

Regional Conservation Authority**Real Property Acquisition Policy****Staff Contact:****Best Best & Krieger, Legal Counsel
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Background: Under Section 3.D. of the Regional Conservation Authority (RCA) Joint Powers Authority (JPA) Agreement, the RCA has the power, in carrying out the purposes of the JPA, to acquire property and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property. Under Section 17 of the JPA, the laws of the State of California applicable to the County of Riverside govern the RCA in the manner of exercising its powers. Under Section 15 of the JPA, acquisition priorities are to be determined by the RCA's Board of Directors taking into consideration recommendations of the Funding Coordination Committee.

Pursuant to Government Code section 25350.60(a), the RCA may authorize an officer it deems appropriate to perform any or all acts necessary to approve and accept for the RCA the acquisition of any interest in real property. Under Government Code section 25350.60(b), the RCA must specify procedures for the exercise of the authority by the officer so designated and must establish a dollar limit on any purchase price. Pursuant to Government Code section 25355, the RCA may delegate to any officer or employee the power to accept any gift, bequest, or devise made to or in favor of the RCA for any public purpose.

The attached Ordinance 04-02 establishes a policy for property acquisition by the RCA. Specifically, the Ordinance authorizes the General Manager to acquire property in an amount up to \$100,000 without additional consultation and in an amount up to \$500,000 with the concurrence of the Funding Coordination Committee Working Group. The Ordinance also authorizes the General Manager to accept property as a gift, bequest or devise. The Ordinance reiterates the Funding Coordination Committee's role in recommending priorities for MSHCP Conservation Area acquisitions through the General Manager and requires the Authority to use standard forms to ensure consistency.

Recommendation: Approve Ordinance No. 04-02 Establishing a Policy for Property Acquisition.

Attachment: Ordinance No. 04-02

ORDINANCE NO. 04-02

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY
ORDINANCE ESTABLISHING A POLICY FOR PROPERTY ACQUISITION

PREAMBLE

The Western Riverside County Regional Conservation Authority (“Authority”) is a public agency of the State of California formed by a Joint Exercise of Powers Agreement (“Agreement”). Pursuant to Section 3.D. of the Agreement, the Authority has the power, in carrying out the purposes of the Agreement, to acquire property and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property. Under Section 17 of the Agreement, the laws of the State of California applicable to the County of Riverside govern the Authority in the manner of exercising its powers. Under Section 15 of the Agreement, acquisition priorities are to be determined by the Authority’s Board of Directors taking into account any recommendations of the Funding Coordination Committee (“FCC”).

Pursuant to Government Code section 25350.60(a), the Authority may authorize an officer it deems appropriate to perform any or all acts necessary to approve and accept for the Authority the acquisition of any interest in real property. Under Government Code section 25350.60(b), the Authority must specify procedures for the exercise of the authority by the officer so designated and must establish a dollar limit on any purchase price. Pursuant to Government Code section 25355, the Authority may delegate to any officer or employee the power to accept any gift, bequest, or devise made to or in favor of the Authority for any public purpose.

The Western Riverside County Regional Conservation Authority ordains as follows:

SECTION 1. AUTHORITY. This Ordinance is enacted, in part, pursuant to the provisions of Government Code sections 25350, 25350.60, and 25355.

SECTION 2. AUTHORITY OF GENERAL MANAGER FOR LAND ACQUISITION GENERALLY.

2.1 Authority Up To \$100,000

The Authority authorizes its General Manager to perform any or all acts necessary, including the execution of a certificate of acceptance on behalf of the Authority, to approve and accept for the Authority the acquisition of any interest in real property consistent with the Multi-Species Habitat Conservation Plan (MSHCP) in an amount up to \$100,000.

2.2 Authority Up To \$500,000

The Authority authorizes its General Manager to perform any or all acts necessary, including the execution of a certificate of acceptance on behalf of the Authority, to approve and accept for the Authority the acquisition of any interest in real property consistent with the MSHCP, with the consent of the FCC Working Group, in an amount up to \$500,000. The FCC Working Group shall be comprised of the Executive Director, General Manager, the Chairperson of the Funding Coordination Committee, Legal Counsel, and other individuals appointed by the Chairperson of the Authority.

2.3 Acquisitions Greater than \$500,000 Require Board Approval

The acquisition of any interest in real property in an amount greater than \$500,000 shall require an affirmative vote of the Authority's Board of Directors.

2.4 Expiration of Authority

Pursuant to Government Code section 25350.60(c) the authority granted the General Manager under this section will be effective only until five years from the date this Ordinance is adopted unless renewed.

SECTION 3. BROADER AUTHORITY TO ACCEPT GIFTS, BEQUESTS AND DEVICES.

Notwithstanding the limitations which would otherwise be imposed under Section 3 of this Ordinance, the Authority authorizes its General Manager to perform any or all acts necessary, including the execution of a certificate of acceptance on behalf of the Authority, to approve and accept for the Authority the acquisition of any interest in real property consistent with the MSHCP obtained through gift, bequest, or devise made to or in favor of the Authority for any public purpose without regard to the value of the property so obtained.

SECTION 4. ACQUISITION PRIORITIES TO BE DETERMINED BY THE BOARD
BASED ON RECOMMENDATIONS OF THE FUNDING COORDINATION
COMMITTEE THROUGH THE EXECUTIVE DIRECTOR

Pursuant to Section 15 of the Agreement, the Authority's Board of Directors shall establish local funding priorities for acquisitions. The Funding Coordination Committee formed by the Board may provide recommendations on these priorities through the General Manager.

SECTION 5. FORM OF ACQUISITION DOCUMENTS

Standard documents, approved as to form by the Authority's counsel, shall be used to ensure consistency in the Authority's land acquisition process. Counsel must approve any deviation from the standard documents. Any such deviation shall be minor.

October 4, 2004	By: _____ Robin Reeser Lowe, Chairperson Western Riverside County Regional Conservation Authority
ATTESTED: By: _____	