance coverage for its employees.

c. **Certificate of Insurance**. The Contractor shall provide the Conservancy with (a) certificate(s) of insurance evidencing liability and worker's compensation insurance as required herein no later than the effective date of this Contract. If the Contractor should renew the insurance policy(ies) or acquire either a new insurance policy(ies) or amend the coverage afforded through an endorsement to the policy at any time during the term of this Contract, then Contractor shall provide (a) current certificate(s) of insurance.

- d. **Additional Insurance Provisions.** The insurance policies provided by Contractor shall include a provision for thirty (30) days written notice to Conservancy before cancellation or material change of the above specified coverage.
20. **Notices.** All notices provided for by this Contract shall be in writing and may be delivered by deposit in the United States mail, postage prepaid. Notices to Conservancy shall be addressed to the Secretary of the Conservancy. Notices to Contractor shall be addressed to the Contractor's address designated herein. The effective date of notice shall be the date of deposit in the mails or of other delivery, except that the effective date of notice to Conservancy shall be the date of receipt by the Secretary of the Conservancy.
21. **Primacy of General Conditions.** Except for Special Conditions which expressly supersede General Conditions, the Special Conditions (if any) and Service Plan do not limit any term of the General Conditions.
22. **Nonrenewal.** Contractor understands and agrees that there is no representation, implication, or understanding that the services provided by Contractor under this Contract will be purchased by Conservancy under a new contract following expiration or termination of this Contract, and waives all rights or claims to notice or hearing respecting any failure to continue purchasing all or any such services from Contractor.
23. **Possessory Interest.** If this Contract results in Contractor having possession of, claim or right to the possession of land or improvements, but does not vest ownership of the land or improvements in the same person, or if this Contract results in the placement of taxable improvements on tax exempt land (Revenue & Taxation Code Section 107), such interest or improvements may represent a possessory interest subject to property tax, and Contractor may be subject to the payment of property taxes levied on such interest. Contractor agrees that this provision complies with the notice requirements of Revenue & Taxation Code Section 107.6, and waives all rights to further notice or to damages under that or any comparable statute.
24. **No Third-Party Beneficiaries.** Notwithstanding mutual recognition that services under this Contract may provide some aid or assistance to members of the County's population or those served by the Conservancy, it is not the intention of either Conservancy or Contractor that such individuals occupy the position of intended third-party beneficiaries of the obligations assumed by either party to this Contract.
25. **Copyrights and Rights in Data.** Contractor shall not publish or transfer any materials produced or resulting from activities supported by this agreement without the express written consent of the Secretary of the Conservancy. If any material is subject to copyright, Conservancy reserves the right to copyright, and Contractor agrees not to copyright, such material. If the material is copyrighted, Conservancy reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use such materials, in whole or in part, and to authorize others to do so.
26. **Endorsements.** Contractor shall not in its capacity as a contractor with the Conservancy publicly endorse or oppose the use of any particular brand name or commercial product without the prior approval of the Board of Supervisors. In its Conservancy contractor capacity, Contractor shall not publicly attribute qualities or lack of qualities to a particular brand name or commercial product in the absence of a well-established and widely accepted scientific basis for such claims or without the prior approval of the Board of Supervisors. In its Conservancy contractor capacity, Contractor shall not participate or appear in any commercially produced advertisements designed to promote a particular brand name or commercial product, even if Contractor is not publicly endorsing a product, as long as the Contractor's presence in the advertisement can reasonably be interpreted as an endorsement of the product by or on behalf of the Conservancy. Notwithstanding the foregoing, Contractor may express its views on products to other contractors, the Conservancy

Governing Board, Conservancy officers, or others who may be authorized by the Board of Supervisors or by law to receive such views.

27. **Required Audit.** (A) If Contractor is funded by \$500,000 or more in federal grant funds in any fiscal year ending after December 31, 2003 from any source, Contractor shall provide to Conservancy at Contractor's expense an audit conforming to the requirements set forth in the most current version of Office of Management and Budget Circular A-133. (B) If Contractor is funded by less than \$500,000 in federal grant funds in any fiscal year ending after December 31, 2003 from any source, but such grant imposes specific audit requirements; Contractor shall provide to Conservancy an audit conforming to those requirements. (C) If Contractor is funded by less than \$500,000 in federal grant funds in any fiscal year ending after December 31, 2003 from any source, Contractor is exempt from federal audit requirements for that year, however, Contractor's records must be available for and an audit may be required by, appropriate officials of the federal awarding agency, the General Accounting Office (GAO), the pass-through entity and/or the Conservancy. If any such audit is required, Contractor shall provide Conservancy with such audit. With respect to the audits specified in (A), (B) and (C) above, Contractor is solely responsible for arranging for the conduct of the audit, and for its cost. Conservancy may withhold the estimated cost of the audit or 10 percent of the contract amount, whichever is larger, or the final payment, from Contractor until Conservancy receives the audit from Contractor.

28. **Authorization.** Contractor, or the representative(s) signing this Contract on behalf of Contractor, represents and warrants that it has full power and authority to enter into this Contract and perform the obligations herein.

(This page intentionally left blank.)

Addendum 1 to Request for Proposals (RFP) for Supplemental Fee Audit

Addendum title: Addendum 1, Documentation for Nexus Findings

Addendum date: August 2, 2012

Identification of original RFP to which this Addendum Applies: Request for Proposals for Supplemental Fee Audit for the East Contra Costa County Habitat Conservancy, dated July 26, 2012.

Purpose of Addendum: Expand the scope of services for which proposals are requested to include documentation for nexus findings.

Deadline: Addendum 1 does not change the deadline for submission of proposals. Proposals responding to the original RFP and to this Addendum 1 must be received no later than Wednesday, August 8, 2012 to be considered.

Background: On July 26, 2012, the Conservancy Board directed staff to: 1) release the original Request for Proposals, and 2) recruit for additional services related to providing documentation in support of nexus findings the participating cities and the County may make in adopting certain changes to Mitigation Fees. The original RFP was released on July 26, 2012. This Addendum 1 is intended to implement the second portion of the Board's direction related to documentation in support of nexus findings. Please see the original RFP for additional background and definition of terms.

The participating cities and the County enacted the Mitigation Fees pursuant to their authority under the Mitigation Fee Act (Government Code Section 66000). The participating cities and the County made findings in their Ordinances and Fee Resolutions in accordance with the requirements of the Mitigation Fee Act ("nexus findings"). Depending upon the outcome of the Supplemental Fee Audit, the participating cities and the County may adopt nexus findings again to implement certain adjustments to the Mitigation Fees.

Additional Requested Services: The following additional task number 8 is hereby added to the list of seven primary tasks described in the Requested Services section of the original RFP:

8) Assist the Conservancy with preparing documentation in support of nexus findings that may be made by participating cities and the County in accordance with the Mitigation Fee Act (Government Code Section 66000). Based on information in the HCP/NCCP and the Supplemental Fee Audit and with guidance from the Conservancy, Contractor will compile and prepare tables and other information for consideration by participating cities and the County in support of their nexus findings. The Conservancy will continue to consult with the participating cities and the County on the information they need to support their nexus findings. Consequently, the precise scope of this task will take shape as work proceeds. This task may not be necessary and may not be conducted if the Supplemental Fee Audit does not recommend increases to any Mitigation Fees.

Additional Submittal Requirements: Respondents are requested to incorporate the Additional Requested Services of this Addendum 1 as a discrete, separate task in the work plan and to estimate the cost of these Additional Requested Services as a stand-alone item. Respondents are requested to provide a general description and cost estimate for this task, recognizing that the scope will be refined later.

Questions about the RFP or this Addendum 1 should be directed to John Kopchik at (925) 674-7203 or john.kopchik@dcd.cccounty.us.

Thank you again for your interest and for your consideration of submitting a proposal.

August 8, 2012

Ms. Maureen Parkes
East Contra Costa County Habitat Conservancy
c/o Contra Costa County Department of
Conservation and Development
30 Muir Road
Martinez, California 94553

Re: *Proposal to Provide a Supplemental Fee Audit for the East Contra Costa County Habitat Conservancy*

Dear Ms. Parkes:

Willdan Financial Services (“Willdan”) is pleased to present the following proposal to the East Contra Costa County Habitat Conservancy (“Conservancy”) to conduct a comprehensive analysis and update of the Conservancy’s Habitat Conservation Plan/Natural Community Conservation Plan (“HCP/NCCP”) (aka, development impact fee) program for future development projects impacting natural resources in eastern Contra Costa County. Willdan’s customized response to your Request for Proposals (“RFP”) has been tailored to give you an impact fee program that will withstand technical challenges and public scrutiny. More importantly, we possess the capabilities to use the flexibility available to the Conservancy under the Mitigation Fee Act to fund conservation measures.

Given the Willdan team’s unmatched mitigation fee experience — both with HCPs and, more generally, for fees — we possess the following primary advantages to well position us in serving the Conservancy in reaching its long-term growth goals:

Unmatched experience in defending and implementing fee programs. As Willdan’s impact fee staff has assisted **more than 100 California cities with updates**, we are fortunate to be in a position that will provide a tremendous benefit to the Conservancy’s impact fee program. Each update has required defensible documentation and thorough coordination of fee program changes for different city departments and stakeholders within the business community. We are particularly strong in advising our clients on the advantages/disadvantages of different fee schedule structures (countywide, versus multiple-fee districts; more, versus fewer land-use categories; etc) and methods of fee calculation that are based on Conservancy and business group priorities.

Regional experience / familiarity. Willdan has branch offices located in Oakland and Sacramento. Urban Economics is based in Oakland, California; and RBF Consulting has offices in San Jose, Oakland, and Pleasanton. This local presence and knowledge provides us unique insight into the County; and enhances our understanding of the local dynamics within your community, which allows us to bring an unmatched level of effectiveness and responsiveness to this engagement. In fact, for over 23 years, and has been providing a diversity of services to local government agencies within Contra Costa County, including the ***cities of Brentwood, Pittsburg, Lafayette, Martinez, Danville, San Ramon, and Richmond.*** As such, The Willdan team is intimately familiar with trends and data sources for the County and can begin work immediately to quickly achieve results.

The Willdan team. Willdan believes in a strong collaborative effort and working relationship with our clients. We hold our staff to rigorous, responsive standards. To meet the Conservancy’s requirement for a defensible impact fee program, Willdan has partnered with a public finance expert from Urban Economics. This Willdan-led team will provide you with leadership from two of the state’s premier consultants in impact fees, including **James Edison**, as project manager; and **Robert Spencer** (dba, Urban Economics) in the role of technical advisor. Mr. Edison specializes in public and private nexus development, with particular expertise in public-private partnerships; along with the benefits of economic development to municipalities’ and state’s provincial, regional, and national governments.

Ms. Maureen Parkes
East Contra Costa County
Habitat Conservancy
August 8, 2012
Page 2

He has particularly profound expertise in land-use economics, with an emphasis in finance and implementation, including fiscal impact; and the public and private financing of infrastructure and development projects — both in the United States and internationally. Likewise, Mr. Spencer has extensive impact fee experience, which includes program implementation. For 23 years, he has been providing consulting services to local and regional public agencies. He has extensive experience developing resources for public infrastructure and services to serve a community's growth and/or revitalization. As an urban economist, he possesses a deep understanding of the connections between land use and fiscal policies; and business and real estate markets.

Additionally, Willdan has engaged the services of **Tom McGill**, PhD, of RBF Consulting to provide analysis of the mitigation measures and costs. Dr. McGill has more than 30 years of experience in preparing all types of biological reports, including resource management plans, habitat conservation plans, multi-species habitat conservation plans, sensitive species surveys, and biological assessments under Section 7 of the Federal Endangered Species Act.

Thus, our proposed team is sufficiently staffed to ensure the Conservancy will always have someone on hand at all times. Willdan incorporates a staff structure that includes three (3) separate layers of commitment and quality assurance, including project managers, financial analysts, and subconsultants. While technically-competent and experienced staff is essential, a well thought out work plan (with necessary project management oversight and quality control process) must also be integrated into a successful approach. Our scope of work certifies our ability to handle each project element in a way that will satisfy the Conservancy's stipulated objectives, while upholding our receptivity and quality control standards to ensure completion in accordance with the established project schedule. Willdan's commitment is to provide the highest degree of value to the Conservancy.

We thank you for this opportunity to present our qualifications and look forward to discussing our qualifications with you. Should you have any questions, or need additional information, please contact me at (510) 912-4687 (cell) or via email at jedison@willdan.com.

Sincerely,

Willdan Financial Services



James Edison, Managing Principal
Financial Consulting Services

EMAILED





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1. Proposed Work Plan

The East Contra Costa County Habitat Conservancy (“Conservancy”) is seeking a qualified consultant to conduct a supplemental fee audit and update for the purpose of verifying whether mitigation fees generated by development and other covered activities are adequately covering their fair share of the Habitat Conservancy/Natural Community Conservation Plan costs. It is important for these fees to be updated to ensure appropriate cost recovery and funding of future preservation. Additionally, the Conservancy may desire for assistance with the preparation of documentation in support of nexus findings that may be made by participating cities and the County in accordance with the Mitigation Fee Act (Government Code Section 66000).

Given these factors, the Conservancy is interested in verifying the appropriate cost levels for land acquisition; wetland restoration/creation; and other activities, including management, monitoring, and implementation; thus incorporating proper assumptions for the calculation of fees and ensuring that the fee program is appropriate and legally defensible.

Approach / Scope of Work

The scope of services described on the following pages is based on the Willdan team’s understanding of the Conservancy’s project objectives and on our extensive experience. Based on feedback, we will work with the Conservancy to revise our proposed scope prior to the approval of a contract and (as needed) during the course of the audit.

Task 1: Project Kick-off and Document Review

The Willdan team will review the provisions of the HCP/NCCP, the Implementing Agreement for the HCP/NCCP, the HCP Ordinance and fee resolution adopted by participating cities and the County, and associated state and federal permits that relate to the fee audit.

Identified input will include direction on significant policy issues from the management team and data needs from Local Partners. Following consultation with the management team, we will develop a detailed work plan, along with a list of policy issues 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 management team.

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 and update 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.



Because of our joint effort on the Placer County Conservation Plan and others, we are familiar with cost models for HCPs. Our management team has an excellent working relationship; this collaboration will enhance our ability to develop the fee audit and update by encouraging a balanced course of action.

Willdan's team will produce:

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

Variables and cost analyses will be reviewed, and the technical memorandum responding to management team comments will be revised.

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, combined with actual experience and earlier estimates, will form the basis of likely land acquisition costs going forward. The Willdan team will incorporate this estimate into the fee calculations detailed below.

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. We will evaluate both fee title and conservation easement acquisition approaches. We will require transaction data from the Contra Costa County Assessor's Office and will supplement this information with transactional information from other appropriate entities.

This data will be compared to the data used in the original fee calculations and the 2011 update work to assess whether any adjustments are warranted.

Acquisition Interests

Valuation assumptions will be developed for forms of acquisition, other than fee title, that would be encouraged by the HCP/NCCP. Valuation assumptions will depend on the nature of easement restrictions and on the expectations of willing sellers. A range of typical situational estimates will be prepared. Our value assessment will be based on information from state and local agencies, and private land management entities holding conservation easements. We will also draw upon the expertise of real estate appraisers on our team.

Other Interests

Other means of achieving conservation strategy goals, without direct fee or easement acquisition, will be summarized and evaluated. Options considered will include:

- Land dedication,
- Land transfer,
- Conservation banks,
- Floodplain designations,
- Purchase-and-lease-back, and
- Leveraging existing open space and conservation land resources.



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. Here, the expertise of Dr. Tom McGill will be especially critical, as he will take cost 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 its work in other jurisdictions. As with mitigation costs, Dr. McGill's contribution will be key here in understanding the applicability of cost estimates to the Conservancy from other jurisdictions, as based on the habitats, species, and other circumstances of each.

Task 4: Calculate Mitigation Fee Updates

Once the Willdan team has established a range of estimated costs, we 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 and update, as well as all sources of data, assumptions, and analysis.

Task 6 Public Meetings

As required, The Willdan team will attend public meetings, including workshops, stakeholder meetings, and public hearings; whereby, we will be available to present fee audit and update findings, and explain the methodology in whatever level of detail is necessary. Because of the nature of the scrutiny the Conservancy has experienced in its earlier fee update, 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 (see Section 2, "*Cost Estimate*")¹.

Task 7: Other Tasks

Willdan will perform other tasks, as requested by the Conservancy, to accomplish the Supplemental Fee Audit, while maintaining compliance with the HCP/NCCP.

Task 8: Nexus Findings (As Necessary)

In the event it is necessary, 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 Supplemental Fee Audit, and with guidance from the Conservancy, The Willdan team will compile and prepare tables and other information for consideration by participating cities and County in support of their nexus findings. Because the outcome of the Supplemental Fee Audit is not yet determined and strategies/policies of the cities and County remain in flux, the precise scope of this task will evolve over the course of the project. However, it may not be necessary if the Supplemental Fee Audit does not recommend increases to any of the Mitigation Fees.

¹ The actual meeting cost will depend on which Willdan team members are required to attend.



Often called a “Mitigation Fee,” a development impact fee will, typically, provide a significant source of revenue for HCP financing plans. Upon the issuance of a building permit, this fee is paid by each new development project. Although revenues continue to be annually generated from the development’s pace, with the area subject to the charge, development impact fees are usually considered a “one-time” source of revenue because each project pays only once. Consequently, the objectives of this task are to:

- Develop a fee justification (nexus) that is based on the “reasonable relationship” and “deferential review” standards established by courts; and
- Document study results, while in compliance with the Mitigation Fee Act (California Government Code 66000 to 66025).

For the determination of a development impact fee, the methodology generally accepted by professionals in the field is straightforward. Development impact fees are calculated to fund the cost of “public facilities” required to accommodate growth. The four (4) followed steps for any impact fee study include the:

1. Determination of appropriate growth projections.
2. Identification of facility standards.
3. Determination of amount and cost of facilities required to accommodate new development, while based on facility standards and growth projections.
4. Calculation of the public facilities’ fee by allocating the total cost of facilities per unit of development.

Specific issues regarding this approach are discussed below. Based on our experience working with the *Mitigation Fee Act*, as well as with related court decisions over the past 23 years and, in particular, our experience with HCP mitigation fees, there remains substantial flexibility in establishing the nexus between new developments, and impact cost or the use of fee revenues. As part of this task, we will present these issues to the management team and legal counsel.

Facility Standards and Mitigation Ratios

The key public policy issue in development impact fee studies is step #2—the identification of facility standards. Facility standards document a reasonable relationship, or nexus, between:

1. New development, and the total need for new facilities; and
2. Each development project, and that project’s impact fee.

Standards ensure that new development does not fund deficiencies associated with existing development.

For a habitat mitigation fee, the type of standard commonly used is a “*demand*” or “*impact*” standard that determines the amount of facilities required to accommodate a unit of growth. This is often referred to as the “*mitigation ratio*,” or the amount of habitat required to be conserved per acre of development.

To develop a defensible fee nexus, mitigation ratios can be used in a variety of ways. Based on the type of disturbed habitat, ratios can substantially vary. For example, vernal pools can require up to 40 acres of conserved habitat for every developed acre, whereas oak woodlands may require only one (1) acre of habitat per developed acre. The key issue is ***to what level of detail are these ratios translated into a development impact fee?*** The following approaches parallel the differences one can find, in general, among development impact fee programs throughout California.

- **Detailed Approach:** Some mitigation fees use a detailed approach that is based on separate fees for multiple ecosystem types having different mitigation ratios. Based on whether the development is in an infill context, versus a rural area, fees may also vary. As a result, the differences between indirect and direct impacts are potentially addressed.
- **Broad Average Approach:** Other habitat mitigation fees roll up ratios into broad averages, resulting in a similar fee across geographical areas and development types.



- **Locations/Land Amount Approach:** Finally, some habitat mitigation fees do not use a mitigation ratio at all. Instead, the approach identifies locations and total amount of land needed to conserve endangered species and natural communities; and regardless of the amount of growth, finds this total reserve system is needed. The cost of all land acquisition is, thereby, spread evenly across a long-term new development projection.

Responsibility of Existing Development

To avoid the charge that an impact fee is funding an “existing deficiency,” the impact of existing development on the need for planned public facilities must be explicitly addressed in impact fee programs. Some mitigation fee programs, such as in San Joaquin County, explicitly recognize the impact of existing development on the loss of habitat and endangered species; and allocate state and federal funds to address that impact. Other programs, such as those in Riverside County, find that, except for new development, no habitat conservation would be required. Therefore, the entire cost of land acquisition and restoration can, theoretically, be funded by the mitigation fee.

Use of Fee Revenues

Another legal and implementation issue that will affect the fee calculation is the use of fee revenues will be used for ongoing costs, such as habitat maintenance. Development impact fees are commonly considered constrained, by statute, to funding only capital facilities.² However, on other assignments we have assisted agencies in the use of impact fees for operations and maintenance, including implementation of habitat conservation plans. This issue directly affects whether the impact fee can be used to assist in funding an endowment. As part of our development impact fee practice, we have researched this issue extensively and discussed it with various attorneys in the field.

Invoicing

Willdan will provide monthly invoicing, contract administration, and activity summaries. Our monthly invoices outline the budget by task and are based on completed milestones and deliverables. In addition, each invoice provides a completed work summary covering the invoicing period.

Meeting Schedules

Our staff is accustomed to interfacing with the public and other professionals in a friendly and helpful manner and is always mindful that we represent the public agency. We are sensitive to the need of delivering quality product, with the highest level of service and professionalism. Likewise, we understand that as the work on the project progresses, it will be necessary for our staff to work closely with the Conservancy staff. Keys to the ongoing success of this project will be **effective communication and adherence to the time schedule**. Our dedicated staff is committed to meeting deadlines, being responsive to clients’ needs, and working hard to stay on top of legislative and industry developments. Through proactive communication, organization, and by carefully listening to your needs, we are confident that, if given the opportunity to provide these services to the County, we will both meet and exceed your expectations.

Quality Control

A key to our success is the **quality control measures** we incorporate, as a required element of the day-to-day analysis and project management activities within the Financial Consulting Services division. We incorporate up to three (3) levels of review for our products and deliverables. These levels include:

1. **Peer review,**
2. **Project manager review,** and
3. **Principal-in-charge review.**

² See Calif. Govt. Code §65913.8.



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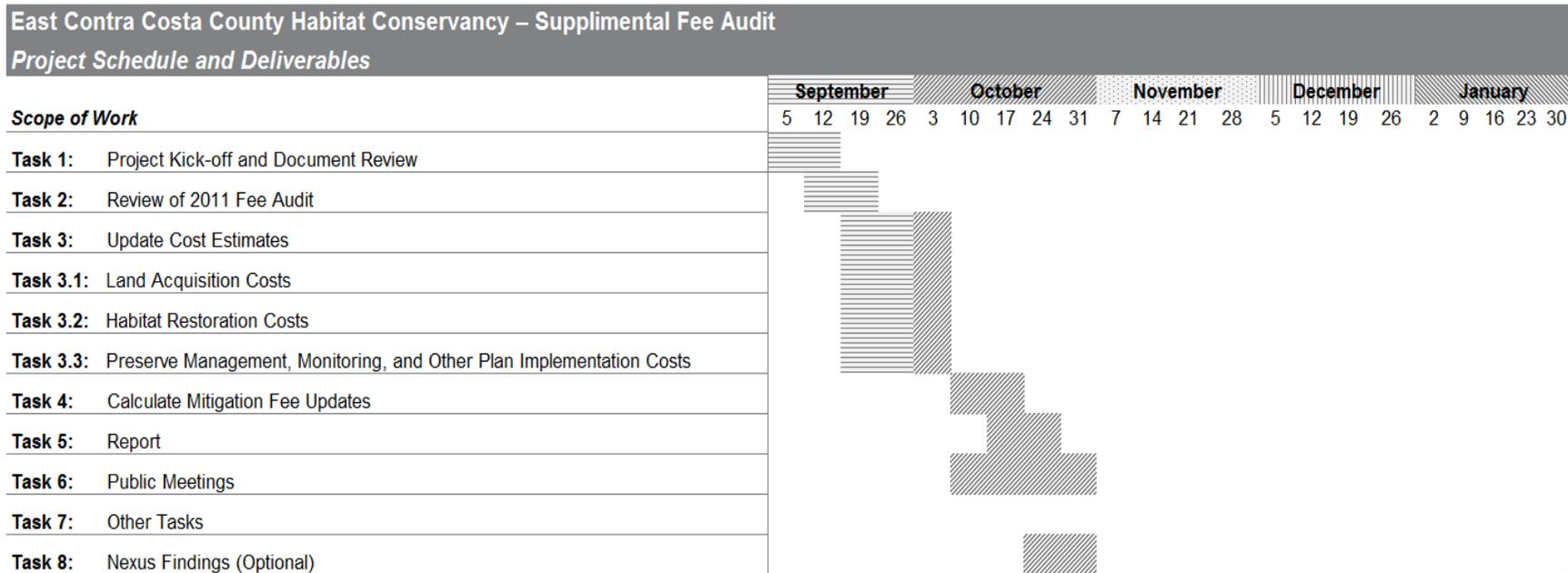


Peer reviews involve one analyst reviewing the work of another. Prior to delivery to the principal-in-charge, the project manager assigned to the project then conducts reviews. Before transmittal to the client, the project manager reviews interim and final work products to ensure they meet Willdan's quality standards. The principal-in-charge then reviews the final work product, including reports and quantitative models, to provide a third level of quality control and assurance. This assures that our final product has been thoroughly reviewed for potential errors; thus providing quality client deliverables, and high levels of integrity and outcomes to meet Willdan's quality standards.



Schedule

Once all necessary data to update the model is received, we will deliver an administrative fee audit and update study draft within **eight (8) weeks**. A public draft will be provided within **one (1) week** of receiving administrative draft comments. If needed, it may be possible to compress this schedule.





Work Products (Deliverables)

Below, we provide task-by-task deliverables for each phase in completing the East Contra Costa County Habitat Conservancy’s Supplemental Fee Audit update.

Task Outline	Deliverable
1. Project Kick-off and Document Review	Updated scope and data requirements (as necessary)
2. Review of 2011 Fee Audit	None
3. Update Cost Estimates	Technical Memorandum summarizing findings regarding three cost types
3.1 Land Acquisition Costs	None
3.2 Habitat Restoration Costs	None
3.3 Preserve Management, Monitoring, and Other Implementation Costs	None
4. Calculate Mitigation Fee Updates	Draft tables
5. Report	Fee update and audit report
6. Public Meetings	Presentation slides (as needed)
7. Other Tasks	To be determined
8. Nexus Findings	Optional — to be determined



Proposed Individuals Performing Work

Our management and supervision philosophy for the project team is very simple:

To deliver a superior product and convey results to decisionmakers on time and within budget, staff every position with experienced and capable personnel.

With that goal in mind, we have selected the “best-in-class” practitioners for the East Contra Costa County Habitat Conservancy’s Public Facilities Fee update. We are confident that our team has a depth of experience that will successfully fulfill your needs for a coordinated and efficient analysis.

Willdan Financial Services

Project Manager and Primary Contact Person

Managing Principal **James Edison** will serve as the project manager and will be the Conservancy’s main point of contact. He specializes in public-private nexus development and is an expert on the benefits of economic development for provincial, regional, and national governments. In particular, he is experienced in land-use economics; and the public-private financing of infrastructure and development projects. Moreover, he has worked for both public and private clients in implementing public-private transactions, providing market and fiscal analyses, financial strategies, and negotiation support. He will be responsible for contracts, scheduling (key meetings and deliverables), progress reviews throughout the development analysis, and quality control. In other words, Mr. Edison will lead the day-to-day work effort.

Support Staff

Mr. **Carlos Villarreal** has been assigned the role of senior analyst. His experience entails the documenting of nexus findings for development impact fees, preparing capital improvement plans, facilitating stakeholder involvement, and analyzing the economic impacts of fee programs. Mr. Villarreal will work closely with Mr. Edison and the Conservancy to develop a complete and accurate impact analysis. Likewise, Mr. Villarreal will ensure that all data is researched, collected, interpreted, and explained clearly and accurately for elected officials, staff, and stakeholders alike.

Subconsultants (Technical Advisors)

Urban Economics

Mr. Robert Spencer is a principal consultant at Urban Economics. With over 25 years’ experience in infrastructure financing and mitigation fee consulting to public agencies throughout California, he has significant experience relevant to this project. In fact, he has served as principal-in-charge on habitat conservation financing plans for the **Coachella Valley Association of Government**, the County of **Placer** (as subconsultant), and the **San Joaquin County Association of Governments** (as a technical advisor). Mr. Spencer also has recent local experience directing public facility financing studies for the **cities of San Jose and Gilroy**. As such, he has been selected to serve in an advisory capacity. Additionally, he will provide his expert advice and assistance at public meetings and presentations.

Mr. Spencer has managed efforts to develop some of the most innovative development impact fee programs and infrastructure financing approaches in the state, including single programs for multiple jurisdiction, habitat conservation and affordable housing fees, and transit operation fees. He is also one of California’s leading experts on development impact fee programs, presenting regularly at the National Impact Fee Roundtables and teaching UC extension courses on the topic.

Mr. Spencer also has directly relevant experience related to funding ongoing public services through special assessments and taxes, fees, and charges. He has formed numerous special districts to fund services, such as transit operations and flood control, and has conducted user fee studies for a range of local government services.



RBF Consulting

Dr. Tom McGill has more than 30 years of experience in preparing all types of biological reports, including resource management plans, habitat conservation plans (HCP), multi-species habitat conservation plans (MSHCP), sensitive species surveys, and biological assessments under Section 7 of the Federal Endangered Species Act. He provides the unique combination of being an environmental consultant, as well as attorney (having passed the California State Bar in 1990). Dr. McGill has directed numerous habitat conservation planning efforts in Southern California, including Riverside and San Bernardino counties and the cities of Chino, Ontario, Rancho Cucamonga, Fontana, Rialto, San Bernardino, Highland, and Redlands.

Dr. McGill is also one of the authors of the multiple award-winning first-ever Tribal Multi-species Habitat Conservation Plan prepared for the Agua Caliente Band of Cahuilla Indians, which established the benchmark for all future similar documents for Sovereign Nations. Prior to his entry into the private industry, Dr. McGill worked for the U.S. Department of the Navy as head of environmental management in the Mojave Desert at China Lake.

Résumés, for the team members identified above, begin on page 21.



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2. Cost Estimate

Willdan will perform the work identified in the scope of work above on a time and materials basis, not to exceed **\$49,150**. This estimate includes meetings and all direct expenses. Willdan understands that there is a degree of uncertainty regarding the level of effort that will be required for this work. On the one hand, Economic & Planning Systems, Inc., already prepared a fee update in 2011. Whereas on the other hand, the high level of public involvement and scrutiny may necessitate additional data, technical memoranda, and meetings. The below scope is a similar level of effort to what was required for Willdan's work updating the HCP fee program for Coachella Valley. Because it is likely that Willdan will be able to use some of the data and analysis already prepared by EPS, the actual effort may be significantly less. The Willdan team will bill only for actual time spent on the project at the rates identified in the below table.

East Contra Costa County Habitat Conservancy — Supplemental Fee Audit and Update						
	J. Edison Project Manager	C. Villarreal Senior Analyst	R. Spencer Urban Economics	T. McGill RBF Consulting	Total	
	\$200	\$145	\$200	\$200	Hours	Cost
Scope of Services						
Task 1: Project Kick-off and Document Review	8.0	2.0	3.0	3.0	16.0	\$3,090
Task 2: Review of 2011 Fee Audit	8.0	2.0	4.0	4.0	18.0	3,490
Task 3: Update Cost Estimates	-	-	-	-	-	-
Task 3.1: Land Acquisition Costs	16.0	24.0	4.0	8.0	52.0	9,080
Task 3.2: Habitat Restoration Costs	6.0	6.0	2.0	16.0	30.0	5,670
Task 3.3: Preserve Mgmt, Monitoring, and Other Plan Implementation Costs	6.0	4.0	4.0	16.0	30.0	5,780
Task 4: Calculate Mitigation Fee Updates	8.0	14.0	6.0	2.0	30.0	5,230
Task 5: Report	12.0	18.0	6.0	8.0	44.0	7,810
Task 6: Public Meetings	18.0	-	8.0	16.0	42.0	8,400
Task 7: Other Tasks	TBD	TBD	TBD	TBD	TBD	TBD
Subtotal Willdan Labor Costs	82.0	70.0	37.0	73.0	262.0	48,550
Reimbursable Expenses						600
Total Cost						\$49,150
Optional Task 8: Nexus Findings	14.0	20.0	12.0	4.0	50.0	\$8,900



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3. Compliance with Contract Terms

Willdan Financial Services has reviewed the Conservancy's contract template, as specified in the RFP dated July 26, 2012; and, if selected, can and will comply with the template's contract terms.



4. List of Clients in HCP/NCCP Plan Area

Development Impact Fee Studies

Willdan's impact fee staff has assisted more than 100 California cities with updates. We have developed the expertise to successfully integrate this service into the primary functions of the Financial Consulting Services group. The below table provides an abbreviated client list of our most recent Impact/Mitigation Fee client experience.

Willdan Financial Services Development Impact Fee Studies	
Alameda County Congestion Mgmt Agency	City of Gustine
Alpine Springs Water District	City of Hawthorne
City of Antioch	Herald Fire Protection District
City of Arcadia	City of Hercules
City of Bellflower	City of Hollister
City of Beverly Hills	City of Huntington Beach
City of Brea	City of Huntington Park
City of Burlingame	City of Indian Wells
City of Calimesa	City of Irwindale
Cambria Community Services District	Keyes Fire Protection District
City of Carpinteria	County of Kern
City of Coachella	County of Kings
Coachella Valley Assn of Governments	City of Kingsburg
Contra Costa Fire Protection District	City of La Mesa
City of Covina	City of Lake Elsinore
Diamond Springs Fire Protection District	City of Lancaster
Dixon Library District	City of Livermore
City of Dublin	City of Long Beach
Town of Eagar, AZ	Los Angeles Metropolitan Transportation Authority
East Contra Costa Fire Protection District	City of Madera
City of El Centro	County of Madera
County of El Dorado	City of Maitland, FL
City of El Monte	County of Merced
City of El Segundo	Milpitas Unified School District
City of Emeryville	City of City of Montebello Monterey
Foresthill Fire Protection District	Mount Diablo Fire Protection District
City of Fremont	City of Mountain View
Fremont Unified School District	North Tahoe Mountain View Fire Protection District Fire Protection District
City of Fresno	Oakdale Rural Fire Protection District
County of Fresno	City of Oakley
City of Gilroy	City of Oceanside
City of Glendale	City of Oxnard
City of Grass Valley	City of Palmdale



Willdan Financial Services Development Impact Fee Studies

City of Phoenix, AZ	County of Santa Clara Congestion Management Agency
City of Pittsburg	City of Santa Clarita
County of Placer	City of Santa Rosa
City of Pleasant Hill	City of Sebastopol
City of Porterville	City of Shasta Lake
Town of Portola Valley	County of Shasta
City of Redding	Shasta County Regional Transportation Agency
City of Redlands	City of Sierra Madre
City of Redwood City	County of Solano
City of Reedley	City of Soledad
City of Rialto	City of South Gate
City of Richmond	City of South San Francisco
Rincon Valley Fire Protection District	County of Stanislaus
City of Rio Vista	Stanislaus County Fire Protection District
County of Riverside	City of Stockton
City of Rocklin	Stockton-San Joaquin Library District
City of Rolling Hills Estates	Suisun Fire Protection District
City of Rosemead	City of Tehachapi
City of Roseville	Tehachapi Valley Recreation and Park District
City of Sacramento	Tehama County Regional Transportation Agency
County of Sacramento	City of Tracy
Salida Fire Protection District	Truckee Fire Protection District
City of San Carlos	County of Tulare
San Diego Association of Governments	City of Upland
City and County of San Francisco	City of Visalia
San Joaquin Area Flood Control Agency	Westport Fire Protection District
County of San Joaquin	West Stanislaus Fire Protection District
City of San Jose	Town of Wickenburg, AZ
City of San Leandro	Town of Windsor
City of San Luis Obispo	William S. Hart Union School District
County of San Luis Obispo	County of Yolo
San Miguel Fire Protection District	Town of Yucca Valley
San Ramon Fire Protection District	—



All Services

As stipulated under item number 4 of the RFP's "Submittal Requirements," the following presents Willdan's HCP/NCCP client list for all services within the last 10 years:

Willdan Financial Services All Services in HCP / NCCP Region	
City of Antioch	City of Martinez
Antioch Area Public Facilities Financing Agency	Moraga-Orinda Fire District
Antioch Unified School District	Mount Diablo Unified School District
California Statewide Communities Development Authority	City of Oakley
Central Contra Costa County Sanitary District	City of Pittsburg
County of Contra Costa	City of Pleasant Hill
Contra Costa Fire Protection District	Pleasant Hill Recreation and Park District
Town of Danville	City of Richmond
Delta Diablo Sanitation District	Rodeo-Hercules Fire Protection District
Dublin-San Ramon Services District	City of San Ramon
East Contra Costa Fire Protection District	Skyline Crest Enterprises
City of Hercules	City of Walnut Creek
City of Lafayette	Walnut Valley Unified School District
Livermore-Amador Water Agency	West Contra Costa Healthcare District



5. Client References

Willdan is proud of our reputation for customer service and, as such, we encourage you to contact our past clients regarding our commitment to excellence. A detailed work description for each agency has been provided in Section 6b.

Willdan Financial Services

Agency Name	Contact/Title	Phone Number
Coachella Valley Association of Governments	Mr. Jim Sullivan, Director of Environmental Resource	(760) 346-1127

Urban Economics

Agency Name	Contact/Title	Phone Number
Santa Clara Valley Habitat Plan	Mr. Ken Schreiber, Project Manager	(408) 299-5789

RBF Consulting

Agency Name	Contact/Title	Phone Number
San Bernardino Valley Water Conservation District	Mr. Randy Scott, Planning and Environmental Consultant <i>(Former Advanced Planning Director for the County of San Bernardino)</i>	(909) 289-1089
City of Fontana	Mr. Don Williams, Development Director	(909) 350-6723

6. Respondent Qualifications and Experience

a. General Firm / Service Information

Willdan Financial Services

Formerly known as MuniFinancial, Willdan Financial Services is one of four operating divisions within the parent company known as Willdan Group, Inc (“WGI”). Since our inception in 1964, WGI has had two primary objectives:

1. To ensure our clients’ success, and
2. To enhance our surrounding communities.

In the beginning, while working steadily toward the above goals, we gained a notable reputation for technical excellence, cost effectiveness, and client responsiveness in providing superior engineering and planning consulting services. Since then, WGI has expanded its service offerings into several vital areas, including:

- Financial and economic analyses,
- Environmental remediation, and
- Homeland security,
- Sustainability.

We have crafted our integrated services so that, in the face of our evolving environment (whether it be economic, natural, or man-made), WGI continues to extend its reach, as well as the resources of its clients. Today, WGI has hundreds of employees operating from offices located throughout Arizona, California, District of Columbia, Florida, Illinois, New York, Tennessee, Texas, and Washington.



Regardless of project size, WGI’s operating divisions — **Willdan Financial Services**, **Willdan Engineering**, **Willdan Energy Solutions**, and **Willdan Homeland Solutions** — are structured to provide clients with the necessary required resources. Of these divisions, Willdan Financial Services (“Willdan”) will be directly involved in this assignment.

Willdan specializes in providing revenue generation, enhancement, accounting, and administration services to public agencies. We are a service-oriented firm that delivers high-quality products to public agencies and, ultimately, to the public. We serve as an extension of our clients’ staff by augmenting existing personnel in providing specialized expertise. Our clients include more than 800 cities, counties, state agencies, port authorities, housing agencies, special districts, and school districts in more than 39 states. Our staff of over 50 employees supports our clients by conducting year-round workshops and onsite training to assist in keeping current with the latest developments for our areas of expertise.

Urban Economics

Urban Economics is dedicated to developing and implementing public policies to fund infrastructure and services that serve a community’s growth and revitalization. The firm has a deep understanding of the connections between land use and fiscal policies, along with business and real estate markets. Evaluating the role that public jurisdiction plays in a region’s economy is particularly critical. In partnership with local agencies seeking effective responses to global climate challenges, Urban Economics is now developing new financial tools.



RBF Consulting

As a Company of Michael Baker Corporation, RBF Consulting (RBF) serves local, national, and international markets in providing a comprehensive range of services for all sizes and categories of projects. RBF's expertise includes:

- Natural resources and environmental.
- Engineering for transportation and traffic, water and wastewater, civil, structural, mechanical, and electrical.
- Landscape architecture.
- Survey/mapping.
- Geographic Information Systems (GIS).
- Construction management.

As a leader in the field of environmental resources and planning, RBF offers full-service biological consulting services that specialize in endangered species compliance. RBF has expert in-house biologists experienced in preparing and implementing Individual Take Permits (ITPs) under the Federal and State Endangered Species Acts, while complying with the Migratory Bird Treaty Act; the California Department of Fish and Game Code; the Clean Water Act; and biological analyses under CEQA and NEPA. The RBF team's staff relationships with wildlife agencies, regulatory agencies, federal land managers, and various conservation groups allow the firm to serve as a liaison between the applicant and these agencies/organizations.

RBF's biological team has decades of experience in the biological consulting process. Valued services provided by RBF include:

- Conducting habitat assessments to characterize an area's biological features;
- Rapidly identifying any sensitive features;
- Suggesting compliance strategies to resolve identified impacts; and
- Working with clients to assure their planning needs are met, while meeting permitting and mitigation requirements.

RBF's natural resources practice is headed up by Vice President Tom McGill, PhD, who possesses over 32 years of experience in providing such biological support to government agencies as:

- The preparation of dozens of ITPs;
- Numerous simple species HCPS; and
- Several MSHCPS, including the first Tribal MSHCP.

Financial assurances, and the development of a mitigation fee structure to support the implementation of the HCP, has been an integral part of most of the HCPs that Dr. McGill has prepared.



b. Qualifications to Perform Supplemental Fee Audit

Willdan is one of the largest public sector financial consulting firms in the United States, comprising corporate headquarters in Temecula, along with regional offices in Oakland and Sacramento. Since 1988, we have helped over 800 public agencies successfully address such a broad range of financial challenges as financing the costs of growth and generating revenues to fund desired services.

Willdan assists local public agencies with long-term financial plans and cash flow modeling, cost allocations, **development impact fees**, rate studies, and property tax audits. In addition, we assist local public agencies with arbitrage rebate, investment consulting, municipal disclosure, and special district administration services.

The following are descriptions and contact information for projects that are similar in scope, size, and complexity to the services requested by the East Contra Costa County Habitat Conservancy. We are proud of our reputation for customer service, and encourage you to contact our clients regarding our commitment to completing projects within budget and on time.

County of Placer, CA — Habitat Conservation Plan Funding Plan and Mitigation Fee Documentation

Working with Hausrath Economics Group, Willdan assisted Placer County through an exploration of potential habitat conservation plan funding mechanisms. This process eventually culminated in the preparation of a comprehensive funding plan to accompany and demonstrate full funding of the Placer County Conservation Plan (PCCP). Although much of the required mitigation land will likely be dedicated by large landowners in Western Placer County, Willdan will also prepare mitigation fee documentation, as fees are anticipated to be one of the most significantly used funding mechanisms. The fee calculations were incorporated in various habitat mitigation land types, and associated costs were identified within the PCCP.

Coachella Valley Association of Governments — Multiple Species Habitat Conservation Plan (MSHCP) Funding Plan & Mitigation Fee

Willdan completed an engagement with the Coachella Valley Association of Governments to construct a 75-year financing plan for the Multiple-species Habitat Conservation Plan (MSHCP). Our work included preparation of a nexus study to justify adoption of a Local Development Mitigation Fee (LDMF) imposed on new development by participating agencies for the habitat acquisition program under the MSHCP. The financing plan required the establishment of three separate funds (land acquisition, operations, and endowment) to properly segregate funds and support the fee nexus analysis. The plan provided for endowment funding in perpetuity. A critical objective was financing land acquisition early in the program with capital from California Department of Transportation, the Coachella Valley Water District, and specific species endowment fund mitigation payments. Local participating agencies in the MSHCP were all cities in the Coachella Valley and Riverside County, as well as five special districts, and state and federal agencies.

San Joaquin County Council of Governments — Multi-species Habitat Conservation and Open Space Plan

Working with Hausrath Economics Group, Willdan provided an economic analysis in support of this complex countywide planning effort. Our analysis included:

- Cost estimates for land acquisition, habitat restoration and enhancement, and ongoing maintenance and plan administration;
- A framework for analyzing the contribution of various cost components and habitat types against overall plan costs;



- A nexus analysis for a fee paid by plan activities, as one part of the multiple-source funding plan; and
- Economic plan analysis describing the cost and benefits of habitat management generally, and the proposed plan and funding program specifically, for county residents; businesses; visitors; agricultural interests; developers; homebuyers; and public agencies, among others.

Cost estimates, cost allocation assessment, development impact fee justification, and other complex economic analysis were presented to a diverse stakeholder working group; in so doing, a consensus was created for a multi-jurisdictional, broad-based funding plan, whereby comprehensive habitat preservation was achieved.

County of Santa Clara — Santa Clara Valley Habitat Plan Financial and Economic Consulting

Willdan lead a team of consultants to provide the financial and economic consulting services to establish the Santa Clara Valley HCP/NCCP. The Willdan team provided a detailed budget model to estimate costs for implementing the Habitat Plan over the 50-year permit term, as well as costs of maintaining the habitat reserve in perpetuity. Moreover, Willdan assessed the funding base for a wide variety of potential funding sources for plan implementation.

Willdan finalized the development fees used to fund new development's share of the plan's land acquisition and operational costs. The plan is expected to use several development fees, including a fee to mitigate the impact of air pollution from infill development, wetland restoration fees, and fees for development occurring on agricultural lands and undisturbed lands.

c. Résumés of Key Personnel

Résumés, for the identified team members, begin on the following page.



James Edison

Project Manager

Education

*Juris Doctorate,
Boalt Hall School of Law;
University of California,
Berkeley*

*Master of Public Policy,
Richard and Rhoda
Goldman School of
Public Policy;
University of California,
Berkeley*

*Bachelor of Arts, magna
cum laude, Harvard
University*

Professional Registrations

California State Bar

*California Licensed Real
Estate Broker*

Professional Affiliations

*Council of Development
Finance Agencies*

*CFA Society of
San Francisco*

*Congress for
New Urbanism*

Urban Land Institute

Seaside Institute

*International Economic
Development Council*

14-years' Experience

In the capacity of project manager, Mr. Edison will utilize his familiarity with innovative public facilities funding approaches; and his knowledge of recent legislative and case law changes that dictate a public agency's application of the Mitigation Fee Act.

Mr. Edison specializes in public and private nexus development, with particular expertise in public-private partnerships; along with the benefits of economic development to municipalities' and state's provincial, regional, and national governments. He has particularly profound expertise in land-use economics, with an emphasis in finance and implementation, including fiscal impact; and the public and private financing of infrastructure and development projects — both in the United States and internationally. He has worked for both public and private clients in implementing public-private transactions, providing market and fiscal analyses, finance strategies, and negotiation support. His public-sector experience includes local and regional economic impact studies; fiscal impact evaluations; new government formation strategies; and the creation of impact fees, assessments, and special taxes to fund infrastructure and public facilities. Mr. Edison has conducted numerous evaluations of economic and specific plan fiscal impacts, and consulted on a wide variety of land-use planning topics related to community revitalization; and the economic and fiscal impacts of development.

As a former bond attorney, Mr. Edison understands the legal underpinnings and technical requirements of public financing instruments and has advised both public and private clients on the use of individual instruments, as well as on the interaction between those instruments and developer/project finance needs.

Related Experience

Stanislaus County Council of Governments, CA – Regional Transportation Fee Update: Mr. Edison is currently working on an update of the County's transportation impact fee program. Key tasks include a revised capital improvement program and fee model, along with a public participation process that ensures buy-in from Stanislaus County communities and the County government.

County of Tulare, CA – Regional Impact Fees: Mr. Edison is currently serving as project manager for a County study that involves the creation of an impact fee program. This program includes a range of facilities for public safety, the library, and parks. The study also includes a transportation facilities impact fee, whereby different fees will be calculated for two County zones.

City of Pacifica, CA – Parks Fee Update: Served as project manager in updating the City's parks fee to include new costs; and impose fees for home expansions/remodels, in addition to new development.

City of Redding, CA – Oasis Towne Center Financing and Fiscal Analysis: Hired by the Levenson Development Company (LDC), Mr. Edison assisted with an economic and fiscal impact study; and a financing plan for the Oasis Towne Center — a Redding retail development of approximately one million square feet. Mr. Edison advised LDC on structuring development financing to provide project public benefits and minimize the need for public resources. He prepared an economic and fiscal analysis, and negotiated a series of service plans and fiscal mitigation measures with the City. Mr. Edison also prepared an infrastructure financing plan required for not only the immediate project, but also for development within the entire Oasis Road Specific Plan area.



Carlos Villarreal

Senior Analyst

Education

*Bachelor of Arts,
Geography (minor in
Public Policy and
Urban Planning);
University of California,
Los Angeles*

Areas of Expertise

*Fiscal Impact Analyses
Development Impact Fees*

*Public Facilities
Financing Plans*

GIS Analyses

5-years' Experience

Mr. Villarreal will serve as senior analyst for the County's study. He will apply his prior experience in documenting nexus findings for development impact fees, preparing capital improvement plans, facilitating stakeholder involvement, and analyzing the economic impacts of fee programs. He has also supported the adoption of fee programs, which fund a variety of facility types, including, but not limited to:

- Transportation,
- Parks,
- Library,
- Fire,
- Law enforcement, and
- Utilities.

Related Experience

City of Santa Clarita, CA – Law Enforcement Facilities Fee Study: Mr. Villarreal assisted with the development of an impact fee program to fund law enforcement facilities serving the City of Santa Clarita and other Antelope Valley jurisdictions within Los Angeles County. This analysis involved the comparison of law enforcement facilities in incorporated and unincorporated areas.

County of Stanislaus, CA – Impact Fee Study Update: Mr. Villarreal served in the role of project manager for a study that updated the County's existing impact fee program. The program included a range of such facilities as public protection, library, and parks. The study also included a transportation facilities impact fee in which different fees were calculated for two County zones. Considerable stakeholder outreach was an integral component of this project.

County of San Joaquin, CA – Traffic Impact Mitigation Fee Update Report: Conducted a nexus analysis for an impact fee study updating the County's existing Transportation Impact Mitigation Fee (TIMF) program. In addition to the nexus analysis, the study included an investigation of available alternative local, state, and federal funding sources. The TIMF program involved projects from the San Joaquin Council of Governments' (SJCOG) Regional Transportation Plan, Regional Transportation Improvement Program, and from other SJCOG transportation planning documents.

Kern Council of Governments, CA – Regional Alternative Funding Program: Recently serving in the role of project manager, Mr. Villarreal established this program, which consisted of a deficiency analysis and nexus study to fund transportation projects in Kern County.

City of Upland, CA – Impact Fee Study Update: Conducted an impact fee program study to update the City's general government, regional transportation, water, sewer, storm drain, and park fees. Traffic fees were established within the San Bernardino Associated Governments' (SANBAG) guidelines to provide a local funding source for improvements of regional significance.

City of Sierra Madre, CA – Public Facilities Fee Study: Conducted a study establishing development impact fees for general government, library, public safety, traffic, and water and wastewater facilities.



Robert D. Spencer

Technical Advisor (Urban Economics)

Education

*Master of Public Policy
(concentration in Urban
Economic Development);
Harvard University,
John F. Kennedy School
of Government*

*Bachelor of Arts,
Economics;*

Colorado College

Areas of Expertise

*Infrastructure Funding
and Financing*

Public Services Funding

Economic Analyses

Professional Affiliations

Urban Land Institute

*Growth and Infrastructure
Consortium Board*

Member

Recent Teaching and Speaking Experience

*National Impact Fee
Round-table, moderator
and speaker (various
topics), 2002-2007*

*“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, 2003*

23-years’ Experience

Owing to his extensive impact fee experience, which includes program implementation, Mr. Spencer (dba, “Urban Economics”) has been selected to serve in the role of technical advisor. For 23 years, he has been consulting local and regional public agencies and has extensive experience developing resources for public infrastructure and services in serving a community’s growth and/or revitalization. As an urban economist, he possesses a deep understanding of land use and fiscal policy connections, as well as of business and real estate markets. The role that public jurisdiction plays in a region’s economy is a critical framework for Mr. Spencer.

Mr. Spencer is also one of California’s leading experts on nexus studies for fees, rates, and assessments funding infrastructure and services. Over one hundred cities, counties, special districts, and school districts have engaged his services to assist with fee programs financing a wide range of such public facilities and services as utilities (water, wastewater, and storm drainage), streets, transit, bicycle and pedestrian facilities, public works, fire, police, administrative facilities, parks, open space, habitat conservation, and affordable housing.

Mr. Spencer’s local agency assistance involves the preparation of capital improvement plans, documenting statutory nexus findings, facilitating stakeholder involvement, and analyzing local economy impacts. Moreover, he has assisted in developing regional fee programs that require the participation of multiple jurisdictions. In court cases defending existing fee programs, Mr. Spencer has provided expert advice to public agency plaintiffs. Over the past two decades, none of the fee programs developed by Mr. Spencer has been overturned by a court or subject to an out-of-court settlement.

Related Experience

Mr. Spencer has specific expertise developing regional impact fee programs for city and county consortiums. These studies are complex, whereby the balancing of political and economic interests, along with the technical requirements of the Mitigation Fee Act (aka AB 1600), are essential. Recent projects include the following:

Coachella Valley Association of Governments — habitat conservation financing plans and impact fees for \$400 million regional mitigation plan.

County of Santa Clara (and four other local agencies) — habitat conservation financing plan for a \$700 million regional mitigation plan.

County of Placer— open space and habitat financing plan (“Placer Legacy” program).

San Joaquin County Multi-Species Habitat Conservation and Open Space Plan — Mr. Spencer 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.

City of San José (Evergreen Smart Growth Financing Plan) — principal-in-charge of the development of a complex financing plan for public facilities in an area of the City that includes both new growth and infill development. Developed flexible model to determine special tax (Community Facilities District) application and developer subsidies.



Tom McGill, PhD

Technical Advisor (RBF Consulting)

Education Dr. McGill has more than 32 years of experience in preparing all types of biological reports, including resource management plans, Habitat Conservation Plans (HCP), Multi-species Habitat Conservation Plans (MSHCP), sensitive species surveys, and biological assessments under Section 7 of the federal endangered species act. He provides the unique combination of being an environmental consultant, as well as an attorney (having passed the California State Bar in 1990). Dr. McGill has directed numerous habitat conservation planning efforts in Southern California, including the counties of Riverside and San Bernardino; and the cities of Chino, Ontario, Rancho Cucamonga, Fontana, Rialto, San Bernardino, Highland, and Redlands. Dr. McGill is also one of the authors of the multiple award-winning, first-ever Tribal Multi-Species Habitat Conservation Plan prepared for the Agua Caliente Band of Cahuilla Indians, which established the benchmark for all future similar documents for Sovereign Nations. Prior to his entry into the private industry, Dr. McGill worked for the U.S. Department of the Navy as head of environmental management in the Mojave Desert at China Lake.

Ph.D., Genetics; University of California, Santa Barbara (1978)

M.A., Ecology; University of California, Santa Barbara (1978)

B.A., Biology; Harvard University Cambridge Massachusetts (1971)

Professional Affiliations
Association of Environmental Professionals

Business Development
Association of the Inland Empire

California State Bar Association

Death Valley Natural History Association, Past Chairman

Honors and Awards
Lifetime Achievement Award, 2004 Inland Empire Leaders of Distinction

Outstanding Individual Achievement Award, 2003 AEP State of California

Outstanding Individual Achievement Award, 2003 AEP Inland Empire Chapter

32-years' Experience

Relevant Experience

City of Fontana Multi-species Habitat Conservation Plan — on the behalf of the City of Fontana, Dr. McGill managed the preparation and submittal of a Multiple-species Habitat Conservation Plan (MSHCP) addressing listed and sensitive species found in North Fontana. Pursuant to CEQA, MBA also developed an Interim MSHCP Policy that addresses the conservation needs of all the species covered in the North Fontana MSHCP. This policy allows the City to continue its protection of habitat for federally-listed species, such as the SBKR and CAGN; plus several sensitive species that could be listed in the future should conservation measures not be implemented, while at the same time, allowing the City to process development applications within the plan area. Efforts also included preparing a Property Analysis Record (PAR), and the development of a mitigation fee that was approved by the City Council through the adoption of a resolution and ordinance.

Agua Caliente Indian Habitat Conservation Plan — Dr. McGill served as the principal investigator and author for assessing conservation needs of threatened and endangered species on tribal lands throughout the Palm Springs area. For such species as the Peninsular Bighorn Sheep, Coachella Valley fringe-toed lizards, desert tortoise, southwestern willow flycatcher, and Casey's June beetle, conservation requirements are balanced against recreational uses and land-development requirements. His work resulted in the first ever Tribal HCP. This project won both Association of Environmental Professionals (AEP) and American Planning Association (APA) awards in 2003.

The Preserve Development (Chino, CA) — prior to joining RBF, Dr. McGill authored the City of Chino Subarea 2 Resources Management Plan for "The Preserve" development project. The purpose of this work effort was to provide a detailed methodology for implementing the biological resources mitigation measures contained in the Environmental Impact Report (EIR) for Chino Subarea 2 for the Prado Basin. This included the preparation of a PAR analysis and recommendations for the mitigation fee structure. Mitigation measures (including mitigation fee) were prepared for offsetting impacts to burrowing owl, raptor foraging, migratory bird, and waterfowl habitats; federally-listed species; Bell's vireo; southwestern willow flycatcher; Santa Ana sucker; US waters; and water quality concerns from discharges of stormwater into the Santa Ana River.



T. McGill **Habitat Conservation Plan (HCP) for Nursery Products (Barstow, CA)** — prior to joining RBF, Dr. McGill prepared an HCP for the loss of desert tortoise habitat. Pursuant to Section 10(a)(1)(B) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531, et seq), the client was applying for a permit from the U.S. Fish and Wildlife Service (USFWS) to incidentally take the federally-threatened desert tortoise. As a result of the use of 87-acres for the Hawes Composting Facility and access roads, this incidental take will occur.

Continued

Santa Ana River Trail Biological Assessment (Riverside County, CA) — Dr. McGill was selected by the City of Corona and County of Riverside to prepare plans and environmental documentation for a Santa Ana River trail segment, through the Prado Basin from the City of Norco, through the City of Corona, and past Prado Dam. He oversaw all biological studies and focused surveys and was responsible for the preparation of a final biological report.

Prado Basin Biological Studies and Section 7 Consultation — Dr. McGill was teamed with the Parsons Transportation Group to provide biological consulting services for improvements to the SR-91 and SR-71 interchange, along the edge of the Prado Basin. Biological issues included the presence of critical habitats for the least Bell's vireo and southwestern willow flycatcher; impacts to the Santa Ana sucker, wetlands, and US waters; wildlife movement corridors; and consistency with the Western Riverside County MSHCP.

Walton Development San Bernardino Kangaroo Rat Habitat Conservation Plan (Redlands, CA) — Dr. McGill managed, for Walton Development, the preparation of a Habitat Conservation Plan for the San Bernardino kangaroo rat on a 145.98-acre property located in the City of Redlands.

Desert Conservation Program Multi-Species Habitat Conservation Plan (HCP) (Nevada) — prior to joining RBF, Dr. McGill led his team in providing Clark County with biological expertise and technical support to review and amend the Multi-species Habitat Conservation Plan (MSHCP) and Environmental Impact Statement (EIS) in obtaining a revised Endangered Species Act (ESA) Section 10(a) Incidental Take Permit. In revising the MSHCP, Dr. McGill is assisted the County to provide a more realistic and manageable Desert Conservation Program (DCP), which allowed the County to accomplish MSHCP goals more effectively.

Endangered Species Act Compliance (Southern California) — prior to joining RBF, Dr. McGill authored several dozen Biological Assessments under Section 7, and over a half dozen HCPs in compliance with Section 10, of the federal Endangered Species Act. HCPs/MSHCPs included the Agua Caliente Tribal MSHCP, the North Fontana MSHCP, the Rialto MSHCP, the Walmart Delhi Sands Flower-Loving Fly HCP in Rialto, the Jurupa Avenue Widening Delhi Sands Flower-loving Fly HCP in Fontana, the Ryland Homes Delhi Sands Flower-loving Fly HCP in Fontana, and the Walton Homes San Bernardino Kangaroo Rat HCP in Redlands. His work with the Agua Caliente Band of Cahuilla Indians resulted in the first-ever Tribal Habitat Conservation Plan. This project won both Association of Environmental Professionals (AEP) and American Planning Association (APA) awards in 2003.



7. Principal Contact Person

To discuss any aspect of our proposal, or to arrange for an interview with our team, please contact **James Edison**, managing principal of Willdan's Oakland office, who will be the Conservancy's primary day-to-day contact. His contact information is presented below.

Primary Contact: James Edison

Willdan Financial Services

1939 Harrison Street, Suite 430

Oakland, California 94612

(510) 832-0899 (office)

(510) 832-0898 (fax)

(510) 912-4687 (cell)

jedison@willdan.com (email)

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Memorandum

TO: John Kopchik

FROM: James Edison

DATE: August 16, 2012

SUBJECT: Supplement to Willdan Proposal dated August 8, 2012

As you know, on August 8th we submitted a proposal to the Conservancy to prepare a supplemental fee audit of the Conservancy's HCP fee program. Pursuant to our subsequent discussions, we have prepared a supplemental proposal that reflects a reduced level of effort in preparing the supplemental audit and update. The revised budget assumes that Willdan will have access to the existing fee model. The supplemental budget also reflects a change in the biologist selected for the team, based on the qualifications we believe would be best suited for this assignment. Resumes for the two new team members are attached. As shown below, Willdan's updated estimate to prepare the supplemental audit and fee update is \$33,521.

East Contra Costa County Habitat Conservancy — Supplemental Fee Audit and Update Addendum #1							
	J. Edison Project Manager	C. Villarreal Senior Analyst	R. Spencer Urban Economics	R Hunter Biology Lead	Lynn Hermanson Biologist	Total Hours	Cost
Scope of Services	\$180	\$145	\$180	\$183	\$143		
Task 1: Project Kick-off and Document Review	8.0	2.0	3.0	1.0	2.0	16.0	\$2,453
Task 2: Review of 2011 Fee Audit	10.0	2.0	5.0	2.0	2.0	21.0	3,355
Task 3: Update Cost Estimates	-	-	-	-	-	-	-
Task 3.1: Land Acquisition Costs	10.0	14.0	4.0	2.0	-	30.0	4,915
Task 3.2: Habitat Restoration Costs	6.0	4.0	3.0	2.0	10.0	25.0	2,565
Task 3.3: Preserve Mgmt, Monitoring, and Other Plan Implementation Costs	6.0	8.0	3.0	2.0	10.0	29.0	3,145
Task 4: Calculate Mitigation Fee Updates	9.0	14.0	6.0	-	2.0	31.0	4,730
Task 5: Report	8.0	10.0	4.0	3.0	2.0	27.0	4,158
Task 6: Public Meetings	18.0	-	8.0	16.0	-	42.0	7,601
Task 7: Other Tasks	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Subtotal Labor Costs	75.0	54.0	36.0	28.0	28.0	221.0	32,921
Reimbursable Expenses							600
Total Cost							\$33,521
Optional Task 8: Nexus Findings	14.0	20.0	12.0	4.0	-	50.0	\$8,310

We are aware that there is some controversy surrounding the previous audit and want to assure you that in the event of political or legal challenge we will be available to defend and explain our analysis as needed. We pride ourselves on the economic and legal soundness of our work. Any such additional work in assisting the Conservancy could be structured as a

supplemental task or billed on a time and materials basis, at our standard rates.

For some of the cost estimation work Willdan is considering substituting staff, based on internal discussions and an evolving understanding of what's needed for the analysis. Any such staff substitution would only occur with your consent.



John Hunter, Ph.D.
Senior Ecologist
Associate Principal

Education

Ph.D. Plant Biology, University of California, Davis, 1995
 M.A. Ecological and Systematic Biology, San Francisco State University, 1989
 B.A. Environmental Studies, University of California, Santa Cruz, 1985

Accreditation

Certified Senior Ecologist, Ecological Society of America

Publications + Technical Papers

Hart, J. A., and J. C. Hunter. 2004. Restoring Slough and River Banks with Biotechnical Methods in the Sacramento–San Joaquin Delta. *Ecological Restoration* 22:262–268.
 Hunter, J. C. *et al.* 2004. How Well Do Functional Assessments Quantify Habitat Functions? Proceedings American Water Resources Association Conference: Riparian Ecosystems and Buffers.
 Hunter, J. C., and A. R. McCoy. 2004. Applying Randomization Tests to Cluster Analyses. *Journal of Vegetation Science* 15: 135–138.
 Hunter, J. C. *et al.* 2003. Abundance and Distribution of Nonnative Woody Species in Sacramento Valley Riparian Zones. Proceedings of the California Invasive Plant Council Symposium 7:39–45.
 Hunter, J. C., and G. A. J. Platenkamp. 2003. The Hunt for Red Sesbania: Biology, Spread and Prospects for Control. *CalEPPC News* 11(2):4–6.
 Hunter, J. C. 2000. *Ailanthus altissima* (Miller) Swingle. Pages 32–36 and *Robinia pseudoacacia* L. Pages 273–277 in C.C. Bossard, J. M. Randall and M. C. Hoshovsky (ed.s) *Invasive Plants of California's Wildland's*. University of California Press, Berkeley, CA.
 Hunter, J. C. *et al.* 1999. The Prospects for Preservation and Restoration of Riparian Forests in the Sacramento Valley, California.

Presentations

Identifying Floodplain Restoration Opportunities in the Sacramento and San Joaquin Valleys (2012)
 Conservation Status of the Endemic Flora of the Sierra and Cascade Foothills, California Native Plant Society (2011)
 Evolution of Agricultural Impact Analyses, Association of Environmental Professionals (2011)
 Revegetation Guidance for Erosion Control in the Lake Tahoe Basin, International Erosion Control Association (2010)
 Understanding Riparian Processes, UC Davis Extension Program (2006)

Community Service

Editor-in-Chief, *Madroño*, journal of the California Botanical Society, 2005–2008

Professional History

2005 – Present
 AECOM
 Senior Ecologist
 Career Start: 1988

Dr. John Hunter is an ecologist and associate principal with 24 years experience as a technical leader and project manager for conservation planning, resource management, environmental review, ecological restoration, and resource inventory and assessment projects. Dr. Hunter's experience relevant to evaluation of the implementation of the East Contra Costa Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) includes development and evaluation of other HCPs, peer review of technical and scientific documents, land management planning, and design and evaluation of wetland restoration projects.

Project Experience

Pacific Gas & Electric Company, PG&E Operation and Maintenance Activities Habitat Conservation Plan for San Joaquin Valley, San Joaquin Valley, California. Senior ecologist who assessed impacts of operations and maintenance activities upon covered animal and plant species through statistical modeling, GIS-based analyses, and a field study documenting effects of PG&E's maintenance activities; drafted the HCP's conservation strategy; worked with PG&E database managers to integrate HCP requirements into PG&E's SAP-based system for initiating and tracking maintenance activities; and participated in agency consultations and revision of the draft HCP. The HCP has been implemented since 2008 and covers 65 species for 33 routine operation and maintenance activities in nine counties of the San Joaquin Valley.

Pacific Gas & Electric Company, PG&E San Joaquin Valley Habitat Conservation Plan Major Business Case Analysis, San Joaquin Valley, California. Senior ecologist for an evaluation of the cost and benefits of PG&E's existing HCP for the San Joaquin Valley (SJV) established in 2008. PG&E set up the SJVHCP to address incidental take of endangered species from its ongoing operation and maintenance

activities. The business case analysis determines the net present value of the HCP versus the net present value of undertaking a permitting process for each potential take. The analysis includes an evaluation of labor savings, avoided consulting costs, reduction in work stoppages, improved workflow management operations, and economies of scale realized through larger conservation easement purchases.

Pacific Gas & Electric Company, PG&E Operation and Maintenance Activities Habitat Conservation Plan for San Francisco Bay Area, San Francisco Bay Area, California. Task manager/senior ecologist who assessed impacts of operations and maintenance activities on covered species and contributed to development of the HCP's conservation strategy.

Southern California Edison Company, Cross Valley Corridor Project Habitat Conservation Plan Review, San Joaquin Valley, California. Senior ecologist who has reviewed HCP prepared by another firm. The Cross Valley Corridor project entails replacement and construction of new transmission lines in the San Joaquin Valley, and the future operation and maintenance of those facilities. The 13 species proposed for coverage are associated with vernal pool, grassland, and riparian habitats, and include vernal pool invertebrates and plants, California tiger salamander, burrowing owl, and San Joaquin kit fox.

California Department of Fish and Game, Lower Sherman Island Wildlife Area Land Management Plan, Sacramento County, CA. Project manager/senior ecologist for the land management plan for the Lower Sherman Island Wildlife Area, a 3,115-acre area of upland, riparian, marsh, and aquatic habitats. The purpose of this plan was to establish a set of management goals and tasks to ensure the long-term protection of wildlife and, where appropriate, provide or allow for compatible public uses. Dr. Hunter worked collaboratively with DFG staff to develop these goals and tasks, and to summarize associated operations and their cost.

California Department of General Services and California Tahoe Conservancy, Lower West Side/Upper Truckee River and Wetland Restoration Project, El Dorado County, CA. Ecologist who monitored and evaluated the revegetation success of 23 acres of floodplain wetland and adjacent upland restored along the Upper Truckee River.

Yuba and Sutter Counties, Yuba-Sutter Habitat Conservation Plan/Natural Community Conservation Plan, Sutter and Yuba Counties, California. Task manager/senior ecologist who produced the biological inventory report documenting existing and historical conditions, which involved development of GIS data layers of land cover, watersheds, and geomorphic landforms; production of species accounts; and analyses based on these and other data sources.

California Department of Water Resources, FESSRO, Central Valley Flood Protection Plan Conservation Strategy, Central Valley, California. Senior ecologist/project manager supporting DWR development of a conservation framework, conservation strategy, programmatic compliance with the Endangered Species Act (ESA) and other environmental regulations, and supporting documents, for the Central Valley Flood Protection Plan. AECOM and DWR are developing a comprehensive approach to ecological and environmental planning throughout the Central Valley that will be integrated with flood management planning efforts and operation and maintenance activities. Dr. Hunter contributed to the assessment of the status and trends of Central Valley riverine and riparian habitats, identification of restoration opportunities, development of the conservation framework, is a senior ecologist for development of the conservation strategy and programmatic ESA compliance, and he manages AECOM's work.

Tsakopoulos Investments, Biological Assessment Review, Excelsior Estates, Sacramento County, California. Senior ecologist who led a multi-firm peer review of a draft Section 7 Biological Assessment (BA) for an 862-acre mixed-use development project potentially affecting wetlands providing habitat for two vernal pool crustaceans and Orcutt grasses federally listed as endangered and designated critical habitat for these species.

California Tahoe Conservancy, Soil Erosion Control Program Environmental Documents and Related Studies Retainer Contract, Lake Tahoe Basin, CA. Senior ecologist who co-led a Basin-wide evaluation of implemented erosion control projects that recommended improved design approaches, practices, monitoring and adaptive management, and success criteria for revegetation. The resulting revegetation guidance document won an Association of Environmental Professionals (AEP) award in 2010 as an Environmental Document of Merit.

US Bureau of Reclamation/MWH, San Joaquin River Restoration Program EIS/EIR and Programmatic BA, Fresno, Madera, and Merced Counties, California. Project manager/senior ecologist for this project in support of Reclamation's efforts to implement the San Joaquin River Settlement. In addition to managing AECOM's work, Dr. Hunter led assessment of impacts on riparian and wetland resources, development of the conservation strategy for the program and related programmatic biological assessment, and contributed to assessments of climate change and agricultural impacts. AECOM is providing expertise in program-level strategic planning, NEPA/CEQA document preparation, Endangered Species Act compliance, biological resources restoration and management, plant species and riparian ecosystem management, river channel morphology and dynamics, and many other topics. The EIS/EIR includes a program-level analysis of the Settlement, addressing future river channel modifications, installation of water management and fish protection facilities, infrastructure replacement, and implementation of management actions to restore riparian and aquatic habitats. At a project level, it analyzes initial interim water releases and alternative conveyance routes. The programmatic biological assessment covers 21 federally listed terrestrial species including San Joaquin kit fox, California tiger salamander, valley elderberry longhorn beetle, Hoover's spurge, and San Joaquin Orcutt grass.

Sacramento Area Flood Control Agency, Natomas Levee Improvement Program, Sacramento and Sutter Counties, CA. Senior ecologist. AECOM is leading the environmental compliance effort for SAFCA's program of flood control improvements to provide the Sacramento metropolitan area with a "200-year" level of protection. Dr. Hunter mapped existing vegetation, and contributed to wetland restoration and mitigation design.

California Department of General Services and California Tahoe Conservancy, Lower West Side/Upper Truckee River and Wetland Restoration Project, El Dorado County, CA. Ecologist who monitored and evaluated the revegetation success of 23 acres of floodplain wetland and adjacent upland restored along the Upper Truckee River.

Contra Costa Water District, Mallard Slough Pump Station Project CEQA/NEPA Compliance, Permitting, Wetland Restoration Plan, and Monitoring, Contra Costa County, CA. Ecologist/project manager for the monitoring of restored brackish marsh for 3 years following construction. The

restoration monitoring effort was conducted to assist CCWD in meeting 404 permit requirements. Dr. Hunter conducted the monitoring and evaluated the project's success.

City of Sacramento and North Natomas 575 Investors LLC, Greenbriar Development Project EIR, Effects Analysis, and Habitat Conservation Plan, Sacramento County, California. Senior ecologist for an EIR for the development of a residential, commercial, and transit-oriented development on 500 acres adjacent to the northwestern city limits of Sacramento. Dr. Hunter analyzed the project's potential effects on habitat quantity, quality, and connectivity for 22 species covered by the Natomas Basin Habitat Conservation Plan (NBHCP) (including valley elderberry longhorn beetle, giant garter snake, pond turtle, Swainson's hawk, and burrowing owl), and on the viability of populations of these covered species; and he prepared an HCP to cover the project's potential effects on giant garter snake. Analysis of project effects on implementation of the NBHCP was required and the habitat conservation plan was prepared because the project is in the plan area of the NBHCP but outside the area permitted for development.

Sacramento County Airport System, Sacramento International Airport Resource Management Plan, Sacramento County, California. Project manager/senior ecologist for a resource management plan (RMP) intended to help Sacramento County Airport System (SCAS) effectively manage 5,407 acres of airport and operational buffer lands, which are in natural and agricultural land cover. Dr. Hunter guided development of the draft plan.

CALFED Bay-Delta Program, Ecosystem Restoration Program Project Tracking Assistance, Sacramento-San Joaquin Delta, California. Project manager/senior restoration ecologist who assisted the CALFED Ecosystem Restoration Program (ERP) in tracking projects funded during the program's first 7 years and in tracking the progress of the ERP in achieving its goals. Project tasks included database and GIS data layer development, evaluation of effects of milestones in a programmatic biological opinion on covered species, assessment of funded projects and their relationship to milestones, and a review of the implementation of other regional restoration programs in North America.

Utah Department of Transportation, Legacy Parkway Project Review, Weber and Davis Counties, Utah. Senior vegetation ecologist who conducted a technical review of the HGM

model previously applied to this project to assess effects on wetlands.

Placer County Planning Department, Riparian Ecosystem Assessment, Placer County, California. Project manager/senior ecologist and technical task leader who developed stream and riparian ecosystem functional assessment models, conducted field studies of animal use of riparian areas, and developed recommendations for stream setbacks in western Placer County.

US Army Corps of Engineers, Sacramento, Guadalupe River Project Mitigation Monitoring Report, Santa Clara County, CA. Restoration ecologist who analyzed monitoring data for 28 environmental indicators, assessed progress toward objectives for riparian and river restoration, and made recommendations based on this analysis.

H.A.R.T. Inc., Georgiana Slough Restoration Monitoring, Sacramento–San Joaquin Delta, CA. Project manager/senior restoration ecologist who conducted an experimental assessment of biotechnical bank protection and marsh restoration projects along Georgiana Slough in the Sacramento–San Joaquin Delta. Dr. Hunter assisted with experimental design and supervision of data collection. He analyzed and interpreted data for adaptive management of slough and marsh restoration in the Sacramento–San Joaquin Delta.

State University of New York, The College at Brockport, Monroe County, New York. Assistant professor in vegetation ecology and botany who taught courses in vegetation ecology and management, plant taxonomy, biostatistics, and experimental design. Dr. Hunter supervised graduate student research projects, coordinated a wetlands working group, and conducted research on vegetation dynamics.

Research Foundation of the State University of New York, The College at Brockport, Monroe County, NY. Principal investigator and co-principal investigator/vegetation ecologist who evaluated the effects of water level fluctuations, flood control, and shoreline protection structures on marsh and shoreline vegetation.

National Park Service, John Muir National Historic Site Project, Contra Costa County, CA. Plant ecologist/botanist who conducted a floristic inventory and mapped vegetation of John Muir National Historic Site in Martinez.



Lynn Hermansen

Restoration Ecologist and Permit Compliance Specialist

Education

M.S., Wildlife, Fisheries, and Conservation Biology, Wetland Ecology
University of Massachusetts, Amherst, 2001
B.S., Wildlife and Fisheries Biology University of California Davis, 1996

Specialized Training

2002 CEQA Basics, Grassetti Environmental Consulting
2003 California Tiger Salamander Workshop, Western Section of the Wildlife Society
2003 California Burrowing Owl Symposium, Western Section of the Wildlife Society
2007 Alameda Whipsnake Workshop, Alameda County Resource Conservation District

Permits and Registrations

CDFG SC-5732
CDFG MOU and USFWS 10(a)(1)(A)
Recovery Permit # TE-094845-0 for California Tiger Salamander

Affiliations

California Native Grass Society
California Invasive Plant Council
Society for Ecological Restoration
Mt. Diablo Audubon Society

Publications + Technical Papers

Preliminary Wetland Mitigation and Monitoring Plan for the White Property, Fort Bragg, Mendocino County, California. March 2006.
Revegetation and Monitoring Plan for the Re-Created Rheem Boulevard Creek for the Rancho Laguna Project, Moraga, Contra Costa County, California. December 2005.
Wetland, California Red-Legged Frog, and California Tiger Salamander Mitigation and Monitoring Plan, Metcalf Road Property, San Jose, Santa Clara County. March 2004.
Martinez Regional Shoreline Salt Marsh Enhancement Project - Phases 1 and 2 Mitigation and Monitoring Plan. L. Boyd and Philip Williams & Associates, Ltd. April 2003.
Specifications for Enhancement of the Arroyo Las Positas Riparian Corridor, Livermore, Alameda County, California. September 2002.
Buffer Zones and Beyond: Wildlife Use of Wetland Buffer Zones and their Protection under the Massachusetts Wetlands Protection Act. Master's Thesis, University of Massachusetts. 2001.

Professional History

2001 – Present
AECOM
Ecologist and Permit Compliance Specialist
Career Start: 1997

Ms. Hermansen combines a solid academic background with over 13 years of field and consulting experience to provide clients with assistance on wetlands, hydrology, botany, wildlife, and restoration issues. Her extensive experience in Contra Costa County is particularly relevant to evaluation of the implementation of the East Contra Costa Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)

Ms. Hermansen's project experience includes leading the mitigation planning, implementation and post-construction monitoring on a number of large residential development and public infrastructure projects This has included wetland creation for California red-legged frog, and California tiger salamander; grazing management for special-status species including Alameda whipsnake and sensitive plant species; and creek enhancement and revegetation efforts. She has conducted monitoring for a salt marsh enhancement project intended to benefit Delta smelt, Sacramento splittail, California clapper rail, and saltmarsh harvest mouse; worked with hydrological firms on bioengineering and floodplain connection to stabilize creeks; and conducted inventories and provided recommendations for control of invasive species. Ms. Hermansen has authored long-term management plans, assisted with development of agency-accepted endowment calculations and assisted clients with conservation easement language.

Project Experience

East Bay Municipal Utility District, San Pablo Dam: Pavon Creeks and Scow Mitigation Sites, Contra Costa County, CA.
Project manager and restoration ecologist who oversaw preparation of restoration plans and specifications and supporting documents for mitigation associated with the San Pablo Dam Seismic Upgrade project. Working with Balance Hydrologics, Inc., AECOM evaluated and designed

wetland and special-status species mitigation at two locations, the Pavon Creeks and Scow Canyon sites. Ponds, intended to provide breeding habitat for California red-legged frog, were created at Pavon Creeks. In addition, a large portion of the three drainages were enhanced using a number of restoration methods in combination including bioengineered grade control structures and native plantings to slow velocities and reduce overall sediment input to Pinole Creek. The Scow Canyon site was enhanced through grazing management, scrub planting and rock outcrop creation for Alameda whipsnake. AECOM also provided EBMUD with grazing management plans, long-term management plans, a final mitigation and monitoring plan, and endowment calculations for the two mitigation sites.

Contra Costa Water District, Alternative Intake Project, San Joaquin County, CA. Project manager who oversaw extensive biological surveys and permitting compliance services for the Alternative Intake Project on Victoria Island in San Joaquin County, California. CCWD sought to construct the Alternative Intake Project to improve its source water quality. The project consisted of a new diversion in the central region of the Sacramento–San Joaquin Delta to access better water quality, and conveyance of that diverted water into the CCWD system. The project required surveys and an ongoing passive relocation effort for burrowing owl, as well as protocol-level focused surveys for Swainson’s hawk. In addition, AECOM conducted pre-construction surveys for nesting birds, giant garter snake, and western pond turtle, as well as construction monitoring during project implementation. Prior AECOM also prepared a joint EIR/EIS, all resource agency permit applications, and an action-specific implementation plan to satisfy provisions of the federal and California ESAs.

US Navy, Concord Naval Weapons Station Biological Surveys, Contra Costa County, CA. Project manager who organized and led the project team in field efforts and report writing in support of biological surveys for California tiger salamander at the Concord Naval Weapons Station in the city of Concord. AECOM conducted surveys for federally listed vernal pool branchiopods, along with habitat mapping and nocturnal surveys for California tiger salamander prior to reuse of the base. Approximately 2,500 acres of the reuse area was thoroughly surveyed for upland habitat elements, including small mammal burrows, which could be used by aestivating California tiger salamanders. Survey results were compiled into an extensive GIS database identifying concentrations of upland habitat, with special emphasis on

habitat relative to potential breeding ponds. In addition, aquatic features with potential to support vernal pool branchiopods were identified and surveyed according to USFWS protocol. This information will be used for constraints-based planning of base reuse.

Suncrest Homes, Suncrest Homes Sierra Vista Development Project, Contra Costa County, CA. Project manager who oversaw and coordinated biological construction monitoring and permit compliance, as well as lead restoration ecologist for the project mitigation planning and implementation. The project team completed an impact analyses, conducted supporting surveys and prepared resource agency permit applications for the 166-acre Suncrest Homes Sierra Vista project in the city of Antioch. During construction, pre-construction surveys and biological monitoring involved special-status species, such as Alameda whipsnake, California red-legged frog, California tiger salamander, San Joaquin kit fox, and nesting birds. In later project stages, the project team worked with ENGE0, Inc., to develop an appropriate wetland mitigation alternative and developed a wetland mitigation and monitoring plan (MMP) for the project. Ms. Hermansen oversaw the implementation of the MMP. [Prior to AECOM]

ENGE0, Inc., Rancho Solano Mitigation and Monitoring, Solano County, CA. Project manager and restoration ecologist working closely with ENGE0 and the project team to redesign a mitigation plan and provide oversight for mitigation implementation for a 291-acre development project, including 217 homes on 60 acres in the city of Fairfield. The creek mitigation involves three reaches totaling approximately 16,250 linear feet (1.7 acres), including two tributaries to LedgeWood Creek and the main stem of LedgeWood. The project team developed detailed planting plans to replace previously failed planting schemes and to stabilize portions of one reach; redesigned a created meandering creek channel and installed bioengineering features on another reach; and hydrologically connected an historical channel with a flood control channel to create an active floodplain. This reconnected floodplain will improve habitat quality, increase flood capacity, provide aesthetic appeal of an urban creek system, and provide the additional mitigation acreage. [Prior to AECOM]

KB Home, Metcalf Road Residential Development Permitting and Mitigation Planning, Santa Clara County, CA. Project manager for construction and mitigation implementation. The project team led permitting and

mitigation planning on a large San Jose residential development project that included 213 residential units, open space, wetland enhancement, and habitat conservation areas. The team negotiated with USACE, USFWS, RWQCB, DFG, and the City of San Jose to ensure in-perpetuity conservation of 200 acres of open space, including habitat for several special-status species. Ms. Hermansen oversaw and coordinated biological construction monitoring and permit compliance for the development project. This included pre-construction surveys and biological monitoring for California red-legged frog, California tiger salamander, Bay checkerspot butterfly, special-status bats, and nesting birds. Ms. Hermansen coordinated with DFG and USFWS and oversaw a salvage and translocation effort for California tiger salamander using pitfall traps and implemented a passive relocation effort for Western burrowing owl in coordination with DFG. Ms. Hermansen also provided oversight on the implementation of the Mitigation and Monitoring Plan, which included creation of five wetlands and habitat for California tiger salamander and California red-legged frog. [Prior to AECOM]

Philip Williams & Associates, City of Martinez, East Bay Regional Park District, and Caltrans Marsh Enhancement and Flood Management, Contra Costa County, CA. Project manager of monitoring phase. Working over a 7-year period, assisted the project design team, including Korve Engineering and Phillip Williams and Associates, to support the City of Martinez, the East Bay Regional Park District, and the California Department of Transportation (Caltrans) from design to inception of a joint venture to complete an 11-acre marsh enhancement and flood management project at the Martinez Regional Shoreline Park in the City of Martinez, Contra Costa County. The project provided mitigation credit for impacts related to a number of Caltrans projects. Assisted in defining goals for the mitigation site and the development of three design alternatives that integrated flood control, delta smelt habitat creation, and marsh enhancement goals with the opportunities and constraints of the site. After selection of the preferred alternative, developed a conceptual design of the selected alternative that included a preliminary grading approach, sensitive construction practices, revegetation plant palettes, exotics eradication, protection of special-status species, and measures to minimize impacts to adjacent habitats. Ms. Hermansen worked with Phillip Williams and Associates to develop a Mitigation Monitoring Plan for the entire site. Ms.

Hermansen has overseen the vegetation and wildlife habitat monitoring component of the project which has included providing remedial recommendations as necessary for the restoration project, now in its eighth year of a 10-year monitoring period. [Prior to AECOM]

City of Walnut Creek, Heather Farm Park Nature Center, Contra Costa County, CA. Project manager who conducted a nonnative plant and debris inventory at the 13-acre proposed Nature Center at Heather Farms Park in Walnut Creek. This inventory identifies existing non-native trees, shrubs, and stands of nonnative invasive herbaceous plants as well as any debris that should be removed prior to further work within the Nature Center. Reviewed existing CEQA documentation completed for the City of Walnut Creek's Master Plan to assess permitting compliance. Worked closely with the public and the Walnut Creek Open Space Foundation to obtain their valuable input during this planning process and to develop a conceptual Restoration Plan for the Nature Center.

Livermore Area Park and Recreation District, Livermore California Tiger Salamander Breeding Pond, Alameda County, CA. Project manager and restoration ecologist who designed and supervised construction of a California Tiger salamander breeding pond at Sycamore Grove Park. This restoration feature was identified in the Resource Management Plan for the park. Funding was provided via mitigation fees from a development project.

Blackhawk Services & Nunn, Vaquero Farms Mitigation Planning, Implementation and Monitoring, Contra Costa County, CA. Project manager who was integral in the mitigation planning effort for the project and oversaw implementation of the Wetland and Special-Status Species Mitigation and Monitoring Plan completed for the 936-acre Vaquero Farms mitigation site in Brentwood for California red-legged frog (CRF), California tiger salamander (CTS), San Joaquin kit fox, western burrowing owl (BUOW) and sensitive plant species. Mitigation implementation included creation of five wetlands totaling 1.6 acres created for the benefit of CTS and CRF and occurred in occupied CRF and BUOW habitat. The construction work required careful consideration for protection of these sensitive species including full-time construction monitoring and multiple protective measures to prevent take from occurring. A long-term management plan was created for the parcel, and an agency-approved endowment was negotiated.

Town of Danville and ENGEQ, San Ramon Creek Realignment Project, Contra Costa County, CA. Restoration ecologist who led preparation of a mitigation and monitoring plan for the project. The Town of Danville proposed to realign San Ramon Creek at the El Capitan Drive Bridge in Contra Costa County, California. The proposed project, funded in part by Caltrans, was complicated due to several seemingly contradictory objectives, such as: increasing sediment transport in the channel; returning the channel to historic flows and alignment; maintaining flood control requirements; improving habitat values within the riparian corridor; and, providing permanent scour protection at the bridge alignment. Due to the multifaceted nature of these objectives, successful coordination with multiple stakeholders, including Caltrans, the Contra Costa County Flood Control District, project engineers, cultural resource consultants, and state and federal agencies, to achieve regulatory approvals was necessary. AECOM prepared both a comprehensive permit application package for submittal to USACE, RWQCB, DFG, and USFWS.

Town of Danville and ENGEQ, Front Street Repair and San Ramon Creek Bank Stabilization, Contra Costa County, CA. Restoration ecologist who oversaw preparation of the revegetation and monitoring plan for the project. The Town of Danville received funding from the Federal Emergency Management Agency to repair two creek bank failures along San Ramon Creek in downtown Danville, Contra Costa County, California. AECOM biologists conducted USFWS-protocol level surveys for California red-legged frog, a wetland delineation, and biological resources assessment. AECOM restoration ecologists also prepared a Revegetation and Monitoring Plan. A detailed permit application package was created and coordinated efforts to garner approvals from USACE, RWQCB, DFG, FEMA, and USFWS. In addition to permit approvals an IS/MND in compliance with CEQA was prepared and certified for the project.

City of Capitola and Harris & Associates, Soquel Creek Lagoon Biofiltration Wetland Project, Santa Cruz County, CA. Assisted in preparing plant palettes and monitoring protocols for the biofiltration wetland. The City of Capitola proposed to repair an existing bulkhead and to install a biofiltration wetland system to improve water quality in Soquel Creek Lagoon in downtown Capitola. AECOM prepared the necessary federal and state permit applications. Because the project location contains federally listed endangered species, the project team coordinated with the National Marine Fisheries Service and project

engineers to determine a well-engineered solution that also avoids take of listed species.

Riverwest Developments, Rancho Laguna Residential Development Permitting and Mitigation Planning, Costa County, CA. Lead restoration ecologist who oversaw the planning effort. The project team led permitting and mitigation planning for a residential development project on approximately 44 acres of a 180-acre site in Moraga. The team prepared permit applications and is working with the resource agencies to ensure in-perpetuity conservation of 144 acres of open space, including habitat for several special-status species. Ms. Hermansen developed a mitigation and monitoring plan for California red-legged frog, Alameda whipsnake and Diablo helianthella including invasive species management. Grazing management was an integral component of this MMP.

D.R. Horton, Cypress Grove Biological Resource Assessment and Permitting, Contra Costa County, CA. Ecologist and permit compliance specialist who authored a mitigation and monitoring plan for the project, assisted with initial biological assessments for special-status species and preconstruction surveys, and provided senior oversight for permit compliance issues. For the Cypress Grove Residential Development in Oakley, the project team conducted a formal wetland delineation, impact analysis, mitigation planning, biological assessment, Essential Fish Habitat assessment, special-status plant surveys, and focused wildlife surveys for special-status species such as the western burrowing owl, silvery legless lizard, giant garter snake, Swainson's hawk, and Valley elderberry longhorn beetle. The project team secured permits from USFWS, USACE, DFG, NOAA Fisheries, and the Contra Costa Water Department to reduce and/or mitigate impacts to special-status species. The project team conducted pre-construction surveys and construction monitoring for special-status species. [Prior to AECOM]

Andersen & Bonfield, Kavar Biological Surveys, Contra Costa County, CA. Biologist who assisted with botanical surveys and surveys for burrowing owl. The project team provided biological surveys for the 785-acre Kavar Project in Tassajara Valley. Surveys included completing a jurisdictional wetland delineation with mapping, biological assessment, and late spring season botanical survey. A protocol-level site assessment and focused surveys for California red-legged frog was completed. Protocol-level burrowing owl surveys, a San Joaquin kit fox Early

Evaluation, and a tree survey is in progress. The project team participated in constraints based site planning and is also completing the biological resources portion of the project CEQA document. [Prior to AECOM]

Santa Clara County Water District, Adobe Creek Upper Reach Restoration, Santa Clara County, CA. Restoration ecologist who oversaw drafting the mitigation and monitoring plan for the project. The project team conducted tree surveys, biological and botanical assessments, as well as prepared a biological resources report, impact analysis, preliminary wetland jurisdictional determination and mitigation monitoring plan for the approximate 1,100 linear foot Upper Reach of Adobe Creek in Los Altos and the Los Altos Hills, Santa Clara County. The project team developed a Preservation Plan intended to improve the Adobe Creek ecosystem via the replacement of the concrete channel protection using minimal hardscape, sediment removal, and bank stabilization. The Adobe Creek Upper Reach 5 Restoration Project will address the severe erosion problems and narrow channel cross sections of this portion of the creek incorporating stakeholder selected preferred alternatives. The team completed biological studies including a wetland delineation, tree report, and Biological Resources Report; coordinated with District planners and biologists; and analyzed potential impacts to biological resources for each alternative. Key issues include flood protection, creek channel improvement, channel bottom and bank erosion repair, and tree protection.

San Ramon Valley YMCA, Contra Costa County, CA.

Restoration ecologist who assisted with mitigation planning and drafting the mitigation and monitoring plan for the project. The San Ramon Valley YMCA tasked AECOM with preparing the necessary state and federal regulatory permit applications, as well as performing all the necessary biological assessments and compensatory mitigation planning for the 13-acre project located in Danville, California. The project site posed unique permitting and planning challenges with surrounding public park lands, residential communities, and open space and nesting bird habitat for several species. AECOM was able to work closely with the project engineer, client, Town of Danville, and various regulatory agencies to develop a site plan that would satisfy the recreation and facilities goals of the YMCA, while protecting and enhancing sensitive habitats. Prior to construction, AECOM conducted all the permit required preconstruction surveys and provided on-site contractor education and construction monitoring during construction phases.

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John Kopchik
East Contra Costa County Habitat Conservancy
c/o Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, California 94553

Re: Proposal to prepare a Supplemental Fee Audit for the East Contra Costa County Habitat Conservancy

Dear Mr. Kopchik:

Hausrath Economics Group (HEG) is pleased to submit this proposal for a Supplemental Fee Audit, in response to the request from the East Contra Costa County Habitat Conservancy (the Conservancy) that we received on July 26, 2012 and as amended August 2, 2012. Our proposal is contained in the body of this letter, addressing the seven submittal requirements.

Overall Approach

The Hausrath Economics Group (HEG) approach to the Supplemental Fee Audit will be grounded in our in-depth understanding of habitat conservation plan economic analysis, generally; our experience building plan budgets; and our familiarity with the cost models used to estimate, summarize, and track costs of implementation, and the data and information used to develop plan cost factors. HEG will be rigorous, detailed, and thorough. We will provide clear and complete documentation of our assessment of implementation costs to date and how those costs influence the estimate of Plan costs for the duration of the permit term. Our final work products will include a detailed road map between that cost assessment and the resultant recommendations for Mitigation Fee updates.

Below I describe the elements of our work plan built on the schedule of key tasks identified in the Request for Proposals, as amended.

1. Work Plan, Staffing, and Schedule

Task 1. Review HCP/NCCP, Implementing Agreement, ordinances, fee resolutions, and federal and state permits and

Task 2. Review original Fee Audit and related actions, comments, and responses

During these first two tasks, HEG will provide a “fresh set of eyes” on Conservancy cost estimates and the methods and data that have been used to evaluate Plan implementation costs and derive Mitigation Fees. We expect to have access to the original Appendix G cost model workbook and updates, as well as to the land cost model. Our review is not intended to reinvent the wheel, but rather to firm up the components of our approach to the Supplemental Fee Audit in order to fully address concerns raised about the original effort and establish the independence of the supplemental work. HEG will also be guided by the need to make the most efficient use of Conservancy resources by building on existing implementation budget and mitigation fee frameworks and valid prior analysis.

While HEG’s evaluation will focus on the cost data and fee calculator (Chapter 9 and Appendices G and H), it will be important to also understand the 2006 ECCC HCP/NCCP (Plan) impact assessment and the quantitative components of the fair share apportionment of costs. To be able to identify the linkages between updated costs and fees, it will be important to enhance the transparency of these complicated documents. HEG’s understanding of the components of economic analysis for habitat conservation planning and our experience with similar cost models and cost allocation methods will enable us to efficiently dissect the 2006 Plan—to zero in on key source tables sometimes buried in other Plan chapters, highlight critical variables and linkages, and build the groundwork for a work product that de-mystifies the periodic cost evaluation and fee update procedure, thereby enhancing the credibility of the work effort.

Work product: HEG will prepare questions for Conservancy staff based on a review of both sets of background information. Potential areas of inquiry would be gaining a complete understanding of the fee calculator worksheet—how the constants and variables are derived and linked to other elements of the Plan, how the Rural Road Fees function in the funding plan, as well as the details of any cost-sharing arrangements, such as those that exist with the East Bay Regional Parks District (EBRPD) for land acquisition and reserve management or with Contra Costa County for staffing (for example).

Task 3. Update the cost estimates

HEG has prepared cost estimates and permit-term implementation budgets for three habitat conservation plans in Northern California. We are especially familiar with the type of cost model presented in Appendix G of the 2006 Plan, having adapted, upgraded, and expanded this very same model for use in the Santa Clara Valley Habitat Plan. That Final Plan is due to be published this month, August 2012. We have also developed a variation of this kind of cost model for use in the Placer County Conservation Plan (PCCP), currently under development.

HEG knows how these planning-level estimates are originally developed and what they are intended to provide as the basis for cost estimating over a 30-year or 50-year permit term. This

experience will be critical to our ability to assess and evaluate actual Conservancy expenditures, to use that assessment to generate refined cost factors to use in the cost model, and thereby generate updated permit-term cost estimates establishing the parameters for an up-to-date funding plan and mitigation fees.

Other sources of useful information for the cost evaluation include: Conservancy Annual Reports, Conservancy Annual Work Plans, Annual Budget documents and Mid-Year Budget updates, and Audited Financial Statements.

Land acquisition costs: HEG will review all relevant land acquisition cost information provided by the Conservancy, including data on Conservancy acquisitions and on due diligence and other transaction costs. HEG will also assemble information on recent open space or conservation land acquisitions in the market area undertaken by other entities such as EBRPD, East Bay Municipal Utility District (EBMUD), and Save Mount Diablo. We will supplement this transaction information with Assessor's data to fill any gaps.

Having just completed a land cost analysis update for the Placer County Conservation Plan, HEG is aware of the number of factors to balance in coming up with reliable factors: time period covered by the transactions, trends over time, parcel size ranges, count of transactions within each parcel size and location category, and the range of the estimates. A key question is: should outliers be eliminated before calculating weighted average land value factors?

Work product: Since land acquisition is the largest component of Plan cost, it demands thorough assessment. HEG proposes to prepare a draft analysis of updated land acquisition cost information and to obtain review and comment on proposed updated land cost factors from facility staff at EBRPD, Save Mount Diablo, and others as relevant, before developing final estimates for use in the cost update.

Habitat restoration costs: HEG will review the information provided by the Conservancy on restoration costs to date. HEG will supplement the results of the Conservancy's experience with information from partner entities such as EBRPD and also with available information from other entities involved in similar types of habitat restoration in nearby locations. Furthermore, HEG has experience evaluating the range of restoration cost factors from our work to develop cost estimates for other HCPs. HEG will interview individuals involved in actual restoration planning, design, construction, and post-construction monitoring to be sure we have the range of potential costs covered and have an understanding of how any particular on-the-ground examples might best inform refined estimates for the duration of the permit term. Resources would include firms under contract to the Conservancy for specific projects or on an on-call basis as well as outside sources. For example, in Placer County, staff of mitigation banks that operate in the area have provided valuable input to our understanding of potential restoration costs there.

Work product: HEG will prepare summary worksheets comparing the detailed cost factors used in the 2006 Plan cost model to indexed cost factors and to costs derived from HEG's cost update analysis. The worksheets will have explanatory notes and will serve as documentation to substantiate any recommended updated restoration cost factors.

Preserve management, monitoring, and other Plan implementation costs: The original fee audit did not address in detail these components of Plan costs, citing lack of actual data based on

limited Conservancy operating experience. While the full-blown level of preserve management and monitoring activity is yet to be achieved, the Conservancy has been in operation for five years and has been creating annual budgets for administration, management, and monitoring activities and evaluating budget vs. actual costs for those categories. It appears from quick review of annual budgets and mid-year updates that information from Conservancy operations is available that would enable a more full-blown consideration of how actual costs compare to the cost factors used to develop the original plan budget (Appendix G) and thus those cost components of the fees imposed to date.

This assessment will have to take account of cost-sharing arrangements and adjust for the fact that the Appendix G cost factors for many of these elements are estimates developed before more detailed Conservancy implementation was finalized. At the same time, any updates produced from the assessment of actual costs need to account for the fact that implementation costs for one particular period, especially the initial years of plan implementation, are not necessarily representative of how costs will evolve over the balance of the 30-year permit term.

HEG's on-going recent experience with HCP cost modeling will inform our evaluation of actual Conservancy experience with administration, management, and monitoring in light of Appendix G cost factors. Actual costs are only one element of the analysis to forecast refined implementation costs through the rest of the permit term. Furthermore, we are familiar with the various contingency factors used in the current generation of HCP cost models—how they have evolved and what they are intended to represent.

Work product: HEG will prepare summary worksheets comparing the detailed cost factors used in the 2006 Plan cost model to indexed cost factors and to costs derived from HEG's cost update analysis. The worksheets will have explanatory notes and will serve as documentation to substantiate any recommended updated cost factors. The work product will include analysis to determine the appropriate staff and overhead cost factor to use in the Wetland Fee Worksheet.

Task 4. Calculate appropriate Mitigation Fee updates based on the updated cost estimates and the Mitigation Fee criteria and calculators

HEG will replicate the HCP/NCCP Mitigation Fee worksheets in order to calculate updated Mitigation Fees using updated plan implementation cost factors. Specifically, HEG will replicate *Table 1: ECCC HCP/NCCP Development Fee Calculator* (from Appendix H) and *East Contra Costa County NCP/NCCP Wetland Fee Worksheet* (from Appendix G). HEG will confirm that the worksheet formulas are working correctly by comparison to results from the original fee audit and will submit any questions for clarification to Conservancy staff.

Calculation of funding from the Rural Road Fee is an example of a potential question for Conservancy staff. It is apparent from Table 9-6 in the 2006 HCP/ECCP that the Rural Road Fee is based on the Development Fee. However, it appears that the funding contribution from rural infrastructure projects did not change in the Gross Cost Allocation element of the Development Fee Calculator prepared for the Original fee audit. While this factor does not change the "Future Impacts Fair Share" allocation or the resultant development impact fee per zone, it does affect the net remaining cost to be funded by other public sources. This is the type of calculation detail that HEG would clarify as part of the Supplemental Fee Audit.

Work products: HEG will prepare updated fee calculator worksheets for the Development Impact Fee and the Wetland Mitigation Fee. HEG will prepare a table comparing recommended updated fees to fees that would result from applying the automatic annual adjustment factors. HEG will also prepare a table summarizing the annual fee history.

Task 5. Prepare report on recommended adjustments to the Mitigation Fees and rationale for the recommendations

HEG will prepare a report that sets forth proposed adjusted mitigation fees and compares those fees to prior fees and to what would otherwise be imposed applying the annual index factors. The report will present the results of the assessment of the components of the Development Fee (land acquisition, preserve management and monitoring, environmental compliance, and remedial measures) and of the Wetland Mitigation Fee. The report will document the results of the cost research, providing summary tables of all data reviewed and will indicate how the analysis was used to refine and update the relevant cost factors.

With reference to the 2006 HCP/NCCP plan document, especially Appendix G Cost Data and Appendix H Funding Analysis, HEG will highlight where any cost updates affect estimated implementation cost line items (Tables 9-1 and 9-2), how restoration cost factors are applied to develop the wetland mitigation costs and fees, how updated plan costs are used in the Development Fee Calculator worksheet. Tracing clearly the path from detailed HCP budget estimates to Updated Development Mitigation Fee by Zone and Wetland Mitigation Fee by land cover will do much to enhance the credibility of this Supplemental Fee Audit.

Work products: HEG will prepare a draft report for staff review and comment and will prepare a revised final report for presentation to the Governing Board.

Task 6. Participate in public meetings

HEG will participate in public meetings as requested by staff, to present the results of the cost assessment and mitigation fee adjustments and explain approach, methods, and recommendations.

Task 7. Other tasks as necessary

At the direction of Conservancy staff, HEG will be able to address additional questions related to HCP implementation budgeting and impact fee calculations, as they evolve.

Task 8. Documentation of nexus findings

HEG will assist the Conservancy to prepare documentation in support of nexus findings to be made by participating cities and the County. This work will likely involve assistance to prepare consistent text language and a consistent set of tables that clearly set out Plan benefits and costs, the fair share cost allocation, and resultant impact fee burden, and that demonstrate the proportionality relationships that establish the validity of the mitigation fees.

Staffing

Sally Nielsen, HEG Vice President, will conduct the analysis, prepare the draft and final reports, attend meetings with staff, and make any presentations to the Governing Board and others. Ms. Nielsen is the HEG staff person who has completed all of the firm’s work on habitat conservation plan economic analysis, implementation cost modeling, and development impact fees. See **Attachment C** for her resumé.

Schedule

An eight-week schedule should be adequate to complete the analysis and a final report. The schedule could be shorter depending on the level of due diligence that may be required to document actual costs and “vet” the draft results.

Week:	One	Two	Three	Four	Five	Six	Seven	Eight
Task 1 Review HCP/NCCP and background materials								
Task 2 Review original Fee Audit and related materials								
Task 3 Update cost estimates								
Task 4 Calculate Mitigation Fee updates								
Task 5 Prepare draft and final reports								

2. Cost estimate

Tasks 1 through 7 of the Supplemental Fee Audit could be completed for about \$23,000 before consideration of meetings and contingency. HEG’s cost per meeting would range from \$400 to \$900, depending on the duration of the meeting and how much time would be required to prepare any supplemental meeting materials. Given the history of the Conservancy’s efforts to date to conduct this periodic review of plan implementation costs, it would be prudent to budget for a contingency of 10 percent. Task 8, Documentation of nexus findings, could require another \$4,500 - \$9,000 of consultant effort, depending on the scope and the division of tasks between staff and consultants. The table below details the proposed hours and costs by task. All work would be conducted by Sally Nielsen. Her billing rate is \$145 per hour.

Hausrath Economics Group – Proposed budget to prepare a Supplemental Fee Audit

	<u>Hours</u>	<u>Cost at \$145 per hour</u>
Task 1 Review HCP/NCCP and background materials	10	\$1,450
Task 2 Review original Fee Audit and related comments and responses	10	\$1,450
Task 3 Update cost estimates	60	\$8,700
Task 4 Calculate Mitigation Fee updates	12	\$1,740
Task 5 Prepare draft and final reports	60	\$8,700
Task 6 Public meetings	See cost per meeting, below	
Task 7 Other tasks as necessary	To be determined, see contingency	
Total labor, Tasks 1-7, before contingency		\$22,040
Travel expense		\$460
Total, Tasks 1-7, before contingency		\$22,500
Contingency	10%	\$2,200
Total, Tasks 1-7, with contingency		\$24,700
Task 8 Document nexus findings (range, see below)		\$4,500 - \$9,000

Cost per meeting:

The likely cost per meeting would range from \$400 – \$900 depending on the duration of the event and whether or not supplemental meeting materials were required.

Range for Task 8:

The consultant scope and cost for this task depends on the division of labor between Conservancy staff and consultant. I show a range reflecting reasonable amounts of time (32 – 60 hours) to prepare supporting materials, assuming Conservancy staff are responsible for coordination with participating cities and the County and for final document preparation.

3. Review of Conservancy contract template

Sally Nielsen, Vice President of Hausrath Economics, has reviewed the Conservancy contract template and certifies that HEG can and will comply with the terms of the contract template if selected.

4. List of clients in the HCP/NCCP area in the prior ten years

Over the last 10 years, HEG has conducted one study in the HCP/NCCP area. For the City of Brentwood, we prepared a jobs-housing analysis for the *Villages at Marsh Creek Environmental Impact Report*. The project budget was \$7,250, and the work was completed in September 2003.

5. References

The two references provided below can speak to HEG’s and particularly Sally Nielsen’s work efforts and work products for habitat conservation plan cost estimating and economic analysis. I have worked with each of these project managers for several years on habitat conservation plans.

Loren Clark, Project Manager
Placer County Conservation Plan
Assistant Director of Community Development/Resource Agency
3091 County Center Drive
Auburn, CA 95603
Direct Line: 530 745-3016
E-mail: LClark@placer.ca.gov

Kenneth Schreiber, Program Manager
Santa Clara Valley Habitat Plan
Office of the County Executive
County Government Center, East Wing, 11th floor
70 West Hedding Street
San Jose, CA 95110
Office phone: 408-299-5789
Cell phone: 650-269-2341
E-mail: ken.schreiber@ceo.sccgov.org

6. Qualifications and experience

Hausrath Economics Group has been estimating and evaluating implementation costs for habitat conservation planning efforts in Northern California since 1995—the early days of customized cost models for HCPs and of cost allocation strategies leading to mitigation fees imposed on covered activities. Sally Nielsen has been the project manager and principal staff person on all of these work efforts. In fact, since 1995, some habitat plan conservation economic analysis has been a consistent element of HEG’s work load, as indicated below:

- ◆ San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (1995 – 1997)
- ◆ Placer Legacy (1999 -2000)
- ◆ Natomas Basin Habitat Conservation Plan—Due Diligence/Peer Review on behalf of Friends of Swainson’s Hawk and the Sierra Club – Mother Lode Chapter (2002)
- ◆ Placer County Conservation Plan (2004 – present)
- ◆ Santa Clara Valley Habitat Plan (2007 – 2012)

HEG has participated in the evolution of habitat plan cost models over time, adding levels of detail as the understanding of implementing entity activities has improved and the level of scrutiny has increased. As a result, we know how cost estimates are developed, how they are used in plan implementation budgeting and in deriving mitigation fees, and how sensitive fees are to various cost factors. We have prepared summaries of plan costs for presentation to stakeholders, detailed cost model presentations for review by participating entity and wildlife agency staff, and have provided plan managers with responsive, detailed support related to implementation cost questions.

HEG also has a substantial track-record with development impact fees, public agency budget analysis, and the type of detailed cost review called for by the supplemental fee audit. HEG prepared the initial documentation in 2003 for Placer County's Comprehensive Capital Facilities Impact Fee Program and the documentation for subsequent updates. Sally Nielsen has prepared park facility impact fees and cemetery facility impact fees. She most recently developed nexus findings to impose impact fees on new development to pay for park and open space improvements and pedestrian, streetscape, and other transportation system improvements in San Francisco's Transit Center District Plan Area. Ms. Nielsen's on-going public agency budget analysis for Placer County requires comprehensive, complex, and detailed cost modeling; her reports to County staff have tracked changes over time and her analysis and conclusions have been used in contentious situations such as revenue-sharing negotiations for major annexation proposals.

Attachment A at the end of this memorandum presents an overview of Hausrath Economics Group. **Attachment B** provides more detail on our relevant experience, and **Attachment C** is the resumé for Sally Nielsen.

7. Principal contact person

Sally Nielsen
Hausrath Economics Group
1212 Broadway Suite 1500
Oakland, California 94612
510.839.8383
sn@hausrath.com

Closing

Thank you for considering this proposal. I would be very interested in assisting the Conservancy with this cost update and look forward to an interview next week.

Very truly yours,



Sally E. Nielsen
Vice President



QUALIFICATIONS AND EXPERIENCE

Hausrath Economics Group (HEG) is a firm of urban economists experienced in applying the tools of economic, socioeconomic, real estate, fiscal, and financial analysis to local and regional planning projects. HEG is recognized for thorough, objective, and independent analysis; creative use of data sources; intelligent forecasting; and responsiveness to both client and public concerns. HEG was formed in 1978.

The firm's principals have expertise in the fields of urban and land economics, demography, market and feasibility analysis, and public finance and fiscal analysis. Our work for both public and private sector clients has included:

- ◆ Analyzing and forecasting broader economic and demographic trends affecting neighborhoods, cities, and the region;
- ◆ Cost and revenue modeling to inform public agency decision-making;
- ◆ Evaluating economic development potential, market feasibility, and fiscal impacts questions in support of local and regional planning policy and public investment decision-making;
- ◆ Development impact fee documentation;
- ◆ Economic impact assessment for evaluating projects and larger-scale planning alternatives;
- ◆ Infrastructure and public service planning and financing analysis;
- ◆ Economic and fiscal impact assessment methodologies; and
- ◆ Economic analyses evaluating public policy options.

HEG is a woman-owned business and has been located in Oakland, California since 1982. HEG is comfortable dealing with diverse interests and our projects often require sensitivity to the public process and to local issues and concerns. In most instances, while our direct client has been a local government jurisdiction, we not only work with staff, but also interact extensively with citizen and neighborhood groups, with the business community, and with real estate and development interests.



Economic Analysis for Habitat Conservation and Open Space Planning

Santa Clara Valley Habitat Plan
Santa Clara County, California

Client: Santa Clara County

HEG prepared a detailed cost model to estimate the costs of implementation for the Santa Clara Valley Habitat Plan, over a 50-year permit term. In addition to the County, the Local Partners for plan implementation include the cities of Gilroy, Morgan Hill and San José, the Santa Clara Valley Water District, and the Valley Transportation Authority. HEG prepared land cost factors sensitive to location and parcel size based on an appraiser's report of open space land transactions in the County. HEG developed a linked spreadsheet model to estimate costs for land acquisition, habitat restoration, reserve management, monitoring, and program administration, contingency, and post-permit costs. The model generates summary tables for plan documentation and impact fee nexus analysis. HEG updated and maintained this model over a five-year period as the plan evolved based on stakeholder, wildlife agency, public, and management team review. Project responsibilities also included close collaboration with the conservation planners, biologists providing cost factors for use in the model, and with the members of the team preparing the development fee nexus study. The latter effort included review of nexus findings to ensure proper accounting of implementation cost categories.

**Placer County Conservation Plan and
Placer Legacy Agricultural and Open Space Plan**
Placer County, California

Client: County of Placer, California

Hausrath Economics Group has managed the economic analysis for Placer County's habitat conservation and open space planning since 1999. This work effort has included detailed population and employment projections that link regional growth potentials to the local development patterns that will impact habitat and species resources in Placer County. We have prepared detailed and evolving cost models, developed land acquisition cost factors based on appraisal reports and analysis of assessor's data for open space and agricultural land acquisitions and have evaluated restoration cost factors provided by various public agency and industry sources. HEG directs and manages the input of biologists and others providing technical input to the cost modeling, as well as the finance plan aspects of the work program. HEG prepared a report evaluating the impacts of the proposed conservation plan on local government, focusing on how changes in the permitting process for new development would affect local government roles and responsibilities, local government costs and revenues, and local economic development and housing affordability objectives.

**San Joaquin County Multi-Species Habitat
Conservation and Open Space Plan**
San Joaquin County, California

**Client: San Joaquin County Council of
Governments**

San Joaquin County and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy prepared a multi-species habitat conservation plan to provide mitigation under federal and state statutes for the impacts of urban development and public agency activities on habitat for endangered and threatened plants and animals. HEG provided economic analysis in support of this complex countywide planning effort. Our analysis included: cost estimates for land acquisition, habitat restoration and enhancement, and ongoing maintenance and plan administration; a framework for analyzing the contribution of various cost components and various habitat types to overall plan costs; a nexus analysis for a fee paid by activities covered by the Plan as one part of the multiple-source funding plan; and economic analysis of the plan, describing the cost and benefits of habitat management generally, and the proposed plan and funding program specifically, for county residents, businesses, visitors, agricultural interests, developers, homebuyers, and public agencies, among others.

**Natomas Basin Habitat
Conservation Plan**
Sacramento and Sutter Counties, California

**Client: Friends of Swainson's Hawk and
Sierra Club Mother Lode Chapter**

HEG provided expert, independent economic analysis of reports prepared in support of the revised Draft Natomas Basin Habitat Conservation Plan (NBHCP). HEG reviewed the methodology and assumptions used in NBHCP economic analysis to determine whether the mitigations required were the maximum extent practicable and whether or not the plan ensured adequate funding. HEG concluded that the economic analysis did not demonstrate that higher mitigation fees or requirements would make development infeasible, but that, short of a public or private funding guarantee, the NBHCP economic analysis demonstrated a fairly strong position on adequate funding.

Other Related Experience

Public Agency Budget Analysis
County of Placer, California

**Client: County Executive Office,
County of Placer, California**

HEG has provided technical and strategic support to Placer County Executive Office staff negotiating annexation revenue-sharing agreements with some of the most rapidly growing cities in the State. The work has included analysis of the county budget, analysis of trends in county spending and in sources of discretionary revenue, analysis of the implications of city expansion on costs for countywide services, on the county's revenue base, and on the availability of revenue to meet the needs of a growing and increasingly urban service population. In the course of this work, HEG has reviewed and commented on numerous fiscal analyses and revenue-sharing proposals prepared by cities. Work products include technical memoranda as well as material for presentation to decision-makers. HEG has collaborated with staff to develop negotiation strategies and to prepare strategic planning materials for consideration by the Board of Supervisors.

**Documenting New Impact Fees where
Established Fee Programs Already Exist**
City and County San Francisco, California

Client: City and County of San Francisco

The *Transit Center District Plan* is designed to accommodate intensive office development at the site of the new Transbay Transit Center south of Market Street. HEG prepared the analysis of plan and cumulative employment, population, and housing for the EIR. HEG also prepared an assessment of public facility/community improvement needs, costs, and funding. The work effort involved assessing existing plans and programs for various facilities and community benefits, including transportation, water/wastewater, fire, parks and open space, libraries, child care, and affordable housing; evaluating the adequacy of existing programs and fees to satisfy the needs associated with the *Transit Center District Plan*; and establishing a basis for any additional mitigation that might be required as a consequence of this plan to concentrate so much activity at the Transit Center. HEG prepared nexus documentation for new plan area development impact fees to contribute funding towards park and open space facilities and pedestrian, streetscape and other transportation improvements.

County Facility Impact Fee
Placer County, California

Client: County of Placer, California

HEG prepared a facilities financing report for the County of Placer describing alternative financing mechanisms for all County facilities. The report also provided the documentation necessary for a County development impact fee program. HEG assisted County Executive Office staff in negotiations with the six cities in Placer County and in presenting the proposed development impact fee program to interested citizens groups and to the Board of Supervisors. HEG prepared a comprehensive update of the impact fee documentation.



SALLY NIELSEN

Sally Nielsen has extensive experience defining and analyzing land use and planning policies from the economic perspective. Since joining HEG in 1981, she has prepared forecasts of employment, population, and future development patterns; economic impact analyses; market studies; as well as fiscal impact and public financing studies, including development impact fee nexus analyses. She has developed complex, well-documented models for estimating the cost implications of proposed policies and plans.

Ms. Nielsen has a particular interest and expertise in the complex and collaborative efforts to develop habitat conservation plans in California. She has worked on multi-agency, multi-species plans affecting development in a number of jurisdictions. The level of scrutiny has been high and the many interested parties diverse. Ms. Nielsen has prepared growth and land development projections, complex implementation cost models, mitigation cost estimates, economic and fiscal impact analyses, and feasibility assessments in support of habitat conservation planning. This work involves close collaboration with staff, environmental planners, resource consultants, appraisers, and lawyers, as well as presentations to decision-makers and advisory groups. Ms. Nielsen has provided these services to the following clients:

- ◆ Placer County Conservation Plan
- ◆ Santa Clara Valley Habitat Plan
- ◆ San Joaquin County Multi-Species Habitat Conservation and Open Space Plan
- ◆ Friends of Swainson's Hawk and Sierra Club – Mother Lode Chapter (Natomas Basin Habitat Conservation Plan peer review)
- ◆ Placer Legacy Agricultural and Open Space Conservation Program

For over a decade, Ms. Nielsen has provided on-going economic consulting services for the Planning Department and the County Executive Office in Placer County— one of the fastest-growing counties in the state. She has prepared scenarios of growth and development throughout Placer County, to illustrate the differences among land use policy options and to provide a basis for transportation, air quality, and other environmental analyses, and for habitat conservation and open space planning. Ms. Nielsen has prepared detailed analysis of the County's budget for project-specific fiscal impact studies, and has conducted more broad-based assignments related to the implications of annexations for the County's tax base and for maintaining on-going countywide services. This work has required designing detailed, flexible models of the complex County budget as well as preparing special analysis for County staff use in annexation tax-sharing negotiations, taking a broader perspective on County service and funding responsibilities and the constraints of the tax base.

Ms. Nielsen recently completed work on the *Transit Center District Plan* in San Francisco—a plan to concentrate new downtown development potential around the Transbay Transit Center regional transit hub. She evaluated the implications of the proposed higher-density development program centered on the Transit Center on the housing market and the office market in San Francisco. She worked with the Planning Department on the funding plan for community

infrastructure to support transit-oriented development: evaluating the public facility, infrastructure, and community improvement programs that exist in San Francisco; identifying the applicability of existing standards to the *Transit Center District Plan*; evaluating costs of enhanced pedestrian, streetscape, transit, and open space improvements proposed as part of the transformation of the Transit Center District; and investigating means of allocating these costs equitably across plan participants and beneficiaries. She produced two development impact fee nexus studies for these key elements of the Transit Center District Plan's public improvement program.

Ms. Nielsen has also prepared development impact fee studies to support funding for public facilities in parts of the state where new development strains the capacity of existing facilities. She has prepared analyses for countywide public facilities impact fee programs, a comprehensive park and recreation facility impact fee analysis for Placer County, and cemetery facility impact fees for local public cemetery districts.

In the last few years, Ms. Nielsen has applied her analytical abilities and insights honed through experience in numerous California jurisdictions to fiscal impact and economic analysis assignments that required "thinking outside the box." In addition to the revenue-sharing negotiations noted above, she prepared fiscal and economic analysis of the proposed re-opening of the Idaho-Maryland gold mine in Grass Valley and of a high-end golf-oriented resort / residential community in Lake County, and fiscal impact analysis of a continuing-care retirement community in Auburn.

Before joining Hausrath Economics Group, Ms. Nielsen worked for the Council of Northeast Economic Action, a nonprofit research group specializing in regional economic policy analysis, and occasionally as consultant to the Economics Department of the First National Bank of Boston. She was Assistant Director at Greater Portland (Me.) Landmarks and worked for the California Office of Historic Preservation.

EDUCATION

Masters in City and Regional Planning, Kennedy School of Government, Harvard University, 1981.

B.A., magna cum laude, History and Literature, Harvard University, 1976.

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A PROPOSAL TO

EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

SUPPLEMENTAL FEE AUDIT FOR THE EAST
CONTRA COSTA COUNTY HABITAT CONSERVANCY

SUBMITTED TO:

MAUREEN PARKES
EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY
C/O CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION
AND DEVELOPMENT
30 MUIR ROAD
MARTINEZ, CA 94553
(925) 674-7803
MAUREEN.PARKES@DCD.CCCOUNTY.US



AUGUST 8, 2012

SUBMITTED BY:



2729 PROSPECT PARK DRIVE, SUITE 220
RANCHO CORDOVA, CA 95670
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FAX: (916) 361-1574

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August 8, 2012

John Kopchik
CONTRA COSTA COUNTY
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

RE: PROPOSAL TO PERFORM SUPPLEMENTAL FEE AUDIT

Dear Mr. Kopchik:

We appreciate this opportunity to submit our proposal to perform a supplemental fee audit for the East Contra Costa County Habitat Conservancy. We have reviewed pertinent documentation on the Conservancy website relating to the HCP/NCCP, the original fee audit, and actions and comments on the audit, and we are prepared to conduct a thorough and independent review of the implementation costs associated with the conservation plan.

PMC is a multidisciplinary consulting firm serving local governments since 1995. We are proposing an in-house team comprising executive management, municipal finance, and conservation biology personnel. Our approach to this project through the expert lens of both economics and conservation planning provides what we believe to be more comprehensive and value-added measures to performing the fee audit.

The primary contact person is:

Derek Wong, AICP
Pacific Municipal Consultants, dba PMC
2729 Prospect Park Drive, Suite 220
Rancho Cordova, CA 95670
(866) 828-6762, ext. 14208
dwong@pmcworld.com

The alternate contact during this proposal process is:

Philip Carter, President
(866) 828-6762, ext. 10202
pcarter@pmcworld.com

We invite you to review our proposal, and we look forward to answering any questions you may have.

Sincerely,

Philip O. Carter
President

Derek Wong
Municipal Finance Manager

POC:dw:sw:ag

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WORK PLAN



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WORK PLAN

TASK 0: REVIEW KEY ISSUES.

PMC and Conservancy staff will participate in an in-person kickoff meeting to discuss key issues concerning the supplemental fee audit and to identify any direction required from the Conservancy to move forward with analyses most efficiently. Topics to be covered will include (1) EPS fee methodology; (2) PMC approach to the supplemental fee audit; (3) initial collection of Conservancy data on mitigation projects; and (4) other key issues for consideration.

TASK 1: REVIEW PROVISIONS OF HCP/NCCP, IMPLEMENTING AGREEMENT, HCP ORDINANCES AND FEE RESOLUTIONS, AND STATE AND FEDERAL PERMITS THAT RELATE TO THE FEE AUDIT.

PMC has conducted preliminary review of these documents available on the Conservancy website, and we will continue to review the provisions as they relate to the development of the original fee, the 2011 fee audit, and the supplemental fee audit. We will review in detail the original fee methodology and applicable appendices contained in the Plan. Our proposed in-house team, which includes both municipal finance and conservation biology personnel, will assist with the technical review and gain an important broader understanding of the policies, strategy, and implementation of the HCP/NCCP, agreements among the parties, and the relation to the fee structure. By having documents reviewed by team members representing both finance and conservation biology, we can better verify and tie in the HCP/NCCP policies and strategy to the assumptions made for the mitigation fees that are intended to provide the bulk of funding for the Plan.

In brief, the HCP/NCCP funding analysis describes that the fees were estimated by projecting the extent of future development impacts, calculating the open space or habitat acreage to be acquired, managed, enhanced, restored, and created to offset these impacts, and estimating the overall costs of acquiring and preserving this acreage for the 30-year term of the state and federal permits. The mitigation needed varies in proportion to the intrinsic habitat or open space value of the land impacted by the project. Thus, the fees are tiered so that the highest fee amounts are imposed in Development Fee Zone II (Natural Areas) deemed to have the highest intrinsic value per acre. A fee equal to 50 percent of the highest fee amount is imposed in Development Fee Zone I (Cultivated and Disturbed Lands), deemed to have substantial but lower intrinsic value per acre, and a fee equal to 25 percent of the highest fee amount is required in Development Fee Zone III (Small Vacant Lots). The development fee calculator determines the required per-acre fees by dividing the total costs for future development by the estimated number of acres to be impacted in each of the three fee zones.

TASK 2: REVIEW 2011 FEE AUDIT, DOCUMENTED ACTIONS BY CONSERVANCY AND CITY OF PITTSBURG, AND COMMENT LETTERS AND RESPONSES.

PMC has conducted preliminary review of these documents available on the Conservancy website. We will continue to review all documentation that describes the actions and comments/responses on the 2011 mitigation fee audit. We will review in detail the methodology used to conduct the 2011 fee audit, which focused on changes in conservation plan costs since 2006, to determine whether any refinements to mitigation fees are appropriate. These documents provide the framework for the conditions driving the supplemental fee audit and support our discussion with Conservancy staff during the project.

For both Tasks 1 and 2, in addition to working with Conservancy staff, we will contact Economic and Planning Systems, Inc., to gain further understanding of the methods, assumptions, and cost factors employed in the original and updated fees. We will summarize the approach taken in the development of the original fee, the 2011 fee audit recommendations, and the nexus findings that justify the fair share apportionment.

The three general components of the fee that were updated are land value, wetlands restoration costs, and management and monitoring costs. The 2011 fee audit reviewed various sources to obtain recent land value information, including the Conservancy, a local nonprofit organization, the County Assessor Office, and local appraisals. The 2011 fee audit applied the same methodology as that used in 2006 using more recent land transaction data as well as Conservancy-specific information to update the per-acre land value estimates and the overall land acquisition cost estimate. Per-acre land value estimates were developed for parcels of different sizes and topography based on available information on arms-length transactions of rural land in the East County and for land inside the Urban Limit Line based on a simplified residual land value analysis. Planning-level estimates were made of average per-acre fee title land values for the types of undeveloped land areas that are likely to be conserved as part of the HCP/NCCP.

Wetland restoration costs were updated based on Conservancy experience, a review of cost data from other restoration projects in the region, cost assumptions used in other San Francisco Bay Area HCP/NCCPs, and conversations with restoration specialists involved with restoration projects in East County and other Bay Area locations. Recognizing both the importance of the Conservancy experience and the limited sample size and uncertain outcomes, refinements were applied to the wetland mitigation cost/fee calculator model.

With regard to other costs, including management, monitoring, and other implementation costs, the early stages in the conservation plan and the associated limited Conservancy experience in addressing ongoing maintenance, monitoring, adaptive management, and other activities meant there was little or no new information available to update the cost estimates in the Plan. As a result, these costs were increased by the same inflation index (consumer price index) used in the automatic updates under the Plan.

TASK 3: UPDATE MITIGATION FEE COST ESTIMATES.

In light of the information collected and reviewed in Tasks 0 through 2, including the original cost estimate information in the funding chapter of the HCP/NCCP, we will recommend any cost adjustments based on any new Conservancy data to date, any new information to date available from some of the sources used by EPS, and through our own proposed data sources. Conservancy-provided information will serve as the primary data source. We will then begin our research on additional updated costs through a layered process, beginning with obtaining recent costs within and outside the urban limit line in the plan area, followed by costs outside the plan area. We will discuss the data sources with Conservancy staff to gauge their viewpoints.

Land acquisition costs have likely changed since the fee audit in March 2011, and these changes will be reflected in the updated costs. The availability of comparable land sales and values of different parcel sizes are dependent on the level of real estate activity in the HCP/NCCP area as well as outside the plan area. The land size and geography for the fee are divided into 13 categories (parcel size; inside and outside Urban Limit Line), and we will research the level of recent real estate transactions applicable to each category. The analysis of new per-the acre land costs will ensure the appropriate planning-level estimates to meet the nexus requirements associated with the mitigation fee. New per-acre land value estimates will be found through land and real estate data from sources such as appraisers, brokers, the County Assessor, land management agencies, and land trusts.

Habitat restoration costs will be updated using data provided by the Conservancy for projects to date. The 2011 fee audit considered a combination of the Conservancy's experience to date, a review of costs of other restoration projects, cost assumptions in other San Francisco Bay Area HCP/NCCPs, interviews with restoration specialists active in Contra Costa County, and the evolving understanding of the restoration opportunities available in the East County. We will expand upon the information sources to gather additional restoration costs from similar projects. These sources may include other HCP/NCCPs, other local area restoration and landscape design specialists, and state agencies engaged in habitat restoration, such as Caltrans.

Conservancy staff will provide available preserve management, monitoring, and other plan implementation costs. Because of the limited information due to the Conservancy's early stage of conservation plan implementation, we will review other relevant information. We will conduct research and identify comparable plan implementation costs that can support this component of the mitigation fee and determine whether an adjustment is needed. We will also review the endowment aspect and finance strategy for supporting ongoing maintenance, monitoring, and implementation costs associated with the HCP/NCCP.

As a means to compare the 2011 fee audit data to the new data from the supplemental fee audit, tables with side-by-side data will be developed to the extent possible showing the cost difference. For example, based on the information collected, land acquisition costs could show comparable residual land values and transaction costs by similar parcel size between the 2011 fee audit and the supplemental fee audit. The comparison will demonstrate whether any update to the cost will result in a measurable increase or decrease to the fee.

TASK 4: CALCULATE UPDATED MITIGATION FEES.

We will employ the mitigation fee calculators in Chapter 9 and Appendices G and H of the HCP/NCCP. An Excel spreadsheet cost model will be developed that follows the fee calculators and contains all input data generated from the above tasks. The development fee calculator uses a three-step process beginning with determining future development's fair share of implementation costs, followed by calculating gross allocations of cost to new development, and concluding with the estimated development mitigation fee by fee zone. Wetland mitigation fee estimates are based on cost per acre or linear feet of restoration/creation by land cover type. Cost items for wetland mitigation include staff and related costs, construction and construction-related costs, and contingency. Updated mitigation fees will be derived using these calculators and with new input data generated from the supplemental fee audit.

TASK 5: PREPARE FEE AUDIT REPORT AND RECOMMENDATIONS.

We will prepare a report describing any recommended adjustments to the mitigation fees and explaining the rationale for the recommendations, including a detailed presentation of methods, data, and data sources. Both the text description and supporting tables will formulate the fee audit report that assesses whether the fees generated by development and other covered activities are adequately covering their share of plan costs. Footnotes and references will be included where appropriate in the tables to further explain the data. Detailed tables will be inserted in an appendix section of the report.

TASK 6: PARTICIPATE IN PUBLIC MEETINGS.

As the RFP indicates, the number of public meetings is not known at this time. We are proposing in our consultant budget one (1) presentation to the Conservancy Board to explain approach, methods, and recommendations and to answer questions and receive input. We have budgeted a per-meeting cost for additional public meetings, including consultant staff time and direct expenses. We will discuss with Conservancy staff the nature and number of public meetings as the project progresses.

TASK 7: CONDUCT OTHER TASKS AS NECESSARY.

This task serves as a catchall for other work efforts necessary to accomplish the purpose of the supplemental fee audit and comply with the HCP/NCCP. Although the other tasks explain the bulk of the work, we will maintain flexibility to address any issue pertaining to the fee audit.

TASK 8: PREPARE NEXUS FINDING DOCUMENTATION.

An additional requested service separate from the other tasks is preparation of documentation in support of nexus findings that may be made by participating cities and the County in accordance with the Mitigation Fee Act. It is primarily the cities' and the County's responsibility to receive and review applications for take coverage under the HCP/NCCP in their respective jurisdiction. The primary duties of the Conservancy related to HCP/NCCP applications are to provide training and technical support to local planning staff. We will assist Conservancy staff to compile and prepare tables and other information for consideration by the local jurisdictions should this task be needed if the supplemental fee audit recommends increases to any mitigation fee. For instance, since the cities are in different fee zones, different fee information pertaining to each particular city's jurisdictional boundary will be prepared.

PROJECT PERSONNEL

The PMC team comprises the following individuals:

- Philip Carter, President, Executive Advisor to the project
- Derek Wong, AICP, Municipal Finance Manager, Project Manager
- Dino Serafini, PE, Public Finance Specialist
- Joyce Hunting, Director of Conservation Planning and Biological Services

Each individual is briefly described below. Résumés for additional information are contained in the back of the proposal.

Philip Carter – Mr. Carter is the president and co-founder of PMC. He is responsible for company management, business affairs, project management, staff supervision, quality control, and client relations. He provides technical advice to cities, counties, and other jurisdictions to address their issues and reach resolution. Mr. Carter will serve as the executive advisor on this project and provide input as needed in both technical and policy-related areas. He will help facilitate progress during the supplemental fee audit with Conservancy staff, the Conservancy Board, and member agencies.

Derek Wong, AICP – Mr. Wong will serve as the project manager and finance analyst for this project. His role will include interfacing with Conservancy staff, attending public meetings, and leading the conduct of the supplemental fee audit. He was involved in developing a countywide mitigation fee for an Oak Woodland Management Plan in El Dorado County, requiring similar analysis and cost estimating for land acquisition costs, restoration costs, and management and monitoring costs. He works on development impact fee updates and conducts peer review of fiscal impact reports on new development. Mr. Wong also conducts State-mandated performance audits of regional agencies.

Dino Serafini, PE – Mr. Serafini is a registered civil engineer who combines engineering practice with municipal finance on projects that require public facility and infrastructure financing. He specializes in impact fee analysis and update, as well as facilities financing. His role will include cost model analysis of the HCP/NCCP fee, research, and cost estimating.

Joyce Hunting – Ms. Hunting is well versed in habitat conservation planning and brings an additional technical perspective to the project. She engages in the management of habitat conservation plans in the Sacramento region and provides insight as to the policy and strategy that drive plan implementation and ultimately the fee structure. Her role will include review of the HCP/NCCP and fee documents, guidance on data sources, and general technical assistance and input on plan policy and the mitigation fee.

SCHEDULE

The following presents the schedule on a biweekly basis for each task. While some tasks have been identified by Conservancy staff as uncertain and will be refined as the project progresses, we have developed a general timeline for the project. The parameters of the schedule include commencing work in early September, with delivery of an audit report in December.

Biweekly Schedule							
	(Sept) Weeks 1-2	3-4	5-6	7-8	9-10	11-12	(Dec) Weeks 13-14
Task 1: Review HCP/NCCP and Mitigation Fee Related Documents							
Task 2: Review 2011 Fee Audit and Comments/Responses							
Task 3: Update Mitigation Fee Cost Estimates							
Task 4: Calculate Updated Mitigation Fees							
Task 5: Prepare Fee Audit Report and Recommendations							
Task 6: Participate in Public Meetings							
Task 7: Conduct other tasks as necessary							
Task 8: Prepare Nexus Findings for Participating Jurisdictions							

COMPLIANCE WITH CONSERVANCY’S CONTRACT

PMC has reviewed the sample contract included with the RFP. Should our proposal be selected, we will be able to contract with the Conservancy using this contract form and comply with the terms.

LIST OF CLIENTS IN HCP / NCCP PLAN AREA

HCP/NCCP Plan Area Clients Prior Ten Years
City of Antioch
City of Clayton
City of Oakley
County of Contra Costa
LAFCo of Contra Costa County
Mount Diablo School District
Pittsburg Power Company
Redevelopment Agency of the City of Pittsburg

REFERENCES

Peter Maurer, Principal Planner

Planning Services

County of El Dorado

2850 Fairlane Court, Building "C"

Placerville, CA 95667

(530) 621-5331

peter.maurer@edcgov.us

Project: Oak Woodland Management Plan Mitigation Fee

Matt Straite, Senior Planner

Transportation and Land Management

County of Riverside

4080 Lemon Street, 9th Floor

P.O. Box 1409

Riverside, CA 92501

MSTRAITE@rctlma.org

Project: On-Call Peer Review Services for Fiscal Impact Reports on New
Development

QUALIFICATIONS AND EXPERIENCE

COMPANY OVERVIEW

PMC has grown to become a recognized leader in providing a full range of environmental, planning, and municipal services. We attribute our success to our focus on understanding and meeting our clients' needs in the most efficient and creative manner possible. No matter what the assignment, PMC operates as an extension of staff to ensure a team approach in identifying effective strategies for resolving project challenges. With over 100 professionals and six primary offices in California, we offer a local perspective enhanced by our broad experience to help clients achieve a successful outcome. Our clients include over 650 cities, counties, special districts, and public agencies throughout California and the West.

Since our start in 1995, PMC prides itself on one of the most important founding principles of our company: dedication to the public sector. By working with the public sector almost exclusively, we avoid conflict of interest issues related to our activities. PMC has an excellent record of outstanding service to our clients as evidenced by the number of repeat clients and their referrals.

We have in-house specialists and expertise in policy planning, urban design, sustainability and climate change, municipal finance, public affairs, biology, cultural resources, transportation, air quality, conservation, and resource planning. PMC also provides long-term and temporary planning assistance for a diverse range of agencies in California, including rural communities and urban centers.

QUALIFICATION FOR SUPPLEMENTAL FEE AUDIT

PMC provides turnkey finance services, enabling our clients to maintain, enhance, and assure long-term viability in their growing communities. Our finance services include, but are not limited to, the following:

- Financial planning and revenue enhancement, including financial projections and policy analysis, plus rate and user fee studies.
- Capital improvement planning and financing, including infrastructure financing plans and development impact fee and connection fee studies.
- Economic and fiscal policy analysis of proposed projects and plans, including government reorganization studies.
- Special district creation and implementation, including district formation and Prop. 218 voter campaigns.

The diverse professional disciplines of our in-house PMC specialists create the foundation upon which we meet our clients' needs. In particular, we believe success in conducting the supplemental fee audit includes a well-structured team comprising executive management, public finance specialists, and conservation planners. Our staff has broad experience in relevant areas that help shape our qualifications for the fee audit.

Our experience includes creating, structuring, and updating development fee programs for cities and counties throughout California and Arizona. For these clients, our staff has provided nexus documentation to support impact fees funding a wide range of public facilities, including utilities (water, wastewater, and storm drainage), roadways and transit, parks, fire, police, health clinics, and other government facilities such as civic centers and corporation yards. Adjustment of the fees during the course of our work is often required to solidify the nexus relationship in compliance with state law. With a municipal orientation, a primary goal is providing legally defensible fee programs and other financial/fiscal documents in the most efficient manner possible.

We also conduct peer reviews of fiscal impact analyses that are completed for new development growth. The peer reviews have been conducted of large projects proposed in the Inland Empire area of California and entail detailed review of the studies' methodology, assumptions, and fiscal results. The fiscal studies are prepared by various economic firms on behalf of the developer and are often completed using varying styles and approaches. As the fiscal impact reports determine the potential level of government services costs that will be offset by revenue projected by the new development, the peer reviews are a key factor in determining the feasibility of the development project. For these reviews, we have the technical ability to absorb and digest complex financial information and make findings and recommendations.

Our conservation-related experience ranges from managing HCP/NCCPs to developing mitigation fees. We provide project management services for several HCP/NCCPs in the Sacramento region and are responsible for overall development of the plan. These services, combined with additional projects we undertake relating to biological mitigation and wetlands consulting, enable our team to fully understand the technical framework of the HCP/NCCPs and development of the mitigation fee.

In addition, our qualifications include working on a consultant team to create a countywide mitigation fee for oak woodlands. The mitigation fee was developed consistent with the policy structure of the oak woodland management plan and offered an option for developers to pay a fee that would be used for land acquisition, restoration, and management and monitoring of tree canopy cover. Despite recent legal rulings on environmental impact report aspects of the management plan that require further environmental review, our role in conducting the technical activities to create the mitigation fee is beneficial to the supplemental fee audit.

COST ESTIMATE

We will work on a time-and-materials basis. As pointed out by Conservancy staff, uncertainty remains with regard to the level of effort and cost for two tasks (Tasks 6 and 8). We have provided a cost estimate for each of these tasks as requested in the RFP, which includes cost for presentation to the Conservancy Board and assistance with nexus documentation by participating cities and the County. Task 8 is shown as a discrete, separate task in the work plan, recognizing that the scope will be refined later. A cost per meeting is also shown separately. Our proposed project budget is \$29,233.

Tasks	In-Person Meetings	P. Carter, Executive Advisor		D. Wong, AICP, Project Manager, Municipal Finance		D. Serafini, Public Finance Specialist		J. Hunting, Director of Conservation		PMC Administrative		Total Hours	Total Cost
		Hours	Rate	Hours	Rate	Hours	Rate	Hours	Rate	Hours	Rate		
			\$185		\$140		\$125		\$170		\$70		
Task 0: Review Key Issues (includes 1 meeting with Conservancy staff for kickoff and data collection)	1	0	\$0	4	\$560		\$0		\$0		\$0	4	\$560
Task 1: Review HCP/NCCP and Mitigation Fee Related Documents		1	\$185	6	\$840	6	\$750	3	\$510	0	\$0	16	\$2,285
Task 2: Review 2011 Fee Audit and Comments/Responses		1	\$185	8	\$1,120	6	\$750	1	\$170	0	\$0	16	\$2,225
Task 3: Update Mitigation Fee Cost Estimates		2	\$370	24	\$3,360	28	\$3,500	10	\$1,700	0	\$0	64	\$8,930
Task 4: Calculate Updated Mitigation Fees		2	\$370	12	\$1,680	16	\$2,000	0	\$0	0	\$0	30	\$4,050
Task 5: Prepare Fee Audit Report and Recommendations (includes 1 meeting with Conservancy staff to review draft report and recommendations)	1	2	\$370	20	\$2,800	16	\$2,000	2	\$340	1	\$70	41	\$5,580
Task 6: Public Meetings (1 presentation to Conservancy Board)	1	1	\$185	4	\$560	0	\$0	0	\$0	1	\$70	6	\$815
Task 7: Conduct other tasks as necessary		1	\$185	4	\$560	0	\$0	0	\$0		\$0	5	\$745
Subtotal Labor Tasks 1-7		10	\$1,850	82	\$11,480	72	\$9,000	16	\$2,720	2	\$140	182	\$25,190
Task 8: Prepare Nexus Findings for Participating Jurisdictions		1	\$185	8	\$1,120	10	\$1,250	0	\$0	0	\$0	19	\$2,555
Subtotal Labor Task 8		1	\$185	8	\$1,120	10	\$1,250	0	\$0	0	\$0	19	\$2,555
Total Labor Hours & Cost		11	\$2,035	90	\$12,600	82	\$10,250	16	\$2,720	2	\$140	201	\$27,745
Other Direct Costs													
Travel Expense													\$444
Travel Mark-Up (10%)													\$44
Research Expense (data purchase)													\$1,000
Total ODCs													\$1,488
Total Cost													\$29,233
Cost per Additional Meeting above those in proposed budget. Additional meeting cost includes consultant time and travel: \$649. See notes below for breakdown.													

Notes:

Cost per Additional Meeting: 4 hours consultant time @ \$140 per hour (\$560), plus travel cost per meeting (\$89) (IRS mileage rate of \$0.555 per mile).

RESUMES



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PHILIP O. CARTER

President / Executive Advisor

Mr. Carter is the president and co-founder of PMC. He is responsible for company management, business affairs, project management, staff supervision, quality control, and client relations. Prior to forming PMC, Mr. Carter served as vice president and regional office manager for Willdan Associates. He managed and directed all professional services and activities of the Sacramento/Central Valley Regional Office, which provided services primarily from Kern County north to the Oregon border. Services managed included Building and Safety, Public Works Engineering, City Engineering Services and Engineering Design Services, Construction Management and Administrative for public works projects and buildings, Transportation Planning, Modeling and Traffic Engineering, Public Facility Master Planning, Public Finance Programs, Strategies, and Special Assessment District Formation, and Municipal Planning and Environmental Services.

Prior to leaving public sector employment, Mr. Carter worked in various management capacities for the cities of Lakewood, Manhattan Beach, Burbank, and Carlsbad. While at the City of Carlsbad, Mr. Carter developed and managed for five years the City's national, state, and regional award-winning Growth Management Program. That program is facilities-based and requires the provision of key facilities and services prior or concurrent with demand. Mr. Carter served as the first manager of a division within Community Development with the responsibility to implement and monitor the program. The program after 20 years remains central to approving any development and the implementation of the City's Capital Improvement Program.

EDUCATION

MPA, Master of Public Administration, California State University, Long Beach

BA, Political Science/Public Administration, California State University, Long Beach

AA, Business Administration, Long Beach City College

PROFESSIONAL AFFILIATIONS

American Planning Association

Municipal Management Assistants of Southern/Northern California

PHILIP O. CARTER
*President / Executive
 Advisor*

RELEVANT EXPERIENCE

Mr. Carter has provided technical advice to cities, counties, and incorporation groups throughout California. He has presented to the City Manager's Association, League of California Cities, Municipal Management Assistants of Southern and Northern California, and several incorporation groups on the various issues related to the successful techniques to privatize governmental services to ensure successful performance of services. Mr. Carter has a diverse set of skills which have enabled numerous communities to successfully transition from county provided services to new cities. He has provided technical advice to many incorporation groups; most recently these include the cities of Citrus Heights, Elk Grove, Rancho Cordova, Ramona, Encinitas, Mendocino, Arden Arcade, and others.

Mr. Carter served on the Governor's Task Force through the Office of Planning and Research (OPR) for the creation of the State's 2003 "A Guide to the LAFCO Process for Incorporations."

Mr. Carter has help create and manage numerous development services departments including planning departments.

CITY OF CITRUS HEIGHTS

Mr. Carter set up the Community Development Services delivery system and served as the City's first community development director for three years. He provided technical assistance to the first city manager to transition services from the County to the City. Mr. Carter managed the transition of all development-related services to the City including building & safety, engineering, and planning. While Mr. Carter managed all services in the Community Development Department, PMC specifically provided staffing for the Planning, Environmental, and Code Enforcement departments. In addition, he created the first private sector delivery of code enforcement and housing inspection services in the county.

In addition to managing these services, Mr. Carter and PMC worked with the city manager to set up the City's short- and long-range fiscal operating budget and organizational structure, and to locate and layout its first City Hall, and managed the successful completion of the City's first General Plan as well as working on numerous other projects.

CITY OF ELK GROVE

PMC has served as the City Planning Department since incorporation of the City in 2000. In this capacity, PMC provided all services necessary to establish and operate the City's Planning Department including Current Planning, Advance Planning, Environmental Planning, and Housing Services. Additionally, PMC staff assisted in the overall creation of the City's Development Services functions.

As a fully integrated Planning Department, PMC's contract staff participates both at the City management team level and as an internal service provider, supporting the efforts of other departments including Public Works, Building, Community Enhancement, Neighborhood Services, and Finance Services and providing direct support to the City's Trails Committee, Historic Preservation Committee, and Planning Commission.

PHILIP O. CARTER
*President / Executive
Advisor*

Over the past 12 years, PMC's on-site planning staff has processed over 1,400 current planning applications, ranging in complexity from minor use permits to major commercial development projects. Additionally, on-site staff has coordinated preparation, adoption, and implementation of the Laguna Ridge Specific Plan, addressing thousands of acres of new development.

PMC staff established the City's Growth Management policy, ensuring infrastructure and facilities such as parks and schools were in place in advance of residential development.

PMC's on-site staff has successfully coordinated the City's Affordable Housing Loan Program, resulting in the construction of over 1,200 affordable housing units and loans to development in excess of \$45 million.

PMC led efforts to establish the City's Swainson's Hawk Mitigation Program, which allowed for mitigation of impacts in advance of development and created entirely new habitat through the purchase and restoration of vineyard property near the city.

Recently, PMC has been leading efforts to streamline the development review process and establish parameters for expedited review of key economic development projects. PMC staff is also leading efforts to increase public outreach and participation in all aspects of both private and City development projects.

Mr. Carter has served in various roles, including as assistant city manager, community development director, and public works director, over the past nine years. He currently provides support to the assistant city manager for the implementation of all development services projects and special projects, including specific plans, annexations, finances, growth management, and high-level agency coordination. Mr. Carter is overseeing the City's sphere of influence expansion, the Laguna Ridge Specific Plan preparation and implementation, the City's growth management ordinance, and the City's comprehensive Habitat Conservation Program. PMC has also assisted with planning, code enforcement, public affairs, public facilities financing, community outreach, and environmental services.

PHILIP O. CARTER
*President / Executive
 Advisor*

Mr. Carter and PMC assisted the city manager in the creation of a private sector service delivery model for the Community Development Department that serves as the foundation for the City's approach to providing cost-effective, efficient, and demand-driven services.

Some of PMC's accomplishments include the successful completion of the City's first General Plan and the certification of the City's Housing Element with HCD in ten days, implementation of the City's affordable housing fee, creation of the City's adult business ordinance, creation of the City's development design guidelines and standards, creation of the City's police recruitment multimedia recruiting video, creation of several public service advertising campaigns, the processing of the City's regional mall and auto mall expansion as well as the creation of several finance districts to assist in the funding of public facilities and infrastructure, including police operational costs and ongoing street maintenance.

CITY OF RANCHO CORDOVA

PMC has served as the City Planning Department since incorporation of the City in 2003. In this capacity, PMC provided all services necessary to establish and operate the City's Planning Department as well as to assist in the overall creation of the City's Development Services functions.

As a fully integrated Planning Department, PMC's contract staff participates both at the City management team level and as an internal service provider that supports the efforts of other departments.

PMC staff has assisted the City with creating a multi-departmental structure (Planning, Public Works, Economic Development) that facilitates the review of development applications.

Over the past nine years, PMC's on-site planning staff has processed over 400 current planning applications, ranging in complexity from minor use permits through major specific plans that address thousands of acres of new development.

The City of Rancho Cordova has received seven awards from the American Planning Association, the Sacramento Area Council of Governments, and the Consulting Engineers and Land Surveyors of California for private development projects, City-sponsored specific plans, and the City's General Plan, all efforts directed by PMC's contract planning staff.

Mr. Carter currently serves as a senior advisor to the city manager on a number of items including issues of cost recovery and revenue generation.

Mr. Carter was instrumental in the incorporation of the City of Rancho Cordova, including providing advice and technical assistance to the incorporation committee for several years prior to incorporation. He assisted the incorporation group in all activities required by LAFCo and the County of Sacramento prior to incorporation.

PHILIP O. CARTER
*President / Executive
Advisor*

Mr. Carter provided staff support to the City Council Elect following the successful incorporation vote. He provided all support services to enable the City Council to transition services from the County including the recruitment of its first city manager and city attorney.

CITY OF YUBA CITY

PMC was hired by the city manager of Yuba City (Jeff Foltz) to provide technical assistance in the reorganization of the City's Community Development Department.

Mr. Carter served as the assistant city manager, and PMC provided additional staff support for the Community Development Department. In this capacity, PMC was responsible for the day-to-day operations of Planning, Code Enforcement, Engineering, and Building & Safety.

CITY OF WILDOMAR

PMC was hired as the City's first Planning Department, PMC performed a complete evaluation of the City's planning operations and staffing needs. PMC created a new operational structure for the City, streamlined the planning process for applicants, and developed a staffing plan that fit the City's needs. PMC currently serves as and has provided continuous planning department services since 2008.

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DEREK WONG, AICP

Municipal Finance Manager / Project Manager

Mr. Wong has 17 years of project management and consulting experience specializing in infrastructure financing of public facilities. He has managed complex engagements that require the identification and analysis of revenues and costs for local and regional projects and programs, including for the transportation and development communities. He has developed various revenue strategies and funding mechanisms that involve consensus building with local community stakeholders and governing boards to bridge funding shortfalls in operations and with capital facilities. Mr. Wong also conducts organizational performance audits of regional planning agencies and provides recommendations for process improvement and compliance with state law. He has taught seminars on public financial management to planning and finance professionals throughout California with coursework including revenue strategies and financial planning techniques. His work focuses on project management, infrastructure financing, fiscal and economic analysis, and user and impact fees.

RELEVANT PROJECT EXPERIENCE

Facilities Feasibility, Planning and Financing

County of El Dorado, Oak Woodland Development Mitigation Fee. Developed a mitigation fee to protect oak woodlands as part of a management plan and to meet compliance with General Plan policies. Analyzed and modeled pertinent data cost inputs including urban and agricultural land values, conservation easement values, habitat restoration, and management and monitoring activities. Provided research on economic impacts of oak woodland protection values.

County of Riverside and County of San Benito, Peer Review of Fiscal Impact Analyses. As extension of agency staff, managed detailed peer reviews of fiscal impact analyses submitted by private developers for large development projects. The reviews included testing revenue and cost assumptions against other pertinent local and regional data sources, verifying land values and employment figures, and suggesting areas and methods for improvement. The reviews also identified potential fiscal impacts not included in the analysis.

EDUCATION

MBA, Honors, California Polytechnic State University, San Luis Obispo

BS, Environmental Policy Analysis and Planning, emphasis Transportation Policy, University of California, Davis

PROFESSIONAL AFFILIATIONS

American Institute of Certified Planners

American Planning Association (Sacramento Division Director, Section Membership Director)

DEREK WONG, AICP
*Municipal Finance
 Manager / Project
 Manager*

County of Solano, Public Facilities Fees Update. Managed a development fee study that updated the County’s charges on new development to help fund related public infrastructure. A nexus report and capital improvement program were developed.

City of Redding, Development Impact Fees Update: Managing a nexus analysis for updating the city’s development impact fees for several public facilities including parks, fire and traffic. Review past methodologies and provide updates where necessary to reflect current conditions. Coordinate work efforts with citizen advisory committee.

City of Willows, Development Impact Fee Update. Prepared a nexus analysis for updating the City’s development impact fees. Reviewed future land uses, service standards, and demographic forecasts. Developed new fee categories for public infrastructure financing including public safety, wastewater, library, and transportation.

Performance Audits. Lead auditor for multiple performance audits of transportation planning agencies and public transit operators as required by the State Transportation Development Act. Conducted stakeholder interviews and evaluated the efficiency and effectiveness of operations, maintenance and management. Developed findings and recommendations to improve future service following state and federal audit standards.

County of Imperial, Fiscal Impact Analysis. Managed the fiscal analysis for a Specific Plan that included 2,300 dwelling units, a business park, and a commercial area. The study detailed the fiscal impacts to the County’s General Fund and Road Fund from the development projects under buildout conditions. Budgetary variables and specific land use, housing, and demographic inputs provided the foundation for the analysis.

City of Santa Rosa, Fiscal Impact Analysis. Managed the analysis and presentation of the fiscal impacts from annexation of two redevelopment communities adjacent to the city. Tasks included providing an assessment of existing conditions, confirming land use values and market absorption rates, identifying infrastructure and service deficiencies, determining project area revenues and capital and O&M expenditures, and developing implementation strategies. Also managed the fiscal analysis of all unincorporated islands within the city’s urban growth boundary.

Community of Montecito, Fiscal Impact Analysis for Incorporation. Prepared an initial fiscal impact analysis of potential incorporation of Montecito in Santa Barbara County. Gathered pertinent data from the County and LAFCo and evaluated potential cost and revenue transfer. Prepared preliminary 10-year financial forecast assuming incorporation.

City of San Carlos, Climate Action Plan Fiscal Impacts. Managed a qualitative analysis and quantitative cost figures associated with implementation of the municipal measures outlined in the Climate Action Plan, actions to mitigate greenhouse gas emissions in the city.

DEREK WONG, AICP
*Municipal Finance
Manager / Project
Manager*

City of Calabasas, Fiscal Impact Analysis. Managed the preparation of a fiscal analysis of annexing a mixed-use subdivision into the city. Reviewed revenue sources and operations costs to determine financial feasibility. The fiscal analysis was prepared for inclusion in the LAFCo annexation application.

City of Las Cruces, NM, Fiscal Impact Analysis. The project involved a fiscal impact analysis for the annexation of developed and undeveloped commercial parcels on the southern borders of the city. Tasks included confirming land use values and market absorption, analysis of the city budget, and determining project area revenues and operations and maintenance expenditures. The impacts were calculated to determine the city's fiscal viability to support the annexation.

City of Hayward, Fiscal Impact Analysis. Managed a fiscal analysis for potential development options south of Highway 92. The fiscal impacts determined the City's cost to provide services and the new revenues that are expected to be generated from three distinct options, including mixes of residential, office, and neighborhood and regional retail.

County of Butte, Fiscal Impact Analysis. Managed a fiscal analysis for development proposed by local developer interests. The fiscal impacts determined the County's and special districts' services cost and the new revenues that are expected to be generated over the 20-year period from residential, neighborhood retail, and industrial land uses.

City of Lakeport, Fiscal Impact Analysis. Managed a fiscal analysis for the annexations of a residential development and a commercial center. As the land uses from these annexations contrasted from one another, the fiscal impacts determined the City's cost to provide services and the new revenues that are expected to be generated from these development types.

Cities of Chico, Cloverdale, and Madera, and County of Mendocino, Fiscal Impact Analysis of General Plan Updates. Prepared fiscal analyses for preferred land use alternatives and EIR alternatives for General Plan update. Prepared a jobs-to-housing balance report for Cloverdale that was incorporated into the fiscal feasibility.

DEREK WONG, AICP
*Municipal Finance
 Manager / Project
 Manager*

Town of Hayden, AZ, Fiscal/Economic Impact Analysis. Prepared a fiscal/economic impact report that analyzed the financial impact on the Town from major upgrades to its public infrastructure. A methodology was employed that focused on fiscal analysis and review of recent financial audits and budget documentation. An allocation of cost between essential general fund programs and special fund/enterprise funds was also made in a determination of the fiscal impacts. Findings and recommendations to increase the funding level for facility improvements was then made.

City of Jackson, Economic Analysis. Managed a peer review of the market analysis and economic impacts from a new home improvement store entering a rural community. Analyzed key assumptions for revenue projections, market spending absorption, and likely impacts to local competitors.

County of Sutter, Municipal Service Review. Managed the finance review component of the MSR. Analyzed the financial capacity and budget parameters of cities and special districts. Developed findings related to each agency's current financial condition and ability to fund capital facilities and operations and maintenance.

City of Mercer Island, WA, Parks and Recreation Cost of Services Study. Managed a comprehensive user fee study for the City's Parks and Recreation Department. Developed full City costs by recreation program and revenues by users (adult, youth, seniors, etc.) to determine cost recovery. Analyzed detailed participant, registration and course revenue data from CLASS software, and conducted a fee comparison with neighboring jurisdictions. Cost recovery policy recommendations were developed that are consistent with the City's current budget policies.

County of Amador, Cost of Services Study. Managed a study to determine the County's cost of providing development related services and updating the master fee schedule to reflect full cost recovery. The study resulted in more revenue generation for the County and less subsidies by the General Fund.

City of Willows, City of Ione, and City of Hughson, Cost of Services Study. Managed a cost recovery study to ensure each city was charging appropriate fees to development applicants during the planning review phase. The updated fees captured full cost including direct staff labor and indirect city support costs.

City of Pinole, Cost of Services Study. Managed a study to determine the City's cost of providing development-related services, including planning, building, and engineering, and updating the master fee schedule to reflect full cost recovery. The study resulted in more revenue generation for the City and less subsidies by the General Fund.

American Valley Community Services Authority, Consolidation Analysis.

Managed an effort to study consolidation options for two utility special districts in Plumas County. Conducted interviews with board members, agency management staff, and LAFCP. Developed and analyzed five consolidation alternatives. Designed a strategic outline for implementing the preferred option.

San Bernardino Associated Governments, Cost Allocation Study.

Managed the development of indirect labor cost rates for general and administrative cost allocations. The allocations are factored into the calculation of billable hourly rates that could be applied to government grants, fees, federal reimbursements, and other billings.

Solano Transportation Authority, Transit Financial Analysis. Conducted financial feasibility analysis of City of Benicia and City of Vallejo transit systems. In light of declining revenues and fuel cost increases, prepared reports validating budget assumptions and developed allocation of operating costs between routes.

Solano Transportation Authority, Transit Consolidation Financial Analysis.

Prepared analyses of current financial and operating conditions of six county transit operators. Developed financial forecast and conducted financial feasibility analysis of various consolidation alternatives.

Humboldt County Association of Governments, Demand-Response Transit Consolidation.

Managed a study evaluating consolidation alternatives for general public dial-a-ride in the greater Eureka area. Analyzed opportunities and constraints of six consolidation models within the context of existing public and nonprofit transit providers. Conducted extensive outreach including stakeholder interviews with transit management, public workshop, media releases, and interviews with local Native American Tribes.

California Department of Transportation, Instructor. Provided instruction to peer professionals on performance audits as required by the State Transportation Development Act. Conducted a series of workshops throughout California.

Prior Experience

Arthur Bauer & Associates, Sacramento, Senior Associate. Provided infrastructure planning and funding, strategic planning, project management, information technology, financial analysis, performance auditing, and economic analyses. Developed a transportation mitigation fee manual, debt financing plans using revenue bonds to advance project construction, created detailed cash flow models of local, regional, state, and federal revenues for implementing regional transportation projects over a 30-year horizon, and evaluated project life-cycle costs and benefits of transit infrastructure to determine investment trade-offs.

DEREK WONG, AICP
*Municipal Finance
Manager / Project
Manager*

DEREK WONG, AICP
*Municipal Finance
Manager / Project
Manager*

Solectron Corporation, Milpitas, Production Planner. Scheduled and implemented product development for worldwide contract electronics manufacturer. Interfaced between product teams and customers for just-in-time deliveries.

Planning Experience. Caltrans Division of Rail, Sacramento County Planning and Community Development Department, State Department of General Services Commute Management Department, County of San Luis Obispo Planning Department

DINO SERAFINI, P.E.

Public Finance Specialist

Mr. Serafini has over 30 years of public infrastructure planning, financing, design, and construction management experience in the State of California working with city, county, school district, military, and private clients. He has facilitated the formation of several special financing districts that were specifically created to finance and maintain facilities serving both new communities and redevelopment projects. Mr. Serafini has extensive experience in the development of public facilities financing plans, cost estimates, phasing plans, threshold criteria, and the financial implications of land development policies.

RELEVANT PROJECT EXPERIENCE

Impact Fee Update for City of Pinole, CA. This project involved an update to the City's impact fee program and a study for a new Affordable Housing In-Lieu fee program. Both projects were undertaken in conjunction with the City's major General Plan update. The work included analysis of a 25-year planning horizon, incorporating growth projections, land availability and costs to construct infrastructure.

Impact Fee Study for City of Lemon Grove, CA. PMC created the City's first Development Impact Fee (DIF) program for public facilities. The program included facilities for: parks and recreation, general government, public protection, libraries, traffic, drainage and a geographic information system. This project analyzed growth potential in the City, provide cost estimates for new facilities to accommodate that growth and recommended a fee structure applicable to the types of development that were projected. Impact fee revenues will be generated over an 18-year planning horizon to finance the improvements needed by new development. California State law requires that impact fee programs comply with specific procedures and that certain findings be made in order for the DIF program to be legally supportable.

Impact Fee Nexus Study for City of Clearlake, CA. PMC designed a new Parks and Recreation impact fee program for the City. In order to implement a Park Master Plan that envisioned a greatly expanded park system, new sources of funding had to be identified. A significant portion of the funding will come from an impact fee on new residential development that is anticipated over the study period. The project involved estimating construction costs for the new park facilities, making development forecasts and the fee nexus requirements.

EDUCATION

BS, Economics, University of California at Riverside

Master of Environmental Administration, University of California at Riverside

Completed the Curriculum for Master's Degree in Civil Engineering, San Diego State University

Urban Planning and Development Certificate Program, University of California, San Diego Extension

PROFESSIONAL REGISTRATION

California Registered Civil Engineer, 51164

DINO SERAFINI, P.E.
Public Finance Specialist

City of Chula Vista, Otay Ranch Village 8 West Public Facilities Finance Plan.

The Village 8 West PFFP supports the Special Planning Area (SPA) plan by describing the public facilities required to serve the proposed land development project, and identifying the means of financing the construction and acquisition of the roadways, parks, water and sewerage, and other public facilities.

City of Chico, Public Facilities Finance Plan. The PFFP for the Chico General Plan Update consisted of an assessment of the facility needs for all City departments including parks and recreation, general government, police and fire protection, roads, and wastewater. The needs assessment was driven primarily by new growth anticipated in the General Plan but also by application of adopted level of service standards for public facilities and services. Essential components of the PFFP included comprehensive evaluations of the cost of public facilities and of potential funding sources, including an analysis of potential development impact fee and redevelopment tax increment revenues.

City of San Marcos, San Marcos Creek Financing Plan. The San Marcos Creek flood control and Creekside District Specific Plan project created a new urban center of high-density transit-oriented mixed-use development in an underdeveloped area of the city impacted by a floodway. PMC developed a financing plan for the Creekside District's public improvements including levees, road crossings, culverts, parks, open space, and habitat restoration, monitoring, and maintenance. The City was prepared to invest a substantial portion of the funding to make the plan a reality and provided incentives to private developers that vested early in the project. An essential element of the analysis was to recommend a public facilities fee structure providing for a reasonable return on private investment given various levels of City investment in the project. Mr. Serafini developed a financial pro forma model yielding the return on investment resulting from various financing and fee options and development scenarios.

City of Bakersfield, Public Services and Facilities, Capital and Service Cost Analysis. PMC updated the Metropolitan Bakersfield General Plan to bring the joint City and County planning tool into compliance with SB 375. Mr. Serafini developed the Public Services/Public Safety Facilities Element providing comprehensive infrastructure needs and evaluation methodologies specifically designed to support the Metro GP goal of encouraging sustainable development in the Greater Bakersfield area through coordinated public facilities and capital improvement policies.

City of Ceres, Public Facilities Financing Study. Completed the first comprehensive update of the City's public facilities needs assessment and financing program in over 20 years, leading to the City Council's adoption of substantially increased impacts fees on new development. Updated the City's CIP to include new facilities for parks and recreation, general government, public safety (police and fire protection), community facilities, roadway improvements, drainage, and geographic information systems. The work effort in Ceres also involved several meetings with stakeholder groups, such as the Central Valley Building Industry Association, to refine the impact fee schedule in light of the present market conditions.

Nevada County, Cost of Service Analysis for Higgins Fire Protection District.

This project quantified the impacts of new development on the District's ability to provide fire protection and emergency services in accordance with adopted levels of service and with regard to existing facilities and equipment as well as staff. The study report was used to establish the cost to provide services to specific classes of pending development and the allocation of costs to future development based on proportionate-share formulas developed especially for the District. The District has very narrow funding parameters defined by its share of local property tax and an existing special assessment. PMC evaluated the District's ability to serve projected growth within those parameters and made recommendations for impact mitigations.

City of Plymouth, Redevelopment Area Financial Projections. As part of the Redevelopment Blight Assessment and Feasibility Study completed by PMC, Mr. Serafini prepared the Financial Feasibility Report which integrated a tax increment analysis with a land development and assessed value-added projection. The financial report provided the City with a cash flow analysis based on a bond sizing/issuance model and a schedule of recommended capital improvement expenditures designed to support the objectives of the proposed redevelopment area and Downtown Revitalization Plan.

City of San Marcos, Reimbursement Districts. PMC provides ongoing analysis for the purpose of establishing reimbursement districts for roads constructed by the City to serve anticipated new development. Mr. Serafini's work for reimbursement district establishment includes completing a cost distribution analysis, development of a plan and schedule for reimbursement of costs by the benefiting property owners, preparing materials for presentation at public hearing, attending property owner meetings and the public hearing, and defending the spread methodology.

Previous Experience

Over 30 years working as a planner and civil engineer has afforded Mr. Serafini the opportunity to play a key role in all aspects of the delivery of public facilities in response to the needs generated by private development. Following is a sample of the projects Mr. Serafini has been involved in.

DINO SERAFINI, P.E.
Public Finance Specialist

Otay Ranch General Development Plan. While serving as senior civil engineer for the City of Chula Vista, Mr. Serafini served as a project manager for the Otay Ranch project: the largest-ever master planned development in San Diego County, which comprises over 30,000 homes at buildout. Mr. Serafini was directly responsible for successfully bringing to fruition several of the land-based financing programs (Mello-Roos districts) upon which nearly the entire Otay Ranch's infrastructure depended for financing. In addition to overseeing district formations, Mr. Serafini was responsible for the project phasing, plan review, and City approval of all public facilities: local and arterial streets, wastewater, drainage, parks, pedestrian bridges, and open space improvements for each of the individual self-contained residential villages within the Otay Ranch.

Pedestrian Bridge Development Impact Fee Program. This project established the funding mechanism for three pedestrian bridges that served to provide pedestrian connectivity among three of the Otay Ranch Villages. This \$6 million program involved determining the Areas of Benefit, estimating costs over a 5-year buildout period, spreading the costs over several development projects under multiple ownerships, negotiating reimbursement agreements with developers actually constructing the bridges, and assigning DIF credits. Mello-Roos funds, when available, were incorporated into the financing arrangements. Mr. Serafini was also involved in drafting the ordinances, agreements, and staff reports necessary to finalize the program.

Capital Improvement Projects Program Management for the City of National City. As CIP program manager, Mr. Serafini recommended projects, prepared project descriptions and initial studies, established budgets, identified funding sources, and wrote grant applications for a variety of public facilities such as street improvements, sewer reconstruction and rehabilitation, and stormwater quality improvements. As the City's sewer, storm drain, and pavement management system manager, Mr. Serafini developed expertise in long-term facility maintenance costs and issues.

Sunnymead-Edgemont-Moreno Valley Growth Impacts Analysis, Riverside County, Associate Planner. Conducted one of the first infrastructure cost/financing models of its kind in California for a rapidly developing region of western Riverside County, which later incorporated into Moreno Valley, now the second largest city in Southern California's "Inland Empire." A truly cutting-edge endeavor, this was one of the first post-Prop. 13 attempts to comprehensively quantify the impacts that very rapid land division, home building, and subsequent population influx would have on public services in a largely undeveloped region. The project resulted in the establishment of several specific impact mitigation fee programs designed to address the quality of life issues identified in the report.

Additional Public Financing Projects

- Sanitary Sewer Rate Study and Reserve Fund analysis, Winkelman, AZ
- Impact on public facilities financing from a Growth Control Initiative, City of Sierra Madre
- Sewer Rate and Connection Charge Study, Hayden, AZ
- Engineer's Report for Fire Protection Assessment District, Cottonwood Fire Protection District, Tehama County
- Otay Ranch Village One West and Six Open Space Maintenance Districts, City of Chula Vista
- City-wide Alley Assessment Districts No. 72A and B, City of Imperial Beach
- CFD 97-2 Preserve Maintenance District Serial Annexations, City of Chula Vista/County of San Diego
- Public Facility Financing Plans. Infrastructure project delivery thresholds for Otay Ranch Villages One, One West, Two, Six and Seven
- Park Acquisition and Development Fee Program, City of Chula Vista
- Facilities Benefit Assessment for Sabre Springs, City of San Diego

DINO SERAFINI, P.E.
Public Finance Specialist

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JOYCE HUNTING

Director of Conservation Planning and Biological Services

Ms. Hunting has more than 20 years of technical and practical experience working in California's diverse natural environments. She has 20 years of experience in preparing and managing the preparation of environmental documents that comply with the requirements of the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), federal Endangered Species Act (ESA), California Endangered Species Act (CESA), California Public Utilities Commission, California Department of Transportation, State Reclamation Board, and local jurisdictions. She also has expertise in the preparation of US Army Corps of Engineers Individual and Nationwide Permit Applications, California Fish and Game Codes 1602 Streambed Alterations Agreements, Habitat Conservation Plans, Natural Community Conservation Plans, wetland delineation and restoration plans, biological resource assessments and mitigation programs, and implementation of habitat conservation and restoration plans. Ms. Hunting's experience also includes conducting public participation programs.

Ms. Hunting has been the project manager on several large-scale environmental investigations to support NEPA and CEQA documents. She has managed technical studies and natural resource impact analyses for mining projects throughout the state. She has managed over \$2 million of biological investigations covering over 4,000 acres and 200 linear miles in support of an EIR for large-scale wastewater storage/discharge/reuse facilities for the Santa Rosa Regional Wastewater Treatment Plant. Ms. Hunting was the project manager for a large-scale biological investigation and successful regulatory permitting effort for over 400 miles of fiber optic cable installation project for Level 3 Ltd. She was also the task lead in developing the biological studies and Biological section for the PG&E Hydro Divestiture Project DEIR prepared for the CPUC. In each of these

EDUCATION

MSC, Advanced Candidate
Biological Sciences, Conservation
Biology Concentration, California
State University, Sacramento

BA (*cum laude*), Biology and
Zoology, Humboldt State
University, Arcata, CA

REGISTRATION

State of California, Department of
Fish and Game Scientific Collector's
Permit #1630

PROFESSIONAL AFFILIATIONS

The Wildlife Society

Society of Wetland Scientists

PRESENTATIONS

Endangered Species Identification
and Regulations, California
Department of Transportation, 1998

Wetland Regulations and
Definitions, Association of
Environmental Professionals, 1999

Environmental Awareness Training,
Level 3 Communications, 1999
through 2001

JOYCE HUNTING
*Director of Conservation
 Planning and Biological
 Services*

**PUBLICATIONS AND
 AWARDS**

Victoria-Rueda, C., R. M. Palachek, J. Hunting, and D. Carlson. 1997. Ecological Risk Evaluation of Multiple Management Alternatives for Reclaimed Water Reuse. Water Environment Federation.

Association of Environmental Professionals Outstanding Environmental Analysis Document, "Santa Rosa Subregional Long-Term Wastewater Project Draft EIR/EIS." May 1997.

projects, Ms. Hunting was a liaison between the biological team and other team members, consultant representative to the lead agency on biological issues, and represented the lead agency in regulatory agency discussions. She was also responsible for coordinating the field teams and ensuring adequate data collection and analysis.

RELEVANT PROJECT EXPERIENCE

Habitat Conservation Planning

Yuba-Sutter County Habitat Conservation Plan/Natural Communities Conservation Plan, Agency Staff. Served as agency staff for the County of Sutter in managing of the development of this plan.

South Sacramento County Habitat Conservation Plan, Technical Director. Multi-jurisdictional Habitat Conservation Plan encompassing 374,000 acres and 30 covered species.

City of Palm Springs, Coachella Valley Multi-species Habitat Conservation Plan/Natural Communities Conservation Plan, Technical Director. Provided peer review of the HCP/NCCP and accompanying EIR/EIS.

County of Merced, California Department of Fish and Game, Eastern Merced County NCCP/HCP, Technical Director. Prepared Biological Baseline Report and served as director of the preparation of the NCCP/HCP. Participated with Science Advisors. Issues included listed vernal pool invertebrates, San Joaquin kit fox, and succulent owl's clover. Assisted in stakeholder facilitation.

Oceanic Properties, Inc., San Joaquin Kit Fox and Tipton's Kangaroo Rat Habitat Conservation Plan (HCP) and Section 2081 Management Agreement, Kern County, Task Manager. Assisted project manager in the preparation an HCP and CDFG 2081 agreement for San Joaquin kit fox and Tipton's kangaroo rat due to golf course and residential development. Implemented conservation measures including the excavation of 350 potential and known San Joaquin kit fox dens. Passively relocated two families of burrowing owls.

City of Bakersfield, Metropolitan Bakersfield Habitat Conservation Plan. Conducted technical studies in support of the Metropolitan Bakersfield Habitat Conservation Plan.

Enron Oil and Gas, Kern County Regional Habitat Conservation Plan. Represented Enron Oil Companies interest in stakeholder meetings in support of the Kern County Regional Habitat Conservation Plan.

Wetland Delineations

County of Merced, California Department of Fish and Game, Eastern Merced County Wetlands Habitat Assessment, Project Manager. Conducted wetlands and habitat assessment of 325,000 acres of lands in the eastern Merced County utilizing aerial photographic imagery. Conducted on-the-ground accuracy assessment.

County of Merced, University of California, Department of Fish and Game, UC Merced, Community Wetlands Delineation Report, Project Manager. Delineated 10,000-acre area to inform university site selection and to support CEQA/ NEPA and permitting compliance processes.

El Dorado County, Green Valley Road Improvement Projects Jurisdictional Wetlands Determination and Wetlands Mitigation and Monitoring Plan, Project Manager. Conducted wetland delineation and prepared mitigation and monitoring plan.

San Mateo County Transportation Department, Caltrans, US Highway 101 Auxiliary Lanes Project Jurisdictional Wetlands Delineation and Impact Assessment, Natural Environment Study, and Biological Assessment, Project Manager. Prepared wetland delineation, NES, and ESA Section 7 Biological Assessment for the auxiliary lane project.

Regulatory Permitting Compliance

Madera Ranch Mine LLC, Madera Ranch Mine Project Regulatory Compliance, Project Manager. Managed technical studies, prepared Mine Reclamation Plan, and prepared Clean Water Act 404 Individual Permit, Section 401 Water Quality Certification, and ESA Section 7 Biological Assessment for a 100-acre mine project in Madera County. Provided technical; support to EIR preparers.

Crosswinds Communities, Bellevue Ranch Master Plan Regulatory Compliance Program, Project Manager. Prepared Clean Water Act 404 Individual Permit, Section 401 Water Quality Certification Waiver, and ESA Section 7 Biological Assessment for a 600-acre development project in Merced.

City of Elk Grove, Roadway Improvement Projects Regulatory Compliance, Project Manager. Prepare permits applications and facilitate agency negotiations for several road and intersection projects in Elk Grove including Clean Water Act 404 Individual and Nationwide Permits, Section 401 Water Quality Certifications, CDFG 1602 Streambed Alteration Agreements, and ESA Section 7 Biological Assessments.

JOYCE HUNTING
*Director of Conservation
Planning and Biological
Services*

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City of Elk Grove Stormwater Program Regulatory Compliance, Project Manager. Prepared a Clean Water Act 404 Regional General Permit, Section 401 Programmatic Water Quality Certification, and ESA Section 7 Programmatic Biological Assessment for the City’s stormwater maintenance program.

Colusa Basin Drainage District, The Resources Agency, Sacramento River Restoration Project, Glenn, Colusa and Yolo Counties, Project Manager. Worked with the Colusa Basin Drainage District in formulating restoration projects to be funded through Proposition 12. Responsible for all necessary permitting and environmental compliance documentation. Responsible for restoration design and preparation of grant applications.

South San Joaquin Irrigation District, South County Surface Water Supply Project, San Joaquin County. Conducted a wetland assessment and kit fox inventory over several miles of canal alignment. Prepared Clean Water Act 404 Nationwide Permit Preconstruction Notification and Section 401 Water Quality Certification Waiver.

California Department of Transportation, State Route 16 Road Improvement Project Regulatory Compliance, Project Manager. Managed a multidisciplinary team to conduct surveys and prepared a Wetland Delineation, Biological Assessment and Natural Environment Study for a 40-mile road improvement project in Yolo County.

South Tahoe Public Utilities District, A and B-Line Biological Assessment. Conducted goshawk and spotted owl inventories with the taped callback methodology. Conducted forest carnivore surveys with remote infrared trigger camera system. Prepared Biological Assessment for the US Forest Service.

City of Sacramento, Vineyard Springs Storm Drainage Improvement Wetland & Endangered Species Permitting, Principal-in-Charge. Conducted surveys for giant garter snake. Conducted wetland delineation. Prepared Biological Assessment and Wetland Delineation Report.

Mitigation Design

El Dorado County, Green Valley Road Wetland Mitigation Project, Project Manager. Prepared after-the-fact mitigation design for wetland fill.

Yuba County, Ostrum Road Landfill Wetland Mitigation Bank Project, Project Manager. Prepared mitigation bank design.

Target Corporation, Target Distribution Center, Wetlands Creation and Restoration Plan, Albany, Oregon, Project Manager. Prepared wetland creation plan. Supervised implementation of the plan and conducted two years of monitoring. Created 3.5 acres of riparian habitat and restored 2 acres of seasonal wetlands.

Natural Resources Studies

County of Merced, California Department of Fish and Game, Eastern Merced County Wetlands Habitat Assessment, Project Manager. Conducted wetlands and habitat assessment of 325,000 acres of lands in eastern Merced County utilizing aerial photographic imagery. Conducted on-the-ground accuracy assessment.

County of Merced, University of California, Department of Fish and Game, UC Merced, Community Federally Listed Vernal Pool Crustacean, Special-Status Plant, and San Joaquin Kit Fox/Fresno Kangaroo Rat Survey Programs, Project Manager. Managed large team of field biologists in conducting the various studies identified in the title over a 10,000-acre area to inform university site selection and to support CEQA/ NEPA and permitting compliance processes.

County of Merced, University of California, Department of Fish and Game, UC Merced, Community Wetlands Delineation Report, Project Manager. Delineated 10,000-acre area to inform university site selection and to support CEQA/ NEPA and permitting compliance processes.

County of Merced, University of California, Department of Fish and Game, UC Merced, County of Merced Biological Assessment, Project Manager. Managed the preparation of the ESA Section 7 Biological Assessment for the University of California, Merced. The BA addresses nine species.

TRC Alton GeoSciences, Meyers Container Site Ecological Risk Assessment, Portland, Oregon, Project Manager. Conducted technical studies to support an ecological risk assessment that was a requirement of Oregon Department of Environmental Quality.

Barta & Associates, Hansen Creek Biological Monitoring Program, Nevada, Project Manager. Conducted field collection of several taxa for tissue analyses to determine contamination levels due to arsenic. Conducted ecological risk assessment.

City of American Canyon, North Slough Aquatic Assessment Study, Project Manager. Conducted vertebrate and benthic macro invertebrate studies to determine a baseline condition for the North Slough. Prepared technical report.

JOYCE HUNTING
*Director of Conservation
Planning and Biological
Services*

US Department of Energy, Lawrence Berkeley National Laboratory Biological Baseline Database, Berkeley, Task Manager. Conducted a complete inventory of plants and wildlife on 250 acres at the LBNL site. Created large GIS database of the inventory.

County of Merced, University of California, Department of Fish and Game, UC Merced Community Section 404(b) Comprehensive Alternatives Analysis, Task Manager. Conducted the GIS bases analysis for the alternatives analysis including 120 figures. Prepared biological analysis.

General Plans

County of Napa, General Plan Update and EIR. Served as task manager for the Conservation Element of the General Plan Update and prepared the Biological Resources section of the EIR.

City of Rancho Cordova, General Plan. Served as task manager for the Conservation Element of the General Plan Update and prepared the Biological Resources section of the EIR.

City of Colusa, General Plan Update and Master EIR. Served as task manager for the Conservation Element of the General Plan Update and prepared the Biological Resources section of the EIR.

City of Jackson, General Plan Update and EIR. Served as task manager for the Conservation Element of the General Plan Update and prepared the Biological Resources section of the EIR.

El Dorado County, Oak Woodland Management Plan, Project Manager. Provided technical direction of document preparation, GIS modeling, fee assessment and analyses, preparation of grant application and oak woodland ordinance in support of a county-wide oak woodland management plan.

Watershed Plans

Clavey River Ecosystem Program Watershed Assessment, Tuolumne Land Trust, Project Manager. Managed the preparation of the Clavey River Watershed Assessment.

Colusa Basin Drainage District, Department of Water Resources, Colusa Basin Integrated Watershed Management Program EIR – Colusa, Glenn, and Yolo Counties, Program Director. Directed a multidisciplinary team in conducting a feasibility study and EIR for a tri-county flood control plan. Project funded through the Bureau of Reclamation, California Department of Water Resources, and California Office of Emergency Services.

Colusa Basin Drainage District, Department of Water Resources, Colusa Basin Integrated Watershed Management Program EIR – Colusa, Glenn, and Yolo Counties, Project Manager. Managed permitting tasks, agency and public outreach, and CEQA compliance for a 220-acre flood detention basin including construction and operation of a 95-foot dam structure. Permits included Clean Water Act 404, 410, 1602 Streambed Alteration Agreement, and USFWS biological assessment.

Colusa Basin Drainage District, Bureau of Reclamation, Freshwater Basin Watershed Management Program, Technical Advisor. Provided technical advice, environmental analyses, and agency coordination for a flood control feasibility study.

CEQA/NEPA Compliance

US Bureau of Reclamation, US Marine Corps, and Fallbrook Public Utilities District, Santa Margarita River Permit 15000 EIR/EIS – Camp Pendleton Marine Base, Project Manager. Conducted technical studies and managed the preparation of a NEPA/CEQA document for water supply projects associated with infrastructure improvements, new beneficial uses, and ecosystem management on the base.

Heavenly Ski Resort and US Forest Service, Heavenly Ski Resort Master Plan and EIS/EIR, Crew Leader. Conducted goshawk and spotted owl inventories with the taped callback methodology. Conducted forest carnivore surveys with remote infrared trigger camera system. Prepared Biological Evaluation for the US Forest Service. Prepared Biological Resources section of EIS/EIR.

Colusa Basin Drainage District, Department of Water Resources, Colusa Basin Integrated Watershed Management Program EIR – Colusa, Glenn, and Yolo Counties, Co-Program Manager. Managed a multidisciplinary engineering firm conducting a feasibility study and EIR. Acted as the lead in obtaining necessary permits for the preferred flood control/environmental enhancement project.

Southern Nevada Water Authority, Treatment and Transmission Facility EIS and Biological Assessment, Task Leader. Conducted desert tortoise surveys and prepared analysis of potential impacts and mitigation of the large pipeline project.

Forest Experience

South Tahoe Public Utilities District, US Forest Service, South Tahoe Public Utilities District A and B-Line Biological Assessment. Conducted goshawk and spotted owl inventories with the taped callback methodology. Conducted forest carnivore surveys with remote infrared trigger camera system. Prepared Biological Evaluation for the US Forest Service.

JOYCE HUNTING
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Plumas County, Caltrans, Plumas County Five Bridges Natural Environmental Study (NES), Project Manager. Conducted technical studies in support of seismic retrofits of five bridges in Plumas County. Managed the preparation of five NESs for Caltrans.

Union Pacific/Southern Pacific Railroad, Merger, El Dorado County, Project Manager. Prepared ecological risk assessment and informal USFWS consultation on impacts to Lahontan cutthroat trout, cui ui, and bald eagle on the Truckee River and Pyramid Lake.

Federal Highway Administration, California Forest Highway 7 Realignment Project in Mendocino County, California, Project Manager. Conducted forest carnivore surveys, rare plant surveys, and goshawk surveys for a road widening project. Prepared Biological Assessment.

Energy and Telecommunication

California Public Utilities Commission, Pacific Gas & Electric Company Hydro-Divestiture Project EIR, Technical Director. Conducted a statewide biological assessment of the potential effects of divestiture on PG&E facilities. Coordinated staff of four companies. Prepared mitigation measures.

GST Telecommunications Project – Stanislaus, Orange, and San Bernardino Counties, Project Manager. Conducted biological constraints analysis, environmental permitting (Clean Water Act 404 Nationwide Permit Preconstruction Notification, Section 401 Water Quality Certification Waiver), and managed environmental construction monitoring for fiber optic cable installation.

Level 3 Long-haul Telecommunication Project Permitting and Compliance Monitoring, Statewide (California), Project Manager. Conducted biological constraints analysis, wetland delineations, and environmental permitting (Clean Water Act 404 Nationwide Permit Preconstruction Notifications, Section 401 Water Quality Certification Waivers, CDFG 1603s and ESA Section 7 consultations) and managed environmental construction monitoring for over 500 miles of fiber optic cable installation and 200 stream crossings. Installation primarily occurred within the utility right-of-way of the Union Pacific railroad. Provided environmental awareness training.

Badger Creek Co-generation Ltd, Facility Biological Assessment, Kern County, Project Manager. Prepared ESA Biological Assessment for five species including blunt-nosed leopard lizard, San Joaquin kit fox, Tipton’s kangaroo rat, giant kangaroo rat, and Kern mallow.

OXY USA, Kern Front Pipeline Corridor Biological Assessment, Kern County, Project Manager. Prepared ESA Biological Assessment for three species including blunt-nosed leopard lizard, San Joaquin kit fox, and Bakersfield cactus.

Chevron Exploration, Geophysical Railroad Grade II Seismic Project Biological Assessment, Kern County, Project Manager. Prepared ESA Biological Assessment for five species including blunt-nosed leopard lizard, San Joaquin kit fox, Tipton's kangaroo rat, giant kangaroo rat, and Kern mallow.

Enron Oil and Gas Company, Turk Anticline 3-D Seismic Exploration Project Endangered Species Impact Avoidance Program, Kern County, Project Manager. Prepared opportunities and constraints mapping, conducted informal consultation with USFWS, and provided environmental monitoring for a 30-mile seismic exploration. Species issues included blunt-nosed leopard lizard, San Joaquin kit fox, Tipton's kangaroo rat, and giant kangaroo rat.

Transportation Projects

McHenry Avenue Corridor Improvement Project, San Joaquin County, California, Caltrans District 10, Project Manager. Managing a multi-disciplinary team to conduct surveys and prepare Technical studies, permit applications and ISMND/EA for a \$30 million project consisting of a bridge replacement over the Stanislaus River, a major intersection improvement and road widenings that span 2 counties. Biological technical studies included Wetland Delineation, Biological Assessment for USFWS and NOAA Fisheries, and Natural Environment Study 40-mile road improvement project in Yolo County. Permits include Clean Water Act 404, 401, and 1602 Streambed Alteration Agreement.

City of Elk Grove. Roadway Improvement Projects Regulatory Compliance. Project Manager. Prepared permits applications and facilitated agency negotiations for several road and intersection projects in the City of Elk Grove including Clean Water Act 404 Individual and Nationwide Permits, Section 401 Water Quality Certifications, CDFG 1602 Streambed Alteration Agreements, and ESA Section 7 Biological Assessments.

Sunrise Reliever Interchange. The City of Rancho Cordova is proposing to construct a new interchange over US-50 between Sunrise Blvd. and Hazel Avenue in the City of Rancho Cordova, CA. The new interchange would span US-50, Folsom Blvd., Regional Transit/Union Pacific Railroad lines, the Folsom South Canal, and Buffalo Creek. As Senior Biologist, Ms. Hunting is managing NES, wetland delineation, biological assessment and permitting for the project.

El Dorado County, Green Valley Road Improvement Projects Jurisdictional Wetlands Determination and Wetlands Mitigation and Monitoring Plan, Project

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Planning and Biological
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JOYCE HUNTING
*Director of Conservation
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 Services*

Manager. Conducted wetland delineation and prepared mitigation and monitoring plan.

San Mateo County Transportation Department, Caltrans, US Highway 101 Auxiliary Lanes Project Jurisdictional Wetlands Delineation and Impact Assessment, Natural Environment Study, and Biological Assessment, Project Manager. Prepared wetland delineation, NES and ESA Section 7 Biological Assessment for the auxiliary lane project.

California Department of Transportation, State Route 16 Road Improvement Project Regulatory Compliance, Project Manager. Managed a multi-disciplinary team to conduct surveys and prepare a Wetland Delineation, Biological Assessment and Natural Environment Study for a 40-mile road improvement project in Yolo County.

Mining Projects

Madera Ranch Mine LLC, Madera Ranch Mine Project Regulatory Compliance, Project Manager. Managed technical studies, prepared Mine Reclamation Plan and prepared Clean Water Act 404 Individual Permit, Section 401 Water Quality Certification, and ESA Section 7 Biological Assessment for a 100-acre mine project in Madera County. Provided technical support to EIR preparers.

San Bernardino County, White Knob Quarry EIR/EA, Task Manager. Managed biological resource related technical studies and EIR/ EA sections in support of a limestone mine expansion and revised reclamation plan. Tasks included peer review of applicant's technical studies, conferencing with regulatory agencies.

County of Kern, Service Rock-Garlock Pit EIR, Task Manager. Managed biological resource related technical studies and EIR sections supporting the establishment of a new sand and gravel surface mine in eastern Kern County, which includes a zone change, conditional use permits, and reclamation plan for the removal and processing of up to 26-million cubic yards of sand and gravel, including the establishment of an asphalt batch plant.

Barta & Associates, Hansen Creek Gold Mine Biological Monitoring Program, Nevada, Project Manager. Conducted field collection of several taxa for tissue analyses to determine contamination levels due to arsenic. Conducted ecological risk assessment.

Sutter County, South Butte Quarry and Butte Ranch Mine Project, Project Manager. Provided peer review of technical reports in support of the mine expansion application.

Water/Wastewater Treatment

Salinas Valley Solid Waste Authority Crazy Horse Sanitary Landfill Permitting Project Manager. The Crazy Horse Sanitary Landfill (CHSL) is located on a 160-acre parcel in Salinas CA. Ms. Hunting is currently managing the regulatory permitting to implement the closure plan.

City of Santa Rosa, Santa Rosa Subregional Long-Term Wastewater Project EIR/EIS, Task Manager. Managed \$2 million of technical biological studies to support the EIR/EIS and permit processes. Prepared biological sections of the EIR/EIS, which compared five alternatives at an equal level of evaluation.

Colusa Basin Drainage District, Department of Water Resources, Colusa Basin Integrated Watershed Management Program EIR – Colusa, Glenn, and Yolo Counties, Project Manager. Managed permitting tasks, agency and public outreach, and CEQA compliance for a 220-acre flood detention basin including construction and operation of a 95-foot dam structure. Permits included Clean Water Act 404, 410, 1602 Streambed Alteration Agreement, and USFWS biological assessment.

Paradise Irrigation District, Water Supply Alternatives Environmental Feasibility Analyses, Project Director. Directed site assessments and environmental analyses for the Water Supply Alternatives Environmental Feasibility Analyses Report, per Proposition 204 grant funding requirements. Prepared an environmental feasibility study in order to evaluate alternative actions that the District could undertake to meet future water needs and ensure a reliable and adequate water supply for the District's service area.

Paradise Irrigation District, Magalia Reservoir Raw Water Bypass Project, Project Manager. Managed environmental constraints analysis; preparation of an Initial Study and Mitigated Negative Declaration; Clean Water Act 404, 410, 1602 Streambed Alteration Agreement; and USFWS biological assessment for a water diversion project on Little Butte Creek.

Colusa Basin Drainage District, Bureau of Reclamation, Freshwater Basin Watershed Management Program, Technical Advisor. Provided technical advice, environmental analyses, and agency coordination for a flood control feasibility study.

South San Joaquin Irrigation District, South County Surface Water Supply Project. Conducted a wetland assessment and kit fox inventory over several miles of canal alignment. Prepared Clean Water Act 404 Nationwide Permit Preconstruction Notification and Section 401 Water Quality Certification Waiver.

JOYCE HUNTING
*Director of Conservation
Planning and Biological
Services*

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Contra Costa County, Contra Costa Water District Multipurpose Pipeline Project EIR and Biological Assessment, Task Manager. Conducted a wetland assessment over several miles of canal alignment. Prepared Clean Water Act 404 Nationwide Permit Preconstruction Notification, Section 401 Water Quality Certification Waiver, and ESA Section 7 Biological Assessment.

City of Roseville, 12-mgd Pleasant Grove Wastewater Treatment Plant Project Permitting, Project Manager. Conducted wetland delineation. Prepared Clean Water Act 404 Nationwide Permit Preconstruction Notification, Section 401 Water Quality Certification Waiver, and ESA Section 7 Biological Assessment.

HDR, Turlock Irrigation District Canal Rehabilitation Regulatory Compliance, Project Manager. Prepared permitting necessary to reconstruct a 2-mile length of obsolete canal.

California Public Utilities Commission, Pacific Gas & Electric Company Hydro-Divestiture Project EIR, Technical Director. Conducted a statewide biological assessment of the potential effects of divestiture of multiple PG&E hydroelectric facilities and land holdings. Coordinated staff of four companies.

US Bureau of Reclamation, US Marine Corps, and Fallbrook Public Utilities District, Santa Margarita River Permit 15000 EIR/EIS – Camp Pendleton Marine Base, Project Manager. Conducted technical studies and managed the preparation of a NEPA/CEQA document for water supply projects associated with infrastructure improvements, new beneficial uses, and ecosystem management on the base.

Southern California

County of San Diego, Felicita Creek Rehabilitation Regulatory Compliance, Project Manager. Is assisting the County of San Diego in obtaining permits for a stream bank stabilization project in Escondido CA.

County of San Diego, Boulevard Fire Station Relocation, Project Manager. Prepared the constraints analyses and Biological Report for parcel evaluation as a component of the relocation of the Boulevard Fire Station.

Santa Maria Unified School District. Santa Barbara County, Project Manager. Prepared biological constraints analyses for several sites evaluated to support a new high school. Presence of wetlands and endangered species were primary issues.

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**EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY**

DATE: August 20, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Workshop Update

RECOMMENDATION

ACCEPT update from staff on convening a workshop to provide stakeholders an opportunity to raise ideas on possible amendments to the HCP/NCCP.

DISCUSSION

At the July 26, 2012 Conservancy Board meeting, in response to a request from Discovery Builders, the Board directed staff to convene a workshop at which stakeholders could provide input on possible modifications to the HCP/NCCP. The Board also directed staff to perform outreach to Discovery Builders, the Building Industry Association and other stakeholders interested in the HCP/NCCP in advance of the workshop. Staff has been coordinating with Discovery Builders, the Conservancy's Public Advisory Committee and other stakeholders regarding the workshop and is identifying a suitable date for the event in September or the first week of October. Staff will provide a verbal update to the Board at the August 20 meeting.

CONTINUED ON ATTACHMENT: No
ACTION OF BOARD ON: August 20, 2012
OTHER

APPROVED AS RECOMMENDED: _____

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

**EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY**

DATE: August 20, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Conservancy Grants

RECOMMENDATION

ACCEPT update from Conservancy staff on the award of \$1,000,000 the federal Cooperative Endangered Species Conservation Fund (“Section 6 Funds”) for land acquisition projects consistent with the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (“HCP/NCCP”).

DISCUSSION

On August 14th the U.S. Fish and Wildlife Service (FWS) announced the FY2012 grant awards from the Cooperative Endangered Species Conservation Fund (Section 6 of the Endangered Species Act) Grant Program. The East Contra Costa County HCP/NCCP was awarded \$1,000,000 for land acquisition consistent with the Plan.

Background: Each year, FWS solicits proposals from the states for Section 6 grants. The California Department of Fish and Game (DFG), on behalf of the State of California, solicits draft proposals from local agencies implementing HCPs. DFG reviews the draft proposals and determines which proposals to adopt as their own for submission to FWS. For the last six years, the Conservancy has submitted draft proposals to DFG, DFG has adopted these proposals and submitted them to FWS and FWS has approved the requests in whole or in part. The six awards to date total approximately \$32.5 million.

CONTINUED ON ATTACHMENT: No
ACTION OF BOARD ON: August 20, 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

For FY2012, Conservancy staff submitted a grant proposal for \$6 million (the maximum grant amount allowed for FY2012.) However grants are significantly reduced this year. This is because there are more applicants competing nationally and the available funding is significantly reduced. In FY2012, \$47 million was appropriated for the section 6 program, which was a significant decrease from the \$85 million appropriated in FY2010. In 2012, the FWS awarded \$15 million of the \$47 million allocated to the Section 6 program to the HCP land acquisition component. Only three HCPs in California received HCP land acquisition funding (\$7,000,000 total, including the \$1,000,000 for East Contra Costa). Many HCPs in the state received no award this year. Though previous awards to the East Contra Costa County HCP/NCCP have been larger, \$1,000,000 is 1/15th of the funds available nationwide and is still a sizable grant that will be of significant help in implementing the HCP/NCCP.

The Legislative Platform approved Conservancy Board calls for increasing Section 6 funding. The Conservancy participates in a coalition of HCPs in California that works to maintain and grow federal funding levels for HCPs. The outlook for FY2013 is not clear at this time.