

RESPONSE PROCEDURE FORM TO YOLO COUNTY GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses are required in writing and in electronic format as to the findings and recommendations of the Grand Jury report. By law, a governing body of a public agency must submit a response to the Yolo County Superior Court within 90 days and an elected official or agency head must respond within 60 days.

Please submit all responses in writing to:

- The Honorable Sonia Cortés, 1000 Main Street, Woodland, CA, 95695
- Yolo County Grand Jury Foreperson, PO Box 2142, Woodland, CA 95776.

Please submit all responses by way of email attachments to the Yolo County Grand Jury Foreperson at grandjury@yolocounty.org.

Report Title: **The Hawk, the Beetle, and the Budget: An Evaluation of the Approved Yolo Habitat Conservancy Plan in its First 16 Months**

Report Date: September 24, 2020

FINDINGS

I (we) agree with the findings numbered:

F2, F4, F9, F10,

I (we) disagree wholly or partially with the findings numbered:

F1, F5, F6, F7, F8, F11

RECOMMENDATIONS

Recommendations numbered: _____ have been implemented (attach a summary describing the implemented actions).

Recommendations numbered: _____ require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

Recommendations numbered: R2, R3, R4, R6 will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Total number of pages attached 3

Print Name Martha Guerrero

Date February 18, 2021

Signature Martha Guerrero

Title Mayor of West Sacramento



February 18, 2021

Honorable Sonia Cortés
1000 Main Street
Woodland, CA 95695

Yolo County Grand Jury
P.O. Box 2142
Woodland, CA 95776

via e-mail: grandjury@yolocounty.org

Re: West Sacramento City Council Response to Grand Jury Report- The Hawk, the Beetle, and the Budget: An Evaluation of the Approved Yolo Habitat Conservation Plan in its First 16 Months

Dear Judge Cortés:

The City Council is in receipt of the Grand Jury's report on the Yolo Habitat Conservancy dated February 1, 2021. The report makes eleven findings (F1-F11) and six recommendations (R1-R6). Pursuant to Penal Code Section 933.05, the Grand Jury requested the City Council respond to Findings F1, F2, F4, F5, F6, F7, F8, F9, F10, and F11 and Recommendations R2, R3, R4, and R6. As requested, the City Council has completed the response form provided by the Grand Jury (see attached) and provides additional support for such responses below.

GRAND JURY FINDINGS

F1. The YHC is a business attached to a cause (habitat and species conservation). If the business model fails (due to poor management or insufficient revenue), the Plan's conservation will not be accomplished.

The City Council disagrees partially with Grand Jury Finding F1. The Council agrees that if the current business model does not work, conservation objectives may not be fully realized. The Council also notes that the YHC is not a for-profit business, so its efforts are not always quantifiable in dollars and cents.

F2. The plan as developed is well constructed to accomplish its species and habitat conservation goals.

The City Council agrees with Grand Jury Finding F2.

F4. The Swainson's Hawk is the covered species most associated with agricultural landscapes in Yolo County. Developing a workable conservation strategy for the hawk balances maintaining an economically viable agricultural landscape with protecting foraging and nesting habitats.

The City Council agrees with Grand Jury Finding F4.

F5. The Plan as developed by the YHC focused primarily on its conservation goals but failed to anticipate a sound financial model for its implementation and its ongoing success over a 50-year term.

The City Council agrees partially with Grand Jury Finding F5. The Council agrees that the Plan is focused on conservation and notes that the framers of the Plan did what they could to anticipate how things would work over half a century while providing for adjustments.

F6. For the Plan to endure and prosper, the YHC requires leadership from a person with a business management skill set who has some knowledge of conservation, as opposed to a conservation-oriented person who has some knowledge of business.

The City Council disagrees with Grand Jury Finding F6. As noted under the response the Grand Jury Finding F1, the YHC is not a business in terms of profit and loss, and could not be effectively operated like a traditional business. Having leadership from persons experienced in management and resource conservation would provide the best chance of success to preserve habitat and covered species in Yolo County.

F7. The YHC Board of Directors has not developed a clear strategy that includes having an executive director in place who has some knowledge of business.

The City Council disagrees with Grand Jury Finding F7. As noted under the response the Grand Jury Findings F1 and F6, the YHC is not a private sector business, and could not be effectively operated as one. Having leadership from persons experienced in both management and resource conservation would provide the best chance of success to preserve habitat and covered species in Yolo County. As of July 1, 2020, YHC has contracted with Yolo County for the County Administrator's Office (CAO) to be responsible for the general administration and serve as the Executive Director.

F8. The future survival of the Plan depends upon the YHC Board of Directors' ability to limit its administrative expenses to match that portion of its revenue allocated to administrative staff size and composition (a balance of YHC staff and consultants).

The City Council partially disagrees with Grand Jury Finding F8. While any public or private organization must balance costs and revenues to survive in the long term, there are measures that could be taken to facilitate the Plan's survival in the event of short-term imbalances.

F9. The Plan provides the YHC Board of Directors with the authority to partner with an existing land management agency (a plan operator) such as the Natomas Basin Conservancy that has an existing staff with the required qualifications and infrastructure to manage the Plan and hire and manage the necessary environmental consultants.

The City Council agrees with Grand Jury Finding F9.

F10. The YHC Board of Directors has the authority to approve integration of YHC operations into the Office of the Yolo County Administrator with that office providing 20% of a manager position and 50% of an analyst position.

The City Council agrees with Grand Jury Finding F10.

F11. The availability of backup funding from JPA members is necessary for the Plan to survive.

The City Council partially disagrees with Grand Jury Finding F11. The YHC has been successful in getting grants and will receive additional revenues as the pace of development in the County increases following the COVID-19 pandemic. The Council acknowledges that some backup funding could potentially be requested from participating cities in the future should other sources of financing fail to materialize. The YHC's FY20-21 budget, however, does not contemplate additional loans or prepayments from member agencies.

GRAND JURY RECOMMENDATIONS

R2: By December 31, 2020, the YHC Board of Directors should identify the specific business qualifications and skill sets required for an executive director or a plan operator to manage and lead the YHC in the long term.

The City Council finds that Grand Jury Recommendation R2 is unwarranted and will not be implemented. As of July 1, 2020, YHC has contracted with Yolo County for general administration, with a contract term is July 1, 2020 to June 30, 2021. The YHC Board could do such an evaluation near the end of the term of its contract to determine whether or not to renew the contract or explore other options.

R3: By December 31, 2020, the YHC Board of Directors should do an analysis to match the YHC's staff size and composition (a balance of employees and consultants) with both its revenue and its conservation mission.

The City Council finds Grand Jury Recommendation R3 is unwarranted and will not be implemented. YHC would need to evaluate and forecast its organizational needs as part of its annual budget process.

R4: By December 31, 2020, the YHC Board of Directors should evaluate how well the person, plan operator, or other entity chosen to manage and lead the YHC is serving the needs of the Plan and how well the Plan is serving Yolo County and the four cities that comprise the JPA.

The City Council finds that Grand Jury Recommendation R4 is unwarranted and will not be implemented. The YHC Board could do such an evaluation near the end of the term of its contract with Yolo County for general administration, which is June 30, 2021.

R6: By June 30, 2021 the YHC Board of Directors and the member agencies of the JPA should evaluate whether the Plan would be best served by partnering with an existing plan operator, such as the Natomas Basin Conservancy.

The City Council finds Grand Jury Recommendation R66 is unwarranted and will not be implemented. As of July 1, 2020, YHC has contracted with Yolo County for general administration, with a contract term is July 1, 2020 to June 30, 2021. The YHC Board could do such an evaluation near the end of the term of its contract to determine whether or not to renew the contract or explore other options.

Sincerely,

DocuSigned by:

Martha Guerrero

Martha Guerrero
Mayor of West Sacramento

Enclosure

cc: Yolo County Grand Jury Foreperson (via email only)