

Regional Conservation Authority

Update on Grant Requests

Staff Contact:

**Patricia Lock-Dawson
RCA (951) 955-9700**

Background:

The RCA has been awarded approximately \$12 million for land acquisitions through the Cooperative Endangered Species Conservation Fund. Authorized by Section 6 of the Endangered Species Act, the grants will enable the RCA to acquire and protect habitat in the following MSHCP land areas:

- 5.18 million for the acquisition of properties in the Alberhill area to provide core habitat areas for the Western Riverside MSHCP;
- \$4.545 million to support the purchase of habitat within the Wilson/Cactus Valley area to provide core habitat areas for the Western Riverside Multiple Species Habitat Conservation Program (MSHCP);
- \$1.5 million to acquire habitat within the Colton Dune ecosystem critical to the survival and recovery of the Delhi Sands flower-loving fly addressed in the Western Riverside MSHCP. Staff will work with the Funding Coordination Committee to identify and establish acquisition priorities in the above areas.

Staff Recommendation:

Approve Resolution No. 04-08 Authorizing the Acceptance of Grand Funds.

Attachment:

Resolution No. 04-08

RESOLUTION NO. 04-08

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY ACCEPTING GRANT FUNDS**

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 3.H. of the JPA, the Authority has the power to be an applicant, make applications for, and receive grants from governmental and private entities; and

WHEREAS, the Authority requested that the California Department of Fish and Game (“DFG”) apply for approximately Twelve Million Dollars (\$12,000,000) of funds for land acquisitions through the Cooperative Endangered Species Conservation Fund (the “Grant Funds”) in furtherance of the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”); and

WHEREAS, DFG has been awarded approximately Twelve Million Dollars of Grant Funds for land acquisitions in furtherance of the MSHCP and DFG desires to provide the Grant Funds to the Authority; and

WHEREAS, the Authority now wishes to accept the Grant Funds and authorize its Executive Director to take any actions necessary to secure such Grant Funds.

NOW, THEREFORE, the Board of Directors of the Authority hereby resolve as follows:

Section 1. The Authority hereby accepts the Grant Funds, as set forth below, awarded through the Cooperative Endangered Species Conservation Fund. The Grant Funds will enable the Authority to acquire habitat in the following areas:

- \$5.18 million for the acquisition of properties in the Alberhill area to provide core habitat areas for the MSHCP;
- \$4.545 million to support the purchase of habitat within the Wilson/Cactus Valley area to provide core habitat areas for the MSHCP;
- \$1.5 million to acquire habitat within the Colton Dune ecosystem critical to the survival and recovery of the Delhi Sands flower-loving fly addressed in the MSHCP.

Section 2. The Board of Directors hereby authorizes its Executive Director to negotiate and execute agreements and take such other actions as necessary to accept and secure the Grant Funds.

PASSED AND ADOPTED at the regular meeting of the Board of Directors at the Western Riverside County Regional Conservation Authority held this 1st day of November, 2004.

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

ATTEST:

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

Regional Conservation Authority

**Resolution Adopting a
Policy for Local Development Mitigation Fee Remittance
by Member Agencies**

Staff Contact:

**Best Best & Krieger LLP
(951) 686-1450**

Background:

The MSHCP and related Implementing Agreement provide for the establishment of a Local Development Mitigation Fee to fund the acquisition of conservation lands within western Riverside County. The Implementing Agreement and Fee ordinances adopted by the Member Agencies require each agency to collect the Fees from new development within western Riverside County.

At the last RCA Board meeting, the Board directed staff to prepare a draft resolution which would set forth policies for the collection and remittance of the Local Development Mitigation Fee by member agencies. Issues addressed in the policy include the timeframe for remittance of fees to the RCA, the process for accounting for such fees and the remedies available to the RCA should the fees not be collected or remitted in a timely manner.

Staff believes that it is important to establish these policies in order to assure that all of the member agencies are treated consistently with regards to the collection and remittance of fees as well as to assure the timely availability of funds for the agency.

A sample collection and remittance timeline is attached.

Staff Recommendation:

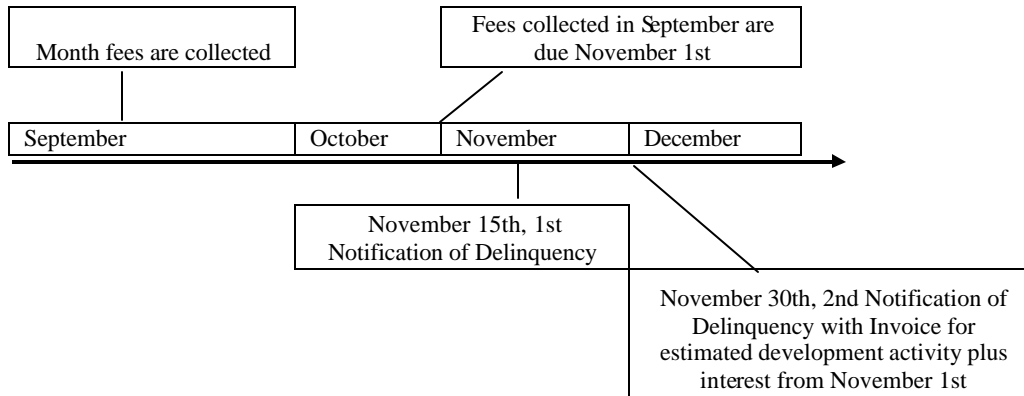
Consideration and possible adoption of Resolution 04-09 establishing a policy for the collection and remittance of Local Development Mitigation Fees by member agencies.

Attachments:

1. Sample collection and remittance timeline
2. Resolution No. 04-09

Attachment 1

Collection & Remittance Timeline (example)



RESOLUTION NO. 04-09

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY ESTABLISHING
A FEE COLLECTION AND REMITTANCE 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 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, the Authority desires to provide maximum clarity to the County and Cities signatory to the JPA (“Cities”) regarding requirements for remitting Local Mitigation Development Fees, as defined in Section 3.58 of the IA; and

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

- 1.0 **MONTHLY PAYMENT.** Pursuant to Section 8.5 of the MSHCP, Section 12.2.1 of the IA, and Section 19.A. of the JPA, the County and the Cities shall remit all collected Local Development Mitigation Fees to the authority on a monthly basis to be expended to fulfill the terms of the MSHCP. The monthly payment shall be made on or before the first day of the month following the month in which the fees were collected.
- 2.0 **NO WITHHOLDING.** The County and the Cities may not recover the costs of administering the provisions of their Local Development Mitigation Fee ordinance using the Local Development Mitigation Fee revenues generated by them through said ordinance.
- 3.0 **AUDIT.** Pursuant to Section 19.A. of the JPA, the County and the Cities shall maintain complete and accurate records with respect to all Local Development Mitigation Fees collected under their Local Development Mitigation Fee ordinance. All such records shall be clearly identifiable. The County and the Cities shall allow a representative of the Authority during normal business hours to examine, audit, and make transcripts or copies of such records.
- 4.0 **BREACH OF OBLIGATIONS.** If the County or the Cities shall fail to remit the monthly payment required in Section 1.0 above by the 15th day of the month, said County or said City shall incur a penalty of ___% per month of the amount of any Local

Development Mitigation Fee not remitted and interest shall accrue on the amount in arrears at RCA's prevailing rate for invested funds.

5.0 PROCESS FOR NOTIFICATION OF DELINQUENCY. The following guide for notification of delinquency is established:

- A. RCA staff will notify, in writing, any jurisdiction within 15 days of not receiving a remittance fee within the time period set forth in Section 1.0, above.
- B. After an additional 15 days, RCA staff will notify the jurisdiction again with an accompanying invoice for the approximate amount owed plus interest and penalties;
- C. RCA staff will continue this notification until the 90 day mark, at which time RCA will determine if an audit of the jurisdiction's TUMF account, general ledger and any other financial data is necessary to determine the amount owed, the cause of the delay, and make any recommendations to resolve the issue; and
- D. If an audit is required due to irregularities in reporting and remittance the jurisdiction will incur the cost of the audit.

6.0 NO EFFECT ON WITHDRAWAL. The obligations imposed under this Article on the County and the Cities shall not affect any more strict obligation imposed on each of them under Section 22.1 of the IA pertaining to withdrawal from the MSHCP.

PASSED AND ADOPTED at the regular meeting of the Board of Directors at the Western Riverside County Regional Conservation Authority held this 1st day of November, 2004.

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

ATTEST:

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

*Regional Conservation Authority***Draft Legislative Platform
for 2005-06****Staff Contact:****Bill Hodge
(951) 955-8311**

Background: On September 13, 2004 the Western Riverside County Regional Conservation Authority Board of Directors initiated the process to develop a Legislative Platform for the 200506 sessions of the U.S. Congress and the California State Legislature. Letters were mailed to member jurisdictions, participating agencies, active associations and other stakeholders inviting ideas for the platform. Meetings were also conducted to discuss specific concerns and issues related to the Platform.

As a result of this outreach effort, a draft Legislative Platform was prepared and is presented to the Board of Directors today. Staff recommends that the Board provide comments on this draft and direct that it be circulated back to the interest list for any comments prior to being presented for Board adoption in December.

Once adopted, the Legislative Platform serves as the template by which the RCA will direct its legislative efforts and analyze legislative proposals, recommending specific positions to the Board of Directors and member jurisdictions. These positions, once adopted by the Board of Directors, will be forwarded to Sacramento, Washington, D.C., and interested parties as appropriate.

Staff Recommendation:

1. Receive and file the draft Western Riverside County Regional Conservation Authority 2005-06 Legislative Platform.
2. Direct staff to circulate the draft Legislative Platform among interested parties and return for Board approval in December.

Attachments:

1. Draft 2005-06 Legislative Platform

DRAFT

LEGISLATIVE PLATFORM

Western Riverside County Regional Conservation Authority

2005-06 Legislative Sessions

The Western Riverside County Regional Conservation Authority 2005-06 Legislative Platform is designed to identify key issues related to the implementation of the Multiple Species Habitat Conservation Plan (MSHCP) in Western Riverside County. This program is the inaugural effort in what will be a continuing evolution of legislative efforts designed to secure funding for MSHCP land acquisition and management, protect the integrity of the endangered species permits issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game, seek modifications or clarifications in legislation in the resources conservation area, and monitor legislative proposals.

This platform serves as the template by which RCA staff will analyze legislative proposals and recommend positions to the Board of Directors and member jurisdictions. These positions, once adopted by the Board of Directors, will be forwarded to Sacramento, Washington, D.C., and interested parties as appropriate.

RCA staff will be responsible for monitoring legislation that falls within the scope of the adopted Legislative Platform. Staff will also provide information on the impacts of such legislation to local jurisdictions through the RCA Board of Directors and appropriate committees, such as the Planning Directors Technical Advisory Committee of the Western Riverside Council of Governments. If urgent action is needed, the Executive Director and/or the RCA Chair may submit letters of support/opposition consistent with the Legislative Platform or undertake other tasks that may be necessary on legislative subjects consistent with areas identified in this platform. These actions will be reported at the subsequent meeting of the RCA Administrative Committee and Board of Directors.

Funding

- Identify state and federal grant opportunities that would enable land acquisition, management, or adaptive management efforts consistent with MSHCP objectives. Where appropriate, work collaboratively with other entities to achieve these objectives.

- Support legislation that would provide new opportunities to develop additional funding sources, such as state bond measures, for acquisition and management of conservation lands. Seek specific project funding earmarks if it is appropriate.
- Pursue opportunities to identify specific Western Riverside County directed funds for Natural Community Conservation Plan efforts in state bond measures.
- Develop consensus on a proposed National Wildlife Refuge for Western Riverside County that would provide funding for land acquisition but respect the rights of property owners, landowners and agricultural interests.
- Identify potential Congressional sponsors for a Western Riverside County National Wildlife Refuge once consensus is achieved locally.
- Support inclusion of funding categories in the Endangered Species Act and any related federal funding mechanism for the development and implementation of local habitat conservation plans.

Regulations

- Support all administrative, legislative and judicial efforts to re-institute the “no surprises” provisions.
- Support all administrative, legislative and judicial efforts to re-institute the critical habitat modification regulations.
- Work with other interested parties in the development of regulations that would allow the California Department of Fish and Game to issue citations for illegal use of the MSHCP Reserve lands.

Regional Conservation Authority

**Resolution Adopting Local Guidelines
for Implementing the California Environmental Quality Act
(Public Resources Code §§ 21000, et seq.)**

Staff Contact:

**Best Best & Krieger LLP
(951) 686-1450**

Background:

Pursuant to the California Public Resources Code, certain actions that the Western Riverside County Regional Conservation Authority could take in the future may trigger the environmental review requirements of the California Environmental Quality Act ("CEQA"). Public Resources Code section 21082 requires that all public agencies shall adopt procedures for the evaluation of projects pursuant to CEQA. Thus, the RCA must adopt some sort of procedures to ensure compliance with CEQA.

A copy of proposed Local Guidelines for Implementing the California Environmental Quality Act have been prepared for Board consideration.

Staff Recommendation:

Approve Resolution No. 04-10 Adopting Local Guidelines for Implementing the California Environmental Quality Act (Pub. Resources Code §§ 21000, et seq.).

Attachments:

1. Resolution No. 04-10
2. Local Guidelines for Implementing the California Environmental Quality Act

RESOLUTION NO. 04-10

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY ADOPTING LOCAL
GUIDELINES FOR IMPLEMENTING THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (PUB. RESOURCES
CODE §§ 21000 ET SEQ.)**

WHEREAS, the California Legislature has enacted the California Environmental Quality Act (“CEQA”) (Pub. Resources Code §§ 21000 et seq.) and the State CEQA Guidelines (Cal. Code of Regs, tit. 14, §§ 15000 et seq.) and the California courts have interpreted specific provisions of CEQA;

WHEREAS, Section 21082 of the Public Resources Code requires all public agencies to adopt objectives, criteria and procedures for the evaluation of public and private projects undertaken or approved by such public agencies, and the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, the Western Riverside County Regional Conservation Authority (“Authority”) must adopt local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA;

NOW, THEREFORE, the Western Riverside County Regional Conservation Authority hereby adopts “Local Guidelines for Implementing the California Environmental Quality Act (2004 Revision),” a copy of which is on file at the offices of the Authority and is available for inspection by the public.

PASSED AND ADOPTED at the regular meeting of the Board of Directors at the Western Riverside County Regional Conservation Authority held this 1st day of November, 2004.

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

ATTEST:

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

Regional Conservation Authority

Monthly Revenue Report

Staff Contact:

**Ron Rempel, RCA General Manager
(951) 955-6625**

Background:

See attached monthly revenue report.

Staff Recommendation:

Receive and file

Attachment:

RCA Net MSHCP Mitigation Fee Collections by Member Agency

**REGIONAL
CONSERVATION
AUTHORITY**

History of Fee Collections

RCA MEMBER AGENCY	May 2004	June 2004	July 2004	August 2004	September 2004
CITY OF BANNING	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF BEAUMONT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF CALIMESA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF CANYON LAKE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF CORONA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF HEMET	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF LAKE ELSINORE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF MORENO VALLEY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF MURRIETA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF NORCO	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF PERRIS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF RIVERSIDE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF SAN JACINTO	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF TEMECULA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
COUNTY OF RIVERSIDE	\$0.00	\$28,236.00	\$437,619.00	\$320,725.00	\$477,911.00
TOTAL	\$0.00	\$28,236.00	\$437,619.00	\$320,725.00	\$477,911.00

CITY OF MURRIETA	\$0.00	\$0.00	\$0.00	\$230,850.00	\$0.00	\$0.00
CITY OF NORCO	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF PERRIS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF RIVERSIDE	\$0.00	\$0.00	\$0.00	\$82,855.25	\$0.00	\$0.00
CITY OF SAN JACINTO	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CITY OF TEMECULA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
COUNTY OF RIVERSIDE	\$437,619.00	\$320,725.00	\$477,917.00	\$347,047.00	\$0.00	\$0.00
TOTALS	\$437,619.00	\$320,725.00	\$477,917.00	\$736,525.65	\$0.00	\$0.00

Regional Conservation Authority

Implementing Agreement Mechanisms

Staff Contact:

**Best Best & Krieger LLP
(951) 686-1450**

Background:

Section 11.1 of the MSHCP Implementing Agreement states that the County, Cities and the RCA shall adopt an appropriate Implementation Mechanism within six (6) months of execution of that Agreement. Thus, all Implementation Mechanisms must be adopted on or before December 22, 2004.

To date, Riverside Conservation Authority staff has received copies of executed Implementation Mechanisms from the following RCA member agencies:

County of Riverside
City of Banning
City of Calimesa
City of Canyon Lake
City of Moreno Valley
City of Murrieta
City of San Jacinto
City of Temecula
City of Corona
City of Hemet
City of Norco
City of Perris
City of Riverside

RCA staff is working with the remaining Cities to obtain copies of their respective adopted Implementation Mechanisms.

Staff Recommendation:

Receive and file.

Attachments:

None