COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Manager's Office

DATE: June 8, 2012
BOARD MEETING DATE: June 19, 2012
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: John L. Maltbie, County Manager

SUBJECT: Authorization to execute the Habitat Conservation Plan Endowment
             Fund Collection Agreement and establish an Endowment Fund.

RECOMMENDATION:
Adopt a Resolution authorizing the President of the Board to execute the Habitat
Conservation Plan Endowment Fund Collection Agreement between County of San
Mateo, City of Brisbane and TOLL CA XIX, L.P. and establishing a special interest-
bearing Endowment Fund for the purpose of receipt, maintenance and expenditure of
funds for habitat conservation purposes in the San Bruno Mountain Habitat Conservation
Area as determined by the Habitat Conservation Plan Trustees.

BACKGROUND:
The terms of an amendment to the San Bruno Mountain Area Habitat Conservation Plan
(HCP) approved on September 22, 2009, require that the developers of property located
in the Northeast Ridge area on San Bruno Mountain make contributions totaling
$4,000,000 to a non-wasting HCP Endowment Fund, to be administered by the HCP
Trustees. This contribution is supplemental to other annual contributions made by
existing development and implements the conditions for final map approval imposed by
the City of Brisbane (City) as well as the requirements of the amendment to the HCP
Agreement and Incidental Take Permit issued by the U.S. Fish and Wildlife Service for
the development at Northeast Ridge Units I and II.

Pursuant to the HCP Amendment, the timing of the developer's obligation to make the
$4,000,000 contribution is tied to the development of the 88 lots in Units I and II,
resulting in a contribution of $45,455 as each lot is developed. The City has already
collected $772,735 in contributions for the 17 lots in Unit I and additional contributions will
be collected in the future as applications for building permits are submitted for each of
the remaining 71 lots in Unit II. Upon execution of the Collection Agreement, the City will
remit these funds to the County to be placed, through County Parks, into the HCP
Endowment Fund, the proceeds of which will be administered by the HCP Trustees for
habitat conservation activities in the HCP area.

DISCUSSION:
The purpose of this Collection Agreement between the City of Brisbane, the Developer (TOLL CA XIX, L.P.) and the County is to set forth the procedure for the City's remittance to the County of cash contributions collected by the City for the HCP Endowment Fund. The agreement establishes the times when collected funds will be remitted by the City to the County, how the checks will be payable, and to whom they will be sent. The agreement would also make clear that once the funds have been transferred to the County, they will be administered by the HCP Trustees (which include representatives from the City of Brisbane and the County).

If approved by this Board, Parks staff will work with the Controller to set up a special interest-bearing Endowment Fund for the purpose of receipt, maintenance and expenditure of the interest on the funds for habitat conservation purposes in the San Bruno Mountain HCP area as determined by the HCP Trustees. The intent in setting up this Endowment Fund is that the Trustees will expend only the interest earned by the fund and that the principal will be maintained.

County Counsel has reviewed and approved the Resolution and Agreement as to form.

Approval of this Collection Agreement contributes to the Shared Vision 2025 outcome of a Collaborative Community by promoting collaboration with other public and private entities to ensure environmental stewardship of important natural resources through cooperative efforts.

FISCAL IMPACT:
None to the County. Provides for City remittance to the County of developer's payments into the non-wasting San Bruno Mountain HCP Endowment Fund, the proceeds of which will be administered by the HCP Trustees for expenditures described in the HCP.