

Regional Conservation Authority

Minutes of February 2, 2004

Staff Contact:

**Rick Bishop, WRCOG
(909) 955-7985**

Background:

Minutes of February 2, 2004 RCA Board meeting are presented for approval.

Staff Recommendation:

Receive and file

Regional Conservation Authority

**Status Report
Jurisdiction Joint Powers Agreement Execution**

Staff Contact:

**Carolyn Syms Luna, County of Riverside
(909) 955-6625**

Background:

In order to exercise voting privileges on the Regional Conservation Authority (RCA) Board, the member jurisdiction has to have executed a Joint Powers Agreement (JPA). As of this writing, three jurisdictions have not executed the RCA JPA. A status report tracking this information has been provided for your review. It is likely that this status report will be revised prior to the RCA Board meeting.

Staff Recommendation:

Recognize those member jurisdictions that have executed a Joint Powers Agreement (JPA) to have Regional Conservation Authority (RCA) voting privileges.

Attachments: Status report of JPA execution by Western Riverside County Cities.

Regional Conservation Authority

Selection of RCA Chairperson and Vice-Chairperson

Staff Contact:

**Carolyn Syms Luna, County of Riverside
(909) 955-6625**

Background:

At the February 2, 2004 Inaugural meeting of the Regional Conservation Authority (RCA) Board, a number of the member jurisdictions still had to execute their respective Joint Powers Agreement (JPA), which makes them an official "voting" member of the RCA. The Board elected a Chairperson and Vice-Chairperson, and directed Staff to agendize this matter in the event that the RCA Board wanted to revisit the item.

Staff Recommendation: None

Regional Conservation Authority**Initial Budget – FY '03 / '04**

Staff Contact: Carolyn Syms Luna, County of Riverside
(909) 955-6625

Background:

The management services contract, under consideration today, between the County of Riverside and the Western Riverside County Regional Conservation Authority (RCA) is predicated on the RCA having an approved budget in place. Additionally, establishment of a budget affords the RCA the opportunity to initiate transition of RCA duties currently performed by the County of Riverside.

Presently, the RCA does not have funds nor has the Board had the occasion to appoint a Treasurer or Auditor Controller, therefore it is contemplated that the RCA enter into two reimbursement agreements; one with the County of Riverside and the other with WRCOG, pursuant to contracts that will need to be approved between the two entities and the RCA. Should the RCA Board consider this a viable funding scenario, the aforementioned reimbursement agreements will be presented for your consideration at the next regularly scheduled RCA Board Meeting. It is anticipated that once the RCA realizes a funding stream, monies used by the RCA will be reimbursed to the County of Riverside and WRCOG. Language concerning repayment of monies will be addressed in the reimbursement agreements.

The proposed budget accomplishes three things:

1. Ability for the RCA Board to contract out for MSHCP management services with the County of Riverside, and
2. Starting point for the RCA to commence its duties, and
3. Initiates transition of MSHCP implementation to the RCA

Please note that as the RCA assumes more responsibilities the FY03/04 budget will need to be amended.

Staff Recommendation:

1. Approval of the attached RCA Budget for FY03/04, and
2. Direct RCA Counsel to negotiate and prepare reimbursement agreements between the RCA and the County of Riverside, and
3. Direct RCA Counsel to negotiate and prepare reimbursement agreements between the RCA and WRCOG for consideration at the next regularly scheduled RCA Board meeting.

Attachments: RCA Proposed FY 2003/04 Budget
RCA Breakdown of Budgeted Expenses

Regional Conservation Authority

RCA Staffing and Administrative Responsibilities

Staff Contact:

**Carolyn Syms Luna, County of Riverside
(909) 955-6625**

Background:

At the February 2, 2004 Inaugural meeting of the Regional Conservation Authority (RCA) Board, discussion occurred pertaining to the operational structure of the RCA. The Board requested the County of Riverside and WRCOG to develop an operational structure for their consideration at the March 2004 Board meeting.

Subsequently a RCA Ad Hoc Committee comprised of city and county elected officials, and MSHCP stakeholders met to discuss the matter. Based on these discussions, the County of Riverside and WRCOG have developed the attached RCA Operational Structure for your consideration.

Staff Recommendation:

Approval of the proposed RCA Operational Structure based on the direction of the RCA Ad Hoc Committee.

Attachment: Proposed RCA Operational Structure

Regional Conservation Authority**Administrative Services Agreement
Concerning RCA General Manager****Staff Contact:****Richard Lashbrook, County of Riverside
(909) 955-6625****Background:**

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and associated Regional Conservation Authority (RCA) Joint Powers Authority (JPA) Agreement calls out for an RCA Executive Director to “...*administer the Plan...and to fulfill the duties and responsibilities as set forth below* (see MSHCP 6.6.3 B.)” as well as “*The RCA is obligated to initially contract with an appropriate Riverside County Department to act as the Executive Director within thirty (30) days of formation of the RCA*” (see MSHCP 6.6.3 A).

Additionally, the Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority (JPA) further states in Section 10 that, “*The appropriate department or individual shall be recommended by the County’s executive Officer and considered by the Board. It is understood by the Parties to this Agreement that the Board may accept or reject the County Executive Officer’s recommendation of an appropriate department or individual to serve as the Executive Director.*”

Based on the proposed shared RCA operational structure between WRCOG and County staff, it appears that the label of RCA Executive Director could prove to be confusing, since the **WRCOG Executive Director** would assume the role of WRCOG. Therefore, even though the MSHCP and associated legal documents refer to a RCA Executive Director, it appears reasonable that the working title “**RCA General Manager**” be utilized. However, all contractual agreements would continue to refer to a RCA Executive Director.

Staff Recommendation:

Approval of the Administrative Services Agreement concerning the Regional Conservation Authority (RCA) Executive Director and authorize the RCA Chairperson to execute said agreement on behalf of the RCA Board.

Attachment: Administrative Services Agreement

Regional Conservation Authority

Contract for RCA General Legal Services

Staff Contact:

**Rick Bishop, WRCOG
(909) 955-7985**

Background:

On February 2, 2004, the RCA Board acted to engage Best Best & Krieger as general legal counsel for an 18-month period. The attached services letter of engagement addresses the Board's direction in this regard. Primary representation from Best Best & Krieger will be provided by Steven DeBaun and Michelle Ouellette, and the contract commencement date is February 2, 2004 (the date of the RCA appointment).

Hourly rates for the contract are as follows: General Counsel services will be billed at \$195.00, and Special Counsel services will be billed at \$225.00 per hour. In addition to providing General legal services to the RCA, BB&K will continue to serve as litigation legal counsel for those challenges that the firm is already involved in.

Staff Recommendation:

1. Approval of the RCA General Legal Services Contract concerning legal services as outlined in the attached Engagement Letter and authorize the RCA Chairperson to execute said agreement on behalf of the RCA Board.
2. Direct staff to work with Best Best & Krieger for purposes of developing near-term work products and milestones through the end of this fiscal year, with an eye toward a review of the existing contract arrangement at that time.

Attachment: Engagement Letter from Best Best & Krieger

Regional Conservation Authority

**Appointment of Filing Officer
Conflict of Interest – Form 700**

Staff Contact:

**Best Best & Krieger–Legal Counsel
(909) 686-1450**

Background:

Pursuant to Fair Political Practices Act (FPPA) found in California law, board members of newly created public agencies are required to file Form 700 conflict of interest disclosures within 30 days of the creation of the agency. The Form 700 should be filed with the agency's filing officer. In order to comply with FPPA, the Board should appoint a filing officer at this meeting. Since the RCA does not have any employees at this time, the filing officer can be an employee of a member agency or a consultant.

The Board will be required to adopt a conflict of interest code within 6 months of creation of the Agency. The Code will be prepared and presented to the Board at a subsequent board meeting.

Staff Recommendation:

Appoint a Conflict of Interest Disclosure Filing officer. Options include a member agency employee or a consultant.

Attachments: None at this time.

Regional Conservation Authority

RCHCA / RCA Joint Meeting

Staff Contact:

**Carolyn Syms Luna, County of Riverside
(909) 955-6625**

Background:

At their February Board meeting, the Riverside County Habitat Conservation Agency (RCHCA) Board of Directors unanimously approved an invitation to the Regional Conservation Authority (RCA) Board for a joint Board meeting hosted by the RCHCA Board of Directors. The purpose of the joint Board meeting is to allow for an in-depth discussion on habitat conservation planning in a workshop environment. The intent is to incorporate presentations from County and City elected officials, Resource Agency representatives, and regional entities (RCHCA, RCTC, WRCOG) concerning MSHCP implementation in addition to their experiences and/or roles in implementing the SKR HCP.

RCHCA staff has been directed to secure a date, time and location for the RCHCA / RCA joint Board meeting. As of this writing RCHCA staff is still coordinating a mutually acceptable meeting date, time and location for all affected parties. It is anticipated that this information will be available at the time of this Board meeting.

Staff Recommendation:

Accept the Riverside County Habitat Conservation Agency (RCHCA) Board of Director's invitation for a RCHCA / RCA joint Board meeting to be held at a date, time and location as determined by RCHCA / RCA staff and adjust the RCA 2004 Board meeting schedule accordingly.

Regional Conservation Authority

Meeting Schedule For Year 2004

Staff Contact:

**Carolyn Syms Luna, County of Riverside
(909) 955-6625**

Background:

At the February 2, 2004 Inaugural meeting of the Regional Conservation Authority (RCA) Board, a number of the member jurisdictions still had to execute their respective Joint Powers Agreement (JPA), which makes them an official "voting" member of the RCA. Therefore, the consensus of the voting membership was to adopt a Draft 2004 RCA Board Meeting Schedule. Staff notes that some RCA Board members have indicated a desire to revisit the currently approved meeting time, and that perhaps moving the meeting to 12:00 p.m. (prior to WRCOG Executive Committee meeting at 2:00 p.m.) might be preferred. Additionally staff has added, July 12, 2004 and September 13, 2004 for an RCA Board meeting.

(For ease in coordinating meeting schedules, attached is a list of the member cities' regularly scheduled Council meeting dates and times.)

Staff Recommendation:

1. Approve the amended Regional Conservation Authority (RCA) Board of Director's Meeting Schedule for 2004 pursuant to Board direction, adding July 12, 2004 and September 13, 2004.
2. Consider a change in meeting time to 12:00 p.m.

Attachments:

RCA Board of Director's Draft Meeting Schedule for 2004
Western Riverside County City Councils' Meeting Schedule

Regional Conservation Authority

**Western Riverside County
Regional Conservation Authority
Logo**

Staff Contact:

**Rick Bishop, WRCOG
(909) 955-7985**

Background:

A logo for the new Regional Conservation Authority (RCA) is an important component of creating an “identity” for the RCA.

Staff Recommendation:

Attached are a few conceptual logos for the RCA by the RCA Board. Staff will continue to develop additional design concepts and bring them to the Board for further review.

Attachments: Conceptual Logos