



Western Riverside County Regional Conservation Authority

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Administrative Committee

AGENDA

Wednesday, March 8, 2006

12:45 p.m.

**(or immediately following the WRCOG Administration and Finance
Committee Meeting)**

**Riverside County Administrative Center
12th Floor Conference Room A
4080 Lemon Street
Riverside, CA 92501**

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in an Administrative Committee meeting, please contact the Clerk of the Board at (951) 955-9700. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT** – Members of the public can comment on any matters not on the agenda
- 4. COMMITTEE MEMBER ANNOUNCEMENTS**
- 5. ADDITIONS/REVISIONS** *(The Committee can add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Committee subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Committee. If there are less than 2/3 of the Committee Members present, adding an item requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.)*
- 6. APPROVAL OF MINUTES** – February 8, 2006
- 7. CONSIDERATION AND POSSIBLE ADMINISTRATIVE COMMITTEE ACTION CONCERNING DRAFT RESOLUTION NO. 06-03 AMENDING THE AUTHORITY'S BYLAWS CONCERNING AGENDA SETTING**

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8. **CONSIDERATION AND POSSIBLE ADMINISTRATIVE COMMITTEE ACTION CONCERNING A SURPLUS REAL PROPERTY POLICY**
9. **CONSIDERATION AND POSSIBLE ADMINISTRATIVE COMMITTEE ACTION CONCERNING DRAFT RESOLUTION NO. 06-04 ADOPTING AN AMENDED CONFLICT OF INTEREST CODE**
10. **CONSIDERATION AND POSSIBLE ADMINISTRATIVE COMMITTEE ACTION CONCERNING DRAFT RESOLUTION NO. 06-05 ESTABLISHING A POLICY FOR REIMBURSEMENT OF COSTS RELATED TO JOINT PROJECT REVIEW, CRITERIA REFINEMENTS, AND AMENDMENTS TO THE MSHCP**
11. **CALL BACK ITEMS:**
 - 11.1 **List of Call Back Items (Attached)**
12. **FUTURE AGENDA ITEMS** *(Committee members are invited to suggest additional items to be brought forward for discussion.)*
13. **CLOSED SESSION:**

**Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8**

 - 13.1 **Property:** Assessor's Parcel Numbers 363-190-008 and 363-190-015
Negotiating Parties
 - Agency Negotiator:** Director of Land Acquisition and Property Mgt. or Designee
 - Property Agent:** Zukerman
 - Under Negotiation:** Price/Terms
14. **ADJOURNMENT** – The next Administrative Committee meeting is scheduled to be held at 12:45 p.m., or immediately following the WRCOG Administration and Finance Committee meeting, on April 12, 2006 at the County Administrative Center, 4080 Lemon Street, 12th Floor Conference Room A, Riverside, California.

AGENDA ITEM 6



Western Riverside County Regional Conservation Authority

Administrative Committee

Minutes of Action Items

Wednesday, February 8, 2006

12:45 p.m.

**(or immediately following the WRCOG Administration and
Finance Committee Meeting)**

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority Administrative Committee was called to order by Chairman Kelly Seyarto 12:40 p.m. in the Twelfth Floor Conference Room A at the County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

2. ROLL CALL

Committee Members/Alternates Present

Bob Buster
Darcy Kuenzi
Robin Lowe
John Machisic
Eugene Montanez
Kelly Seyarto
Jeff Stone

Committee Members Absent

Staff Members Present

Sharon Baker-Stewart
Honey Bernas
Ken Graff
Sharon Baker-Stewart
Pat Egetter
Rochelle Jensen
Naty Kopenhaver
Joe Richards
Kristin Shuman
Michelle Ouellette, Legal Counsel
Steven DeBaun, Legal Counsel

3. PUBLIC COMMENTS

There were no public comments.

4. COMMITTEE MEMBER ANNOUNCEMENTS

A) In response to Board Member Robin Lowe's request for a report on the Pombo legislation regarding the Threatened and Endangered Species Recovery Act (TESRA). ESRA legislation, Tom Mullen, Executive Director, stated that the bill has passed the House and there is currently no activity. A report will be presented to the Committee when activities resume.

B) Board Member Bob Buster spoke about the need for volunteers to maintain various preserve areas. He noted the possibility of applying for federal funds and/or talking with the Parks Director.

Joe Richards, Deputy Executive Director, added that the agreement that was approved by the Board at the last meeting with the Riverside County Regional Parks and Open Space District included patrol and maintenance schedules of acquired sites.

Tom Mullen, Executive Director, stated that the volunteers to maintain the preserve areas must be fully trained. Staff will provide a response and a report to the Committee at their meeting in April.

5. ADDITIONS/REVISIONS

Ken Graff, Director of Land Acquisition and Property Management, requested adding an item to the Closed Session to proceed with the negotiation and acquisition process of AP Nos. 422-220-018, 422-240-003, 421-180-001, 421-190,001, and 421-190-007. The option for the property has been held with a deposit and will expire in May.

Steven DeBaun, Legal Counsel, indicated that the proposed addition was pursuant to Government Code Section 54956.8.

M/S/C (Stone/Lowe) to add the following item to the Closed Session:

Property:	APNs: 422-220-018, 422-240-003, 421-180-001, 421-190-007
Negotiating Parties:	
Agency Negotiator:	Director of Land Acquisition and Property Mgmt.
Property Agent:	Won Yoo/Benton 36
Under Negotiation:	Price and Terms

6. APPROVAL OF MINUTES

M/S/C (Stone/Machisic) to approve the minutes of the January 11, 2006 meeting.

7. CONSIDERATION AND POSSIBLE ADMINISTRATIVE COMMITTEE ACTION CONCERNING DRAFT RESOLUTION NO. 06-02 AMENDING THE BYLAWS BY ADDING REIMBURSEMENT PROVISIONS CONSISTENT WITH AB 1234

Steve DeBaun, Legal Counsel, informed the Committee that the provisions of the AB 1234 included required mandatory ethics training, compensation and reimbursement regulations for local agencies and for special districts. He highlighted the proposed amendment relating to meeting and lodging expenses provisions. The proposed amendment provides lodging costs not to exceed the maximum group rate published by the conference or activity sponsor. If the group or governmental rate is not available, the Authority will reimburse up to \$300 per night without Board approval. For lodging in high cost cities such as San Francisco, New York and Washington D.C., the Authority will reimburse at a rate not exceeding \$490 per night without Board approval. The actual cost of meals incurred while attending a conference or meeting will be reimbursed upon presentation of receipt(s). If no receipt is available, meal costs shall be reimbursed at an amount not exceeding \$75 per day or at the applicable Internal Revenue Service (IRS) rate. Mileage reimbursement will also be based on the IRS rate.

M/S/C (Lowe/Stone) to authorize placing the Draft Resolution No. 06-02, "A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Amending the Bylaws by Adding Reimbursement Provisions Consistent with AB 1234", on the March 6, 2006 Board meeting agenda.

8. CONSIDERATION AND POSSIBLE ADMINISTRATIVE COMMITTEE ACTION CONCERNING THE EXPENDITURE OF FUNDS FOR SPECIES IDENTIFICATION TRAINING FOR MONITORING STAFF

Tom Mullen informed the Committee of a requirement for monitoring staff to take species identification, handling and protocol training in order to conduct surveys for Covered Species. The training is a three-month period from February to May, and the proposed contract will likely cover two years of training.

M/S/C (Lowe/Montanez) to authorize placing an item for staff to negotiate a contract with the USGS to provide species identification, handling and protocol training for approximately 10-15 staff members in an amount not to exceed \$70,000 on the March 6, 2006 Board meeting agenda.

9. DISCUSSION AND POSSIBLE ADMINISTRATIVE COMMITTEE DIRECTION CONCERNING CORE 2 CRITERIA REFINEMENT WORK PLAN AND BUDGET.

Joe Richards, Deputy Executive Director, stated that this item is a result of requests received from the County of Riverside and the City of Murrieta for the Authority to take the lead, on their behalf, concerning the Criteria Refinement Process in Core 2. He then presented a work plan and map on the area covered under Core 2 and briefed the Committee on the procedure to perform the Criteria Refinement. The Core was established as a self service habitat and the key elements are: 1) cannot result in net reduction of the Criteria Area; 2) refinement must be biological equivalent or superior; 3) refinement can include a core but must clearly benefit covered species and must be consistent with species conservation goals; and, 4) must be consistent with the Reserve Assembly Accounting process. The estimated cost is \$150,000 with the biological

equivalency analysis at \$100,000, mapping support at \$25,000 and RCA Staff and Legal Counsel Support at \$25,000.

In response to Board Member Lowe's question regarding funding responsibility for the criteria refinement, Joe Richards noted that the cost of Criteria Refinements would normally be borne by the Permittee. However, in that the proposed refinement may benefit the entire Plan due the high land value of the properties in Core 2, it is reasonable for the Authority to undertake and/or providing funding to this process.

Board Member Buster reminded the Committee of past actions of local agencies that resulted in the conditions that we're currently being faced with.

Board Member Stone concurred but noted the need to take on the responsibility and move forward on the criteria refinement work plan.

Considerable discussion followed between the Committee members and staff on the proposal.

M/S/C (Lowe/Stone) to:

- A) Authorize staff to place this item on the March 6, 2006 Authority Board meeting agenda;***
- B) Approve the proposed \$150,000 budget and work plan; and***
- C) Determine funding responsibilities at a later date.***

Nay: Buster

10. FUTURE AGENDA ITEMS

Executive Director Tom Mullen presented the following future agenda items:

- 1. Land Acquisition Policy**
- 2. Several other policies in May 2006**
- 3. Budget for Adoption in May 2006**
- 4. Two RFP's**
 - a. Economatrix**
 - b. Programmatic**

At 1:25 p.m., the Committee adjourned to Closed Session.

11. CLOSED SESSION

Conference with Real Property Negotiator, Pursuant to Government Code Section 54956.8

A. Property: APNs. 963-060-010, 963-010-011, 963-060-012
Negotiating Parties:
Agency Negotiator: Director of Land Acquisition and Property Mgmt.
Property Agent: Won Yoo/Benton 36
Under Negotiation: Price/Terms of Payment

At this time, Committee members Lowe, Stone and Buster left the meeting due possible conflict of interest on Agenda Item No. 11B.

B. Property: APNs. 422-220-018, 422-240-003, 421-190-001
421-190-007
Negotiating Parties:
Agency Negotiator: Director of Land Acquisition and Property Mgmt.
Property Agent: Lockheed/Laborde
Under Negotiation: Price/Terms of Payment

The meeting resumed at 2:39 p.m. There were no announcements from Closed Session.

12. ADJOURNMENT

With no other items before the Administrative Committee, Chairman Seyarto adjourned the meeting at 2:40 p.m. The next meeting is scheduled to be held at 12:45 p.m., or immediately following the WRCOG Administration and Finance Committee meeting, on March 8, 2006 at the County Administrative Center, 4080 Lemon Street, 12th Floor Conference Room A, Riverside, California.

Respectfully submitted,

Honey Bernas
Clerk of the Board

AGENDA ITEM 7

Regional Conservation Authority

**DRAFT RESOLUTION NO. 06-03 AMENDING THE AUTHORITY'S
BYLAWS REGARDING AGENDA SETTING**

Staff Contact:

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

Background:

The RCA Bylaws currently set forth the process for establishing agendas for regular meetings.

Staff recommends minor revisions to the policy to better clarify the application of the policy to RCA committee meetings and to clarify the role of the RCA Board Chairman in the creation of the agenda. In addition, the revised policy incorporates the requirements of the Brown Act with regards to adding late breaking items to the agenda as well as responding to public comments.

Staff Recommendation:

Approve Draft Resolution No. 06-03 Amending the Authority's Bylaws concerning agenda setting and direct staff to agendize this matter for introduction at the April 3, 2006 meeting of the RCA Board of Directors.

Attachment:

Draft Resolution No. 06-03

DRAFT

RESOLUTION NO. 06-03

RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AMENDING THE AUTHORITY'S BYLAWS REGARDING AGENDA SETTING

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 ("Agreement"); and

WHEREAS, pursuant to Section 19 of the Agreement, 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 has adopted bylaws; and

WHEREAS, it is necessary at this time to revise the Authority's bylaws.

NOW, THEREFORE, BE IT RESOLVED that the Western Riverside County Regional Conservation Authority Board of Directors does hereby amend its bylaws as follows:

Article III, Section A, of the bylaws is hereby amended to read as follows (new language underlined):

A. AGENDA. Matters to be placed on the Agenda for any regular meeting or Committee meeting may be filed with the Executive Director of the Authority by the Thursday before such regular or special meeting. The Agenda for each regular or special meeting and Committee meeting shall be prepared under the control and direction of the Executive Director after consultation and concurrence by the Board Chair. The Executive Director shall cause copies of the Agenda to be mailed or delivered to each regular and alternate member at least three (3) working days prior to the meeting date. During a Board or Committee meeting, any member may bring to the Board's attention any item of new business or request for action. Action on any matter of business not listed on the Agenda shall be deferred until properly listed on the Agenda for a subsequent meeting unless properly added to the Agenda as an item of subsequent need in accordance with Government Code, Section 54954.2. Notwithstanding, the provisions of this section, individual members of the Board may provide a reference to staff or other resources for factual information, request staff to report back to the Authority at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

PASSED AND ADOPTED at the regular meeting of the Board of Directors at the Western Riverside County Regional Conservation Authority held this ____ day of _____, 2006.

By: _____
Kelly Seyarto, Chairman
Western Riverside County
Regional Conservation Authority

ATTEST:

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

AGENDA ITEM 8

Regional Conservation Authority

SURPLUS REAL PROPERTY POLICY

Staff Contact:

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

Background:

State law imposes a number of requirements regarding the manner in which local agencies dispose of surplus property. Specifically, under the Surplus Land Act (the "Act"), prior to disposing of any surplus property, the Authority is to send written offers to sell or lease the property to certain entities within whose jurisdiction the property is located. *Government Code* section 54220 et seq. If any entity responds to an offer to sell surplus property, the Authority is required to enter into good faith negotiations with the responding entity to determine the sales price or lease terms. *Government Code* section 54223. In the event the Authority and the responding entity cannot come to an agreement after sixty (60) days of negotiations, the Authority may dispose of the property without further regard to the Act.

In addition to the requirements set forth in the Act, the Authority is also required to contact the planning agency of the city or county where the property is located so that the city or county can have an opportunity to report on the conformity of the "location, purpose and extent" of the sale or lease with its general plan. *Government Code* section 65402. If the city or county fail to report within forty (40) days after the matter has been submitted, the proposed sale or lease will be deemed in conformity with the general plan. It is important to note that the even if the city or county disapproves the location, purpose, or extent of any proposed disposition, the Authority may overrule any such disapproval. Finally, state law also requires that the Authority keep an annual inventory of its surplus property. *Government Code* section 50569.

The intent and purpose of the proposed Surplus Real Property Policy (the "Policy") is to provide staff with clear and uniform guidelines on how to implement the requirements of state law as well as to ensure that the Authority properly disposes of its property. However, in the event the Authority decides to sell property subject to a reversionary interest, the Policy will not apply if the previous property decides to exercise such an interest. Apart from incorporating the state law provisions set forth above, the Policy also requires the Authority to determine the biological need for any property prior to disposing of it. Except in certain exceptional circumstances, the Authority shall dispose of property only if it determines (i) the biological value of the property is low or marginal in terms of

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species recovery or sustainability; and (ii) the property is not required to assembly the Reserve. The Policy also recommends that the Authority make other determinations prior to disposing of any property, including, whether there are any conveyance restrictions, whether the property was purchased with state or federal funding, and whether the property is subject to any lease, license or other encumbrance.

Section IV of the Policy contains the final disposition procedures. These procedures lay out what the Authority is required to do when the Authority decides to sell property to a prior owner or some other party.

Staff Recommendation:

Approve the Surplus Real Property Policy and authorize staff to agendize this matter for the April 3, 2006 meeting of the RCA Board of Directors.

Attachment:

Surplus Real Property Policy

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY SURPLUS REAL PROPERTY POLICY

The intent and purpose of this policy (the “Policy”) is to establish uniform guidelines related to the disposition and sale of surplus real property owned by the Western Riverside County Regional Conservation Authority (the “Authority”). In the event that a person decides to exercise a reversionary interest in accordance with a contract, the provisions of said contract shall govern over any conflicting provisions of this Policy.

I. ANNUAL INVENTORY

On or before December 31st of each year, the Authority shall prepare an annual inventory of surplus real property. (*Government Code* section 50569) Surplus real property is property that is not necessary for the Authority’s use and is in excess of the Authority’s foreseeable needs (*Government Code* sections 54221(b); 50569). The Authority shall list property in its inventory as surplus real property provided the Authority makes all of the following determinations: (i) the biological value of the property is low or marginal in terms of species recovery or sustainability; and (ii) the property is not required to assemble the Reserve.

Periodically, during the course of the year, the Authority may amend its inventory of surplus real property to account for dispositions and acquisitions affecting the status of its surplus real property since the last annual inventory. The Authority shall provide a copy of the surplus property inventory, which is a matter of public record, to any person or entity who requests a copy. (*Government Code* section 50569)

II. RESEARCH PRIOR TO DISPOSAL OF SURPLUS PROPERTY

Prior to disposing any surplus real property, the Authority should do the following:

A. Determine Biological Need for Land. Prior to disposing of any property acquired by the Authority, the Authority shall perform a habitat assessment to determine the value of the land for conservation purposes. Except in exceptional circumstances, property may be conveyed only if it is determined that its conservation value is low or marginal or that the property is not required to assemble the Reserve.

B. Determine whether there are any conveyance restrictions. The Authority should research whether the property in question is subject to covenants or conditions imposed by any original grantees of the property. For example, gifts of real property often involve conditions subsequent whereby real property “reverts” back to the grantor if the property is not used for a specific purpose.

C. Determine whether Property was purchased with federal or state grant funds. Prior to disposing of any real property purchased by the Authority with state or federal grant funds, the Authority should consult the terms of the agreement under which the funding was accepted. In some cases, disposal of property purchased with such grant funds may be prohibited or restricted or subject to other regulations. Also, upon the sale of surplus properties,

the Authority may be required to reimburse any federal or state agency that contributed funds for the property's original acquisition.

D. Determine whether Property is subject to any leases, licenses, or other encumbrances. The Authority should determine whether there are any leases, licenses, or other encumbrances attached to the property.

III. EXEMPTION DETERMINATION AND NOTICE TO PUBLIC AGENCIES

A. Determine whether Surplus Land Act applies. The Authority staff shall determine whether the surplus property is "exempt surplus land." If real property can be characterized as "exempt surplus land, then the Authority need not follow the procedures set forth in this Section III. The term "exempt surplus land" means either of the following:

- (1) Surplus real property which is transferred pursuant to *Government Code* section 25539.4, which states, among other things, that the Authority may sell real property at less than its fair market value "to provide housing affordable to persons or families of low or moderate income."
- (2) Surplus real property which is 1) less than 5,000 square feet in area, 2) less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or 5,000 square feet in area, whichever is less, or 3) has no record access and is less than 10,000 square feet in area. The property must not be contiguous to land owned by a state or local agency which is used for park, recreational, open space, or low- and moderate-income housing purposes or is not located within an enterprise zone (a depressed area in which private investment is promoted to stimulate business and industrial growth, as well as employment opportunities) pursuant to *Government Code* section 7073, nor a designated program area as defined in *Government Code* section 7082 (high priority areas for resources designated by the Office of Criminal Justice Planning). If the property is not sold to an owner of contiguous land, it is not considered exempt surplus land and is subject to the provisions of the Surplus Land Act.

Notwithstanding subsection (1) and (2), the provisions of the Surplus Land Act shall apply if the property is located within 1,000 yards of a historical unit of the State Parks System or eligible for the National Register of Historic Places. Further, notwithstanding a determination that a property is "exempt surplus land," if the Authority sells property which was purchased using Local Development Mitigation Fees, the proceeds of the sale shall be placed in the Local Development Mitigation Fee fund and accounted for in a manner consistent with the Mitigation Fee Act.

B. Contact local planning authority. If it is determined that the Surplus Land Act is applicable to the property, the Authority must contact the planning agency of the City or County where the property is located so that the City or County can have an opportunity to report on the

conformity of the “location, purpose and extent” of the sale to the City’s or County’s general plan. (*Government Code* section 65402) Failure of the City or County to report within forty (40) days after the matter has been submitted is deemed a finding that the proposed sale is in conformity with such general plan. It is important to note that even if the City or County disapproves the location, purpose or extent of such disposition, the disapproval may be overruled by the Authority.

C. Notice to selected public entities. At the same the Authority contacts the local planning authority, the Authority shall send a written offer to sell or lease the property to the following entities within whose jurisdiction the property is located:

- (1) The local entity assisting in developing low and moderate income housing. (*Health & Safety Code* section 50079)
- (2) Housing sponsors who request a written offer. (*Health & Safety Code* section 50074)
- (3) The city and county parks/recreation department, any regional park authority, and the State Resources Agency for park and recreation or open space purposes.
- (4) The local school district if the property is suitable for school facilities construction or use by a school district for open-space purposes.
- (5) Any local nonprofit neighborhood enterprise association corporation. (*Government Code* section 7073)
- (6) Any program area agent established by the Economic Employment and Incentive Act. (*Government Code* section 7078)

All offers shall be sent by first-class mail and include the location and a description of the property. Any of the entities desiring to purchase surplus land must notify the Authority within sixty (60) days of receiving the written notice. The Authority must then enter into good-faith negotiations to determine the sales price. If no agreement is reached within sixty (60) days, the Authority may proceed with the general disposition process set forth below; there are no other statutory requirements.

D. Proceeds of Sale of Property Purchased with Local Development Mitigation Fees. If the Authority sells any property which was purchased using Local Development Mitigation Fees to any public entity listed above, the proceeds of the sale shall be placed in the Local Development Mitigation Fee fund and accounted for in a manner consistent with the Mitigation Fee Act.

IV. SALE OF PROPERTY

The procedures of this Section shall govern the disposition of any surplus property once the Authority has fully complied with the procedures set forth above.

A. Sale to Prior Owner. If the Authority decides to dispose of a property within three (3) years of acquisition and the Authority paid no more than the appraised value for the property as determined in an appraisal prepared by the Authority at the time of purchase, the Authority shall first offer the property to the person or entity who sold the property to the Authority. The Authority shall not sell the property at a price less than the total of all of the following: (i) amount the Authority paid the seller for the property (including all costs and expenses incurred by the Authority for the purchase), plus interest calculated at the average rate earned by the Authority on invested funding during the time of its ownership and (ii) administration, maintenance and repair costs incurred by the Authority during its ownership of the property.

B. Notice to Certain Affected Agencies. Prior to commencing the sale of property to a third party, the Authority should notify and receive the concurrence of the following agencies:

- (1) The city or county within which the property was located when originally purchased by the Authority; and
- (2) The city or county within which the property is currently located and/or within which sphere of influence the property is currently located.

C. Sale to Other Parties. If subsection A is not applicable, the Authority may proceed with the sale of the property to any party. The Authority shall conduct an appraisal of the property to determine its fair market value upon a recommendation by the Authority's staff.

D. Limitations. It is anticipated that the Authority shall not:

- (1) Sell property within five (5) years of acquisition; and
- (2) Sell water or mineral rights unless fully compensated therefor.

AGENDA ITEM 9

Regional Conservation Authority

**DRAFT RESOLUTION NO. 06-04,
“RESOLUTION OF THE WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY ADOPTING AN AMENDED APPENDIX OF
THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL
REFORM ACT OF 1974”**

Staff Contact:

**Honey Bernas, Director of
Administrative Services**

Background:

As required by the Political Reform Act Government Code § 87200, the Western Riverside County Regional Conservation Authority adopted its Conflict of Interest Code in June 2004.

Since that time, there were a number of changes in the Disclosure Categories, abolishment of a position, and additional positions within the Authority. The Amended Appendix shows the list of positions who manage public investments and positions to be governed under the Conflict of Interest Code and their respective disclosure categories.

After the Authority's adoption of the Amended Appendix, the amendment will be submitted to the County of Riverside's Board of Supervisors for approval, as they are the code reviewing body for the Authority.

In order to meet the requirements of the Conflict of Interest Code, pursuant to the Political Reform Act of 1974, staff recommends the adoption of Resolution No. 06-04 to make the appropriate changes to its Code.

Staff Recommendation:

Authorize staff to place on the agenda for the April 3, 3006 meeting of the RCA Board of Directors the proposed adoption of Resolution No. 06-04.

Attachments:

1. Draft Resolution No. 06-04
2. Redlined Appendix of Conflict of Interest Code
3. Amended Appendix of Conflict of Interest Code
4. Notice of Intention to Amend the Appendix of the Conflict of Interest Code

DRAFT

RESOLUTION NO. 06-04

**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING AN
AMENDED APPENDIX OF THE CONFLICT OF INTEREST CODE
PURSUANT TO THE POLITICAL REFORM ACT OF 1974**

WHEREAS, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq (the “Act”), which contains provisions relating to conflicts of interest which potentially affect all officers, employees, and consultants of the Western Riverside County Regional Conservation Authority (the “Authority”) and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Authority adopted a Conflict of Interest Code (the “Code”) in June 2004; and

WHEREAS, subsequent changed circumstances within the Authority have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Appendix of the Authority’s Code; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Authority of, the proposed amended Appendix was provided each affected designated employee and publicly posted for review at the offices of the Authority; and

WHEREAS, a public meeting was held upon the proposed Appendix at a regular meeting of the Western Riverside County Regional Conservation Authority on April 3, 2006, at which all present were given an opportunity to be heard on the proposed amended Appendix.

NOW, THEREFORE BE IT RESOLVED by the Western Riverside County Regional Conservation Authority that the Board of Directors does hereby adopt the proposed amended Appendix of the Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Director of Administrative Services and is available to the public for inspection and copying;

BE IT FURTHER RESOLVED that the said amended Appendix shall be submitted to the County of Riverside Board of Supervisors for approval and said Appendix shall become effective 30 days after the Board of Supervisors’ approves the proposed amended Appendix as submitted.

APPROVED AND ADOPTED this 3rd day of April, 2006.

Kelly Seyarto, Chairman of the Western Riverside
County Regional Conservation Authority

ATTEST:

Honey Bernas, Clerk of the Western Riverside
County Regional Conservation Authority

**APPENDIX
CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

(~~Adopted July 12, 2004~~ Amended _____)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Authority Officials who manage public investments, as defined by 2 California Code of Regs. § 18701(b), are NOT subject to the Authority's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.) [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments³.

Members of the Board of Directors and their Alternates

Executive Director

Treasurer

Financial Consultant

³ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Controller	1,2
General Manager	1,2
<i>Deputy Executive Director</i>	<i>1,2</i>
<i>Director of Administrative Services</i>	<i>5</i>
<i>Director of Land Acquisition and Property Management</i>	<i>1,2</i>
General Counsel	1,2
Reserve Manager	6

MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS

Administrative Committee	5
Funding Coordination Committee	1,2
Reserve Management Oversight Committee	1,2
Consultant ⁴	

4 Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Executive director may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such writer determination shall include a description of this consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1. All investments and business positions in business entities, and sources of income ~~from business entities~~, that are located in, do business in, or own real property within the jurisdiction of the Authority; ~~plan to do business or own real property within the jurisdiction of the Authority within the next year, or have done business or owned real property within the jurisdiction of the Authority within the past two (2) years.~~

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the Authority.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Authority; ~~plan to engage in such activities within the jurisdiction of the Authority within the next year, or have engaged in such activities within the jurisdiction of the Authority within the past two (2) years.~~

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions, that are located in, do business in, or own real property, within the jurisdiction of the Authority.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Authority, that are located in, do business in, or own real property, within the jurisdiction of the Authority.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by Designated Employee's Department, that are located in, do business in, or own real property, within the jurisdiction of the Authority.

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY

(Amended April 3, 2006)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Authority Officials who manage public investments, as defined by 2 California Code of Regs. § 18701(b), are NOT subject to the Authority's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.) [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments³.

Members of the Board of Directors and their Alternates

Executive Director

Treasurer

Financial Consultant

³ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Controller	1,2
Deputy Executive Director	1,2
Director of Administrative Services	5
Director of Land Acquisition and Property Management	1,2
General Counsel	1,2
Reserve Manager	6

MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS

Administrative Committee	5
Funding Coordination Committee	1,2
Reserve Management Oversight Committee	1,2
Consultant ⁴	

4 Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Executive director may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such writer determination shall include a description of this consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1. All investments and business positions in business entities, and sources of income, that are located in, do business in, or own real property within the jurisdiction of the Authority.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the Authority.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Authority.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions, that are located in, do business in, or own real property, within the jurisdiction of the Authority.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Authority, that are located in, do business in, or own real property, within the jurisdiction of the Authority.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by Designated Employee's Department, that are located in, do business in, or own real property, within the jurisdiction of the Authority.

**NOTICE OF INTENTION
TO AMEND THE APPENDIX
OF THE CONFLICT OF INTEREST CODE
OF THE WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

NOTICE IS HEREBY GIVEN that the Western Riverside County Regional Conservation Authority (the "Authority") intends to amend the Appendix of the Authority's Conflict of Interest Code (the "Code"), pursuant to Government Code Section 87306.

The Appendix of the Code designates those employees, members, officers, and consultants who are subject to the Authority's Code. The Authority's proposed amendment includes new positions that must be designated, revises disclosure categories for clarification, and deletes a position that has been abolished by the Authority.

The proposed amended Appendix will be considered by the Authority's Board of Directors on April 3, 2006, at 1:00 p.m. at the County of Riverside, Board Room, 4080 Lemon Street, Riverside, CA 92501. Any interested person may be present and comment at the public meeting or may submit written comments concerning the proposed amendment. Any comments or inquiries should be directed to the attention of Honey Bernas, Director of Administrative Services, Western Riverside County Regional Conservation Authority, 4080 Lemon Street, 12th Floor, Riverside, CA 92501. Written comments must be submitted no later than 1:00 p.m. on April 3, 2006.

The proposed amended Appendix may be reviewed at, and copies obtained from, the office of the Director of Administrative Services, 4080 Lemon Street, 12th Floor, Riverside, CA.

AGENDA ITEM 10

Regional Conservation Authority

**JOINT PROJECT REVIEW, CRITERIA REFINEMENT
AND MSHCP AMENDMENT COST REIMBURSEMENT POLICY**

Staff Contact:

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

Background:

Under Section 6.6.2 E of the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP"), the Authority and the appropriate Permittee are required to jointly review development applications that are within the Criteria Area and are submitted to the Permittees for consideration. In addition, the Authority is occasionally requested to consider Criteria Refinements and MSHCP Amendments. These requests can require that the Authority utilize staff and consultants resulting in the Authority incurring substantial costs. The purpose of the attached policy is to set forth a comprehensive method for the full reimbursement of these costs. Specifically, the policy requires that each person/entity who submits a Joint Project Review Application, Criteria Refinement request or MSHCP Amendment to reimburse the Authority one hundred percent (100%) of actual costs and expenditures incurred by the Authority for reviewing and processing such an application. These costs include, but shall not be limited to, (i) the fees and expenses of environmental, land use, legal and other consultants; and (ii) the cost of services provided by Authority staff (including overhead).

The proposed policy requires that an applicant submit a deposit along with an application. The amounts of the deposit are attached as Exhibit "A" of the resolution. Within thirty (30) days of the conclusion of the application processing, the Authority is required to reimburse any unexpended portion of the deposit.

Staff Recommendation:

Approve the attached Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Establishing a Policy for the Reimbursement of Costs for JPR, Criteria Refinement and MSHCP Amendments.

Agenda Item 10 Staff Report
Page 2
March 8, 2006

Attachment:

Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Establishing a Policy for the Reimbursement of Costs related to Joint Project Review, Criteria Refinements and Amendments to the MSHCP.

DRAFT

RESOLUTION NO. 06-05

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY ESTABLISHING
A POLICY FOR REIMBURSEMENT OF COSTS RELATED
TO JOINT PROJECT REVIEW, CRITERIA
REFINEMENTS AND AMENDMENTS TO THE MSHCP**

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, in order to facilitate and monitor implementation of the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”), Section 6.6.2 E of the MSHCP requires that the Authority and the appropriate Permittee jointly review development applications that are within the Criteria Area (as defined in the MSHCP) and are submitted to the Permittees for consideration (“JPR Process”); and

WHEREAS, the MSHCP provides a method for seeking Criteria Refinements (“Criteria Refinements”) and amendments to the MSHCP (“MSHCP Amendment”)

WHEREAS, the Authority will be required to utilize staff and consultants in connection with the JPR Process, Criteria Refinements and MSHCP Amendments which will result in the Authority incurring substantial costs; and

WHEREAS, the development applicant should bear any and all reasonable staff and consultant costs in connection with the JPR Process, Criteria Refinements and MSHCP Amendments.

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

- 1.0 **FINANCIAL RESPONSIBILITY OF DEVELOPMENT APPLICANTS.** Each person or entity which submits a Joint Project Review Application, a Criteria Refinement or MSHCP Amendment (a “Submittal”) shall reimburse the Authority one hundred percent (100%) of actual costs and expenditures (including all overhead costs) (collectively the “Review Costs”) incurred by the Authority for reviewing and processing such Submittal. These Review Costs shall include, but not be limited to, (i) the fees and expenses of environmental, land use, legal and other consultants; (ii) the cost of services provided by Authority staff (including Authority overhead); and (iii) costs associated with the meet

and confer. The costs specified in (ii) shall be determined as part of the Authority's budgeting process or through consultation between the Executive Director and the Chair.

- 2.0 DEPOSIT AND ESTIMATE OF STAFF AND CONSULTANT COSTS. An Applicant shall tender a Deposit in the amount shown on Exhibit "A," attached hereto, ("Deposit") at the time of submitting a Submittal.
- 3.0 ACCOUNTING. Upon completion of the processing of the Submittal, the Authority shall prepare an accounting of the Review Costs. If the Review Costs exceed the Deposit, the Applicant will be billed for the difference and shall remit such funds with thirty (30) days of invoice. If the Review Costs are less than the Deposit, the difference shall be refunded to the Applicant within thirty (30) days. All reimbursements hereunder shall be made without interest.

PASSED AND ADOPTED at the regular meeting of the Board of Directors at the Western Riverside County Regional Conservation Authority held this ____ day of _____, 2006.

By: _____
Kelly Seyarto, Chairman
Western Riverside County
Regional Conservation Authority

ATTEST:

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

EXHIBIT "A"

Joint Project Review	\$1,500
Meet and Confer	\$1,500
Criteria Refinement	\$5,000
Plan Amendment	\$5,000

AGENDA ITEM 11



Western Riverside County Regional Conservation Authority

Administrative Committee

Call Back Items

SUBJECT	REQUESTED BY	PREVIOUS AGENDA REFERENCE	DATE DUE	ASSIGNED TO	COMPLETED
Investment Policy	Committee	12-14-05 Item 12	03-08-06	Tom Mullen	
TESRA Update	Robin Lowe	02-08-06 Item 4	As needed	Michelle Ouellette	
Volunteers for Reserve Maintenance	Bob Buster	02-08-06	04-08-06	Ken Graff	
Structure of RCA IAGC	Committee	12-14-05 Item 7	09-13-06	Joe Richards	