



**APPROVED**

1.15

JUL 18 2000

OFFICE OF THE  
CITY CLERK

PLANNING AND BUILDING  
DEPARTMENT

**CITY OF SACRAMENTO**  
CALIFORNIA

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SACRAMENTO, CA  
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City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: CONCURRENCE WITH THE NATOMAS BASIN HABITAT CONSERVATION PLAN AND IMPLEMENTATION AGREEMENT AMENDMENT RELATED TO ADDITIONAL BOARD SEATS ON THE NATOMAS BASIN CONSERVANCY BOARD OF DIRECTORS**

**LOCATION/ COUNCIL DISTRICT:** North and South Natomas  
District 1

**RECOMMENDATION:** Staff recommends the City Council concur with the amendments to the Natomas Basin Habitat Conservation Plan (HCP) and Implementation Agreement (IA) proposed by The Natomas Basin Conservancy (TNBC) and authorize the City Manager to execute any documents necessary to amend the HCP and IA by adopting the attached resolution.

**CONTACT PERSON:** Carol Shearly, Natomas Manager, 264-5893

**FOR COUNCIL MEETING OF:** July 18, 2000 (afternoon)

**SUMMARY:** On May 30, 2000, the City Council adopted a resolution concurring with HCP amendments proposed by TNBC related to modifying compliance with the Brown Act and Public Records Act for real estate transactions. A report back was requested for another item - adding a seat to TNBC Board for each of Reclamation District 1000 (RD1000) and Natomas Central Mutual Water Company (NCMWC). TNBC is requesting the City to concur with the proposed addition of Board seats for RD1000 and NCMWC.

**COMMISSION ACTION:** No action has been taken by the Planning Commission on this item.

**BACKGROUND INFORMATION:** On April 25, 2000, the City Council received the 1999 Annual Report of The Natomas Basin Conservancy. During the presentation to the Council, staff reviewed some of the challenges and opportunities of TNBC in implementing the HCP. On May 3, 2000, TNBC Board adopted a resolution amending their bylaws related to adding a seat on TNBC Board for each of Reclamation District 1000 and Natomas Central Mutual Water Company (TNBC Resolution No. 5.00.05 - Exhibit 1). When a bylaws amendment effects the HCP and IA, to effectuate TNBC Board bylaw amendments, the HCP and IA must be

July 18, 2000

page 2

amended. Amendment of the HCP and IA requires concurrence from the City of Sacramento, US Fish and Wildlife Service, and California Department of Fish and Game - permittee and permitors of the Incidental Take Permit for development of South and North Natomas.

TNBC Board is proposing that Reclamation District 1000 and Natomas Central Mutual Water Company be eligible for a seat (each) on the Conservancy's Board of Directors once each secures an incidental take permit. Both organizations have indicated to the Conservancy that they are now moving forward with efforts to secure these permits. Given the essential nature of the two water agencies' water conveyance structures and water management regimes to the Conservancy's efforts to provide mitigation for the giant garter snake, the Board believes it is essential to include a representative from each agency on the Board. (TNBC Resolution No. 5.00.05 - Exhibit 1)

City staff recommends the City concur with the changes proposed by The Conservancy Board and effectuate amendments to the Natomas Basin HCP and IA, as needed, by adopting the attached resolution.

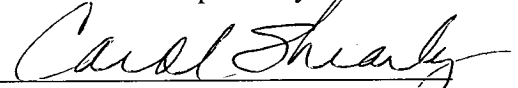
**FINANCIAL CONSIDERATIONS:** Developers of undeveloped land in South and North Natomas currently pay a Habitat Conservation Fee of **\$3,292 per gross acre** prior to developing their site. This fee is used by TNBC to purchase habitat land, manage the land, enhance the value of the land for habitat, and establish an Endowment Account. No fee change is proposed with this action.

**ENVIRONMENTAL CONSIDERATIONS:** No environmental review has been done for this action. Previous environmental review has been conducted for the Natomas Basin HCP. If necessary, appropriate environmental review would be conducted as part of the amendment of the HCP and IA.

**POLICY CONSIDERATIONS:** The 1994 North Natomas Community Plan required approval of a Habitat Conservation Plan and the Corps 404 permit for the Sacramento Local Area Project had a condition that required the establishment of an HCP prior to completion of the flood protection improvements. The Natomas Basin HCP was adopted to comply with these two requirements. The Conservancy was established to carry out the activities required by the Natomas Basin HCP. With the implementation of the HCP by TNBC, habitat land is being purchased, managed and enhanced in perpetuity. The acquisition and stewardship of habitat land through TNBC is one feature of Natomas development the City can be very proud.

**ESBD:** None at this time.

Respectfully submitted,



CAROL A. SHEARLY

Natomas Manager

APPROVED:



ROBERT P. THOMAS

City Manager

Attachments:

Resolution related to HCP/ IA Amendments

Exhibit 1 - TNBC Resolution No. 5.00.05

**APPROVED**  
JUL 18 2000  
OFFICE OF THE  
CITY CLERK

**RESOLUTION NO. 2000-432**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE  
CITY MANAGER TO EXECUTE AN AMENDMENT  
TO THE NATOMAS BASIN HABITAT  
CONSERVATION PLAN AND IMPLEMENTATION  
AGREEMENT**

**WHEREAS:**

A. At the time of formation of the Natomas Basin Conservancy, a California Non-Profit Public Benefit Corporation ("NBC"), the bylaws of the corporation specified that each of the three land use agencies covered by the Natomas Basin HCP (City of Sacramento, Sacramento County, and Sutter County) would upon adoption of the HCP and execution of an Implementation Agreement appoint members to the Board of Directors of the NBC ("Board").

B. The Board has, for reasons specified in the Board's Resolution No. 5.00.05, amended the NBC bylaws to provide for the addition of Board seats to accommodate the addition of Reclamation District 1000 (RD1000) and Natomas Central Mutual Water Company (NCMWC) to the list of permittees under the HCP. In order to implement this change it is necessary to amend section IV.B.4.a of the HCP.

C. The Board's Resolution No. 5.00.05 specifies that the bylaw amendments authorized thereby shall only take effect if required amendments to the HCP and if required, to the Implementation Agreement are approved and executed.

D. The City Attorney has determined that both the HCP and the IA would need to be amended.

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RESOLUTION NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_ 3

E. The City Council, having reviewed the NBC Board's resolution No. 5.00.05, finds and determines that there are valid reasons to provide for the addition of Board seats to accommodate the new permittees, and that such amendments are minor in nature.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT** the City Manager is authorized to execute any and all documents required to amend the HCP and, if necessary, the IA, to provide for the addition of Board seats for RD1000 and NCMWC as they are added as permittees under the incidental take permit.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

RESOLUTION NO. 5.00. 05

ADOPTED BY THE BOARD OF DIRECTORS OF  
THE NATOMAS BASIN CONSERVANCY,  
A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION,  
ON MAY 3, 2000

A RESOLUTION AUTHORIZING A BYLAW AMENDMENT AND OTHER  
ACTION TO ADD A SEAT EACH ON THE CONSERVANCY'S BOARD OF  
DIRECTORS FOR RECLAMATION DISTRICT 1000 AND NATOMAS CENTRAL  
MUTUAL WATER COMPANY

WHEREAS, The Natomas Basin Conservancy, has identified a need to add to its Board of Directors seats from the Reclamation District 1000 (RD1000) and Natomas Central Mutual Water Company (NCMWC), and

WHEREAS, the reason for making this change is to accommodate the two water authorities at such time as each secures an Incidental Take Permit within the Natomas Basin for purposes which are the same as or similar to those of the Conservancy, and

WHEREAS, an additional reason is so that the Conservancy and the two water authorities can work as closely as possible in fulfilling the objectives of the Natomas Basin Habitat Conservation Plan, especially that which pertains to the giant garter snake, since most of the water conveyance structures within the Basin are either owned by the two authorities or at least managed by one or both of them and these water conveyance structures are very important to the giant garter snake.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE NATOMAS BASIN CONSERVANCY AS FOLLOWS:

1. Article V, Section 2 of the bylaws of the Conservancy be amended as follows (~~strikethroughs~~ represent deleted language; underline represents added language):

A. Number The authorized number of Directors shall be a minimum of three (3) and a maximum of ~~nine (9)~~ twelve (12). No reduction of the authorized number of Directors shall have the effect of removing any Director before that Director's term of office expires.

2. Article V, Section 3 of the bylaws of the Conservancy be amended as follows (~~strikethroughs~~ represent deleted language; underline represents added language):

D. Natomas Central Mutual Water Company Appointee. At such time as the Natomas Central Mutual Water Company executes an Implementation Agreement with the USFWS and CDFG and receives the Permits, it may appoint one (1) Director who serves for a one (1)-year term.

E. Reclamation District 1000 Appointee. At such time as Reclamation District 1000 executes an Implementation Agreement with the USFWS and CDFG and receives the Permits, it may appoint one (1) Director who serves for a one (1)-year term.

3. Article V, Section 4 of the bylaws of the Conservancy be amended as follows (~~strikethroughs~~ represent deleted language; underline represents added language):

D. Designation by Natomas Central Mutual Water Company. The Chair of the Board of Directors of Natomas Central Mutual Water Company, with the concurrence of a majority of the Board of Directors, shall be entitled to designate one (1) Director when it has received the Permits.

E. Designation by Reclamation District 1000. The Chair of the Board of Directors of Reclamation District 1000, with the concurrence of a majority of the Board of Directors, shall be entitled to designate one (1) Director when the County of Sutter has received the Permits.

4. The Board of Directors authorizes any officer of the corporation, including John R. Roberts, as Executive Director and Assistant Secretary, to amend any other section of the bylaws that may be identified as needing to be changed to reflect the Board's direction to add two seats (one each) to the Conservancy's Board of Directors for RD 1000 and the NCMWC, and otherwise to execute any other document and take all such other actions as may be deemed necessary, appropriate or convenient to effectuate the purposes of the foregoing resolution.

**PASSED AND ADOPTED** as of the 3rd day of May, 2000, by unanimous vote.

ATTEST:

Beth C. [Signature]  
Secretary

*t h e*  
**NATOMAS**  
**BASIN**  
*c o n s e r v a n c y*