



**CITY OF PITTSBURG
AGENDA**

AUGUST 07, 2023

**CITY HALL COUNCIL CHAMBER
65 CIVIC AVENUE, PITTSBURG, CA**

**CLOSED SESSION
6:00 P.M.**

**REGULAR MEETING
7:00 P.M.**

**CITY COUNCIL
PITTSBURG ARTS AND COMMUNITY FOUNDATION
PITTSBURG POWER COMPANY
SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II
SUCCESSOR AGENCY**

PRESIDING

**Shanelle Scales-Preston, Mayor/Chair
Juan Antonio Banales, Vice- Mayor/Chair
Jelani Killings, Council Member/Board Member
Dionne Adams, Council Member/Board Member
Angelica Lopez, Council Member/Board Member**

**FOR HOUSING AUTHORITY:
S.L. Floyd, Housing Authority Member
Annie Hill Herring, Housing Authority Member**

Pittsburg City Council meetings are held the first and third Mondays of each month at 7:00 p.m. The Housing Authority meets in conjunction with the City Council on the third Monday of each month. The Pittsburg City Council meets regularly in the Council Chamber at 65 Civic Avenue, unless otherwise noted above. The City Council also sits as the Board of Directors of several other City agencies. The stipends for all agency members conform to state statutes governing compensation amounts. All other Agencies meet on an as needed basis and will be listed above if applicable. Copies of the open session agenda packets, which are distributed to the City Council, are on file in the office of the City Clerk, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning 72 hours in advance, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except from noon to 1:00 p.m. and City holidays). The agenda and reports are also located on the City's website at www.pittsburgca.gov. Additionally, if any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports and documents will also be available for public inspection in the City Clerk's Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

AUDIENCE REMARKS

The Audience Remarks period is for the public to comment on any items scheduled to be heard during the Closed Session portion of the meeting, if applicable.

6:00 PM - CONVENE IN CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to Section 54956.9(d)(4)
Number of cases: two

7:00 PM - CONVENE IN OPEN SESSION FOR REGULAR MEETING

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

2. New Employee Introductions
3. Presentation by Healthy Hearts Institute
4. Presentation by the Chamber of Commerce

PROCLAMATIONS

5. In Memory of Dr. Carol Conner, Founder of White Pony Express

CITY MANAGER REPORTS/REMARKS

The City Manager may make brief announcements or informal comments at this time and brief the Council on items of interest. (No Action Required)

PUBLIC COMMENTS

Members of the audience who wish to address the City Council or Agency Boards on issues that are not scheduled for the agenda and on any items listed as part of the Consent Calendar should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. (No Action Required)

COMMITTEE REPORTS

Council Members may make a report on their committee assignments at this time. (see attached list of adhoc committees and other public agencies in which Council members participate). (No Action Required)

PUBLIC HEARING

6. Adoption of a City Council Resolution Approving an Update to the Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Mitigation Fees

On April 16, 2007, the City Council adopted Resolution 07-10745 approving the East Contra Costa County HCP/NCCP, a regional conservation and mitigation plan for natural resources in East County. HCP/NCCP chapter 9, "Funding," outlines estimated costs for implementing the HCP/NCCP and identifies development-based mitigation fees as a source of funding to offset development impacts to natural resources. The development mitigation fee amounts were established by City Council Resolution 07-10898 and have since been adjusted annually according to housing and consumer price indices. The HCP/NCCP requires periodic audits in years three, six, 10, 15, 20 and 25 of implementation to assess whether changes in HCP/NCCP implementation costs require an additional adjustment of the mitigation fees.

CONSIDERATION

7. Adoption of a City Council Resolution Supporting House of Representatives Concurrent Resolution 16 - Efforts to Exonerate the Port Chicago 50

On February 17, 2023, Congressman Mark DeSaulnier (CA-10), Barbara Lee (CA-12), and John Garamendi (CA-08) introduced House of Representatives Concurrent Resolution 16 – Recognizing the victims of the Port Chicago explosion of July 17, 1944, the 79th anniversary of the greatest homeland loss of life of World War II, and exonerating the 50 African-American sailors known as the Port Chicago 50, who were unjustly court-martialed by the Navy (H. Con. Res. 16). This resolution is part of the ongoing effort to right the historic injustice of the wrongful conviction.

8. Adoption of City Council Resolution Authorizing the Purchase of Deferred Replacement Vehicles and Equipment from FY 2022/23 and Budgeted for FY 2023/24

The City maintains a fleet of vehicles and equipment necessary for operations and for maintenance of the city's infrastructure. Due to the COVID-19 pandemic, supply chain shortages, and short purchasing windows, the majority of vehicle and equipment purchases have been postponed since 2020. If approved, the resolution authorizes the procurement of 48 deferred vehicles and equipment not to exceed \$3,211,400 and vehicles and equipment budgeted for Fiscal Year (FY) 2023/24 not to exceed \$945,700 for a combined total not to exceed amount of \$4,157,100.

CONFLICT OF INTEREST STATEMENT

City Council/Agency Members may make any conflict of interest declarations pertaining to Consent Calendar items at this time.

COMBINED CITY COUNCIL, PITTSBURG ARTS AND COMMUNITY FOUNDATION,
PITTSBURG POWER COMPANY, SUCCESSOR AGENCY AND SOUTHWEST
PITTSBURG GHAD II CONSENT CALENDAR

9. Minutes of July 17, 2023

10. Adoption of a Minute Order to Approve a City Council Recess for Labor Day Holiday

Historically, the City Council takes a recess during the summer months to allow for both staff and City Council vacations. The recess and scheduled dates are at the discretion of the City Council.

11. Adoption of a Minute Order to Select Appointments for Vacancies on the Measure M/P Citizens Oversight Committee

Pursuant to a 2013 Minute Order, the Measure M/P Citizens Oversight Committee (“Oversight Committee”) is comprised of three members of the Community Advisory Commission and two members from the Chamber of Commerce. Members must be residents of the City of Pittsburg as well as registered voters.

12. Adoption of a Minute Order Authorizing a Letter of Support for ABAG's Regional Technology and Innovation Hub Program Proposal

The U.S. Economic Development Administration's (EDA) Regional Technology and Innovation Hubs (Tech Hubs) Program is an economic development initiative to drive regional technology and innovation growth by investing directly in regions to create innovation centers that catalyze the creation of good jobs for American workers of all skill levels. The Association of Bay Area Governments (ABAG) is submitting a proposal to establish a Next-Generation Solid-State Battery Technology Innovation Hub (NSBT-Hub) to the EDA under this program. Adoption of a minute order would authorize staff to forward a letter of support for ABAG's proposal.

13. Adoption of a City Council Resolution to Modify Overtime Pay and Amend the IBEW Agreement

The City Manager, upon recommendation from the Director of Human Resources, recommends amendments to the International Brotherhood of Electrical Workers (IBEW), Local 1245 Memorandum of Understanding (MOU). The City Council is asked to approve the amendment to the IBEW Memorandum of Understanding.

14. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Contract with Chemtrade Chemicals US LLC for the Water Treatment Chemical Supply – Aluminum Sulfate

The Public Works Department is responsible for the maintenance and operation of the City's Water Treatment Plant and each year solicits bids for necessary chemical supplies. If approved, the resolution will authorize a purchase contract with vendor Chemtrade Chemicals US LLC as the only responsive bidder for Aluminum Sulfate in the amount of \$84,000.

15. Adoption of a City Council Resolution Accepting the Adjusted Budget Summary for Project 1200 California Theatre Balcony Renovation

Project 1200 California Theatre Balcony Renovation (the “Project”) constructed multiple retrofit improvements to the upper and lower sections of the California Theatre balcony to allow it to be occupied and utilized as seating during theater events. The Project was accepted as complete in February 2023. This resolution will accept an Adjusted Budget Summary for the Project to include additional design and project management expenditures previously omitted from the record.

16. Adoption of a City Council Resolution Awarding a Purchase Contract to JAM Services for Project 1752 Streetlight LED Replacement

Project 1752, Streetlight LED Replacement (Project), was recently established to improve city lighting. Supplies needed for the project will be ordered in bulk. If approved, the resolution will award a purchase contract in the amount of \$400,000 with JAM Services of Livermore, CA as the lowest responsive, responsible bidder.

17. Adoption of a City Council Resolution Authorizing the Application for a Land and Water Conservation Fund Funding for the Pittsburg Premier Fields Project

The City is pursuing Federal Land and Water Conservation Fund (LWCF) grant funds for development of the Pittsburg Premier Fields Project (Project). The LWCF application requires a Resolution demonstrating City Council approval of the application.

18. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Lease Agreement with Contra Costa County Department of Information Technology

The City is the owner of real property known as 200 Shadybrook Court, Pittsburg, California (Property). The City and Contra Costa County Department of Information Technology (County) propose to enter into a lease agreement (Lease) for a portion of the Property located in a fenced area of approximately 1,200 square feet and includes the road that leads to the fenced area from Shadybrook Court (Premises).

19. Adoption of a City Council Resolution Accepting Project 2039, Manville Avenue Speed Humps as Complete and Authorize the City Engineer to File a Notice of Completion

Project 2039, Manville Avenue Speed Humps Project (the “Project”), included the construction of three speed humps with white thermoplastic pavement marking, six speed hump signs, and six 15 MPH signs along Manville Avenue between Riverview Drive and Madoline Street. This Resolution will accept the construction contract as completed and authorize the City Engineer to file a notice of completion.

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Council Members may request items to be considered for future agendas. An item will only be brought forward with a majority vote and will appear on a future agenda with staff recommendations for further Council consideration.

COUNCIL MEMBER REMARKS

Council Members may make brief announcements or informal comments at this time. (No Action Required)

ADJOURNMENT TO AUGUST 21, 2023

NOTICE TO PUBLIC

GENERAL INFORMATION

Copies of the open session agenda packets, as distributed to the City Council, are on file in the office of the City Clerk, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning 72 hours in advance, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except City holidays). Full agenda packets are also located on the City's website at www.pittsburgca.gov. If any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports or documents will be available for public inspection in the City Clerk's Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

SPEAKER'S CARD

Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the agenda should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given up to three minutes to address the Council unless additional time is allowed as provided for spokespersons. Speakers are not permitted to yield their time to another speaker. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. Pursuant to the Brown Act, no action may be taken by the City Council on items not already scheduled on the agenda; however, the City Council may refer your comments/concerns to staff or request that the item be placed on a future agenda.

PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency.

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled residents. Upon request, an agenda for any meeting shall be made available in appropriate alternative formats. The Council Chamber is equipped with sound amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the sound amplifier from the City Clerk for personal use during Council meetings. If you need special assistance to participate in this meeting, or are requesting a specially formatted agenda, please contact the City Clerk at (925) 252-4850. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format. (28 CFR 35.102-35.104 ADA Title II)

DISRUPTIVE CONDUCT

The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and electronic devices, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

LIVE MEDIA BROADCASTING ADVISEMENT

City Council meetings are webcast live on the City's website at www.pittsburgca.gov on the Agendas and Live Meetings page. Past meetings and approved minutes are also archived on that webpage. Watch the live meeting via the City's webcast (www.pittsburgca.gov - Agendas and Live Meetings), on Comcast Channel 24 Delta TV, AT&T U-Verse Channel 99 Delta TV. Contact the City Clerk's office at (925) 252-4850 for more information

City Council Outside Agency / Liaison / Sub-Committees Assignments - 2023

Updated July 17, 2023

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>TIME</u>	<u>STAFF</u>
ABAG	Shanelle Scales-Preston / Jelani Killings Alt.	Standing	Annual		G. Evans
Delta Diablo*	Juan Banales / Shanelle Scales-Preston Alt.	Standing	2 nd Wednesday	4:30 pm	J. Samuelson
East Co. Co. County Habitat Conservancy	Juan Banales / Jelani Killings Alt.	Standing	4 th Monday	2:00 pm	J. Davis
			Bi-Monthly		
East County Water Management	Juan Banales / Jelani Killings Alt.	Standing	Annual		J. Samuelson
MCE Clean Energy Board	Shanelle Scales-Preston / Angelica Lopez Alt.	Standing	Quarterly	7:00 pm	D. Buchanan
TRANSPLAN / ECCRFFA	Shanelle Scales-Preston / Juan Banales Alt.	Standing	2 nd Thursday	6:30 pm	J. Samuelson
Tri-Delta Transit (2 reps)**	S. Scales-Preston & Dionne Adams / Jelani Killings Alt.	Standing	Last Wednesday	4:00 pm	J. Samuelson
<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>TIME</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Shanelle Scales-Preston / Jelani Killings Alt.	Standing	3 rd Thursday		G. Evans
Los Medanos Health Advisory Committee	Shanelle Scales-Preston & Jelani Killings	Ad Hoc	As needed		M. Aliotti
Mayor's Conference	Shanelle Scales-Preston / Juan Banales Alt.	Standing	1 st Thursday	6:30 pm	G. Evans
School Districts Committee (2x2)	Jelani Killings & Angelica Lopez / Dionne Adams Alt.	Standing	2 nd Thursday	4:00 pm	M. Aliotti
			Quarterly		
Pittsburg Police Activities League (PAL)	Shanelle Scales-Preston & Angelica Lopez / Dionne Adams Alt.	Standing	Monthly		S. Albanese
<u>SUBCOMMITTEES</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>TIME</u>	<u>STAFF</u>
Community and Economic Development	Jelani Killings & Angelica Lopez / Juan Banales Alt.	Standing	As needed		J. Davis
Finance Management	Shanelle Scales-Preston & Juan Banales / Jelani Killings Alt.	Standing	As needed		P. Rodrigues
Government Performance	Juan Banales & Jelani Killings	Ad Hoc	As needed		J. Brizel
Infrastructure and Transportation	Juan Banales & Dionne Adams / Angelica Lopez Alt.	Standing	As needed		J. Samuelson
Life Enrichment	Dionne Adams & Angelica Lopez / Shanelle Scales-Preston Alt.	Standing	As needed		K. Simonton
Public Safety	Shanelle Scales-Preston & Jelani Killings / Dionne Adams Alt.	Standing	As needed		S. Albanese
Tobacco, Cannabis, Alcohol Policy Review	Shanelle Scales-Preston & Jelani Killings	Ad Hoc	As needed		G. Evans

*Stipend of \$170 per month

**Stipend of \$100 per month



City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

Proclamation

*Dr. Carol Weyland Conner's
Humanitarian Contributions to the City of Pittsburg
August 7, 2023*

WHEREAS, Dr. Carol Weyland Conner, who peacefully passed away on April 22, 2023, founded White Pony Express in 2013, the volunteer-powered nonprofit which delivers fresh, surplus food gathered from supermarkets and restaurants to the hungry throughout the county. Over the last 10 years, White Pony Express has delivered more than 20 million free, fresh, healthy meals and 1.5 million clothing items to residents of Contra Costa County, including Pittsburg; and

WHEREAS, Dr. Conner believed, "There is a simple solution that can end the problems of hunger and marginalization for good – a new paradigm: voluntary shared abundance. In this model of life, responsibility for helping the family of man is assumed by everyone, or in the phrase White Pony Express uses, 'all of us taking care of all of us!'" ; and

WHEREAS, Dr. Conner founded the nonprofit Following Francis, which nurtures kindness, courage, and self-worth in children, and has staged festive, outdoor "faires", musical plays, and other activities for nearly 15,000 children throughout the nation, including the children of Pittsburg. Following Francis has also delivered gifts of clothing, groceries, gift baskets and household supplies to Pittsburg families; and

WHEREAS, during the pandemic, volunteers of White Pony Express and Following Francis participated in a project initiated by Dr. Conner which involved distributing cash gifts of \$1,200 apiece to those identified by community organizations as being in dire need, including residents of Pittsburg.

NOW, THEREFORE, I, Shanelle Scales-Preston, on behalf of the entire City Council of the City of Pittsburg, hereby recognize the impact of Dr. Conner's contributions and humanitarian efforts to serve under-resourced communities in Contra Costa County, specifically in the City of Pittsburg.

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Approving an Update to the Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Mitigation Fees

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

On April 16, 2007, the City Council adopted Resolution 07-10745 approving the East Contra Costa County HCP/NCCP, a regional conservation and mitigation plan for natural resources in East County. HCP/NCCP chapter 9, "Funding," outlines estimated costs for implementing the HCP/NCCP and identifies development-based mitigation fees as a source of funding to offset development impacts to natural resources. The development mitigation fee amounts were established by City Council Resolution 07-10898 and have since been adjusted annually according to housing and consumer price indices. The HCP/NCCP requires periodic audits in years three, six, 10, 15, 20 and 25 of implementation to assess whether changes in HCP/NCCP implementation costs require an additional adjustment of the mitigation fees.

FISCAL IMPACT

There is no fiscal impact to the General Fund budget as a result of the mitigation fee audit and adjustment to the HCP/NCCP mitigation fees. Development-based mitigation fees that the City collects in accordance with the HCP/NCCP are passed through to the East Contra Costa County Habitat Conservancy (Conservancy), the implementing entity for the HCP/NCCP, to be used to pay for land acquisition, habitat restoration/creation and related construction costs, and management and monitoring costs associated with implementation of the HCP/NCCP. The City will continue to collect an administrative fee to cover its costs in staff time spent implementing the HCP/NCCP.

RECOMMENDATION

City Council open the public hearing, take public testimony, close the public hearing, and adopt the attached Resolution adjusting the HCP/NCCP development fees to the amounts described in the Resolution.

BACKGROUND

On April 16, 2007, the City Council adopted Resolution 07-10745 making findings pursuant to the California Environmental Quality Act (CEQA) and approving the HCP/NCCP. Participating jurisdictions in the HCP/NCCP include Contra Costa County and the cities of Pittsburg, Brentwood, Clayton and Oakley. HCP/NCCP chapter 9, "Funding," outlines estimated costs for implementing the HCP/NCCP and identifies development-based mitigation fees, state and federal funding programs, and grants as sources of funding for Plan implementation.

On November 19, 2007, the City Council adopted Ordinance 07-1293 adding Chapter 15.108, "Habitat Conservation Plan / Natural Community Conservation Plan Implementation," to the Pittsburg Municipal Code (PMC), thereby codifying the HCP/NCCP into local ordinance. PMC section 15.108.070 authorized the collection of mitigation fees to offset impacts by development that disturbs open space, wetlands and waters, habitat, and sensitive special status species covered by the HCP/NCCP. The mitigation fee amounts were established by City Council Resolution 07-10898.

PMC section 15.108.070 includes a provision for automatic adjustment of mitigation fees according to market inflation or deflation, by March 15 of each year, as required by the HCP/NCCP. A periodic audit and adjustment of the mitigation fees is required to be done in years three, six, 10, 15, 20 and 25 years of Plan implementation to assess whether changes in HCP/NCCP implementation costs over time require an additional adjustment of the mitigation fees.

The fee audit for year 10 occurred in 2017 but was subject to litigation that was not settled until January 2021. On February 22, 2021, the HCP Conservancy Governing Board adopted a 2017 Mitigation Fee Audit and Nexus Study reflecting updated mitigation fees. On March 7, 2022, the City Council approved Resolution No. 22-14061 updating mitigation fees in accordance with the adjustments resulting from the 2017 Fee Study.

On February 27, 2023, the HCP Conservancy Governing Board directed participating agencies to begin utilizing the most recent mitigation fees reflected in the 2022 Fee Study.

On May 9, 2023, the Contra Costa County Board of Supervisors adopted the 2022 Mitigation Fee Audit and Nexus Study and Ordinance No. 2023-10 to update HCP mitigation fees.

The procedures included in the proposed ordinance for implementing the HCP/NCCP are unchanged from those adopted by the County in 2007.

SUBCOMMITTEE FINDINGS

This item was not presented to a Subcommittee.

STAFF ANALYSIS

HCP/NCCP development-based mitigation fees applicable to Pittsburg development projects are generally categorized into two categories: Development Fees and Wetland Fees.

The former are collected on a per-acre basis as mitigation for impacts to open space, habitat and species covered by the HCP/NCCP, while the latter are collected on a per-foot basis as mitigation for impacts to jurisdictional wetlands and waters, riparian woodland/scrub, and stream buffers.

Fees are higher for lands with higher habitat value (such as in open space areas south of the City) and lower for lands with less habitat value (such as disconnected or small infill sites without wetlands). All construction or capital improvement projects that would disturb specified undeveloped lands within the HCP/NCCP permit area are subject to payment of the Development Fee, while the Wetland Mitigation Fee would be added in the event that the project would also permanently disturb a wetland, stream or other water feature.

Each of the HCP/NCCP's participating agencies are required to take action to adopt the 2022 Mitigation Fee Audit and Nexus Study's updated fees, as adjusted to include automatic annual adjustments. In addition to the periodic fee audit, the mitigation fees are automatically adjusted annually based on the Consumer Price Index (CPI) and the Home Price Index (HPI) using a formula in the HCP/NCCP. The fees calculated in the Fee Study are for 2022. These have further been updated to reflect the annual adjustments made in 2023, as shown in the table below.

2023 Mitigation Fee Schedule Based On 2022 Fee Study

Land Cover	Fee Basis	Current 2023 Fee	Updated 2023 Fee Based On 2022 Fee Study	Change from Current 2023 Fee
Development Fee				
Zone 1	per acre	\$19,611.52	\$19,871.91	1.31%
Zone 2	per acre	\$39,223.04	\$39,743.83	1.31%
Zone 3	per acre	\$9,805.76	\$9,935.96	1.31%
Wetland Mitigation Fee				
Riparian	per acre	\$110,667.08	\$111,060.40	0.35%
Perennial Wetland	per acre	\$167,718.29	\$170,908.06	1.87%
Seasonal Wetland	per acre	\$392,489.03	\$401,479.18	2.24%
Alkali Wetland	per acre	\$396,778.59	\$405,871.63	2.24%
Ponds	per acre	\$215,976.51	\$221,421.23	2.46%
Aquatic (Open Water)	per acre	\$107,988.87	\$110,711.14	2.46%
Slough / Channel	per acre	\$154,206.78	\$156,815.09	1.66%
Streams (<=25 ft. wide)	per ln ft.	\$569.07	\$580.00	1.88%
Streams (>25 ft. wide)	per ln ft.	\$854.23	\$869.47	1.75%

The updated Development Fees reflect an approximate 1.31% increase from those currently charged by the County. For the non-stream wetlands, the costs of restoration are slightly higher than the existing fees (between 0.35% and 2.46%). Similarly, the costs of restoration for streams are slightly higher than the existing fees (between 1.75% and 1.88%). The 2022 Fee Study compares current actual costs to the cost assumptions used to calculate current mitigation fee amounts.

ATTACHMENTS

1. Proposed Resolution
2. East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study, dated February 2023
3. East Contra Costa County Habitat Conservancy, Memorandum to Governing Board, February 27, 2023
4. Public Hearing Notice

Report prepared by: Alison Hodgkin, Associate Planner

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving an Update to the)
Habitat Conservation Plan/Natural)
Community Conservation Plan)
(HCP/NCCP) Mitigation Fees)

RESOLUTION NO. 23-_____

WHEREAS, on April 16, 2007, the City Council adopted Resolution 07-10745 making findings pursuant to the California Environmental Quality Act (CEQA); approving the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP, or "Plan"); authorizing the City Manager to execute the Implementing Agreement for the HCP/NCCP; and authorizing the City Manager to execute the Joint Exercise of Powers Agreement Creating the East Contra Costa County Habitat Conservancy, the agency that performs the duties assigned to the Implementing Entity in the HCP/NCCP and Implementing Agreement; and

WHEREAS, the HCP/NCCP, as implemented in accordance with the Implementing Agreement, provides comprehensive species, wetlands, and ecosystem conservation and contributes to the recovery of endangered species within East Contra Costa County; balances open space, habitat, and urban development; encourages, where appropriate, multiple uses of protected areas; shares the costs and benefits of the HCP/NCCP as widely and equitably as possible; and protects the rights of private property owners; and

WHEREAS, the HCP/NCCP also reduces the cost and increases the clarity and consistency of federal and state permitting and consolidates and streamlines these processes into one, locally controlled plan. On July 25, 2007, and August 6, 2007, the United States Fish and Wildlife Services and California Department of Fish and Game issued permit numbers TE 160958-0 and 2835-2007-01-03 (respectively) to the City of Pittsburg, authorizing the City of Pittsburg to conduct and authorize activities that could result in take of threatened and endangered species subject to compliance with, and implementation of, the HCP/NCCP; and

WHEREAS, HCP/NCCP chapter 9, "Funding", outlines estimated costs for implementing the HCP/NCCP and identifies mitigation fees on development; state and federal funding programs; and grants as sources of funding for Plan implementation; and

WHEREAS, on November 19, 2007, the City Council adopted Ordinance 07-1293 adding chapter 15.108, "Habitat Conservation Plan / Natural Community Conservation Plan Implementation," to the Pittsburg Municipal Code (PMC), thereby codifying the HCP/NCCP into local ordinance; and

WHEREAS, PMC section 15.108.070 authorizes the collection of mitigation fees to offset impacts by development that disturbs open space, wetlands and waters, habitat, and sensitive special status species covered by the HCP/NCCP. The mitigation fee amounts were established by City Council Resolution 07-10898; and

WHEREAS, PMC section 15.108.070 includes an automatic adjustment of mitigation fees according to market inflation or deflation, by March 15 of each year, as provided in the HCP/NCCP. A periodic audit and adjustment of the mitigation fees is required to be done in years three, six, 10, 15, 20 and 25 years of Plan implementation to assess whether actual land costs and experience in implementing the HCP/NCCP since adoption of the Plan necessitate an additional adjustment of the mitigation fees; and

WHEREAS, the fee audit for year 10 occurred in 2017 but was subject to litigation that was not settled until January 2021; and

WHEREAS, on February 22, 2021, the HCP Conservancy Governing Board adopted the 2017 Mitigation Fee Audit and Nexus Study; and

WHEREAS, the City Council adopted Resolution No. 22-14061 approving updated mitigation fees to reflect the 2017 Fee Study; and

WHEREAS, on February 27, 2023, the HCP Conservancy Governing Board directed participating agencies to adopt increases to mitigation fees; and

WHEREAS, on May 9, 2023, the Contra Costa County Board of Directors adopted the 2022 Mitigation Fee Audit and Nexus Study and Ordinance No. 2023-10 to update HCP mitigation fees; and

WHEREAS, each of the participating agencies in the East Contra Costa County HCP/NCCP must now take action to adopt the 2022 Mitigation Fee Audit and Nexus Study's updated fees, as adjusted to include automatic annual adjustments since the 2022 performance of the audit, to facilitate consistency in implementation of the HCP/NCCP across the participating agencies; and

WHEREAS, on or prior to July 27, 2023, notice of the August 7, 2023, public hearing was posted at City Hall, at the Pittsburg Library, at the City Housing Authority, and on the 'Public Notices' section of the city's website; was mailed via first class or electronic mail to local developers; and was published in the East County Times; and

WHEREAS, the City Council has reviewed and given consideration to all written material and spoken testimony presented before and during the hearing.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Pittsburg finds and determines as follows:

Section 1. Findings

Based on the Staff Report entitled, "Adoption of a City Council Resolution Approving an Update to the Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Mitigation Fees," dated August 7, 2023, and based on all the information contained in the Planning Division files on this item, incorporated here by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the City Council finds that:

- A. The foregoing recitals are true and correct and are incorporated herein by reference.
- B. For purposes of this Resolution, the terms defined in section 15.108.020 of the PMC are incorporated by reference herein.
- C. The purpose of the habitat conservation mitigation fees is to help fund the HCP/NCCP conservation strategy, to mitigate the impacts of development on covered species, and to contribute to the recovery of those species in the plan area.
- D. Based on the 2022 Mitigation Fee Audit and Nexus Study, and the HCP/NCCP and the data and analyses referenced therein, there is a reasonable relationship between the use of the HCP/NCCP implementation updated fees authorized by this Resolution and the type of development projects subject to the fees. The fees updated herein were adopted and are implemented by the City Council in reliance on the comprehensive studies that have been prepared for the HCP/NCCP. The updated Development Fee will be used to implement the HCP/NCCP by funding the acquisition of land, the enhancement and management of habitat and the other activities to mitigate for impacts to open space, habitat and covered species caused by affected Development Projects. The updated Wetland Mitigation Fee will be used to implement the HCP/NCCP by funding the restoration, creation and management Jurisdictional Wetlands and Waters and riparian woodland/scrub and other actions to mitigate for impacts to Jurisdictional Wetlands and Waters and riparian areas caused by Affected Development Projects. The HCP/NCCP implementation updated fees will not apply to all types of Development Projects; rather, it will only apply to those Development Projects that impact open space, habitat suitable for one or more covered species, Jurisdictional Wetlands and Waters or riparian areas. In this way, the HCP/NCCP implementation updated fees will be used only for purposes reasonably related to the types of development projects that will be subject to the updated fees.
- E. Based on the HCP/NCCP and the data and analyses referenced therein, there is a reasonable relationship between the need for the public facilities to be funded by the HCP/NCCP implementation fees and the type of development projects on which the fees are imposed because the need for these facilities, which include the acquisition of land and the management, enhancement, restoration, and creation of habitat, arises from the development projects to which the fees will apply, i.e., development projects of all types that disturb open space, habitat, Jurisdictional Wetlands and Waters or riparian areas.
- F. Based on the HCP/NCCP and the data and analyses referenced therein, there is a reasonable relationship between the amount of the HCP/NCCP implementation fees and the cost of the public facilities or portion of the public facilities attributable to the development projects on which the fees will be imposed. The costs of the public facilities needed to mitigate cumulative impacts from development projects subject to 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 fees were then calculated based on these costs, as follows:

1. The method of calculating the Development Fee amount for individual Affected Development Projects reflects the cost of the public facilities attributable to individual Affected Development Projects based on:
 - a. Area of the Affected Development Project, as the cost of acquiring sufficient open space or habitat land to mitigate for the impacts of a particular development project is directly proportional to the acreage of that project; and
 - b. Location of the Affected Development Project, as the need for the public facilities varies in proportion to the intrinsic habitat or open space value of the land impacted by the project. Thus, fees are tiered so that the highest fee amounts are imposed in Development Fee Zone II, which is 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, which is 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, which is deemed to have the lowest intrinsic value per acre.
2. The method of calculating the Wetland Mitigation Fee amount for individual Affected Development Projects reflects the cost of the public facilities attributable to those individual Affected Development Projects based on:
 - a. Type of Jurisdictional Wetlands and Waters and riparian woodland/scrub to be impacted by the Affected Development Project, as the type of Jurisdictional Wetlands and Waters and riparian woodland/scrub to be restored or created must effectively replace the type being impacted by the particular project. The cost of restoring or creating Jurisdictional Wetlands and Waters and riparian woodland/scrub depends on (1) the specific construction tasks necessary to restore or create these areas and (2) the different mitigation ratios applicable to the restoration or creation of various types of Jurisdictional Wetlands and Waters and riparian woodland/scrub, these ratios having been established in the HCP/NCCP to require relatively more restoration or creation of those types of Jurisdictional Wetlands and Waters and riparian woodland/scrub that have a higher habitat value and function for covered species and/or are more difficult to restore or create, and therefore must be restored or created in larger amounts to offset the anticipated failure of a portion of the acreage restored or created; and
 - b. Area of Jurisdictional Wetlands and Waters and riparian woodland/scrub to be impacted by the Affected Development Project, as the cost of restoring or creating Jurisdictional Wetlands and Waters and riparian woodland/scrub is directly proportional to the acreage

being restored or created, which in turn is directly proportional to the acreage being impacted by the project.

- G. On April 16, 2007, prior to approving the HCP/NCCP implementing ordinance and fees, the City Council adopted Resolution 07-10745 making findings pursuant to the California Environmental Quality Act (CEQA) and approving the HCP/NCCP. This update of the adopted schedule of fees is an administrative action that is not considered a “project” pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5,) and is, therefore, exempt from CEQA.
- H. Future individual affected development projects subject to this resolution will require separate project-specific CEQA review.

Section 2. Implementation Fees Imposed

- A. The applicability and application procedure for the payment of the HCP/NCCP Development Fee and Wetland Mitigation Fee and procedure for payment of such fees shall remain as specified by Chapter 15.108 of Pittsburg Municipal Code.

- B. Development Fee.

- 1. The Development Fee shall be based on each acre of land, or portion thereof, permanently disturbed and is set as follows:

<u>Location of Affected Development Project</u>	<u>Development Fee</u>
Development Fee Zone I	\$19,871.91 per acre
Development Fee Zone II	\$39,743.83 per acre
Development Fee Zone III	\$9,935.96 per acre

- 2. The Development Fee Zones are set forth in Contra Costa County Board of Directors Ordinance No. 2023-10, Exhibit A, which is attached to this Resolution as Exhibit A.

- C. Wetland Mitigation Fee. The Wetland Mitigation Fee is set forth in Exhibit B.

- D. The Development Fee and Wetland Mitigation Fee shall on March 15 of each year be automatically adjusted as follows:

- 1. The Development Fee shall be adjusted as provided in Exhibit C and based on the formula in Exhibit D, as explained in Chapter 9.3.1 of the HCP/NCCP. As shown in Exhibit C and Exhibit D, both of which are incorporated herein by reference, one portion of the Development Fee’s amounts in effect before March 15 of each year shall be increased or decreased by the same percentage as the percentage of increase or decrease in the Office of Federal Housing Finance Agency Annual Home Price Index for the Oakland-Berkeley-Livermore, California Metropolitan Division for the prior calendar year. The remaining portion of the Development Fee’s amounts shall be increased or decreased by the same percentage as the percentage of increase or decrease in the Consumer Price Index for the San Francisco-

Oakland-Fremont Combined Statistical Area (U.S. Bureau of Labor Statistics) for prior calendar year.

2. The Wetland Mitigation Fee shall be adjusted as provided in Exhibit C. As shown in Exhibit C, the Wetland Mitigation Fee's amounts in effect before March 15 of each year shall be increased or decreased by the same percentage as the percentage of increase or decrease in the Consumer Price Index for the San Francisco-Oakland-Fremont Combined Statistical Area (U.S. Bureau of Labor Statistics) for the prior calendar year.

Section 3. Effective Date

The fees provided in this Resolution shall be effective 60 days after the adoption of this Resolution.

Section 4. Severability

All portions of this Resolution are severable. Should any provision of this Resolution be judged to be invalid and unenforceable, the remaining provisions shall be and continue to be fully effective, and the fees shall be fully effective except as to the portion that has been judged to be invalid.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of August 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Exhibit A: Development Fee Zones - Pittsburg

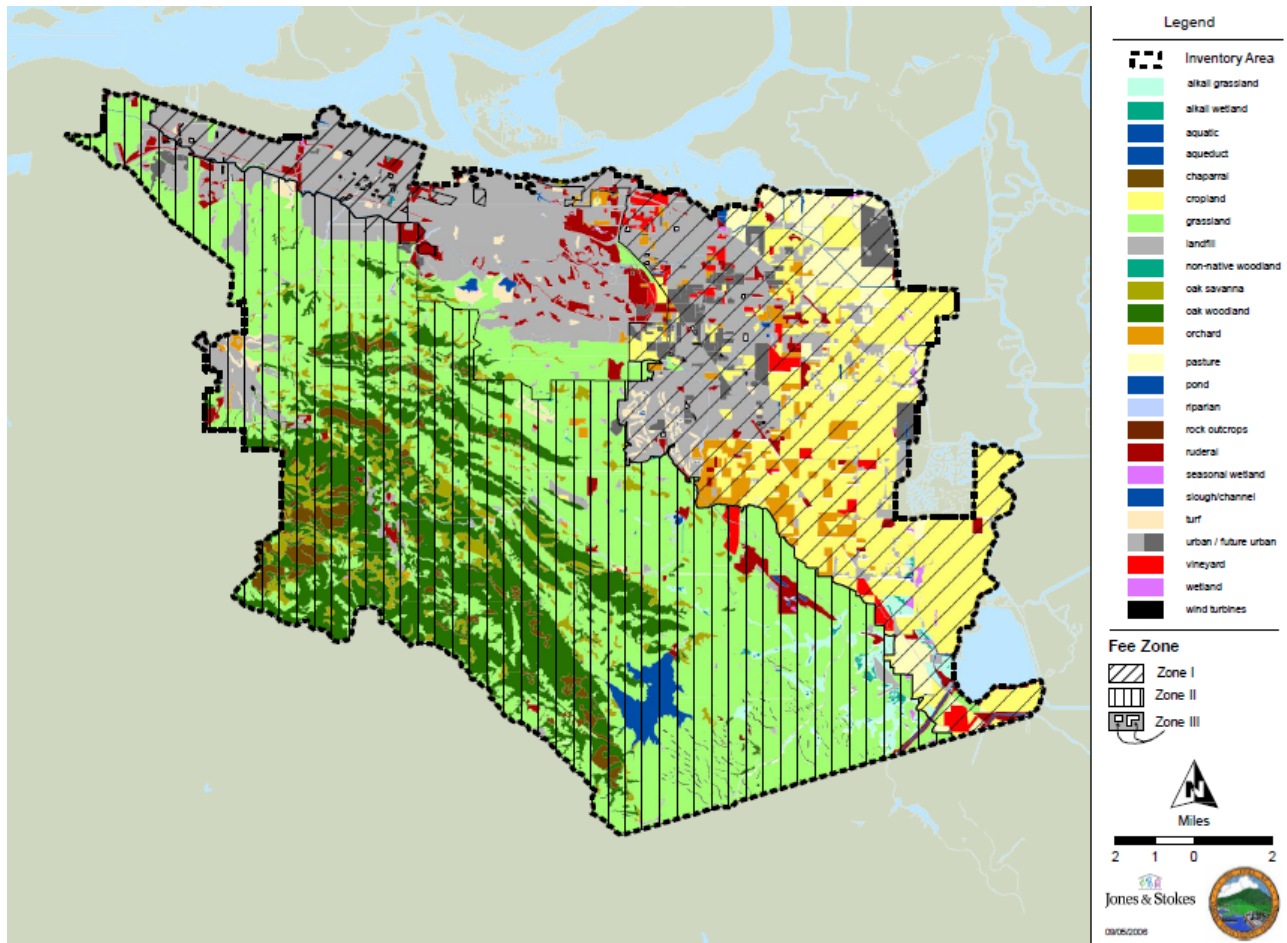


Exhibit B: Wetland Mitigation Fee and Acreage Determination Methods

(Adapted from Table 9-5 of the HCP/NCCP to reflect the fee amounts applicable after the effective date of this Resolution)

Land Cover Type	Fee per unit of Impact	Method for Determining Fee Boundary
Riparian woodland/scrub	\$111,060.40/acre	Limit of tree or shrub canopy (drip line)
Perennial wetlands	\$170,908.06/acre	Jurisdictional wetland boundary of state or federal government ¹ , whichever is greater
Seasonal wetland	\$401,479.18/acre	Same as above
Alkali wetland	\$405,871.63/acre	Same as above
Ponds	\$221,421.23/acre	Jurisdictional waters boundary of state or federal government ¹ , whichever is greater
Aquatic (open water)	\$110,711.14/acre	Wetted area during normal rainfall year or jurisdictional waters boundary, whichever is greater
Slough/channel	\$156,815.09/acre	Area of impact within banks
Streams		
Streams 25 feet wide or less	\$580.00/linear foot	Stream length measured along stream centerline. Stream width measured between top of bank.
Streams greater than 25 feet wide ²	\$869.47/linear foot	Stream length measured along stream centerline. Stream width measured between top of bank.

¹ Using methods for determining state and federal jurisdictional wetlands and waters at the time of HCP/NCCP approval.

² Impact fee for wider streams is 1.5 times the base stream fee to account for higher construction costs on wider streams.

Exhibit C: Fee Adjustment Indices

(Adapted from Table 9-7 of the HCP/NCCP to reflect the fee adjustment procedures applicable after the effective date of this Resolution)

Fee	Annual Adjustment Index ¹	Average Annual Rate (2006-2022) Example
Development Fee		
Portion for Land Acquisition ² (59.53% initially ³)	Change in the annual Home Price Index (HPI) for the Oakland-Berkeley-Livermore, CA Metropolitan Division (MSAD) for the prior calendar year (Office of Federal Housing Finance Agency) ⁴	3.85%
Portion for Preserve System Operation, Restoration, and Maintenance (40.47% initially ³)	Change in the Consumer Price Index for the San Francisco-Oakland-Fremont Combined Statistical Area for all urban consumers for the prior calendar year (U.S. Bureau of Labor Statistics) ⁵	2.87%
Wetland Mitigation Fee	Change in the Consumer Price Index for the San Francisco-Oakland-Fremont Combined Statistical Area for all urban consumers for the prior calendar year (U.S. Bureau of Labor Statistics) ⁵	2.87%

Note:

¹ HCP/NCCP fees to be adjusted automatically by March 15 of every year based on the indices for the prior calendar year. See Appendix G of the HCP/NCCP for more details on methodology and sources.

² Direct land acquisition costs only. Excludes costs associated with land transaction, site improvements, and due diligence (e.g., pre-acquisition surveys).

³ The portion of the Development Fee that will be adjusted according to the HPI and CPI will vary over time. For the first annual automatic adjustment following the effective date of this Ordinance No. 2023-10, 59.53% of the initial fees will be adjusted according to the HPI and 40.47% will be adjusted according to the CPI. The apportionment in subsequent years will depend on the relative values of the indices, in accordance with the formula provided in Exhibit E.

⁴ See <https://www.fhfa.gov/DataTools/Downloads/Pages/House-Price-Index-Datasets.aspx#atvolData>. Data for the prior calendar year are published in March. To calculate automatic adjustments, the change in the HPI for the prior calendar year will be used.

⁵ Consumer Price Index, All Items, with base data year of 1982-1984 (i.e., 1982-1984 = 100), for all urban consumers (CPI-U), not seasonally adjusted. See https://www.bls.gov/eag/eag.ca_sanfrancisco_msa.htm.

Exhibit D: Automatic Development Fee Increase Formula

(Adapted from Table 9-7 of the HCP/NCCP to reflect the fee adjustment procedures applicable after the effective date of this Resolution)

$$Fee_n = [(L_{n-1} * (HPI_{n-1}/HPI_{n-2})) + (S_{n-1} * (CPI_{n-1}/CPI_{n-2}))] * Z$$

Where:

n = year of HCP/NCCP Implementation [year 1 (n=1) is 2007, the calendar year in which the HCP/NCCP implementation ordinance was adopted; year 2 (n = 2) is 2008; etc. Year 0 (n=0) is 2006. Year 17 (n=17) is 2023.]

Fee_n = Development Fee for year n (the Development Fee for year n applies from March 15 of year n through March 14 of the following year)

Fee₁₇ = \$39,743.83 for Zone II; \$19,871.91 for Zone I; and \$9,935.96 for Zone III

$$L_n = [L_{n-1} * (HPI_{n-1}/HPI_{n-2})] * Z$$

L_{n-1} = Land acquisition portion of development fee for the year prior to year n

$$L_{17} = 59.53\% \text{ of } \$39,743.83 = \$23,659.15$$

HPI_{n-1} = Home Price Index (HPI) for the Oakland-Berkeley-Livermore, CA Metropolitan Division (MSAD) at the end of the calendar year prior to year n as published by the Office of Federal Housing Finance Agency

$$S_n = [S_{n-1} * (CPI_{n-1}/CPI_{n-2})] * Z$$

S_{n-1} = Non-land acquisition portion of development fee for the year prior to year n

$$S_{17} = 40.47\% \text{ of } \$39,743.83 = \$16,084.67$$

CPI_{n-1} = Consumer Price Index for the San Francisco-Oakland-Fremont Combined Statistical Area for all urban consumers at the end of the calendar year prior to year n as published by U.S. Bureau of Labor Statistics

Z = Fee zone factor (based on which fee zone the project is in (see Figure 9-1 in the HCP)). The fee zone factors for the three zones are as follows:

Z = 1 for Zone II, the Natural Lands Zone

Z = 0.5 for Zone I, the agricultural lands zone

Z = 0.25 for Zone III, the infill zone

EAST CONTRA COSTA COUNTY HCP / NCCP MITIGATION FEE AUDIT AND NEXUS STUDY

Prepared For:

East Contra Costa County Habitat Conservancy

Prepared By:

Robert D. Spencer, Urban Economics

Sally E. Nielsen, Insight Data and Economic Analysis

February 2023



Table of Contents

Executive Summary	iv
1. Introduction	1
Background.....	1
HCP/NCCP Mitigation Fees	2
Audit Objectives and Scope.....	3
2. Impacts	9
Urban Development Area (UDA)	9
Development Fee Zones.....	10
Summary of Impacts to Date	11
Remaining Permanent Impacts Under the HCP/NCCP.....	11
Permit Term Extension	14
3. Cost Model.....	16
General Approach	16
Land Acquisition Costs.....	17
Habitat Restoration/Creation Costs.....	18
Updates to Other Cost Categories.....	20
Summary of Cost Model Results.....	22
4. Endowment Model.....	25
Endowment Creation.....	25
Post-permit Term Costs	26
Endowment Funding.....	26
Endowment Model Results.....	29
5. Wetland Mitigation Fee.....	30
Updated Fee Schedule	30
Mitigation Fee Act Findings	32
6. Development Fee.....	35
Updated Fee Schedule	35
Comparison with Original and Current Fee.....	37
Mitigation Fee Act Findings	37
7. Rural Road and Temporary Impact Fees	40

Rural Road Fee.....	40
Temporary Impact Fee	42
8. Funding Plan.....	45
Revenue Sources	45
Funding Plan Summary	49
Appendix A: Development Impacts	A-1
Appendix B: Land Acquisition Cost Analysis.....	B-1
Appendix C: Initial UDA Cost Model Update.....	C-1
Appendix D: Maximum UDA Cost Model Update	D-1
Appendix E: Endowment Model Update	E-1
Appendix F: Revenue Data.....	F-1

List of Tables (excluding appendix tables)

Table E.1:	Mitigation Fees	iv
Table E.2:	Development Fee Comparison.....	v
Table E.3:	Wetland Mitigation Fee Comparison.....	vi
Table 1.1:	Mitigation Fees	3
Table 2.1:	Permanent Impacts, 2008 Through 2021.....	12
Table 2.2:	Permanent Impacts (acres).....	13
Table 2.3:	Wetland Impacts	14
Table 3.1:	Wetland Mitigation Unit Costs (2021 \$).....	19
Table 3.2:	Cost Model Comparison – Initial Urban Development Area (2021 \$).....	23
Table 3.3:	Cost Model Comparison – Maximum Urban Development Area (2021 \$)..	24
Table 4.1:	Investment Earnings	28
Table 4.2:	Post-Permit Funding.....	29
Table 5.1:	Wetland Mitigation Fee Schedule.....	31
Table 5.2:	Wetland Mitigation Fee Comparison.....	31
Table 5.3:	Wetland Mitigation Fee Revenue	32
Table 6.1:	Development Fee Fair Share Analysis (2021 \$)	36
Table 6.2:	Development Fee Schedule (2021 \$ for 2022 Fee Schedule)	37
Table 6.3:	Development Fee Comparison (fee per acre)	38
Table 7.1:	Rural Road Fee Revenue	40
Table 8.1:	Future Local Operating Funds (Park District) (2022-2037).....	48
Table 8.2:	Funding Plan (2021 dollars)	50
Table 8.3:	Funding Plan Comparison – Initial Urban Development Area (2021 \$).....	51
Table 8.4:	Funding Plan Comparison – Maximum Urban Development Area (2021 \$)	52

EXECUTIVE SUMMARY

The purpose of this report is to present the findings, conclusions, and recommendations of an audit of mitigation fees that partially fund the [*East Contra Costa Habitat Conservation Plan and Natural Community Conservation Plan*](#) (HCP/NCCP or Plan). The purpose of this audit is to fulfill the requirements of the periodic audit requirements of the Plan. The audit also provides the basis for findings required by the Mitigation Fee Act (MFA) related to the mandatory five-year review and any action establishing, increasing, or imposing a fee (commonly referred to as a “nexus analysis”).

Revenue sources to fund estimated HCP/NCCP costs during the 30-year permit term include four types of mitigation fees:

- ♦ Development fee
- ♦ Rural road fee
- ♦ Wetland mitigation fee
- ♦ Temporary impact fee.

Covered activities that cause permanent impacts to habitat pay the development fee (except rural transportation projects, see below). If the impact is to one of several wetland land cover types, then the wetland mitigation fee applies in addition to the development fee.

The rural road fee is a multiple of the development fee and applies to 18 identified rural transportation projects in the Plan. Covered activities that temporarily disturb habitat pay the temporary impact fee.

Table E.1 summarizes how the four types of mitigation fees are applied to covered activities based on the type of impact.

Table E.1: Mitigation Fees

Type of Impact	Mitigation Fee	Applicability
Permanent	Development fee	All permanent impacts except those subject to the rural road fee.
	Rural road fee	Permanent impacts from rural road projects specifically identified in Table 9-6 of the Plan.
	Wetland mitigation fee	Permanent impacts to wetland land cover types and streams, paid in addition to applicable development or rural road fee.
Temporary	Temporary impact fee	All temporary impacts and based on the associated development, rural road, or wetland mitigation fee adjusted for the length (in time) of the temporary impact and recovery.

Funding for post-permit term costs in perpetuity is required by the HCP/NCCP. The Plan allowed this cost obligation to be deferred until year 15 of implementation, or when half of the impacts allowed under the permits occur, whichever comes first. The prior audit completed in 2017 included estimates for an endowment to fund post-permit term costs. The endowment was established with the Regional Parks Foundation in 2020, year 13 of Plan implementation.

This audit like prior audits assumes that all development impacts allowed under the permits will occur by the end of the 30-year permit term in 2037. This approach is necessary to align funding sources to meet mitigation and conservation goals under the Plan, and to ensure sufficient funding for an endowment by the end of the permit term.

A significant finding of this audit is that only a minority of total development impacts allowed under the permits are likely to occur by the end of the 30-year permit term in 2037. This finding suggests that an extension to the permit term should be considered to align the term more closely with the timing of development impacts.

The audit was completed based on data through fiscal year 2021 so the calculated mitigation fees are comparable to the 2022 fee schedule. The audit results for the development fee are shown in **Table E.2**. The development fee is also the basis for the rural road and temporary impact fees so the same trends would apply to those fees as well.

Table E.2: Development Fee Comparison

Zone	2022 Fee Schedule	2022 Audit	Change
Zone 1	\$18,938	\$19,170	1.2%
Zone 2	\$37,876	\$38,340	1.2%
Zone 3	\$9,469	\$9,585	1.2%

Sources: Table 6.3.

The adjustment to the 2022 fee schedule is minor (1.2 percent). This indicates that the annual inflation adjustment process (since the prior 2017 audit) has been effective tracking the fee with changes in Plan costs. The fee includes necessary funding for the endowment.

The audit results for the wetland mitigation fees are shown in **Table E.3**. The wetland mitigation fees are also the basis for the wetland mitigation component of the temporary fee so the same trends would apply to the wetland component of that fee as well.

As shown in the table, the increase in the fee because of the audit is between 0.4 percent and 2.5 percent compared to the current fee, depending on the land cover type.

Table E.3: Wetland Mitigation Fee Comparison

Land Cover Type	Fee Basis	2022 Fee Schedule	2022 Audit	Change
Riparian	per acre	\$105,516	\$105,891	0.4%
Perennial Wetland	per acre	\$159,912	\$162,953	1.9%
Seasonal Wetland	per acre	\$374,220	\$382,792	2.3%
Alkali Wetland	per acre	\$378,310	\$386,980	2.3%
Pond	per acre	\$205,924	\$211,115	2.5%
Aquatic (open water)	per acre	\$102,962	\$105,558	2.5%
Slough / Channel	per acre	\$147,029	\$149,516	1.7%
Streams (<=25 ft. wide)	per linear foot	\$543	\$553	1.8%
Streams (>25 ft. wide)	per linear foot	\$814	\$829	1.8%

Sources: Table 5.2.

1. INTRODUCTION

The purpose of this report is to present the findings, conclusions, and recommendations of an audit of mitigation fees that partially fund the [*East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan*](#) (HCP/NCCP or Plan). This introduction provides background on the Plan and the Mitigation Fee Act (MFA), the state enabling statute for mitigation fees. This chapter also describes the purpose and scope of this audit and explains the general approach taken to complete the audit.

Background

The HCP/NCCP was completed in 2006 after an extensive planning process initiated in 1999 that built on prior efforts begun in 1995.¹ The HCP/NCCP enables the protection of natural resources in east Contra Costa County while streamlining the environmental permitting process for impacts on endangered species covered by the Plan. Adoption of the Plan allowed state and federal wildlife agencies to issue various permits for a 30-year term (the permits). These permits allow the incidental take of endangered species by the projects and activities of the permittees under the Plan.² Covered activities include all ground- or habitat-disturbing activities within the Plan's urban development area (UDA), and other specifically named projects. These include, for example, urban development projects, public infrastructure projects, and ongoing infrastructure maintenance activities.

Implementation of the Plan preserves specified natural lands in eastern Contra Costa County in perpetuity (the Preserve System) to mitigate the impacts of covered activities on endangered species and contribute to their recovery.

The five local agencies responsible for implementing portions of the Plan that relate to the development entitlement process are the County of Contra Costa and the cities of Brentwood, Clayton, Oakley, and Pittsburg. The City of Antioch chose not to participate in the Plan. These five participating local agencies formed a joint powers authority (JPA) known as the East Contra Costa County Habitat Conservancy (the Conservancy) to perform the many implementation duties assigned to the "Implementing Entity" by the Plan.

¹ HCP/NCCP, Chapter 1, pp. 1-1 to 1-2.

² The permittees include Contra Costa County, the cities of Brentwood, Clayton, Oakley, and Pittsburg, the East Bay Regional Park District, the Contra Costa County Flood Control And Water Conservation District, and the East Contra Costa County Habitat Conservancy.

In late 2006 and through 2007 the local agencies formed the JPA, the Conservancy, permittees, and wildlife agencies executed the Implementing Agreement, and the wildlife agencies issued the permits. The local agencies and the Conservancy began collecting mitigation fees in 2008. The first full year of implementation was 2008. The Conservancy's fiscal year (FY) is from January 1 to December 31.

Consistent with the financial planning presented in Chapter 9 of the HCP/NCCP, 2007 is year 0, 2008 is year 1, and the permit term would end in 2037, year 30. This audit is conducted in 2022 (year 15) as required by the Plan and is based on data through FY 2021 (year 14). The next audit required by the Plan is in 2027 (year 20).

HCP/NCCP Mitigation Fees

Revenue sources to fund estimated HCP/NCCP costs during the 30-year permit term include four types of mitigation fees:

- ♦ Development fee
- ♦ Rural road fee
- ♦ Wetland mitigation fee
- ♦ Temporary impact fee.

The type of mitigation fee paid by a covered activity depends on fee zone, land cover type affected, and type of impact ("impact" and "covered activity" are used interchangeably in this report). Most covered activities occur within the UDA. The UDA is defined as (1) the County of Contra Costa urban limit line, or (2) the boundaries of the four cities implementing the Plan, whichever is larger.³

Applicants can dedicate land for the Preserve System or generate alternative special taxes, fees, or charges in lieu of paying a portion of the full development fee, subject to approval by the Conservancy.

Covered activities that cause permanent impacts to habitat pay the development fee (except rural road projects, see below). If the impact is to wetland land cover types, then the wetland mitigation fee applies in addition to the development fee. This additional fee applies because of the greater mitigation requirements (restoration and creation) associated with wetland impacts.

The Plan includes a separate rural road fee based on a multiple of the development fee for specifically-identified rural transportation projects in the Plan. These projects generally have a greater per-acre impact than other types of development projects.

³ HCP/NCCP, Chapter 2, pp. 2-16 to 2-18, Figure 2-3. Excludes City of Antioch that is not covered under the Plan.

Covered activities that temporarily disturb habitat pay the temporary impact fee. The fee is calculated based on the permanent fee that otherwise would apply (development, rural road, or wetland) adjusted for the length of time of the temporary impact and its recovery.

Table 1.1 summarizes how the four types of mitigation fees are applied to covered activities based on the type of impact.

Table 1.1: Mitigation Fees

Type of Impact	Mitigation Fee	Applicability
Permanent	Development fee	All permanent impacts except those subject to the rural road fee.
	Rural road fee	Permanent impacts from rural road projects specifically identified in Table 9-6 of the Plan.
	Wetland mitigation fee	Permanent impacts to wetland land cover types and streams, paid in addition to applicable development or rural road fee.
Temporary	Temporary impact fee	All temporary impacts and based on the associated development, rural road, or wetland mitigation fee adjusted for the length (in time) of the temporary impact and recovery.

Audit Objectives and Scope

The objectives of this audit are defined by the requirements of the HCP/NCCP. The audit also provides the basis for findings required by the MFA related to the mandatory five-year review and any action establishing, increasing, or imposing a fee.

Periodic Audit Requirements of the HCP/NCCP

The HCP/NCCP calls for periodic audits of the mitigation fees in the following years: 2010 (year 3), 2013 (year 6), 2017 (year 10), 2022 (year 15), 2027 (year 20), and 2032 (year 25). The purpose of the audit is “[t]o ensure that the fees generated by development and other covered activities are adequately covering their share of Plan costs.”⁴

Audits must compare current actual costs to the cost assumptions used in the current mitigation fee calculation. The audit must review actual land acquisition costs as well as costs to operate, manage, and maintain the Preserve System. The audit must recalculate fees based on this cost review. As with prior

⁴ HCP/NCCP, Chapter 9, p. 9-31.

audits, this audit uses the same approach as the HCP/NCCP to calculate the development fee based on a specified fair share of total Plan costs (see Chapter 6 for more explanation).

In between periodic audits the Plan calls for automatic annual adjustments to the Plan's mitigation fees. Annual adjustments are based on two inflation indices weighted by the appropriate Plan cost component reflected by each index.⁵ A real estate cost index is used to update the land acquisition cost component reflecting more than half of total plan costs. The Consumer Price Index is used to update the share of fees funding the balance of Plan costs.

Mitigation Fee Act Requirements

The mitigation fees collected pursuant to the HCP/NCCP are authorized by California law under the Mitigation Fee Act (MFA) found in Sections 66000 through 66025 of the *California Government Code*.

Section 66001

This audit provides a revised fee schedule based on updated cost data. If the audit results in an increase in fees, the audit must make the following four “reasonable relationship”, or “nexus” findings required by the MFA:

Sec. 66001(a) In any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency shall do all of the following:

(1) Identify the purpose of the fee.

(2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.

(3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

(4) Determine how there is a reasonable relationship between the need for the public facility and the type of development on which the fee is imposed.

⁵ HCP/NCCP, Chapter 9, p. 9-30.

The following finding is not required though this audit makes this finding as well:

Section 66001(b) In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

Each of these findings are made in association with the analysis of each fee in Chapters 5, 6, and 7.

Section 66016.5

Section 66016.5(a) of the MFA includes certain requirements for nexus studies completed on and after January 1, 2022. These requirements and how this audit meets these requirements are presented below.

(1) Before the adoption of an associated development fee, an impact fee nexus study shall be adopted.

This audit constitutes a nexus study for the purposes of this section of the MFA.

(2) When applicable, the nexus study shall identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is appropriate.

This section is not applicable because this audit does not result in a change in the existing level of service.

(3) A nexus study shall include information that supports the local agency's actions, as required by subdivision (a) of Section 66001.

As mentioned above, section 66001(a) findings are included in Chapters 5, 6, and 7.

(4) If a nexus study supports the increase of an existing fee, the local agency shall review the assumptions of the nexus study supporting the original fee and evaluate the amount of fees collected under the original fee.

This audit evaluates the amount of fees collected under the current fee schedule and the underlying cost assumptions and finds revenue insufficient to fully fund new development's fair share of the Plan costs. See Chapters 5 and 6.

(5)(A) A nexus study adopted after July 1, 2022, shall calculate a fee imposed on a housing development project proportionately to the square footage of proposed units of the development. A local agency that imposes a fee proportionately to the square footage of the proposed units of the development shall be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development.

Application of the Plan's mitigation fees on housing development by square foot is not an appropriate nexus based on the findings presented below.

(B) A nexus study is not required to comply with subparagraph (A) if the local agency makes a finding that includes all of the following:

(i) An explanation as to why square footage is not appropriate metric to calculate fees imposed on housing development project.

As explained in Chapters 5, 6, and 7, the impact of development to species and natural habitats is measured in acres of disturbed land. Building square feet does not correlate with acres of disturbed land (or linear feet in the case of stream impacts) and therefore the amount of impacts.

(ii) An explanation that an alternative basis of calculating the fee bears a reasonable relationship between the fee charged and the burden posed by the development.

Mitigation fees are most appropriately imposed based on acres of disturbed land (or linear feet in the case of stream impacts) to have a reasonable relationship with the burden posed by (impacts from) development.

(iii) That other policies in the fee structure support smaller developments, or otherwise ensure that smaller developments are not charged disproportionate fees.

Because mitigation fees are imposed based on the amount of disturbed acres (or linear feet in the case of stream impacts) smaller developments pay a smaller fee.

(C) This paragraph does not prohibit an agency from establishing different fees for different types of developments.

Mitigation fees are imposed consistently across all types of development based on the amount of disturbed acres (or linear feet in the case of stream impacts).

(6) Large jurisdictions shall adopt a capital improvement plan as a part of the nexus study.

The permittees (excluding the Conservancy) have adopted the HCP/NCCP that is a "capital improvement plan" as defined in section 66002(a).

Funding Mitigation and Conservation Goals

A Natural Community Conservation Plan (NCCP) under California law provides unique regulatory benefits in addition to those provided by a Habitat Conservation Plan (HCP) under federal law. An NCCP must not only mitigate impacts to the maximum extent practicable as required by an HCP. An NCCP must also contribute to the recovery and continued viability of species whether or not those species are protected under the California Endangered Species Act.⁶ This “conservation” component of the Plan is in addition to Plan “mitigation” requirements. It is accomplished by protecting habitat, natural communities, and species diversity on a landscape or ecosystem level through the creation and long-term management of large habitat reserves.

A key objective of the nexus analysis in Chapters 5, 6, and 7 is to only allocate the mitigation share of total Plan costs to the development fees and other mitigation-related revenue sources. The updated funding plan presented in Chapter 8 ensures that other local, state, and federal funding is kept consistent with the Plan’s estimates for funding to achieve the Plan’s conservation goals.

Objectives and Scope

The findings required by the MFA described above are similar in intent to the HCP/NCCP’s objectives for periodic audits. Both suggest the need to update the fee amount based on recent data and confirm the role of fee revenues in a feasible funding plan. To address both the periodic audit requirements of the Plan and the findings required by the MFA, the objectives and scope of this audit are:

1. Update cost assumptions underlying the mitigation fees
2. Recalculate fee amounts based on a reasonable relationship (nexus) between new development and the need for the fee, the amount of the fee, and the use of fee revenues
3. Update local, state, and federal revenue estimates consistent with the Plan’s anticipated funding from these sources to achieve the Plan’s conservation goals (contribute to the recovery of species and habitats)
4. Update the funding plan including an endowment for post-permit term costs that demonstrates the continued financial feasibility of the HCP/NCCP.

This audit uses the most recently available data on financial transactions and covered activities through December 31, 2021.

⁶ *California Fish & Game Code*, Sections 2050 through 2089.25 and 2890 through 2835.

This audit is not a comprehensive audit of the Conservancy's finances. The Conservancy separately has an annual financial audit conducted by an outside auditor. The data and methods used by this audit are sufficient to achieve the objectives described above.

The HCP/NCCP states that the Conservancy will "hire an outside, independent financial auditor to conduct" the audit.⁷ The expertise required to complete the audit is more closely related to maintaining compliance with mitigation fee legal statutes than with accounting standards. Consequently, the Conservancy has elected to engage a professional services firm with direct experience developing and implementing mitigation fee nexus studies in the context of regional habitat conservation plans rather than a certified public accountant.

Organization of the Audit

Covered activities (impacts) under the HCP/NCCP to date are summarized in Chapter 2 as well as remaining impacts through the 30-year permit term. The update to the cost model used to estimate implementation costs of the Plan is presented in Chapter 3. Chapter 4 describes post-permit term costs and funding of an endowment.

Updates to the four fees are presented in Chapters 5 through 7. The wetland mitigation fee is presented first in Chapter 5 because it is calculated independently of the other fees. The development fee is presented next in Chapter 6 based on urban development's fair share of total Plan costs net of the wetland mitigation fees and costs. The rural road and temporary impact fees are presented in Chapter 7 because they use the same rates as the development and wetland mitigation fees, adjusted for rural road or temporary impacts.

The updated 30-year funding plan based on revised cost and revenue estimates is presented in Chapter 8.

The appendices provide additional supporting documentation for the audit.

⁷ HCP/NCCP, Chapter 9, p. 9-31.

2. IMPACTS

This section of the audit describes the impacts that have occurred to date during from 2008 through 2021 (years 1-14). This section also identifies the remaining impacts based on the total amount of impacts permitted under the HCP/NCCP.

This chapter will show that only a small amount of development relative to permit term limits allowed under the permits has occurred through 2021. This finding is used to support an audit recommendation for the Conservancy to seek an extension of the permit term (see *Permit Term Extension* in this chapter, below).

The Plan uses the amount of acreage from development projects and other activities as the primary unit of measurement for impacts. The Plan uses linear feet to measure stream impacts subject to the wetland mitigation fee.

Urban Development Area (UDA)

The boundaries of the UDA are subject to change over time based on local land use policy decisions by the five agencies implementing the HCP/NCCP. Thus, boundary changes could lead to changes in the land use capacity for, and eventual amount of, urban development.

To accommodate the uncertainty regarding the amount of urban development that would be covered under the Plan, the Plan uses two scenarios to “book end” the potential urban development levels:

- ♦ The initial UDA is defined by the County of Contra Costa urban limit line and the boundaries of the cities of Brentwood, Clayton, Oakley, and Pittsburg existing at the time the Plan was adopted.⁸
- ♦ The maximum UDA is the maximum development capacity for urban development under the terms of the permits. Although boundaries are not defined, the development capacity considers areas outside the initial UDA proposed for future development in the general plans of Brentwood, Clayton, Pittsburg, and the County.

The urban development area covered under the Plan at the end of the permit term could fall anywhere in the range defined by the initial urban development area and the maximum urban development area. The ultimate boundaries depend on local land use decisions occurring during the permit term. The conservation requirements of the Plan are greater for the maximum UDA

⁸ Excluding some areas within the County urban limit line surrounding the Byron Airport. See HCP/NCCP, p. 2-17.

compared to the initial UDA to accommodate the greater impacts under the maximum UDA scenario.

Development Fee Zones

The development fee is implemented based on three fee zones defined by the HCP/NCCP.⁹ A map of the zones is provided in Figure 9-1 of the Plan. The zones represent varying levels of impacts on covered species and natural habitats caused by development projects and activities. The development fee is lowest in the zone where development would have the least impacts and highest in the zone where development would have the greatest impacts. The zones generally correspond to the dominant land cover type and habitat and open space values. Below is a summary of the zones:

- ♦ Zone I: Cultivated and disturbed lands, primarily areas in agricultural use and some undeveloped areas within existing urban areas.
- ♦ Zone II: Natural areas where lands are dominated by natural land cover types.
- ♦ Zone III: Small vacant lots (less than 10 acres) within the initial UDA.

The lowest development fee is in Zone III because the habitat and open space value is lowest on vacant land within existing developed areas. As the Plan states in Chapter 4, “[d]evelopment of these areas will result in loss of open space and some habitat values, but impacts will be less than those in Zone I and substantially less than those in Zone II.”¹⁰ An acre of permanent impacts in Zone III is given a weight of **one** for the purposes of allocating the fair share of total plan costs to the development fee.

The highest fee is in Zone II because this predominantly natural area has the highest habitat value. The dominant land cover type is annual grassland and covers 34 percent of the land included in the Plan’s inventory area. The greatest impacts in Zone II are in this land cover type. Chapter 4 of the Plan references the importance of annual grassland throughout its detailed analysis of impacts on covered species and critical habitats.¹¹ An acre of permanent impacts in Zone II is given a weight of **four** for the purposes of allocating the fair share of total plan costs to the development fee (four times the weight of impacts in Zone III).

The amount of the Zone I fee is between the fees in the other two zones because cultivated and other disturbed uses have greater habitat value than

⁹ HCP/NCCP, Chapter 9, pp. 9-20 to 9-21.

¹⁰ Ibid.

¹¹ HCP/NCCP, Chapter 4, pp. 4-14 to 4-22.

vacant lots but less value than natural areas. Chapter 4 of the Plan includes several findings to support this approach.¹² An acre of permanent impact in Zone I is given a weight of **two** for the purposes of allocating the fair share of total plan costs to the development fee (twice the weight of impacts in Zone III and half the weight of impacts in Zone II).

The fee zone map in the Plan (Chapter 9, Figure 9-1) is the sole determination of the fee zone applicable to a project or other covered activity.¹³ Individual parcels within a zone will have greater or lesser impact on covered species, natural communities, and open space. An individual parcel in zone A, for example, may have characteristics like land cover types in zone B. However, the parcel's location adjacent to lands within zone A combined with the benefits of contiguous open space to meeting the Plan's objectives, provides reasonable justification to include the parcel in zone A. The mapping of the zones was completed at a level of detail sufficient to provide a reasonable relationship between all land within a specific zone and the relative weight of impacts assigned to that zone.¹⁴

Summary of Impacts to Date

Permanent impacts to date by zone are shown in **Table 2.1**. Temporary impacts are tracked by the Conservancy but not shown in Table 2.1 because they have no effect on the development or wetland fee calculations. Temporary impact fee revenue is included in the funding plan in Chapter 8. See **Table A.1** in Appendix A for a detailed list of covered activities to date.

Remaining Permanent Impacts Under the HCP/NCCP

The HCP/NCCP allows for a fixed amount of permanent impacts. Permanent impacts are used to calculate and update the development fee. The remaining permanent impacts allowed under the Plan until the permit term (years 15-30) are summarized in **Table 2.2** by subtracting impacts to date (Table 2.1) from the total impacts allowed for the 30-year permit term. The table applies the weighting factors by zone discussed above. The result is the total acreage of permanent impacts with the UDA remaining under the Plan weighted by the relative impact in each zone. Remaining impacts for the maximum and initial UDAs is used to allocate costs to the development fee in Chapter 6.

¹² HCP/NCCP, Chapter 4, pp. 4-6, 4-15, and HCP/NCCP, Appendix D, *Species Profiles*.

¹³ HCP/NCCP, Chapter 9, p. 9-20.

¹⁴ See, for example, HCP/NCCP, Chapter 3, pp. 3-2 to 3-5.

Table 2.1: Permanent Impacts, 2008 Through 2021

Location	Land Conversion	
Urban Development Area (UDA)		
Zone 1	931.44	acres
Zone 2	211.33	acres
Zone 3	34.05	acres
Subtotal UDA	1,176.82	acres
Rural (outside UDA) ¹	76.94	acres
Total Land Conversion	1,253.76	acres
Wetlands ²		
Wetlands (except streams)	4.32	acres
Streams (linear feet)	1,089.31	linear feet

¹ Covered activities occurring outside the urban development area (UDA) could occur in either zones 1 or 2. Includes rural road projects as shown in Table 9-6 of the HCP/NCCP, plus rural infrastructure projects and activities, and activities within the Preserve System (see Sections 2.3.2 through 2.3.4 of the HCP/NCCP).

² Wetland impacts are included in land conversion impacts. Wetland impacts pay wetland fees in addition to the applicable development fee or rural road fee.

Sources: Appendix A, Table A.1.

Table 2.2 shows 12,979 acres for the permit limit under the maximum UDA. Table 4-3 in the Plan shows 13,029. There appears to be an addition error in the Table 4-3 that included an extra 50 acres. These 50 acres are excluded in Table 2.2. The Conservancy should consult with the permittees and the wildlife agencies to resolve this issue. The difference has no impact on any of the analyses for this audit, including the cost model update, the mitigation fee calculations, or other revenue estimates developed for the funding plan.

Remaining impacts to wetland land cover types (riparian, wetlands, ponds, and streams) are shown in **Table 2.3**. This audit contains the same adjustment made by prior audits to total acres of restoration/creation assumed in the Plan cost model to be consistent with Tables 5-16 and 5-17 in Chapter 5 of the Plan. Estimated compensatory restoration/creation acreage for seasonal wetlands under the maximum UDA scenario was adjusted to match the 2:1 mitigation ratio applied to the acres of impact shown in the tables. Also, consistent with Plan assumptions, a 30 percent reduction was made to the estimate of compensatory restoration/creation acreage (not contribution to recovery acreage) for the perennial, seasonal, and alkali wetlands to reflect overestimates due to mapping of these areas.¹⁵

¹⁵ For seasonal wetlands, the total restored acreage for the initial [maximum] UDA scenario equals 45.2 [53.6] acres based on: (42 [56] impact acres x 2:1 mitigation ratio x 30 percent adjustment for mapping overestimate) + 20 acres contribution to recovery. See Tables 5-16 and 5-17 and Appendix G of the HCP/NCCP.

Table 2.2: Permanent Impacts (acres)

	Zone 1 ¹	Zone 2	Zone 3	Subtotal	Share	Outside UDA	Total ²	Share
Permit Limits (2008-2037)								
Initial UDA	6,198	2,306	166	8,670	100.0%	1,126	9,796	100.0%
Maximum UDA	7,507	4,180	166	11,853	100.0%	1,126	12,979	100.0%
Actual Impacts to Date (through 2021)								
Initial UDA	931	211	34	1,176	13.6%	77	1,253	12.8%
Maximum UDA	931	211	34	1,176	9.9%	77	1,253	9.7%
Remaining Impacts (2022-2037)								
Initial UDA	5,267	2,095	132	7,494	86.4%	1,049	8,543	87.2%
Maximum UDA	6,576	3,969	132	10,677	90.1%	1,049	11,726	90.3%
Impact Weighting Factor ³	2	4	1					
Permit Limits - Equivalent Acres (2008-2037)						Not Available ⁴		
Initial UDA	12,396	9,224	166	21,786	100.0%			
Maximum UDA	15,014	16,720	166	31,900	100.0%			
Actual Impacts to Date - Equivalent Acres (through 2021)								
Initial UDA	1,862	844	34	2,740	12.6%			
Maximum UDA	1,862	844	34	2,740	8.6%			
Remaining Impacts - Equivalent Acres (2022-2037)								
Initial UDA	10,534	8,380	132	19,046	87.4%			
Maximum UDA	13,152	15,876	132	29,160	91.4%			

Notes: "UDA" is the urban development area.

¹ The permit limits used to calculate the initial fees shown in Chapter 9, Table 9-4, and Appendix H of the HCP/NCCP are revised to control to the totals in Chapter 4, Tables 4-2 and 4-3 (corrected, see note 2), of the Plan (14 acres less for the Initial UDA and 26 acres less for the Maximum UDA). These adjustments are made to zone 1 though they could be allocated to any zone within the UDA.

² Table 4-3 in Chapter 4 of the HCP/NCCP appears to have a mathematical error for the maximum UDA permit limit, showing 13,029 acres instead of 12,979.

³ Weighting factor reflects relative impacts by zone (see Plan, Appendix H). Equivalent acres for impacts outside the UDA not calculated because impacts occur in both zones 1 and 2.

⁴ The HCP/NCCP did not identify the location of all covered activities occurring outside the UDA by zone, except for rural road projects (see HCP/NCCP, Table 9-6). Includes rural infrastructure projects and activities, and activities within the Preserve System (see HCP/NCCP, Sections 2.3.2 through 2.3.4).

Sources: HCP/NCCP, Tables 4-2 and 4-2, Table 9-4 (revised), and Appendix H, Table 1 (second memorandum); Table 2.1 (this report).

Table 2.3: Wetland Impacts

	Estimated Impacts (2008-2037) ¹ <i>(acres or linear feet)</i>		Actual Wetland Impacts (2008- 2021) ²	Remaining Impacts (Years 2022-2037) <i>(acres or linear feet)</i>	
	Initial UDA	Maximum UDA		Initial UDA	Maximum UDA
<i>Impacts Based on Acres</i>					
Riparian	30.00	35.00	1.29	28.71	33.71
Perennial Wetland	22.20	22.50	0.07	22.13	22.43
Seasonal Wetland	12.60	16.80	1.61	10.99	15.19
Alkali Wetland	8.40	9.30	0.14	8.26	9.16
Pond	7.00	8.00	0.10	6.90	7.90
Aquatic (open water)	12.00	12.00	0.47	11.53	11.53
Slough / Channel	72.00	72.00	0.65	71.35	71.35
Subtotal (acres)	164.20	175.60	4.32	159.88	171.28
<i>Impacts Based on Linear Feet</i>					
Streams (<=25 ft. wide)	21,120	26,400	685	20,435	25,715
Streams (>25 ft. wide)	3,168	4,224	404	2,764	3,820
Subtotal (linear feet)	24,288	30,624	1,089	23,199	29,535

Notes: "UDA" is the urban development area.

Impacts includes wetland impacts outside the UDA because these impacts are counted against the estimates of permanent impacts in the Plan (see Tables 5-16 and 5-17).

¹ Perennial, Seasonal, and Alkali wetland impacts reduced by 70 percent to account for overestimates in mapping analysis (see Tables 5-16 and 5-17, footnote 2).

² Assume ephemeral streams are equal to or less than 25 feet wide, and intermittent and perennial streams are greater than 25 feet wide.

Source: HCP/NCCP, Tables 5-16 and 5-17; Appendix A, Table A.1.

Permit Term Extension

As shown in Table 2.2, in terms of equivalent acres, 12.6 percent of impacts in the initial UDA allowed under the HCP/NCCP have occurred through 2021 (year 14). The comparable figure for the maximum UDA is 8.6 percent. Thus, with just over half of the permit term remaining (years 15 through 30), approximately 90 percent of the impacts have yet to occur. However, the HCP/NCCP does not provide a means to reduce estimated impacts and associated mitigation fee funding within the existing permit term.

The HCP/NCCP is a comprehensive plan that achieves both mitigation and conservation goals (see *Funding Mitigation and Conservation Goals* in Chapter 1). The HCP/NCCP does not provide the detail needed to separate mitigation

from conservation costs.¹⁶ So the HCP/NCCP does not provide a basis to adjust conservation costs based on lower mitigation estimates and fee revenues without a reconsideration of Plan goals.

Moreover, the nexus analysis used to determine the mitigation share of total Plan costs is dependent upon achieving the Plan's overall goals.¹⁷ Reducing estimated development impacts and associated mitigation fee funding would require significant reconsideration of the nexus analysis and the mitigation cost share used to calculate fees.

Thus, this audit like prior audits assumes that all development impacts allowed under the permits will occur by the end of the 30-year permit term in 2037. This approach is necessary to align funding sources to meet the mitigation and conservation goals under the Plan at the end of the permit term.

The most effective way to address the slower pace of impacts without fundamentally altering the HCP/NCCP cost model and funding plan would be to extend the permit term. A permit term extension would enable the cost model and funding plan to:

- ♦ Incorporate the effects of a more realistic planning horizon on costs and revenues
- ♦ Continue to demonstrate a feasible funding plan that achieves all Plan goals
- ♦ Avoid the need to reconsider Plan goals, costs, and funding based on a more constrained development scenario.

Based on this discussion, we recommend that the Conservancy work with members of the JPA, other permittees, and the wildlife agencies to extend the permit term.

¹⁶ Only in the case of wetland restoration does the Plan have specific conservation goals in addition to mitigation requirements and that are costed out separately in the cost model (see HCP/NCCP, Chapter 5, Tables 5-16 and 5-17).

¹⁷ HCP/NCCP, Appendix H, Table 1 (second memorandum).

3. COST MODEL

This chapter presents a summary of the updated cost models for the 30-year permit term. As shown in Appendix G of the HCP/NCCP separate cost models are used for the initial and maximum UDA scenarios to account for the difference in Preserve System size and other differences in Plan requirements. The two models are identical in structure. The difference in cost between the two models is primarily related to the effect of greater land acquisition and restoration requirements for the Preserve System under the maximum UDA scenario.

General Approach

The cost model was updated based on provisions in the Plan for periodic audits. The original model is documented in Appendix G of the Plan. For this audit, cost model revisions were made to the latest version of the model developed for the prior audit. The model for each scenario (initial and maximum UDA) includes multiple linked spreadsheets (see Appendix C and Appendix D of this report). Total costs for the permit term are the sum of actual costs to date (through FY 2021) and estimated remaining costs through the end of the permit term. All costs are expressed in 2021 dollars to support calculation of the mitigation fees.

Actual costs through December 31, 2021 were adjusted to 2021 dollars using changes in the Conservancy's mitigation fee schedule, thus replicating the same index used to reflect inflation in Plan costs. The Conservancy's fees are adjusted annually based on published price indices and periodically based on prior audits, as discussed in Chapter 1, *Periodic Audit Requirements of the HCP/NCCP*.¹⁸

Remaining costs through the end of the permit term were updated based on recent cost experience and application of appropriate inflation indices to assumptions in the prior audit cost model, as explained in more detail in the following section of this chapter.

The models provide budgets for the following nine cost categories related to Plan implementation:

1. Program administration
2. Land acquisition
3. Planning and design

¹⁸ See also HCP/NCCP, Chapter 9, pp. 30-31 and Table 9-7, and Appendix F, Table F.1.

4. Habitat restoration/creation
5. Environmental compliance
6. Preserve management and maintenance
7. Monitoring, research, and adaptive management
8. Remedial measures
9. Contingency.

Post-permit costs are analyzed separately as part of the endowment model and are presented in the following chapter (Chapter 4).

Land Acquisition Costs

Land acquisition is the Plan's largest cost category representing about 65 percent of total costs excluding endowment costs. Substantial effort was expended during the audit to update costs to reflect current market conditions and recent Conservancy land acquisition experience. This audit uses an acquisition model developed and maintained by Conservancy staff to estimate the acres that need to be acquired to achieve the various habitat acquisition requirements of the Plan for both the initial and maximum UDA scenarios.

The Conservancy, working with East Bay Regional Park District (Park District), has been very successful in acquiring Preserve System lands since the Plan's implementation. Through 2021 (year 14) the Conservancy has acquired approximately 12,050 acres, or 40 and 50 percent of the Preserve System required under the maximum and initial UDA scenarios, respectively. These totals exclude:

- ♦ Acquired lands that cannot be credited to the Preserve System because of existing conservation easements mitigating habitat impacts that occurred prior to Plan adoption¹⁹
- ♦ Parts of acquired parcels that lie outside plan acquisition zones.

A database of over 100 land transactions in East Contra Costa County, all within the past ten years, was compiled from a variety of sources to estimate costs per acre for future Preserve System acquisitions. This database included Park District acquisitions (most of which were performed in partnership with the Conservancy), plus acquisitions by the Conservancy, Save Mount Diablo (local nonprofit land trust organization), and land transactions identified in the County Assessor's database. Land costs for developable parcels within the urban limit line that are part of the Conservancy's acquisition strategy were

¹⁹ Unless those pre-Plan impacts were also counted against the Plan's permit limits.

updated based on current housing values. Detailed data on the transactions used to update the cost model land cost factors are provided in Appendix B.

As shown in **Table B.2** in Appendix B estimated land costs per acre have generally increased since 2017. Since then, prices for the largest parcels outside the urban limit line have increased about 40 percent, while the prices for mid-sized parcels (40 to 120 acres) remain unchanged. Prices for parcels under 40 acres have increased 20 to 25 percent. Inside the urban limit line, where a small fraction of the acquisition will occur and where prices more closely track changes in the housing market, estimated land costs have increased about 25 percent.

Consistent with changes made in prior audits, due diligence costs are estimated based on a flat three percent charge on land acquisition costs. Pre-acquisition surveys are a Conservancy staff cost. There is no contingency applied to land acquisition costs. Total remaining land acquisition costs to meet Preserve System requirements were evenly spread across the remaining 16-year period of the 30-year permit term.

Habitat Restoration/Creation Costs

Habitat restoration/creation is the second largest cost category of Plan implementation, representing about 10 percent of total costs excluding endowment costs. Unit costs (costs per acre) for restoration of specific habitats are the basis for the wetland mitigation fee. Review of restoration project costs since 2017 indicated that no extraordinary adjustments were required. All unit cost factors were update by applying the California Construction Cost Index.

Habitat restoration/creation mitigation unit costs for wetland land cover types estimated for this audit are shown in **Table 3.1**. The cost for open water is the same as the cost for ponds because the Plan calls for open water impacts to be mitigated by the creation of ponds. The table includes two costs for stream restoration, one based on stream widths of 25 feet or less, and one based on steam widths of greater than 25 feet.

Unit costs for habitat restoration/creation construction are augmented by three types of soft costs:

- ♦ Construction-related costs including restoration design, plans and specifications, bid assistance, construction oversight, post-construction maintenance, environmental compliance, pre-construction surveys, and construction monitoring
- ♦ Conservancy staff and related costs
- ♦ Contingency.

Table 3.1: Wetland Mitigation Unit Costs (2021 \$)

Cost Category	Cost Factor	Riparian (per acre)	Perennial Wetland (per acre)	Seasonal Wetland (per acre)	Alkali Wetland (per acre)	Pond (per acre)	Aquatic (open water) (per acre)	Slough/ Channel (per acre)	Stream (per ln. ft.)
Construction		\$51,800	\$84,500	\$100,800	\$102,000	\$112,100	\$112,100	\$76,800	\$287
Construction-related costs									
Plans, specs., allowance for remedial measures ¹	33%	\$17,094	\$27,885	\$33,264	\$33,660	\$36,993	\$36,993	\$25,344	\$95
Bid assistance ¹	1.5%	\$777	\$1,268	\$1,512	\$1,530	\$1,682	\$1,682	\$1,152	\$4
Construction oversight ¹	10%	\$5,180	\$8,450	\$10,080	\$10,200	\$11,210	\$11,210	\$7,680	\$29
Post-construction maint. ¹	10%	\$5,180	\$8,450	\$10,080	\$10,200	\$11,210	\$11,210	\$7,680	\$29
Environmental compliance ^{2,3}	\$6,500	\$6,500	\$6,500	\$6,500	\$6,500	\$6,500	\$6,500	\$6,500	\$22
Pre-construction surveys ^{2,4}	\$1,400	\$1,400	\$1,400	\$1,400	\$1,400	\$1,400	\$1,400	\$1,400	\$5
Construction monitoring ^{2,4}	\$3,200	\$3,200	\$3,200	\$3,200	\$3,200	\$3,200	\$3,200	\$3,200	\$11
Staff and related costs ^{2,5}	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	\$15
Subtotal		\$95,531	\$146,053	\$171,236	\$173,090	\$188,695	\$188,695	\$134,156	\$495
Contingency ¹	20%	\$10,360	\$16,900	\$20,160	\$20,400	\$22,420	\$22,420	\$15,360	\$57
Total Unit Cost		\$105,891	\$162,953	\$191,396	\$193,490	\$211,115	\$211,115	\$149,516	\$553
Adjustment Factor for Streams >25 Feet Wide									1.50
Total Unit Cost (Streams >25 feet wide)									\$829

¹ Percentage applied to construction costs.

² Stream costs per linear foot estimated based on the average percent of construction costs for the respective cost category across all the other wetland land cover types.

³ Based on CEQA, CWA 401, CDFG 1602, and other permit costs for "small" project, divided by two (assume a two-acre project). NHPA permit unlikely to be applicable.

⁴ Cost Model estimate divided by two (estimate based on a two-acre project).

⁵ Midpoint of staffing costs per acre (all costs except construction and contractors) between initial and maximum UDA cost models for habitat restoration/creation cost category.

Sources: Appendices C and D (Habitat Restoration/Creation table).

Consistent with prior audits, four of the construction-related cost line items (plans and specifications, bid assistance, construction oversight, and post-construction maintenance) are estimated as a percent of construction costs based on experience with how contractors structure their bids. Soft cost percentages remain the same as in the 2017 audit.

The remaining three line items (environmental compliance, pre-construction surveys, and construction monitoring) are estimated as dollar amounts per acre. These assumptions were updated for inflation and current environmental compliance fee schedules.

Conservancy staff and related costs are updated based on current hourly costs per position and experience with allocation of staff time for habitat restoration/creation projects. This update assigns some Conservancy staffing in the environmental compliance cost category to wetland fee costs to capture actual Conservancy experience with permitting restoration/creation projects.

The contingency of 20 percent on habitat restoration/creation construction costs remains unchanged from the Plan and prior audits. The contingency applies to habitat construction costs only and not soft costs or staff costs. The contingency is higher than the five percent rate applied to other Plan implementation activities because of the high degree of cost variation and uncertainty associated with habitat restoration/creation projects.

Updates to Other Cost Categories

Cost model changes to the other seven cost categories besides land acquisition and habitat restoration/creation are summarized in the following subsections.

Program Administration

The original 2006 model estimated staff costs based on direct salary costs plus benefits, and separately estimated overhead costs (human resources, information technology, office space, etc.). With the 2013 audit, staff costs were budgeted based on a fully burdened hourly rate that includes benefits and all overhead costs and this audit maintains that approach. The staffing plan is updated to reflect experience with staff allocation by function and the ability to rely on fractions of a full-time employee. Other overhead costs such as travel, insurance, legal, and financial analysis and audits that are not included in staff hourly rates are updated based on actual costs and projected needs.

Planning and Design

Costs include Conservancy staff and overhead and contractor services. Costs are based on current Conservancy budgeting and expectations of management planning needs over the remainder of the permit term.

Environmental Compliance

Estimates of Conservancy staff time are based on actual experience with permitting Preserve System activities. Legal services and other technical support services are included in this cost category because of the need for legal assistance and other specialized consulting services to complete regional wetland permitting activities anticipated over the next 10 years of the permit term. Contractor costs are increased based on the Employment Cost Index and permit fees are updated based on current fee schedules and calculators.

Preserve Management and Maintenance

The schedule of land under management continues to reflect the fact that the pace of acquisition exceeds actual mitigation and conservation targets when compared to impacts.²⁰ Costs to date are low reflecting land-banking of many acquired lands pending the level of impacts necessary to manage them as part of the Preserve System.

Future preserve management costs are based on preliminary estimates prepared by Park District staff in coordination with the Conservancy using the implementation activities outlined in the *Vasco Hills / Byron Vernal Pools Preserve Management Plan*.²¹ Detailed cost categories include: invasive plant and invasive wildlife control; grazing and wildfire management; maintenance of fences, gates, roads, and trails; trash and debris removal; equipment, supplies, and infrastructure maintenance and replacement; and annual reporting. Recreation management costs and costs for security and patrol of recreational trails are not included.

This update shifts the cost of law enforcement for habitat and species protection from the program administration cost category to the preserve management cost category. Costs are based on the current contract between the Contra Costa Water District and the Contra Costa County Sheriff to provide law enforcement services at the 20,000-acre Los Vaqueros watershed.

²⁰ See “Acres Acquired, Managed, and Restored within HCP/NCCP Preserves for Initial/Maximum Urban Development Area” tables in Appendix C and Appendix D.

²¹ *Vasco Hills / Byron Vernal Pools Preserve Management Plan* (draft), prepared by ICF for the East Contra Costa County Habitat Conservancy, November 2018.

Monitoring, Research, and Adaptive Management

Contractors are the most significant component of monitoring costs. Costs are based on review of current contracting and assumptions about how that activity will intensify over time. Monitoring activity is expected to increase with the completion of more restoration projects and with implementation of preserve management plans and associated monitoring protocols.

Remedial Measures

The total cost for remedial measures is based on (1) a percent of total cost of habitat restoration/creation costs, (2) a cost per acre for remedial measures applied to a percent of total Preserve System acres acquired, and (3) a lump sum cost for other remedial measures. No changes were made in these cost assumptions for this audit.

Contingency

Contingency costs reflect changes in other cost categories. The estimated rate remains at five percent and is applied to total Plan costs net of total land acquisition and total habitat restoration/creation costs.

Summary of Cost Model Results

Table 3.2 and **Table 3.3** summarize changes in total costs by cost category for the Plan for the initial and maximum UDA, respectively. The tables compare the results of this audit to costs estimated in the HCP/NCCP costs and the prior 2017 audit in 2021 dollars. Adjusted for inflation, total costs are in the range of seven to nine percent lower than costs in the 2017 audit and nearly equal to costs estimated in the Plan.

Though costs have remained in line with the Plan's original estimates there have been significant changes among cost categories:

- ♦ Habitat restoration/creation costs are higher because the unit cost (costs per acre) assumptions in the Plan were significantly lower than the Conservancy's actual experience.
- ♦ Ongoing costs for (1) preserve management and maintenance and (2) monitoring, research, and adaptive management are significantly lower because costs to date are lower than estimated in the Plan. As discussed in *Preserve Management and Maintenance* above and *Permit Term Extension* in Chapter 2, impacts have occurred at a much slower pace than anticipated by the Plan.

Table 3.2: Cost Model Comparison – Initial Urban Development Area (2021 \$)

Cost Category	2006 Plan	2017 Fee Audit	2022 Fee Audit	2022 Audit vs. 2006 Plan		2022 Audit vs. 2017 Audit	
Program Administration	\$27,590,000	\$37,380,000	\$35,240,000	\$7,650,000	28%	(\$2,140,000)	(6%)
Land Acquisition	\$291,330,000	\$305,380,000	\$304,960,000	\$13,630,000	5%	(\$420,000)	(0%)
Planning and Design	\$9,350,000	\$10,960,000	\$8,260,000	(\$1,090,000)	(12%)	(\$2,700,000)	(25%)
Habitat Restoration/Creation	\$31,000,000	\$60,960,000	\$50,020,000	\$19,020,000	61%	(\$10,940,000)	(18%)
Environmental Compliance	\$3,560,000	\$5,110,000	\$3,650,000	\$90,000	3%	(\$1,460,000)	(29%)
Preserve Management & Maintenance	\$50,230,000	\$40,690,000	\$37,320,000	(\$12,910,000)	(26%)	(\$3,370,000)	(8%)
Monitoring, Research, & Adaptive Management	\$28,550,000	\$18,090,000	\$9,760,000	(\$18,790,000)	(66%)	(\$8,330,000)	(46%)
Remedial Measures	\$2,400,000	\$4,320,000	\$3,280,000	\$880,000	37%	(\$1,040,000)	(24%)
Contingency	\$7,630,000	\$6,010,000	\$4,480,000	(\$3,150,000)	(41%)	(\$1,530,000)	(25%)
Total Plan Implementation	\$451,640,000	\$488,900,000	\$456,970,000	\$5,330,000	1%	(\$31,930,000)	(7%)

Notes: HCP/NCCP and 2017 Fee Audit costs are inflated to 2021 dollars using the inflation index in Appendix F.

Sources: HCP/NCCP, Table 9-1; 2017 Audit, Table 3.2; Appendix C (Summary table).

Table 3.3: Cost Model Comparison – Maximum Urban Development Area (2021 \$)

Cost Category	2006 Plan	2017 Fee Audit	2022 Fee Audit	2022 Audit vs. 2006 Plan		2022 Audit vs. 2017 Audit	
Program Administration	\$27,710,000	\$37,450,000	\$37,990,000	\$10,280,000	37%	\$540,000	1%
Land Acquisition	\$358,290,000	\$377,110,000	\$367,260,000	\$8,970,000	3%	(\$9,850,000)	(3%)
Planning and Design	\$9,470,000	\$10,960,000	\$8,260,000	(\$1,210,000)	(13%)	(\$2,700,000)	(25%)
Habitat Restoration/Creation	\$34,800,000	\$72,640,000	\$60,240,000	\$25,440,000	73%	(\$12,400,000)	(17%)
Environmental Compliance	\$3,560,000	\$5,110,000	\$3,650,000	\$90,000	3%	(\$1,460,000)	(29%)
Preserve Management & Maintenance	\$55,400,000	\$50,040,000	\$42,370,000	(\$13,030,000)	(24%)	(\$7,670,000)	(15%)
Monitoring, Research, & Adaptive Management	\$32,050,000	\$20,890,000	\$10,860,000	(\$21,190,000)	(66%)	(\$10,030,000)	(48%)
Remedial Measures	\$2,580,000	\$5,120,000	\$3,950,000	\$1,370,000	53%	(\$1,170,000)	(23%)
Contingency	\$8,290,000	\$6,860,000	\$5,100,000	(\$3,190,000)	(38%)	(\$1,760,000)	(26%)
Total Plan Implementation	\$532,150,000	\$586,180,000	\$539,680,000	\$7,530,000	1%	(\$46,500,000)	(9%)

Notes: HCP/NCCP and 2017 Fee Audit costs are inflated to 2021 dollars using the inflation index in Appendix F.

Sources: HCP/NCCP, Table 9-1; 2017 Audit, Table 3.3; Appendix D (Summary table).

4. ENDOWMENT MODEL

The HCP/NCCP requires funding for post-permit term costs in perpetuity for the management and monitoring of the Preserve System.²² Post-permit term costs would be funded by a portion of mitigation fee and other revenues transferred to an endowment over time. The endowment would grow with re-invested earnings through year 30. No withdrawals would be made from the endowment to fund HCP/NCCP during the permit term. At the end of the permit term, the endowment generates ongoing earnings sufficient to fully fund post-permit management and monitoring costs in perpetuity and adjusted for inflation.

The approach taken to estimate post-permit term costs and endowment funding is like that used in other recent Northern California regional habitat plans, including the San Joaquin Multi-Species Habitat Conservation and Open Space Plan, Santa Clara Valley Habitat Plan, the Yolo Habitat Conservation Plan, and the Placer County Conservation Program. The approach fully complies with applicable statutes regarding investment of public funds for long-term stewardship of conservation lands.²³

Endowment Creation

The Conservancy conducted a process to select an endowment manager in 2019 and engaged the Regional Parks Foundation (Foundation) for this purpose. The Foundation is an independent nonprofit organization whose mission is to support the Park District through fundraising. The Conservancy and the Foundation entered into an endowment agreement in 2020 that specifies the responsibilities of both parties.²⁴

The Foundation will manage and invest endowment funds and use its best efforts to achieve a reasonable long-term rate of return on investment consistent with the endowment model assumptions discussed below (see *Investment Earnings* in this chapter). Before the HCP/NCCP permits expire, a separate agreement will be negotiated between the Conservancy and the Foundation to establish the terms and conditions for distribution of funds from the endowment for preserve management and monitoring in perpetuity. For endowment management services, the Conservancy will pay the

²² HCP/NCCP, Chapter 9, pp. 9-40 to 9-42 and Table 9-9.

²³ See Mitigation Lands: Nonprofit Organizations (*California Government Code*, section 65965-65968) and the Uniform Prudent Management of Institutional Funds Act (*Probate Code*, section 18501 et seq.).

²⁴ *East Contra Costa County HCP/NCCP Endowment Agreement*, October 2020.

Foundation a management fee of 0.55 percent of assets on deposits up to \$10 million and 0.50 percent of assets on deposits above \$10 million.

Post-permit Term Costs

Annual post-permit funding needs from the endowment were developed based on guidance provided in Chapter 9 of the HCP/NCCP. Total post-permit term costs were estimated based on a percent of annual costs in the final five-year period of the plan (years 26-30) for the following cost categories:

- ♦ 40 percent (maximum UDA) to 44 percent (initial UDA) of program administration costs
- ♦ 100 percent of preserve management and monitoring costs
- ♦ 50 percent of monitoring, research, and adaptive management costs

Endowment Funding

Four revenue sources build the endowment fund balance through year 30:

1. An opening balance as of December 31, 2021
2. Revenues from mitigation fees and other mitigation payments from development projects
3. Lease revenues from private activities on preserve lands
4. Re-invested earnings from endowment investments.

These funding sources are discussed in the subsections that follow.

Opening Fund Balance

The Conservancy started an endowment in 2020 with funds accumulated by:

- ♦ The California Wildlife Foundation from prior development project mitigation payments
- ♦ The Park District from revenues generated by residences, communication facilities, wind turbines, and agricultural leases on preserve lands.

See **Table F.2** in Appendix F for details.

Investment earnings on those endowment contributions has resulted in a fund balance of \$3.9 million by December 31, 2021.

Development Project Revenue

Development project revenue, particularly mitigation fees generated by the HCP/NCCP, will provide the primary contributions to the endowment through the end of the permit term. Other types of development project revenue applied to the endowment include specific one-time and ongoing payments from development projects typically paid in lieu of the development fee (see **Table F.3** in Appendix F for details).

Development project revenue is critical for the endowment because many other revenue sources such as state and federal sources are restricted to land acquisition, restoration/creation, or research. Though development project revenue will fund a larger share of endowment costs, state and federal sources will fund a larger share of land acquisition costs. This approach results in each type of funding (mitigation versus conservation funding) only contributing their appropriate share of total Plan costs (see *Funding Mitigation and Conservation Goals* in Chapter 1 for more discussion).

The endowment model assumes that the Conservancy will make contributions from development fee revenue at a constant rate on an annual basis through the end of the permit term. Fee revenues will fluctuate above and below this annual average from year to year depending on development market activity. Periodic audits (such as this one) adjust the endowment funding plan as needed to ensure an adequate fund balance by the end of the permit term.

Lease Revenues

The Park District had 13 active leases on preserve lands as of the end of FY 2021 and generated \$572,000 for 2021. Eight of these leases are for communication facilities that the endowment assumes will continue in perpetuity. The remaining leases are for wind turbines, residences, and agricultural uses that are assumed to expire at various intervals during the permit term based on the terms of the specific lease agreement. See **Table F.4** in Appendix F for details.

The Conservancy and the Park District entered into a lease revenue allocation agreement in 2020 that allocates revenue to the following HCP/NCCP costs:

- ◆ Land acquisition
- ◆ Preserve management
- ◆ Endowment.²⁵

²⁵ *Lease Revenues Allocation Agreement between the East Bay Regional Park District and the East Contra Costa County Habitat Conservancy*, October 2020.

The endowment model assumes that at the end of the permit term all lease revenue will directly offset post-permit term preserve management costs.

Investment Earnings

The endowment model assumes a long-term average annual return on investment (ROI) of 7.25 percent. For comparison, other funds with similar long range investment horizons such as university endowments, pension funds, and hospital endowments, have average annual earnings objectives of six to nine percent.

Based on an ROI goal of 7.25 percent, the endowment model assumes that inflation is 3.00 percent and endowment manager fees are 1.00 percent. As shown in **Table 4.1**, this results in an annual real return on endowment fund balances of 3.25 percent. The real rate of return is also known as the “capitalization rate”. Thus, the endowment can be expected to generate funding for post-permit term costs, adjusted for inflation and management fees, at a constant rate of 3.25 percent of the fund balance that is achieved by the end of the permit term in 2037.

Table 4.1: Investment Earnings

Allocation of Annual Investment Earnings on Endowment Fund Balance	Percent of Endowment Fund Balance
Average Annual Return on Investment Goal ¹	7.25%
Reinvested Earnings to Offset Inflation	<u>3.00%</u>
Available for Annual Distributions	4.25%
Endowment Manager Fees ²	<u>1.00%</u>
Average Annual Real Rate of Return to Fund Post-Permit Term Costs	3.25%

¹ Total average annual investment earnings are net of investment management fees (including custodial and audit costs) and are separate from endowment manager fees (see note 2).

² The endowment model assumes that the Conservancy will engage an outside endowment fund manager instead of staffing this function in-house. Endowment manager fees would fund administration, accounting, and reporting costs directly associated with the Conservancy's account.

These assumptions are based on a current habitat endowment management program operated by the National Fish and Wildlife Foundation (NFWF) under agreements with the California Department of Fish and Wildlife. These programs assume a long-range real rate of return of 3.25 percent to 3.50 percent. The endowment model for this audit uses the more conservative rate of 3.25 percent. This rate is the same rate being used for endowment modeling by the Santa Clara Valley Habitat Plan, the Yolo Habitat Conservation Plan,

and the Placer County Conservation Program mentioned at the start of this chapter.

Lower investment earnings, higher inflation, or higher endowment manager fees would require increased endowment funding and higher mitigation fees. Higher investment earnings, lower inflation, or lower endowment manager fees would require less endowment funding and lower mitigation fees. Future periodic fee audits will evaluate these assumptions and adjust mitigation fees and other revenues allocated to the endowment as needed to maintain adequate funding.

Endowment Model Results

A summary of the endowment models for the initial UDA and maximum UDA scenarios is shown below in **Table 4.2**.

Table 4.2: Post-Permit Funding

	Initial UDA	Maximum UDA
Endowment Contributions (through FY 2021)	\$3,548,946	\$3,548,946
Investment Earnings (through FY 2021) ¹	<u>\$368,684</u>	<u>\$368,684</u>
Endowment Opening Balance (2022)	\$3,917,630	\$3,917,630
Development Project Revenue (2022-2037) ²	\$52,968,429	\$64,960,541
Lease Revenue (2022-2037) ³	\$1,747,957	\$1,747,957
Investment Earnings (2022-2037) ⁴	<u>\$18,948,234</u>	<u>\$22,365,352</u>
Endowment Fund Balance (2037)	\$77,582,249	\$92,991,480
Annual Distribution Rate (post-permit) ⁴	<u>3.25%</u>	<u>3.25%</u>
Investment Earnings (post-permit) ⁴	\$2,521,423	\$3,022,223
Development Project Revenue (post-permit) ²	\$366,571	\$366,571
Lease Revenue (post-permit) ³	<u>\$270,605</u>	<u>\$270,605</u>
Annual Preserve Management Costs (post-permit)	\$3,158,600	\$3,659,400

¹ Earnings net of fees for endowment manager (Regional Parks Foundation) and investment management.

² Development project revenue primarily from Plan development fees during Plan implementation, plus several development mitigation payments that will continue in perpetuity.

³ Lease revenue from 13 leases as of 2021 with eight assumed to continue in perpetuity.

⁴ Investment earnings based on real return on investment equal to 3.25% that is net of inflation and all administrative and investment management fees.

Source: Appendix E, Tables E.1 and E.2; Appendix F, Table F.2.

See **Table E.1** and **Table E.2** in Appendix E for detailed output of the endowment model for the initial and maximum UDA scenarios, respectively.

5. WETLAND MITIGATION FEE

This chapter presents the updated wetland mitigation fee schedule and the reasonable relationship findings required by the MFA and explained in Chapter 1. Unless the applicant chooses to perform their own restoration or creation dedicated to the Preserve System, the wetland mitigation fee is applied to covered activities that generate permanent impacts on wetland land cover types whether inside or outside the UDA.²⁶ Wetland mitigation fees are calculated based on only the surface area of the wetland land cover type impacted, or by linear feet for stream impacts. The wetland mitigation fee is therefore typically applied to a small portion of the total impacts of a covered activity.

Updated Fee Schedule

The wetland mitigation fee is based on the unit costs (cost per acre or cost per linear foot for streams) presented in the prior chapter multiplied by a mitigation ratio established by the HCP/NCCP. The mitigation ratio represents the restoration area needed to mitigate one acre (or one linear foot in the case of streams) of impact. Most mitigation ratios are one-to-one, that is one acre of impact requires one acre of wetland restoration/creation to mitigate impacts. Several land cover types require a higher or lower mitigation ratio to adjust for the relative ability of restoration projects to mitigate the types of impacts associated with a given land cover type. The updated wetland mitigation fees based on mitigation ratios by land cover type are shown in **Table 5.1**.

Consistent with the habitat restoration/creation cost estimates explained in Chapter 3, above, the wetland mitigation fee is only related to the one-time activity of restoration or creation of wetland land cover types. The three other fees presented in the following two chapters of this report address the other Plan costs to mitigate the impacts of covered activities on wetland land cover types. These other costs include, for example, acquisition of sites for wetland, pond, and stream restoration/creation, preservation of existing wetland, pond, and stream habitat and long-term management, maintenance, and monitoring of habitat restoration/creation sites.

²⁶ HCP/NCCP, Chapter 9, pp. 9-23 to 9-24 and Table 9-5.

Table 5.1: Wetland Mitigation Fee Schedule

Land Cover Type	Habitat Restoration / Creation Cost		Mitigation Ratio	Wetland Mitigation Fee	
Riparian	\$105,891	per acre	1:1	\$105,891	per acre
Perennial Wetland	162,953	per acre	1:1	162,953	per acre
Seasonal Wetland	191,396	per acre	2:1	382,792	per acre
Alkali Wetland	193,490	per acre	2:1	386,980	per acre
Ponds	211,115	per acre	1:1	211,115	per acre
Aquatic (open water)	211,115	per acre	0.5:1	105,558	per acre
Slough / Channel	149,516	per acre	1:1	149,516	per acre
Streams (<=25 ft. wide)	553	per linear foot	1:1	553	per linear foot
Streams (>25 ft. wide)	829	per linear foot	1:1	829	per linear foot

Sources: HCP/NCCP, Tables 5-16 and 5-17; Table 3.1 (this report).

Table 5.2 compares the updated wetland mitigation fees to current fees. Wetland mitigation fees increase slightly compared to current fees because of updates to the cost model discussed in Chapter 3. The automatic annual inflation adjustment since the prior audit has largely kept the fee in line with changing Plan costs.

Table 5.2: Wetland Mitigation Fee Comparison

Land Cover Type	Fee Basis	2022 Fee Schedule	2022 Audit	Change
Riparian	per acre	\$105,516	\$105,891	0.4%
Perennial Wetland	per acre	\$159,912	\$162,953	1.9%
Seasonal Wetland	per acre	\$374,220	\$382,792	2.3%
Alkali Wetland	per acre	\$378,310	\$386,980	2.3%
Ponds	per acre	\$205,924	\$211,115	2.5%
Aquatic (open water)	per acre	\$102,962	\$105,558	2.5%
Slough / Channel	per acre	\$147,029	\$149,516	1.7%
Streams (<=25 ft. wide)	per linear foot	\$543	\$553	1.8%
Streams (>25 ft. wide)	per linear foot	\$814	\$829	1.8%

Sources: ECCC Habitat Conservancy, [Annual Mitigation Fee Adjustment Summary \(PDF\)](#); Table 5.1.

Estimated restoration costs and revenues associated with wetland land cover impacts are shown in **Table 5.3**. The table multiplies the wetland land cover acreage impacts from Table 2.3 by the update fee schedule in Table 5.1. The 30-year revenue estimates in the table are used in the development fee calculation presented in Chapter 6.

Table 5.3: Wetland Mitigation Fee Revenue

Land Cover Type	Wetland Mitigation Fee	Fee Revenue (2022-2037)	
		Initial UDA	Maximum UDA
Riparian	\$105,891 per acre	\$3,040,000	\$3,570,000
Perennial Wetland	\$162,953 per acre	\$3,610,000	\$3,660,000
Seasonal Wetland	\$382,792 per acre	\$4,210,000	\$5,810,000
Alkali Wetland	\$386,980 per acre	\$3,200,000	\$3,550,000
Ponds	\$211,115 per acre	\$1,460,000	\$1,670,000
Aquatic (open water)	\$105,558 per acre	\$1,220,000	\$1,220,000
Slough / Channel	\$149,516 per acre	\$10,670,000	\$10,670,000
Subtotal		\$27,410,000	\$30,150,000
Streams (<=25 ft. wide)	\$553 per ln. ft.	\$11,300,000	\$14,220,000
Streams (>25 ft. wide)	\$829 per ln. ft.	<u>\$2,290,000</u>	<u>\$3,170,000</u>
Total		\$41,000,000	\$47,540,000
		Fee Revenue (2008-2037)	
		Initial UDA	Maximum UDA
Actual (2008-2021)		\$1,570,000	\$1,570,000
Estimated (2022-2037)		<u>\$41,000,000</u>	<u>\$47,540,000</u>
Total (2008-2037)		\$42,570,000	\$49,110,000
Notes: "UDA" is the urban development area.			
Sources: Tables 2.3, 5.1, and Appendix F, Table F.5.			

Mitigation Fee Act Findings

The following findings are required by the MFA and were presented in Chapter 1.

Section 66001(a)(1)

The wetland mitigation fee is intended to pay the full cost of restoration or creation of wetland land cover types, including design, implementation, post-construction monitoring, and remediation. The development fee described in the next chapter will fund acquisition of the site for the restoration or creation and the management and monitoring after the wetland is fully functioning. Restoration of oak savanna is also required by the HCP/NCCP, but the cost of this restoration is included in the development fee because it is not associated with jurisdictional wetlands and waters.

Section 66001(a)(2)

The wetland mitigation fee will fund the capital costs associated with wetland restoration/creation the mitigate related wetland impacts. Chapter 5 of the HCP/NCCP explains the conservation strategy for wetland restoration/creation, and Chapter 9 explains the costs associated with implementing the strategy.

Section 66001(a)(3)

A reasonable relationship exists between the use of wetland mitigation fee revenue and covered activities that would pay the fee. Only covered activities that have wetland impacts (impacts on species and natural communities within wetland land cover types) pay the fee, and fee revenues fund implementation of the conservation strategy designed to mitigate those impacts. Specific elements of the strategy from Chapter 5 of the HCP/NCCP that relate to the restoration or creation of wetlands, ponds, and streams include:

- ♦ Conservation methods such as:
 - Biological goals and objectives that include the restoration and creation of wetlands, ponds, and streams.
 - Mitigation of impacts on state and federal jurisdictional wetlands and waters.
- ♦ Conservation measures such as:
 - Conservation Measure 2.3. Restore Wetlands and Create Ponds
 - Conservation Measure 2.10. Restore Streams and Riparian Woodland/Scrub to Compensate for Habitat Loss and to Increase Biodiversity.

The cost model summarized in Chapter 9 and presented in detail in Appendix G of the HCP/NCCP explains the costs associated with the restoration or creation of wetlands, ponds, and streams. Updated costs are shown in Table 3.1 in Chapter 3 of this report and include:

- ♦ All costs associated with the habitat restoration/creation cost category (includes construction costs and staff-related costs)
- ♦ The share of environmental compliance costs associated with one-time costs for habitat restoration/creation

- ♦ Costs for pre-construction surveys and construction monitoring for restoration sites (costs included in the monitoring, research and adaptive management tab in the cost model).

Section 66001(a)(4)

A reasonable relationship exists between the need for the wetland mitigation fee and covered activities that would pay the fee. Chapter 3 of the HCP/NCCP explains the relationship between the 17 animal and 11 plant species covered under the HCP/NCCP and wetland land cover types (see Table 3-9 in Chapter 3 of the Plan). Chapter 4 of the Plan explains the impacts of covered activities on these animal and plant species, and more broadly on natural communities. The importance of wetland land cover types is demonstrated by:

- ♦ The eight wetland land cover types provide habitats for all 17 animal species covered under the Plan.
- ♦ Individual wetland land cover types provide habitat for at least three and, in the case of seasonal wetlands, as many as 11 covered animal species.
- ♦ Vernal pools are an essential habitat for four covered species and 11 covered plants.

Section 66001(b)

A reasonable relationship exists between the amount of the wetland mitigation fee on a specific covered activity and the proportionate share of HCP/NCCP costs based on the fee schedule shown in Table 5.1. The fee schedule reflects the type of land cover that is affected because both mitigation ratios and per acre mitigation costs vary by land cover. The total fee for a covered activity is proportional to the amount of the impact based on the number of acres of wetland or pond, or linear feet of stream affected.

6. DEVELOPMENT FEE

This chapter presents the updated development fee schedule and the reasonable relationship findings required by the MFA and presented in Chapter 1. The development fee is applied to covered activities that generate permanent impacts. The only exception are permanent impacts caused by a specified list of rural infrastructure projects that pay the rural road fee based on a multiplier applied to the development fee (see Chapter 7).²⁷ Applicants can dedicate land for the Preserve System or generate alternative special taxes, fees, or charges in lieu of paying the mitigation fees subject to approval by the Conservancy.

Updated Fee Schedule

The development fee is based on all covered activities funding a fair share of total HCP/NCCP implementation costs. The fair share is based on the total amount of lands dedicated to habitat preservation in Eastern Contra Costa County, both lands existing prior to the HCP/NCCP and lands added by the Preserve System through implementation of the Plan. The Plan apportioned this total land area for habitat preservation between urban development existing prior to the Plan and urban development anticipated to occur during the 30-year permit term of the Plan. The fair share of costs allocated to the development fee under the maximum UDA scenario is 52 percent as documented in Appendix H of the Plan. The Plan requires that the periodic audit use this fair share amount to update the development fee, and that the fee cannot make up for shortfalls in revenue from other local, state, and federal sources.²⁸

As explained in Chapter 1, all covered activities pay the development fee unless the applicant provides their own mitigation. In cases where wetland land cover types are affected, the wetland mitigation fee is also paid. As explained in Chapter 3, the wetland mitigation fee will fund costs of habitat restoration/creation associated with impacts on wetlands, ponds, and streams. Therefore, total Plan costs subject to the fair share calculation are calculated net of wetland mitigation fee revenue. This approach avoids double-charging covered activities for the same Plan costs.

Table 6.1 shows that share of total HCP/NCCP costs allocated to the development fee. Costs are shown net of estimated wetland mitigation fee revenue drawn from Table 5.3 in the prior chapter. Development fee revenue

²⁷ HCP/NCCP, Chapter 9, pp. 9-17 to 9-22, Figure 9-1, Table 9-4.

²⁸ HCP/NCCP, Chapter 9, p. 9-31.

to date is deducted from the fair share allocated to the development fee to calculate the net revenue still required from the development fee for the remainder of the permit term. Using this approach ensures that at the end of the permit term covered activities would have paid the fair share of plan costs as determined by the nexus analysis in the Plan.

Table 6.1: Development Fee Fair Share Analysis (2021 \$)

	Maximum Urban Development Area		Initial Urban Development Area	
	Formula	Amount	Formula	Amount
Plan Implementation Costs	<i>a</i>	\$539,680,000	<i>q</i>	\$456,970,000
Wetland Mitigation Fee Revenue	<i>b</i>	(\$49,110,000)	<i>p</i>	(\$42,570,000)
Endowment Contribution ¹	<i>c</i>	<u>\$70,260,000</u>	<i>d</i>	<u>\$58,270,000</u>
Net Cost Subject to Fair Share Allocation	<i>d (sum)</i>	\$560,830,000	<i>m (sum)</i>	\$472,670,000
Development Fair Share Allocation ²	<i>e</i>	<u>52%</u>	<i>l = k / m</i>	<u>43%</u>
Development Fair Share Costs	<i>f = d * e</i>	\$291,630,000	<i>k = m - i</i>	\$203,470,000
Development Fee Revenue To Date	<i>g</i>	<u>(\$17,450,000)</u>	<i>g</i>	<u>(\$17,450,000)</u>
Remaining Development Fair Share Costs (2022-2037)	<i>h = f - g</i>	<u>\$274,180,000</u>	<i>j = k + g</i>	<u>\$186,020,000</u>
Other Plan Funding	<i>i = d - f</i>	\$269,200,000	<i>i</i>	\$269,200,000

Notes: This table does not show rural road fee revenue, as shown in the HCP/NCCP, Appendix H, because impacts and associated fee revenues are in addition to impacts mitigated by the development fee. Impacts from rural (outside UDA) projects and activities other than those covered by the rural road fee are included in the development fee.

¹ Endowment contributions during permit term excluding investment earnings.

² "Development Fair Share Allocation" factor for maximum UDA based on HCP/NCCP, Appendix H, Table 1, consistent with procedures required for periodic audit (HCP/NCCP, Chapter 9, p. 9-31). Also, consistent with the HCP/NCCP, the initial UDA Development Fair Share Allocation factor is based on holding non-fee revenue sources constant with the maximum UDA scenario. This approach reasonably assumes that other federal, state, and local funding over the permit term will not be affected by the amount of urban development area impacts.

Sources: HCP/NCCP, Appendix H, Table 1 (second memorandum); Tables 3.2, 3.3, 4.2, 5.3, and 8.1 (this report).

A range of federal, state, and local sources fund the remaining costs for HCP/NCCP implementation, including rural road fees and temporary impact fees. Fair share costs allocated to the development fee under the initial UDA scenario are calculated by holding constant total funding from these other sources. It is reasonable to assume that the level of development under the Plan would not affect the level of funding from these other sources.

The updated development fee is shown in **Table 6.2**. The fee is based on the fair share costs calculated in Table 6.1 divided by the equivalent acres of impact remaining under each scenario from Table 2.2. The bottom of Table 6.2 shows the fee per acre by zone based on the weighting factors explained in Chapter 2.

Table 6.2: Development Fee Schedule (2021 \$ for 2022 Fee Schedule)

		Initial UDA	Maximum UDA	Mid- Point
<i>Fee per Equivalent Acre (based on remaining costs & impacts, 2022-2037)</i>				
Remaining Development Fair Share Costs		\$186,020,000	\$274,180,000	
Remaining Development Impacts (equivalent acres)		<u>19,046</u>	<u>29,160</u>	
Development Fee (per equivalent acre)		\$9,767	\$9,403	\$9,585
<i>Fee Schedule (per acre of impact)</i>		<i>Weight</i>		
Zone 1	2	\$19,534	\$18,806	\$19,170
Zone 2	4	\$39,068	\$37,612	\$38,340
Zone 3	1	\$9,767	\$9,403	\$9,585

Source: Tables 2.2 and 6.1.

Table 6.2 also shows the average fee for the initial and maximum UDA scenarios. Use of the average development fee for the two scenarios was approved by the Conservancy Board when adopting the 2013 Audit recommendations (June 27, 2013).

Consistent with the prior audits, these equivalent acres do not discount for lands within the UDA that remain undeveloped during the permit term, as was done in the Plan to calculate the original development fee. Doing so would make the nexus analysis inconsistent with allowable permit term impacts.

Comparison with Original and Current Fee

In **Table 6.3** the updated fee based on the average of the two scenarios is compared with the current adopted fee. As shown in the table, the recommended development fee is just over one percent higher than the current fee schedule. The automatic annual inflation adjustment since the prior audit has been able to keep the fee in line with changing Plan costs without any significant revision needed based on the current audit.

Mitigation Fee Act Findings

The following findings are required by the MFA and were presented in Chapter 1.

Table 6.3: Development Fee Comparison (fee per acre)

Zone	2022 Fee Schedule	2022 Audit ¹	Change
Zone 1	18,938	19,170	1.2%
Zone 2	37,876	38,340	1.2%
Zone 3	9,469	9,585	1.2%

¹ Uses average development fee of initial and maximum UDA scenarios as approved by Conservancy Board when adopting the 2013 Audit recommendations (June 27, 2013).

Sources: ECCC Habitat Conservancy, [Annual Mitigation Fee Adjustment Summary \(PDF\)](#); Table 6.2.

Section 66001(a)(1)

The development fee is intended to pay the fair share cost of the HCP/NCCP associated with permanent impacts except impacts from a specified list of rural transportation projects (see Chapter 7) and excluding habitat restoration/creation costs for wetland land cover types funded by the wetland mitigation fee.

Section 66001(a)(2)

The development fee will fund a fair share of all HCP/NCCP costs except costs funded by the wetland mitigation fees. Chapter 5 of the Plan explains the conservation strategy for the Plan and Chapter 9 explains the costs associated with implementing the strategy.

Section 66001(a)(3)

A reasonable relationship exists between the use of development fee revenue and covered activities that would pay the fee. Chapter 5 of the HCP/NCCP explains the conservation strategy and Chapter 9 explains the costs associated with implementing the strategy.

The conservation strategy in Chapter 5 of the Plan identifies biological goals and objectives that are supported by specific conservation measures: five measures related to landscape-level conservation, nine measures related to natural community-level conservation (excluding two measures related to wetland, pond, and stream restoration/creation discussed in the prior chapter of this report), and nine measures related to species-level conservation.

The cost model summarized in Chapter 9 of the Plan and presented in detail in Appendix G of the Plan explains and estimates the costs associated with implementation. Updated costs are shown in Chapter 3 of this report and include nine cost categories necessary to implement the Plan: program

administration, land acquisition, planning and design, habitat restoration/creation, environmental compliance, preserve management and maintenance, monitoring, research, and adaptive management, remedial measures, and contingency fund. As explained in the Chapter 3 of this report costs related to wetland, pond, and stream habitat restoration/creation are not included in the development fee.

Section 66001(a)(4)

A reasonable relationship exists between the need for the development fee and covered activities that would pay the fee. Chapter 3 of the HCP/NCCP explains the relationship between the 17 animal species, 11 plant species, and associated habitats covered under the Plan and terrestrial land cover types (see Table 3-9 in Chapter 3 of the Plan). Chapter 4 of the Plan explains the impacts of covered activities by land cover type on these animal and plant species, and more broadly on their habitats and natural communities.

Section 66001(b)

A reasonable relationship exists between the amount of the development fee on a specific covered activity and the proportionate share of HCP/NCCP costs based on the fee schedule shown in Table 6.2 for three reasons:

- ♦ The fee is based on a fair share of HCP/NCCP costs as determined by the share of development occurring under the Plan compared to total development (existing plus new) under the maximum UDA scenario. As stated in the Plan: “this analysis considers the pace of open space acquisition relative to the pace of development before and after adoption of the HCP/NCCP and assigns the land acquisition requirements of the HCP/NCCP according to the premise that future development should mitigate impacts in the inventory area proportionate to its share of the overall habitat impacts in the inventory area (i.e., impacts in the past and the future).”²⁹
- ♦ As explained in detail in Chapter 2, *Development Fee Zones*, the fee is adjusted for three zones that reflect the relative amount of impact from urban development on natural habitats and covered species. The mapping of the zones was completed at a level of detail sufficient to provide a reasonable relationship between all land within a specific zone and the relative weight of impacts assigned to that zone.
- ♦ The total fee for a covered activity is proportional to the amount of the impact based on the number of acres affected.

²⁹ HCP/NCCP, Chapter 5, p. 5-51.

7. RURAL ROAD AND TEMPORARY IMPACT FEES

This chapter presents the updated fee schedule for the rural road fee and the temporary impact fee, and the reasonable relationship findings for each fee required by the MFA and explained in Chapter 1.

Rural Road Fee

The rural road fee is applied to 18 specified rural transportation projects.³⁰ These projects pay a multiple of 1.00 to 2.25 of the development fee. These projects fragment habitat, create substantial barriers and hazards to wildlife movement, and generally have a greater per-acre impact than other types of development projects. The extent of these additional impacts depends on whether the proposed facility is new or expanded, on the length of the facility, on the type of habitat traversed by the road, and other factors. The fee multiple is lower if the project implements wildlife-friendly design measures.

Funding from the rural road fee is shown in **Table 7.1**.

Table 7.1: Rural Road Fee Revenue

	Year	Amount
HCP/NCCP Estimate	2006	\$7,431,600
Inflation Index		<u>0.6578</u>
Current Estimate (2021 \$)	2021	\$11,300,000
Rural Road Fee Revenue To Date		<u>(\$2,510,000)</u>
Remaining Rural Road Fee Revenue		\$8,790,000
Notes: Revenue estimate assumes that all wildlife-friendly design measures are implemented.		
Appendix H of the HCP/NCCP also includes a revenue estimate of \$1,500,000 for unspecified "rural infrastructure fees" from the development fee applied to projects and activities outside the UDA such as flood protection projects, utility projects, and related maintenance activities. Revenue from these projects and activities are included in the development fee (see Chapter 6).		
Sources: HCP/NCCP, Chapter 9, Table 9-6 and Appendix H, Table 1 (second memorandum); Appendix F, Table F.1.		

Mitigation Fee Act Findings

The following findings are required by the MFA and were presented in Chapter 1.

³⁰ HCP/NCCP, Chapter 9, pp. 9-24 to 9-25, Table 9-6.

Section 66001(a)(1)

The rural road fee is intended to pay the costs of the HCP/NCCP associated with mitigating permanent impacts from specified transportation projects outside the urban development area, excluding habitat restoration/creation costs for wetland land cover types funded by the wetland mitigation fee.

Section 66001(a)(2)

The rural road fee will fund HCP/NCCP costs to mitigate permanent impacts from specified transportation projects outside the urban development area, excluding habitat restoration/creation costs for wetland land cover types funded by the wetland mitigation fee. Chapter 5 of the Plan explains the conservation strategy for the Plan and Chapter 9 explains the costs associated with implementing the strategy.

Section 66001(a)(3)

A reasonable relationship exists between the use of rural road fee revenue and covered activities that would pay the fee. Chapter 5 of the HCP/NCCP explains the conservation strategy and Chapter 9 explains the costs associated with implementing the strategy.

The conservation strategy in Chapter 5 of the Plan identifies biological goals and objectives that are supported by specific conservation measures: five measures related to landscape-level conservation, nine measures related to natural community-level conservation (excluding two measures related to wetland, pond, and stream restoration/creation discussed in the prior chapter of this report), and nine measures related to species-level conservation.

The cost model summarized in Chapter 9 and presented in detail in Appendix G of the Plan explains the costs associated with implementation. Updated costs are shown in Chapter 3 of this report and include nine cost categories: program administration, land acquisition, planning and design, habitat restoration/creation, environmental compliance, preserve management and maintenance, monitoring, research, and adaptive management, remedial measures, and contingency fund. As explained in the prior chapter of this report costs related to habitat restoration/creation on wetland land cover types are not included in the development fee.

Section 66001(a)(4)

A reasonable relationship exists between the need for the rural road fee and covered activities that would pay the fee. Chapter 3 of the HCP/NCCP explains the relationship between the 17 animal species, 11 plant species, and

associated habitats covered under the Plan and terrestrial land cover types (see Table 3-9 in Chapter 3 of the Plan). Chapter 4 of the Plan explains the impacts of covered activities by land cover type on these animal and plant species, and more broadly on their habitats and natural communities.

Section 66001(b)

A reasonable relationship exists between the amount of the rural road fee and the proportionate share of HCP/NCCP costs for the following reasons:

- ♦ The fee is based on the development fee discussed in Chapter 6 and applied to the permanent disturbance of land associated with a specific list of transportation projects.
- ♦ The fee is adjusted by a multiplier applicable to each specified transportation project to reflect each project's level of additional effects on the fragmentation of habitat and creation of barriers and hazards to wildlife movement.
- ♦ The total fee for a covered activity is proportional to the amount of the impact based on the number of acres affected.

Temporary Impact Fee

The temporary impact fee is applied to all temporary impacts from covered activities both inside and outside the UDA. The temporary impact fee is based on the development fee described in the prior chapter and shown in the fee schedule in Table 6.2. Where applicable the fee is also based on the wetland mitigation fee described in Chapter 5 and shown in the fee schedule in Table 5.1.

As described in Chapter 2 of the HCP/NCCP there are many covered activities that are short duration or intermittent and result in temporary impacts on natural land cover types. As described in Chapter 4 of the Plan some covered activities are expected to have substantial temporary impacts on covered species due to their large footprint, linear nature, location in the inventory area, effect on local soils or hydrology, or a combination of these factors. Temporary impacts are defined as any impact on vegetation or habitat that does not result in permanent habitat removal.

Chapter 9 of the Plan provides a detailed explanation of the calculation of the temporary impact fee. Covered activities with temporary impacts pay a fee based on the development fee. In addition, covered activities with temporary impacts on wetland land cover types also pay a fee based on the wetland mitigation fee. The temporary impact fee is calculated based on the frequency of the temporary impact and habitat recovery over the 30-year permit term;

the amount of the fee is equal to the applicable development or wetland mitigation fee multiplied by the proportion of the Plan's 30-year term affected by the temporary impact.

Mitigation Fee Act Findings

The following findings are required by the MFA and were presented in Chapter 1.

Section 66001(a)(1)

The temporary impact fee is intended to pay for costs of the HCP/NCCP associated with mitigating temporary impacts.

Section 66001(a)(2)

The temporary impact fee will fund HCP/NCCP costs to mitigate temporary impacts. Chapter 5 of the Plan explains the conservation strategy for the Plan and Chapter 9 explains the costs associated with implementing the strategy.

Section 66001(a)(3)

A reasonable relationship exists between the use of temporary impact fee revenue and covered activities that would pay the fee. Chapter 5 of the HCP/NCCP explains the conservation strategy and Chapter 9 explains the costs associated with implementing the strategy.

The conservation strategy in Chapter 5 of the Plan identifies biological goals and objectives that are supported by specific conservation measures: five measures related to landscape-level conservation, 11 measures related to natural community-level conservation, and nine measures related to species-level conservation.

The cost model summarized in Chapter 9 and presented in detail in Appendix G of the Plan explains the costs associated with implementation. Updated costs are shown in Chapter 3 of this report and include nine cost categories: program administration, land acquisition, planning and design, habitat restoration/creation, environmental compliance, preserve management and maintenance, monitoring, research, and adaptive management, remedial measures, and contingency fund.

Section 66001(a)(4)

A reasonable relationship exists between the need for the temporary impact fee and covered activities that would pay the fee. Chapter 3 of the HCP/NCCP

explains the relationship between the 17 animal and 11 plant species covered under the Plan and all land cover types (see Table 3-9 in Chapter 3 of the Plan). Chapter 4 of the Plan explains the impacts of covered activities on these animal and plant species.

Section 66001(b)

A reasonable relationship exists between the amount of the temporary impact fee on a specific covered activity and the proportionate share of HCP/NCCP costs based on the fee schedules shown in Table 5.1 and Table 6.2 for three reasons:

- ♦ As explained in Chapter 5 regarding the wetland mitigation fee and Chapter 6 regarding the development fee, the fees are based only on Plan costs associated with permanent impacts. Temporary impacts are reasonably like permanent impacts when adjusted for the duration of the temporary impact, so it is reasonable to establish the temporary fee based on the wetland mitigation and development fees.
- ♦ As explained in detail in Chapter 2, *Development Fee Zones*, the fee is adjusted for three zones that reflect the relative amount of impact from urban development on natural habitats and covered species. The mapping of the zones was completed at a level of detail sufficient to provide a reasonable relationship between all land within a specific zone and the relative weight of impacts assigned to that zone.
- ♦ The total fee for a covered activity is proportional to the amount of the impact based on the number of acres affected.
- ♦ The total fee is proportional to the duration of the temporary impact.

8. FUNDING PLAN

This chapter provides an updated funding plan for the HCP/NCCP based on the HCP/NCCP cost and mitigation fee revenue analysis presented in the prior chapters. This chapter provides the remaining two findings required by the MFA and explained in Chapter 1:

- ♦ Identify all sources and amounts of funding anticipated to complete financing of improvements to be funded by the fee.
- ♦ Designate the approximate dates when funding is expected to complete financing of improvements to be funded by the fee.

Revenue Sources

The funding plan tracks total revenues to date and estimates revenue for the remaining permit term. All amounts are shown in 2021 dollars. This section reviews the assumptions used to estimate each revenue source in the funding plan for the remaining 16 years of the permit term.

Mitigation Fees

- ♦ **Development fee** revenue for the remaining permit term is based on the “Remaining Fair Share Development Costs” shown in Table 6.2. All other mitigation payment revenue associated with specific agreements between land developers and the permittees is allocated to the endowment (see Chapter 4).
- ♦ **Wetland mitigation fee** revenue for the remaining permit term is based on the amounts shown in Table 5.3.
- ♦ **Rural road fee** revenue for the remaining permit term is based on the amount shown in Table 7.1.
- ♦ **Temporary impact fee** revenue for the remaining permit term equals the prior five-year annual average.

Consistent with prior audits, mitigation fee revenues assume that total impacts allowed under the permit occur by the end of the 30-year permit term. The permit term likely will need to be extended because impacts are occurring at a slower pace than anticipated by the HCP/NCCP. The funding plan will continue to use a 30-year planning horizon for occurrence of all allowable impacts until a permit term extension is approved by the permittees and the wildlife agencies. See Chapter 2, *Permit Term Extension*, for more discussion.

Other Fees and Exactions

- ♦ **Administrative charges** are for costs associated with processing mitigation fees paid by participating special entities. Participating special entities generate impacts covered by the Plan but are not one of the permittees.³¹ Revenue for the remaining permit term equals the prior five-year annual average.
- ♦ **Payments for non-covered activities** are reduced to zero over the permit term because this revenue cannot be used for impacts under the Plan and must be used for additional conservation measures.
- ♦ **Other development exactions** are primarily from participating special entities and are for conservation beyond the mitigation requirements of the Plan (“contribution to recovery”). Revenue for the remaining permit term equals the prior five-year annual average.

State and Federal Funds and Local Capital Funds

The HCP/NCCP anticipated that state and federal funds and local capital funds would be used for land acquisition to build the Preserve System. Through 2021 state and federal funds have been used nearly exclusively for land acquisition along with a limited amount of funding for activities such as the planning and design of restoration projects. Local capital funds are comprised mostly of foundation grants and land acquisition funding from the Park District. A limited amount of funding from foundation grants and other local sources has been used for research. Park District funding comes from voter-approved tax measures and lease revenues (see Chapter 4, *Lease Revenues*, and **Table F.4** in Appendix F). Over 90 percent of the funding from these sources combined through 2021 has been used for land acquisition.

The HCP/NCCP converted estimated funding from these sources into estimates of acres acquired.³² The Plan states that state and federal funding must be measured in terms of acreage rather than dollars.³³ The audit applies this same acreage approach for measuring funding from local capital funds.

These funding sources have declined substantially in the past five years. The 10-year average for these sources combined is more than double the five-year average (see **Table F.5** in Appendix F). Funding for the remainder of the

³¹ Entities not subject to the jurisdiction of the permittees under the Plan may request coverage under the Plan for covered activities. Such organizations may include, for example, school districts, water districts, other utilities or special districts, or private companies. These entities, known as participating special entities, can receive coverage under the HCP/NCCP during Plan implementation on a case-by-case basis and by paying the appropriate fees as determined by the Conservancy.

³² HCP/NCCP, Chapter 9, pp. 9-33 and 9-36.

³³ HCP/NCCP, Chapter 9, p. 9-37.

permit term is estimated to be more than the prior five-year average and less than the 10-year average (130 and 160 percent of the five-year average for state and federal funds and local capital funds, respectively). This level of funding is estimated such that:

- ♦ The Plan remains fully funded based on total plan resources (total revenues plus FY 2021 ending fund balance) versus total plan costs
- ♦ Total funding from each source over the permit term for land acquisition, when converted to acreage based on average costs per acre, does not exceed the land acquisition estimates for each source included in the Plan.

To balance total plan revenues against total plan costs, the funding plan for this audit was able to hold funding from these sources to between 87 and 90 percent of the amount estimated in the Plan, based on acreage acquired and average cost per acre, depending on the funding source and scenario (initial or maximum UDA).

Local Operating Funds

The Plan anticipated that the Park District would be a significant funding partner not only in land acquisition but also in preserve management.³⁴ Indeed, the Park District holds title to all but one of the acquisitions completed through 2021 to build the Preserve System.³⁵ In addition to land purchase costs, the Park District has funded a share of due diligence and closing costs for land acquisitions and a share of costs for preserve management. Park District funding sources include an allocation of lease revenues on preserve lands (see **Table F.4** and **Table F.5** in Appendix F).

The Conservancy and the Park District are currently negotiating a cost sharing agreement for preserve management. Guiding principles for this agreement are the Park District fund land management at a level sufficient “to achieve its internal management standards”. Other sources (such as the Conservancy) would fund “those costs related to implementing the HCP/NCCP that would not otherwise be incurred by the Park District to manage its lands.”³⁶ Applying these principles, local operating funds from the Park District are estimated based on the Park District funding 41 percent of total preserve management costs for the remainder of the permit term. This estimate is based on a preliminary estimate provided by Conservancy and subject to negotiation between EBRPD and the Conservancy.

³⁴ HCP/NCCP, Chapter 9, pp. 9-33 to 9-34 and Appendix H (first memorandum).

³⁵ The only acquisition that is not held by the Park District is the 165-acre Viera North Peak parcel.

³⁶ *Implementing Agreement for the East Contra Costa County HCP/NCCP*, January 22, 2007, p. 22.

The Park District has also funded a share of due diligence and closing costs for land acquisitions. Based on funding and costs to date (through 2021), the District's funding has equaled one percent of total land acquisition costs. The funding plan assumes that the District will continue to fund these costs at this same level through the remainder of the permit term.

Future local operating funds from the Park District are shown in **Table 8.1**. Total funding is between \$14 million and \$17 million, depending on the scenario. Net funding after deducting lease revenues is \$6 million to \$8 million.

**Table 8.1: Future Local Operating Funds (Park District)
(2022-2037)**

	Initial UDA	Maximum UDA
Preserve Management & Maintenance		
2022-2026 Costs (yrs. 15-19)	\$7,430,000	\$7,990,000
2027-2031 Costs (yrs. 20-24)	\$9,340,000	\$10,820,000
2032-2037 Costs (yrs. 25-30)	<u>\$13,900,000</u>	<u>\$16,910,000</u>
Total	\$30,670,000	\$35,720,000
Park District Share ¹	41.0%	41.0%
Park District Preserve Management Funding	\$12,570,000	\$14,650,000
Due Diligence & Closing (funded by Park District) ²	<u>\$1,520,000</u>	<u>\$2,120,000</u>
Total Park District Funding	\$14,090,000	\$16,770,000
Lease Revenue Subject To Allocation Agreement ³	(\$5,100,000)	(\$5,100,000)
Grazing Lease Revenue ⁴	<u>(\$2,960,000)</u>	<u>(\$3,470,000)</u>
Net Additional Park District Funding (yrs. 15-30)	\$6,030,000	\$8,200,000

¹ EBRPD share based on preliminary estimate provided by Conservancy and subject to negotiation between EBRPD and the Conservancy.

² Equal to one percent of total future land acquisition costs. The one percent factor is based on Park District share of funding for those costs to date (\$1.5 million of District funding and \$139 million of land acquisition costs through 2021).

³ The Conservancy and EBRPD have entered into a lease revenue allocation agreement that allocates revenue from leases (primarily from communication and wind power facilities) on preserve lands. The amount shown here represents the share of those revenues allocated to preserve management and maintenance costs excluding grazing leases.

⁴ Based on cost model estimates of grazing management costs. Costs are assumed equal grazing lease revenue.

Sources: Appendices C and D (Summary, Land Acquisition, and Preserve Management & Maintenance tables); Appendix F, Tables F.4 and F.5.

Other Funds

Other funds include interest earnings and miscellaneous revenue. Revenue from these sources for the remaining permit term equals the prior five-year annual average.

Funding Plan Summary

Table 8.2 presents the updated funding plan under the initial and maximum UDA scenarios. Actual revenues for 2007 through 2021 are inflated to 2021 dollars and added to estimates of remaining revenues for each scenario to calculate total revenues for the 30-year permit term. The ending fund balance for 2021 is included to calculate total resources available to fund the Plan. Plan costs are drawn from Chapters 3 and 4.

Tables 8.3 and 8.4 compare the updated funding plan with the HCP/NCCP and the 2017 audit for the initial and maximum UDA scenarios, respectively, in 2021 dollars. Three revenue sources, development fees, state and federal funds, and local capital funds, continue to fund over 80 percent of the Plan. The share of total revenue provided by each of these sources continue to remain constant across the three funding plans (+/- two percent).

Table 8.2: Funding Plan (2021 dollars)

	2007-2021	Initial UDA		Maximum UDA	
	Actual	2022-2037 Estimate	Total Estimate	2022-2037 Estimate	Total Estimate
PLAN FUNDING					
Mitigation Fees					
Development Fee	\$17,450,000	\$186,020,000	\$203,470,000	\$274,180,000	\$291,630,000
Wetland Mitigation Fee	\$1,570,000	\$41,000,000	\$42,570,000	\$47,540,000	\$49,110,000
Rural Road Fee	\$2,510,000	\$8,790,000	\$11,300,000	\$8,790,000	\$11,300,000
Temporary Impact Fee ²	<u>\$3,710,000</u>	<u>\$3,520,000</u>	<u>\$7,230,000</u>	<u>\$3,520,000</u>	<u>\$7,230,000</u>
Subtotal	\$25,240,000	\$239,330,000	\$264,570,000	\$334,030,000	\$359,270,000
Other Fees & Exactions					
Administrative Charges ²	\$990,000	\$1,460,000	\$2,450,000	\$1,460,000	\$2,450,000
Non-Covered Activities ³	\$5,070,000	(\$5,070,000)	\$0	(\$5,070,000)	\$0
Other Mitigation Fees ²	<u>\$4,740,000</u>	<u>\$1,870,000</u>	<u>\$6,610,000</u>	<u>\$1,870,000</u>	<u>\$6,610,000</u>
Subtotal	\$10,800,000	(\$1,740,000)	\$9,060,000	(\$1,740,000)	\$9,060,000
Local, State & Federal Funds					
State & Federal Funds ⁴	\$106,530,000	\$50,150,000	\$156,680,000	\$50,150,000	\$156,680,000
Local Capital Funds ⁴	\$39,110,000	\$16,610,000	\$55,720,000	\$16,610,000	\$55,720,000
Local Operating Funds	<u>\$10,270,000</u>	<u>\$14,090,000</u>	<u>\$24,360,000</u>	<u>\$16,770,000</u>	<u>\$27,040,000</u>
Subtotal	\$155,910,000	\$80,850,000	\$236,760,000	\$83,530,000	\$239,440,000
Other Funds					
Interest Earnings ²	\$540,000	\$650,000	\$1,190,000	\$650,000	\$1,190,000
Miscellaneous ²	<u>\$30,000</u>	<u>\$30,000</u>	<u>\$60,000</u>	<u>\$30,000</u>	<u>\$60,000</u>
Subtotal	<u>\$570,000</u>	<u>\$680,000</u>	<u>\$1,250,000</u>	<u>\$680,000</u>	<u>\$1,250,000</u>
Total Revenue	\$192,520,000	\$319,120,000	\$511,640,000	\$416,500,000	\$609,020,000
Fund Balance ⁵	<u>\$3,960,000</u>	<u>\$0</u>	<u>\$3,960,000</u>	<u>\$0</u>	<u>\$3,960,000</u>
Total Resources	\$196,480,000	\$319,120,000	\$515,600,000	\$416,500,000	\$612,980,000
PLAN COSTS					
Plan Implementation (Permit Term)			\$456,970,000		\$539,680,000
Endowment Fund Contribution			<u>\$58,270,000</u>		<u>\$70,260,000</u>
Total Costs			<u>\$515,240,000</u>		<u>\$609,940,000</u>
Surplus / (Deficit)			\$360,000		\$3,040,000

¹ Total years 0-30 revenue estimated based on adjusting HCP/NCCP estimate of \$8,930,000 by the inflation index for 2006.

² Future year estimates based on annual average actual revenue for prior five years (2017-2021), except Other Mitigation Fees prior annual average excludes extraordinary CWF 2020 endowment contribution (see Table F.4).

³ Prior year revenue deducted from future years because funding must augment and not substitute for Plan obligations (see Chapter 9 of the Plan).

⁴ Future year estimate used to balance total resources with total costs while ensuring that total revenue does not exceed HCP/NCCP estimates of preserve acquisition funded by these sources, tracked based on acres acquired and average cost per acre.

⁵ As of December 31, 2021.

Sources: Tables 3.2, 3.3, 5.3, 6.1, 7.1, and 8.1, Appendix F, Table F.5, ECCC Habitat Conservancy (fund balance).

Table 8.3: Funding Plan Comparison – Initial Urban Development Area (2021 \$)

	2006 Plan		2017 Fee Audit		2022 Fee Audit		2022 Audit vs. 2006 Plan		2022 Audit vs. 2017 Audit	
Mitigation Fees										
Development Fee	\$179,660,000	40%	\$212,450,000	38%	\$203,470,000	39%	\$23,810,000	13%	(\$8,980,000)	(4%)
Wetland Mitigation Fee	\$33,810,000	7%	\$51,310,000	9%	\$42,570,000	8%	\$8,760,000	26%	(\$8,740,000)	(17%)
Rural Road Fee	\$13,580,000	3%	\$13,570,000	2%	\$11,300,000	2%	(\$2,280,000)	(17%)	(\$2,270,000)	(17%)
Temporary Impact Fee	<u>\$0</u>	<u>0%</u>	<u>\$6,570,000</u>	<u>1%</u>	<u>\$7,230,000</u>	<u>1%</u>	<u>\$7,230,000</u>	<u>NA</u>	<u>\$660,000</u>	<u>10%</u>
Subtotal	\$227,050,000	50%	\$283,900,000	51%	\$264,570,000	51%	\$37,520,000	17%	(\$19,330,000)	(7%)
Other Fees & Exactions										
Administrative Charges	\$0	0%	\$1,670,000	0%	\$2,450,000	0%	\$2,450,000	NA	\$780,000	47%
Non-Covered Activities	\$0	0%	\$0	0%	\$0	0%	\$0	NA	\$0	NA
Other Mitigation Fees	<u>\$0</u>	<u>0%</u>	<u>\$4,910,000</u>	<u>1%</u>	<u>\$6,610,000</u>	<u>1%</u>	<u>\$6,610,000</u>	<u>NA</u>	<u>\$1,700,000</u>	<u>35%</u>
Subtotal	\$0	0%	\$6,580,000	1%	\$9,060,000	2%	\$9,060,000	NA	\$2,480,000	38%
Local, State & Federal Funds										
State & Federal Funds	\$143,660,000	32%	\$176,870,000	32%	\$156,680,000	30%	\$13,020,000	9%	(\$20,190,000)	(11%)
Local Capital Funds	\$53,210,000	12%	\$64,810,000	12%	\$55,720,000	11%	\$2,510,000	5%	(\$9,090,000)	(14%)
Local Operating Funds	<u>\$30,400,000</u>	<u>7%</u>	<u>\$25,180,000</u>	<u>5%</u>	<u>\$24,360,000</u>	<u>5%</u>	<u>(\$6,040,000)</u>	<u>(20%)</u>	<u>(\$820,000)</u>	<u>(3%)</u>
Subtotal	\$227,270,000	50%	\$266,860,000	48%	\$236,760,000	46%	\$9,490,000	4%	(\$30,100,000)	(11%)
Other Funds										
Interest Earnings ¹	\$0	0%	\$670,000	0%	\$1,190,000	0%	\$1,190,000	NA	\$520,000	78%
Miscellaneous ¹	<u>\$0</u>	<u>0%</u>	<u>\$30,000</u>	<u>0%</u>	<u>\$60,000</u>	<u>0%</u>	<u>\$60,000</u>	<u>NA</u>	<u>\$30,000</u>	<u>100%</u>
Subtotal	\$0	0%	\$700,000	0%	\$1,250,000	0%	\$1,250,000	NA	\$550,000	79%
Fund Balance	<u>\$0</u>	<u>0%</u>	<u>Not Included</u>	<u>0%</u>	<u>\$3,960,000</u>	<u>1%</u>	<u>\$3,960,000</u>	<u>NA</u>	<u>\$3,960,000</u>	<u>NA</u>
Total Funding	\$454,320,000	100%	\$558,040,000	100%	\$515,600,000	100%	\$61,280,000	13%	(\$42,440,000)	(8%)
Total Costs	<u>\$451,640,000</u>	-	<u>\$556,470,000</u>	-	<u>\$515,240,000</u>	-	<u>\$63,600,000</u>	14%	<u>(\$41,230,000)</u>	(7%)
Surplus / (Deficit)	\$2,680,000		\$1,570,000		\$360,000		(\$2,320,000)		(\$1,210,000)	

Note: HCP/NCCP and 2017 Audit revenues are inflated to 2021 dollars using the inflation index in Appendix F.

Sources: HCP/NCCP, Table 9-8 and Appendix H; 2017 Fee Audit, Table 8.2, p. 51; Table 8.2 (this report).

Table 8.4: Funding Plan Comparison – Maximum Urban Development Area (2021 \$)

	2006 Plan		2017 Fee Audit		2022 Fee Audit		2022 Audit vs. 2006 Plan		2022 Audit vs. 2017 Audit	
Mitigation Fees										
Development Fee	\$258,010,000	48%	\$317,110,000	47%	\$291,630,000	48%	\$33,620,000	13%	(\$25,480,000)	(8%)
Wetland Mitigation Fee	\$36,500,000	7%	\$59,240,000	9%	\$49,110,000	8%	\$12,610,000	35%	(\$10,130,000)	(17%)
Rural Road Fee	\$13,580,000	3%	\$13,570,000	2%	\$11,300,000	2%	(\$2,280,000)	(17%)	(\$2,270,000)	(17%)
Temporary Impact Fee	\$0	0%	\$6,570,000	1%	\$7,230,000	1%	\$7,230,000	NA	\$660,000	10%
Subtotal	\$308,090,000	58%	\$396,490,000	59%	\$359,270,000	59%	\$51,180,000	17%	(\$37,220,000)	(9%)
Other Fees & Exactions										
Administrative Charges	\$0	0%	\$1,670,000	0%	\$2,450,000	0%	\$2,450,000	NA	\$780,000	47%
Non-Covered Activities	\$0	0%	\$0	0%	\$0	0%	\$0	NA	\$0	NA
Other Mitigation Fees	\$0	0%	\$4,910,000	1%	\$6,610,000	1%	\$6,610,000	NA	\$1,700,000	35%
Subtotal	\$0	0%	\$6,580,000	1%	\$9,060,000	1%	\$9,060,000	NA	\$2,480,000	38%
Local, State & Federal Funds										
State & Federal Funds	\$143,660,000	27%	\$176,870,000	26%	\$156,680,000	26%	\$13,020,000	9%	(\$20,190,000)	(11%)
Local Capital Funds	\$53,210,000	10%	\$64,810,000	10%	\$55,720,000	9%	\$2,510,000	5%	(\$9,090,000)	(14%)
Local Operating Funds	\$30,400,000	6%	\$25,180,000	4%	\$27,040,000	4%	(\$3,360,000)	(11%)	\$1,860,000	7%
Subtotal	\$227,270,000	42%	\$266,860,000	40%	\$239,440,000	39%	\$12,170,000	5%	(\$27,420,000)	(10%)
Other Funds										
Interest Earnings ¹	\$0	0%	\$670,000	0%	\$1,190,000	0%	\$1,190,000	NA	\$520,000	78%
Miscellaneous ¹	\$0	0%	\$30,000	0%	\$60,000	0%	\$60,000	NA	\$30,000	100%
Subtotal	\$0	0%	\$700,000	0%	\$1,250,000	0%	\$1,250,000	NA	\$550,000	79%
Fund Balance	\$0	0%	Not Included	0%	\$3,960,000	1%	\$3,960,000	NA	\$3,960,000	NA
Total Funding	\$535,360,000	100%	\$670,630,000	100%	\$612,980,000	100%	\$77,620,000	14%	(\$57,650,000)	(9%)
Total Costs	\$532,140,000	-	\$669,060,000	-	\$609,940,000	-	\$77,800,000	15%	(\$59,120,000)	(9%)
Surplus / (Deficit)	\$3,220,000		\$1,570,000		\$3,040,000		(\$180,000)		\$1,470,000	

Note: HCP/NCCP and 2017 Audit revenues are inflated to 2021 dollars using the inflation index in Appendix F.

Sources: HCP/NCCP, Table 9-8 and Appendix H; 2017 Fee Audit, Table 8.3, p. 52; Table 8.2 (this report).

APPENDIX A: DEVELOPMENT IMPACTS

The following tables provide detail for impacts from covered activities for 2008 through 2021 of the HCP/NCCP.

Table A.1 provides detail for permanent land conversion impacts

Table A.2 provides detail for wetland impacts.

Temporary impacts are not shown because they do not affect audit calculations of the development fees.

Table A.1: Permanent Land Conversion Impacts (2008-2021) (acres)

Fiscal Year	Project / Description	Zone 1	Zone 2	Zone 3	Outside UDA ¹
2009	CCC LP07-2033: Verizon Wireless Martin Cell Tower Project				1.39
2009	CCC LP09-2002: US Coast Guard/SBA Cell Tower Project				1.158
2009	PSE: State Route 4 Bypass, Segment 4, Phase 2	24.69	23.81		
2010	PSE: CalTrans SR4 Median Buffer & Shoulder Widening Project				7.34
2010	CCC PWD: Vasco Road Safety Improvements				6.201
2010	CCC LP09-2033: Horizon Cell Tower Project				1.19
2010	PSE: eBart Phase 1 Project	0.3			
2011	CCC LP10-2070: Morgan Territory Rd Telecommunications Facility Project				0.901
2011	CCC LP09-2037: Camino Diablo Vasco Telecommunications Facility Project				2.35
2011	CCC LP10-2082: J4 Byron Hot Springs Communications Facility				0.8
2011	CCC PWD: Balfour Rd Culvert Repair Project				0.01
2011	CCC PWD: Byron Hwy Shoulder Widening Project-Phase 1				0.44
2011	CCC PWD: Vasco Camino Diablo Intersection				1.94
2011	PSE: ConocoPhillips Line 200 Repair & Anode		0.003		
2011	City of Oakley: Stonewood III-Unit #1 Sub #9183	2.21			
2011	City of Pittsburg: Trash Capture Demonstration Project	0.02			
2011	City of Brentwood: New Meetinghouse Brentwood			3.4	
2012	CCC PWD: Deer Valley Road Safety Improvement Project				0.53
2012	CCC PWD: Marsh Creek Should Widening near Round Valley Regional Preserve Project				2.79
2012	CCC BIG12-0004598: EBRIX Los Vaqueros Communication Facility				0.026
2012	CCC LP10-2009: Clayton Regency Mobile Home Park Emergency H2O Pipeline Extension				0.5

Table A.1: Permanent Land Conversion Impacts (2008-2021) (acres)
(continued)

Fiscal Year	Project / Description	Zone 1	Zone 2	Zone 3	Outside UDA ¹
2012	EBRPD Round Valley Pedestrian Bridge Project				0.15
2012	City of Oakley: iPark Oakley Project	9.14			
2012	PSE: eBart Phase II Extension	37.91			
2012	PSE: eBart Phase II Extension-1st & 2nd Amend	2.56			
2012	Upper Sand Creek Detention Basin Expansion		6.89		
2013	City of Brentwood: AutoZone Store 4136	0.9			
2013	City of Oakley: Emerson Ranch	138.25			
2013	CCC: Clayton Regency Mobile Home Park Stormdrain Outfall				0.2
2013	PSE: SR160/SR4 Bypass Phase II Connectors	18.01			
2013	PSE: Chevron Pipeline KLM Site 1357 Repair		0.007		
2014	City of Brentwood: Ferro/Ronconi	42.23			
2014	CCC PWD: Pacifica Ave Sidewalk	0.204			
2014	CCC PWD: Marsh Creek Bridge Scour Repair				0.003
2014	CCC PWD: Marsh Creek 142 Wingwall Repair				0.009
2014	CCC PWD: Deer Valley Road Shoulder Widening				1.77
2014	CCC PWD: Marsh Creek Detention Center Bridge Replacement				0.18
2014	CCC PWD: Marsh Creek Road Safety Improvements				1.3
2014	CCC LP13-2097: Verizon Wireless Bethel Island	0.036			
2014	CCC LP13-2111: AT&T Co-location Marsh Creek Monopine				0.000226
2014	CCC LP13-2069: Marsh Creek Cell Tower				0.019
2015	City of Brentwood: Bella Fiore	13.5			
2015	City of Brentwood: Celebration Preschool	0.87			
2015	City of Brentwood: Mangini	9.77			
2015	CCC LP14-2044: Mariner's Discovery Church	3.49			
2015	City of Oakley PW: Marsh Creek Pedestrian Bridge	0.02			
2015	City of Brentwood: Mission Grove	15.6			
2015	City of Brentwood: Palmilla Phase I	20.64			
2015	Duane Martin Jr. Vasco Caves				0.1
2015	City of Pittsburg: Greystone Place			4.9	
2015	Hess Water Trough Installation				0.01
2015	City of Brentwood PW: John Muir Parkway-Phase II	0.33	2.36		
2015	Vaquero Farms S. Wetland Creation & Repair				0.01
2015	CCC PWD: Vasco Road Embankment Repair				0.02
2015	CCC PWD: Marsh Creek Safety Improvement Project (Fed. No. HRRL-5928 (095))		0.76		
2016	City of Brentwood: Maffeo	9.1			
2016	City of Brentwood: Palmilla Phase II	38.7			
2016	City of Brentwood: Sparrow at Marsh Creek	6.71			
2016	City of Brentwood: Cornerstone Church	4.51			
2016	City of Brentwood: Elite (Pacific Union) Self Storage	4			
2016	City of Oakley: Verizon Wireless Empire Oakley Road	0.33			

Table A.1: Permanent Land Conversion Impacts (2008-2021) (acres)
(continued)

Fiscal Year	Project / Description	Zone 1	Zone 2	Zone 3	Outside UDA¹
2016	City of Pittsburg: Sonic Drive-In Project			1.22	
2016	City of Brentwood: Tractor Supply Project			2.8	
2016	City of Pittsburg: Delta Gateway Pad No. 12	1.8			
2016	CCC PWD: Port Chicago Hwy-Willow Pass Sidewalk Improvements	0.156		0.143	
2016	CCC PWD: Canal Road Sidewalk and Bike Lanes Project	0.4709			
2016	CCC LP15-2029: Timber Rd Communication Facility				0.05
2016	CCC TP12-0026: Moita Road Improvement Project		0.36		0.9
2016	PSE: Oakley Generating Station (Original-3rd Amendment) Project	16.72	[see footnote 2]		
2016	PSE: SR4/Balfour & First Amendment	29.58	[see footnote 2]		
2017	Canal Road Bridge Replacement Project	0.01			
2017	Morgan Territory Road Slide Repair and Temporary Access Road Alignment				0.03
2017	Palermo Subdivision	18.84			
2017	Sellers Pointe Subdivision	13.82			
2017	Verna Way			1.96	
2017	Oakley Recreation Center	4.294			
2017	Gilbert Property Phase I	51.91			
2017	Oakley Gateway	3.63			
2017	iPark Oakley Phase 2: Executive RV and Boat Storage	0.67			
2017	PG&E Walnut Crossover Rebuild Project				0.1
2018	Kirker Pass Road Northbound Truck Climbing Lane - Inside				3.12
2018	Marsh Creek Road Bridge #141 Replacement Project				0.09
2018	Sciortino Ranch Development	51.94			
2018	Bella Verde Development	6.1			
2018	Tri-City Plaza - Parcel D			0.87	
2018	Shops at Lone Tree (Center Pointe Commercial Development)	7.64			
2018	City of Brentwood Recycled Water Project - Phase 1	0.9			
2018	Cypress Self Storage Project	3.24			
2018	Bay Point Family Apartments (DP15-3023)			7.61	
2018	Shell Pipeline AC Mitigation Site at Valve 158				0.03
2018	Empire Ave Development - Hovnanian Homes Project	8			
2018	30 Technology Court	1.46			
2018	PG&E RMSCC15-303 Project				0.48
2018	Gilbert Property Phase 2	70.626			
2019	Marsh Creek Road Traffic Safety Improvements Project				0.00015
2019	Alicante (The Village at Main)	20.06			
2019	The Vines at Oakley	9.9			
2019	Liberty Residential Subdivision	4.24			
2019	Praxair Pittsburg Cylinder Storage Facility - Phase 1			0.16	

Table A.1: Permanent Land Conversion Impacts (2008-2021) (acres)
(continued)

Fiscal Year	Project / Description	Zone 1	Zone 2	Zone 3	Outside UDA¹
2019	Praxair Pittsburg Cylinder Storage Facility - Phase			4.93	
2019	eBART Phase II Extension - 4th Amendment	0.21			
2019	EBRPD FEMA Pond Repair Projects 2019				0.002
2020	Quick Quack Car Wash and 7-11	2.64			
2020	Brentwood Goddard School	0.86			
2020	The Groves	19.47			
2020	Silvergate Condominium Community	8.35			
2020	City of Brentwood Recycled Water Project Phase 2 - Non-Potable Water Distribution System	0.17			
2020	Oakley Logistics Center	66.046			
2020	Acacia Development	12.56			
2020	Twin Oaks Senior Residence			6.06	
2020	Diablo Energy Storage	10.41			
2020	Tuscany Meadows		168.86		
2020	Department of Water Resources Old Banks Landfill Cap Project				6.49
2020	CCTA Mokelumne Trail Bicycle/Pedestrian Overcrossing Project	1.85			
2021	Tuscany Estates Project- at the Baldocchi Property	23.26			
2021	Mt. Diablo Resource Recovery Park	10.26			
2021	Diablo Meadows Residential Development		8.28		
2021	Byron Highway Solar Project				34.13
2021	Byron Highway/Byer Road Safety Improvements Project				0.18
2021	Rotten Robbie Brentwood	2.11			
2021	Amber Lane Apartments	13.91			
2021	Orchard Trails (Walnut Villas)	27.88			
2021	Zip Thru Car Wash	1.42			
	Total	931.44	211.33	34.05	76.94

Notes: Only includes impacts subject to permit limits.

"PSE" is participating special entity. "CCC" is Contra Costa County.

¹ Includes covered activities outside the urban development area (UDA) that pay either the zones 1 or 2 fee. Includes rural road projects as shown in Table 9-6 of the 2006 Plan.

² These covered activities occurred over multiple years. Total impacts and last year of impacts are shown here.

Sources: ECCC Habitat Conservancy.

Table A.2: Permanent Wetland Impacts, 2008 Through 2021

Fiscal Year	Project / Description	Wetlands								Streams	
		Total	Riparian/ Wood-land	Perma- nent Wet-land	Sea- sonal Wet-land	Alkali Wet-land	Pond	Aquatic	Slough	≤ 25 ft	> 25 ft
		(acres)								(linear feet)	
2008	CCC PWD: Marsh Creek Emergency Bridge Repair Project										0.3096
2009	PSE: State Route 4 Bypass, Segment 4, Phase 2	0.19	0.19								
2010	PSE: CalTrans SR4 Median Buffer & Shoulder Widening Project	0.41	0.05		0.29				0.07		6
2010	CCC PWD: Vasco Road Safety Improvements	0.007		0.006	0.001					110	22
2011	CCC PWD: Balfour Rd Culvert Repair Project										12
2011	CCC PWD: Byron Hwy Shoulder Widening Project-Phase 1										47
2011	City of Pittsburg: Trash Capture Demonstration Project	0.02		0.02							
2012	CCC PWD: Deer Valley Road Safety Improvement Project	0.13				0.13					
2012	CCC PWD: Marsh Creek Should Widening near Round Valley Regional Preserve Project	0.064			0.064					29	
2012	Upper Sand Creek Detention Basin Expansion	0.17	0.11	0.04	0.02					295	
2013	CCC: Clayton Regency Mobile Home Park Stormdrain Outfall	0.1	0.1								
2013	PSE: Chevron Pipeline KLM Site 1357 Repair	0.007				0.007					
2014	CCC PWD: Pacifica Ave Sidewalk	0.044	0.044								36
2014	CCC PWD: Marsh Creek Bridge Scour Repair	0.003	0.003								23
2014	CCC PWD: Marsh Creek 142 Wingwall Repair	0.009	0.009								
2014	CCC PWD: Deer Valley Road Shoulder Widening	0.1					0.1				
2014	CCC PWD: Marsh Creek Detention Center Bridge Replacement	0.132	0.132								60

Table A.2: Permanent Wetland Impacts, 2008 Through 2021 *(continued)*

Fiscal Year	Project / Description	Wetlands								Streams	
		Total	Riparian/ Woodland	Permanent Wetland	Seasonal Wetland	Alkali Wetland	Pond	Aquatic	Slough	≤ 25 ft	> 25 ft
2014	CCC PWD: Marsh Creek Road Safety Improvements									148	
2015	City of Oakley PW: Marsh Creek Pedestrian Bridge										15
2015	City of Brentwood: Palmilla Phase I										25
2015	CCC PWD: Marsh Creek Safety Improvement Project (Fed. No. HRRL-5928 (095))	0.02	0.02							29	
2016	CCC PWD: Canal Road Sidewalk and Bike Lanes Project	0.0039	0.0034		0.0005					21	
2016	CCC TP12-0026: Moita Road Improvement									45	
2016	PSE: SR4/Balfour & First Amendment	0.42	0.42								
2017	CCC PWD: Garin Ranch Basin and Heron Park Basin Improvements	0.469						0.469			
2017	City of Oakley: Gilbert Property Phase I	0.703			0.126				0.577		
2018	CCC PWD: Kirker Pass Road Northbound Truck Climbing Lane	0.046	0.046								
2018	CCC PWD: Morgan Territory Road Bridges 4.30 and 4.40 Scour Repair	0.002	0.002								65
2018	CCC PWD: Marsh Creek Road Bridge #141 Replacement	0.16	0.16								93
2018	City of Oakley: Gilbert Property Phase 2	0.124			0.124						
2019	EBRPD FEMA Pond Repair Projects 2019									8	
2020	City of Oakley: Oakley Logistics Center	0.984			0.984						
	Total	4.32	1.29	0.07	1.61	0.14	0.10	0.47	0.65	685.00	404.31

Notes: Only includes impacts subject to permit limits.

"PSE" is participating special entity. "CCC" is Contra Costa County.

Wetland impacts are included in land conversion impacts (Table A.1). Wetland impacts are subject to the additional wetland fee.

Sources: ECCC Habitat Conservancy.

APPENDIX B: LAND ACQUISITION COST ANALYSIS

The following tables provide detail for the land acquisition cost analysis update.

Table B.1
REMAINING LAND ACQUISITION BY COST CATEGORY, Acres and Estimated Total Cost
EAST CONTRA COSTA COUNTY HCP/NCCP
2022 Update

		<u>Initial Urban Development Area</u>				<u>Maximum Urban Development Area</u>			
Acquisition Cost									
Category	Parcel Size	Acres	% of Total	Estimated Cost	% of Total	Acres	% of Total	Estimated Cost	% of Total
<u>OUTSIDE THE URBAN LIMIT LINE</u>									
1	120 + acres	9,389	70%	\$85,441,820	56%	13,778	72%	\$125,376,779	59%
2	40 - 120 acres	1,822	14%	20,445,821	13%	3,074	16%	34,461,669	16%
3	10 - 40 acres	322	2%	8,852,800	6%	459	2%	12,612,600	6%
4	5 - 10 acres	15	0%	726,620	0%	33	0%	1,538,498	1%
5	< 5 acres	-	0%	-	0%	4	0%	288,420	0%
6	ALL, steep slopes	480	4%	2,016,000	1%	489	3%	2,055,480	1%
<u>INSIDE THE URBAN LIMIT LINE</u>		1,342	10%	34,513,035	23%	1,385	7%	35,559,843	17%
TOTAL		13,371	100%	\$151,996,096	100%	19,222	100%	\$211,893,289	100%

Note: includes acres that may be acquired outside the Inventory Area and outside Acquisition Analysis zones that do not count towards preserve targets but are part of larger preserve parcels.

Source: East Contra Costa County Habitat Conservancy and Insight Data & Economic Analysis

Table B.2
LAND ACQUISITION COST FACTOR
EAST CONTRA COSTA COUNTY HCP/NCCP
2022 Update

<u>OUTSIDE THE URBAN LIMIT LINE</u>			Per Acre Land Value Factor						
Acquisition Cost		Slope	2003	2005	2006	2012	2017	2022	Change
Category	Parcel Size	Characteristics (percent of parcel)	Valuation	Valuation	Valuation	Valuation	Valuation	Valuation	from 2017
1	120 + acres	< 26%	\$3,500	\$4,800	\$5,600	\$5,300	\$6,400	\$9,100	42%
2	40 - 120 acres	< 26%	\$6,000	\$8,200	\$9,600	\$7,500	\$11,200	\$11,200	0%
3	10 - 40 acres	< 26%	\$20,000	\$27,400	\$31,900	\$18,600	\$22,000	\$27,500	25%
4	5 - 10 acres	< 26%	\$35,000	\$48,000	\$56,000	\$49,000	\$38,000	\$47,000	24%
5	< 5 acres	< 26%	\$50,000	\$68,600	\$80,000	\$70,000	\$55,000	\$66,000	20%
6	ALL	> 26%	\$3,000	\$3,300	\$3,800	\$4,200	\$4,500	\$4,200	-7%
<u>INSIDE THE URBAN LIMIT LINE</u>			Per Acre Land Value Factor						
Acquisition Cost	Currently Designated for Development	Slope	2003	2005	2006	2012	2017	2022	Change
Category	(Yes/No)	Characteristics (percent of parcel)	Valuation	Valuation	Valuation	Valuation	Valuation	Valuation	from 2017
7	No	<15%	\$14,500	\$18,300	\$21,300	\$11,000	\$19,000	\$24,000	26%
8	No	15-26%	\$10,100	\$12,700	\$14,800	\$6,600	\$11,400	\$14,400	26%
9	No	>26%	\$3,600	\$4,500	\$5,200	\$2,800	\$4,800	\$6,000	25%
10	Yes	<15%	\$45,000	\$56,800	\$66,200	\$35,000	\$60,000	\$74,000	23%
11	Yes	15-26%	\$31,500	\$39,760	\$46,400	\$21,000	\$36,000	\$44,400	23%
12	Yes	>26%	\$11,300	\$14,263	\$16,600	\$8,800	\$15,000	\$18,500	23%
<u>INSIDE THE URBAN LIMIT LINE - BYRON AIRPORT</u>									
13	na	na	\$8,000	\$8,800	\$10,300	\$6,200	\$10,700	\$13,200	23%

Note: The 2022 land cost factor for the Byron Airport Area is based on the \$8,000 per acre value estimated in 2003, adjusted by the 2022 percentage change from values originally estimated in 2003 for Cost Category 10--about 65 percent.

Source: East Contra Costa County Habitat Conservancy and Insight Data & Economic Analysis

Table B.3**LAND ACQUISITION ANALYSIS - Price per acre for parcels > 120 acres (nominal dollars)****EAST CONTRA COSTA COUNTY HCP/NCCP****2022 Update**

Transaction ID	Project/Property Name	Year of Sale	Acres	Purchase Price/Market Value	Price/Value per acre
<u>EBRPD/ECCC Habitat Conservancy Land Acquisitions in the last 10 years</u>					
19	Vaquero Farms Central	2012	319.9	\$1,855,700	\$5,800
23	Thomas North	2012	135.0	\$863,900	\$6,400
26	Smith	2014	960.0	\$5,376,000	\$5,600
27	Roddy Ranch (part)	2014	994.5	\$13,500,000	\$13,575
28	Viera/Perley	2015	260.0	\$1,950,000	\$7,500
30	Nunn	2016	646.0	\$6,072,000	\$9,400
32	Coelho	2016	199.4	\$1,495,750	\$7,500
34	Viera North Peak	2017	165.0	\$1,080,000	\$6,545
36	Casey	2017	320.0	\$2,400,000	\$7,500
37	Roddy Ranch Golf Course	2018	230.0	\$1,955,000	\$8,500
Weighted Average					\$8,641
<u>Save Mount Diablo</u>					
SMD 23	Curry Canyon Ranch	2013	1,080.5	\$7,173,800	\$6,639
<u>Comparables from 2017 - 2021 Appraisals</u>					
	Marciel Road, San Ramon	2016	181.32	\$1,250,000	\$6,894
	Patterson Pass Road, unincorporated Alameda Co.	2014	155.76	\$1,200,000	\$7,704
	Bollinger Canyon Road, Moraga	2014	251.00	\$1,824,840	\$7,270
	Chadbourn Road, Brentwood Road	2014	640.00	\$4,500,000	\$7,031
	Off Marsh Creek Road, Antioch	2015	400.00	\$3,140,000	\$7,850
	Christensen Road, Livermore	2014	188.77	\$950,000	\$5,033
	Byron Hot Springs Road, Byron	2014	205.55	\$2,450,000	\$11,919
	Tesla Road, Livermore	2016	158.40	\$455,000	\$2,872
	Altamont Pass Road, Livermore ¹	2010	139.83	\$1,294,500	\$9,258
	Morgan Territory Road, San Ramon	2017	343.82	\$2,063,000	\$6,000
<u>Contra Costa County Assessor's Data - Agricultural land use, unimproved or improvements less than 5 percent of value)</u>					
Assessor 1	Brentwood	2018	1,566.25	\$20,000,000	\$12,769
Assessor 2	Knightesen	2017	411.56	\$3,900,000	\$9,476
Assessor 3	Antioch	2021	400.00	\$2,720,000	\$6,800
Assessor 4	Byron	2019	291.82	\$1,400,000	\$4,797
Assessor 5	Byron	2020	251.31	\$3,945,000	\$15,698
Assessor 6	Knightesen	2017	141.53	\$2,820,000	\$19,925
Assessor 7	Byron	2020	135.96	\$3,711,500	\$27,298
Overall Weighted Average					\$9,070
Land Cost Factor for 2022 Update:					\$9,100

Notes:

1. This is a relatively old sale but is included as a comparable because it was an abandoned golf course in an "agricultural" area in the same region, purchased for mitigation.

Sources: East Contra Costa Habitat Conservancy, Save Mount Diablo, Contra Costa County Assessor, and Insight Data & Economic Analysis

Table B.4

LAND ACQUISITION ANALYSIS - Price per acre for parcels > 40 - 120 acres (nominal dollars)

EAST CONTRA COSTA COUNTY HCP/NCCP

2022 Update

Transaction ID	Project/Property Name	Year of Sale	Acres	Purchase Price/Market Value	Price/Value per acre
<u>EBRPD/ECCC Habitat Conservancy Land Acquisitions in the last 10 years</u>					
20	Galvin	2012	61.7	\$370,000	\$5,999
25	Adrienne Galvin	2013	112.0	\$884,400	\$7,900
31	Hanson Hills	2016	76.5	\$730,000	\$9,547
33	Campos	2017	80.0	\$520,000	\$6,500
38	Poppi/Halstead (Lucas)	2018	72.0	\$725,000	\$10,071
39	Olesen/Duke	2019	120.0	\$1,080,000	\$9,000
42	Civic Rancho Meadows	2021	80.0	\$1,500,000	\$18,750
Weighted Average					\$23,229
<u>Save Mount Diablo</u>					
SMD 20	Highland Springs	2012	105.0	\$495,000	\$4,714
SMD 22	Marsh Creek 8	2013	51.1	\$690,684	\$13,506
<u>Comparables from 2017 - 2021 Appraisals</u>					
	Altamont Pass Road, unincorporated Alameda Co.	2015	110.70	\$262,500	\$2,371
	North Vasco Road, unincorporated Alameda Co.	2014	79.02	\$550,000	\$6,960
	N Bruns Road, Byron Highway, Byron	2016	68.76	\$760,000	\$11,053
	Morgan Territory Road/Highland Springs, Livermore	2012	105.00	\$495,000	\$4,714
	Marsh Creek Road, Clayton	2015	76.46	\$690,000	\$9,024
	Wirthman Lane, Clayton	2015	41.04	\$470,000	\$11,452
	Crane Ridge Road, unincorporated Alameda Co.	2014	60.00	\$500,000	\$8,333
	Ruess Road, unincorporated Alameda Co.	2017	100.21	\$900,000	\$8,981
	Deer Valley Road, Brentwood	2016	50.25	\$375,000	\$7,463
	Deer Valley Road, Brentwood	2017	50.25	\$490,000	\$9,751
	Whispering Pines Road, Clayton	2017	95.41	\$800,000	\$8,385
	Alhambra Valley Road, Martinez	2020	48.48	\$1,154,000	\$23,804
	Franklin Canyon Road, Martinez	2019	118.00	\$1,225,000	\$10,381
	Marsh Creek Road, Clayton	2019	50.81	\$1,650,000	\$32,474
<u>Contra Costa County Assessor's Data - Agricultural land use, unimproved or improvements less than 5 percent of value)</u>					
Assessor 8	Byron	2020	115.34	\$2,700,000	\$23,409
Assessor 9	Byron	2021	87.37	\$1,589,500	\$18,193
Assessor 10	Byron	2020	70.45	\$1,450,000	\$20,582
Assessor 11	Byron	2021	65.61	\$1,100,000	\$16,766
Overall Weighted Average					\$11,228
Land Cost Factor for 2022 Update:					\$11,200

Sources: East Contra Costa Habitat Conservancy, Save Mount Diablo, Contra Costa County Assessor, and Insight Data & Economic Analysis

Table B.5**LAND ACQUISITION ANALYSIS - Price per acre for parcels 10 - 40 acres (nominal dollars)****EAST CONTRA COSTA COUNTY HCP/NCCP****2022 Update**

Transaction ID	Project/Property Name	Year of Sale	Acres	Purchase Price/Market Value	Price/Value per acre
<u>EBRPD/ECCC Habitat Conservancy Land Acquisitions in the last 10 years</u>					
21	Moss Rock	2012	20.5	\$410,000	\$20,010
22	Fan	2012	21.0	\$220,000	\$10,476
35	Roddy Home Ranch	2017	40.0	\$1,536,000	\$38,400
Weighted Average					\$26,580
<u>Comparables from 2017 - 2021 Appraisals</u>					
	Byron Hwy, Brentwood	2016	14.45	\$490,000	\$33,910
	Marsh Creek Road, Clayton	2014	20.30	\$625,000	\$30,788
	Crow Canyon Road, unincorporated Alameda Co.	2015	22.86	\$650,000	\$28,434
	Knightsen Avenue, Oakley	2017	10.00	\$500,000	\$50,000
	Willow Way, Byron	2017	16.77	\$599,000	\$35,719
	Marsh Creek Road, Clayton	2017	17.00	\$220,000	\$12,941
	Camino Diablo, Byron	2017	18.27	\$875,000	\$47,893
	Altamont Pass Road, unincorporated Alameda Co.	2018	36.24	\$295,000	\$8,140
	Bragdon Way, Clayton	2018	38.54	\$558,000	\$14,478
	Deer Valley Road & Balfour Road, Antioch	2018	40.00	\$680,000	\$17,000
	Sunset Road, Knightsen	2019	10.04	\$425,000	\$42,331
	Kellogg Creek Road, Byron	2020	13.66	\$525,000	\$38,433
	Briones Valley Road, Brentwood	2020	25.55	\$600,000	\$23,483
	Silver Hills Drive, Byron	2019	10.00	\$425,000	\$42,500
	Morgan Territory Road, Clayton	2020	28.73	\$650,000	\$22,624
<u>Contra Costa County Assessor's Data - Agricultural and Vacant Rural land use, unimproved or improvements less than 5 percent of value</u>					
Assessor 12	Brentwood	2020	38.80	\$850,000	\$21,907
Assessor 13	Clayton	2019	21.78	\$500,000	\$22,957
Assessor 14	Brentwood	2021	13.22	\$530,000	\$40,091
Assessor 15	Byron	2021	12.78	\$400,000	\$31,299
Assessor 16	Knightsen	2021	11.35	\$600,000	\$52,863
Assessor 17	Livermore	2020	10.64	\$349,000	\$32,801
Assessor 18	Brentwood	2017	10.00	\$550,000	\$55,000
Assessor 19	Knightsen	2018	10.00	\$252,500	\$25,250
Assessor 20	Knightsen	2018	10.00	\$302,500	\$30,250
Assessor 21	Knightsen	2020	10.00	\$399,000	\$39,900
Assessor 22	Brentwood	2021	10.00	\$425,000	\$42,500
Overall Weighted Average					\$27,452
Land Cost Factor for 2022 Update:					\$27,500

Sources: East Contra Costa Habitat Conservancy, Contra Costa County Assessor, and Insight Data & Economic Analysis

Table B.6**LAND ACQUISITION ANALYSIS - Price per acre for parcels 5 - 10 acres (nominal dollars)****EAST CONTRA COSTA COUNTY HCP/NCCP****2022 Update**

Transaction ID	Project/Property Name	Year of Sale	Acres	Purchase Price/Market Value	Price/Value per acre
<u>EBRPD/ECCC Habitat Conservancy Land Acquisitions in the last 10 years (none in this size category)</u>					
<u>Comparables from 2017 - 2021 Appraisals</u>					
	Bragdon Way, Clayton	2015	6.42	\$295,000	\$45,950
	Bragdon Way, Clayton	2015	5.01	\$220,000	\$43,912
	Leon Drive, Clayton	2017	5.32	\$360,000	\$67,669
	Morgan Territory Road, Clayton	2016	5.00	\$350,000	\$70,000
<u>Contra Costa County Assessor's Data - Rural land use, unimproved or improvements less than 5 percent of value)</u>					
Assessor 23	Byron	2020	9.99	\$200,000	\$20,020
Assessor 24	Knightesen	2018	9.88	\$370,000	\$37,449
Assessor 25	Knightesen	2018	9.88	\$370,000	\$37,449
Assessor 26	Knightesen	2018	9.84	\$370,000	\$37,602
Assessor 27	Brentwood	2019	9.60	\$475,000	\$49,479
Assessor 28	Knightesen	2018	9.51	\$460,000	\$48,370
Assessor 29	Brentwood	2020	8.21	\$75,000	\$9,135
Assessor 30	Brentwood	2018	5.00	\$400,000	\$80,000
Assessor 31	Brentwood	2018	5.00	\$350,000	\$70,000
Assessor 32	Brentwood	2018	5.00	\$350,000	\$70,000
Assessor 33	Brentwood	2021	5.00	\$480,000	\$96,000
Overall Weighted Average					\$47,165
Land Cost Factor for 2022 Update:					\$47,000

Sources: East Contra Costa Habitat Conservancy, Contra Costa County Assessor, and Insight Data & Economic Analysis

Table B.7**LAND ACQUISITION ANALYSIS - Price per acre for parcels less than 5 acres (nominal dollars)****EAST CONTRA COSTA COUNTY HCP/NCCP****2022 Update**

Transaction ID	Project/Property Name	Year of Sale	Acres	Purchase Price/Market Value	Price/Value per acre
<u>EBRPD/ECCC Habitat Conservancy Land Acquisitions in the last 10 years</u>					
24	Alaimo	2013	2.31	\$185,000	\$80,087
29	Clayton Radio LLC	2015	2.02	\$75,000	\$37,129
40	Bloching	2020	3.25	\$210,000	\$64,615
<u>Comparables from 2017 - 2021 Appraisals</u>					
	Bollinger Canyon Road, Moraga	2018	4.00	\$225,000	\$56,250
Overall Weighted Average					\$60,017
Land Cost Factor for 2022 Update:					\$66,000

Note: Only a small number of parcels less than 5 acres might be acquired as part of the acquisition strategy to fill gaps between larger parcels. Following the rationale presented in "NCCP/HCP Land Cost Data", Technical Memorandum to John Kopchik, prepared by Economic & Planning Systems, August 3, 2006 and included in Appendix G: HCP/NCCP Cost Data, the value assumption is based on a per-acre premium above the average value for the 5 - 10 acre parcels (\$47,000 for this 2022 update). In the 2006 analysis, the premium was about 40 percent. This 2022 analysis assumes a similar premium, resulting in the \$66,000 per acre land cost factor for parcels less than five acres.

Sources: East Contra Costa Habitat Conservancy and Insight Data & Economic Analysis

Table B.8**LAND ACQUISITION ANALYSIS - Basis for price per acre calculation for parcels inside the Urban Limit Line****EAST CONTRA COSTA COUNTY HCP/NCCP****2022 Update**

Item	Value		Source
Average Sales Price (placeholder estimate) Per Single Family Unit	\$680,000	a	New Home Sales 2021 Antioch, Brentwood, Oakley, and Pittsburg
Units per acre (gross)	5.0	b	Average Lot Size of 7,000 sqft and net to gross ratio of 80 percent
Total Development Value	\$3,385,234	c=a*b	Calculated
Raw Entitled Land Value as % of Development Value	9.0%	d	Based on standard 10 percent ratio, adjusted down slightly based on real estate broker conversations
Raw Entitled Land Value	\$304,671	e=c*d	Calculated
Discount Rate	12%	f	Average land speculator discount rate
Category 10 - 12.5 years to entitlement/ development	\$73,893	$g=e/(1+f)^{12.5}$	Calculated
Category 7 - 22.5 years to entitlement/ development	\$23,792	$h=e/(1+f)^{22.5}$	Calculated

Note: This table updates the cost factors in the calculations for this land cost factor as established in the August 3, 2006 Technical Memorandum from Economic & Planning Systems, "NCCP/HCP Land Cost Data". The average sales price for new single family units is updated to reflect current market conditions.

This table calculates the average values for cost categories 7 and 10, Following the methodology established in 2006, the values for categories 8 and 11 are discounted 40 percent from the value for a level site and the values for categories 9 and 12 are discounted 75 percent from the average for the level site.

Sources: "Annual New Home Sale Data for Selected Contra Costa County Cities," Contra Costa Association of REALTORS® MLS (CCAR); Insight Data & Economic Analysis

APPENDIX C: INITIAL UDA COST MODEL UPDATE

The following tables provide comprehensive documentation for the cost model update based on estimated impacts for the initial urban development area.

East Contra Costa County HCP/NCCP
2022 Update
Implementation Cost Data and Assumptions with
Initial Urban Development Area

Summary of East Contra Costa HCP Implementation Costs for Initial Urban Development Area**2022 Update****(2021 dollars rounded to the nearest \$10,000)****Total Costs**

Cost Category	Implementation Period (Years)					Total (2021)
	0	1-14	15-19	20-24	25-30	
Program Administration	\$220,000	\$14,590,000	\$6,660,000	\$6,260,000	\$7,500,000	\$35,240,000
Land Acquisition: acquisition and site improvements	\$0	\$139,240,000	\$48,440,000	\$48,440,000	\$58,060,000	\$294,180,000
Land Acquisition: due diligence, transaction costs	\$250,000	\$4,390,000	\$1,920,000	\$1,920,000	\$2,300,000	\$10,780,000
Planning and Design	\$0	\$4,550,000	\$1,450,000	\$1,450,000	\$820,000	\$8,260,000
Habitat Restoration/Creation	\$0	\$7,050,000	\$13,430,000	\$13,430,000	\$16,110,000	\$50,020,000
Environmental Compliance	\$0	\$1,410,000	\$1,220,000	\$1,020,000	\$0	\$3,650,000
Preserve Management and Maintenance	\$0	\$6,650,000	\$7,430,000	\$9,340,000	\$13,900,000	\$37,320,000
Monitoring, Research, and Adaptive Management	\$0	\$2,200,000	\$1,710,000	\$2,340,000	\$3,520,000	\$9,760,000
Remedial Measures	\$0	\$0	\$260,000	\$210,000	\$2,810,000	\$3,280,000
Contingency	\$0	\$0	\$1,280,000	\$1,370,000	\$1,840,000	\$4,480,000
Total	\$470,000	\$180,080,000	\$83,800,000	\$85,780,000	\$106,860,000	\$456,970,000

Summary of East Contra Costa HCP Implementation Costs for Initial Urban Development Area**2022 Update****(2021 dollars not rounded)****Total Costs**

	Implementation Period (Years)					
Cost Category	0	1-14	15-19	20-24	25-30	Total
Program Administration	\$223,698	\$14,594,336	\$6,661,370	\$6,261,370	\$7,495,644	\$35,236,418
Land Acquisition: acquisition and site improvements	\$0	\$139,241,000	\$48,437,737	\$48,437,737	\$58,059,276	\$294,175,751
Land Acquisition: due diligence, transaction costs	\$253,166	\$4,387,960	\$1,919,403	\$1,919,403	\$2,303,284	\$10,783,217
Planning and Design	\$0	\$4,550,853	\$1,445,840	\$1,445,840	\$821,365	\$8,263,898
Habitat Restoration/Creation	\$0	\$7,051,220	\$13,427,192	\$13,427,192	\$16,112,631	\$50,018,236
Environmental Compliance	\$0	\$1,411,927	\$1,221,348	\$1,021,348	\$0	\$3,654,623
Preserve Management and Maintenance	\$0	\$6,648,120	\$7,429,960	\$9,336,250	\$13,902,207	\$37,316,537
Monitoring, Research, and Adaptive Management	\$0	\$2,195,918	\$1,710,132	\$2,335,132	\$3,520,011	\$9,761,193
Remedial Measures	\$0	\$0	\$263,044	\$208,177	\$2,805,500	\$3,276,720
Contingency	\$0	\$0	\$1,276,931	\$1,370,752	\$1,835,652	\$4,483,335
Total	\$476,864	\$180,081,334	\$83,792,958	\$85,763,202	\$106,855,569	\$456,969,927

Original Data Value

Data extracted on: August 2, 2022

Years: 2005 to 2022

[illegible]

Data extracted on: August 2, 2022 (8:36:09 PM)

Year	Qtr1	Qtr2	Qtr3	Qtr4	2021 dollars
------	------	------	------	------	--------------

2006	101.0	101.8	103.1	103.9	0.7245
------	-------	-------	-------	-------	--------

2000	101.0	101.0	100.1	100.9	97.249

2007	104.9	105.9	106.7	107.3	0.7483
------	-------	-------	-------	-------	--------

2009	111.0	111.1	111.4	111.4	0.7768
------	-------	-------	-------	-------	--------

2010	112.2	112.6	113.3	113.5	0.7915
------	-------	-------	-------	-------	--------

2011	114.6	115.1	115.4	115.7	0.8068
------	-------	-------	-------	-------	--------

2012	116.8	117.3	117.7	118.2	0.8243
------	-------	-------	-------	-------	--------

2013	118.9	119.5	120.2	120.5	0.8403
------	-------	-------	-------	-------	--------

2014	121.0	121.9	122.5	122.9	0.8570
------	-------	-------	-------	-------	--------

2015	123.7	124.1	124.5	124.9	0.8710
------	-------	-------	-------	-------	--------

2016	125.7	126.2	126.7	126.7	0.8835
------	-------	-------	-------	-------	--------

2017	127.8	128.7	129.1	129.6	0.9038
------	-------	-------	-------	-------	--------

2018	130.8	131.6	132.3	132.8	0.9261
------	-------	-------	-------	-------	--------

2019	133.7	134.4	135.1	135.6	0.9456
------	-------	-------	-------	-------	--------

2019	135.7	134.4	133.1	133.8	0.9430
2020	136.8	137.0	137.8	138.4	0.9651

2020	136.8	137.0	137.8	138.4	0.9651
2021	139.7	140.5	142.2	143.4	1.0000

2021	139.7	140.5	142.2	143.4	1.0000
------	-------	-------	-------	-------	--------

Aug	Sep	Oct	Nov	Dec	Annual	2021 dollars
-----	-----	-----	-----	-----	--------	--------------

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	2022 UDHS ^a		
2006	4620	4603	4597	4600	4599	4593	4609	4616	4619	4867	4891	4877	4,674	6.60878		
2007	4869	4868	4871	4872	4886	4842	4849	4851	4942	4943	4978	4981	4,896	6.63766		
2008	4983	4983	4999	5004	5023	5065	5135	5142	5194	5393	5375	5322	5,135	6.66876		
2009	5309	5295	5298	5296	5288	5276	5263	5265	5264	5259	5259	5262	5,278	6.68739		
2010	5260	5262	5268	5270	5378	5394	5401	5401	5381	5591	5599	5596	5,400	6.70331		
2011	5592	5624	5627	5636	5637	5643	5654	5667	5668	5675	5680	5680	5,649	6.73568		
2012	5683	5683	5738	5740	5755	5754	5750	5778	5777	5780	5779	5768	5,749	6.74872		
2013	5774	5782	5777	5786	5796	5802	5804	5801	5802	5911	5903	5901	5,820	6.75799	1.24%	
2014	5898	5896	5853	5856	5957	5961	5959	5959	5959	5969	5981	5977	5,952	6.77520	2.27%	
2015	6073	6077	6069	6062	6069	6055	6055	6055	6113	6114	6109	6108	6,080	6.79385	2.15%	
2016	6106	6132	6248	6249	6240	6238	6245	6244	6267	6343	6344	6333	6,252	6.81432	2.94%	
2017	6373	6373	6373	6461	6455	6470	6474	6620	6620	6596	6596	6596	6,501	6.84664	3.87%	
2018	6596	6596	6596	6596	6596	6598	6643	6613	6674	6679	6679	6684	6,629	6.86339	1.98%	
2019	6684	6700	6616	6841	6852	6854	6854	6823	6814	6851	6895	6928	6,809	6.88681	2.17%	
2020	6995	6945	6947	6955	6952	7041	6984	6988	7036	7120	7123	7120	7,018	6.91399	3.06%	
2021	7090	7102	7130	7150	7174	7746	7692	8122	7900	8120	8141	8072	7,678	6.90000	9.41%	21.14%

The ENR BCI reports cost trends for specific construction trade labor and materials in the California marketplace.

<https://www.dgs.ca.gov/RES/Real-Estate-Services-Division-Resources-List-Folder/DGS-California-Construction-Cost-Index-CCCI>

Legend

red numbers are assumptions or data entered directly into the worksheet

blue numbers are links from other worksheets in the workbook

black numbers are calculations based on the above numbers

Cost factors are colored coded by primary source considered:

EBRPD (for HCP)
CCWD (for HCP)
Average of CCWD/EBRPD
ECCC Habitat Conservancy
J&S and EPS (for HCP)
AECOM, 2012
Updated by Insight Data & Economic Analysis, 2022
Updated with input from H.T. Harvey, 2017
Other estimated factors
Actual costs start-up and years 1 - 14
Estimate of EBRPD contributions to operational costs, start up and years 1-14
Summary actuals supercede model detail

Acres Acquired, Managed, and Restored within HCP/NCCP Preserves for Initial Urban Development Area**2022 Update**

	Initial UDA	Source
Total acres acquired/managed	24,250	(Table 5-9: mid-point of range)

Acres Acquired and Managed by Time Period

	Implementation Period (Years)					Total
	0	1-14	15-19	20-24	25-30 (6-year period)	
Total preserve acres acquired per period	-	12,050	3,813	3,813	4,575	24,250
Total preserve acres managed, cumulative	-	12,050	15,862	19,675	24,250	24,250

Assumptions:

Actual acquisition accounted for in years 1-5, 6-9 and 10 - 14; the net remaining requirement is allocated evenly over the remaining 16 years of the permit term.
 Management and monitoring on acquired land has not kept pace with actual acquisition.

14,463.76	Total acres acquired through 2021
1,681.1	Already conserved acres (no credit acres) on parcels acquired through 2021 (Annual Report Table 8a)
732.93	Other acres (outside acquisition zones) not credited to preserve system through 2021
12,049.7	Total acres acquired and credited toward preserve system

Land Cover Type Restored/Created by Time Period

	Implementation Period (Years)					Total
	0	1-14	15-19	20-24	25-30 (6-year period)	
Land Cover Type (acres except where noted)						
oak savanna	-	-	13.1	13.1	15.8	42.0
riparian woodland/scrub	-	5.40	13.9	13.9	16.7	50.0
perennial wetland (jurisdictional boundary)	-	0.16	10.0	10.0	12.0	32.2
seasonal wetland (jurisdictional boundary)	-	10.70	10.8	10.8	12.9	45.2
alkali wetland (jurisdictional boundary)	-	2.40	6.1	6.1	7.3	21.8
slough/channel	-	-	22.5	22.5	27.0	72.0
open water	-	-	-	-	-	-
ponds	-	0.61	6.4	6.4	7.6	21.0
streams (miles)	-	2.16	0.8	0.8	0.9	4.6
Total (acres)	-	20.58	83.3	83.3	99.9	287.0

Assumptions:

Total restoration requirements based on assumptions in the HCP/NCCP. Actual restoration will depend on actual impacts to these features.
 Actual restoration accounted for in years 1-14; the net remaining requirement is allocated evenly over the next 16 years of the permit term.

For total acre calculation, streams are assumed to be 5 feet wide

30% % of perennial, seasonal or alkali wetland complex acreage assumed to be jurisdictional wetland; for compen:

USED IN WETLAND FEE CALCULATION		
	average acres/site or linear feet/site (streams)	% requiring substantial soil disturbance
Defining sites:		
riparian/woodland scrub sites by acreage conversion:	3	20%
wetlands and pond sites by acreage conversion	2.0	80%
stream sites by linear feet conversion:	1,000	90%

Restoration sites that require significant soil disturbance by land-cover type

	Implementation Period (Years)					Total
	0	1-14	15-19	20-24	25-30 (6-year period)	
Land Cover Type Restoration Sites						
riparian woodland/scrub	-	0.4	0.9	0.9	1.1	3.3
perennial wetland	-	0.1	4.0	4.0	4.8	12.9
seasonal wetland	-	4.3	4.3	4.3	5.2	18.1
alkali wetland	-	1.0	2.4	2.4	2.9	8.7
ponds	-	-	9.0	9.0	10.8	28.8
streams (miles/acres converted to sites)	-	10.2	3.6	3.6	4.4	21.9
Total sites for monitoring cost estimate	-	15.9	24.3	24.3	29.2	93.7

Assumptions:

Average acres/site and percent of sites requiring substantial soil disturbance calculated in table above.
 Seasonal, perennial, and alkali wetland acreages in Tables 5-16 and 5-17 are for wetland complexes; for cost estimates and revenue projections the wetted acres of these complexes are assumed to be 30% of the total acres.

Summary of HCP/NCCP Personnel (Conservancy Staffing)

2022 Update

UPDATE STAFFING	2022 UPDATE STAFFING				POST PERMIT STAFFING
	Number of FTEs				Number of FTEs
	0-14	15-19	20-24	25-30	
Administrative staffing	no change				
Principal Planner		0.70	0.70	0.70	0.50
Senior Planner		0.70	0.70	0.70	0.25
Principal GIS Planner		0.05	0.05	0.05	0.05
Associate Planner		0.70	0.70	0.70	0.25
Assistant Planner		0.80	0.80	0.80	0.25
Planning Technician		0.35	0.35	0.35	0.10
Accountant		0.40	0.40	0.40	0.20
Admin – Secretary		Included in overhead rates			-
IT Support Staff					-
Total		3.70	3.70	3.70	1.60
Land acquisition staffing	no change				
Principal Planner		0.05	0.05	0.05	-
Senior Planner		0.20	0.20	0.20	-
Principal GIS Planner		0.05	0.05	0.05	-
Total		0.30	0.30	0.30	-
Management planning and design staffing	lower in last 5 years				
Principal Planner		0.10	0.10	0.05	-
Principal GIS Planner		0.05	0.05	0.05	-
Senior Planner		0.05	0.05	0.02	-
Associate Planner		0.05	0.05	0.02	-
Total		0.25	0.25	0.14	-
Habitat restoration and creation staffing	no change				
Principal Planner		0.05	0.05	0.05	-
Associate Planner		0.10	0.10	0.10	-
Total		0.15	0.15	0.15	-
Environmental compliance staffing	no change except 0 in last period				
Principal Planner		0.02	0.02	-	-
Senior Planner		0.05	0.05	-	-
Associate Planner - wetland fees		0.05	0.05	-	-
Assistant Planner - wetland fees		0.10	0.10	-	-
Total		0.22	0.22	-	-
Preserve management and maintenance staffing	higher in last 5 years				
Principal Planner		0.05	0.05	0.07	0.07
Associate Planner		0.05	0.05	0.10	0.10
Assistant Planner		0.10	0.10	0.15	0.15
Preserve Maintenance Staff		included in per acre cost factors			-
Total		0.20	0.20	0.32	0.32
Monitoring and research staffing	higher in last 5 years				
Principal Planner		0.03	0.03	0.08	0.05
Associate Planner		0.05	0.05	0.08	0.05
Total		0.08	0.08	0.16	0.10
Overall Staffing Plan					
Principal Planner		1.00	1.00	1.00	0.62
Senior Planner		1.00	1.00	0.92	0.25
Principal GIS Planner		0.15	0.15	0.15	0.05
Associate Planner		1.00	1.00	1.00	0.40
Assistant Planner		1.00	1.00	0.95	0.40
Planning Technician		0.35	0.35	0.35	0.10
Accountant		0.40	0.40	0.40	0.20
Admin – Secretary		Included in overhead rates			-
IT Support Staff					-
Preserve Maintenance Staff		included in per acre cost factors			-
Total		4.90	4.90	4.77	2.02

HCP/NCCP Program Administration for Initial Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Cost by Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Staff and overhead					\$5,156,370	\$5,156,370	\$6,187,644	
Contractor assistance with administration					\$400,000	\$400,000	\$480,000	
Other administrative costs					\$55,000	\$55,000	\$66,000	
Vehicle / mileage allowance					\$7,500	\$7,500	\$9,000	
Travel					\$37,500	\$37,500	\$45,000	
Insurance					\$115,000	\$115,000	\$138,000	
Legal assistance					\$575,000	\$250,000	\$300,000	
Other permitting costs					\$15,000	\$15,000	\$15,000	
Financial analysis assistance					\$150,000	\$75,000	\$75,000	
Financial audit (annual)					\$100,000	\$100,000	\$120,000	
Public relations and outreach					\$50,000	\$50,000	\$60,000	
Total	\$223,698	\$4,671,472	\$3,168,141	\$6,754,723	\$6,661,370	\$6,261,370	\$7,495,644	\$35,236,418

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs				
		0	1-14	15-19	20-24	25-30
Principal Planner and support	\$206			0.70	0.70	0.70
Senior Planner and support	\$156			0.70	0.70	0.70
Principal GIS Planner and support	\$222			0.05	0.05	0.05
Associate Planner and support	\$132			0.70	0.70	0.70
Assistant Planner and support	\$109			0.80	0.80	0.80
Planning Technician and support	\$119			0.35	0.35	0.35
Accountant and support	\$157			0.40	0.40	0.40
Total FTEs				3.70	3.70	3.70
Total cost per year				\$1,031,274	\$1,031,274	\$1,031,274
Total cost per period				\$5,156,370	\$5,156,370	\$6,187,644

Notes/Assumptions:

Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

1,880 hours per year

Contractor Assistance with Administration	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$400,000	\$400,000	\$480,000

Assumption:
\$80,000 annual contractor cost per 2022 budget: for assistance with database, annual report, and permitting

Other Administrative Costs	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Memberships			\$50,000	\$50,000	\$60,000
Miscellaneous equipment and supplies			\$5,000	\$5,000	\$6,000
Cost per period			\$55,000	\$55,000	\$66,000

Assumption:
\$10,000 annual cost for Institute for Ecological Health (state and national), Bay Area Open Space Council, and East County Water Management Agency, based on actual Conservancy experience through 2021
\$1,000 annual cost based on actual Conservancy experience through 2021

Vehicle / Mileage Allowance	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$7,500	\$7,500	\$9,000

Assumption:
\$1,500 annual cost based on actual Conservancy experience through 2021

Travel	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$37,500	\$37,500	\$45,000

Assumption:
\$7,500 annual cost based on actual Conservancy experience through 2021

Insurance	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$115,000	\$115,000	\$138,000

Assumption:
\$23,000 annual cost based on actual Conservancy experience through 2021

Legal Assistance	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$575,000	\$250,000	\$300,000

Assumptions:

\$115,000	Annual cost for legal assistance, years 15 - 19
\$50,000	Annual cost for legal assistance, after year 19

Note: The legal assistance category covers legal assistance required for program administration and (for years 6 - 10) the environmental compliance category.

Legal assistance for land acquisition included in the due diligence cost factor in the land acquisition category.

Legal assistance is also estimated for the environmental compliance category.

Other Permitting Costs	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$15,000	\$15,000	\$15,000

Assumptions:

\$3,000	Annual cost per 2022 Budget
---------	-----------------------------

Financial Analysis Assistance	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$150,000	\$75,000	\$75,000

Assumptions:

\$75,000	Cost per period for financial analysis assistance
\$15,000	Annual cost years 15 - 19 for assistance with endowment and EBRPD cost sharing agreement

Financial analyst review will occur periodically over the life of the Plan (years 3, 6, 10, 15, 20 and 25).

Note: The financial analysis assistance category covers the periodic assistance of a financial analyst to review the program's cost/revenue balance, ensure that charges are adjusted in line with changing land costs and ensure compliance with State requirements on collection of fees.

Annual Financial Audit	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$100,000	\$100,000	\$120,000

Assumptions:

\$20,000	Cost per year for financial audit services based on Conservancy experience through 2021
----------	---

Annual financial audit of the Conservancy's financial statements by an independent auditor are required by the JPA agreement and Government Code.

Public Relations/Outreach	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Total cost per year			\$10,000	\$10,000	\$10,000
Cost per period			\$50,000	\$50,000	\$60,000

HCP/NCCP Land Acquisition for Initial Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Cost by Implementation Period (Years)					
	0	1-14	15-19	20-24	25-30	Total
Acquisition	\$0	\$139,241,000	\$47,498,780	\$47,498,780	\$56,998,536	\$291,237,096
Site improvements	\$0	\$0	\$938,957	\$938,957	\$1,060,740	\$2,938,655
Staff and overhead	na	na	\$494,440	\$494,440	\$593,328	\$1,582,208
Due diligence	\$253,166	\$4,387,960	\$1,424,963	\$1,424,963	\$1,709,956	\$9,201,009
Total	\$253,166	\$143,628,960	\$50,357,141	\$50,357,141	\$60,362,560	\$304,958,967

Acquisition Cost over 30-year Program, Actuals year 1 - 14 + Projections Years 15 - 30 (2021 dollars)

	Cost by Implementation Period (Years)						Estimated Remainder 15-30
	0	1-14	15-19	20-24	25-30 (6-year period)	Total	
Acquisition Analysis Zone							
Zone 1	\$0	\$12,711,000	\$4,470,888	\$4,470,888	\$5,365,065	\$27,017,841	\$14,306,841
Zone 2	\$0	\$52,222,000	\$19,210,120	\$19,210,120	\$23,052,144	\$113,694,384	\$61,472,384
Zone 3	\$0	\$3,553,000	\$356,768	\$356,768	\$428,121	\$4,694,656	\$1,141,656
Zone 4	\$0	\$10,748,000	\$13,557,880	\$13,557,880	\$16,269,455	\$54,133,214	\$43,385,214
Zone 5	\$0	\$42,738,000	\$7,909,303	\$7,909,303	\$9,491,163	\$68,047,769	\$25,309,769
Zone 6 (incl. within ULL along Marsh Creek)	\$0	\$8,523,000	\$1,444,275	\$1,444,275	\$1,733,130	\$13,144,680	\$4,621,680
Outside Inventory Area	\$0	\$0	\$546,523	\$546,523	\$655,828	\$1,748,873	\$1,748,873
Outside Acquisition Zones	\$0	\$8,746,000	\$3,024	\$3,024	\$3,629	\$8,755,677	\$9,677
Total	\$0	\$139,241,000	\$47,498,780	\$47,498,780	\$56,998,536	\$291,237,096	\$151,996,096
Assumptions:		48%					52%

Actual acquisition cost through year 14, in 2021 dollars. Updated 2021 land cost factors by cost category applied to remaining acquisition targets. Total remaining cost allocated evenly over remaining 16 years of the permit term.

See Appendix G and description of separate land cost model in Chapter 9.

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs				
		0	1-14	15-19	20-24	25-30 (6-year period)
Principal Planner and support	\$206			0.05	0.05	0.05
Senior Planner and support	\$156			0.20	0.20	0.20
Principal GIS Planner and support	\$222			0.05	0.05	0.05
Total FTEs				0.30	0.30	0.30
Total cost per year				\$98,888	\$98,888	\$98,888
Total cost per period				\$494,440	\$494,440	\$593,328

Notes/Assumptions:

Actual staff costs for years 0 - 14 are included in the due diligence actuals below.

Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

1,880 hours per year

Due Diligence

Covers costs for appraisals, preliminary title report, escrow and other closing costs, boundary surveys, legal services, environmental and Phase 1 site assessment.

The 2006 cost model used more detailed unit costs. The result of applying those cost factors in the 2006 model was that due diligence represented about 4% of land acquisition costs.

For the 2012, 2016, and 2022 updates the model is simplified to assume due diligence costs (not including Conservancy staff costs) at 3% of land acquisition costs, roughly consistent with the experience of the Conservancy and EBRPD through 2021, during which time more than 50 percent of the preserve system goals for land acquisition took place. For years 10-30, Conservancy staff time costs are separately estimated and included in Program Staff line item above.

	Cost by Implementation Period (Years)						
	0	1-5	6-9	10-14	15-19	20-24	25-30 (6-year period)
Due Diligence	\$253,166	\$2,296,923	\$1,479,004	\$612,033	\$1,424,963	\$1,424,963	\$1,709,956
Total							\$9,201,009

Assumptions:

3.0%	Due diligence costs as a percentage of land acquisition cost.
------	---

Planning Surveys (Pre-Acquisition)

Based on Conservancy and EBRPD experience to date, initial property evaluation and planning is included in staff and consultant time.

Most significant field biological work is done post acquisition and is included as a monitoring cost.

Site Improvements

	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30 (6-year period)
Demolition of old facilities			\$75,152	\$75,152	\$90,183
Repair of boundary fence			\$330,043	\$330,043	\$330,043
Repair and replacement of gates			\$251,631	\$251,631	\$301,957
Signs (boundary, landbank, etc.)			\$156,316	\$156,316	\$187,579
Other security (e.g., boarding up barns)			\$125,815	\$125,815	\$150,978
Total			\$938,957	\$938,957	\$1,060,740

Assumptions:

Most demolition to date is a condition of the transaction and assigned to the seller. Other site improvement costs included in EBRPD operations and maintenance costs to date.

\$9,856	Demolition of old facilities per 500 acres
\$6,600	Repair and replacement of gates per 100 acres
\$4,100	Signs (boundary, landbank, etc.) per 100 acres
\$3,300	Other security (e.g., boarding up barns) per 100 acres
120	Estimated number of parcels acquired years 15 - 30 assuming 100 acres per parcel
15,000	Average parcel boundary length in linear feet (from GIS analysis, grouping adjacent parcels with the same landowner)
\$6.11	Average cost per linear foot for boundary fence repair
15%	Proportion of boundary fence that needs repair

HCP/NCCP Management Planning and Design for Initial Urban Development Area**2022 Update****(2021 dollars)**

<u>All Costs</u>	Cost by Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Staff and overhead					\$433,340	\$433,340	\$306,365	
Travel					\$12,500	\$12,500	\$15,000	
Contractors					\$1,000,000	\$1,000,000	\$500,000	
Total	\$0	\$1,772,511	\$938,155	\$1,840,187	\$1,445,840	\$1,445,840	\$821,365	\$8,263,898

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs				
		0	1-14	15-19	20-24	25-30
Principal Planner and support	\$206			0.10	0.10	0.05
Principal GIS Planner and support	\$222			0.05	0.05	0.05
Senior Planner and support	\$156			0.05	0.05	0.02
Associate Planner and support	\$132			0.05	0.05	0.02
Total FTEs				0.25	0.25	0.14
Total cost per year				\$86,668	\$86,668	\$51,061
Total cost per period				\$433,340	\$433,340	\$306,365

Note: Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies, .

1,880

hours per year

Travel

	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Total cost per period			\$12,500	\$12,500	\$15,000

Assumption:**\$2,500**

annual cost based on Conservancy 2022 budget

Contractors

Contractor category	Contract value per period				
	0	1-14	15-19	20-24	25-30
Management planning			\$1,000,000	\$1,000,000	\$500,000
Total per period			\$1,000,000	\$1,000,000	\$500,000

Assumptions:

Restoration planning and designs included in habitat restoration/creation cost category.

\$1,000,000	per-period budget for management planning, through year 24
\$500,000	per-period budget for management planning, years 25 - 30

The management planning and design staff and contractors will conduct the following activities:

Management plans for cropland/pasture preserves

Management plans for natural area preserves

Grazing plans

Mapping work for management plans

Exotic plant control program (for the entire preserve system)

Fire management/control plan (for the entire preserve system)

HCP/NCCP Habitat Restoration/Creation (including planning and design) for Initial Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Cost by Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Restoration/Creation Construction Cost					\$8,539,671	\$8,539,671	\$10,247,606	
Staff and overhead					\$220,900	\$220,900	\$265,080	
Travel					\$12,500	\$12,500	\$15,000	
Contractors					\$4,654,121	\$4,654,121	\$5,584,945	
Total	\$0	\$3,424,071	\$2,063,773	\$1,563,376	\$13,427,192	\$13,427,192	\$16,112,631	\$50,018,236
	<i>creation/restoration per acre</i>				<i>\$102,574</i>	<i>\$102,574</i>	<i>\$102,574</i>	

Land Cover Type Restored/Created

Land Cover Type (acres)	Implementation Period (Years)						Total
	0	1-14	15-19	20-24	25-30		
oak savanna	-	-	13.1	13.1	15.8		42.0
riparian woodland/scrub	-	5.4	13.9	13.9	16.7		50.0
perennial wetland	-	0.2	10.0	10.0	12.0		32.2
seasonal wetland	-	10.7	10.8	10.8	12.9		45.2
alkali wetland	-	2.4	6.1	6.1	7.3		21.8
slough/channel	-	-	22.5	22.5	27.0		72.0
open water	-	-	-	-	-		-
ponds	-	0.6	6.4	6.4	7.6		21.0
streams (miles)	-	2.2	0.8	0.8	0.9		4.6
Total (acres)	-	20.6	83.3	83.3	99.9		287.0

Cost of Restoration/Creation Construction

Land Cover Type	Units	Cost per unit	Cost by Implementation Period (Years)				
			0	1-14	15-19	20-24	25-30
oak savanna	acres	\$18,420			\$290,119	\$290,119	\$348,143
riparian woodland/scrub	acres	\$51,822			\$866,717	\$866,717	\$1,040,060
perennial wetland	acres	\$84,544			\$1,015,797	\$1,015,797	\$1,218,956
seasonal wetland	acres	\$100,838			\$1,304,598	\$1,304,598	\$1,565,518
alkali wetland	acres	\$102,041			\$742,345	\$742,345	\$890,814
slough/channel	acres	\$76,798			\$2,073,533	\$2,073,533	\$2,488,240
open water	acres	\$112,058			\$0	\$0	\$0
ponds	acres	\$112,058			\$856,821	\$856,821	\$1,028,185
streams	linear feet	\$287			\$1,389,742	\$1,389,742	\$1,667,690
Total					\$8,539,671	\$8,539,671	\$10,247,606

2017 update:

Revised cost per unit for oak savanna to \$15K based on review/input from H.T. Harvey
 Revised cost per LF for stream restoration by eliminating the low cost outlier from the list of example projects. Also did not reduce unit cost by applying a 10% discount to be more conservative.

Assumptions:

Construction costs are highly variable and depend mostly on the amount, depth, and linear extent of earthwork expected, and whether water control structure are required. Plant propagation, seeding, and watering also included.

For 2017 and 2022 updates, unit costs increased based on change in the California Construction Cost Index published by the State of California Department of General Services. Available at:

<https://www.dgs.ca.gov/RES/RESOURCES/Content/Real-Estate-Services-Division-Resources-List-Folder/DGS-California-Construction-Cost-Index-CCCI>

20%

Contingency factor for restoration projects; assumed higher than the standard contingency because of the higher degree of uncertainty in this portion of the conservation program.

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs				
		0	1-14	15-19	20-24	25-30
Principal Planner and support	\$206			0.05	0.05	0.05
Associate Planner and support	\$132			0.10	0.10	0.10
Total FTEs				0.15	0.15	0.15
Total cost per year				\$44,180	\$44,180	\$44,180
Total cost per period				\$220,900	\$220,900	\$265,080
1,880 hours per year						

Habitat Conservancy staff select sites, hire and oversee consultants for plans, specifications, and implementation.

Cost includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

Travel

	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Total cost per period			\$12,500	\$12,500	\$15,000

Assumption:

\$2,500 annual cost based on Conservancy 2022 budget

Contractors for restoration planning, design, construction oversight, and post-construction maintenance

Contractor category	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Design, plans, specifications, and engineering			\$2,818,092	\$2,818,092	\$3,381,710
Bid assistance			\$128,095	\$128,095	\$153,714
Construction oversight			\$853,967	\$853,967	\$1,024,761
Post-construction maintenance			\$853,967	\$853,967	\$1,024,761
Cost per period			\$4,654,121	\$4,654,121	\$5,584,945

Assumptions:

33%	percent of total construction cost required to complete restoration design and plans, specifications, engineering and provide allowance for remedial me
1.50%	percent of total construction cost required for bid assistance
10%	percent of total construction cost required for construction oversight
10%	percent of total construction cost required for post construction maintenance

Restoration plans and designs of all types included in habitat restoration/creation cost category.

Design, plan, specification, and engineering work, bid assistance, and construction oversight will be conducted in the period in which construction takes place.

Two years of post-construction maintenance will be conducted in the period after construction takes place to maintain irrigation systems, conducting weeding, etc. Management costs after success criteria are met are included in development fee paid for same site (wetland mitigation fee is in addition).

Monitoring of restoration sites covered in the Monitoring cost category.

HCP/NCCP Environmental Compliance for Initial Urban Development Area**2022 Update**

(2021 dollars)

All Costs	Cost by Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Staff and overhead					\$276,548	\$276,548	\$0	
Legal assistance					\$250,000	\$50,000	\$0	
NEPA/CEQA					\$558,300	\$558,300	\$0	
CWA 404					\$0	\$0	\$0	
CWA 401					\$11,000	\$11,000	\$0	
CDFG 1602					\$23,500	\$23,500	\$0	
NHPA					\$60,200	\$60,200	\$0	
Other					\$41,800	\$41,800	\$0	
Total	\$0	\$887,562	\$194,053	\$330,312	\$1,221,348	\$1,021,348	\$0	\$3,654,623

Note: Detail is not intended to be prescriptive; it is used as a means to generate an overall environmental compliance cost estimate.

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs						
		0	1-14	15-19	20-24	25-30		
Principal Planner and support	\$206			0.02	0.02	-	include in wetland fee calculation	
Senior Planner and support	\$156			0.05	0.05	-		
Associate Planner and support	\$132			0.05	0.05	-		
Assistant Planner and support	\$109			0.10	0.10	-		
Total FTEs				0.22	0.22	-		
Total cost per year				\$55,310	\$55,310	\$0	\$32,900	\$32,900
Total cost per period				\$276,548	\$276,548	\$0	\$164,500	\$164,500

Note: Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

1,880 hours per year

Legal Assistance and Technical Support for Coordinated Regional Wetland Permitting

	Cost by Implementation Period (Years)					Total
	0	1-14	15-19	20-24	25-30	
Cost per period			\$250,000	\$50,000	\$0	\$300,000

Assumptions:

\$25,000	Annual cost for legal assistance with wetland permitting, years 15 - 20
\$25,000	Annual cost for technical support with wetland permitting, years 15 - 20

Number of Projects Requiring Environmental Compliance

Project size	Size Range	Number					Total over Permit Term
		0	10-14	15-19	20-24	25-30	
Small/simple	up to 10 acres or up to 0.1 stream miles			4	4	-	20
Medium/more complex	10.1-50 acres or 0.1-0.5 stream miles			4	4	-	20
Large/most complex	over 50 acres or 0.5 stream miles			2	2	-	10
Total projects remainder of permit term				10	10	-	20

Assumptions:

Details are not prescriptive but are a reasonable means of generating an overall cost for the environmental cost category.

Of the total of approximately 50 projects that would require environmental compliance, 1/5 would require compliance in each 5-year period between years 1 and 25.

Environmental Compliance Cost per Project Size and Compliance Category (2021 dollars)

Project size	Size Range	Estimate Project Cost within DFG jurisdiction		Project Impacts to Wetlands for CWA 401		Compliance Category					
				Minimum	Maximum	CEQA	CWA 404	CWA 401	CDFG 1602	NHPA	Other
Small/simple	up to 10 acres or up to 0.1 stream miles	\$ 2,000	\$ 25,000	0.001	0.01	\$7,346	\$0	\$968	\$1,130	\$3,673	\$3,482
Medium/more complex	10.1-50 acres or 0.1-0.5 stream miles	\$ 25,001	\$ 100,000	0.0121	0.07	\$58,767	\$0	\$1,130	\$2,425	\$5,142	\$4,179
Large/most complex	over 50 acres or 0.5 stream miles	\$ 100,001	\$500,000 or more	0.073	0.30	\$146,918	\$0	\$1,291	\$4,654	\$12,488	\$5,572

Assumptions:

Details are not prescriptive but are a reasonable means of generating an overall cost for the environmental cost category.

Assumed wetland impact determined by AECOM based experience with typical projects that would be expected to be implemented by the Conservancy. For example wetland restoration/creation projects, stream restoration projects, adaptive management measures for existing wetland features and facilities improvements. In general, it is expected that impacts to wetlands and streams would be avoided if at all possible. Of the stream length indicated, assumed only 10% of that length would be impacted and an average stream width of 10 feet.

For NEPA/CEQA, 401/404 and 1602 compliance, varying costs have more to do with project complexity than with project size.

Clean Water Act 401 and 1602 permits will be done on a per-project basis

Cultural compliance permits will be done on a per-project basis.

Contra Costa Conservancy staff will prepare permit applications and notification for the 401, 404 and 1600 applications, thereby resulting in no consultant cost for permit preparation. This table also assumes that the permits for Water Quality Certification (CWA 401) and Streambed Alteration Agreement (DFG 1602) will not be secured under programmatic or Master permit processes.

Permitted projects would be completed within the time limit allotted for the permits; no extensions or re-application would be required.

The "other" compliance category could include county grading permits, road encroachment permits, or other local approvals.

NEPA/CEQA

Depending on the level of detail that is provided for specific projects, they may or may not be able to be covered under the HCP EIR/EIS.

For those without sufficient detail, additional environmental documentation may need to be prepared.

It is likely that the majority of those would be in the form of mitigated negative declarations.

Because it is difficult to provide a cost estimate for a project without knowing details such as location, size, etc., the following are some rough numbers based on level of controversy:

Small scale non-controversial projects = Cat Excl/Cat Exemp

Medium scale more controversial projects = IS MND/EA FONSI

Larger scale more controversial projects = EIR/EIS

All land acquisitions would be a categorical exemption under CEQA as well as under NEPA, when NEPA applies.

401/404

The cost of conducting wetland delineations is not included under CWA 404/401 compliance; it is expected that delineation would be covered under land acquisition costs.

Each project implemented under the HCP will qualify for compliance under the USACE 404 regional permit program for the inventory area; there is no fee for 404 permit applications.

Tasks associated with Section 402 compliance are not included in this cost estimate.

CWA 401 fee cost estimate assumes all projects qualify for flat fees in Category D Ecological Restoration and Enhancement Projects, as allowed under State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State, adopted by the State Water Board on April 2, 2019. FY 21/22 Water Quality Certification Dredge and Fill Application Fee Calculator (Effective 11/8/21) Available:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/

NHPA

Archaeological surveys can be conducted at an intensive level at a rate of 40 acres per person per day.

No more than one cultural resource will be identified per 40 acres or part thereof.

This scope of work and cost estimate does not include tasks necessary for significance evaluations and resolution of adverse effects.

CDFG 1602

DFG 1602 costs are estimated based on the assumed cost of project activities within DFW jurisdiction per Fish and Game Code Sections 1600-1616, and the fee schedule corresponding to the project costs. Average cost based on mean of minimum and maximum fee amounts for standard agreements. California Department of Fish and Wildlife Lake and Streambed Alteration Agreements and Fees, Effective January 1, 2022. Available:

<https://wildlife.ca.gov/Conservation/Environmental-Review/LSA#55227743-fees>

HCP/NCCP Preserve Management and Maintenance for Initial Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Program staff and overhead					\$261,320	\$261,320	\$495,982	
Invasive Plant Control					\$1,433,728	\$1,814,986	\$2,681,245	
Invasive Wildlife Control					\$286,746	\$362,997	\$536,249	
Grazing Management					\$716,864	\$907,493	\$1,340,622	
Wildfire Management					\$1,218,669	\$1,542,738	\$2,279,058	
Security					\$215,059	\$272,248	\$402,187	
Roads and Trails					\$215,059	\$272,248	\$402,187	
Maintenance and Support					\$286,746	\$362,997	\$536,249	
Annual Reporting					\$71,686	\$90,749	\$134,062	
Law Enforcement					\$1,075,296	\$1,361,240	\$2,010,934	
Administrative and General Expense					\$1,648,787	\$2,087,234	\$3,083,432	
Total	\$0	\$548,525	\$2,478,883	\$3,620,712	\$7,429,960	\$9,336,250	\$13,902,207	\$37,316,537

NOTE: Costs for years 1 - 14 include expenditures by the East Bay Regional Park District (EBRPD) on land maintenance activities on Conservancy properties (staff costs, maintenance supplies, maintenance services from inception through 2021). Details provided by the EBRPD and East Contra Costa County Habitat Conservancy.

Conservancy Staff and Overhead

Position	FTE with Overhead & Support	Number of FTEs						
		0	1-5	6-9	10-14	15-19	20-24	25-30
Principal Planner and Support	\$206					0.05	0.05	0.07
Associate Planner and support	\$132					0.05	0.05	0.10
Assistant Planner and support	\$109					0.10	0.10	0.15
Total FTEs						0.20	0.20	0.32
Total cost per year						\$52,264	\$52,264	\$82,664
Total cost per period						\$261,320	\$261,320	\$495,982

Note: Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

1,880 hours per year, excluding vacation

HCP/NCCP Preserve Management and Maintenance for Initial Urban Development Area**2022 Update****(2021 dollars)****Preserve Acres Managed**

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Total preserve acres acquired per period		12,050	3,813	3,813	4,575
Acres acquired and managed by end of period		12,050	15,862	19,675	24,250

Assumptions:

Total costs related to habitat and species protection on preserve system lands whether or not costs incurred by EBRPD or Conservancy.

All work (except law enforcement) performed by EBRPD staff including Park Rangers, Supervisors, Stewardship staff, Heavy Equipment Operators, and Fire Department. Law enforcement cost assumes contract with Contra Costa County Sheriff.

Costs per acre (except law enforcement) based on estimates prepared by EBRPD staff for implementation of the Vasco Hills / Byron Vernal Pools Preserve Management Plan prepared for the Conservancy (2018 draft).

Cost estimates assume preserve system land is acquired and managed in equal annual increments over the remainder of the implementation period and that cost increases incrementally as acreage under management increases.

Invasive Plant Control

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Cost per period			\$1,433,728	\$1,814,986	\$2,681,245

Assumptions:

\$20 annual cost per acre for invasive plant control

Patrol, work planning, cultural, manual, mechanical, chemical control.

Invasive Wildlife Control

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Cost per period			\$286,746	\$362,997	\$536,249

Assumptions:

\$4 annual cost per acre for invasive wildlife control

Observation, recording, and controlling bullfrog, fish, and feral mammals.

Grazing Management

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Cost per period			\$716,864	\$907,493	\$1,340,622

Assumptions:

\$10 annual cost per acre for grazing management

Data collection, administration, infrastructure repair, permitting, grazing management, reporting.

Wildfire Management

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Cost per period			\$1,218,669	\$1,542,738	\$2,279,058

Assumptions:

\$17 annual cost per acre for wildfire management

Fire suppression planning and wildfire management; fuels coordinator. Fuel reduction included in invasive plant control cost category.

HCP/NCCP Preserve Management and Maintenance for Initial Urban Development Area**2022 Update****(2021 dollars)****Security**

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Cost per period			\$215,059	\$272,248	\$402,187

Assumptions:

\$3 annual cost per acre for security maintenance and repair

Gate and fence installation, inspection, and repairs.

Roads & Trails

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Cost per period			\$215,059	\$272,248	\$402,187

Assumptions:

\$3 annual cost per acre for roads and trails maintenance and repair

Road grading, maintenance, and tree and brush removal.

On-going Maintenance and Support

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Cost per period			\$286,746	\$362,997	\$536,249

Assumptions:

\$4 annual cost per acre for on-going maintenance and support

Equipment maintenance, service yard, (including support). Trash and debris removal from non-recreation areas.

Annual Reporting

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Cost per period			\$71,686	\$90,749	\$134,062

Assumptions:

\$1 annual cost per acre for annual management reporting

Internal EBRPD reporting (Red Book) and Annual Report to ECCCHC.

Law Enforcement

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Cost per period			\$1,075,296	\$1,361,240	\$2,010,934

Assumptions:

\$15 annual cost per acre for law enforcement

Law enforcement primarily for habitat and species protection. Based on annual cost of Contra Costa County Sheriff contract to provide law enforcement services to the Contra Costa Water District Los Vaqueros Watershed (18,500 acres of protected watershed lands and 1,900 acres reservoir). Includes a level of cost related to public access commensurate with the level of service required at the Los Vaqueros Watershed.

Administrative and General Expense

	Implementation Period				
	0	1-14	15-19	20-24	25-30 (6-year period)
Cost per period			\$1,648,787	\$2,087,234	\$3,083,432

Assumptions:

\$23 annual cost per acre for administrative and general expense

Covers the following General and Administrative Expenses: fuel, tools, equipment, and other supplies used in the course of preserve land management and services (utility fees, contractors, and other costs) incurred in the course of reserve land management. Also covers internal services costs for equipment replacement and infrastructure renovation and replacement. **Does not include indirect and direct EBRPD overhead costs.**

HCP/NCCP Monitoring, Research, and Adaptive Management for Initial Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Cost by Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Staff and overhead					\$120,132	\$120,132	\$305,011	
Contractors					\$875,000	\$1,500,000	\$2,400,000	
Directed research					\$500,000	\$500,000	\$600,000	
Adaptive management					\$215,000	\$215,000	\$215,000	
Total	\$0	\$654,741	\$604,793	\$936,384	\$1,710,132	\$2,335,132	\$3,520,011	\$9,761,193

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs				
		0	1-14	15-19	20-24	25-30
Principal Planner and support	\$206			0.03	0.03	0.08
Associate Planner and support	\$132			0.05	0.05	0.08
Total FTEs				0.08	0.08	0.16
Total cost per year				\$24,026	\$24,026	\$50,835
Total cost per period				\$120,132	\$120,132	\$305,011

Note: Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

1,880 hours per year

Contractors

	Contract value per period				
	0	1-14	15-19	20-24	25-30
Monitoring contractors			\$875,000	\$1,500,000	\$2,400,000
Total per period			\$875,000	\$1,500,000	\$2,400,000
	Metrics for gross annual budget estimate==>		Preserve Acres (end of period)	Restored Acres (per period)	Rough annual cost per preserve acre
\$175,000	annual budget for monitoring contractors, years 15-19		15,862	83	\$11
\$300,000	annual budget for monitoring contractors, years 20-24		19,675	83	\$15
\$400,000	annual budget for monitoring contractors, years 25-30		24,250	100	\$16

Assumptions:

Contractor activities include field data collection, analysis, and reporting. Costs include travel.

Some preserve covered activities and conservation measures require pre-construction surveys and construction monitoring. This work will be done by contractors. Contractors will conduct pre-construction surveys prior to construction as well as construction monitoring periodically during the construction period. All covered activities require compliance with HCP/NCCP pre-construction avoidance and minimization measures.

Note that planning, preconstruction surveys and construction monitoring for covered activities outside of preserves will be paid for by developers. These costs are not included here.

Species-response monitoring is covered in the restoration category when contractors will monitor restoration, creation, and enhancement sites during the 5-year period following the restoration activity.

Post-acquisition biological inventories will build on planning surveys. Inventory will include mapping of weeds and invasive plants.

Status and trends monitoring will occur after preserve land is purchased through year 30. Status and trend monitoring will build on planning surveys and post-acquisition inventories, when appropriate.

Directed Research

	0	1-14	15-19	20-24	25-30
Average cost per year to fund directed research			\$100,000	\$100,000	\$100,000
Total cost per period			\$500,000	\$500,000	\$600,000

Adaptive Management

	0	1-14	15-19	20-24	25-30
Average Independent Conservation Assessment Team cost per period			\$36,000	\$36,000	\$36,000
Average Science Advisors cost per period			\$179,000	\$179,000	\$179,000
Total cost per period			\$215,000	\$215,000	\$215,000

Assumptions:

Adaptive management experiments are covered under the monitoring staff and directed research categories.

As of this 2022 update, this type of periodic scientific review is conducted by the Conservancy's on-call biologist contractors.

The Conservancy convened a Science Advisory Panel in year 10 and plans to do the same in year 20.

The Conservancy's Preserve Monitoring Plan remains in the draft stage.

The following assumptions generate a scientific review budget to inform adaptive management:

An Independent Conservation Assessment Team meets once every 4 years and has:

5	members
\$7,200	stipend per member per 5-year period

Science Advisors Panel consists of:

10	members
\$17,900	stipend per member per 5-year period

Remedial Measures for Initial Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Remedial measures	\$0	\$0	\$0	\$0	\$263,044	\$208,177	\$2,805,500	\$3,276,720
Total	\$0	\$0	\$0	\$0	\$263,044	\$208,177	\$2,805,500	\$3,276,720

Note: Actual costs are included in habitat restoration/creation and preserve management cost categories.

Remedial Measures

	0	1-5	6-9	10-14	15-19	20-24	25-30
Cost of created/restored habitat per period			\$2,063,773	\$1,563,376	\$8,539,671	\$8,539,671	\$10,247,606
Cost for remedial measures for created/restored habitat per period					\$206,377	\$156,338	\$2,732,695
Area of new preserve not including created/restored habitat per period	-	7,578	3,488	962	3,729	3,729	4,475
Cost for remedial measures for preserves per period					\$6,666	\$1,839	\$22,805
Cost for other remedial measures per period					\$50,000	\$50,000	\$50,000
Total cost per period					\$263,044	\$208,177	\$2,805,500

Assumptions:

2%	Percent of annual preserve management and maintenance cost assumed to be needed for preserve remedial actions.
10%	Percent of created/restored habitat for which remedial measures will be required.
\$96	Cost per acre for preserve management and maintenance in years 26-30.
63%	Percent of land acquisition in years 1 - 14 occurring in years 1 - 5
29%	Percent of land acquisition in years 1 - 14 occurring in years 6 - 9
8%	Percent of land acquisition in years 1 - 14 occurring in years 10 - 14

Remedial actions are assumed to occur in the **second** 5-year period after habitat is created/restored or preserve land is purchased, with the exception of remedial actions for habitat created/restored in years 20-30. The cost for these remedial actions is included in years 25-30 so that it can be captured in this cost estimate.

The remedial cost for preserve lands is assumed to be a percentage of the cost per acre for preserve management and maintenance in years 25-30, and is assumed to be needed once, in the **second** 5-year period after the preserve land is purchased. The costs for preserves areas acquired in years 20 - 30 is included in years 26-30 so that it can be captured in this cost estimate.

The cost for other remedial measures includes the costs for restoration or maintenance of preserve areas because of other changed circumstances, such as wildfire.

Contingency for Initial Urban Development Area**2022 Update****(2021 dollars)**

	0	1-5	6-9	10-14	15-19	20-24	25-30	Total
Total cost of program excluding land acquisition/site improvements and habitat restoration/creation construction costs	\$0	\$0	\$0	\$0	\$25,538,618	\$27,415,041	\$36,713,036	\$89,666,695
Contingency fund	\$0	\$0	\$0	\$0	\$1,276,931	\$1,370,752	\$1,835,652	\$4,483,335

Assumptions:

5.0% Percent of total program funding needed for contingency

Post-Permit Costs for Initial Urban Development Area**2022 Update****(2021 dollars)****Post-Permit Costs**

Cost Category	Annual Costs	Assumptions
Total Cost		
Program Administration	\$548,300	Reduced staffing and no legal and financial contractor costs
Land Acquisition: due diligence, transaction costs	\$0	Acquisition complete during permit term
Planning and Design	\$0	Planning and design work complete during permit term
Habitat Restoration/Creation	\$0	Restoration/creation projects constructed during permit term
Environmental Compliance	\$0	Not required, post permit
Preserve Management and Maintenance	\$2,317,000	Assume 100 percent of annual average costs in years 25 - 30
Monitoring, Research, and Adaptive Management	\$293,300	Assume 50 percent of annual average costs in years 25 - 30
Remedial Measures	\$0	Not required, post permit
Contingency	\$0	Not required, post permit
Total	\$3,158,600	

Total preserve system acres	24,250
Annual average cost per acre managed	\$130
Percent of average annual cost years 25 - 30	18%

APPENDIX D: MAXIMUM UDA COST MODEL UPDATE

The following tables provide comprehensive documentation for the cost model update based on estimated impacts for the maximum urban development area.

East Contra Costa County HCP/NCCP
2022 Update
Implementation Cost Data and Assumptions with
Maximum Urban Development Area

Summary of East Contra Costa HCP Implementation Costs for Maximum Urban Development Area**2022 Update****(2021 dollars rounded to the nearest \$10,000)****Total Costs**

Cost Category	Implementation Period (Years)					Total (2021)
	0	1-14	15-19	20-24	25-30	
Program Administration	\$220,000	\$17,350,000	\$6,660,000	\$6,260,000	\$7,500,000	\$37,990,000
Land Acquisition: acquisition and site improvements	\$0	\$139,240,000	\$67,360,000	\$67,360,000	\$80,710,000	\$354,680,000
Land Acquisition: due diligence, transaction costs	\$250,000	\$4,390,000	\$2,480,000	\$2,480,000	\$2,980,000	\$12,580,000
Planning and Design	\$0	\$4,550,000	\$1,450,000	\$1,450,000	\$820,000	\$8,260,000
Habitat Restoration/Creation	\$0	\$7,050,000	\$16,620,000	\$16,620,000	\$19,950,000	\$60,240,000
Environmental Compliance	\$0	\$1,410,000	\$1,220,000	\$1,020,000	\$0	\$3,650,000
Preserve Management and Maintenance	\$0	\$6,650,000	\$7,990,000	\$10,820,000	\$16,910,000	\$42,370,000
Monitoring, Research, and Adaptive Management	\$0	\$2,200,000	\$1,840,000	\$2,710,000	\$4,120,000	\$10,860,000
Remedial Measures	\$0	\$0	\$260,000	\$210,000	\$3,480,000	\$3,950,000
Contingency	\$0	\$0	\$1,400,000	\$1,550,000	\$2,150,000	\$5,100,000
Total	\$470,000	\$182,840,000	\$107,280,000	\$110,480,000	\$138,620,000	\$539,680,000

Summary of East Contra Costa HCP Implementation Costs for Maximum Urban Development Area

2022 Update

(2021 dollars not rounded)

Total Costs

Cost Category	Implementation Period (Years)					Total
	0	1-14	15-19	20-24	25-30	
Program Administration	\$223,698	\$17,346,583	\$6,661,370	\$6,261,370	\$7,498,644	\$37,991,665
Land Acquisition: acquisition and site improvements	\$0	\$139,241,000	\$67,361,587	\$67,361,587	\$80,711,223	\$354,675,397
Land Acquisition: due diligence, transaction costs	\$253,166	\$4,387,960	\$2,480,940	\$2,480,940	\$2,977,127	\$12,580,133
Planning and Design	\$0	\$4,550,853	\$1,445,840	\$1,445,840	\$821,365	\$8,263,898
Habitat Restoration/Creation	\$0	\$7,051,220	\$16,620,916	\$16,620,916	\$19,945,099	\$60,238,151
Environmental Compliance	\$0	\$1,411,927	\$1,221,348	\$1,021,348	\$0	\$3,654,623
Preserve Management and Maintenance	\$0	\$6,648,120	\$7,987,773	\$10,823,750	\$16,914,392	\$42,374,035
Monitoring, Research, and Adaptive Management	\$0	\$2,195,918	\$1,835,132	\$2,710,132	\$4,120,011	\$10,861,193
Remedial Measures	\$0	\$0	\$262,890	\$208,134	\$3,477,304	\$3,948,328
Contingency	\$0	\$0	\$1,395,470	\$1,548,281	\$2,151,289	\$5,095,040
Total	\$476,864	\$182,833,581	\$107,273,265	\$110,482,298	\$138,616,454	\$539,682,462

NOTE: Original unit cost estimates for the 2006 HCP/NCCP were in 2005 dollars, inflated to 2006 dollars for use in the plan document.

Consumer Price Index - All Urban Consumers

Original Data Value

Series Id: CUURS49BSA0 Data extracted on: March 29, 2017 (8:35:58 PM)
 Not Seasonally Adjusted Data extracted on: August 2, 2022
 Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted
 Area: San Francisco-Oakland-Hayward, CA
 Item: All items
 Base Period: 1982-84=100
 Years: 2005 to 2022

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2	2021 dollars
2005		201.2		202.5		201.2		203.0		205.9		203.4	202.7	201.5	203.9	0.6545
2006		207.1		208.9		209.1		210.7		211.0		210.4	209.2	207.9	210.6	0.6794
2007		213.688		215.842		216.123		216.240		217.949		218.485	216.048	214.736	217.361	0.6976
2008		219.612		222.074		225.181		225.411		225.824		218.528	222.767	221.730	223.804	0.7193
2009		222.166		223.854		225.692		225.801		226.051		224.239	224.395	223.305	225.484	0.7245
2010		226.145		227.697		228.110		227.954		228.107		227.658	227.469	226.994	227.944	0.7344
2011		229.981		234.121		233.646		234.608		235.331		234.327	233.390	232.082	234.698	0.7535
2012		236.880		238.985		239.806		241.170		242.834		239.533	239.650	238.099	241.201	0.7738
2013		242.677		244.675		245.935		246.072		246.617		245.711	245.023	243.894	246.152	0.7911
2014		248.615		251.495		253.317		253.354		254.503		252.273	251.985	250.507	253.463	0.8136
2015		254.910		257.622		259.117		259.917		261.019		260.289	258.572	256.723	260.421	0.8349
2016		262.600		264.565		266.041		267.853		270.306		269.483	266.344	263.911	268.777	0.8599
2017		271.626		274.589		275.304		275.893		277.570		277.414	274.924	273.306	276.542	0.8877
2018		281.308		283.422		286.062		287.664		289.673		289.896	285.550	282.666	288.435	0.9220
2019		291.227		294.801		295.259		295.490		298.443		297.007	295.004	293.150	296.859	0.9525
2020		299.690		298.074		300.032		300.182		301.736		302.948	300.084	299.109	301.059	0.9689
2021		304.387		309.419		309.497		311.167		313.265		315.805	309.721	306.724	312.718	1.0000
2022		320.195		324.878		330.539								323.408		

Employment Cost Index (NAICS)

Original Data Value

Series Id: CUI2010000120000I Data extracted on: August 2, 2022 (8:36:09 PM)
 Not seasonally adjusted
 Series Title: Total compensation for Private industry workers in Professional and related, Index
 Ownership: Private industry workers
 Component: Total compensation
 Occupation: Professional and related occupations
 Industry: All workers
 Subcategory: All workers
 Area: United States (National)
 Periodicity: Index number
 Years: 2005 to 2016

Year	Qtr1	Qtr2	Qtr3	Qtr4	2021 dollars
2005	98.0	98.8	99.5	100.0	0.6974
2006	101.0	101.8	103.1	103.9	0.7245
2007	104.9	105.9	106.7	107.3	0.7483
2008	108.3	109.0	109.9	110.3	0.7692
2009	111.0	111.1	111.4	111.4	0.7768
2010	112.2	112.6	113.3	113.5	0.7915
2011	114.6	115.1	115.4	115.7	0.8068
2012	116.8	117.3	117.7	118.2	0.8243
2013	118.9	119.5	120.2	120.5	0.8403
2014	121.0	121.9	122.5	122.9	0.8570
2015	123.7	124.1	124.5	124.9	0.8710
2016	125.7	126.2	126.7	126.7	0.8835
2017	127.8	128.7	129.1	129.6	0.9038
2018	130.8	131.6	132.3	132.8	0.9261
2019	133.7	134.4	135.1	135.6	0.9456
2020	136.8	137.0	137.8	138.4	0.9651
2021	139.7	140.5	142.2	143.4	1.0000

California Construction Cost Index, Department of General Services

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	2021 dollars		
2006	4620	4603	4597	4600	4599	4593	4609	4616	4619	4867	4891	4877	4,674	0.60878		
2007	4869	4868	4871	4872	4886	4842	4849	4851	4942	4943	4978	4981	4,896	0.63766		
2008	4983	4983	4999	5004	5023	5065	5135	5142	5194	5393	5375	5322	5,135	0.66876		
2009	5309	5295	5298	5296	5288	5276	5263	5265	5264	5259	5259	5262	5,278	0.68739		
2010	5260	5262	5268	5270	5378	5394	5401	5401	5381	5591	5599	5596	5,400	0.70331		
2011	5592	5624	5627	5636	5637	5643	5654	5667	5668	5675	5680	5680	5,649	0.73568		
2012	5683	5683	5738	5740	5755	5754	5750	5778	5777	5780	5779	5768	5,744	0.74872		
2013	5774	5782	5777	5786	5796	5802	5804	5801	5802	5911	5903	5901	5,820	0.75799	1.24%	
2014	5898	5896	5953	5956	5957	5961	5959	5959	5959	5969	5981	5977	5,952	0.77520	2.27%	
2015	6073	6077	6069	6062	6069	6055	6055	6055	6113	6114	6109	6108	6,080	0.79185	2.15%	
2016	6106	6132	6248	6249	6240	6238	6245	6244	6267	6343	6344	6373	6,252	0.81432	2.84%	
2017	6373	6373	6373	6461	6455	6470	6474	6620	6620	6596	6596	6596	6,501	0.84664	3.97%	
2018	6596	6596	6596	6596	6596	6598	6643	6613	6674	6679	6679	6684	6,629	0.86339	1.98%	
2019	6684	6700	6616	6841	6852	6854	6854	6823	6814	6851	6895	6924	6,809	0.88681	2.71%	
2020	6995	6945	6947	6955	6958	7041	6984	6988	7036	7120	7123	7120	7,018	0.91399	3.06%	
2021	7090	7102	7130	7150	7712	7746	7892	8122	7900	8080	8141	8072	7,678	1.00000	9.41%	21.14%

The California Construction Cost index is developed based upon Building Cost Index (BCI) cost indices for San Francisco and Los Angeles produced by Engineering News Record (ENR) and reported in the second issue each month for the previous month. This table is updated at the end of each month.

The ENR BCI reports cost trends for specific construction trade labor and materials in the California marketplace.

Accessed 8/2/2022

<https://www.dgs.ca.gov/RES/RESOURCES/Real-Estate-Services-Division-Resources-List-Folder/DGS-California-Construction-Cost-Index-CCCI>

Legend

red numbers are assumptions or data entered directly into the worksheet

blue numbers are links from other worksheets in the workbook

black numbers are calculations based on the above numbers

Cost factors are colored coded by primary source considered:

EBRPD (for HCP)
CCWD (for HCP)
Average of CCWD/EBRPD
ECCC Habitat Conservancy
J&S and EPS (for HCP)
AECOM, 2012
Updated by Insight Data & Economic Analysis, 2022
Updated with input from H.T. Harvey, 2017
Other estimated factors
Actual costs start-up and years 1 - 14
Estimate of EBRPD contributions to operational costs, start up and years 1-14
Summary actuals supercede model detail

Acres Acquired, Managed, and Restored within HCP/NCCP Preserves for Maximum Urban Development Area**2022 Update**

	Maximum UDA	Source
Total acres acquired/managed	30,200	(Table 5-9: mid-point of range)

Acres Acquired and Managed by Time Period

	Implementation Period (Years)					
	0	1-14	15-19	20-24	25-30 (6-year period)	Total
Total preserve acres acquired per period	-	12,050	5,672	5,672	6,806	30,200
Total preserve acres managed, cumulative	-	12,050	17,722	23,394	30,200	30,200

Assumptions:

Actual acquisition accounted for in years 1-5, 6-9 and 10 - 14; the net remaining requirement is allocated evenly over the remaining 16 years of the permit term.

Management and monitoring on acquired land has not kept pace with actual acquisition.

14,463.76	Total acres acquired through 2021 (Annual Report Table 8a)
1,681.1	Already conserved acres (no credit acres) on parcels acquired through 2021 (Annual Report Table 8a)
732.93	Other acres (outside acquisition zones) not credited to preserve system through 2021
12,049.7	Total acres acquired and credited toward preserve system

Land Cover Type Restored/Created by Time Period

	Implementation Period (Years)					
	0	1-14	15-19	20-24	25-30 (6-year period)	Total
Land Cover Type (acres except where noted)						
oak savanna	-	-	51.6	51.6	61.9	165.0
riparian woodland/scrub	-	5.40	15.5	15.5	18.6	55.0
perennial wetland (jurisdictional boundary)	-	0.16	10.1	10.1	12.1	32.5
seasonal wetland (jurisdictional boundary)	-	10.70	13.4	13.4	16.1	53.6
alkali wetland (jurisdictional boundary)	-	2.40	6.6	6.6	8.0	23.6
slough/channel	-	-	22.5	22.5	27.0	72.0
open water	-	-	-	-	-	-
ponds	-	0.61	6.7	6.7	8.0	22.0
streams (miles)	-	2.16	1.1	1.1	1.4	5.8
Total (acres)	-	20.58	127.1	127.1	152.5	427.2

Assumptions:

Total restoration requirements based on assumptions in the HCP/NCCP. Actual restoration will depend on actual impacts to these features.

Actual restoration accounted for in years 1-14; the net remaining requirement is allocated evenly over the next 16 years of the permit term.

For total acre calculation, streams are assumed to be 5 feet wide

30%	% of perennial, seasonal or alkali wetland complex acreage assumed to be jurisdictional wetland; for compensatory restor
-----	--

USED IN WETLAND FEE CALCULATION

	average acres/site or linear feet/site (streams)	% requiring substantial soil disturbance
Defining sites:		
riparian/woodland scrub sites by acreage conversion:	3	20%
wetlands and pond sites by acreage conversion	2.0	80%
stream sites by linear feet conversion:	1,000	90%

Restoration sites that require significant soil disturbance by land-cover type**USED IN WETLAND FEE CALCULATION**

	Implementation Period (Years)					
	0	1-14	15-19	20-24	25-30 (6-year period)	Total
Land Cover Type Restoration Sites						
riparian woodland/scrub	-	0.4	1.0	1.0	1.2	3.7
perennial wetland	-	0.1	4.0	4.0	4.9	13.0
seasonal wetland	-	4.3	5.4	5.4	6.4	21.4
alkali wetland	-	1.0	2.7	2.7	3.2	9.4
ponds	-	-	9.0	9.0	10.8	28.8
streams (miles/acres converted to sites)	-	10.2	5.4	5.4	6.5	27.6
Total sites for monitoring cost estimate	-	15.9	27.5	27.5	33.0	103.9

Assumptions:

Average acres/site and percent of sites requiring substantial soil disturbance calculated in table above.

Seasonal, perennial, and alkali wetland acreages in Tables 5-16 and 5-17 are for wetland complexes; for cost estimates and revenue projections the wetted acres of these complexes are assumed to be 30% of the total acres.

Summary of HCP/NCCP Personnel (Conservancy Staffing)

2022 Update

	2022 UPDATE STAFFING				POST PERMIT STAFFING Number of FTEs
	0-14	15-19	20-24	25-30	
UPDATE STAFFING					
Administrative staffing	no change				
Principal Planner		0.70	0.70	0.70	0.50
Senior Planner		0.70	0.70	0.70	0.25
Principal GIS Planner		0.05	0.05	0.05	0.05
Associate Planner		0.70	0.70	0.70	0.25
Assistant Planner		0.80	0.80	0.80	0.25
Planning Technician		0.35	0.35	0.35	0.10
Accountant		0.40	0.40	0.40	0.20
Admin – Secretary		Included in overhead rates			-
IT Support Staff					-
Total		3.70	3.70	3.70	1.60
Land acquisition staffing	no change				
Principal Planner		0.05	0.05	0.05	-
Senior Planner		0.20	0.20	0.20	-
Principal GIS Planner		0.05	0.05	0.05	-
Total		0.30	0.30	0.30	-
Management planning and design staffing	lower in last 5 years				
Principal Planner		0.10	0.10	0.05	-
Principal GIS Planner		0.05	0.05	0.05	-
Senior Planner		0.05	0.05	0.02	-
Associate Planner		0.05	0.05	0.02	-
Total		0.25	0.25	0.14	-
Habitat restoration and creation staffing	no change				
Principal Planner		0.05	0.05	0.05	-
Associate Planner		0.10	0.10	0.10	-
Total		0.15	0.15	0.15	-
Environmental compliance staffing	no change except 0 in last period				
Principal Planner		0.02	0.02	-	-
Senior Planner		0.05	0.05	-	-
Associate Planner - wetland fees		0.05	0.05	-	-
Assistant Planner - wetland fees		0.10	0.10	-	-
Total		0.22	0.22	-	-
Preserve management and maintenance staffing	higher in last 5 years				
Principal Planner		0.05	0.05	0.07	0.07
Associate Planner		0.05	0.05	0.10	0.10
Assistant Planner		0.10	0.10	0.15	0.15
Preserve Maintenance Staff		included in per acre cost factors			-
Total		0.20	0.20	0.32	0.32
Monitoring and research staffing	higher in last 5 years				
Principal Planner		0.03	0.03	0.08	0.05
Associate Planner		0.05	0.05	0.08	0.05
Total		0.08	0.08	0.16	0.10
Overall Staffing Plan					
Principal Planner		1.00	1.00	1.000	0.62
Senior Planner		1.00	1.00	0.92	0.25
Principal GIS Planner		0.15	0.15	0.15	0.05
Associate Planner		1.00	1.00	1.00	0.40
Assistant Planner		1.00	1.00	0.95	0.40
Planning Technician		0.35	0.35	0.35	0.10
Accountant		0.40	0.40	0.40	0.20
Admin – Secretary		Included in overhead rates			-
IT Support Staff					-
Preserve Maintenance Staff		included in per acre cost factors			-
Total		4.90	4.90	4.77	2.02

HCP/NCCP Program Administration and Permitting for Maximum Urban Development Area**2022 Update****(2021 dollars)**

<u>All Costs</u>	Cost by Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Staff and overhead					\$5,156,370	\$5,156,370	\$6,187,644	
Contractor assistance with administration					\$400,000	\$400,000	\$480,000	
Other administrative costs					\$55,000	\$55,000	\$66,000	
Vehicle / mileage allowance					\$7,500	\$7,500	\$9,000	
Travel					\$37,500	\$37,500	\$45,000	
Insurance					\$115,000	\$115,000	\$138,000	
Legal assistance					\$575,000	\$250,000	\$300,000	
Other permitting costs					\$15,000	\$15,000	\$18,000	
Financial analysis assistance					\$150,000	\$75,000	\$75,000	
Financial audit (annual)					\$100,000	\$100,000	\$120,000	
Public relations and outreach					\$50,000	\$50,000	\$60,000	
Total	\$223,698	\$4,671,472	\$4,866,552	\$7,808,559	\$6,661,370	\$6,261,370	\$7,498,644	\$37,991,665

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs				
		0	1-14	15-19	20-24	25-30
Principal Planner and support	\$206			0.70	0.70	0.70
Senior Planner and support	\$156			0.70	0.70	0.70
Principal GIS Planner and support	\$222			0.05	0.05	0.05
Associate Planner and support	\$132			0.70	0.70	0.70
Assistant Planner and support	\$109			0.80	0.80	0.80
Planning Technician and support	\$119			0.35	0.35	0.35
Accountant and support	\$157			0.40	0.40	0.40
Total FTEs				3.70	3.70	3.70
Total cost per year				\$1,031,274	\$1,031,274	\$1,031,274
Total cost per period				\$5,156,370	\$5,156,370	\$6,187,644

Notes/Assumptions:

Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

1,880 hours per year

Contractor Assistance with Administration	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$400,000	\$400,000	\$480,000

Assumption:

\$80,000 annual contractor cost per 2022 budget: for assistance with database, annual report, and permitting

Other Administrative Costs	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Memberships			\$50,000	\$50,000	\$60,000
Miscellaneous equipment and supplies			\$5,000	\$5,000	\$6,000
Cost per period			\$55,000	\$55,000	\$66,000

Assumption:

\$10,000 annual cost for Institute for Ecological Health (state and national), Bay Area Open Space Council, and East County Water Management Agency, based on actual Conservancy experience through 2021

\$1,000 annual cost based on actual Conservancy experience through 2021

Vehicle / Mileage Allowance	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$7,500	\$7,500	\$9,000

Assumption:

\$1,500 annual cost based on actual Conservancy experience through 2021

Travel	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$37,500	\$37,500	\$45,000

Assumption:

\$7,500 annual cost based on actual Conservancy experience through 2021

Insurance	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$115,000	\$115,000	\$138,000

Assumption:

\$23,000 annual cost based on actual Conservancy experience through 2021

Legal Assistance	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$575,000	\$250,000	\$300,000

Assumptions:

\$115,000	Annual cost for legal assistance, years 15 - 19
\$50,000	Annual cost for legal assistance, after year 19

Note: The legal assistance category covers legal assistance required for program administration and (for years 6 - 10) the environmental compliance category.

Legal assistance for land acquisition included in the due diligence cost factor in the land acquisition category.

Legal assistance is also estimated for the environmental compliance category.

Other Permitting Costs	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$15,000	\$15,000	\$18,000

Assumptions:

\$3,000	Annual cost per 2022 Budget
---------	-----------------------------

Financial Analysis Assistance	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$150,000	\$75,000	\$75,000

Assumptions:

\$75,000	Cost per period for financial analysis assistance
\$15,000	Annual cost years 15 - 19 for assistance with endowment and EBRPD cost sharing agreement

Financial analyst review will occur periodically over the life of the Plan (years 3, 6, 10, 15, 20 and 25).

Note: The financial analysis assistance category covers the periodic assistance of a financial analyst to review the program's cost/revenue balance, ensure that charges are adjusted in line with changing land costs and ensure compliance with State requirements on collection of fees.

Annual Financial Audit	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$100,000	\$100,000	\$120,000

Assumptions:

\$20,000	Cost per year for financial audit services based on Conservancy experience through 2021
----------	---

Annual financial audit of the Conservancy's financial statements by an independent auditor are required by the JPA agreement and Government Code.

Public Relations/Outreach	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Total cost per year			\$10,000	\$10,000	\$10,000
Cost per period			\$50,000	\$50,000	\$60,000

HCP/NCCP Land Acquisition for Maximum Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Cost by Implementation Period (Years)					
	0	1-14	15-19	20-24	25-30	Total
Land Acquisition	\$0	\$139,241,000	\$66,216,653	\$66,216,653	\$79,459,983	\$351,134,289
Site improvements	\$0	\$0	\$1,144,934	\$1,144,934	\$1,251,240	\$3,541,108
Staff and overhead	na	na	\$494,440	\$494,440	\$593,328	\$1,582,208
Due diligence	\$253,166	\$4,387,960	\$1,986,500	\$1,986,500	\$2,383,799	\$10,997,925
Total	\$253,166	\$165,742	\$69,842,527	\$69,842,527	\$83,688,351	\$223,792,311

Acquisition Cost over 30-year Program, Actuals year 1 - 14 + Projections Years 15 - 30 (2021 dollars)

Acquisition Analysis Zone	Cost by Implementation Period (Years)						Estimated Remainder 15-30
	0	1-14	15-19	20-24	25-30	Total	
Zone 1	\$0	\$12,711,000	\$5,405,441	\$5,405,441	\$6,486,530	\$30,008,413	\$17,297,413
Zone 2	\$0	\$52,222,000	\$20,527,038	\$20,527,038	\$24,632,446	\$117,908,522	\$65,686,522
Zone 3	\$0	\$3,553,000	\$356,768	\$356,768	\$428,121	\$4,694,656	\$1,141,656
Zone 4	\$0	\$10,748,000	\$21,381,668	\$21,381,668	\$25,658,001	\$79,169,336	\$68,421,336
Zone 5	\$0	\$42,738,000	\$13,737,272	\$13,737,272	\$16,484,726	\$86,697,269	\$43,959,269
Zone 6 (incl. within ULL along Marsh Creek)	\$0	\$8,523,000	\$3,742,794	\$3,742,794	\$4,491,353	\$20,499,940	\$11,976,940
Outside Inventory Area	\$0	\$0	\$550,443	\$550,443	\$660,532	\$1,761,417	\$1,761,417
Outside Acquisition Zones	\$0	\$8,746,000	\$515,230	\$515,230	\$618,276	\$10,394,735	\$1,648,735
Total	\$0	\$139,241,000	\$66,216,653	\$66,216,653	\$79,459,983	\$351,134,289	\$211,893,289
Assumptions:			40%				60%

Actual acquisition cost through year 14, in 2021 dollars. Updated 2021 land cost factors by cost category applied to remaining acquisition targets. Total remaining cost allocated evenly over remaining 16 years of the permit term.

See Appendix G and description of separate land cost model in Chapter 9.

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs				
		0	1-14	15-19	20-24	25-30
Principal Planner and support	\$206			0.05	0.05	0.05
Senior Planner and support	\$156			0.20	0.20	0.20
Principal GIS Planner and support	\$222			0.05	0.05	0.05
Total FTEs				0.30	0.30	0.30
Total cost per year				\$98,888	\$98,888	\$98,888
Total cost per period				\$494,440	\$494,440	\$593,328

Notes/Assumptions:

Actual staff costs for years 0 - 9 are included in the due diligence actuals below.

Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

1,880 hours per year

Due Diligence

Covers costs for appraisals, preliminary title report, escrow and other closing costs, boundary surveys, legal services, environmental and Phase 1 site assessment.

The 2006 cost model used more detailed unit costs. The result of applying those cost factors in the 2006 model was that due diligence represented about 4% of land acquisition costs.

For the 2012, 2016, and 2022 updates the model is simplified to assume due diligence costs (not including Conservancy staff costs) at 3% of land acquisition costs, roughly consistent with the experience of the Conservancy and EBRPD through 2021, during which time more than 50 percent of the preserve system goals for land acquisition took place. For years 10-30, Conservancy staff time costs are separately estimated and included in Program Staff line item above.

	Cost by Implementation Period (Years)						
	0	1-5	6-9	10-14	15-19	20-24	25-30
Due Diligence	\$253,166	\$2,296,923	\$1,479,004	\$612,033	\$1,986,500	\$1,986,500	\$2,383,799

Assumptions:

3.0%	Due diligence costs as a percentage of land acquisition cost.
------	---

Planning Surveys (Pre-Acquisition)

Based on Conservancy and EBRPD experience to date, initial property evaluation and planning is included in staff and consultant time.

Most significant field biological work is done post acquisition and is included as a monitoring cost.

Site Improvements

	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Demolition of old facilities			\$111,803	\$111,803	\$134,164
Repair of boundary fence			\$495,065	\$495,065	\$495,065
Repair and replacement of gates			\$118,341	\$118,341	\$118,341
Signs (boundary, landbank, etc.)			\$232,550	\$232,550	\$279,060
Other security (e.g., boarding up barns)			\$187,175	\$187,175	\$224,610
Total			\$1,144,934	\$1,144,934	\$1,251,240

Assumptions:

Most demolition to date is a condition of the transaction and assigned to the seller. Other site improvement costs included in EBRPD operations and maintenance costs to date.

\$9,856	Demolition of old facilities per 500 acres
\$6,600	Repair and replacement of gates per 100 acres
\$4,100	Signs (boundary, landbank, etc.) per 100 acres
\$3,300	Other security (e.g., boarding up barns) per 100 acres
180	Estimated number of parcels acquired years 15 - 30 assuming 100 acres per parcel
15,000	Average parcel boundary length in linear feet (from GIS analysis, grouping adjacent parcels with the same landowner)
\$6.11	Average cost per linear foot for boundary fence repair
15%	Proportion of boundary fence that needs repair

HCP/NCCP Management Planning and Design for Maximum Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Cost by Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Program staff and overhead					\$433,340	\$433,340	\$306,365	
Travel					\$12,500	\$12,500	\$15,000	
Contractors					\$1,000,000	\$1,000,000	\$500,000	
Total	\$0	\$1,772,511	\$938,155	\$1,840,187	\$1,445,840	\$1,445,840	\$821,365	\$8,263,898

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs				
		0	1-14	15-19	20-24	25-30
Principal Planner and support	\$206			0.10	0.10	0.05
Principal GIS Planner and support	\$222			0.05	0.05	0.05
Senior Planner and support	\$156			0.05	0.05	0.02
Associate Planner and support	\$132			0.05	0.05	0.02
Total FTEs				0.25	0.25	0.14
Total cost per year				\$86,668	\$86,668	\$51,061
Total cost per period				\$433,340	\$433,340	\$306,365

Note: Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies, .

1,880 hours per year

Travel

	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Total cost per period			\$12,500	\$12,500	\$15,000

Assumption:

\$2,500 annual cost based on Conservancy 2022 budget

Contractors

Contractor category	Contract value per period				
	0	1-14	15-19	20-24	25-30
Management planning			\$1,000,000	\$1,000,000	\$500,000
Total per period			\$1,000,000	\$1,000,000	\$500,000

Assumptions:

Restoration planning and designs included in habitat restoration/creation cost category.

\$1,000,000	per-period budget for management planning, through year 24
\$500,000	per-period budget for management planning, years 25 - 30

The management planning and design staff and contractors will conduct the following activities:

Management plans for cropland/pasture preserves

Management plans for natural area preserves

Grazing plans

Mapping work for management plans

Exotic plant control program (for the entire preserve system)

Fire management/control plan (for the entire preserve system)

HCP/NCCP Habitat Restoration/Creation (including planning and design) for Maximum Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Cost by Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Creation/Restoration					\$10,606,806	\$10,606,806	\$12,728,168	
Staff and overhead					\$220,900	\$220,900	\$265,080	
Travel					\$12,500	\$12,500	\$15,000	
Contractors					\$5,780,709	\$5,780,709	\$6,936,851	
Total	\$0	\$3,424,071	\$2,063,773	\$1,563,376	\$16,620,916	\$16,620,916	\$19,945,099	\$60,238,151

Land Cover Type Restored/Created

Land Cover Type (acres)	Implementation Period (Years)					Total
	0	1-14	15-19	20-24	25-30	
oak savanna	-	-	51.6	51.6	61.9	165.0
riparian woodland/scrub	-	5.4	15.5	15.5	18.6	55.0
perennial wetland	-	0.2	10.1	10.1	12.1	32.5
seasonal wetland	-	10.7	13.4	13.4	16.1	53.6
alkali wetland	-	2.4	6.6	6.6	8.0	23.6
slough/channel	-	-	22.5	22.5	27.0	72.0
open water	-	-	-	-	-	-
ponds	-	0.6	6.7	6.7	8.0	22.0
streams (miles)	-	2.2	1.1	1.1	1.4	5.8
Total (acres)	-	20.6	127.1	127.1	152.5	427.2

Cost of Restoration/Creation Construction

Land Cover Type	Units	Cost per unit	Cost by Implementation Period (Years)				
			0	1-14	15-19	20-24	25-30
oak savanna	acres	\$18,420			\$1,139,755	\$1,139,755	\$1,367,706
riparian woodland/scrub	acres	\$51,822			\$963,882	\$963,882	\$1,156,659
perennial wetland	acres	\$84,544			\$1,025,308	\$1,025,308	\$1,230,370
seasonal wetland	acres	\$100,838			\$1,622,239	\$1,622,239	\$1,946,687
alkali wetland	acres	\$102,041			\$811,222	\$811,222	\$973,467
slough/channel	acres	\$76,798			\$2,073,533	\$2,073,533	\$2,488,240
open water	acres	\$112,058			\$0	\$0	\$0
ponds	acres	\$112,058			\$898,842	\$898,842	\$1,078,611
streams	linear feet	\$287			\$2,072,024	\$2,072,024	\$2,486,429
Total					\$10,606,806	\$10,606,806	\$12,728,168

2017 update:
Revised cost per unit for oak savanna to \$15K based on review/input from H.T. Harvey
Revised cost per LF for stream restoration by eliminating the low cost outlier from the list of example projects. Also did not reduce unit cost by applying a 10% discount to be more conservative.

Assumptions:

Construction costs are highly variable and depend mostly on the amount, depth, and linear extent of earthwork expected, and whether water control structure are required. Plant propagation, seeding, and watering also included.

For 2017 and 2022 updates, unit costs increased based on change in the California Construction Cost Index published by the State of California Department of General Services. Available at:

<https://www.dgs.ca.gov/RES/RESOURCES/Content/Real-Estate-Services-Division-Resources-List-Folder/DGS-California-Construction-Cost-Index-CCCI>

20%

Contingency factor for restoration projects; assumed higher than the standard contingency because of the higher degree of uncertainty in this portion of the conservation program.

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs				
		0	1-14	15-19	20-24	25-30
Principal Planner and support	\$206			0.05	0.05	0.05
Associate Planner and support	\$132			0.10	0.10	0.10
Total FTEs				0.15	0.15	0.15
Total cost per year				\$44,180	\$44,180	\$44,180
Total cost per period				\$220,900	\$220,900	\$265,080
1,880	hours per year					

Assumptions:

Habitat Conservancy staff select sites, hire and oversee consultants for plans, specifications, and implementation.

Cost includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

Travel

	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Total cost per period			\$12,500	\$12,500	\$15,000

Assumption:

\$2,500 annual cost based on Conservancy 2022 budget

Contractors for restoration planning, design, construction oversight, and post-construction maintenance

Contractor category	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Design, plans, specifications, and engineering			\$3,500,246	\$3,500,246	\$4,200,295
Bid assistance			\$159,102	\$159,102	\$190,923
Construction oversight			\$1,060,681	\$1,060,681	\$1,272,817
Post-construction maintenance			\$1,060,681	\$1,060,681	\$1,272,817
Cost per period			\$5,780,709	\$5,780,709	\$6,936,851

Assumptions:

33%	percent of total construction cost required to complete restoration design and plans, specifications, engineering and provide allowance for remedial measures
1.50%	percent of total construction cost required for bid assistance
10%	percent of total construction cost required for construction oversight
10%	percent of total construction cost required for post construction maintenance

Restoration plans and designs of all types included in habitat restoration/creation cost category.

Design, plan, specification, and engineering work, bid assistance, and construction oversight will be conducted in the period in which construction takes place.

Two years of post-construction maintenance will be conducted in the period after construction takes place to maintain irrigation systems, conducting weeding, etc. Management costs after success criteria are met is included in development fee paid for same site (wetland mitigation fee is in addition).

Monitoring of restoration sites covered in the Monitoring cost category.

HCP/NCCP Environmental Compliance for Maximum Urban Development Area**2022 Update**

(2021 dollars)

All Costs	Cost by Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Staff and overhead					\$276,548	\$276,548	\$0	
Legal assistance					\$250,000	\$50,000	\$0	
NEPA/CEQA					\$558,300	\$558,300	\$0	
CWA 404					\$0	\$0	\$0	
CWA 401					\$11,000	\$11,000	\$0	
CDFG 1602					\$23,500	\$23,500	\$0	
NHPA					\$60,200	\$60,200	\$0	
Other					\$41,800	\$41,800	\$0	
Total	\$0	\$887,562	\$194,053	\$330,312	\$1,221,348	\$1,021,348	\$0	\$3,654,623

Note: Detail is not intended to be prescriptive; it is used as a means to generate an overall environmental compliance cost estimate.

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs					
		0	1-14	15-19	20-24	25-30	
Principal Planner and support	\$206			0.02	0.02	-	include in wetland fee calculation
Senior Planner and support	\$156			0.05	0.05	-	
Associate Planner and support	\$132			0.05	0.05	-	
Assistant Planner and support	\$109			0.10	0.10	-	
Total FTEs				0.22	0.22	-	
Total cost per year				\$55,310	\$55,310	\$0	\$32,900
Total cost per period				\$276,548	\$276,548	\$0	\$164,500

Note: Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

1,880 hours per year

Legal Assistance and Technical Support for Coordinated Regional Wetland Permitting

	Cost by Implementation Period (Years)				
	0	1-14	15-19	20-24	25-30
Cost per period			\$250,000	\$50,000	\$0

Assumptions:

\$25,000	Annual cost for legal assistance with wetland permitting, years 15 - 20
\$25,000	Annual cost for technical support with wetland permitting, years 15 - 20

Number of Projects Requiring Environmental Compliance

Project size	Size Range	Number					Total over Permit Term
		0	1-14	15-19	20-24	25-30	
Small/simple	up to 10 acres or up to 0.1 stream miles			4	4	-	20
Medium/more complex	10.1-50 acres or 0.1-0.5 stream miles			4	4	-	20
Large/most complex	over 50 acres or 0.5 stream miles			2	2	-	10
Total projects remainder of permit term				10	10	-	20

Assumptions:

Details are not prescriptive but are a reasonable means of generating an overall cost for the environmental cost category.

Of the total of approximately 50 projects that would require environmental compliance, 1/5 would require compliance in each 5-year period between years 1 and 25.

Environmental Compliance Cost per Project Size and Compliance Category (2021 dollars)

Project size	Size Range	Estimate Project Cost within DFG jurisdiction		Project Impacts to Wetlands for CWA 401		Compliance Category					
				Minimum	Maximum	CEQA	CWA 404	CWA 401	CDFG 1602	NHPA	Other
Small/simple	up to 10 acres or up to 0.1 stream miles	\$ 2,000	\$ 25,000	0.001	0.01	\$7,346	\$0	\$968	\$1,130	\$3,673	\$3,482
Medium/more complex	10.1-50 acres or 0.1-0.5 stream miles	\$ 25,001	\$ 100,000	0.0121	0.07	\$58,767	\$0	\$1,130	\$2,425	\$5,142	\$4,179
Large/most complex	over 50 acres or 0.5 stream miles	\$ 100,001	\$500,000 or more	0.073	0.30	\$146,918	\$0	\$1,291	\$4,654	\$12,488	\$5,572

Assumptions:

Details are not prescriptive but are a reasonable means of generating an overall cost for the environmental cost category.

Assumed wetland impact determined by AECOM based experience with typical projects that would be expected to be implemented by the Conservancy. For example wetland restoration/creation projects, stream restoration projects, adaptive management measures for existing wetland features and facilities improvements. In general, it is expected that impacts to wetlands and streams would be avoided if at all possible. Of the stream length indicated, assumed only 10% of that length would be impacted and an average stream width of 10 feet.

For NEPA/CEQA, 401/404 and 1602 compliance, varying costs have more to do with project complexity than with project size.

Clean Water Act 401 and 1602 permits will be done on a per-project basis

Cultural compliance permits will be done on a per-project basis.

Contra Costa Conservancy staff will prepare permit applications and notification for the 401, 404 and 1600 applications, thereby resulting in no consultant cost for permit preparation. This table also assumes that the permits for Water Quality Certification (CWA 401) and Streambed Alteration Agreement (DFG 1602) will not be secured under programmatic or Master permit processes.

Permitted projects would be completed within the time limit allotted for the permits; no extensions or re-application would be required.

The "other" compliance category could include county grading permits, road encroachment permits, or other local approvals.

NEPA/CEQA

Depending on the level of detail that is provided for specific projects, they may or may not be able to be covered under the HCP EIR/EIS.

For those without sufficient detail, additional environmental documentation may need to be prepared.

It is likely that the majority of those would be in the form of mitigated negative declarations.

Because it is difficult to provide a cost estimate for a project without knowing details such as location, size, etc., the following are some rough numbers based on level of controversy:

Small scale non-controversial projects = Cat Excl/Cat Exemp

Medium scale more controversial projects = IS MND/EA FONSI

Larger scale more controversial projects = EIR/EIS

All land acquisitions would be a categorical exemption under CEQA as well as under NEPA, when NEPA applies.

401/404

The cost of conducting wetland delineations is not included under CWA 404/401 compliance; it is expected that delineation would be covered under land acquisition costs.

Each project implemented under the HCP will qualify for compliance under the USACE 404 regional permit program for the inventory area; there is no fee for 404 permit applications.

Tasks associated with Section 402 compliance are not included in this cost estimate.

CWA 401 fee cost estimate assumes all projects qualify for flat fees in Category D Ecological Restoration and Enhancement Projects, as allowed under State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State, adopted by the State Water Board on April 2, 2019. FY 21/22 Water Quality Certification Dredge and Fill Application Fee Calculator (Effective 11/8/21) Available:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/

NHPA

Archaeological surveys can be conducted at an intensive level at a rate of 40 acres per person per day.

No more than one cultural resource will be identified per 40 acres or part thereof.

This scope of work and cost estimate does not include tasks necessary for significance evaluations and resolution of adverse effects.

CDFG 1602

DFG 1602 costs are estimated based on the assumed cost of project activities within DFW jurisdiction per Fish and Game Code Sections 1600-1616, and the fee schedule corresponding to the project costs. Average cost based on mean of minimum and maximum fee amounts for standard agreements. California Department of Fish and Wildlife Lake and Streambed Alteration Agreements and Fees, Effective January 1, 2022. Available:

<https://wildlife.ca.gov/Conservation/Environmental-Review/LSA#55227743-fees>

HCP/NCCP Preserve Management and Maintenance for Maximum Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Program staff and overhead					\$261,320	\$261,320	\$495,982	
Invasive Plant Control					\$1,545,290	\$2,112,486	\$3,283,682	
Invasive Wildlife Control					\$309,058	\$422,497	\$656,736	
Grazing Management					\$772,645	\$1,056,243	\$1,641,841	
Wildfire Management					\$1,313,497	\$1,795,613	\$2,791,130	
Security					\$231,794	\$316,873	\$492,552	
Roads and Trails					\$231,794	\$316,873	\$492,552	
Maintenance and Support					\$309,058	\$422,497	\$656,736	
Annual Reporting					\$77,265	\$105,624	\$164,184	
Law Enforcement					\$1,158,968	\$1,584,365	\$2,462,762	
Administrative and General Expense					\$1,777,084	\$2,429,359	\$3,776,235	
Total	\$0	\$548,525	\$2,478,883	\$3,620,712	\$7,987,773	\$10,823,750	\$16,914,392	\$42,374,035

NOTE: Costs for years 1 - 14 include expenditures by the East Bay Regional Park District (EBRPD) on land maintenance activities on Conservancy properties (staff costs, maintenance supplies, maintenance services from inception through 2021). Details provided by the EBRPD and East Contra Costa County Habitat Conservancy.

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs						
		0	1-5	6-9	10-14	15-19	20-24	25-30
Principal Planner and Support	\$206					0.05	0.05	0.07
Associate Planner and support	\$132					0.05	0.05	0.10
Assistant Planner and support	\$109					0.10	0.10	0.15
Total FTEs						0.20	0.20	0.32
Total cost per year						\$52,264	\$52,264	\$82,664
Total cost per period						\$261,320	\$261,320	\$495,982

Note: Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

1,880 hours per year, excluding vacation

HCP/NCCP Preserve Management and Maintenance for Maximum Urban Development Area**2022 Update****(2021 dollars)****Preserve Acres Managed**

	Implementation Period				
	0	1-14	15-19	20-24	25-30
Total preserve acres acquired per period		12,050	5,672	5,672	6,806
Acres acquired and managed by end of period		12,050	17,722	23,394	30,200

Assumptions:

Total costs related to habitat and species protection on preserve system lands whether or not costs incurred by EBRPD or Conservancy.

All work (except law enforcement) performed by EBRPD staff including Park Rangers, Supervisors, Stewardship staff, Heavy Equipment Operators, and Fire Department. Law enforcement cost assumes contract with Contra Costa County Sheriff.

Costs per acre (except law enforcement) based on estimates prepared by EBRPD staff for implementation of the Vasco Hills / Byron Vernal Pools

Preserve Management Plan prepared for the Conservancy (2018 draft).

Cost estimates assume preserve system land is acquired and managed in equal annual increments over the remainder of the implementation period and that cost increases incrementally as acreage under management increases.

Invasive Plant Control

	Implementation Period				
	0	1-14	15-19	20-24	25-30
Cost per period			\$1,545,290	\$2,112,486	\$3,283,682

Assumptions:

\$20 annual cost per acre for invasive plant control

Patrol, work planning, cultural, manual, mechanical, chemical control.

Invasive Wildlife Control

	Implementation Period				
	0	1-14	15-19	20-24	25-30
Cost per period			\$309,058	\$422,497	\$656,736

Assumptions:

\$4 annual cost per acre for invasive wildlife control

Observation, recording, and controlling bullfrog, fish, and feral mammals.

Grazing Management

	Implementation Period				
	0	1-14	15-19	20-24	25-30
Cost per period			\$772,645	\$1,056,243	\$1,641,841

Assumptions:

\$10 annual cost per acre for grazing management

Data collection, administration, infrastructure repair, permitting, grazing management, reporting.

Wildfire Management

	Implementation Period				
	0	1-14	15-19	20-24	25-30
Cost per period			\$1,313,497	\$1,795,613	\$2,791,130

Assumptions:

\$17 annual cost per acre for wildfire management

Fire suppression planning and wildfire management; fuels coordinator. Fuel reduction included in invasive plant control cost category.

HCP/NCCP Preserve Management and Maintenance for Maximum Urban Development Area**2022 Update****(2021 dollars)**

Security	Implementation Period				
	0	1-14	15-19	20-24	25-30
Cost per period			\$231,794	\$316,873	\$492,552
Assumptions:					
	\$3	annual cost per acre for security maintenance and repair			
Gate and fence installation, inspection, and repairs.					

Roads & Trails	Implementation Period				
	0	1-14	15-19	20-24	25-30
Cost per period			\$231,794	\$316,873	\$492,552
Assumptions:					
	\$3	annual cost per acre for roads and trails maintenance and repair			
Road grading, maintenance, and tree and brush removal.					

On-going Maintenance and Support	Implementation Period				
	0	1-14	15-19	20-24	25-30
Cost per period			\$309,058	\$422,497	\$656,736
Assumptions:					
	\$4	annual cost per acre for on-going maintenance and support			
Equipment maintenance, service yard, (including support). Trash and debris removal from non-recreation areas.					

Annual Reporting	Implementation Period				
	0	1-14	15-19	20-24	25-30
Cost per period			\$77,265	\$105,624	\$164,184
Assumptions:					
	\$1	annual cost per acre for annual management reporting			
Internal EBRPD reporting (Red Book) and Annual Report to ECCCHC.					

Law Enforcement	Implementation Period				
	0	1-14	15-19	20-24	25-30
Cost per period			\$1,158,968	\$1,584,365	\$2,462,762
Assumptions:					
	\$15	annual cost per acre for law enforcement			

Law enforcement primarily for habitat and species protection. Based on annual cost of Contra Costa County Sheriff contract to provide law enforcement services to the Contra Costa Water District Los Vaqueros Watershed (18,500 acres of protected watershed lands and 1,900 acres reservoir). Includes a level of cost related to public access commensurate with the level of service required at the Los Vaqueros Watershed.

Administrative and General Expense	Implementation Period				
	0	1-14	15-19	20-24	25-30
Cost per period			\$1,777,084	\$2,429,359	\$3,776,235
Assumptions:					
	\$23	annual cost per acre for administrative and general expense			

Covers the following General and Administrative Expenses: fuel, tools, equipment, and other supplies used in the course of preserve land management and services (utility fees, contractors, and other costs) incurred in the course of reserve land management. Also covers internal services costs for equipment replacement and infrastructure renovation and replacement. **Does not include indirect and direct EBRPD overhead costs.**

HCP/NCCP Monitoring, Research, and Adaptive Management for Maximum Urban Development Area**2022 Update****(2021 dollars)**

All Costs	Cost by Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Staff and overhead					\$120,132	\$120,132	\$305,011	
Contractors					\$1,000,000	\$1,875,000	\$3,000,000	
Directed research					\$500,000	\$500,000	\$600,000	
Adaptive management					\$215,000	\$215,000	\$215,000	
Total	\$0	\$654,741	\$604,793	\$936,384	\$1,835,132	\$2,710,132	\$4,120,011	\$10,861,193

Conservancy Staff and Overhead

Position	Hourly Cost per FTE with Overhead & Support	Number of FTEs				
		0	1-14	15-19	20-24	25-30
Principal Planner and support	\$206			0.03	0.03	0.08
Associate Planner and support	\$132			0.05	0.05	0.08
Total FTEs				0.08	0.08	0.16
Total cost per year				\$24,026	\$24,026	\$50,835
Total cost per period				\$120,132	\$120,132	\$305,011

Note: Hourly cost factor includes staff salary and benefits, salaries and benefits of administrative support staff (secretaries, clerks, IT staff, etc.) and associated overhead, including space and utility costs, office furniture, equipment, and supplies.

1,880 hours per year

Contractors

	Contract value per period				
	0	1-14	15-19	20-24	25-30
Monitoring contractors			\$1,000,000	\$1,875,000	\$3,000,000
Total per period			\$1,000,000	\$1,875,000	\$3,000,000
	Metrics for gross annual budget estimate==>		Preserve Acres (end of period)	Restored Acres (per period)	Rough annual cost per preserve acre
\$200,000	annual budget for monitoring contractors, years 15-19		17,722	127	\$11
\$375,000	annual budget for monitoring contractors, years 20-24		23,394	127	\$16
\$500,000	annual budget for monitoring contractors, years 25-30		30,200	152	\$17

Assumptions:

Contractor activities include field data collection, analysis, and reporting. Costs include travel.

Some preserve covered activities and conservation measures require pre-construction surveys and construction monitoring. This work will be done by contractors. Contractors will conduct pre-construction surveys prior to construction as well as construction monitoring periodically during the construction period. All covered activities require compliance with HCP/NCCP pre-construction avoidance and minimization measures.

Note that planning, preconstruction surveys and construction monitoring for covered activities outside of preserves will be paid for by developers. These costs are not included here.

Species-response monitoring is covered in the restoration category when contractors will monitor restoration, creation, and enhancement sites during the 5-year period following the restoration activity.

Post-acquisition biological inventories will build on planning surveys. Inventory will include mapping of weeds and invasive plants.

Status and trends monitoring will occur after preserve land is purchased through year 30. Status and trend monitoring will build on planning surveys and post-acquisition inventories, when appropriate.

Directed Research

	0	1-14	15-19	20-24	25-30
Average cost per year to fund directed research			\$100,000	\$100,000	\$100,000
Total cost per period			\$500,000	\$500,000	\$600,000

Adaptive Management

	0	1-14	15-19	20-24	25-30
Average Independent Conservation Assessment Team cost per period			\$36,000	\$36,000	\$36,000
Average Science Advisors cost per period			\$179,000	\$179,000	\$179,000
Total cost per period			\$215,000	\$215,000	\$215,000

Assumptions:

Adaptive management experiments are covered under the monitoring staff and directed research categories.

As of this 2022 update, this type of periodic scientific review is conducted by the Conservancy's on-call biologist contractors.

The Conservancy convened a Science Advisory Panel in year 10 and plans to do the same in year 20.

The Conservancy's Preserve Monitoring Plan remains in the draft stage.

The following assumptions generate a scientific review budget to inform adaptive management:

An Independent Conservation Assessment Team meets once every 4 years and has:

5	members
\$7,200	stipend per member per 5-year period

Science Advisors Panel consists of:

10	members
\$17,900	stipend per member per 5-year period

Remedial Measures for Maximum Urban Development Area

2022 Update

(2021 dollars)

All Costs	Implementation Period (Years)							Total
	0	1-5	6-9	10-14	15-19	20-24	25-30	
Remedial measures	\$0	\$0	\$0	\$0	\$262,890	\$208,134	\$3,477,304	\$3,948,328
Total	\$0	\$0	\$0	\$0	\$262,890	\$208,134	\$3,477,304	\$3,948,328

Note: Actual costs are included in habitat restoration/creation and preserve management cost categories.

Remedial Measures

	0	1-5	6-9	10-14	15-19	20-24	25-30
Cost of created/restored habitat per period			\$2,063,773	\$1,563,376	\$10,606,806	\$10,606,806	\$12,728,168
Cost for remedial measures for created/restored habitat per period					\$206,377	\$156,338	\$3,394,178
Area of new preserve not including created/restored habitat per period	-	7,578	3,488	962	5,545	5,545	6,654
Cost for remedial measures for preserves per period					\$6,513	\$1,797	\$33,126
Cost for other remedial measures per period					\$50,000	\$50,000	\$50,000
Total cost per period					\$262,890	\$208,134	\$3,477,304

Assumptions:	
2%	Percent of annual preserve management and maintenance cost assumed to be needed for preserve remedial actions.
10%	Percent of created/restored habitat for which remedial measures will be required.
\$93	Cost per acre for preserve management and maintenance in years 26-30.
63%	Percent of land acquisition in years 1 - 14 occurring in years 1 - 5
29%	Percent of land acquisition in years 1 - 14 occurring in years 6 - 9
8%	Percent of land acquisition in years 1 - 14 occurring in years 10 - 14

Remedial actions are assumed to occur in the **second** 5-year period after habitat is created/restored or preserve land is purchased, with the exception of remedial actions for habitat created/restored in years 20-30. The cost for these remedial actions is included in years 25-30 so that it can be captured in this cost estimate.

The remedial cost for preserve lands is assumed to be a percentage of the cost per acre for preserve management and maintenance in years 25-30, and is assumed to be needed once, in the **second** 5-year period after the preserve land is purchased. The costs for preserves areas acquired in years 20 - 30 is included in years 26-30 so that it can be captured in this cost estimate.

The cost for other remedial measures includes the costs for restoration or maintenance of preserve areas because of other changed circumstances, such as wildfire.

Contingency Fund for Maximum Urban Development Area**2022 Update****(2021 dollars)**

	0	1-5	6-9	10-14	15-19	20-24	25-30	Total
Total cost of program excluding land acquisition/site improvements and habitat restoration/creation construction costs	\$0	\$0	\$0	\$0	\$27,909,402	\$30,965,623	\$43,025,775	\$101,900,800
Contingency	\$0	\$0	\$0	\$0	\$1,395,470	\$1,548,281	\$2,151,289	\$5,095,040

Assumptions:

5.0% Percent of total program funding needed for contingency

Post-Permit Costs for Initial Urban Development Area**2022 Update****(2021 dollars)****Post-Permit Costs**

Cost Category	Annual Costs	Assumptions
Total Cost		
Program Administration	\$497,000	Reduced staffing and no legal and financial contractor costs
Land Acquisition	\$0	Acquisition complete during permit term
Planning and Design	\$0	Planning and design work complete during permit term
Habitat Restoration/Creation	\$0	Restoration/creation projects constructed during permit term
Environmental Compliance	\$0	Not required, post permit
Preserve Management and Maintenance	\$2,819,100	Assume 100 percent of annual average costs in years 25 - 30
Monitoring, Research, and Adaptive Management	\$343,300	Assume 50 percent of annual average costs in years 25 - 30
Remedial Measures	\$0	Not required, post permit
Contingency	\$0	Not required, post permit
Total	\$3,659,400	

Total preserve system acres	30,200
Annual average cost per acre managed	\$121
Percent of average annual cost years 25 - 30	16%

APPENDIX E: ENDOWMENT MODEL UPDATE

Tables E.1 and **E.2** present the endowment model results for the initial and maximum UDA scenarios, respectively.

Table E.1: Endowment Fund - Initial Urban Development Area (2021 \$)

Year	2022	2023	2024	2025	2026	2027	2028	2029
<i>Permit Year</i>	<i>15</i>	<i>16</i>	<i>17</i>	<i>18</i>	<i>19</i>	<i>20</i>	<i>21</i>	<i>22</i>
Beginning Fund Balance	\$3,917,630	\$6,990,803	\$14,798,497	\$18,214,633	\$21,741,794	\$25,383,587	\$29,176,637	\$33,125,859
Development Revenue								
Mitigation Fee ¹	\$2,802,400	\$2,802,400	\$2,802,400	\$2,802,400	\$2,802,400	\$2,802,400	\$2,802,400	\$2,802,400
CWF ²	\$0	\$3,182,808	\$0	\$0	\$0	\$0	\$0	\$0
Pinn Bros./Pulte	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278
Summer Lakes	\$0	\$1,462,500	\$0	\$0	\$0	\$0	\$0	\$0
Cypress Preserve	\$0	\$0	\$0	\$0	\$0	\$32,898	\$65,796	\$98,694
Subtotal	\$2,821,678	\$7,466,986	\$2,821,678	\$2,821,678	\$2,821,678	\$2,854,576	\$2,887,474	\$2,920,372
Leases ³	\$124,172	\$113,507	\$113,507	\$113,507	\$113,507	\$113,507	\$113,507	\$113,507
Investment Earnings ⁴	\$127,323	\$227,201	\$480,951	\$591,976	\$706,608	\$824,967	\$948,241	\$1,076,590
Total Revenues	\$3,073,173	\$7,807,694	\$3,416,136	\$3,527,161	\$3,641,793	\$3,793,050	\$3,949,222	\$4,110,469
Ending Fund Balance	\$6,990,803	\$14,798,497	\$18,214,633	\$21,741,794	\$25,383,587	\$29,176,637	\$33,125,859	\$37,236,328
Year	2030	2031	2032	2033	2034	2035	2036	2037
<i>Permit Year</i>	<i>23</i>	<i>24</i>	<i>25</i>	<i>26</i>	<i>27</i>	<i>28</i>	<i>29</i>	<i>30</i>
Beginning Fund Balance	\$37,236,328	\$41,513,286	\$45,959,742	\$50,583,607	\$55,390,645	\$60,383,685	\$66,591,487	\$72,014,350
Development Revenue								
Mitigation Fee ¹	\$2,802,400	\$2,802,400	\$2,802,400	\$2,802,400	\$2,802,400	\$2,802,400	\$2,802,400	\$2,802,400
CWF ²	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pinn Bros./Pulte	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278
Summer Lakes	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cypress Preserve	\$131,592	\$164,490	\$197,388	\$230,286	\$263,184	\$1,315,672	\$328,980	\$347,293
Subtotal	\$2,953,270	\$2,986,168	\$3,019,066	\$3,051,964	\$3,084,862	\$4,137,350	\$3,150,658	\$3,168,971
Leases ³	\$113,507	\$111,107	\$111,107	\$111,107	\$107,982	\$107,982	\$107,982	\$58,461
Investment Earnings ⁴	\$1,210,181	\$1,349,182	\$1,493,692	\$1,643,967	\$1,800,196	\$1,962,470	\$2,164,223	\$2,340,466
Total Revenues	\$4,276,958	\$4,446,457	\$4,623,865	\$4,807,038	\$4,993,040	\$6,207,802	\$5,422,863	\$5,567,899
Ending Fund Balance	\$41,513,286	\$45,959,742	\$50,583,607	\$55,390,645	\$60,383,685	\$66,591,487	\$72,014,350	\$77,582,249

Table E.1: Endowment Fund - Initial Urban Development Area (2021 \$) (continued)

Year <i>Permit Year</i>	Total <i>Year 15 - 30</i>	Annual <i>Post-Permit</i>
Beginning Fund Balance	\$3,917,630	\$77,582,249
Development Revenue		
Mitigation Fee ¹	\$44,838,400	\$0
CWF ²	\$3,182,808	\$0
Pinn Bros./Pulte	\$308,448	\$19,278
Summer Lakes	\$1,462,500	\$0
Cypress Preserve	<u>\$3,176,273</u>	<u>\$347,293</u>
Subtotal	\$52,968,429	\$366,571
Leases ³	\$1,747,957	270,605
Investment Earnings ⁴	<u>\$18,948,234</u>	<u>\$2,521,423</u>
Total Revenues	\$73,664,619	\$3,158,600
Post-Permit Costs	<u>NA</u>	<u>(\$3,158,600)</u>
Net Cash Flow	<u>\$73,664,619</u>	<u>(\$0)</u>
Ending Fund Balance	\$77,582,249	\$77,582,249

¹ Mitigation fee calculated to result in close to \$0 annual net cash flow post-permit term.

² Proceeds from California Wildlife Foundation (CWF) primarily associated with mitigation payments made prior to Plan implementation (in 2021 \$).

³ Based on 2021 revenue from 13 leases. Eight communication tower leases are assumed to continue in perpetuity. Five wind power, residential, and agricultural leases are assumed to expire prior to the end of the permit term.

⁴ Investment earnings = Beginning Fund Balance x Annual Real Rate of Return on Investments (ROI). Real ROI equals 3.25% and is net of inflation and all administrative and investment management fees.

Sources: Regional Parks Foundation (2022 beginning fund balance); National Fish and Wildlife Foundation (rate of return on investment); Appendix C (Post-Permit Costs table); and Appendix F, Tables F.2, F.3, and F.4 (endowment contributions to date, development project revenue, and lease revenue).

Table E.2: Endowment Fund – Maximum Urban Development Area (2021 \$)

Year	2022	2023	2024	2025	2026	2027	2028	2029
<i>Permit Year</i>	<i>15</i>	<i>16</i>	<i>17</i>	<i>18</i>	<i>19</i>	<i>20</i>	<i>21</i>	<i>22</i>
Beginning Fund Balance	\$3,917,630	\$7,740,310	\$16,321,870	\$20,537,023	\$24,889,168	\$29,382,758	\$34,055,288	\$38,912,573
Development Revenue								
Mitigation Fee ¹	\$3,551,907	\$3,551,907	\$3,551,907	\$3,551,907	\$3,551,907	\$3,551,907	\$3,551,907	\$3,551,907
CWF ²	\$0	\$3,182,808	\$0	\$0	\$0	\$0	\$0	\$0
Pinn Bros./Pulte	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278
Summer Lakes	\$0	\$1,462,500	\$0	\$0	\$0	\$0	\$0	\$0
Cypress Preserve	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$32,898</u>	<u>\$65,796</u>	<u>\$98,694</u>
Subtotal	\$3,571,185	\$8,216,493	\$3,571,185	\$3,571,185	\$3,571,185	\$3,604,083	\$3,636,981	\$3,669,879
Leases ³	\$124,172	\$113,507	\$113,507	\$113,507	\$113,507	\$113,507	\$113,507	\$113,507
Investment Earnings ⁴	<u>\$127,323</u>	<u>\$251,560</u>	<u>\$530,461</u>	<u>\$667,453</u>	<u>\$808,898</u>	<u>\$954,940</u>	<u>\$1,106,797</u>	<u>\$1,264,659</u>
Total Revenues	<u>\$3,822,680</u>	<u>\$8,581,560</u>	<u>\$4,215,153</u>	<u>\$4,352,145</u>	<u>\$4,493,590</u>	<u>\$4,672,530</u>	<u>\$4,857,285</u>	<u>\$5,048,045</u>
Ending Fund Balance	\$7,740,310	\$16,321,870	\$20,537,023	\$24,889,168	\$29,382,758	\$34,055,288	\$38,912,573	\$43,960,617
Year	2030	2031	2032	2033	2034	2035	2036	2037
<i>Permit Year</i>	<i>23</i>	<i>24</i>	<i>25</i>	<i>26</i>	<i>27</i>	<i>28</i>	<i>29</i>	<i>30</i>
Beginning Fund Balance	\$43,960,617	\$49,205,621	\$54,651,586	\$60,307,443	\$66,180,013	\$72,273,214	\$79,616,932	\$86,212,630
Development Revenue								
Mitigation Fee ¹	\$3,551,907	\$3,551,907	\$3,551,907	\$3,551,907	\$3,551,907	\$3,551,907	\$3,551,907	\$3,551,907
CWF ²	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pinn Bros./Pulte	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278	\$19,278
Summer Lakes	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cypress Preserve	<u>\$131,592</u>	<u>\$164,490</u>	<u>\$197,388</u>	<u>\$230,286</u>	<u>\$263,184</u>	<u>\$1,315,672</u>	<u>\$328,980</u>	<u>\$347,293</u>
Subtotal	\$3,702,777	\$3,735,675	\$3,768,573	\$3,801,471	\$3,834,369	\$4,886,857	\$3,900,165	\$3,918,478
Leases ³	\$113,507	\$111,107	\$111,107	\$111,107	\$107,982	\$107,982	\$107,982	\$58,461
Investment Earnings ⁴	<u>\$1,428,720</u>	<u>\$1,599,183</u>	<u>\$1,776,177</u>	<u>\$1,959,992</u>	<u>\$2,150,850</u>	<u>\$2,348,879</u>	<u>\$2,587,550</u>	<u>\$2,801,910</u>
Total Revenues	<u>\$5,245,004</u>	<u>\$5,445,965</u>	<u>\$5,655,857</u>	<u>\$5,872,570</u>	<u>\$6,093,201</u>	<u>\$7,343,718</u>	<u>\$6,595,697</u>	<u>\$6,778,850</u>
Ending Fund Balance	\$49,205,621	\$54,651,586	\$60,307,443	\$66,180,013	\$72,273,214	\$79,616,932	\$86,212,630	\$92,991,480

Table E.2: Endowment Fund – Maximum Urban Development Area (2021 \$) (continued)

Year <i>Permit Year</i>	Total <i>Year 15 - 30</i>	Annual <i>Post-Permit</i>
Beginning Fund Balance	\$3,917,630	\$92,991,480
Development Revenue		
Mitigation Fee ¹	\$56,830,512	\$0
CWF ²	\$3,182,808	\$0
Pinn Bros./Pulte	\$308,448	\$19,278
Summer Lakes	\$1,462,500	\$0
Cypress Preserve	<u>\$3,176,273</u>	<u>\$347,293</u>
Subtotal	\$64,960,541	\$366,571
Leases ³	\$1,747,957	270,605
Investment Earnings ⁴	<u>\$22,365,352</u>	<u>\$3,022,223</u>
Total Revenues	\$89,073,850	\$3,659,400
Post-Permit Costs	<u>NA</u>	<u>(\$3,659,400)</u>
Net Cash Flow	<u>\$89,073,850</u>	<u>(\$0)</u>
Ending Fund Balance	\$92,991,480	\$92,991,479

¹ Mitigation fee calculated to result in close to \$0 annual net cash flow post-permit term.

² Proceeds from California Wildlife Foundation (CWF) primarily associated with mitigation payments made prior to Plan implementation (in 2021 \$).

³ Based on 2021 revenue from 13 leases. Eight communication tower leases are assumed to continue in perpetuity. Five wind power, residential, and agricultural leases are assumed to expire prior to the end of the permit term.

⁴ Investment earnings = Beginning Fund Balance x Annual Real Rate of Return on Investments (ROI). Real ROI equals 3.25% and is net of inflation and all administrative and investment management fees.

Sources: Regional Parks Foundation (2022 beginning fund balance); National Fish and Wildlife Foundation (rate of return on investment); Appendix D (Post-Permit Costs table); and Appendix F, Tables F.2, F.3, and F.4 (endowment contributions to date, development project revenue, and lease revenue).

APPENDIX F: REVENUE DATA

Appendix F provides detail on the revenue data used in the audit.

Table F.1 provides the index used to inflate actual costs and revenues from prior years to current (2021) dollars. The index is based on changes in the Conservancy's mitigation fee schedule, thus replicating the same index used to reflect inflation in Plan costs. The fees are adjusted annually based on published price indices and periodically based on prior.³⁷

Table F.2 shows endowment contributions through fiscal year 2022.

Table F.3 shows how development project revenue paid in lieu of the development fee is estimated for the remaining permit term. This revenue is entirely allocated to the endowment.

Table F.4 shows lease revenue from activities on preserve lands using 2021 as the base year. The table shows the allocation of estimated future revenue to the endowment, land acquisition and preserve management for the remainder of the permit term based on the 2020 lease revenue allocation agreement between the Conservancy and the Park District.

Table F.5 shows actual revenue to date by source in current dollars (the year received) and inflated to 2021 dollars.

³⁷ HCP/NCCP, Chapter 9, pp. 30-31 and Table 9-7.

Table F.1: Inflation Index (FY 2021 = 1.00)

Plan Year	Fiscal Year Fee Adopted	Zone 1 Fee ¹	Change	Inflation Index (2021 \$) ²	Fiscal Year for Application of Inflation Index ³	Notes
-1	2006	\$11,919.00	NA	0.6294	2005	Plan completed
0	2007	\$12,456.88	4.5%	0.6578	2006	JPA formed & permits issued
1	2008	\$12,077.65	(3.0%)	0.6377	2007	1st full yr. of implementation
2	2009	\$10,731.11	(11.1%)	0.5666	2008	
3	2010	\$10,558.09	(1.6%)	0.5575	2009	
4	2011	\$10,662.15	1.0%	0.5630	2010	
5	2012	\$10,584.32	(0.7%)	0.5589	2011	
6	2013	\$10,076.00	(4.8%)	0.5321	2012	2013 Audit
7	2014	\$11,146.99	10.6%	0.5886	2013	
8	2015	\$11,877.42	6.6%	0.6272	2014	
9	2016	\$12,788.47	7.7%	0.6753	2015	
10	2017	\$13,491.41	5.5%	0.7124	2016	2017 Audit
11	2018	\$14,404.82	6.8%	0.7606	2017	
12	2019	\$15,342.88	6.5%	0.8102	2018	
13	2020	\$16,442.17	7.2%	0.8682	2019	
14	2021	\$16,890.46	2.7%	0.8919	2020	
15	2022	\$18,937.95	12.1%	1.0000	2021	2022 Audit
16	2023	\$19,506.09	3.0%	1.0300	2022	Endowment model inflation rate
17	2024	\$20,091.27	3.0%	1.0609	2023	Endowment model inflation rate

¹ Fees for all three zones increase by the same inflation index. Fee reflects both annual inflation adjustments and periodic adjustments based on prior audits. Fee reflects amount charged by Conservancy for participating special entities. Fees charged by other JPA members (cities and the County) varied from this schedule in certain years due to pending litigation at that time. That litigation has been settled and all JPA members now charge the same fee.

² Inflation index based on change in Zone 1 fee and is prescribed in Chapter 9 of the Plan using a combination of the Consumer Price Index (Bureau of Labor Statistics) and the Home Price Index (Federal Housing Finance Agency). 2023 fee and index estimated based on 3.0 percent inflation rate used in endowment model.

³ The development fee is increased based on inflation for the prior year, so the index applies to fiscal data for the year prior to the year the fee is adopted.

Source: ECCC Habitat Conservancy, [Annual Mitigation Fee Adjustment Summary \(PDF\)](#); Table 4.1.

Table F.2: Endowment Contributions (through FY 2022)

Fiscal Year	Source	Notes	Amount (current \$)	Amount (2021 \$)
Through FY 2021				
	Development Fee Funds			
2020	California Wildlife Foundation	Prior Pinn Bros. special tax inception to 2020; 1 st and 2 nd Summer Lakes payments (see Table F.2)	\$1,997,000.00	\$2,239,040.25
	Local Operating Funds			
2020	Endowment share of lease revenue	Plan inception through FY 2019-20	\$1,103,556.00	\$1,237,309.12
2021	Endowment share of lease revenue	FY 2020-21 annual	<u>\$72,596.89</u>	<u>\$72,596.89</u>
	Subtotal		<u>\$1,176,152.89</u>	<u>\$1,309,906.01</u>
	Total		\$3,173,152.89	\$3,548,946.26
After FY 2021				
	Development Fee Funds			
2023	California Wildlife Foundation	Pinn Bros. special tax for 2021 and 2022; pre-Plan mitigation payments for other development projects; received by Conservancy 2022; assumed to be deposited into endowment in 2023.	\$3,376,641.53	\$3,182,808.49
	Local Operating Funds			
2022	Endowment share of lease revenue ¹	FY 2021-22 total annual revenue	<u>\$125,929.30</u>	<u>\$122,261.46</u>
	Total		\$3,502,570.83	\$3,305,069.95

¹ Amount is slightly different than calculated amount in Table F.3. Amount in Table F.3 used for endowment model.
Sources: ECCC Habitat Conservancy.

Table F.3: Development Project Revenue

Project (location)	Amount	Revenue Requirement	Notes
<i>Pinn Bros. / Pulte (Brentwood)</i>			
2016 Revenue	\$14,196	0.2% fee on all property resales in perpetuity.	Project is built out; assume sales prices and therefore fee revenue increases with inflation.
2017 Revenue	\$8,026		
2018 Revenue	\$17,417		
2019 Revenue	\$21,008		
2020 Revenue	\$24,539		
2021 Revenue	\$31,465		
2022 Revenue	<u>\$18,297</u>		
7-Year Average	\$19,278		
<i>Summer Lake / Shea Homes (Oakley)</i>			
Total Obligation	\$2,437,500	5 payments of \$487,500 each paid at recording of each subdivision (\$500,000 each net of 2.5% CA Wildlife Foundation fee).	1 st & 2 nd payments received in 2020 from CA Wildlife Foundation and deposited into endowment fund; 3 rd payment received in 2022; anticipate 4 th and 5 th payments in 2023.
Paid Through 2021 (2 payments)	<u>\$975,000</u>		
Remaining Funding (3 payments)	\$1,462,500		
<i>Cypress Preserve (Oakley)</i>			
Total Dwelling Units	\$3,167	Special tax adjusted annually for inflation, in perpetuity; must generate \$2.5 mil. (cumulative) by 2035 or pay difference.	Assume absorption of 300 units annually starting in 2027 and buildout by 2037; requires additional payment of \$1.0M in 2035 to meet \$2.5 mil. minimum revenue requirement.
Special Tax per Unit	<u>\$110</u>		
Total Annual Revenue at Buildout	\$347,293		
Note:	Summer Lakes phases 2 and 5 of the East Cypress Corridor Specific Plan. Cypress Preserve is phases 1, 3, 4, and 6 of the same specific plan, though new units in phase 6 are not subject to the special tax.		
Source:	ECCC Habitat Conservancy.		

Table F.4: Lease Revenue, 2022-2037 (2021 \$)

Park	Property	Lessee	Lease Type	Expiration After All Renewals	Annual Revenue (2021)	Remaining Lease Years Post-2021	
						Permit Term	Post-Permit
Black Diamond	Affinito	Affinito	Residential	Terminated			
	Austin Thomas - South	PG&E	Communication	NA	\$76,300	16	In perpetuity
Byron Vernal Pools	Pugh (Owens-Maness)						
	Souza III	T-Mobile	Communication	NA	\$39,413	16	In perpetuity
	Souza III	Sprint	Communication	Terminated			
	Souza III	Sprint Nextel	Communication	NA	\$27,345	16	In perpetuity
	Martin	CCATT	Communication	NA	\$20,024	16	In perpetuity
	Martin	Crown Castle	Communication	NA	\$23,531	16	In perpetuity
	Martin	T-Mobile	Communication	NA	\$34,028	16	In perpetuity
	Martin	American Tower	Communication	NA	\$34,364	16	In perpetuity
	Gramma's Quarter	Buena Vista-Lease #4	Wind	2033	\$12,500	12	0
	Souza III	Buena Vista-Lease #8	Wind	2036	\$198,083	15	0
	Martin	Martin - 14031 Vasco Rd.	Residential	2030	\$6,000	9	0
	Souza II	Martin - 6400 Armstrong Rd.	Residential	Demolished			
Deer Valley	Roddy Cell Easement	CC TM PA	Communication	NA	\$15,600	16	In perpetuity
	Roddy Home Ranch	Jack + Donna Roddy	Residential	Terminated			
Delta Access	Nunn	RRS Farms	Agricultural	2022	\$71,100	1	0
Morgan Territory	Galvin	Galvin	Residential	2030	\$6,000	9	0
Vasco Caves	Souza III	Sprint Nextel	Communication	Assigned			
Vasco Hills	Vaquero Farms, Inc.	Martin - 15500 Vasco Rd.	Residential	Terminated			
All Parks	All Properties	Interest Earnings	NA	2037	\$7,986	16	0
Total					\$572,274		

Table F.4: Lease Revenue, 2022-2037 (2021 \$) (continued)

Park	Property	Total Revenue		Endowment Revenue		Land Acquisition		Preserve Management	
		Share ¹	Permit Term	Share ¹	Permit Term	Share ¹	Permit Term ²	Share ¹	Permit Term
Black Diamond	Affinito								
	Austin Thomas - South	100%	\$1,220,800	15%	\$183,120	0%	\$0	85%	\$1,037,680
Byron Vernal Pools	Pugh (Owens-Maness)								
	Souza III	100%	\$630,614	25%	\$157,653	15%	\$94,592	60%	\$378,368
	Souza III								
	Souza III	100%	\$437,520	25%	\$109,380	15%	\$65,628	60%	\$262,512
	Martin	100%	\$320,390	25%	\$80,097	15%	\$48,058	60%	\$192,234
	Martin	100%	\$376,489	25%	\$94,122	15%	\$56,473	60%	\$225,894
	Martin	100%	\$544,448	25%	\$136,112	15%	\$81,667	60%	\$326,669
	Martin	100%	\$549,824	25%	\$137,456	15%	\$82,474	60%	\$329,894
	Gramma's Quarter	100%	\$150,000	25%	\$37,500	15%	\$22,500	60%	\$90,000
	Souza III	100%	\$2,971,242	25%	\$742,811	15%	\$445,686	60%	\$1,782,745
	Martin	100%	\$54,000	25%	\$13,500	15%	\$8,100	60%	\$32,400
	Souza II								
Deer Valley	Roddy Cell Easement	100%	\$249,600	15%	\$37,440	0%	\$0	85%	\$212,160
	Roddy Home Ranch								
Delta Access	Nunn	100%	\$71,100	15%	\$10,665	0%	\$0	85%	\$60,435
Morgan Territory	Galvin	100%	\$54,000	15%	\$8,100	0%	\$0	85%	\$45,900
Vasco Caves	Souza III								
Vasco Hills	Vaquero Farms, Inc.								
All Parks	All Properties	100%	\$127,778	0%	\$0	0%	\$0	100%	\$127,778
Total			\$7,757,805		\$1,747,957		\$905,179		\$5,104,669

Table F.4: Lease Revenue, 2022-2037 (2021 \$) (continued)

Notes:	Table reflects <i>Lease Revenues Allocation Agreement</i> (Agreement) between the East Bay Regional Park District (EBRPD) and the East Contra Costa County Habitat Conservancy dated October 2020.
	Amount for 2022-2037 shown in 2021 dollars and assume that annual revenue increases with inflation (most but not all leases include an inflation clause).
	The Agreement and therefore this table excludes grazing revenue that is assumed to only cover grazing costs with no net contribution to Plan funding.
¹	Agreement does not address allocation of interest earnings on fund balances that are assumed to be allocated 100% to land management costs.
²	Land acquisition allocation is subject to a \$2,000,000 maximum after which revenue is allocated to preserve management. An initial allocation to land acquisition of \$525,875 was made when the Agreement was adopted, so with the additional estimated funding shown in this table, this maximum will not be reached during the permit term. All preserve lands must be acquired by the end of the permit term, so land acquisition lease revenue post-permit is allocated to the endowment.
Sources:	East Bay Regional Park District; <i>Lease Revenues Allocation Agreement</i> between the East Bay Regional Park District and the East Contra Costa County Habitat Conservancy, October 2020.

Table F.5: Revenue By Year (through FY 2021)

Fiscal year	Inflation Index	Mitigation Fees				Other Project Fees			State & Federal Grants
		Permanent Impacts			Temporary Impact Fee	Adminis- trative Charges	Payments For Non- covered Activities	Other Mitigation Fees	
		Develop- ment Fee¹	Wetland Mitigation Fee	Rural Road Fee					
Current Dollars									
2005		\$0	\$0	\$0	\$0	\$0	\$1,140,000	\$0	\$0
2006		\$0	\$0	\$0	\$0	\$0	\$1,245,000	\$0	\$0
2007		\$0	\$0	\$0	\$0	\$0	\$475,759	\$0	\$273,000
2008		\$0	\$236	\$0	\$25,542	\$4,150	\$243,725	\$0	\$1,410,695
2009		\$880,435	\$11,774	\$30,978	\$518,547	\$10,000	\$0	\$49,131	\$5,536,623
2010		\$0	\$141,363	\$282,672	\$160,043	\$40,000	\$0	\$90,037	\$10,028,928
2011		\$220,239	\$48,552	\$5,235	\$83,715	\$68,410	\$0	\$318,492	\$8,745,668
2012		\$235,043	\$181,371	\$730,055	\$66,547	\$59,444	\$43,978	\$347,138	\$4,862,568
2013		\$1,703,067	\$4,087	\$122,792	\$296,551	\$62,452	\$0	\$146,502	\$1,444,339
2014		\$514,563	\$207,226	\$70,351	\$432,631	\$35,448	\$0	\$38,298	\$14,947,687
2015		\$975,432	\$17,564	\$18,529	\$59,577	\$25,816	\$0	\$141,709	\$1,809,042
2016		\$794,365	\$67,651	\$35,818	\$84,252	\$8,658	\$0	\$20,160	\$7,363,644
2017		\$1,510,425	\$177,711	\$128,303	\$258,014	\$16,657	\$0	\$69,933	\$4,853,931
2018		\$1,826,485	\$142,820	\$0	\$205,456	\$210,363	\$90,261	\$123,432	\$3,066,502
2019		\$1,420,049	\$3,234	\$4,833	\$117,713	\$73,383	\$0	\$34,769	\$821,867
2020		\$2,573,363	\$0	\$0	\$46,284	\$67,573	\$0	\$2,172,653	\$590,030
2021		\$1,985,014	\$0	\$4,743	\$320,613	\$14,223	\$0	\$102,389	\$280,900
Total		\$14,638,479	\$1,003,590	\$1,434,310	\$2,675,485	\$696,577	\$3,238,723	\$3,654,643	\$66,035,424

Table F.5: Revenue By Year (through FY 2021) (continued)

Fiscal year	Inflation Index	Mitigation Fees				Other Project Fees			State & Federal Grants
		Permanent Impacts			Temporary Impact Fee	Adminis- trative Charges	Payments For Non- covered Activities	Other Mitigation Fees	
		Develop- ment Fee ¹	Wetland Mitigation Fee	Rural Road Fee					
Constant 2021 Dollars									
2005	0.6294	\$0	\$0	\$0	\$0	\$0	\$1,811,249	\$0	\$0
2006	0.6578	\$0	\$0	\$0	\$0	\$0	\$1,892,673	\$0	\$0
2007	0.6377	\$0	\$0	\$0	\$0	\$0	\$746,055	\$0	\$428,101
2008	0.5666	\$0	\$417	\$0	\$45,079	\$7,324	\$430,154	\$0	\$2,489,754
2009	0.5575	\$1,579,256	\$21,119	\$55,565	\$930,130	\$17,937	\$0	\$88,128	\$9,931,163
2010	0.5630	\$0	\$251,090	\$502,082	\$284,269	\$71,048	\$0	\$159,923	\$17,813,371
2011	0.5589	\$394,058	\$86,871	\$9,367	\$149,786	\$122,401	\$0	\$569,855	\$15,648,002
2012	0.5321	\$441,726	\$340,859	\$1,372,026	\$125,064	\$111,715	\$82,649	\$652,392	\$9,138,447
2013	0.5886	\$2,893,420	\$6,944	\$208,618	\$503,825	\$106,103	\$0	\$248,900	\$2,453,854
2014	0.6272	\$820,412	\$330,398	\$112,167	\$689,781	\$56,519	\$0	\$61,062	\$23,832,410
2015	0.6753	\$1,444,442	\$26,010	\$27,438	\$88,223	\$38,229	\$0	\$209,846	\$2,678,871
2016	0.7124	\$1,115,055	\$94,962	\$50,278	\$118,265	\$12,154	\$0	\$28,298	\$10,336,390
2017	0.7606	\$1,985,834	\$233,646	\$168,687	\$339,224	\$21,900	\$0	\$91,945	\$6,381,713
2018	0.8102	\$2,254,363	\$176,277	\$0	\$253,586	\$259,643	\$111,406	\$152,348	\$3,784,870
2019	0.8682	\$1,635,624	\$3,725	\$5,567	\$135,583	\$84,523	\$0	\$40,047	\$946,634
2020	0.8919	\$2,885,259	\$0	\$0	\$51,893	\$75,763	\$0	\$2,435,982	\$661,543
2021	1.0000	\$1,985,014	\$0	\$4,743	\$320,613	\$14,223	\$0	\$102,389	\$280,900
Total		\$17,449,450	\$1,572,317	\$2,511,795	\$3,714,708	\$985,259	\$5,074,185	\$4,738,727	\$106,525,123
Five-Year Avg. (2017-2021) ²		\$2,149,219	\$82,730	\$35,799	\$220,180	\$91,210	\$22,281	\$116,734	\$2,411,132
10-Year Avg. (2017-2021) ²		\$1,746,115	\$121,282	\$194,952	\$262,606	\$78,077	\$19,406	\$178,417	\$6,049,563

Table F.5: Revenue By Year (through FY 2021) (continued)

Fiscal year	Infla- tion Index	Other Local Funds					Other Revenue		Total
		Local Funds (Non- EBRPD)	Local - EBRPD				Interest Earnings	Miscel- laneous	
			Land Purchase	Due Diligence & Closing	Preserve Mgt. (excl. lease rev.)	Lease Revenue			
Current Dollars									
2005		\$0	\$0	\$0	\$0	\$0	\$21,537	\$129	\$1,161,665
2006		\$0	\$0	\$0	\$0	\$0	\$30,610	\$0	\$1,275,610
2007		\$1,500,000	\$632,002	\$131,444	\$0	\$0	\$87,054	\$11,503	\$3,110,762
2008		\$0	\$0	\$21,608	\$0	\$0	\$36,492	\$1,521	\$1,743,969
2009		\$880,000	\$1,077,249	\$65,622	\$0	\$0	\$1,070	\$0	\$9,061,430
2010		\$2,417,300	\$4,603,901	\$183,146	\$0	\$11,437	\$0	\$0	\$17,958,828
2011		\$0	\$2,266,900	\$92,500	\$0	\$386,357	\$4,832	\$248	\$12,241,149
2012		\$1,302,500	\$649,890	\$127,393	\$0	\$502,132	\$615	\$0	\$9,108,673
2013		\$0	\$18,500	\$107,555	\$125,097	\$521,364	\$2,937	\$0	\$4,555,244
2014		\$1,000,000	\$4,098,850	\$105,736	\$115,536	\$486,649	\$6,441	\$0	\$22,059,416
2015		\$0	\$224,250	\$51,344	\$65,769	\$469,448	\$12,912	\$0	\$3,871,391
2016		\$0	\$937,275	\$80,263	\$80,876	\$582,419	\$19,905	\$243	\$10,075,529
2017		\$28,000	\$829,600	(\$20,195)	\$94,421	\$555,064	\$24,377	\$5,195	\$8,531,436
2018		\$0	\$368,000	(\$82,515)	\$75,731	\$612,357	\$48,760	\$1,012	\$6,688,664
2019		\$15,000	\$467,750	\$50,147	\$80,145	\$610,781	\$51,129	\$693	\$3,751,491
2020		\$0	\$105,000	\$2,074	\$84,283	\$599,733	\$30,379	\$693	\$6,272,064
2021		\$50,003	\$939,500	(\$88,165)	\$90,784	\$572,274	\$16,768	\$285	\$4,289,332
Total		\$7,192,803	\$17,218,667	\$827,957	\$812,642	\$5,910,015	\$395,818	\$21,521	\$125,756,654

Table F.5: Revenue By Year (through FY 2021) (continued)

Fiscal year	Infla- tion Index	Other Local Funds					Other Revenue		Total
		Local Funds (Non- EBRPD)	Local - EBRPD				Interest Earnings	Miscel- laneous	
			Land Purchase	Due Diligence & Closing	Preserve Mgt. (excl. lease rev.)	Lease Revenue			
Current Dollars									
2005	0.6294	\$0	\$0	\$0	\$0	\$0	\$34,218	\$204	\$1,845,671
2006	0.6578	\$0	\$0	\$0	\$0	\$0	\$46,534	\$0	\$1,939,207
2007	0.6377	\$2,352,203	\$991,065	\$206,122	\$0	\$0	\$136,512	\$18,038	\$4,878,097
2008	0.5666	\$0	\$0	\$38,136	\$0	\$0	\$64,406	\$2,685	\$3,077,955
2009	0.5575	\$1,578,475	\$1,932,285	\$117,708	\$0	\$0	\$1,919	\$0	\$16,253,687
2010	0.5630	\$4,293,606	\$8,177,444	\$325,304	\$0	\$20,314	\$0	\$0	\$31,898,450
2011	0.5589	\$0	\$4,056,003	\$165,504	\$0	\$691,281	\$8,645	\$445	\$21,902,216
2012	0.5321	\$2,447,848	\$1,221,368	\$239,416	\$0	\$943,680	\$1,156	\$0	\$17,118,348
2013	0.5886	\$0	\$31,431	\$182,730	\$212,532	\$885,770	\$4,990	\$0	\$7,739,116
2014	0.6272	\$1,594,388	\$6,535,156	\$168,584	\$184,210	\$775,907	\$10,269	\$0	\$35,171,263
2015	0.6753	\$0	\$332,075	\$76,031	\$97,392	\$695,169	\$19,120	\$0	\$5,732,847
2016	0.7124	\$0	\$1,315,658	\$112,666	\$113,526	\$817,545	\$27,941	\$341	\$14,143,079
2017	0.7606	\$36,813	\$1,090,718	(\$26,551)	\$124,140	\$729,771	\$32,050	\$6,830	\$11,216,719
2018	0.8102	\$0	\$454,209	(\$101,845)	\$93,472	\$755,810	\$60,182	\$1,250	\$8,255,571
2019	0.8682	\$17,277	\$538,758	\$57,760	\$92,311	\$703,502	\$58,891	\$798	\$4,320,999
2020	0.8919	\$0	\$117,726	\$2,325	\$94,498	\$672,422	\$34,061	\$776	\$7,032,250
2021	1.0000	\$50,003	\$939,500	(\$88,165)	\$90,784	\$572,274	\$16,768	\$285	\$4,289,332
Total		\$12,320,610	\$26,793,896	\$1,563,889	\$1,012,082	\$7,691,172	\$540,895	\$31,366	\$192,525,474
Five-Year Avg. (2017-2021) ²		\$20,819	\$628,182	(\$31,295)	\$99,041	\$686,756	\$40,390	\$1,988	\$6,575,166
10-Year Avg. (2017-2021) ²		\$414,633	\$1,257,660	\$62,295	\$110,287	\$755,185	\$26,543	\$1,028	\$11,278,048

¹ Development fees include fees applied to rural covered activities (outside urban development area) except rural road fees.

² For "Other Mitigation Fees" average excludes extraordinary endowment contribution from California Wildlife Foundation in 2020 (see Table F.2).

Sources: ECCC Habitat Conservancy.

EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

DATE: February 27, 2023

TO: Governing Board

FROM: Conservancy Staff (Abigail Fateman)

SUBJECT: Periodic Fee Audit and Nexus Study

RECOMMENDATION

CONSIDER the following actions related to the periodic audit of fees:

- a) **DIRECT** staff to use the development fee and wetland mitigation fees as adjusted in the 2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study in future agreements between the Conservancy and Participating Special Entities; and
- b) **AUTHORIZE** staff to provide the 2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study to the participating cities and the County and to recommend that they consider adopting the 2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study, consistent with requirements in the HCP/NCCP for periodic review of HCP/NCCP Mitigation Fees, and that they consider adopting increases to the development fee and to the wetland mitigation fee on the basis of the 2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study.

DISCUSSION

Robert D. Spencer of Urban Economics and Sally E. Nielsen of Insight Data and Economic Analysis prepared the 2022 East Contra Costa County HCP/NCCP ("ECCC HCP/NCCP") Mitigation Fee Audit and Nexus Study ("2022 Fee Audit and Nexus Study") (Attachment to Item 6), including the information necessary to support the nexus findings the Conservancy, participating cities, and the County may make under the Mitigation Fee Act, a fee burden analysis, and the identification of funds for post-permit term funding.

CONTINUED ON ATTACHMENT: Yes
 ACTION OF BOARD ON: February 27, 2023
 OTHER: _____

APPROVED AS RECOMMENDED: Yes

VOTE OF BOARD MEMBERS

X UNANIMOUS

AYES: Bryant, Burgis, Henderson and Trupiano
 NOES: None
 ABSENT: Banales
 ABSTAIN: None

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

*John Kopchik, SECRETARY OF THE EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY*

BY: 

DEPUTY

2022 Fee Audit and Nexus Study Fee Recommended Adjustments

The 2022 Fee Audit and Nexus Study determined there is a need to adjust the Mitigation Fees (Development Fee [and the associated Rural Road Fee, and Temporary Impact Fee] and the Wetland Mitigation Fee [and the associated Temporary Impact Fee]) based on the recent updated data.

Development Fee

Excerpted from the 2022 Fee Audit and Nexus Study, Table E.2 provides the recommended adjustments to the Development Fee. The proposed adjustment is a 1.2 percent increase to the current fee schedule.

Table E.2: Development Fee Comparison

Zone	2022 Fee Schedule	2022 Audit	Change
Zone 1	\$18,938	\$19,170	1.2%
Zone 2	\$37,876	\$38,340	1.2%
Zone 3	\$9,469	\$9,585	1.2%

Sources: Table 6.3.

Wetland Mitigation Fee

Excerpted from the 2022 Fee Audit and Nexus Study, Table E.3 provides the recommended adjustments to the Wetland Mitigation Fee. The Wetland Mitigation Fees for all wetland land cover types and streams are proposed to increase between 0.4 percent and 2.5 percent compared to the current fee schedule.

Table E.3: Wetland Mitigation Fee Comparison

Land Cover Type	Fee Basis	2022 Fee Schedule	2022 Audit	Change
Riparian	per acre	\$105,516	\$105,891	0.4%
Perennial Wetland	per acre	\$159,912	\$162,953	1.9%
Seasonal Wetland	per acre	\$374,220	\$382,792	2.3%
Alkali Wetland	per acre	\$378,310	\$386,980	2.3%
Pond	per acre	\$205,924	\$211,115	2.5%
Aquatic (open water)	per acre	\$102,962	\$105,558	2.5%
Slough / Channel	per acre	\$147,029	\$149,516	1.7%
Streams (<=25 ft. wide)	per linear foot	\$543	\$553	1.8%
Streams (>25 ft. wide)	per linear foot	\$814	\$829	1.8%

Sources: Table 5.2.

Determining Fee Amounts

The Conservancy, participating cities (Brentwood, Clayton, Oakley, Pittsburg) and the County (“Co-Permittees”) have the responsibility and authority to adjust the fees in effect for their jurisdictions. The role of the Conservancy is to conduct the periodic fee audits, determine fees to be charged to Participating Special Entities¹, and refer the results of the 2022 Fee Audit and Nexus Study to the Co-Permittees.

¹ Organizations not subject to the jurisdiction of the Permittees may have projects or ongoing activities within the inventory area that could affect covered species and that may require take authorization. These agencies, known as Participating Special Entities, can request coverage under the HCP/NCCP directly with the Conservancy.

Based on information presented in the 2022 Fee Audit and Nexus Study, staff recommends Development Fee and Wetland Mitigation Fee amounts set forth in the 2022 Fee Audit and Nexus Study for future Participating Special Entity agreements and for referral to the cities and County. If the increases are not made to the current fee schedule, revenue will be insufficient to fully fund new development's fair share of the ECCC HCP/NCCP costs.

Next Steps

Coordinating with the Cities and the County

Should the Governing Board recommend to participating cities and the County that they consider applying increases to the development fee and to the wetland mitigation fee, on the basis of the 2022 Fee Audit and Nexus Study, Conservancy staff will coordinate with the local jurisdictions, as was done for the 2017 Fee Audit and Nexus Study (adopted in 2021).

Annual Fee Adjustments

In addition to the periodic Fee Study, the Conservancy annually adjusts fees based on the Consumer Price Index (CPI) and the Home Price Index (HPI), as detailed in the HCP/NCCP. Around or before March 15, 2023, these Mitigation Fees will be further adjusted per the CPI and HPI to reflect annual adjustments.

CEQA REVIEW AND ANALYSIS

The proposed actions are exempt from CEQA because they do not constitute a "project" subject to CEQA, pursuant to the state CEQA Guidelines section 15378.

RECOMMENDATION

Staff recommends that the Governing Board direct staff to apply the development fee and wetland mitigation fee increases as recommended in the 2022 Fee Audit and Nexus Study in future agreements between the Conservancy and Participating Special Entities. If authorized by the Governing Board, the Conservancy shall provide 2022 Fee Audit and Nexus Study to the participating cities and the County and recommend that that they consider adopting the 2022 Fee Audit and Nexus Study, and to apply the increases to the development fee and to the wetland mitigation fee as presented in the 2022 Fee Audit and Nexus Study, consistent with requirements in the HCP/NCCP for periodic review of HCP/NCCP mitigation fees.

EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

DATE: February 27, 2023

TO: Governing Board

FROM: Conservancy Staff (Abigail Fateman)

SUBJECT: Periodic Fee Audit and Nexus Study

RECOMMENDATION

CONSIDER the following actions related to the periodic audit of fees:

- a) **CONSIDER** the 2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study;
- b) **ADOPT** the 2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study consistent with requirements in the East Contra Costa County HCP/NCCP for periodic review of mitigation fees; and
- c) **APPROVE** Resolution 2023-2 regarding five-year review findings under the Mitigation Fee Act, on the basis of the 2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study.

DISCUSSION

Background

The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan ("HCP/NCCP") requires automatic annual adjustments to HCP/NCCP Mitigation Fees based on certain economic indices as well as periodic audits in years 3, 6, 10, 15, 20, and 25 of the Plan's implementation. The periodic audits are conducted to assess whether actual HCP/NCCP implementation costs over time require adjustment of the development fee, wetland mitigation fee, rural road fee, and temporary impact fee ("Mitigation Fees"), which are based on estimated costs. The 2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study ("2022 Fee Audit and Nexus Study") is the year 15 periodic audit and was prepared to comply with this requirement, presenting the findings, conclusions, and recommendations of an audit of

CONTINUED ON ATTACHMENT: Yes

ACTION OF BOARD ON: February 27, 2023

APPROVED AS RECOMMENDED: Yes

OTHER: _____

VOTE OF BOARD MEMBERS

X UNANIMOUS

AYES: Bryant, Burgis, Henderson and Trupiano

NOES: None

ABSENT: Banales

ABSTAIN: None

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

*John Kopchik, SECRETARY OF THE EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY*

BY:  , DEPUTY

mitigation fees that partially fund implementation of the HCP/NCCP. The next periodic fee audit is scheduled for the year 2027.

The periodic fee audit is required to ensure that the fees generated by development and other covered activities are adequately covering their share of HCP/NCCP costs. This 2022 Fee Audit and Nexus Study also includes consideration of long-term funding efforts to fund Preserve System management and monitoring activities following the 30-year permit term of the HCP/NCCP. The 2022 Fee Audit and Nexus Study focuses on revenues and costs from the development fee and wetland fees because the other two types of Mitigation Fees (i.e., the rural road fee and temporary impact fee) are based on and derived from the development fee and wetland fees.

2022 Fee Audit and Nexus Study

Robert D. Spencer of Urban Economics and Sally E. Nielsen of Insight Data and Economic Analysis prepared the 2022 Fee Audit and Nexus Study, including the information necessary to support the nexus findings that the Conservancy, participating cities (Brentwood, Clayton, Oakley, and Pittsburg), and the County may make under the Mitigation Fee Act. The 2022 Fee Audit and Nexus Study is attached to this staff report.

The 2022 Fee Audit and Nexus study compares current actual costs to the cost assumptions used to calculate current mitigation fee amounts. Cost models for the initial urban development area and the maximum development area were updated for the 2022 Fee Audit and Nexus Study, and actual costs through FY2021 and estimated costs through the end of the permit term are analyzed and provided.

Post-Permit Funding

The original HCP/NCCP fee amounts, as well as the updated fees from the March 2013 Fee Audit and Nexus Study, excluded post-permit costs. At the time of drafting the HCP/NCCP, post-permit HCP/NCCP costs were more difficult to estimate than other HCP/NCCP costs because of uncertainty about key aspects of long-term Preserve System management and monitoring, such as the extent to which partners like the East Bay Regional Park District (“Park District”) would be involved in assembling and managing the Preserve System. Consequently, costs beyond year 30 were not included in the development fee calculations in the original HCP/NCCP.

At the request of the Governing Board, the 2017 Fee Audit and Nexus Study incorporated a post-permit analysis that included consideration of an endowment fund to cover post-permit costs for management and monitoring of the Preserve System lands. The Conservancy established an endowment fund with the Regional Parks Foundation (the “Endowment”) in 2020. This 2022 Fee Audit and Nexus Study also analyzes post-permit funding and considers deposits made to the endowment fund since its establishment, as well as other revenue sources.

The 2022 Fee Audit and Nexus Study provides an overview of revenue needs and growth to fund the endowment at an amount adequate to cover post-permit costs. The report assumes all impacts allowed under the Plan’s permits will occur by the end of the 30-year permit term in 2037. The report also notes that the pace of development has been significantly slower than anticipated and recommends that the Conservancy consider extending the HCP/NCCP permit term as a way to

allow use of the full amount of take coverage provided under state and federal permits and to generate mitigation fee revenue adequate to fully fund Plan implementation and achieve Plan goals.

The HCP/NCCP requires the Board to conduct a periodic audit to assess whether actual HCP/NCCP implementation costs require adjustment of HCP/NCCP Mitigation Fees. The Mitigation Fee Act also requires local agencies to make a series of findings about on-going fee programs every five years. Staff recommends the Board adopt Resolution 2023-02 (attached), which makes findings on the basis of the 2022 Fee Audit and Nexus Study that would meet HCP/NCCP and Mitigation Fee Act requirements.

Notices

A 30-day written notice was posted on the Conservancy's website and shared via the email distribution list. This written notice informed the public that on February 27, 2023, the Governing Board would consider a nexus study that supports changes to the HCP/NCCP development fee and wetland mitigation fee, and that a copy of the nexus study and instructions to access and participate in the meeting would be available on the website on or before February 13, 2023. Subsequently, the 2022 Fee Audit and Nexus Study was shared publicly via the Conservancy's website and via the email distribution list on February 13, 2023, 14 days prior to the February 27, 2023 Governing Board meeting.

CEQA REVIEW AND ANALYSIS

The proposed actions are exempt from CEQA because they do not constitute a "project" subject to CEQA, pursuant to the state CEQA Guidelines section 15378.

ATTACHMENT

- East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study (February 2023)
- Resolution 2023-02



City of Pittsburg

Community and Economic Development Department – Planning Division

65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **PITTSBURG CITY COUNCIL** will conduct a public hearing on:

DATE: August 7, 2023
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Adoption of a City Council Resolution Approving an Update to the Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Mitigation Fees.

On April 16, 2007, the City Council adopted Resolution 07-10745 approving the East Contra Costa County HCP/NCCP, a regional conservation and mitigation plan for natural resources in East County. HCP/NCCP chapter 9, "Funding," outlines estimated costs for implementing the HCP/NCCP and identifies development-based mitigation fees as a source of funding to offset development impacts to natural resources. The development mitigation fee amounts were established by City Council Resolution 07-10898 and have since been adjusted annually according to housing and consumer price indices. The HCP/HCCP requires periodic audits in years three, six, 10, 15, 20 and 25 of implementation to assess whether changes in HCP/NCCP implementation costs require an additional adjustment of the mitigation fees.

PROJECT CONTACT: John Funderburg, (925) 252-4043 or jfunderburg@pittsburgca.gov

Why am I receiving this notice?

You are receiving this notice because you have either previously requested notifications from the Planning Division.

Where can I get more information about this project?

The complete file for this project is available for public inspection; please contact the project planner listed above to make necessary arrangements.

What can I do if I have comments on the project?

Written comments citing the project name may be emailed to the project planner listed above or may be mailed to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. Written comments received by 5:00 P.M. on the date of the meeting will be provided to the City Council. You may also register your comments or objections by attending the virtual public hearing (see advisory on next page for instructions on how to register a phone-in comment). Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.

*Para información en
español:
(925) 252-4920*


ALICE E. EVENSON
CITY CLERK

Project Title: Adoption of a City Council Resolution Approving an Update to the Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Mitigation Fees

Location: City-wide



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Supporting House of Representatives Concurrent Resolution 16 - Efforts to Exonerate the Port Chicago 50

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

On February 17, 2023, Congressman Mark DeSaulnier (CA-10), Barbara Lee (CA-12), and John Garamendi (CA-08) introduced House of Representatives Concurrent Resolution 16 – Recognizing the victims of the Port Chicago explosion of July 17, 1944, the 79th anniversary of the greatest homeland loss of life of World War II, and exonerating the 50 African-American sailors known as the Port Chicago 50, who were unjustly court-martialed by the Navy (H. Con. Res. 16). This resolution is part of the ongoing effort to right the historic injustice of the wrongful conviction.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

City Council adopt the attached Resolution in support of House Concurrent Resolution 16.

BACKGROUND

On the night of July 17, 1944, two Liberty ships, the SS Quinault Victory and SS E.A. Bryan, were being loaded with explosive incendiary bombs, depth charges, and ammunition. At 10:18pm, two massive explosions at the docks, just seconds apart, lit up the sky.

All 320 of the men on duty that night died instantly, almost two thirds of whom were African American. The Naval Magazine was completely destroyed. The surviving African-American sailors were made to cleanup the grisly scene, their white counterparts were granted a 30-day survivor's leave to return home, heal from their wounds, and visit family and loved ones. The African-American sailors were never granted such a leave.

Days after the gruesome cleanup, and with the war raging on and troops still needing ammunitions overseas, the sailors were sent to Mare Island Naval Shipyard in Vallejo. There they learned they would soon be again tasked with loading explosives onto ships. The Navy's investigation into the cause of the disaster was not yet complete, so sailors and commanding officers did not know what precautions to take in order to prevent another disaster. The sailors would be serving under the same leadership responsible for previous safety violations and there would be no changes to procedures, conditions, or safety practices.

On August 9, 1944, when 328 sailors were directed to march toward the ships to load ammunitions, the sailors all stopped in their tracks. When asked if they would resume handling explosives, the majority of them resisted. Some sailors were too traumatized from the events to continue working with explosives. Others wanted to be assigned to different duties. Still others were tormented by the fact that white sailors were granted leave while African-American sailors were not only denied leave but made to clean up body parts after the explosions. They all wanted their lives to be valued the same as the white sailors who were being safeguarded from the dangers of loading munitions.

Rather than train the sailors, bring working conditions up to a safer environment, or reassign white sailors to loading duties, the Naval officers packed 258 of the African-American sailors onto a prison barge and threatened them with death-by-firing-squad if they did not return to loading munitions. After three days on the overcrowded barge, 208 of the sailors reluctantly returned to loading.

In an act of non-violent civil disobedience, fifty (50) of the sailors, now known as the Port Chicago 50, stood firm and refused to continue loading ammunitions until the Navy changed their policies and practices. Although the standard charge for disobeying an order is insubordination, which carried a punishment of forfeiture of pay and dishonorable discharge, Port Chicago leadership pushed for a more severe charge. The men were pronounced guilty of conspiracy to commit mutiny and were indiscriminately sentenced to 15 years of prison and hard labor.

In the months following the verdict, the National Association for the Advancement of Colored People (NAACP) publicly advocated for the Port Chicago 50 to be released from prison. In April 1945, on behalf of the 50 sailors, Thurgood Marshall appealed the case directly to the Navy's Judge Advocate General's Office in Washington DC. Although the Navy refused to publicly concede that racial discrimination and bias influenced its judgment of the sailors, just 205 days after Marshall's appeal case was denied, the sailors' sentences were commuted or reduced and they were quietly released from prison. Rather than allow the sailors to go home and join their families, the young men were given the "opportunity to complete their enlistments" serving the Navy overseas performing tasks like sweeping, picking up trash, and other menial tasks.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The City previously adopted two resolutions to support the efforts to exonerate the Port Chicago 50. In the early 1990s, Congressman Miller, along with Congressmen Dellums and Stark, other members of Congress sought a review of the conviction charged against the sailors. In 1992, Congress enacted Congressman Miller's legislation creating the Port Chicago National Memorial at the site. On September 7, 1999 through Resolution 99-9016, the City signed on to memorialize Congress and the President of the United States act to vindicate the sailors unjustly convicted of mutiny and their effort to rectify any mistreatment.

On June 6, 2016 through Resolution 16-13194, the City once again, signed on to California Senate Resolution 69 – Relative to the Port Chicago Disaster which was introduced by Senators Glazer, Hall, Huff, and Mitchell. This resolution also urged the President and Congress to exonerate, clear of the records, restore honor, and rectify federal military mistreatment of the sailors.

H. Con. Res. 16 recognizes the service and sacrifice of those who served and perished due to the explosion at Port Chicago. H. Con. Res. 16 also exonerates the Port Chicago 50 sailors convicted of the charge of mutiny against the United States and all other charges brought against them. It upgrades the general and summary discharges of the Port Chicago sailors to honorable discharges.

The City Council of the City of Pittsburg supports H. Con. Res. 16 and the effort to restore honor to and rectify the mistreatment by the United States Military of any sailors who were unjustly blamed for and convicted of mutiny after the Port Chicago disaster.

ATTACHMENTS: Resolution
 Text of H. Con. Res. 16

Report Prepared By: Melaine Venenciano, Director of Records and Council Services

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Supporting House of Representatives)
Concurrent Resolution 16 – Efforts to)
Exonerate the Port Chicago 50)

RESOLUTION NO. 23-

WHEREAS, recognizing the victims of the Port Chicago explosion of July 17, 1944, the 79th anniversary of the greatest homeland loss of life of World War II, and exonerating the 50 African-American sailors unjustly court-martialed by the Navy; and

WHEREAS, the Port Chicago Naval Magazine in Contra Costa County, California, was a vital supply facility for the Navy during World War II, shipping ordinance for use in the Pacific Theater; and

WHEREAS, under the rules governing the Navy at the time, the Port Chicago Naval Magazine was operated as a segregated facility in which undertrained and poorly equipped African-American sailors, under the supervision of white officers, exclusively conducted the hazardous task of loading ammunitions aboard ships; and

WHEREAS, there had been numerous complaints and warnings about the unsafe nature of the loading operations, including the conduct of contests by white officers to achieve the most rapid loading of ships despite the inherent dangers involved with such actions; and

WHEREAS, on the night of July 17, 1944, the Port Chicago Naval Magazine and much of the town of Port Chicago were destroyed by a cataclysmic explosion that killed 320 men, 202 of whom were African-American enlisted men; and

WHEREAS, these losses on a single night represented one-fifth of all African-American naval casualties during World War II; and

WHEREAS, following the catastrophe, none of the African-American survivors were provided survivor leave or other recuperative services provided to the white personnel, including the officers; and

WHEREAS, African-American survivors of the explosion were ordered back to the Port Chicago site to conduct cleanup operations; and

WHEREAS, on August 9, 1944, with no cause determined for the explosion and no additional training having been provided to the African-American loaders, 328 men from the three divisions were ordered to the loading pier at the nearby Mare Island, which served as the Port Chicago replacement facility; and

WHEREAS, many of the men expressed concern about the inadequacy of safety procedures and training, leading to 258 being arrested and confined for three days on a large barge tiered to the pier; and

WHEREAS, the confined sailors were threatened with prosecution and potential execution, leading 208 to return to work; and

WHEREAS, the 50 who refused to return to loading operations were subjected to the largest mass mutiny trial in naval history, which resulted, on October 24, 1944, in a conviction on the charge of mutiny and a sentence of up to 15 years imprisonment and dishonorable discharge from the Navy; and

WHEREAS, after appeals and widespread protests in January 1946, which included the participation of future Supreme Court Justice Thurgood Marshall and former First Lady Eleanor Roosevelt, the Port Chicago 50 were released from prison but their convictions remained on their records; and

WHEREAS, in a 1944 investigation, the United States Navy stated that “there is no doubt that racial prejudice was responsible for the posting of only African-American enlisted personnel to loading the divisions at Port Chicago”; and

WHEREAS, the unfairness of the Port Chicago mutiny prosecution would ultimately serve as one of the catalysts for the 1948 Executive Order requiring desegregation of the Armed Services; and

WHEREAS, the Committee of Natural Resources of the House of Representatives conducted hearings on the Port Chicago case in 1993 and in 1994, Congress, on a bipartisan basis, passed legislation creating the Port Chicago National Memorial as a feature of the National Park Service, including plaques commemorating those who lost their lives at the site in 1944; and

WHEREAS, in 1999, a pardon was granted to one of the few surviving members of the Port Chicago 50, Freddie Meeks, by President William Clinton following a thorough review of the case; and

WHEREAS, since 1999, substantial legal, academic, and journalistic inquiry has documented the inherent racial motivation behind the operations at Port Chicago and the prosecution of the Port Chicago 50; and

WHEREAS, in 2000, Congress approved S. J. Res. 26 to post-humously exonerate Captain Charles, B. McVay III, captain of the USS Indianapolis, for his wrongful court-martialed, and President William Clinton signed that resolution on October 20, 2000; and

WHEREAS, the language of that resolution was enacted as section 545 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), including language that Captain McVay’s military record “should now reflect that he is exonerated for the loss of the USS Indianapolis and so many of her crew”; and

WHEREAS, on December 16, 2015, the Secretary of the Navy, the Honorable Ray Mabus, wrote to the President “strongly support[ing] executive action in favor of the 49 remaining sailors with general court-martialed convictions or the 207 with summary court-martialed convictions... in light of the well documented challenges associated with uniformed service by African-Americans during that era”; and

WHEREAS, on July 17, 2023, the Nation marked the 79th anniversary of the Port Chicago disaster, and the unjust racial motivated convictions remain on the records of the Port Chicago 50.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Pittsburg supports House of Representatives Concurrent Resolution 16 which recognizes the service and sacrifice of those who served and perished and also exonerates the Port Chicago 50 who were convicted of the charge of mutiny and upgrades the general and summary discharges of the Port Chicago 50 to honorable discharges.

PASSED AND ADOPTED by the City Council of the City of Pittsburg, at a regular meeting on the 7th day of August 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

118TH CONGRESS
1ST SESSION

H. CON. RES. 16

Recognizing the victims of the Port Chicago explosion of July 17, 1944, the 79th anniversary of the greatest homeland loss of life of World War II, and exonerating the 50 African-American sailors unjustly court-martialed by the Navy.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2023

Mr. DESAULNIER (for himself, Ms. LEE of California, and Mr. GARAMENDI) submitted the following concurrent resolution; which was referred to the Committee on Armed Services

CONCURRENT RESOLUTION

Recognizing the victims of the Port Chicago explosion of July 17, 1944, the 79th anniversary of the greatest homeland loss of life of World War II, and exonerating the 50 African-American sailors unjustly court-martialed by the Navy.

Whereas the Port Chicago Naval Magazine in Contra Costa County, California, was a vital supply facility for the Navy during World War II, shipping ordinance for use in the Pacific Theater;

Whereas, under the rules governing the Navy at the time, the Port Chicago Naval Magazine was operated as a segregated facility in which undertrained and poorly equipped African-American sailors, under the supervision

of White officers, exclusively conducted the hazardous task of loading munitions aboard ships;

Whereas there had been numerous complaints and warnings about the unsafe nature of the loading operations, including the conduct of contests by White officers to achieve the most rapid loading of ships despite the inherent dangers involved in such actions;

Whereas, on the night of July 17, 1944, the Port Chicago Naval Magazine and much of the town of Port Chicago were destroyed by a cataclysmic explosion that killed 320 men, 202 of whom were African-American enlisted men;

Whereas these losses on a single night represented one-fifth of all African-American naval casualties during World War II;

Whereas, following the catastrophe, none of the African-American survivors was provided survivor leave or other recuperative services provided to the White personnel, including the officers;

Whereas African-American survivors of the explosion were ordered back to the Port Chicago site to conduct cleanup operations;

Whereas, on August 9, 1944, with no cause having been determined for the explosion and no additional training having been provided to the African-American loaders, 328 men from three divisions were ordered to the loading pier at the nearby Mare Island, which served as the Port Chicago replacement facility;

Whereas many of the men expressed concern about the inadequacy of safety procedures and training, leading to 258 being arrested and confined for three days on a large barge tied to the pier;

Whereas the confined sailors were threatened with prosecution and potential execution, leading 208 to return to work;

Whereas the 50 who refused to return to loading operations were subjected to the largest mass mutiny trial in naval history, which resulted, on October 24, 1944, in a conviction on the charge of mutiny and a sentence of up to 15 years imprisonment and dishonorable discharge from the Navy;

Whereas, after appeals and widespread protests in January 1946, which included the participation of future Supreme Court Justice Thurgood Marshall and former First Lady Eleanor Roosevelt, the Port Chicago men were released from prison but their convictions remained on their records;

Whereas, in a 1994 investigation, the United States Navy stated that “there is no doubt that racial prejudice was responsible for the posting of only African-American enlisted personnel to loading divisions at Port Chicago”;

Whereas the unfairness of the Port Chicago mutiny prosecution would ultimately serve as one of the catalysts for the 1948 Executive order requiring desegregation of the Armed Services;

Whereas the Committee on Natural Resources of the House of Representatives conducted hearings on the Port Chicago case in 1993 and, in 1994, Congress, on a bipartisan basis, passed legislation creating the Port Chicago National Memorial as a feature of the National Park Service, including plaques commemorating those who lost their lives at the site in 1944;

Whereas, in 1999, a pardon was granted to one of the few surviving members of the Port Chicago 50, Freddie Meeks, by President William Clinton following a thorough review of the case;

Whereas, since 1999, substantial legal, academic, and journalistic inquiry has documented the inherent racial motivation behind the operations at Port Chicago and the prosecution of the Port Chicago 50;

Whereas, on December 16, 2015, the Secretary of the Navy, the Honorable Ray Mabus, wrote to the President “strongly support[ing] executive action in favor of the 49 remaining Sailors with general court-martial convictions or the 207 with summary court-martial convictions . . . in light of the well documented challenges associated with uniformed service by African Americans during that era.”;

Whereas, in 2000, Congress approved S.J. Res. 26 to posthumously exonerate Captain Charles B. McVay III, captain of the USS Indianapolis, for his wrongful court martial, and President William Clinton signed that resolution on October 30, 2000;

Whereas the language of that resolution was enacted as section 545 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), including language that Captain McVay’s military record “should now reflect that he is exonerated for the loss of the USS Indianapolis and so many of her crew”; and

Whereas, on July 17, 2023, the Nation will mark the 79th anniversary of the Port Chicago disaster, and the unjust

and racially motivated convictions remain on the records
of the Port Chicago 50: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That Congress—

3 (1) recognizes the service and sacrifice of those
4 who served and perished at Port Chicago during
5 World War II;

6 (2) hereby and forever exonerates the Port Chi-
7 cago sailors of the charge of mutiny against the
8 United States and any and all other charges brought
9 against them in the aftermath of the July 17, 1944,
10 explosion;

11 (3) upgrades the general and summary dis-
12 charges issued to each of the Port Chicago sailors to
13 honorable discharges; and

14 (4) directs the Secretary of the Navy to place
15 a letter attesting to these actions in the file of each
16 of the Port Chicago sailors and to notify any sur-
17 viving family members of these actions.

○



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of City Council Resolution Authorizing the Purchase of Deferred Replacement Vehicles and Equipment from FY 2022/23 and Budgeted for FY 2023/24

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

The City maintains a fleet of vehicles and equipment necessary for operations and for maintenance of the city's infrastructure. Due to the COVID-19 pandemic, supply chain shortages, and short purchasing windows, the majority of vehicle and equipment purchases have been postponed since 2020. If approved, the resolution authorizes the procurement of 48 deferred vehicles and equipment not to exceed \$3,211,400 and vehicles and equipment budgeted for Fiscal Year (FY) 2023/24 not to exceed \$945,700 for a combined total not to exceed amount of \$4,157,100.

FISCAL IMPACT

Funds sufficient to finance these purchases up to \$3,211,400 were previously approved by the City Council for FY 2022/23 and rolled over to the current fiscal year. The funding sources include Fleet Maintenance (\$2,171,000 from 611-43201-3005), Water Operations (\$287,750 from 501-44101-3004 and \$53,000 from 501-44111-3004), Police Administration (\$124,400 from 110-42101-3004), and Sewer Maintenance Budgets (\$48,000 from 521-45101-3005 and \$527,250 from 521-45254-3004).

Funds sufficient to finance purchases up to \$945,700 for FY 2023/24 are available in the Police Administration (\$543,000 from 110-42101-3004), Citywide Landscape (\$110,500 from 205-43015-3004), Public Works Streets (\$97,000 from 110-43002-3005), and Fleet Maintenance Budgets (\$195,200 from 611-43201-3005). No additional funds are requested.

RECOMMENDATION

City Council adopt the attached resolution authorizing the City Manager to purchase 48 deferred budgeted vehicles and equipment as well as 18 newly budgeted vehicles and equipment for an amount not to exceed \$4,157,100.

BACKGROUND

The Public Works Department Fleet Maintenance Division is responsible for the maintenance of a vehicle fleet of more than 200 cars, trucks, heavy equipment and other equipment. The fleet includes police patrol cars, sedans, motorcycles, heavy-duty trucks and construction equipment, as well as light- and medium-duty trucks, vans, sport utility vehicles, and other equipment such as compressors and mowers. The entire fleet has a replacement value of approximately \$7 million dollars.

Over the past several years, many industries have encountered increased costs, global supply chain disruptions, and long delays. Additionally, prices in many industries are currently fluctuating on a weekly basis. This has created significant challenges particularly with vehicle purchasing. The supply chain continues to affect the procurement of equipment, materials and costs. In particular, the purchasing process for the major suppliers of vehicles (i.e., Ford) is now on a tight purchasing window of a few weeks or even days. Complete bids for vehicles are not available until just a few weeks or a few days before the purchasing window closes. There is no end in sight for these issues according to dealers and national fleet groups. Current purchasing procedures and processes, supply chain issues, and market volatility have made acquiring vehicles nearly impossible. Staff has deferred many vehicles and equipment purchases for over 3 years, creating a large backlog, and an increasing need for new vehicles and equipment.

Staff identified specific vehicles designated for purchase during FY 2020/21, FY 2021/22, FY 2022/23 and FY 2023/24 based on highest priority for city operations, immediate need, and length of time required for delivery. If approved, the vehicles purchased will replace those in lesser condition in the city's various departments. Due to supply chain issues, purchasing windows, and the volatile market, staff recommends authorizing the purchase of deferred and FY 2023/24 budgeted vehicles and equipment in an amount up to \$4,157,100 in order to secure procurement.

These vehicles will be purchased using various methods for procurement and in compliance with the Purchasing Policy. Where applicable, staff will solicit competitive quotes or use a co-operative purchasing contract, such as Sourcwell. Delivery of the vehicles is anticipated approximately twelve months after authorization of purchase but may take longer due to shipping delays caused by supply chain shortages. Once the replacement vehicles are placed in service, the existing vehicles will either be removed from service and sent to auction for disposal or moved to another division if still suitable for a different use.

SUBCOMMITTEE FINDINGS

This item was presented to the Finance Subcommittee on June 16, 2023.

STAFF ANALYSIS

Staff recommends the City Council approve the attached resolution authorizing the procurement of these vehicles up to \$4,157,100. Pre-approval is necessary now due to the supply shortages, and short ordering windows. Prolonging the purchase of these vehicles/equipment further will lead to an insufficient number of vehicles/equipment available for essential, daily tasks which keep the City operational.

Sufficient funds to procure deferred vehicles and equipment up to \$3,211,400 have been rolled over to FY 2023/24 from previous years and are available in the Fleet Operations, Water Operations, and Sewer Operations Budgets previously approved by the City Council and \$945,700 for vehicles and equipment budgeted for FY 2023/24. All purchases will not exceed these amounts without submitting a request for City Council consideration if necessary.

A list of 48 deferred vehicles/equipment and a separate list of 18 vehicles/equipment budgeted for FY 2023/24 have been provided. As purchases are made, staff will record which vehicles have been purchased from these lists up to the respective not to exceed amount.

ATTACHMENTS: Resolution
 List of Deferred Replacement Vehicles/Equipment
 List of FY 2023/2024 Budgeted Vehicles/Equipment

Report Prepared By: Natasha Farmer, Public Works Administrative Analyst II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the Purchase of Deferred)
Replacement Vehicles and Equipment)
from FY 2022/23 and Budgeted for)
FY 2023/24)

RESOLUTION NO. 23-

WHEREAS, the City's Public Works Department is responsible for the care and maintenance of the City's fleet of vehicles and equipment; and

WHEREAS, over time, vehicles and equipment become old or worn and are no longer able to provide optimum service to the City or are too costly to maintain; and

WHEREAS, these vehicles and equipment must routinely be replaced to provide City staff with adequate equipment to provide the most efficient and cost-effective services to the public; and

WHEREAS, supply chain issues, competition from other buyers, shortened sales times, and market volatility have made it a challenge to acquire vehicles; and,

WHEREAS, Staff has deferred many vehicles and equipment purchases for over 3 years, creating a large backlog, and an increasing need for new vehicles and equipment; and

WHEREAS, staff recommends authorizing the purchase of backlogged and FY 2023/24 budgeted vehicles and equipment in an amount up to \$4,157,100 in order to secure procurement; and

WHEREAS, vehicles will be purchased using various methods for procurement and in compliance with the Purchasing Policy; and,

WHEREAS, funds sufficient to finance this purchase up to \$3,211,400 are available in the Fleet Operations, Water Operations, and Sewer Operations Budgets previously approved by the City Council for FY 2022/23 and \$945,700 for FY 2023/2024, a combined total not to exceed \$4,157,100; and

WHEREAS, additional funds necessary to complete the purchase of all vehicles and equipment after pricing is released and funds are expended will be requested if needed.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Pittsburgh hereby approves and authorizes the City Manager to purchase 48 previously deferred budgeted vehicles and equipment and 18 newly budgeted vehicles, as set forth in the attached lists, for an amount not to exceed \$4,157,100.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 7th day of August 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

FLEET REQUESTS FY 2023/2024										
DEPT.	OPERATION	UNIT#	YEAR	MAKE	MODEL	EST PURCHASE		MAKE	MODEL	JUSTIFICATION
						PRICE				
PPD	INVESTIGATIONS	151	2010	FORD	TAURUS	\$ 37,500		TOYOTA	CAMRY LE HYRBID	REPLACING AGING INV VEHICLES 2010 WITH A FUEL EFFICIENT MODEL - on rollover list
PPD	INVESTIGATIONS	161	2008	FORD	TAURUS	\$ 37,500		TOYOTA	CAMRY LE HYRBID	REPLACING AGING INV VEHICLES 2010 WITH A FUEL EFFICIENT MODEL
PPD	INVESTIGATIONS	164	2008	FORD	TAURUS	\$ 37,500		TOYOTA	CAMRY LE HYRBID	REPLACING AGING INV VEHICLES 2010 WITH A FUEL EFFICIENT MODEL
PPD	INVESTIGATIONS	169	2008	FORD	TAURUS	\$ 37,500		TOYOTA	CAMRY LE HYRBID	REPLACING AGING INV VEHICLES 2010 WITH A FUEL EFFICIENT MODEL
PPD	PATROL	104	2016	FORD	INTERCEPTOR UTI	\$ 81,000		FORD	EXPLORER HYBRID	HIGH MILEAGE PATROL ANTICIPATED DELIVERY LATE 2024/EARLY 2025
PPD	PATROL	113	2018	FORD	INTERCEPTOR UTI	\$ 81,000		FORD	EXPLORER HYBRID	HIGH MILEAGE PATROL ANTICIPATED DELIVERY LATE 2024/EARLY 2025
PPD	PATROL	118	2016	FORD	INTERCEPTOR UTI	\$ 81,000		FORD	EXPLORER HYBRID	HIGH MILEAGE PATROL ANTICIPATED DELIVERY LATE 2024/EARLY 2025
PPD	PATROL		NEW			\$ 70,000		FORD	F150 FIRST RESPONDER HYBRID	EXPANDING PATROL FLEET TO MEET INCREASED COMMUNITY NEEDS AND MISSION OF PPD
PPD	PATROL		NEW			\$ 80,000		FORD	EXPLORER HYBRID	EXPANDING PATROL FLEET TO MEET INCREASED COMMUNITY NEEDS AND MISSION OF PPD
PW	STREETS		2014	DENCO	PLOTTER/CUTTER	\$ 75,000		GRAPHTEC	PRINTER/PLOTTER	EXISTING EQUIPMENT AND SOFTWARE FOR TRAFFIC SIGN SHOP NEAR OBSOLETE. PARTS DIFFICULT TO OBTAIN SHUTTING DOWN SIGN PRODUCTION
PW	STREETS		2015	STRIPER	TRAFFIC PAINT STRIPER MACHINE	\$ 22,000		STRIPER	LINE LAZY EASY RISER	CURRENT STREET STRIPERS PARTS BECOMING OBSOLETE. CURRENTLY MORE IN REPAIRS THAN ON OPERATIONAL PRODUCTION
PW	LANDSCAPE		2001	VERMEER	STUMP CUTTER	\$ 110,500		VERMEER	STUMP CUTTER SC802	CURRENT CUTTER/GRINDER CONSTANT BREAKDOWN AND PARTS SCARCITY
PW	FLEET		NEW			\$ 38,000		FORWARD	12000 CAP 2POST LIFT	CURRENT MODEL OVER 30+ YEARS OLD. VEHICLE CAPACITY FROM 12K TO 20K WEIGHT
PW	FLEET		NEW			\$ 6,500			MODULAR FABRICATION/WELDING TABLE	INCREASE FABRICATION ABILITIES FOR REPAIRS AND SPECIAL TASKS
PW	FLEET		NEW			\$ 79,000		ROTARY	FLEXMAX COLUMN LIFT	NO CURRENT CAPABILITY TO LIFT SEWER,SWEEPER, TREE TRUCK, DUMP TRUCK, ETC
PW	FLEET		NEW			\$ 6,700			HEAVY DUTY PARTS WASHER	NO CURRENT PARTS WASHER AND STAFF IS MANUALLY CLEANING PARTS
PW	FLEET		2001		TIRE BALANCER	\$ 26,000		HUNTER	RFE12 TIRE BALANCER	WORN, OUTDATED 20+ OLD MODEL LIMITED PERFORMANCE AND CAPABILITIES
PW	FLEET		2001	JOHN BEAN	EHP SYSTEM	\$ 39,000		HUNTER	TCA34R TIRE CHANGER	WORN, OUTDATED 20+ OLD MODEL LIMITED PERFORMANCE AND CAPABILITIES
TOTAL						\$ 945,700				

Budgeted Not Yet Purchased

Budgeted / Not Purchased Vehicles 2021-2023												
DEPT.	OPERATION	UNIT#	YEAR	MAKE	MODEL	MILEAGE	PROPOSED REPLACEMENT	Purchase Priority	BUDGET\$			NOTES
							VEHICLE		ADDITIONS	TOTAL		
PPD	INVESTIGATIONS	151	2010	FORD	TAURUS	158,277.0	TBD		\$ 55,300.00	\$ 6,900.00	\$ 62,200.00	NOT ORDERED Exceeds service life of PD vehicles, high mileage, high use, limited parts availability
PPD	INVESTIGATIONS	154	2012	FORD	TAURUS	124,353.0	TBD		\$ 55,300.00	\$ 6,900.00	\$ 62,200.00	NOT ORDERED Exceeds service life of PD vehicles, exceeding mileage, limited parts availability
BLD/ENG	BUILDINGS	302	2005	FORD	F150	144,050.0	FORD F150 PICK UP		\$ 45,000.00	\$ 2,000.00	\$ 47,000.00	Replaced by 320 - remained in service for staffing needs - High mileage, 18 years old, end of service life.
BLD/ENG	ENGINEERING	321	2006	FORD	RANGER	119,524.0	FORD MAVERICK HYBRID		\$ 37,500.00	\$ 3,000.00	\$ 40,500.00	Passed through several depts.
BLD/ENG	ENGINEERING	322	2005	FORD	RANGER	29,930.0	FORD MAVERICK HYBRID		\$ 37,500.00	\$ 3,000.00	\$ 40,500.00	NOT ORDERED..UNAVAILABLE. Seeking Lease Quotes
BLD/ENG	ENGINEERING	323	2006	FORD	RANGER	43,977.0	FORD MAVERICK HYBRID		\$ 37,500.00	\$ 3,000.00	\$ 40,500.00	NOT ORDERED..UNAVAILABLE. Seeking Lease Quotes
BLD/ENG	ENGINEERING	324	2004	FORD	RANGER	93,515.0	FORD MAVERICK HYBRID		\$ 37,500.00	\$ 3,000.00	\$ 40,500.00	NOT ORDERED..UNAVAILABLE. Seeking Lease Quotes
BLD/ENG	ENGINEERING	325	2002	FORD	RANGER	69,070.0	FORD MAVERICK HYBRID		\$ 37,500.00	\$ 3,000.00	\$ 40,500.00	NOT ORDERED..UNAVAILABLE. Seeking Lease Quotes
BLD/ENG	ENGINEERING	331	2004	FORD	RANGER	27,806.0	FORD MAVERICK HYBRID		\$ 37,500.00	\$ 3,000.00	\$ 40,500.00	NOT ORDERED..UNAVAILABLE. Seeking Lease Quotes
PW	ADMIN STREET MAINTENANCE CJ	500	2010	FORD	F150	124,656.0	FORD F150 PICKUP		\$ 45,000.00	\$ 3,000.00	\$ 48,000.00	High mileage, maintenance costs approaching value
PW	ADMIN SEWER MAINTENANCE RC	501	2009	FORD	F150	107,401.0	FORD F150 PICKUP		\$ 45,000.00	\$ 3,000.00	\$ 48,000.00	NOT ORDERED..UNAVAILABLE Maintenance costs exceed vehicle value, higher mileage
REC	RECREATION	504	2004	FORD	TAURUS	54,373.0	FORD ESCAPE HYBRID		\$ 44,000.00	\$ -	\$ 44,000.00	NOT ORDERED..UNAVAILABLE
PW	LANDSCAPE	505	2006	FORD	F250	123,250	FORD F250 SERVICE BODY	7	\$ 72,000.00	\$ 2,000.00	\$ 74,000.00	17 years old. Retired 01/2022 Engine Failure. Replacement costs exceed value. NOT YET REPLACED Department down a vehicle.
PW	METERS	513	2006	FORD	F150	121,862.0	FORD F150 PICKUP		\$ 45,000.00	\$ 3,000.00	\$ 48,000.00	16 years old. Maintenance costs exceed vehicle value. Highly visible wear & tear. Limited parts availability NOTE: This vehicle was passed to Meters from Buildings - 542 Out of service due to trans failure
PW	LANDSCAPE	514	2006	FORD	F450 DUMP	46,299.0	FORD F450 DUMP BODY	24	\$ 90,000.00	\$ 3,000.00	\$ 93,000.00	17 years old. Dump truck. Heavy construction use - deteriorated vehicle. Visible damage to dump body. Limited parts availability
PW	STREET MAINTENANCE	516	2011	FORD	F350	154,469.0	FORD F350 DUMP BODY	13	\$ 90,000.00	\$ 3,000.00	\$ 93,000.00	12 years old. Heavy use and high mileage - deteriorated vehicle. Maintenance costs exceed vehicle value. Limited parts availability
PW	WATER MAINTENANCE	518	2009	FORD	F250	150,770.0	FORD F250 SERVICE BODY	18	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	14 years old. Sewer Maintenance truck transferred to Water Dept. Maintenance costs exceed vehicle value. High mileage
PW	WATER MAINTENANCE	524	2006	FORD	F250	144,898	FORD F250 SERVICE BODY	10	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	17 years old. Maintenance costs exceed vehicle value. High mileage, heavy use vehicle. Limited parts availability
PW	SEWER MAINTENANCE	525	2002	FORD	F350	62,449.0	FORD F450 SERVICE BODY	3	\$ 108,000.00	\$ 2,000.00	\$ 110,000.00	21 years old. Transfer from Streets Department to Sewer Department. Old paint vehicle converted to Sewer Repair vehicle. Parts availability. Beyond useful life
PW	BUILDINGS MAINTENANCE	532	2006	FORD	F250	81,233.0	FORD F250 SERVICE BODY	19	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	17 years old. Maintenance costs exceed vehicle value. Limited parts availability
PW	WATER MAINTENANCE	538	2008	FORD	F750	61,398.0	FORD F750 DUMP	1	\$ 150,000.00	\$ 1,000.00	\$ 151,000.00	15 years old. Dump truck. Beyond useful life. Outdated emissions systems. Limited parts availability
PW	LANDSCAPE	539	2006	FORD	F250	85,022.0	FORD F250 SERVICE BODY	15	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	17 years old. Maintenance costs exceed vehicle value. Highly visible wear & tear. Limited parts availability
PW	LANDSCAPE	540	2006	FORD	F250	66,790.0	FORD F250 PICKUP	16	\$ 55,000.00	\$ 3,000.00	\$ 58,000.00	17 years old. Transferred from Island Energy to Landscape. Maintenance costs exceed vehicle value. Limited parts availability
PW	LANDSCAPE	541	2006	FORD	F350	59,360.0	FORD F250 DUMP BODY	11	\$ 79,000.00	\$ 3,000.00	\$ 82,000.00	17 years old. High maintenance costs. Limited parts availability. Emission related issues - limited motor part availability
PW	BACKFLOW MAINTENANCE	542	2005	FORD	F150	193,075.0	FORD F250 SERVICE BODY	5	\$ 72,000.00	\$ 2,000.00	\$ 74,000.00	18 years old. High mileage. Maintenance costs exceed value. End of useful life. Engine mechanical issues - engine burns oil. Transmission failure. Out of service
PW	LANDSCAPE	545	2004	FORD	F150	85,922.0	FORD F250 PICKUP	17	\$ 55,000.00	\$ 3,000.00	\$ 58,000.00	19 years old. Maintenance costs exceed vehicle value. End of useful life. Limited parts availability. Visible wear and tear (excessive).
PW	LANDSCAPE	556	2006	FORD	F250	84,416.0	FORD F250 SERVICE BODY	12	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	17 years old. Maintenance costs exceed vehicle value. End of useful life limited parts availability.
PW	WATER MAINTENANCE	565	2005	FORD	F450	57,516	FORD F450 SERVICE BODY	23	\$ 105,000.00	\$ 3,000.00	\$ 108,000.00	18 years old. Transferred from Water to Landscape Dept. Highly visible wear & tear. Limited parts availability. Water repair truck and standby truck with heavy use.
PW	WATER MAINTENANCE	569	2011	FORD	F450	41,412.0	FORD F450 SERVICE BODY	25	\$ 105,000.00	\$ 3,000.00	\$ 108,000.00	12 years old. Heavily used vehicle. Water Repair and emergency standby truck - double shifts. Visible wear & tear
PW	WATER MAINTENANCE	572	2004	FORD	F250	150,770.0	FORD F250 SERVICE BODY	6	\$ 72,000.00	\$ 2,000.00	\$ 74,000.00	19 years old. Transferred from Streets to Water Dept. High mileage. Maintenance costs exceed value. End of useful life.
PW	LANDSCAPE	575	2006	FORD	F250	88,437.0	FORD F250 SERVICE BODY	14	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	17 years old. Engine emission issues. Maintenance costs exceed vehicle value. Limited parts availability.
PW	PARK PATROL	580	2005	FORD	F250	105,273.0	FORD F250 SERVICE BODY	9	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	18 years old. Transfer from #551 2004 F150 153,261 mi. Retired 09/2019. Transmission failure. Replacement costs exceed value. No replacement. Department down a vehicle.

Budgeted Not Yet Purchased

PW	LANDSCAPE	583	2008	FORD	F250	67,046.0	FORD F250 SERVICE BODY	20	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	15 years old. Highly visible wear & tear. Maintenance costs exceed vehicle value. Limited parts availability
PW	SEWER MAINTENANCE	585	2008	FORD	F750	29,976.0	FORD F750 DUMP	2	\$ 150,000.00	\$ 1,000.00	\$ 151,000.00	15 years old. Engine mechanical issues. Lower end knock. Repairs cost exceed value.
PW	WATER MAINTENANCE	594	2009	FORD	F250	196,514.0	FORD F250 SERVICE BODY	4	\$ 72,000.00	\$ 2,000.00	\$ 74,000.00	15 years old. Extreme high mileage. Used for regular shifts and standby calls. Maintenance costs exceed value. End of useful life.
PW	LANDSCAPE	596	2008	FORD	F250	82,894.0	FORD F250 SERVICE BODY	21	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	15 years old. Highly visible wear & tear. Maintenance costs exceed vehicle value. Limited parts availability
PW	LANDSCAPE	598	2008	FORD	F350	59,881	FORD F350 4X4 SRW DUMP BODY	22	\$ 95,000.00	\$ 3,000.00	\$ 98,000.00	15 years old. Highly visible wear & tear. Maintenance costs exceed vehicle value. Limited parts availability
PW	LANDSCAPE	702	2011	FORD	F250	95,944.0	FORD F150 PICKUP		\$ 50,000.00	\$ 3,000.00	\$ 53,000.00	Vehicle transferred to landscape for necessity. Need replacement for WTP due to vehicle transfer - no replacement has been ordered.
MARINA	MARINA MAINTENANCE	806	2001	FORD	F250	122,327.0	FORD F250 SERVICE BODY	8	\$ 72,000.00	\$ 2,000.00	\$ 74,000.00	22 years old. High mileage. Deteriorated vehicle. Limited parts availability . Maintenance costs exceed value.
PW	LANDSCAPE UTILITY TRAILER	962	2001	CARSON	TRAILER	0	TRAILER		\$ 15,000.00	\$ -	\$ 15,000.00	NOT ORDERED
PW	MOWER TRAILER	976	1999	CARSON	MOWER TRAILER	0	TRAILER		\$ 15,000.00	\$ -	\$ 15,000.00	NOT ORDERED
PW	MOWER TRAILER	987	2007	CARSON	TRAILER	0	TRAILER		\$ 15,000.00	\$ -	\$ 15,000.00	NOT ORDERED
BLD/ENG	ENGINEERING	ADDITION	NEW	NEW	NEW	NEW	FORD F150 PICK UP		\$ 45,000.00	\$ 3,000.00	\$ 48,000.00	NOT ORDERED..UNAVAILABLE. - Increased staffing needs
PW	PRIMARY STANDBY	ADDITION	NEW	NEW	NEW	NEW	F250 SERVICE BODY	26	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	To solely have standby vehicle to minimize overusage of other vehicles, limiting maintenance costs and vehicle replacements.
PW	METER MAINTENANCE	ADDITION	NEW	NEW	NEW	NEW	F250 SERVICE BODY	28	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	Dedicated vehicle for meter repair - Borrowing vehicle from other crew to respond to calls. Vehicle needed
PW	SEWER LEAD WORKER	ADDITION	NEW	NEW	NEW	NEW	F250 SERVICE BODY	27	\$ 72,000.00	\$ 3,000.00	\$ 75,000.00	No vehicle to respond to calls. Borrowing vehicle from other crew. Vehicle needed.
PW	WATER MAINTENANCE	ADDITION	NEW	NEW	NEW	NEW	TRAFFIC BOARD		\$ 28,000.00	\$ -	\$ 28,000.00	Traffic board - for construction crews, safety
PW	WATER MAINTENANCE	ADDITION	NEW	NEW	NEW	NEW	4" TOWABLE PUMP		\$ 55,000.00	\$ -	\$ 55,000.00	Current pump not sufficient. During large rain events, storm drain backups, needed for bypasses and major water breaks - 2 pumps needed
										TOTAL	\$ 3,211,400.00	

**CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES**

DATE: July 17, 2023

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL/AGENCY MEMBERS

Shanelle Scales-Preston, Mayor/Chair
Juan Antonio Banales, Vice-Mayor/Chair
Jelani Killings, Council/Agency Member
Dionne Adams, Council/Agency Member
Angelica Lopez, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

Garrett Evans, City Manager/Executive Director
Donna Mooney, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

Vice Mayor Banales called the regular meeting to order at 7:00 P.M. in the Council Chamber at City Hall, 65 Civic Avenue Pittsburg, CA. The City Council did not convene in Closed Session at 6:00 P.M. as the following Closed Session Item was continued to a date uncertain:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Section 54956.8 Property: 25 W. 10th Street (085-201-005) and 45 W. 10th Street (085-201-004); City Negotiators: Garrett Evans and Maria Aliotti; Negotiating Parties: Eric Keena on behalf of SK Pittsburg Bay Point LLC; Under negotiation: Both price and terms of payment

ROLL CALL

Mayor/Chair Scales-Preston and Member Adams were absent and excused.

PLEDGE OF ALLEGIANCE

Vice Mayor Banales led the Pledge of Allegiance.

PRESENTATION

2. Presentation of the Accessory Dwelling Unit Guidebook and Pre-Approved Accessory Dwelling Unit Prototype Plan Set

City Manager Evans stated this presentation would be pulled from the agenda and brought back at a later date.

PROCLAMATIONS

3. National Night Out

CITY MANAGER REPORTS/REMARKS

City Manager Evans acknowledged three (3) Youth Commissioners who have graduated and will be going off to college and will no longer be a part of the Youth Commission.

City Manager Evans stated for the record that the City Council did not meet in Closed Session.

PUBLIC COMMENTS

Rose Mary Randazzo, Pittsburg, asked for assistance with being harassed for feeding community cats.

Kevin Bailey, Pittsburg, noted the Bay Walk Project developer has agreed to meet with the Unions.

Siu Ling, Pittsburg, stated she was supportive of the Pittsburg Arts and Community Foundation.

COMMITTEE REPORTS

Member Killings attended the Pittsburg Arts and Community Foundation (PACF), and Economic Development / Waterfront committee meetings.

PITTSBURG POWER COMPANY

PUBLIC HEARING

4. Adoption of a Pittsburg Power Company Resolution Approving Island Energy Fiscal Year 2023-2024 Rate Change Proposal for Electricity Retail Services on Mare Island

On Motion by Member Killings, seconded by Member Lopez and adopted by the following vote:

AYES: Banales, Killings, Lopez
ABSENT: Adams, Scales-Preston

COMBINED PITTSBURG POWER COMPANY AND CITY COUNCIL CONSIDERATION

5. Adoption of a City Council Resolution Authorizing the City Manager to Execute the Consultant Agreement with Entertainment Lane Inc. for Operation of the California Theatre and Adoption of a Pittsburg Power Company Resolution Allocating Funds

Dianna Schepers, Pittsburg, spoke in favor of Entertainment Lane Inc.

Wolfgang Croskey, Pittsburg, spoke in favor of Entertainment Lane Inc.

On Motion by Member Killings, seconded by Member Lopez and adopted by the following vote:

AYES: Banales, Killings, Lopez

ABSENT: Adams, Scales-Preston

CITY COUNCIL

PUBLIC HEARING

6. Adoption of a City Council Resolution to Confirm the Engineer's Report, District Diagram and Assessment, and Levy the Annual Assessment for Citywide Landscaping & Lighting Assessment District 1988-01 for FY 2023/24

On Motion by Member Lopez, seconded by Member Killings and adopted by the following vote:

AYES: Banales, Killings, Lopez
ABSENT: Adams, Scales-Preston

7. Adoption of a City Council Resolution to Confirm the Engineer's Report, District Diagram and Assessment, and Levy the Annual Assessment for Citywide Landscaping & Lighting Assessment District 1988-01 for FY 2023/24

On Motion by Member Killings, seconded by Member Lopez and adopted by the following vote:

AYES: Banales, Killings, Lopez,
ABSENT: Adams, Scales-Preston

CONSIDERATION

8. Adoption of a City Council Resolution Authorizing the Modifications of City Council Subcommittees

On Motion by Member Killings, seconded by Member Lopez and adopted by the following vote:

AYES: Banales, Killings, Lopez
ABSENT: Adams, Scales-Preston

9. Adoption of a City Council Resolution to Approve Contract with Weaver Technologies, LLC for the refresh of VMWare Infrastructure at Police Department

On Motion by Member Lopez, seconded by Member Killings and adopted by the following vote:

AYES: Banales, Killings, Lopez
ABSENT: Adams, Scales-Preston

10. Adoption of City Council Resolution Authorizing the Purchase of Deferred Replacement Vehicles and Equipment from FY 2022/2023 and Budgeted for FY 2023/2024

City Manager Evans stated Item 10 will be pulled and considered at a later date.

11. Adoption of a City Council Resolution Approving the Second Amendment to the Agreement with Discovery Builders Inc. to Design and Construct a Recreational Facility and Allocating Funding

On Motion by Member Killings, seconded by Member Lopez and adopted by the following vote:

AYES: Banales, Killings, Lopez
ABSENT: Adams, Scales-Preston

CONFLICT OF INTEREST STATEMENT

There were no conflict of interests statements.

COMBINED CITY COUNCIL, PITTSBURG ARTS AND COMMUNITY FOUNDATION, PITTSBURG POWER COMPANY, SOUTHWEST PITTSBURG GHAD II AND SUCCESSOR AGENCY CONSENT CALENDAR

City Attorney Mooney stated the copy of the final lease for Item 14 was not received prior to the meeting. The resolution will be corrected to reflect that wording.

City Attorney Mooney also stated the draft attachment for Item 19 has been replaced with a final edition.

Susan Burkett and Peter Wilson of the New York Landing Home Owners Association commented on Item 15.

On Motion by Member Killings, seconded by Member Lopez and adopted by the following vote:

AYES: Banales, Killings, Lopez
ABSENT: Adams, Scales-Preston

12. Minutes of June 19, 2023

13. Adoption of a City Council Resolution Designating a Voting Delegate at the League of California Cities Annual Conference in September 2023

14. Adoption of a City Council Resolution Approving the Library Lease and Service Agreement between the City of Pittsburg and the County of Contra Costa

15. Adoption of a City Council Resolution Awarding a Contract for Project 5515 - Pittsburg Marina Basin III Dredge and Project 6240 - Residential Channel Dredge Projects and Authorizing the City Manager to Execute a Reimbursement and Indemnification Agreement with the New York Landing Homeowners' Association

16. Adoption of a City Council Resolution Approving the Contra Costa Transportation Authority's Measure J Growth Management Program Compliance Checklist for Calendar Years 2020-2021

17. Adoption of a City Council Resolution Awarding a Contract for Water Supplies

18. Adoption of a City Council Resolution Accepting Project 4066, 2022/2023 CDBG ADA Curb Ramp Installation, as Complete and Authorize the City Engineer to File a Notice of Completion
19. Adoption of a City Council Resolution to Amend the Master Pay Schedule as Required by California Public Employees' Retirement System
20. Adoption of a Pittsburg Power Company Resolution Authorizing the Executive Director to Negotiate and Execute an Agreement with Pacific Gas and Electric Company to Complete a System Impact Study

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

COUNCIL MEMBER REMARKS

There were no Council Member remarks.

ADJOURNMENT

The meeting was adjourned at 09:01 P.M. to August 7, 2023.

Respectfully submitted,

Alice E. Evenson, City Clerk



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a Minute Order to Approve a City Council Recess for Labor Day Holiday

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

Historically, the City Council takes a recess during the summer months to allow for both staff and City Council vacations. The recess and scheduled dates are at the discretion of the City Council.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

By Minute Order, approve recess of the City Council on the September 4, 2023 meeting.

BACKGROUND

The City Council historically takes recesses throughout the year to allow for both staff and City Council vacations. The first Monday in September is a holiday due to Labor Day.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The City Council typically recesses the meeting during the first week of September. The holidays of July 4th and Labor Day usually occur on or near the first Monday of the month. To avoid any potential lack of quorum for these meetings, it is preferred to cancel the meetings as a typical summer recess.

Report Prepared By: Melaine Venenciano, Director of Records and Council Services



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: By Minute Order, Select Appointments to Vacancies on the Measure M/P Citizens Oversight Committee

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

The Measure M (formerly known as Measure P) Citizens Oversight Committee (Oversight Committee) is comprised of three members of the Community Advisory Commission and two members from the Chamber of Commerce. Members must be residents of the City of Pittsburg as well as registered voters.

FISCAL IMPACT

There is no fiscal impact related to the appointment of Oversight Committee Members.

RECOMMENDATION

Staff recommends the appointment of three members of the Community Advisory Commission (CAC) as selected pursuant to the CAC bylaws; and two members of the business community to the Oversight Committee.

BACKGROUND

On June 5, 2012, the voters of Pittsburg passed Measure P, the Pittsburg Preservation of Citywide Services Temporary Funding Transactions and Use Tax Ordinance. Ordinance No. 12-1360 established a one-half of one percent (0.5%) use and transaction tax for the first five (5) years and a one-quarter of one percent (0.25%) for the subsequent five (5) years.

Pursuant Measure P, the City Council adopted a minute order (Attachment 1) on February 19, 2013, establishing the composition of eligible candidates to the Oversight Committee, including three CAC Members and two Chamber of Commerce Members. Pursuant to the Measure P Fact Sheet (Attachment 2) Oversight Committee members must be Pittsburg residents and registered voters.

On June 7, 2016, the voters of Pittsburg passed Measure M. Ordinance No. 16-1411 was certified as approved, extending the use and transaction tax of one-half of one percent (0.5%) to June 30, 2035.

Historically, the CAC has made appointment recommendations of three members each year during a regular meeting of the CAC, while staff and the Chamber of Commerce work collaboratively to nominate the Chamber's two members.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

On May 3, 2023, during its regularly scheduled meeting, the CAC nominated three members of the Commission to the Oversight Committee. These three members included Dennisha Marsh, Isabel Romena, and Veronica Pope. In June 2023, Veronica Pope resigned her position on the CAC, and a replacement has not yet been nominated by the Commission. Tara Sanders, owner of Dale Vino Wine Bar and a member of the Chamber of Commerce, remains on the Oversight Committee.

Staff's recommendation to appoint three members of the CAC as nominated by the CAC, as well as two Chamber members, as identified by staff, to the Oversight Committee would allow the City to more quickly fill vacant positions, which is critical in holding Oversight Committee meetings at which a quorum is present. Currently, holding of Oversight Committee meetings can be delayed due to the added step of agendaizing the appointment of specific Oversight Committee members for City Council consideration.

ATTACHMENTS: 2013 Minute Order and Staff Report
 Measure P Citizens Oversight Committee Fact Sheet

Report Prepared By: Jordan Davis, Director of Community and Economic Development

MINUTE ORDER CERTIFICATION

State of California
County of Contra Costa
City of Pittsburg

I, Alice E. Evenson, City Clerk in and for said City Council, City of Pittsburg, County of Contra Costa, State of California, do hereby certify that the hereto attached and foregoing document is a full, true and correct copy of the Minute Order, on file in this office of said City. This Minute Order was approved at a regular meeting of the City Council of the City of Pittsburg on February 19, 2013 by the following vote:

AYES: Members Evola, Johnson, Longmire, Parent

NOES: None

ABSTAINED: None

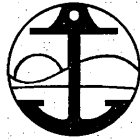
ABSENT: Casey

WITNESS, my hand, and Official Seal
this 20th day of February, 2013



Alice E. Evenson
City Clerk

City Clerk note: Council adopted the Minute Order as recommended.



OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565

DATE: 1/29/2013
TO: Mayor and Council Members
FROM: Joe Sbranti, City Manager
SUBJECT: By Minute Order, Establish and Select Committee Appointments to Measure P Citizens Oversight Committee
MEETING DATE: 2/19/2013

EXECUTIVE SUMMARY

On June 5, 2012 the voters of Pittsburg passed Measure P, the Pittsburg Preservation of Citywide Services Temporary Funding Transactions and Use Tax Ordinance. The ordinance established a one-half of one percent (0.5%) use and transaction tax for the first five (5) years, and then will be reduced to one-quarter of one percent (0.25%) from the sixth through tenth year before being eliminated. The implementation of Measure P requires the establishment of a Citizens Oversight Committee ("Committee") charged with making recommendations to the City Council ("Council") for the use of the Measure P tax revenue. This item will establish the composition of select Committee appointments to that Committee.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

Staff recommends establishing the composition of and appointing eligible candidates to Committee openings as follows:

Chamber of Commerce – two vacancies and two applicants

Citizen's Advisory Committee (CAC) – three vacancies and three applicants.

Staff solicited recommendations from the Chamber of Commerce and CAC for appointments to the Committee and received the following nominations:

Doris Bedford, Chamber of Commerce Representative

Lindy Maynes, Chamber of Commerce Representative
Ruben Esqueda, CAC Representative
Emmanuel Ogunleye, CAC Representative
De'Shawn Woolridge, CAC Representative

BACKGROUND

On June 5, 2012 the voters of Pittsburgh passed Measure P, establishing a one-half of one percent (0.5%) use and transaction tax for the first five (5) years, and then will be reduced to one-quarter of one percent (0.25%) from the sixth through tenth year before being eliminated.

The Pittsburgh Preservation of Citywide Services Temporary Funding Transactions and Use Tax Ordinance includes a requirement for a Citizens Oversight Committee that is charged with making recommendations to the City Council for use of the tax revenue.

SUBCOMMITTEE FINDINGS

The Finance Committee reviewed and approved the proposed composition, requirements, and terms of the Measure P Citizens Oversight Committee and recommended that staff proceed with soliciting members from the Chamber of Commerce and CAC to serve on the Committee.

STAFF ANALYSIS

The Committee is to (1) receive information from City staff on the receipt of revenue and the expenditure of funds from Measure P, (2) provide recommendations to the City Council on the use of Measure P revenue, (3) shall produce a report that records the results of its recommendations for expenditure of the revenue generated from the tax, and (4) present the report to the City Council at a public meeting and be made a public record. Committee meetings will open to the public and subject to the Brown Act.

As described in the attached Measure P Citizens Oversight Committee Fact Sheet, Staff is recommending a five member Committee with two representatives from the Chamber of Commerce and three from the CAC. Committee Members must be a Pittsburgh resident and registered voter. Members will serve two year terms.

ATTACHMENTS: Measure P Citizens Oversight Committee Fact Sheet

Report Prepared By: Tina Olson, Director of Finance and Administration

Measure P Citizens Oversight Committee Fact Sheet

Overview:

On June 5, 2012 the voters of Pittsburgh passed Measure P, establishing a one-half of one percent (0.5%) use and transaction tax for the first five (5) years, and then will be reduced to one-quarter of one percent (0.25%) from the sixth through tenth year before being eliminated.

The Pittsburgh Preservation of Citywide Services Temporary Funding Transactions and Use Tax Ordinance includes a requirement for a Citizens Oversight Committee that is charged with making recommendations to the City Council for use of the tax revenue.

Scope of Responsibility:

To receive information from City staff on the receipt of revenue and the expenditure of funds from Measure P.

1. Provide recommendations to the City Council on the use of Measure P revenue.
2. Committee shall produce a report that records the results of its recommendations for expenditure of the revenue generated from the tax.
3. The report shall be represented to the Council at a public meeting and shall be a public record.

Committee Composition:

1. Member must be a Pittsburgh resident and registered voter.

Sample committee members:

- a. Chamber of Commerce member(s) – representative of a Pittsburgh business – 2 each

Community Advisory Committee member(s) – 3 each. Being a member of the CAC is a pre-requisite to being a member of the Measure P Citizen's Oversight Committee.

2. Members will be appointed by the City Council.

Term:

Generally, members will serve for two years. For CAC appointments, appointment to the Measure P Citizen's Oversight Committee is the lesser of two years or the period of time the member is on the CAC. For Chamber appointments, the appointment is for two years, unless replaced earlier by the Chamber or the City.

Committee Organization and Use of Existing City Practices:

Staff is recommending that the Committee follow all relevant existing City practices in terms of organization and conduct by:

1. Electing a Chair and Vice Chair.
2. Operate in accordance with the Ralph M. Brown Act.
3. Comply with all State and local mandated conflict of interest/economic interest disclosure requirements.
4. Comply with requirements of AB1234 – Mandatory two hour ethics training every two years.
5. Receive no compensation for their service on the Committee.

Committee Meeting Schedule:

The City's budgeting occurs in the Spring of each year. Staff recommends having the Committee active from March to June of each year.

1. No specific dates and times have been established at this point.
2. Staff will work with appointed Committee members to identify days/times that work well with their schedules.
3. All meetings will be public, published in accordance with the Brown Act, and posted within required timeframes.
4. The report prepared by the Committee documenting their findings and recommendations will be presented to the City Council at the Budget workshops.

Staff/Administrative Support:

Staff from the City Manager's and Finance Department will have primary responsibility for supporting the Committee.

Appointment of Committee Members:

Members will be appointed in February 2013.



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a Minute Order Authorizing a Letter of Support for ABAG's Regional Technology and Innovation Hub Program Proposal

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

The U.S. Economic Development Administration's (EDA) Regional Technology and Innovation Hubs (Tech Hubs) Program is an economic development initiative to drive regional technology and innovation growth by investing directly in regions to create innovation centers that catalyze the creation of good jobs for American workers of all skill levels. The Association of Bay Area Governments (ABAG) is submitting a proposal to establish a Next-Generation Solid-State Battery Technology Innovation Hub (NSBT-Hub) to the EDA under this program. Adoption of a minute order would authorize staff to forward a letter of support for ABAG's proposal.

FISCAL IMPACT

There is no fiscal impact related to the letter of support.

RECOMMENDATION

By minute order, direct staff to finalize and forward the attached letter of support from the City of Pittsburg for the NSBT-Hub proposal.

BACKGROUND

The purpose of the Tech Hubs Program is to strengthen U.S. economic and national security through place-based investments in regions with the assets, resources, capacity, and potential to become globally competitive in the technologies and industries in the future. Such technologies of focus include artificial intelligence, robotics, biotechnology, data storage and management, advanced energy, and much more. On May 12, 2023, the EDA published the Tech Hubs Phase I Notice of Funding Opportunity to fund strategic development grants that are intended to help regions facilitate planning activities to become designated areas to receive implementation funds, which will be administered through the Phase II process of this program.

Each designated Tech Hub region would be eligible to apply for Phase II implementation funding, in which a select amount of applicants would receive approximately \$50-\$75 million to implement their Tech Hub plans. Designated Tech Hubs that do not receive Phase II implementation funding would be eligible for future implementation funds as they become available. Applications for Phase I funding are due on August 15, 2023.

The Association of Bay Area Governments is a regional planning agency of the cities and counties of the San Francisco Bay Area and provides planning from a regional perspectives on how to support continued economic growth in the Bay Area region. This is done through collaboration and the creation of planning instruments such as Plan Bay Area 2050 and Priority Production Areas, the latter of which identifies opportunities for continued job retention and growth in key industrial lands across the Bay Area.

In partnership with the Metropolitan Transportation Commission (MTC), they are submitting a proposal to establish the NSBT-Hub. The vision for this proposal is to provide a global technology hub for research, testing, prototyping and manufacturing next-generation energy storage solutions, combined with wrap-around services and training programs for communities. They are seeking to establish this vision and utilize Phase I funding to facilitate strategic planning services to further detail their vision into a plan and Tech Hub designation.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

Pursuit of this program provides an opportunity to potentially strengthen the economic vitality of the Bay Area region as a whole. The City of Pittsburg's Economic Development Strategic Plan, adopted in 2022, stresses the importance of maintaining industrial lands as job centers and supports the facilitation of green jobs in those areas. Most of the industrial areas north of Highway 4 in Pittsburg are designated as Priority Production Areas by ABAG as they recognize the importance of retaining those lands to continue to be a job center for the region. The technology that this proposal seeks to incubate will also align with the decarbonization goals set forth by the State to achieve a carbon-neutral economy. These investments are already being made in Pittsburg through various projects such as the 200-megawatt Diablo Energy Storage lithium-ion battery storage project, the 20-megawatt Columbia Solar project, and the implementation of the carbon capture technology project at Calpine's Los Medanos Energy Center. Much of this investment was made in part through public-private partnerships. It is for the aforementioned reasons that support for this proposed NSBT-Hub aligns with the economic interests of the City.

ATTACHMENTS: Letter of Support re Next-Generation Solid-State Battery Technology Innovation Hub

Report Prepared By: Robert Carrera, Economic Development Manager

Shanelle Scales-Preston, Mayor | Juan Antonio Banales, Vice Mayor | Jelani Killings | Dionne Adams | Angelica Lopez

August 7, 2023

To: Brad Paul, Deputy Executive Director, Association of Bay Area Governments (ABAG)
and Metropolitan Transportation Commission (MTC)

RE: Next-Generation Solid-State Battery Technology Innovation Hub

Dear Mr. Paul,

The City of Pittsburg is in strong support of ABAG's proposal to the U.S. Economic Development Administration's 2023 Regional Technology and Innovation Hub Program for establishing a Next-Generation Solid-State Battery Technology Innovation Hub (NSBT-Hub) in the Bay Area.

The City of Pittsburg, Contra Costa County, and the Bay Area as a whole have a long-standing history of supporting innovative projects that help to ensure adequate provision of energy, and in more recent years, the quest for technologies that support decarbonization. As an area that is leaning into our history as an industrial hub, the City of Pittsburg's Economic Development Strategic Plan, adopted in 2022, stresses the importance of maintaining industrial lands as job centers and seeking partnerships to support green jobs in these areas.

The City of Pittsburg is currently home to the TransBay Cable, which provides over 40% of San Francisco's power on a daily basis, as well as the 200-megawatt Diablo Energy Storage lithium-ion battery storage project, the 20-megawatt Columbia Solar project, and just last month, Calpine Energy announced the implementation of a \$25 million carbon capture technology pilot project at the Los Medanos Energy Center in Pittsburg. Further, we are proud to say that we are home to SF Bay Aggregates and its carbon capture concrete aggregate pilot, as well as the potential future home of H-Cycle's hydrogen from municipal solid waste production facility.

A global technology hub for research, testing, prototyping and manufacturing next-generation energy storage solutions, combined with wrap-around services and training programs for our communities, will build on our region's strength to help realize our local economic development goals while also accelerating the pressing need for decarbonizing the global economy. We firmly believe that finding feasible alternatives to current energy storage technology, which has limitations as described in the proposal, is critical to transportation electrification, electric grid stabilization, reinvestment in underutilized industrial assets and a "just transition" of our regional economy away from the fossil fuel industry.

The City of Pittsburg believes the proposed NSBT-Hub will help align and consolidate initiatives in next-generation energy storage technologies, in both the private and academic fields, across the Northern California mega-region into a viable, sustainable, and globally competitive research, development and manufacturing cluster. Pittsburg sees this as an opportunity to grow

good paying jobs that provide economic opportunities to workers in our community, both those with and without a college degree. We also see the need to support advanced manufacturing operations as a key strategy to grow existing high-tech industries that are increasingly looking to co-locate research with prototyping and commercialization operations. From a local, regional and national perspective, this is the most viable path to onshoring essential manufacturing and supply chain activities that are critical to our security and climate goals.

The Bay Area economy holds immense potential for global competitiveness in the rapidly evolving next-generation battery and energy storage technologies. The proposed NSBT-Hub in the Bay Area will benefit from a large complex of world-class research and innovation centers, including research universities, community colleges and vocational programs like the award-winning programs housed at Los Medanos Collage in Pittsburg, national research laboratories, venture and growth capital, a vibrant start-up and entrepreneurship community, incubators and accelerators, and innovation headquarters of global corporations. The same innovation ecosystem that propelled the Bay Area's infotech and biotech industries to become globally competitive is ripe to be harnessed by the creation of an innovation ecosystem for energy storage. The NSBT-Hub proposes to combine this culture of innovation with a focused approach to scale innovation by co-locating manufacturing with the scientific capacity for advanced battery and new-generation storage solutions.

We strongly urge EDA to fund this proposal. The City of Pittsburgh is committed to participating in this process to develop a robust strategic plan, which will be based on an assessment of regional capacity, critical partnerships, and policy and implementation barriers. It will prepare the region for the implementation phase of our collective vision to establish a globally competitive next-generation solid-state energy storage technologies that supports domestic manufacturing and several high-priority local and regional economic and climate goals.

Sincerely,

Shanelle Scales-Preston
Mayor, City of Plttsburg



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution to Modify Overtime Pay and Amend the IBEW Agreement

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

The City Manager, upon recommendation from the Director of Human Resources, recommends amendments to the International Brotherhood of Electrical Workers (IBEW), Local 1245 Memorandum of Understanding (MOU). The City Council is asked to approve the amendment to the IBEW Memorandum of Understanding.

FISCAL IMPACT

No additional fiscal impact is anticipated as a result of the change to Overtime Pay for Fiscal Year 2023/2024.

RECOMMENDATION

The City Council adopt a resolution to approve the amendment of the IBEW MOU regarding Overtime Pay.

BACKGROUND

The current Memorandum of Understanding (July 1, 2022 through June 30, 2025) includes a re-opener effective, June 30, 2023 for the section on Overtime Pay. The Union has requested to review this section in order to align with labor market standards for electrical workers.

The normal workweek for City employees is forty (40) hours in a seven (7) day period. The beginning and end of the work week shall be defined on an individual basis. When an employee has worked in excess of the normal work day or normal work week, then said employee shall be compensated at the rate of one and one-half (1-1/2X) times the regular hourly rate for all such overtime performed by said employee on behalf of the City.

Based on a comparison of overtime rates for electrical workers from the Cities of Alameda, Healdsburg, Lodi, Palo Alto and Roseville, the industry is moving toward double time for overtime hours.

The City of Pittsburg and the International Brotherhood of Electrical Workers have met and conferred in good faith pursuant to Section 17.1 of the 2022-25 Memorandum of Understanding between the Parties. This will confirm an understanding reached between the Parties to modify the MOU as follows:

The normal work week for City employees is forty (40) hours in a seven (7) day period. The beginning and end of the work week shall be defined on an individual basis. When an employee has worked in excess of the normal work day or normal work week, then said employee shall be compensated at the rate of one and one-half (1-1/2X) times the regular hourly rate for all such overtime performed by said employee on behalf of the City.

However, in light of labor market conditions involving overtime for Electrical Lineworkers, whenever a bargaining unit employee performs work which qualifies to be reimbursed by another agency as Mutual Aid/Assistance, the employee will be paid at double time (2X).

The City shall treat all paid time (excluding holidays), such as but not limited to vacation, sick leave, and compensatory time off, as "time worked" for the purpose of calculating overtime compensation.

The City prepared the attached Side Letter of Agreement for IBEWs signature on June 27, 2023.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

In accordance with the Meyers-Milias-Brown Act, the City Council is asked to adopt a resolution to approve a change to the Memorandum of Understanding and modify the overtime section to provide double time for overtime hours to IBEW bargaining unit employees when performing work which qualifies for reimbursement by another agency as mutual aid/assistance.

ATTACHMENTS: Resolution
 Exhibit A: Side Letter of Agreement

Prepared by: Jennifer Brizel, Director of Human Resources

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amendment of the International Brotherhood	)	
Of Electrical Workers IBEW Memorandum of	)	RESOLUTION NO. 23-
Understanding to Modify the Overtime Pay	)	
<u>Section of the Agreement</u>	)	

WHEREAS, the City and IBEW recommend an amendment of the Memorandum of Understanding (MOU) to provide double time for overtime hours to IBEW bargaining unit employees when performing work which qualifies for reimbursement by another agency as mutual aid/assistance; and

WHEREAS, the City and IBEW, Local 1245 met and conferred regarding the proposed changes, per the agreed upon contract re-opener; and

WHEREAS, the City prepared the attached Side Letter of Agreement to amend the IBEW Memorandum of Understanding for signatures on June 27, 2023; and

WHEREAS, there is no anticipated cost beyond what is allocated in the Fiscal Year 2023/2024 budget.

NOW, THEREFORE, BE IT RESOLVED the City Council hereby approves the amendment to the IBEW Memorandum of Understanding.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 7th day of August 2023 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

City of Pittsburgh and IBEW Local 1245

Reopener Negotiations

Sideletter Agreement on Overtime

The City of Pittsburgh and the International Brotherhood of Electrical Workers have met and conferred in good faith pursuant to Section 17.1 of the 2022-25 Memorandum of Understanding ("MOU") between the Parties. This will confirm an understanding reached between the Parties to modify the MOU as follows:

SECTION 17 – OVERTIME

17.1 Payment

The normal workweek for City employees is forty (40) hours in a seven (7) day period. The beginning and end of the work week shall be defined on an individual basis. When an employee has worked in excess of the normal work day or normal workweek, then said employee shall be compensated at the rate of one and one-half (1-1/2X) times the regular hourly rate for all such overtime performed by said employee on behalf of the City.

However, in light of labor market conditions involving overtime for Electrical Lineworkers, whenever a bargaining unit employee performs work which qualifies to be reimbursed by another agency as Mutual Aid/Assistance, the employee will be paid at double time (2X).

The City shall treat all paid time (excluding holidays), such as but not limited to vacation, sick leave, and compensatory time off, as "time worked" for the purpose of calculating overtime compensation.

~~Effective June 30, 2023, this Memorandum of Understanding shall reopen on the issues of Overtime. Parties will meet to study and evaluate the current labor market for IBEW Local 1245-represented classifications with regard to double-time overtime and standby pay. The Parties will review IBEW Local 1245's 6/21/22 proposals on these issues to determine whether to modify either the standby or overtime provisions of the MOU. Any changes will be by mutual agreement only.~~

The terms of this Sideletter are considered part of the 2022-25 MOU and will expire with that MOU, including any extensions thereto. The Parties intend these terms to be incorporated into the Parties' successor MOU.

City of Pittsburgh and IBEW Local 1245
Reopener Negotiations
Sideletter Agreement on Overtime

The undersigned attest that they have the authority to bind their respective principals to the terms of this Sideletter.

For the City: _____ Date: _____

For Local 1245:  _____ Date: 6/27/2023



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Authorizing the City Manager to Execute a Contract with Chemtrade Chemicals US LLC for the Water Treatment Chemical Supply – Aluminum Sulfate

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

The Public Works Department is responsible for the maintenance and operation of the City's Water Treatment Plant and each year solicits bids for necessary chemical supplies. If approved, the resolution will authorize a purchase contract with vendor Chemtrade Chemicals US LLC as the only responsive bidder for Aluminum Sulfate in the amount of \$84,000.

FISCAL IMPACT

Funding for water treatment chemical supplies was approved by the City Council with adoption of the City's Operating Budget for Fiscal Year 2023/24.

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution authorizing the City Manager to execute a contract with Chemtrade Chemicals US LLC in the amount of \$84,000 for Water Treatment Plant (WTP) Chemical Supply – Aluminum Sulfate.

BACKGROUND

The Public Works Department manages, operates and maintains the City's 32 million gallon per day water treatment plant, eight distribution reservoirs, nine pumping stations and two wells, to reliably provide quality drinking water that meets or exceeds all federal and state requirements. Chemicals such as Aluminum Sulfate are needed in the water treatment process.

The Bay Area Chemical Consortium (BACC) is a group of water and wastewater agencies in the Bay Area working together to purchase chemicals by combining bid solicitations. Combined bid solicitations offer vendors an opportunity to sell greater quantities of their products. As a result, the 50 participating agencies, including the City, can usually obtain lower prices as a group than by bidding alone. The City has received significant savings for chemical purchases through its participation with BACC.

Bids for the supply and delivery of Aluminum Sulfate in the East Bay region were received by the BACC in February for the period of July 1, 2023 through June 30, 2024. From past use of Aluminum Sulfate at the WTP, staff estimates the cost of this chemical will total about \$84,000 for the year.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The City's Public Works Department is part of the Bay Area Chemical Consortium (BACC) that bids out chemical supplies for approximately 50 agencies in the Bay Area. Chemtrade Chemicals US LLC is the only responsive bidder.

Staff recommends the City Council authorize the City Manager to execute a contract for purchase of Aluminum Sulfate in the amount of \$84,000 with Chemtrade Chemicals US LLC.

ATTACHMENTS: Resolution
 Award Letter with Bid Results

Report Prepared By: Carmen Piggee, Public Works Administrative Analyst II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the City Manager to Execute)
a Contract with Chemtrade Chemicals US)
LLC for the Water Treatment Chemical)
Supply – Aluminum Sulfate)

RESOLUTION NO. 23-

WHEREAS, the Public Works Department is responsible to operate and maintain the City's Water Treatment Plant; and

WHEREAS, Aluminum Sulfate is an essential chemical to treat and provide drinking water to the residents of Pittsburgh; and

WHEREAS, the Public Works Department solicits bids through the Bay Area Chemical Consortium for Water Treatment Plant Chemical Aluminum Sulfate each Fiscal Year; and

WHEREAS, Chemtrade Chemicals US LLC was determined to be the only responsive bidder for all local regions; and

WHEREAS, funding is available in the Fiscal Year 2023/24 Water Operations budget.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Pittsburgh hereby authorizes the City Manager to execute a contract with Chemtrade Chemicals US LLC in the amount of \$84,000 for Aluminum Sulfate Chemical Supply for FY 2023/24.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 7th day of August 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



March 16, 2023

Chemtrade Chemicals US LLC
Attn: Elizabeth Ryno
90 East Halsey Road, Suite 200
Parsippany, NJ 07054

RE: Award Contract in Response to Bay Area Chemical Consortium (BACC) Bid No. 01-2023 for Supply and Delivery of ALUMINUM SULFATE.

Dear Ms. Ryno

We are pleased to advise you that the bid submitted by Chemtrade Chemicals US LLC for Bid No. 01-2023 was determined to be the lowest responsive bid for the supply and delivery of ALUMINUM SULFATE during the period July 1, 2023 through June 30, 2024.

The participating BACC Agencies should be contacting you shortly to discuss entering into contracts with Chemtrade Chemicals US LLC for their respective facilities.

Bay Area Chemical Consortium sincerely appreciates your efforts and participation in the competitive bid process.

If you have any questions, please free to contact me at jdymment@bacwa.org

Sincerely,

A handwritten signature in black ink, appearing to read "JDymment", with a long horizontal line extending to the right.

Jennifer Dymment
Assistant Executive Director
BACWA.org
as Coordinating Agency for the Bay Area Chemical Consortium

Bay Area Clean Water Agencies
 Bid Results for Project 01-2023 ALUMINUM SULFATE
 Bid Due on February 23, 2023 4:00 PM (PDT)
SINGLE BID AWARD

Section		ALUMINUM SULFATE 44%-49% Liquid Solution					ALUMINUM SULFATE 5% Acidized Liquid Solutions (Optional bid item)	ALUMINUM SULFATE 7% Acidized Liquid Solution (Optional bid item)
Description	Central Valley	North Bay	Sacramento	South Bay	Tri Valley	North Bay	North Bay	North Bay
Unit of Measure	gal	gal	gal	gal	gal	gal	gal	gal
Chemtrade Chemicals, LLC US	0.8933	0.8933	0.8933	0.8933	0.8933	1.2192	1.1250	



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Accepting the Adjusted Budget Summary for Project 1200 California Theatre Balcony Renovation

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

Project 1200 California Theatre Balcony Renovation (the “Project”) constructed multiple retrofit improvements to the upper and lower sections of the California Theatre balcony to allow it to be occupied and utilized as seating during theater events. The Project was accepted as complete in February 2023. This resolution will accept an Adjusted Budget Summary for the Project to include additional design and project management expenditures previously omitted from the record.

FISCAL IMPACT

The Project was funded with a \$1,000,000 grant from the John H. and Regina K. Scully Foundation to the Pittsburg Arts and Community Foundation and had an approved budget of the same amount.

The expenditures for the Project are \$1,119,889.

RECOMMENDATION

City Council adopt the attached resolution accepting the Adjusted Budget Summary for Project 1200 California Theatre Balcony Renovation.

BACKGROUND

On December 21, 2020, City Council adopted Resolution 20-13860 entering into a funding agreement between the City and the Pittsburg Arts and Community Foundation to facilitate use of a \$1,000,000 donation from the John H. and Regina K. Scully Foundation to be used for design revisions and construction of the balcony and theater seating, installation of a Garaventa Lift for disabled accessibility, and other improvements needed to provide the best possible experience at the California Theatre.

On February 21, 2023, the City Council adopted Resolution 23-14248 Accepting Project 1200 California Theatre Balcony Renovation as Complete and Authorizing the City Manager to File a Notice of Completion.

SUBCOMMITTEE FINDINGS

This item was not reviewed by a subcommittee.

STAFF ANALYSIS

After the Project was accepted as complete, staff learned of additional design and project management expenditures that were erroneously omitted from the budget summary. These project expenditures are eligible for reimbursement under the terms of the grant agreement.

Adjusted Budget Summary Project 1200 California Theatre Balcony Renovation

Funding:	PACF Grant - John H. and Regina K. Scully Foundation	\$1,000,000
	Funding Total	\$1,000,000
Expenditures:		
	Design	
	Consultant Design - Architectural Resources Group	\$129,692
	Project Management - MNS	\$49,400
	Design Subtotal	\$179,092
Construction	Construction Base Contract - BHM Construction	\$688,695
	Construction Change Orders - BHM Construction	\$44,826
	Bid & Construction Support - Architectural Resources Group	\$61,229
	Project Management - MNS	\$145,665
	Misc Services & Supplies - Interior Signage	\$382
	Construction Subtotal	\$940,797
Total Expenditures		\$1,119,889

Staff worked with the John H. and Regina K. Scully Foundation to correct the budget summary and ensure that the entire \$1,000,000 grant would be applied to the true and correct expenditures for the Project. The Scully Foundation was receptive to the budget revision and requested that staff return to the City Council for clarification and correction.

ATTACHMENTS: Resolution

Report Prepared By: Sharon Paz, Administrative Analyst II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution	)	RESOLUTION NO. 23-
Accepting the Adjusted Budget	)	
Summary for Project 1200 California	)	
<u>Theater Balcony Renovation</u>	)	

WHEREAS, on December 21, 2020, City Council adopted Resolution 20-13860 entering into a funding agreement between the City and the Pittsburgh Arts and Community Foundation to facilitate use of a \$1,000,000 donation from the John H. and Regina K. Scully Foundation to be used for design revisions and construction of the balcony and theater seating, installation of a Garaventa Lift for accessibility for the disabled, and other improvements needed to provide the best possible experience at the California Theatre; and

WHEREAS, on February 21, 2023, the City Council adopted Resolution 23-14248 Accepting Project 1200 California Theatre Balcony Renovation as Complete and Authorizing the City Manager to File a Notice of Completion; and

WHEREAS, after the Project was accepted as complete, staff learned of additional design and project management expenditures that were erroneously omitted from the budget summary. These project expenditures are eligible for reimbursement under the terms of the grant agreement; and

WHEREAS, the Adjusted Budget Summary for the Project including expenditures for design, construction, and project management total \$1,119,889; and

WHEREAS, a corrected account of expenditures was included in the staff report for the City Council's review and acceptance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pittsburgh hereby accepts the Adjusted Budget Summary for Project 1200 California Theatre Balcony Renovation.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of August 2023 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales, Preston, Mayor

ATTEST BY:

Alice E. Evenson, City Clerk



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Awarding a Purchase Contract to JAM Services for Project 1752 Streetlight LED Replacement

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

Project 1752, Streetlight LED Replacement (Project), was recently established to improve city lighting. Supplies needed for the Project will be ordered in bulk. If approved, the resolution will award a purchase contract in the amount of \$400,000 with JAM Services of Livermore, California as the lowest responsive, responsible bidder.

FISCAL IMPACT

There are sufficient funds in the budget for the Project to accommodate this expense.

RECOMMENDATION

City Council adopt the attached Resolution awarding a Purchase Contract to JAM Services in the amount of \$400,000 for LED lights and related supplies to complete the Project.

BACKGROUND

On June 5, 2023, the City Council adopted Resolution No. 23-14304 approving the Project and allocating funds to the budget. These replacements will provide safety benefits and enhanced lighting to neighborhoods and major thoroughfares while also saving energy, reducing greenhouse gases, and reducing electricity costs.

In June 2023, the Public Works Department solicited formal bids for supplies needed to complete the Project. Three vendors submitted bids. JAM Services was the lowest, responsive, responsible bidder.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The City owns and maintains approximately 2,231 streetlights. Periodically, the City upgrades or adds lights at various locations improving lighting in older neighborhoods through the Project. Orders for LED replacement supplies will be placed for approximately 100 fixtures at a time.

The bids received from the June 2023 are below.

**City of Pittsburgh
Street Light Replacement Project
RFQ# SLRP062823
Bids Received: June 28, 2023**

Vendor	Bid	
Buckles-Smith Electric	\$396,278.61	
CED	\$374,602.96	
Jam Services	\$368,678.05	

ATTACHMENTS: Resolution

Report Prepared By: Natasha Farmer, Public Works Administrative Analyst II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Awarding a Contract for Project)
1752 Streetlight LED Replacement)
Supplies)

RESOLUTION NO.23-

WHEREAS, the City of Pittsburg owns and maintains approximately 2,231 streetlights throughout the City; and

WHEREAS, Project 1752 Streetlight LED Replacement Project (Project), was established (Resolution No. 23-14304) to improve and enhance City lighting; and

WHEREAS, in June 2023, staff solicited and received bids from three suppliers with capability to provide necessary supplies to complete the Project; and

WHEREAS, JAM Services of Livermore, California, is the lowest responsible, responsive bidder; and

WHEREAS, funding is available from the Project budget account.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Pittsburg hereby award a contract to JAM Services in the amount of \$400,000 for LED lights and related supplies to complete the Project.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of August 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the Application for a Land and Water Conservation Fund Funding for the Pittsburg Premier Fields Project

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

The City is pursuing Federal Land and Water Conservation Fund (LWCF) grant funds for development of the Pittsburg Premier Fields Project (Project). The LWCF application requires a Resolution demonstrating City Council approval of the application.

FISCAL IMPACT

The City Council allocated funds to this project through Resolution 23-14298 on May 15, 2023. If awarded, the LWCF grant will reimburse project costs up to \$4.5 million.

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution authorizing the City to apply for the LWCF grant funds.

BACKGROUND

The Project will be located at the former Delta View Golf Course. The Project is 90% designed and includes three multi-use football, soccer, and lacrosse fields as well as support amenities like restrooms, lighting, and gathering areas.

Congress under Public Law 88-578 has authorized the establishment of a Federal LWCF Grant-In-Aid program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes. The California Department of Parks and Recreation (CDPR) is responsible for the administration of the program in the State, setting up necessary rules and procedures governing applications by local agencies under the program. The Project qualifies for up to \$4.5 million in Federal LWCF funding.

CDPR will prioritize projects that:

- Serve fiscally impacted communities
- Add park acreage to the City
- Are shovel ready
- Demonstrate immediate funding need
- Provide a new park in an area at least 0.5 mile from another
- Serve a community with a low park acreage per capita
- Align with 2021-2025 Statewide Comprehensive Outdoor Recreation Plan priorities which include but are not limited to:
 - Engage and inspire younger generations
 - Promote healthy lifestyles and communities
 - Expand park access for all Californians

All projects funded by the LWCF grant are subject to both CEQA and NEPA review and are expected to begin construction in winter 2024.

SUBCOMMITTEE FINDINGS

This item was presented as part of a list of grant status updates at the April 2023 Economic Development and Waterfront Subcommittee meeting. It was not discussed individually.

STAFF ANALYSIS

The Project will be the first facility of its kind in Pittsburg and will serve youth from Pittsburg, the Bay Area, and throughout the State. The concept of clustered fields is similar to City Park, which is used consistently throughout the year for softball, baseball, and soccer tournaments and free play, and concentrates multiple fields for continuous programming and public use. The Project will add Pittsburg to the network of nearby competitive sports facilities and bring economic benefits from the multi-billion dollar sports tourism market to Pittsburg restaurants, hotels, retail, and more. Furthermore, since the closure of Delta View Golf Course, the former golf course property has experienced fires, excessive vandalism, and blight. The Project will quell these issues and compliment the Dream Courts 5-basketball court development across East Leland Road at John Henry Johnson Park.

On May 15, 2023 City Council authorized application for LWCF funding for this Project, however, the action language in Resolution 23-14298 was insufficient for grant purposes and must be resubmitted adding the following:

- Certifies that said agency has matching funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and
- Appoints the City Manager or his designee as agent of the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project.

ATTACHMENTS: Resolution 23-
 Resolution 23-14298

Report Prepared By: Sara Bellafronte, Assistant to the City Manager

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter Of:

Authorizing Application for Land and Water)
Conservation Fund Funding for the Pittsburg)
Premier Fields Project)

RESOLUTION NO. 23-

WHEREAS, Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund (LWCF) Grant-In-Aid program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for the administration of the program in the State, setting up necessary rules and procedures governing applications by local agencies under the program; and

WHEREAS, the City is pursuing LWCF funding for development of the Pittsburg Premier Fields Project (Project) which will construct three multi-use football, soccer, and lacrosse fields as well as supporting amenities like restrooms, lighting, and gathering areas; and

WHEREAS, the Project will be located at the former Delta View Golf Course and will provide novel recreation amenities to Pittsburg residents, generate economic development, and address blight and hazards experienced at the currently vacant site; and

WHEREAS, allocation of funds to the Project is required by the LWCF grant to demonstrate the City's ability to fund the full project cost prior to submission of the grant application, and on May 15, 2023 through Resolution 23-14298 the City Council allocated special revenue funds from General Fund Surplus, Measure M, Park Dedication Fund for the Project; and

WHEREAS, on May 15, 2023 through Resolution 23-14298 the City Council authorized application for LWCF funding for this Project but the grantor is requiring additional language be included in the authorizing Resolution.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Pittsburg hereby;

1. Authorizes application for the LWCF grant funds for the Project; and
2. Certifies that the City has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
3. Agrees to abide by 54 U.S.C. §200305(f)(3) which requires, "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior (Secretary), be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if it is found to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location;" and

4. Certifies that said agency has matching funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and
5. Agrees to comply with all applicable federal, state, and local laws, ordinances, rules, regulations, and guidelines; and
6. Appoints the City Manager or his designee as agent of the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project.

BE IT FURTHER RESOLVED that that the City Council of the City of Pittsburg hereby authorizes the Director of Finance to allocate \$9,000,000 to the Project and receive all awarded LWCF Grant funds for the purpose of carrying out the Project.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of August 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the City Manager to Execute a Lease Agreement with Contra Costa County Department of Information Technology

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

The City is the owner of real property known as 200 Shadybrook Court, Pittsburg, California (Property). The City and Contra Costa County Department of Information Technology propose to enter into a lease agreement (Lease) for a portion of the Property located in a fenced area of approximately 1,200 square feet and includes the road that leads to the fenced area from Shadybrook Court (Premises).

FISCAL IMPACT

As consideration for this Lease, the County shall maintain the Premises in a safe condition at its sole cost and expense. The Police Department will pay for all utilities provided to the premises.

RECOMMENDATION

City Council adopt the Resolution and authorize the City Manager to execute the Lease with the County for continued access to the Premises so that the County may continue to maintain the communications equipment and generator on behalf of the East Bay Regional Communications Systems Authority (EBRCSA).

BACKGROUND

The Property was conveyed to the City by West Coast Homebuilders, Inc. through a grant deed recorded in the official records of Contra Costa County on September 26, 2001, as Document No. 2001-0288883-00.

The City constructed a structure (the "Vault") on the Premises for the Pittsburg Police Department to house communications equipment serving the Police Department. At that time, Police Department maintained the system and paid for all utilities.

However, when the East Bay Regional Communications System (EBRCS) was formed in 2008 – 2009, this system became a regional system and Police Department's radios were included under the umbrella of EBRCS. This allowed jurisdictions in Contra Costa County as well as Alameda County to be on the same communications network. The Premises is one of multiple sites the County maintains in Contra Costa County.

Since the service was spotty at times due to poor signal quality, the County, with the help of the Police Department, installed a generator to ensure emergency communications would not be disrupted.

SUBCOMMITTEE FINDINGS

This item was not discussed in a subcommittee.

STAFF ANALYSIS

Contra Costa County and Alameda County have been using this communications system since 2009. All police departments in Contra Costa and Alameda Counties use this system to communicate with each other and it is an essential part of law enforcement being able to carry out their duties efficiently and be able to respond to situations as they arise.

Although the equipment belongs EBRCS, they have contracted with the County to maintain the equipment.

ATTACHMENTS: Resolution
 Lease Agreement

Report Prepared By: Ishani Rasanayagam, Administrative Analyst II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the City Manager to Execute)
A Lease Agreement with Contra Costa)
County Department of Information)
Technology)

RESOLUTION NO. 23-

WHEREAS, the City is the owner of real property known as 200 Shadybrook Court, Pittsburg, California (Property); and

WHEREAS, the City constructed a structure (the "Vault") on a portion of the Property located in a fenced area of approximately 1,200 square feet and includes the road that leads to the fenced area from Shadybrook Court (Premises). The Police Department houses communications equipment in the Vault; and

WHEREAS, the East Bay Regional Communications System Authority was formed in 2008-2009 and the East Bay Regional Communications System (EBRCS) became a regional system and the Police Department's radios were included under the umbrella of EBRCS, which allowed jurisdictions in Contra Costa and Alameda Counties to be on the same communications network; and

WHEREAS, Contra Costa and Alameda Counties have been using EBRCS since 2009; and

WHEREAS, the Contra Costa County Department of Information Technology propose to enter into a Lease Agreement for the Premises; and

WHEREAS, the County shall maintain the Premises and the communication equipment in a safe condition at its sole cost and expense, and the Police Department will pay for all utilities provided to the Premises.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Pittsburg hereby authorizes the City Manager to execute a Lease Agreement with the County.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 7th day of August 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

LEASE

Department of Information Technology
200 Shadybrook Court
Pittsburg, California

This lease is dated as of July 1, 2023 (the “**Effective Date**”), and is between the CITY OF PITTSBURG, CALIFORNIA, a municipal corporation (the “**City**”) and the COUNTY OF CONTRA COSTA, a political subdivision of the State of California (the “**County**”).

Recitals

- A. The City is the owner of the real property commonly known as 200 Shadybrook Court, Pittsburg, California, as more described in Exhibit A and depicted in Exhibit B (the “**Property**”). The Property was conveyed to the City through a grant deed recorded in the official records of Contra Costa County on September 26, 2001, as Document No. 2001-0288883-00.
- B. The City has installed a structure on the Property to house assorted communications equipment (the “**Vault**”) in the location shown on Exhibit C, and the County has installed a generator (the “**Generator**”) near the Vault. The Vault and Generator are within a fenced area comprised of approximately 1,106 square feet (the “**Fenced Area**”).
- C. The County maintains the equipment in the Vault and the Fenced Area on behalf of the East Bay Regional Communications System Authority (EBRCS), a joint exercise of powers authority organized and existing under and by virtue of the laws of the State of California.
- D. The City desires to lease to County and the County desires to lease from City that portion of the Property that includes the Fenced Area and access to the Fenced Area along the City-owned road that leads to the Fenced Area from the residential portion of Shadybrook Court (the “**Access Route**”) (together, the Fenced Area and the Access Route are the “**Premises**”).

The parties therefore agree as follows:

Agreement

- 1. Lease of Premises. Subject to the terms of this lease, City hereby leases to County and County hereby leases from City, the Premises.
- 2. Term. The “**Term**” of this lease is 10 years and six months, commencing on the Effective Date and ending December 31, 2033.

3. Consideration. As consideration for this lease, the County shall maintain the Fenced Area in a safe condition at its sole cost and expense.
4. Use. County may use the Premises for the purpose of using and maintaining the Vault and the Fenced Area.
5. Obligation to Pay Utilities. The City shall pay for all utilities provided to the Premises.
6. Quiet Enjoyment. The City shall warrant and defend the County in the quiet enjoyment and possession of the Premises during the Term.
7. Assignment and Sublease/License. The County shall not assign this lease or sublease or license the Premises or any part of the Premises at any time during the Term, except upon written approval of the City in the City's sole discretion. Upon the assignment of the lease by County, the County will have no further obligation under the lease.
8. Alterations; Fixtures and Signs. The County may (i) make any lawful and proper minor alterations to the Vault and/or the Fenced Area and (ii) attach fixtures ("**County Fixtures**") in or upon the Fenced Area. Any County Fixtures will remain the property of County and may be removed from the Premises by County at any time during the Term. County is responsible for the cost of all alterations and County Fixtures.
9. Insurance.
 - a. Liability Insurance. Throughout the Term, County shall maintain in full force and effect, at its sole expense, a general self-insurance program covering bodily injury (including death), personal injury, and property damage, including loss of use, in the minimum amount of \$2,000,000 per occurrence and \$4,000,000 aggregate, combined single limit coverage for risks associated with the obligations contemplated by this Lease.
 - b. Self-Insurance Exclusion. County's self-insurance does not provide coverage for (i) areas to be maintained by City under this lease, or (ii) negligence, willful misconduct, or other intentional act, error or omission of City, its officers, agents, or employees.
10. Surrender of Premises. On the last day of the Term, or sooner termination of this lease, County shall peaceably and quietly leave and surrender the Premises to the City.
11. Waste, Nuisance. County may not commit, or suffer to be committed, any waste upon the Premises.
12. Hazardous Material. The City warrants to the County that the City does not have any knowledge of the presence of Hazardous Material (as defined below) or contamination of the Property or Premises in violation of environmental laws. The City shall defend, save, protect, and hold the County harmless from any loss arising out of the presence of any Hazardous Material on the Premises that was not brought to the Premises by or at the

request of the County, its agents, contractors, invitees, or employees. The City acknowledges and agrees that the County has no obligation to clean up or remediate or contribute to the cost of cleanup or remediation, of any Hazardous Material unless such Hazardous Material is released, discharged, or spilled on or about the Premises by County or any of its agents, employees, contractors, invitees, or other representatives. The obligations of this Section shall survive the expiration or earlier termination of this lease.

“Hazardous Material” means any substance, material or waste, including lead-based paint, asbestos and petroleum (including crude oil or any fraction thereof), that is or becomes designated as a hazardous substance, hazardous waste, hazardous material, toxic substance, or toxic material under any federal, state or local law, regulation, or ordinance.

13. Indemnification.

- a. County. County shall defend, indemnify and hold City harmless from County’s share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any person, including attorneys’ fees, caused by the willful misconduct or the negligent acts, errors, or omissions of County, its officers, agents or employees in using the Premises pursuant to this lease, or the County’s performance under this lease, except to the extent caused or contributed to by (i) the structural, mechanical, or other failure of improvements owned or maintained by City, and/or (ii) the negligent acts, errors, or omissions of City, its officers, agents, or employees.
- b. City. City shall defend, indemnify and hold County harmless from City’s share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any person, including attorneys’ fees, caused by the willful misconduct or the negligent acts, errors or omissions of City, its officers, agents, employees, with respect to the Premises, or City’s performance under this lease, or the City’s performance, delivery or supervision of services at the Premises, or by the structural, mechanical or other failure of improvements owned or maintained by City, except to the extent caused or contributed to by the negligent acts, errors, or omissions of County, its officers, agents, or employees.

14. Termination.

- a. City’s Right to Terminate. The City may not terminate this lease.
- b. County’s Right to Terminate. The County may terminate this lease, at its sole discretion, by providing the City with at least 60 days’ advance written notice.
- c. Effect of Termination or Expiration. Except as expressly provided herein, on the date this lease terminates or expires, the terms and conditions of this lease will no longer be of any force or effect.

15. Notices. Any notice required or permitted under this lease must be in writing and sent by overnight delivery service or registered or certified mail, postage prepaid and directed as follows:

To City: City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
Attn: Garrett Evans

To County: Contra Costa County
Public Works Department
Attn: Principal Real Property Agent
255 Glacier Drive
Martinez, CA 94553

Either party may at any time designate in writing a substitute address for the address set forth above and thereafter notices are to be directed to such substituted address. If sent in accordance with this Section, all notices will be deemed effective (i) the next business day, if sent by overnight courier, or (ii) three days after being deposited in the United States Postal system.

16. Successors and Assigns. This lease binds and inures to the benefit of the heirs, successors, and assigns of the parties hereto.
17. Governing Law. The laws of the State of California govern all matters arising out of this lease.
18. Severability. In the event that any provision of this lease is held to be invalid or unenforceable in any respect, the validity and enforceability of the remaining provisions of this lease will not in any way be affected or impaired.

[Remainder of Page Intentionally Left Blank]

19. Entire Agreement; Construction; Modification. Neither party has relied on any promise or representation not contained in this lease. All previous conversations, negotiations, and understandings are of no further force or effect. This lease is not to be construed as if it had been prepared by one of the parties, but rather as if both parties prepared it. This lease may be modified only by a writing signed by both parties.

The parties are executing this lease on the date set forth in the introductory paragraph.

COUNTY OF CONTRA COSTA, a
political subdivision of the State of
California

City of Pittsburg, a municipal corporation

By: _____
Brian M. Balbas
Director of Public Works

By: _____
Garrett Evans
City Manager

RECOMMENDED FOR APPROVAL:

By: _____
Jessica L. Dillingham
Principal Real Property Agent

By: _____
Margaret J. Eychner
Senior Real Property Agent

APPROVED AS TO FORM
THOMAS L. GEIGER, COUNTY COUNSEL

By: _____
Kathleen M. Andrus
Deputy County Counsel

ME:na
WLP377

G:\realprop\LEASE MANAGEMENT\PITTSBURG\200 SHADYBROOK CT (Radio Tower) - T00996\LEASES\City of Pittsburg\LEASE - 200
Shadybrook Court - Final.docx

EXHIBIT A

LEGAL DESCRIPTION ZONE 4 RESERVOIR SITE

REAL PROPERTY SITUATE IN THE CITY OF PITTSBURG, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF PARCEL "A" OF SUBDIVISION 7946, OAK HILLS SOUTH UNIT 4, FILED ON DECEMBER 10, 1998 IN MAP BOOK 405 AT PAGE 15 IN THE OFFICE OF THE RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERN CORNER OF LOT 38 SUBDIVISION 7946 OAK HILLS SOUTH UNIT 4, FILED IN MAP BOOK 405 AT PAGE 15; THENCE SOUTH $12^{\circ}59'57''$ EAST, 7.41 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS SOUTH $77^{\circ}00'03''$ WEST, HAVING A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF $25^{\circ}59'47''$ AND AN ARC LENGTH OF 58.98 FEET; THENCE SOUTH $12^{\circ}59'50''$ WEST, 60.69 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS SOUTH $77^{\circ}00'10''$ EAST, HAVING A RADIUS OF 309.00 FEET, A CENTRAL ANGLE OF $36^{\circ}36'42''$ AND AN ARC LENGTH OF 197.45 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT, FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS NORTH $66^{\circ}23'08''$ EAST, HAVING A RADIUS OF 59.00 FEET, A CENTRAL ANGLE OF $129^{\circ}18'23''$ AND AN ARC LENGTH OF 133.15 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG A TANGENT CURVE TO THE LEFT FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS NORTH $62^{\circ}55'15''$ WEST, HAVING A RADIUS OF 59.00 FEET, A CENTRAL ANGLE OF $39^{\circ}57'29''$ AND AN ARC LENGTH OF 41.15 FEET; THENCE NORTH $12^{\circ}52'44''$ WEST, 59.31 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS NORTH $77^{\circ}07'16''$ EAST, HAVING A RADIUS OF 116.00 FEET, A CENTRAL ANGLE OF $43^{\circ}38'05''$ AND AN ARC LENGTH OF 88.34 FEET; THENCE NORTH $30^{\circ}45'21''$ EAST, 56.00 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS SOUTH $59^{\circ}14'39''$ EAST, HAVING A RADIUS OF 120.00 FEET, A CENTRAL ANGLE OF $235^{\circ}41'08''$ AND AN ARC LENGTH OF 493.62 FEET; THENCE SOUTH $86^{\circ}26'29''$ WEST, 72.04 FEET; THENCE SOUTH $37^{\circ}42'32''$ WEST, 74.81 FEET; THENCE NORTH $62^{\circ}55'15''$ WEST, 30.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

CONTAINING 54,510 SQUARE FEET (1.25 ACRES) OF LAND, MORE OR LESS.

END OF DESCRIPTION

SHEET 1 OF 1



OAK HILLS SOUTH - UNIT 4
SUBDIVISION 7946
(405 M 15)

OAK HILLS SOUTH - UNIT 4
SUBDIVISION 7946
PARCEL 'A'
(405 M 15)

1" = 100'

54,510 SQ. FT.
1.25 AC.
ZONE IV
RESERVOIR

DEED RESTRICTED AREA
USACE AND USF&G
RECORDER SERIES NO.
94-211688

ACCESS & UTILITY ESMT.

T.P.O.B.

SUBDIVISION BOUNDARY

SMITH

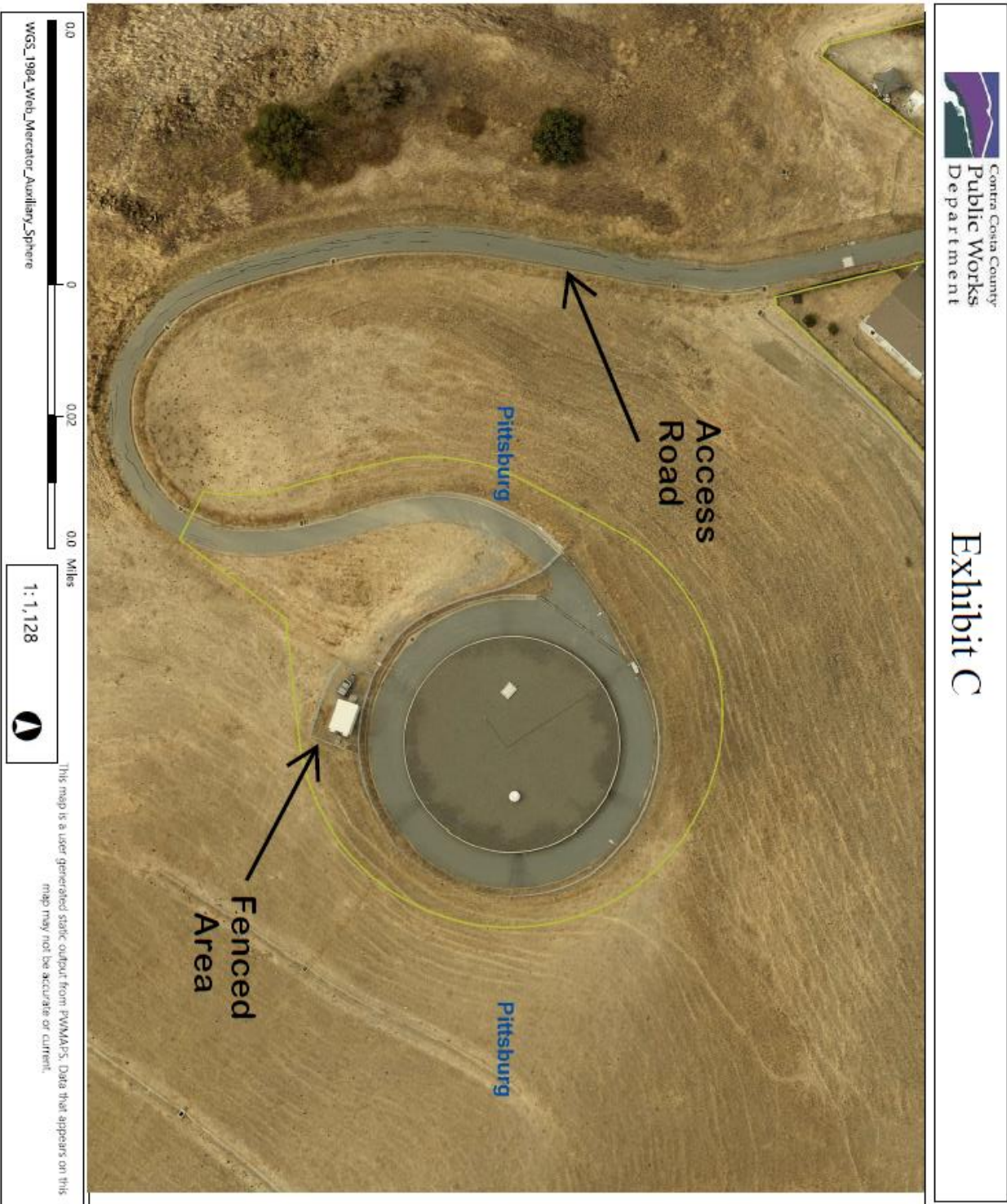
ISAKSON & ASSOCIATES INC.
2255 YONAGI VALLEY ROAD, SUITE C WALNUT CREEK, CA. 94598-3335
PHONE (925) 937-9333 FAX (925) 937-7926

REGISTERED PROFESSIONAL ENGINEER
DAVID ISAKSON
NO. 27764
EXP. 3-30-01
CIVIL
STATE OF CALIFORNIA

EXHIBIT "B"	CHECKED BY: DOI	DRAWN BY: GW	JOB NO. 9609
O.H.S. ZONE IV TANK	SCALE: 1" = 100'	DATE: 7-17-01	SHEET 1 OF 1

EXHIBIT C

Licensed Premises





**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Accepting Project 2039, Manville Avenue Speed Humps as Complete and Authorize the City Engineer to File a Notice of Completion

MEETING DATE: August 7, 2023

EXECUTIVE SUMMARY

Project 2039, Manville Avenue Speed Humps (Project), included the construction of three speed humps with associated striping and signage along Manville Avenue between Riverview Drive and Madoline Street. This Resolution will accept the construction contract as completed and authorize the City Engineer to file a notice of completion.

FISCAL IMPACT

The total anticipated expenditures for the Project is \$39,316. After all Project expenditures are paid, unexpended funds totaling \$35,684 will be returned to the funding sources.

RECOMMENDATION

City Council adopt the attached resolution accepting the as complete and authorize the City Engineer to execute a Notice of Completion.

BACKGROUND

On May 17, 2004, the City Council adopted Resolution 04-10078 approving the City's current Traffic Calming Policy.

On February 7, 2022, the City received an application for the installation of speed humps on Manville Avenue.

On March 31, 2022, staff evaluated the City's Traffic Calming Policy criteria for installing speed humps on Manville Avenue between Riverview Drive and Madoline Street and determined that all criteria and warrants had been met.

On June 8, 2022, staff presented to the Community Advisory Commission, and they recommended the City Council approve the installation of speed humps on Manville Avenue between Riverview Drive and Madoline Street.

On June 20, 2022, the City Council adopted Resolution 22-14107, approving the operating budget for Fiscal Year 2022/23, and allocating \$75,000 from Measure J (Fund 204) to the Project.

On January 27, 2023, bids for the Project were opened, and Pacific Coast General Engineering submitted the lowest qualified bid \$39,316.

On March 29, 2023, the Notice to Proceed was issued to Pacific Coast General Engineering.

On June 8, 2023, the Contractor reached substantial completion.

On June 9, 2023, the one-year warranty period began.

SUBCOMMITTEE FINDINGS

On June 8, 2022, staff presented to the Community Advisory Commission, and they recommended the City Council approve the installation of speed humps on Manville Avenue between Riverview Drive and Madoline Street.

STAFF ANALYSIS

Staff has verified the construction of three speed humps with associated striping and signage on Manville Avenue between Riverview Drive and Madoline Street.

The project was completed on time and within the budget approved by the City Council.

ATTACHMENTS: Resolution
 Budget Summary
 Notice of Completion

Report Prepared By: Johnny Rose, Engineering Technician

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Accepting Project 2039, Manville)
Avenue Speed Humps as Complete)
And Authorizing the City Engineer to)
File a Notice of Completion)

Resolution No. 23-

WHEREAS, Project 2039, Manville Avenue Speed Hump (Project), included the construction of three speed humps with associated striping and signage on Manville Avenue between Riverview Drive and Madoline Street; and

WHEREAS, on May 17, 2004, the City Council adopted Resolution 04-10078, approving the City's current Traffic Calming Policy; and

WHEREAS, on February 7, 2022, the City received an application for the installation of speed humps along the entire length of Manville Avenue; and

WHEREAS, on March 31, 2022, staff evaluated the Traffic Calming Policy criteria for installing speed humps on Manville Avenue between Riverview Drive and Madoline Street and determined that all criteria and warrants had been met; and

WHEREAS, on June 8, 2022, staff presented to the Community Advisory Commission, and they recommended the City Council approve the installation of speed humps on Manville Avenue between Riverview Drive and Madoline Street; and

WHEREAS, on June 20, 2022, the City Council adopted Resolution 22-14107, approving the operating budget for Fiscal Year 2022/23, and allocating \$75,000 from Measure J (Fund 204) to the Project; and

WHEREAS, on January 27, 2023, bids for the Project were opened, and Pacific Coast General Engineering submitted the lowest qualified bid \$39,316; and

WHEREAS, on March 29, 2023, the Notice to Proceed was issued to Pacific Coast General Engineering; and

WHEREAS, on June 8, 2023, the contractor reached substantial completion, and.

WHEREAS, on June 9, 2023, the one-year warranty period began.

NOW, THEREFORE BE IT RESOLVED that the City Council hereby accepts the Project as complete and authorizes the City Engineer to file a Notice of Completion.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 7th day of August 2023 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scale-Preston, Mayor

ATTEST BY:

Alice E. Evenson, City Clerk

Budget Summary
Manville Avenue Speed Humps
Project 2039

Project Funding:		\$75,000
	Funding Total	\$75,000

Project Expenditures:

Construction:	Base Bid	\$39,316
(Code 2281)		
	Subtotal	\$39,316

Estimated Expenditures Total	\$39,316
Remaining Balance	\$35,684

NOTICE OF COMPLETION

Recording Requested By: City of Pittsburg

Upon Recording Return To:

City of Pittsburg
Engineering Records
65 Civic Avenue
Pittsburg, CA 94565-3814

NOTICE IS HEREBY GIVEN PURSUANT TO SECTION 3093 OF THE CALIFORNIA CIVIL CODE:

1. That on the 10th day of March, 2023, the City of Pittsburg, State of California, did enter into a contract with:

Pacific Coast General Engineering, Inc.
12 Industry Road,
Pittsburg, CA 94565

as Contractor for certain improvement work: To wit, Contract 2022-27, Manville Speed Hump Project in Pittsburg, California of which the City of Pittsburg is the Owner in fee.

2. That the surety upon the bond of the Contractor for said improvement work is:

Great American Insurance Company
1255 Treat Blvd, Ste 810
Walnut Creek, CA 94597

3. That the real property herein referred to is situated in the City of Pittsburg, County of Contra Costa, State of California.

4. That said improvement work was accepted by the City Council of the City of Pittsburg as complete on the 7th day of August 2023.

John Samuelson
Public Works Director/City Engineer, City of Pittsburg

State of California)
County of Contra Costa)

5. I, John Samuelson, being first duly sworn, depose and say that: I am the Director of Public Works and City Engineer of the City of Pittsburg, a municipal corporation of the State of California, and I am authorized to make this verification for, and on behalf of, said City, that I have read the foregoing Notice of Completion and know the contents thereof; and the same is true to the best of my knowledge and belief.

John Samuelson
Public Works Director/City Engineer, City of Pittsburg