

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**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.**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that:

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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. \$772,735 in contributions have already been collected by the City 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; and

WHEREAS, upon execution of the Collection Agreement presented to this Board, the City will remit these funds to the County to be placed by the County, 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; and

WHEREAS, the purpose of this Collection Agreement 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; and

WHEREAS, 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); and

WHEREAS, 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.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that:

The Habitat Conservation Plan Endowment Collection Agreement is approved and the President of the Board is authorized and directed to execute the Agreement on behalf of the County of San Mateo. Further, a special interest bearing Endowment Fund shall be established for the purpose of receipt, maintenance and expenditure of interest earned by the Fund for habitat conservation purposes in the San Bruno Mountain Habitat Conservation Area as determined by the Habitat Conservation Plan Trustees.

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