

## Organizational Structure for Implementing the ECC HCP/NCCP: OPTIONS

This document describes options for structuring the partnership of local agencies that would implement the East Contra Costa County HCP/NCCP. This discussion is organized according to the following sections:

- I. Basic Structure
- II. Staffing
- III. Phasing
- IV. Names

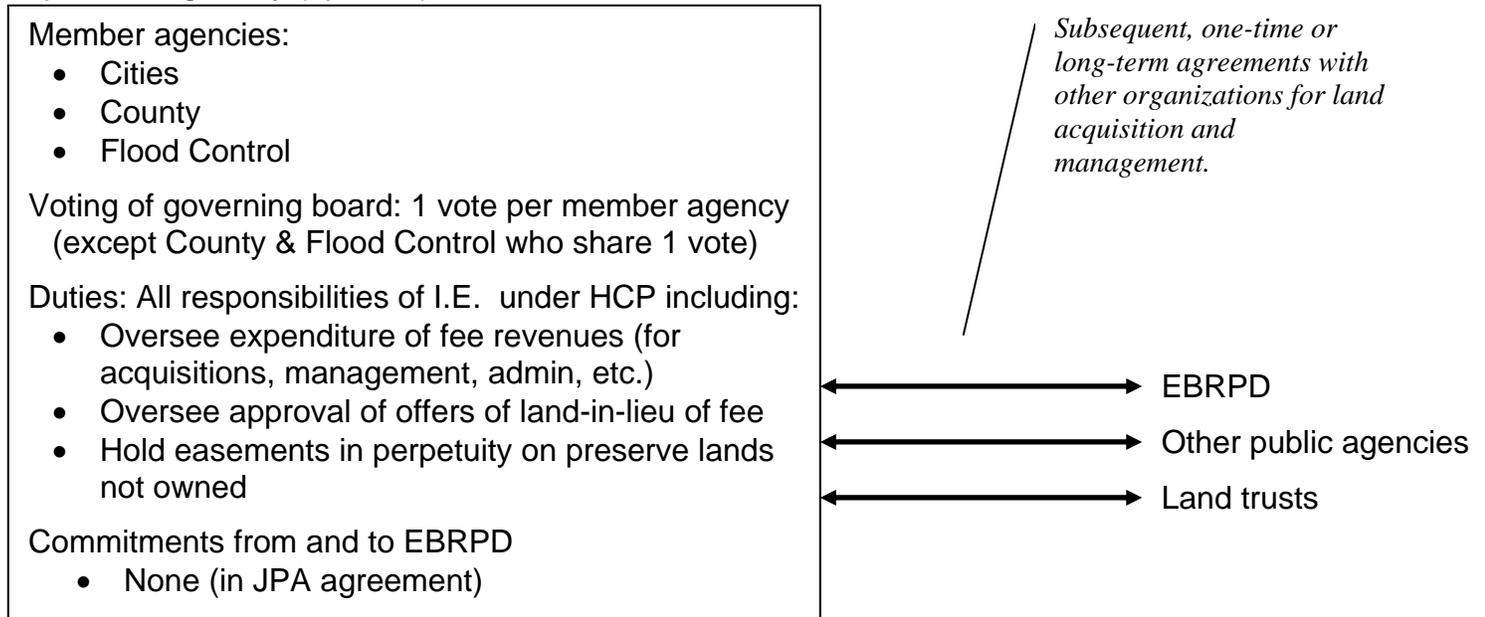
Recommendations of HCPA Member Agency staff are marked with an asterisk (\*).

### I. Basic Structure

#### Option 1: JPA of Cities/County/Flood Control

Cities, County and Flood Control comprise Implementing Entity (I.E.) and assume all duties and responsibilities therein. East Bay Regional Park District is not a permittee, not a signatory to the Implementing Agreement nor the JPA Agreement for the Implementing Entity and provides no commitments about future acquisition or land management efforts in the inventory area. The Implementing Entity subsequently seeks one-time or long-term agreements with other organizations (like EBRPD) for land acquisition and management.

#### Implementing Entity (option 1)



#### Advantages:

- Not complicated. Perhaps easier to prepare and approve quickly.
- Defers key decisions, enabling more flexibility to learn as we go

#### Disadvantages:

- No commitments from EBRPD about future acquisition or land management efforts in the inventory area. Risk that land use agencies will end up with a greater responsibility (financial and permanent land or easement ownership). Risk that park acquisitions and habitat acquisitions are not coordinated, leading to inefficiency and competition.
- Defers key decisions, creating uncertainty

## Option 2: JPA of Cities/County/Flood Control and EBRPD

Cities, County, Flood Control and EBRPD comprise Implementing Entity (I.E.) and assume all duties and responsibilities therein. East Bay Regional Park District is a permittee, is a signatory to the Implementing Agreement and the JPA Agreement for the Implementing Entity and provides commitments about future acquisition or land management efforts in the inventory area. The Implementing Entity subsequently seeks one-time or long-term agreements with other organizations (besides EBRPD) for land acquisition and management beyond what EBRPD can provide.

### Implementing Entity (option 2)

#### Members agencies:

- Cities
- County
- Flood Control
- EBRPD

Voting of governing board: 1 vote per member agency (except County & Flood Control who share 1 vote)

- EBRPD doesn't vote on financial decisions involving EBRPD and the Implementing Entity nor on contracts with other land managers

Duties: All responsibilities of I.E. under HCP including:

- Oversee expenditure of fee revenues (for acquisitions, management, admin, etc.)
- Oversee approval of offers of land-in-lieu of fee
- Hold easements in perpetuity, but only in rare cases where EBRPD isn't the owner

Commitments from and to EBRPD

- EBRPD maintenance of effort in ECCC (about 10,000 acres)
- Agreement that new EBRPD lands may be counted as preserve lands in enhanced management funded by HCP
- Cost sharing agreement to acquire and manage additional lands above and beyond EBRPD baseline
- EBRPD assistance with finding funds for post-permit management

*Subsequent, one-time or long-term agreements with other organizations for additional land acquisition and management.*

Other public agencies

Land trusts

#### Advantages:

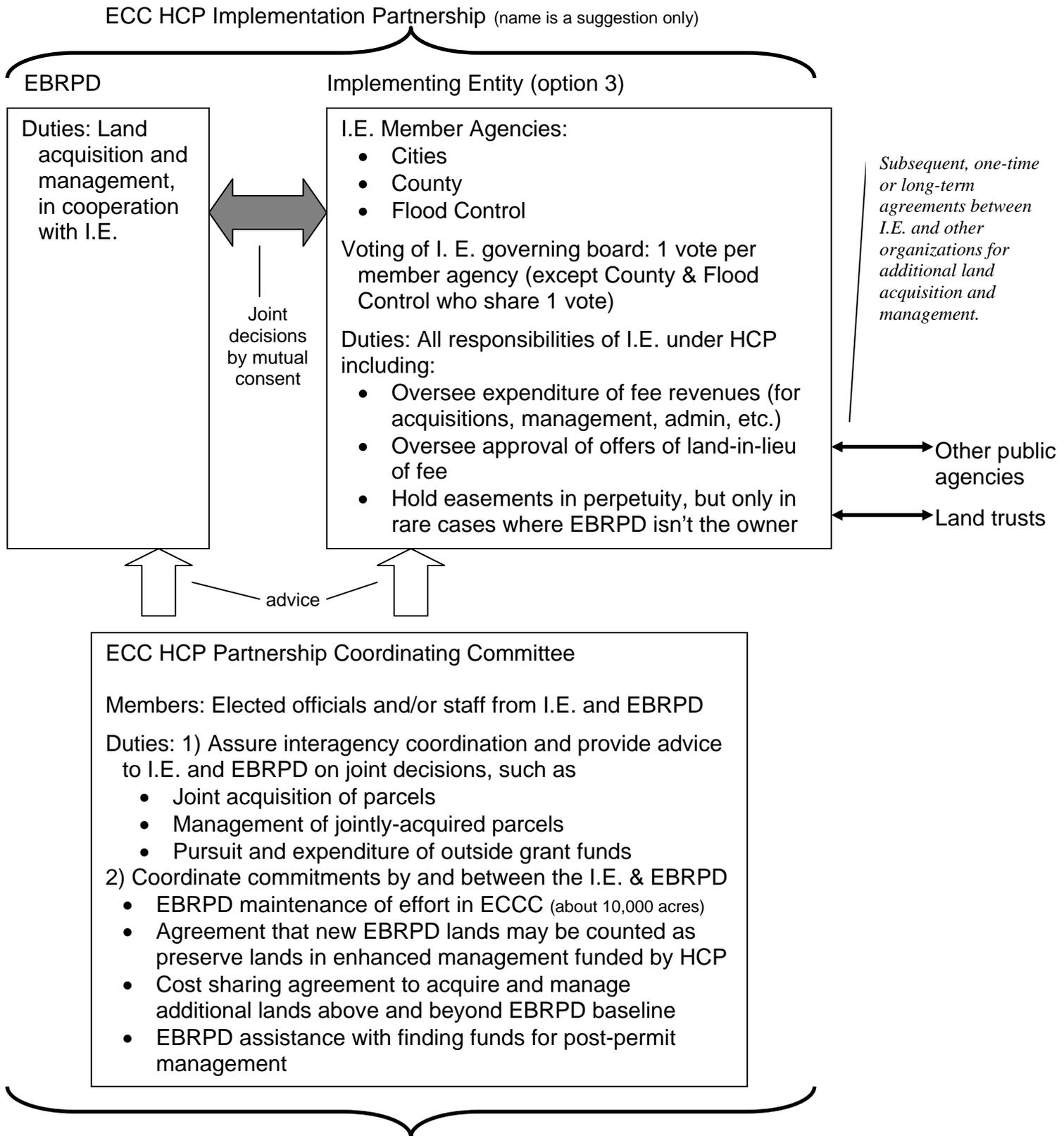
- All key parties "at the table"
- Commitments from EBRPD about future acquisition or land management efforts in the inventory area. Coordination of park acquisitions and habitat acquisitions helps to assure efficiency and avoid competition for lands. Land use agencies get help with meeting financial obligations and avoid some, if not all, permanent land or easement ownership responsibilities.
- Addresses all tough issues up front, avoiding future uncertainty

#### Disadvantages:

- Somewhat complicated. Perhaps more difficult to prepare and approve quickly.
- Perceived inadequate or confusing separation of powers. Could a vote of the IE Board force EBRPD to act (e.g. to buy a parcel)? Or, if EBRPD concurrence needed anyway, IE vote is somewhat irrelevant. Also, IE has responsibilities for setting fees and for complying with HCP permit conditions, and perhaps these responsibilities are better reserved for land use agencies.

Option 3: Multi-Committee JPA of Cities/County/Flood Control and EBRPD\*

Cities, County, and Flood Control comprise Implementing Entity (I.E.) and assume all duties and responsibilities therein. Agreement also includes a broader partnership with EBRPD. EBRPD is a permittee, is a signatory to the Implementing Agreement and the JPA Agreement that forms the I.E./partnership and provides commitments about future acquisition or land management efforts in the inventory area. The Implementing Entity subsequently seeks one-time or long-term agreements with other organizations (besides EBRPD) for land acquisition and management beyond what EBRPD can provide.



Advantages:

- All key parties “at the table”, but roles and responsibilities are more clearly distinguished (EBRPD maintains a clear, lead role in acquisitions and land use agencies retain permitting responsibilities)
- Commitments from EBRPD about future acquisition or land management efforts in the inventory area. Coordination of park acquisitions and habitat acquisitions helps to assure efficiency and avoid competition for lands. Land use agencies get help with meeting financial obligations and avoid some, if not all, permanent land or easement ownership responsibilities.
- Addresses all tough issues up front, avoiding future uncertainty

Disadvantages:

- Somewhat complicated. Perhaps more difficult to prepare and approve quickly.

## II. Staffing

Whatever structure is chosen, and no matter how many responsibilities are assigned to EBRPD and other land management organizations, the Implementing Entity will still need a staff to support the Governing Board and implement the term and obligations of the HCP on a day-to-day basis. The JPA agreement will need to specify how staffing will occur. Here are some options for structuring that staff support:

Option A: Implementing Entity hires staff directly and provides separate office space and support.

Option B: Implementing Entity hires staff directly but office space and support are provided at cost by a member agency (such as the County).

Option C: A member agency (such as the County) provides staff support, office space, and support at cost to the Implementing Entity.\* (*County is recommended by HCPA Member Agency Staff*)

Option D: Implementing Entity hires a non-profit organization to provide staff support, office space, and support at cost to the Implementing Entity.

Option E: Implementing Entity addresses staff support issue in phases, starting with a simple structure and adapting that structure over time to fit the needs of the organization.

## III. Phasing

If more time is needed to work out partnership, staffing and other details of the implementation structure, each aspect of the structure could be staged to adapt to changed circumstances. Here are some options:

Option 1: New/amended JPA is formed to immediately address long term organizational structure and staffing.\*

Option 2: New/amended JPA is formed, but a review is required in years 2, 5, and 10 to see if amendments are needed to address long term organizational structure and staffing.

Option 3: New/amended JPA is formed to address interim organizational structure and staffing, but sunsets after 5 years.

## **IV. Names**

Here are some name ideas for the Implementing Entity:

- East Contra Costa County Habitat Conservation Plan Association (HCPA)
- East Contra Costa County Habitat Conservation Plan Implementation Association (HCPIA)
- East Contra Costa County Habitat Conservation Plan Implementation Entity (HCPIE)
- East Contra Costa County Conservancy

Here are some name ideas for the broader partnership (if Option 3 is selected):

- East Contra Costa County Conservancy
- East Contra Costa County Habitat Partnership
- East Contra Costa County Habitat Conservation Plan Implementation Partnership (HCPIP)