

Draft Small Group Meeting Notes 2/24

(These notes do not include the comments on the functions/principles etc for the eco entity)

1. Existing "refined" structures

Characteristics--rely on USFWS and DFG, provide some new authorities
(no discussion on advan/disadvan)

2. Public Corporation

Related Models-- National Fish and Wildlife Foundation, Public Broadcasting Corporation, Amtrak

Characteristics

- Propose Joint state and federal corporation--parallel charters on state and federal level
- Design charter to include the necessary functions and programs
- Single purpose
- Less control of activities outside of its charter--less influence of of the agency actions.
May be viewed by some as a disadvantage

Advantages

Functions -- Drafting the charter may allow for achieving all functions--however questions still remain on ability to receive direct appropriations and bond authority , and questions on the legal authority to shift/consolidate existing programs into a public corporation and funding . See notes below on coordinaiton and consolidation.

Stakeholder and agency involvement--can be have flexibility for representation on the decision making body

Flexibility--can provide for flexible procedures, contracting processes and other authorities because of it is an independent corporation not needing to follow laws and rules required of state and federal agencies.

Accountability--charter can include reporting requirements desired for adequate accountability

Coordination and consolidation of programs and funding-- need to confirm the thinking that existing programs can be delegated to a quais public corporation -- for example, are there legal constraints to amending the CVPIA and delegating it to a public corporation. Question about the ability to receive direct state and federal appropriations.

Disadvantages

Political feasibility-- May not be any precedent for a state public corporation

Coordiantion and consolidationof funding and programs-- More unknowns ifnever been done before at state level. See questions above.

3. New State /Federal Joint Gov Entity (agency conservancy, commission)

Related Models-- Tahoe Regional Planning Agency, Cheseapeake Bay,??

Characteristics

- Single purpose to implement ERP
- Requires state and federal legislation /Can use either state and federal laws

Advantages

Functions--Can draft broad scope for authorizing legislation to include all desired functions and principles. May need to research any legal limitation of regarding what existing programs can be shifted to new entity and any other limitations of this model/option.

Coordination and consolidation--can receive direct appropriations form state and federal sources, can issue tax exempt bonds??

Stakeholder and Agency Involvement Can have state and federal and pulbic /stakeholder members , who makes appointments less flexible

Flexibility--can draw from state and federal laws for authorities. Can assume state or federal authorities as appropriate. May have flexibility to establish for efficeint processes to implrmantion that are not the norm in government.

Disadvantages

Political feasibility--May be less feasible since there is no precedent for joint state/ federal entity with similar functions

More unknowns

Stakeholder and agency involvement-- Appointments of nonagency members less flexible. May not be able to create member slots that are targeted at specific organizations. But can describe that type of public members to have on the board (ag urban env). Appointments would be made by public officials probably in the legislature or congress which limits the stakeholder influence of the appointments.

Coordination/Consolidation-- unknown what level of consolidation of existing programs, programs and authorities can be achieved.

4. State Entity with Federal Involvement

Related Models--Santa Monica Mountains Conservancy

Characteristics of Option.

- State legislation with Federal agency representation on the governing board as voting member. Question about need for federal legislation for federal agency voting member.
- Single purpose for CALFED ERP implementation

Advantages

Political feasibility-- easier to implement because only state leg required not both state and federal

Timing -- Can be implemented sooner to help begin Eco implementation by the time of the ROD for \$390 that will become available.

Ability to keep California focus --may be able to keep California focus by only having state entity and therefore possibly less Congressional influence --but seems with receipt of any federal funds comes some federal involvement/oversight.

Disadvantages

Coordination and Consolidation -- less possibility of consolidation with state entity because there is no opportunity to merge other federal programs into new entity.. May not be able to receive direct federal appropriations--would probably flow through other federal entity and may increase the controls and influence on the new entity.

Stakeholder and Agency Involvement-- May not be able to have voting federal representation w/o fed legislation--being researched. Less direct federal presence with state entity. Stakeholder involvement limited by public members being appointed most likely by the legislature-so less stakeholder influence on the appointments

General questions and comments

- consider the ease of changing the charters/legislation in future since this is a unknown on some level in all options
- Flexibility in implementation (contract laws) --look at the administrative authorities to move quickly and efficiently and with flexibility to modify approaches and actions to implement the program
- What the statutory limitation for each option?
- What is the time involved in establishing each option
- Consider extent of local CA and regional control relative to federal involvement
- What authority to control other agency actions do we want Eco entity to have