

DRAFT

RESOLUTION NO. 04-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ESTABLISHING A FEE CREDIT AND WAIVER POLICY

WHEREAS, 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 (“JPA”); and

WHEREAS, pursuant to Section 19 of the JPA, the Authority has the power to adopt such rules and regulations as the Board may deem necessary for the conduct of the Authority’s affairs; and

WHEREAS, the Authority desires to ensure a consistent and adequate flow of fee revenues to support its operations, consistent with the intent of the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”), the MSHCP Implementing Agreement (“IA”), and the JPA; and

WHEREAS, Sections 6.1.1 and 8.4.2 of the MSHCP allow the use of incentives to be offered to landowners and developers to fully or partially compensate them for the conservation of their lands, including waiver and/or reduction of the Local Development Mitigation Fee (“Fee”); and

WHEREAS, the Authority desires to balance the use of fee credits, waivers or reductions as an incentive for conservation against its ability to ensure adequate funding of the MSHCP.

NOW, THEREFORE, BE IT RESOLVED by the Western Riverside County Regional Conservation Authority Board of Directors:

- 1.0 **FEE CREDIT, WAIVER OR REDUCTION REQUEST PROCESS.** When a Member Agency receives a request for a Fee credit, waiver or reduction (“Fee Credit”) or proposes a Fee Credit, such request shall be submitted to the Authority’s general manager (“General Manager”). This request shall include all relevant documentation related to the development project, including project description, map, criteria cells, if any, and designation of land proposed for conservation. Additional information may be requested by the General Manager. The Member Agency’s request shall not be deemed complete until such additional information, if any, is received by the General Manager. The General Manager’s review shall be based on the need for the property for conservation and the overall revenue requirements of the MSHCP. The General Manager may consult with the Board of Directors, the Funding Coordination Committee (“FCC”) or any other body prior to making a determination on the Fee Credit request. The General Manager shall complete his/her review within thirty (30) days of receipt of a completed request unless the above referenced consultation has not concluded. In that event, the General Manager shall have sixty (60 days) to complete his/her review. The

General Manager shall approve such request, approve with conditions or deny such request. In the event of a denial, such decision may be appealed to the Authority Board of Directors within thirty (30) days of issuance. Such appeal shall be placed on the next regularly scheduled Board of Directors meeting for which an agenda has not been posted. The Board of Directors decision shall be final.

2.0 UNAUTHORIZED FEE CREDIT OR WAIVER. If a Member Agency authorizes a Fee Credit for any development project without the express written consent of the General Manager, the Member Agency having authorized such Fee Credit shall remit to the Authority funds equal to the amount of such Fee Credit authorized with its monthly payments of Fees.

PASSED AND ADOPTED at the regular meeting of the Board of Directors at the Western Riverside County Regional Conservation Authority held this ___ day of _____, 2004.

By: _____
Robin Lowe, Chairman
Western Riverside County
Regional Conservation Authority

ATTEST:

By: _____
Honey Bernas, Clerk
Western Riverside County
Regional Conservation Authority