

Regional Conservation Authority

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

Staff Contact:

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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
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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"

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