

**REGIONAL CONSERVATION AUTHORITY
MINUTES
MARCH 08, 2004**

1. CALL TO ORDER

The meeting of the Regional Conservation Authority was called to order at 2:00 p.m. by Chairman Jim Venable in the County Administrative Center Board Hearing Room.

2. ROLL CALL

Supervisor Bob Buster
Supervisor John Tavaglione
Supervisor Jim Venable
Supervisor Marion Ashley
Supervisor Roy Wilson
Barbara Hanna, City of Banning
Larry Dressel, City of Beaumont
Greg Schook, City of Calimesa
Martin Gibson, City of Canyon Lake
Jeff Miller, City of Corona
Robin Lowe, City of Hemet
Robert Schiffner, City of Lake Elsinore
Charles White, City of Moreno Valley
Kelly Seyarto, City of Murrieta
Al Landers, City of Perris
Ed Adkison, City of Riverside
Chuck Washington, City of Temecula

Guests:

3. PUBLIC COMMENTS

There were no public comments.

4. MINUTES

Prior to voting on approval of minutes, Chairman Venable advised that the cities of Calimesa, Lake Elsinore, Norco and Perris were not eligible to vote due to the status of adoption of the JPA by their cities.

M/S/C (White/Seyarto) Approve minutes dated February 02, 2004 as presented. Motion carried with 11 yes votes and 2 abstentions.

5. CONSENT CALENDAR

No Items

6. POLICY CALENDAR

6.1 Status Report – Jurisdiction Joint Power Agreement Execution

Carolyn Syms Luna addressed the committee referring to the RCA-JPA Status Report that was included in the agenda packet. It was determined that four cities could not exercise voting privileges at this meeting as the adoption of the December 2003 version of the JPA has not been completed as yet. Ms. Luna called upon Mr. Steve DeBaun, Legal Counsel, to review the adoption status of various jurisdictions and their respective voting privileges. Mr. DeBaun advised that those jurisdictions that have not completed adoption may remain for the full meeting without participating in the voting structure.

M/S/C (Seyarto/Miller) To approve Item 6.1 recognizing those jurisdictions that have executed a Joint Powers Agreement will have voting privileges in Regional Conservation Authority actions. Motion carried 14/0.

6.2 Selection of RCA Chairperson and Vice-Chairperson

Carolyn Luna spoke to the group advising that selection of a Chair and Vice-Chair had been deferred until this meeting to allow for a greater number of members who could exercise their voting privileges. As there are still some jurisdictions outstanding, she recommends that the selection be delayed for one more month.

Supervisor Ashley advised that in 30 days, he will be submitting the name of Robin Lowe to act as Chairperson of the RCA. Mr. Miller commented on the JPA language and that he will be requesting WRCOG revise the status of Alternate to WRCOG to show that the Alternate to the WRCOG Executive Committee does not necessarily have to be the same person to serve on the RCA. He feels that cities should have flexibility to appoint another Councilmember or Representative to sit on this RCA Board.

M/S/C (Seyarto/Adkison) Approve a 30 day extension before selecting a Chair and Vice-Chair for the Regional Conservation Authority. Motion carried 14/0

Supervisor Tavaglione questioned whether a BOS Staff member should act as an alternate in this meeting. Preferably, it might be best to have one of the other Supervisors acting in a proxy capacity with the restriction that no more than two Supervisors at any one meeting would convey a proxy vote for another Supervisor.

Mr. Washington concurred that it would be best to use a proxy rather than appoint a staff person to act as an alternate with the stipulation that no more than two proxies can be held by any one Supervisor. Ms. Lowe concurred that it must be an elected official to register a vote. Mr. Steve DeBaun offered some comments relative to appointing proxies and he referred to the RCTC model whereby appointing proxies within a body will first require state laws to be changed. Mr. Adkison suggested reducing the Board of Supervisor membership on this Board to four Supervisors with Mr. Wilson to act as an alternate for any of the four members of the Board. Mr. DeBaun confirmed that according to the By-Laws of this Board all five BOS members are members of the RCA Board and Rick Bishop advised that the MSHCP Plan calls for all five Supervisors to be members of the RCA Board. Mr. Bishop suggested looking at some options to resolve the proxy issue through the use of by-laws.

Substitute M/S/C (Lowe/Ashley) Address the proxy issue as an urgency item and request staff to provide information and recommendations to resolve.

6.3 Initial Budget FY 2003/04

Carolyn Syms Luna addressed this item by reviewing the report with members. The corrected budget is for a total of \$582,571.78. She also advised that the budget could possibly go through some amendments over the next few months. Comments followed on travel budget, the magnitude of this program, reimbursement fund, timeframes and anticipated lawsuits.

M/S/C (Lowe/Seyarto) Recommends approval of the budget with additional staff recommendations as outlined in the staff report. Motion carried with 14/0

6.4 RCA Staffing and Administrative Responsibilities

Carolyn Syms Luna presented the proposed operational structure of the RCA and requested members consider and approve the proposed structure as directed by the RCA Ad Hoc Committee. Questions on this item focused on who reports to the RCA Board with Mr. Bishop advising of the components that make up the structure; MSHCP with Carolyn Luna and her staff and Contract Management and Budget/Accounting provided through the WRCOG Executive Director. The flow chart defines responsibilities and communication to show direct lines of reporting. In answer to a question on the General Manager's salary and whether the county will be paying the costs, Mr. Lashbrook advised that the contract is a reimbursable contract. The county will initially pay the costs with the RCA to reimburse the county for the actual cost.

M/S/C (Lowe/Ashley) Approve the Proposed Operational Structure as outlined in Agenda Item No. 6.5.

Substitute M/S/C (Tavaglione/Washington) Move the "blue box" to center of flow chart and amend the General Manager Title Line to include the word "contractor" since the RCA General Manager is a contractor and reporting to WRCOG Executive Director for responsibilities pertaining to the contract.

Amended Substitute M/S/C (Tavaglione/Washington) to retain the "blue box" in original position and amend General Manager title line to include - ("Contractor")...
Motion Carried 13 Yes Votes / 1 No Vote – Canyon Lake.

6.5 Administrative Services Agreement Concerning RCA General Manager

Mr. Richard Lashbrook reviewed the Service Agreement for the County to provide a project manager and other staff as required for a period of three years. The contract may be extended and may be cancelled with six months notice. It is a reimbursable contract with an additional 10% fee added. He recommends that the commission approve the agreement as proposed.

Supervisor called for any questions and, with none, accepted a motion.

M/S/C (Lowe/Ashley) Approve the Administrative Services Agreement as presented.
Motion Carried 14 / 0

6.6 Contract for RCA General Legal Services

Mr. Rick Bishop provided information on the contract prepared for services with BB&K for RCA General Legal Services. The letter of engagement is included in the agenda showing the rates for general counsel services and for special counsel services. It is staff's

recommendation to approve the contract and direct staff to work with BB&K as outlined in the Staff Report.

M/S/C (Miller/White) Approve staff's recommendation for RCA General Legal Services with Best, Best and Krieger, LLP as outlined in the Staff Report. Motion carried 13/0 with abstention by County - District One. Additional consideration was given to the Conflict of Interest issue resulting in four additional abstentions by the County in District Two, District Three, District Four and City of Riverside changing the motion to carried with 9 yes vote/0 no votes and five abstentions.

6.7 Appointment of Filing Officer – Conflict of Interest Form 700

Mr. Steve DeBaun, Best, Best & Krieger, began this presentation with a brief review of the FPPA – Fair Political Practices Act and the required filing of Form 700. All members of this board must file quickly. In order to handle this, the need for appointing a filing officer should be done today. Upon a question on what to state as jurisdiction, Mr. DeBaun advised it should be shown as Western Riverside County RCA serving as a Board Member and assuming office on February 02, 2004. Supervisor Tavaglione reminded everyone that completion of this form encompasses all of Western Riverside County, not just their particular jurisdiction. Members should review the form carefully.

M/S/C (Seyarto/Lowe) Appoint WRCOG, as Filing Official for the Form 700. Motion passes 11 Yes / 2 Abstentions. Clarification in voting by Supervisor Tavaglione and Supervisor Ashley changed the vote to 13/0.

6.8 RCHCA/RCA Joint Meeting

Carolyn Luna advised that the proposed joint board meeting of RCHCA and the RCA is scheduled for June 10, 2004 at 9:30 a.m. in the Mission Inn. Councilmember Lowe welcomes the RCA board members and their alternates to share information at this joint meeting/workshop along with RCTC, WRCOG, TLMA, Legal Counsel and all affected participants. RCHCA encourages the invitation be extended to City Managers and Planning Directors.

6.9 Meeting Schedule for 2004

Carolyn Luna suggested amending the June 7, 2004 meeting to June 10, 2004 to coincide with the RCHCA/RCA Joint Meeting. An additional recommendation was to agendize the time as 12:00 noon. The WRCOG Executive Committee Meeting can be agendized for a later time (such as 12:30 p.m.) allowing for an uninterrupted session. Discussion on this change will be agendized for the next WRCOG Executive Committee. Councilmember Washington recommended setting the RCA Board Meeting at 1 pm and retain the WRCOG Executive Committee meeting at 2 pm thus attaining the timeframe flow from one meeting to another without any undue waiting on the part of WRCOG Executive Committee members. Ms. Luna also called attention to the two scheduled meetings for July and September with the notation that due to holidays the dates shown are not first Mondays.

M/S/C (Washington/Tavaglione) Amend the start time of the RCA Board Meeting to 1 p.m. and retain the WRCOG Executive Committee Meeting at 2 p.m. thus attaining the timeframe flow from one meeting to another without any undue waiting on the part of WRCOG's Executive Committee members. In addition, notation should be made of the scheduled RCA meeting dates in July and September. Due to holidays, the dates shown are not first Mondays. Motion carried 13/0

6.10 Western Riverside County Regional Conservation Authority Logo

As no action is noted in the staff recommendation, these logos are submitted just for members to review. Any action that may occur on these logos will be addressed at a future meeting.

7. ITEMS FOR NEXT MEETING

Supervisor Tavaglione suggests discussing alternates for the Board of Supervisors. He looks for suggestions in establishing a possible list of alternates.

Councilmember Schiffner discussed the status of Lake Elsinore's adoption status and he looks forward to some suggestions and recommendations they might address to resolve the outstanding issues. Mr. Lashbrook advised the issues should be brought to the attention of the RCA Board. Supervisor Buster advised it should be scheduled for discussion at the next meeting.

Councilmember Washington suggested an Ad Hoc Committee to review outstanding issues such as those presented by Lake Elsinore.

Mr. Lashbrook confirmed he does have copies of Lake Elsinore documents and mentioned changes to the Calimesa MOU that will also have to be addressed by this board. He also suggests a sub-committee to review outstanding issues. Chairman Venable advised he will agendize discussions of this nature for the next meeting.

8. CLOSED SESSION

The session will be held for purposes of discussing Government Code Section 54956.9(b):

9. ADJOURNMENT

Meeting was adjourned to April 05, 2004