



**Western Riverside County
Regional Conservation Authority**
www.wrc-rca.org

Established in 2004, the Western Riverside County Regional Conservation Authority is a joint powers authority consisting of fourteen (14) cities and the county. The RCA is charged with administering the 2003 Western Riverside County Multiple Species Habitat Conservation Plan.

MEETING AGENDA

1:00 P.M., April 3, 2006
Riverside County Administrative Center
First Floor, Board Room
4080 Lemon Street, Riverside

BOARD OF DIRECTORS

OFFICERS

Kelly Seyarto, Chairperson
City of Murrieta

Jeff Stone, Vice Chairperson
County of Riverside District III

Robin Lowe, Past Chairperson
City of Hemet

BOARD MEMBERS

John Machisic
City of Banning

Mark Yarbrough
City of Perris

Larry Dressel
City of Beaumont

Dom Betro
City of Riverside

Shenna Moqet
City of Calimesa

Chris Buydos
City of San Jacinto

John Zaitz
City of Canyon Lake

Chuck Washington
City of Temecula

Eugene Montanez
City of Corona

Bob Buster
County of Riverside District I

Robert Schiffner
City of Lake Elsinore

John Tavaglione
County of Riverside District II

William Batey
City of Moreno Valley

Roy Wilson
County of Riverside District IV

Frank Hall
City of Norco

Marion Ashley
County of Riverside District V

Tom Mullen, Interim Executive Director
Joe Richards, Deputy Executive Director

**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

AGENDA

www.wrc-rca.org

**Monday, April 3, 2006
1:00 p.m.**

**Riverside County Administrative Center
First Floor Annex – Board Hearing Room
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 a Board 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 COMMENTS**

At this time members of the public can address the RCA Board of Directors regarding any items within the subject matter jurisdiction of the Board that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Any person wishing to address the Board on any matter, whether or not it appears on this agenda, is requested to complete a Request to Speak form available at the door. The completed form is to be submitted to the Clerk of the Board prior to an individual being heard. Whenever possible, lengthy testimony should be presented to the Board in writing and only pertinent points presented orally.

- 4. BOARD MEMBER ANNOUNCEMENTS**
- 5. ADDITIONS/REVISIONS** *(The Board 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 Board subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Board. If there are less than 2/3 of the Board 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 – March 6, 2006**

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7. CONSENT CALENDAR:

- 7.1 Consideration and Possible Adoption of Resolution No. 06-02 Amending the Authority's Bylaws to include Reimbursement Provisions Consistent with AB 1234
- 7.2 Introduction of Resolution No. 06-03 Amending the Authority's Bylaws Concerning Agenda Setting
- 7.3 Consideration and Possible Adoption of Resolution No. 06-04 Adopting an Amended Appendix of the Conflict of Interest Code and Appointing a Filing Officer/Official
- 7.4 Consideration and Possible Adoption of Resolution No. 06-05 Establishing a Policy for Reimbursement of Costs Related to Joint Project Review, Meet and Confer, Criteria Refinements and Amendments to the MSHCP
- 7.5 Consideration and Possible Rescheduling of the June 5, 2006 Meeting of the RCA Board of Directors to June 12, 2006
- 7.6 Consideration and Possible Adoption of a Surplus Real Property Policy

8. EXECUTIVE DIRECTOR'S REPORT

- 8.1 Update Regarding Contract with Dr. John Husing
- 8.2 Update Regarding Economatrix and Programmatic Requests for Proposals
- 8.3 Update Regarding Annual Report for 2005

9. LAND ACQUISITION UPDATE

10. ITEMS FOR NEXT MEETING

Board members are invited to suggest additional items to be brought forward for discussion.

11. CLOSED SESSION:

Conference with Real Property Negotiators, Pursuant to Government Code Section 54956.8.

- 11.1 Property:** Assessor Parcel Nos. 363-190-008, 363-190-015
Negotiating Parties:
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Zukerman
Under Negotiation: Price/Terms
- 11.2 Property:** Assessor Parcel Nos. 407-070-003, 407-070-004, 407-070-007, 407-070-008
Negotiating Parties:
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Steve McCarty/GSKM
Under Negotiation: Price and Terms
- 11.3 Property:** Assessor Parcel No. 579-020-010
Negotiating Parties:
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Reden
Under Negotiation: Price and Terms
- 11.4 Property:** Assessor Parcel Nos. 473-200-008, 413-140-003
Negotiating Parties:
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Moring
Under Negotiation: Price and Terms
- 11.5 Conference with Real Property Negotiators**
Property: Assessor Parcel Nos. 473-110-001, 473-110-019, 473-110-020, 473-110-024, 473-120-008
Negotiating parties:
Agency: Director of Land Acquisitions and Property Management or Designee
Property owner: Don DeLello/Pecuniary Capitol Group
Under Negotiation: Price/Terms of Payment

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12. ADJOURNMENT

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled to be held on Monday, May 1, 2006, at 1:00 p.m. at the County Administrative Center, Board Room, 4080 Lemon Street, Riverside, California, 92501

AGENDA ITEM 6



**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

www.wrc-rca.org

MINUTES

Monday, March 6, 2006

1:00 p.m.

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority Board of Directors was called to order by Chairman Kelly Seyarto at 1:04 p.m. in the Board Room at the County Administrative Center, 4080 Lemon Street, First Floor, in Riverside, California, 92501.

2. ROLL CALL

Board Members/Alternates Present

Marion Ashley
Dom Betro
Bob Buster
Larry Dressel
Frank Hall
Robin Lowe
John Machisic
Shenna Moqet
Eugene Montanez
Robert Schiffner
Kelly Seyarto
Jeff Stone
Chuck Washington
Charles White
Mark Yarbrough
John Zaitz

Board Member Absent

Chris Buydos
John Tavaglione
Roy Wilson

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3. PUBLIC COMMENTS

There were no public comments.

4. BOARD MEMBER ANNOUNCEMENTS

4.1 Chairman Seyarto reminded the Board Members to submit their respective Form 700s by deadline date.

4.2 In response to Bob Buster's inquiry whether staff has looked at the Bureau of Land Management (BLM) land that could be or are not a part of the MSHCP, Tom Mullen said that staff is in the process of drafting a letter to the U.S. Forest Service regarding land in the Calimesa area that should be transferred to us or to County Parks. Other land looked at did not seem to affect the MSHCP Plan.

5. ADDITIONS/REVISIONS

There were no additions or revisions.

6. APPROVAL OF MINUTES

M/S/C (STONE/LOWE) to approve the minutes of the February 6, 2006 meeting.

7. CONSENT CALENDAR

M/S/C (LOWE/ASHLEY) to approve the following Consent Calendar items:

7.1 Consideration and Possible Approval of Resolution No. 06-01, a Resolution of the Western Riverside County Regional Conservation Authority Amending Its Bylaws to Alternate Chairperson and Vice Chairperson between Cities and County

Adopt Resolution No. 06-01 amending the Authority's Bylaws to alternate the Chairperson and Vice Chairperson between Cities and County.

7.2 Introduction of Resolution No. 06-02, a Resolution of the Western Riverside County Regional Conservation Authority Amending Its

Bylaws to Include Reimbursement Provision Consistent with AB 1234

Review Resolution No. 06-01 amending the Authority's Bylaws to include reimbursement provisions consistent with AB 1234 and authorize staff to place this matter on calendar for final adoption at the April 3, 2006 meeting of the RCA Board of Directors.

- 7.3** Consideration and Possible Approval of an Agreement between the Western County Regional Conservation Authority and the United States Geological Survey, Western Ecological Research Center to Provide Species Identification, Handling and Protocol Training for Monitoring Staff

Approve the agreement between the Western Riverside County Regional Conservation Authority and the United States Geological Survey, Western Ecological Research Center for species identification, handling and protocol training in an amount not to exceed \$70,000 and authorize the Chairman to execute said agreement on behalf of the Authority.

- 7.4** Consideration and Possible Authorization of the Expenditure of Funds to Complete the Special Area Management Plan

Authorize the expenditure of funds in the amount of \$133,000 to complete the Special Area Management Plan.

- 7.5** Consideration and Possible Approval of an Amendment to the Professional Services Agreement between the Western Riverside County Regional Conservation Authority and Dudek & Associates, Inc.

Approve and authorize the Chairman to execute the Amended Professional Services Agreement between the Western Riverside County Regional Conservation Authority and Dudek & Associates, Inc., and authorize an increase in appropriations in the amount of \$210,000, for a contract amount not to exceed \$560,000.

8. POLICY CALENDAR:

8.1 Consideration and Possible Approval of Core 2 Criteria Refinement Work Plan and Budget

Tom Mullen, Executive Director, iterated to the Board that the goal of the study is to look at habitat within the wildlife corridors of Core 2 to make sure that they are receiving the best protection possible in the existing land use as required or whether Core 2 should be adjusted to provide better biological environment for the target species. This study was proposed because the conservable land within the Core 2 is fragmented and may not support the protection and survival of the primary species in Core 2. The refinement of Core 2 was generally anticipated in the final adoption of the Multiple Species Habitat Conservation Plan (MSHCP) in 2003. The Plan included a criteria refinement process which allowed for flexibility to make adjustments to the Plan based upon updated information involving biological needs of the species. He noted that members of the environmental community who assisted in developing the Plan, including Dan Silver and Jane Block of the Endangered Habitats League, supported the criteria and found it necessary in order to achieve the original conservation goals of Core 2. He also noted that a Core 2 refinement proposal was submitted to the County of Riverside in March 2003 by the Center for Biological Diversity, which will be studied and considered as part of the criteria refinement.

Joe Richards, Deputy Executive Director, stated that the refinement study was requested by the City of Murrieta and the County of Riverside. Staff is requesting Board approval to undertake the biological refinement study, which is anticipated to take approximately 12 to 18 months to complete. The estimated budget for the process is - \$150,000 (Biological/Equivalency Analysis \$100,000, Mapping Support \$25,000, RCA Staff/Counsel Support \$25,000). He requested that the Board recognize that the resulting finding may have Plan wide ramifications as it may affect other areas within the Plan. A systematic biological evaluation must be done in order to make any judgment on the refinement or reconfiguration of Core 2.

At this time, Tom Mullen noted two letters that were presented to the Board:

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- 1) Dated March 13, 2003 from Dan Silver, Executive Director of the Endangered Habitats League, agenda packet regarding comments on the Western Riverside County MSHCP and the EIR/EIS prepared for the League; and,
- 2) Dated March 2, 2006 jointly from the Center for Biological Diversity, the California Native Plant Society, San Bernardino Valley Audubon Society, and the Sierra Club indicating their concern and opposition to reducing the reserve area within Core 2 and potentially eliminating the area as a core reserve, and increasing Core 7.

Chuck Washington asked if staff had had a chance to review the numbers provided by Dan Silver concerning land cost and whether fragmentation problems existed outside Core 2. Tom Mullen stated that an approval for two requests for proposals will be presented to the Board at a future meeting for a programmatic study and an economatrix study. The economatrix study will provide analysis such as acquisition cost per acre in five year increments over the 25-year plan.

Joe Monaco, Dudek & Associates, stated that the fragmentation issue was found in the Core 2 area.

In response to Shenna Moqheet's questions whether affected land identified as a result of the study will be on the website and if some of the land may be open for public use, Tom Mullen indicated that if other land may be affected. Also, if biologically possible, land will be open for public use for such things as hiking or as an equestrian trail. He reminded the Board that RCA acquires land primarily for habitat and not for recreational use.

Robin Lowe asked if the study to be done will impact and curtail activities in other core areas. Tom Mullen said that it will not stop activities in the other core areas. When there is land equal or better than Core 2, staff will bring back a recommendation to the Board for approval.

At this time, Chairman Seyarto called upon the following requests for public comments:

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1. Jane Block, speaking as a Committee member of the Endangered Habitats League, stated her support for the concept of the proposal for a Plan Refinement for Core 2. As it was noted in 2003, they recognized that Plan reconfigurations are warranted over time. They see two general goals: 1) It is imperative to understand a clearly defined species and habitat objectives are now appropriate; and, 2) It is then important to equally reconfigure the overall to afford the changes and produce an overall superior outcome for the species and habitat as concerned. She commended the systematic and comprehensive biologically driven approach, as recommended by staff and she urged the Board to move forward.
2. Vicki Long, who is concerned about the corridors for mountain lions and large mammals, asked the Board to include a comment period in the process to provide an opportunity for the public to review and comment on the study, once completed.
3. Bob Wheeler voiced his concerns about the proposed Core 2 Refinement Work. He stated that during his 2 ½ years serving as an MSHCP Committee Member of the RCIP and Coordinating Committee Member for the County of Riverside, he does not recall that refinement was amendment. There was no time or funds to refine the map at that point and acknowledged that a refinement was necessary. However, the proposal to refine, amend and trading off between the Cores was what he perceived it to be. He claimed that this proposal is to appease the developers and noted that there are 145 species that have to be considered and that Core 2 is a viable Core for the species.

Chairman Seyarto stated that this proposal is not an attempt to eliminate Core 2 area but to bring the Core 2 area into the useful purpose for which the MSHCP was created. There are some critical corridors in Core 2 and the biologists hired to study, as part of the work plan, will inform the Board whether the Plan is appropriate as it is or propose refinements.

Chuck Washington asked for clarification of the appeal process included in the work plan. Joe Richards stated that during the process, staff will

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secure consensus from the environmental community and others, so this may not be needed. He said that during the process, staff may provide status reports to the Board every three to four months.

Bob Buster, based on the questions in the letters and public comments received, asked: 1) why if a major change could be made by the criteria refinement what are amendments reserved for; and, 2) why are the benefiting land owners and developers not paying for the proposed work.

Michelle Ouellette, Legal Counsel, said in accordance with the Plan, if it does not qualify for criteria refinement then it would be considered as part of the amendment process. The result of the biological analysis will determine whether it would be a criteria refinement or an amendment process.

Tom Mullen stated that staff is in the process of reviewing the fee process.

Robin Lowe asked that staff keep the affected public jurisdictions apprised during the process.

M/S/C (Washington/Ashley) to approve:

- 1) The proposed budget and work plan to include in the process for staff to provide status to the Board every 4 months after its start as well as a public comment period at the completion of the study; and,*
- 2) The use of RCA funds to undertake the refinement process, based on the finding that the process will result in a reduction of land acquisition costs.*

Abstained: Lowe, White

8.2 Consideration and Possible Approval of Western Riverside County Regional Conservation Authority Land Acquisition Policies

Joe Richards asked the Board Members that the section related to endowments be referred to the Administrative Committee. He recommended approval to endorse the acquisition policies presented the proposed land acquisition policies.

M/S/C (White/Stone) to adopt the land acquisition policies, as presented and included in the agenda packet with the exception of the endowment provision.

9. UPDATE ON LAND ACQUISITIONS

Ken Graff, Director of Land Acquisitions and Property Management, informed the Board that the Kramer property in Calimesa closed on March 3, 2006. To date, 26,101 acres have been acquired.

10. CALL BACK ITEMS

10.1 Update on the Threatened and Endangered Species Recovery Act (TESTRA)

Michelle Ouellette, Legal Counsel, informed the Board that the TESRA bill passed the House in September 2005 and currently sits in the Senate Public Works Committee. She noted of collaboration, which has some similarities to the TESTRA bill for the Recovery of Endangered Species Act, introduced on December 15, 2005 and this also sits in the Senate Public Works Committee. In addition, the Senate Environmental Public Works Chairman is also working on a similar bill. The Board will continue to be kept apprised on activities of the bills.

11. ITEMS FOR NEXT MEETING

Tom Mullen stated that items to be presented to the Board at a future Board meeting include a request for proposal for an Economatrix Study; a surplus real property policy; and an Administrative Service Fee Policy for Joint Project Review, Criteria Refinement, and MSHCP Amendment

12. CLOSED SESSION

1. Conference with Real Property Negotiators

Property: Assessor's Parcel Nos. 915-280-010, 915-280-01
915280-018, 951-280-022, 915-280-023

Negotiating Parties

Agency: Director of Land Acquisition and Property Mgmt.

Property Owner: John Bell

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Under Negotiation: Price/Terms of Payment

2. Conference with Real Property Negotiators

Property: Assessor Parcel Nos. 257-130-001, 257-130-007

Negotiating Parties

Agency: Director of Land Acquisition and Property Mgt.

Property Owner: Christie Coats/Springbrook Investments

Under Negotiation: Price/Terms of Payment

4. Conference with Real Property Negotiators

Property: Assessor Parcel Nos. 473-110-001, 473-110-019,
473-110-020, 473-110-024, 473-120-008

Negotiating Parties

Agency: Director of Land Acquisition and Property Mgt.

Property Owner: Don DiLello/Pecuniary Cap Group

Under Negotiation: Price/Terms of Payment

5. Conference with Real Property Negotiators

Property: Assessor's Parcel Nos. 581-100-043

Negotiating Parties

Agency: Director of Land Acquisitions and Property Mgt.

Property Owner: Alex Stamatakis/United Five

Under Negotiation: Price/Terms of Payment

6. Conference with Real Property Negotiators

Property: Assessor's Parcel Nos. 583-050-007

Negotiating Parties

Agency: Director of Land Acquisitions and Property Mgt.

Property Owner: Alex Stamatakis/United Five

Under Negotiation: Price/Terms of Payment

7. Conference with Real Property Negotiators

Property: Assessor's Parcel No. 581-190-006

Negotiating Parties

Agency: Director of Land Acquisitions and Property Mgt.

Property Owner: Alex Stamatakis/United Five

Under Negotiation: Price/Terms of Payment

8. Conference with Real Property Negotiators

Property: Assessor's Parcel No. 583-070-003

Negotiating Parties

Agency: Director of Land Acquisitions and Property Mgt.

Property Owner: Ulf Grefeit/Smith

Under Negotiation: Price/Terms of Payment

There were no announcements from Closed Session.

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13. ADJOURNMENT

There being no other business before the Board, Chairman Seyarto adjourned the meeting at 2:06 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled to be held on Monday, April 3, 2006, at 1:00 p.m. at the County Administrative Center, Board Room, 4080 Lemon Street, Riverside, California 92501.

Respectfully submitted,

Honey Bernas
Clerk of the Board

AGENDA ITEM 7.1

Regional Conservation Authority

**ADOPTION OF RESOLUTION NO. 06-02 AMENDING THE
AUTHORITY'S BYLAWS BY ADDING REIMBURSEMENT PROVISIONS
CONSISTENT WITH AB 1234**

Staff Contact:

**Best Best & Krieger, Legal Counsel
(951) 686-1450**

Background:

A new law applicable to cities, counties and special districts, AB 1234, went into effect on January 1, 2006. This law requires mandatory ethics training, compensation, and reimbursement regulations for local agencies. Notably, AB 1234 requires local agencies to adopt a reimbursement policy.

According to the terms of AB 1234, "if a local agency reimburses its legislative body members for actual and necessary expenses incurred in the performance of official duties, then the local agency is required to adopt a written reimbursement policy".

AB 1234's reimbursement policy applies to "legislative bodies" as that term is defined in the Ralph M. Brown Act. The reimbursement policy may establish its own reimbursement rates. Otherwise, the Internal Revenue Service reimbursement rates apply. However, AB 1234 requires that conference lodging costs cannot exceed the maximum group rate available at the time of booking and if group or government rates are available, then the agency must use them. Any requests for reimbursements that are not specifically covered by an agency's policy must be approved in a public meeting before the expense is incurred.

Under AB 1234, local agencies are also required to provide expense report forms. These expense reports must then be completed, submitted within a "reasonable time" after incurring the expense, and be accompanied by receipts. Additionally, members have to provide a "brief" report on meetings attended at the expense of the local agency at the next regularly scheduled meeting of the legislative body. Finally, the new law states that all documents related to reimbursable agency expenditures are subject to the Public Records Act.

AB 1234 also references possible penalties for the misuse of public resources or falsifying expense reports. These penalties may include loss of reimbursement privileges, restitution to the local agency, civil penalties up to \$1,000 a day, and felony prosecution under Penal Code Section 424.

Please note that the attached policy has been modified from the resolution presented to the Board at the last meeting. The revised policy now establishes a maximum of One Hundred Fifty Dollars (\$150) per day for meal costs and will require receipts for reimbursements. The resolution now also provides for a CPI increase for reimbursement amounts. The changes to the resolution are highlighted.

The proposed bylaw amendment will bring the RCA into compliance with AB 1234.

Administrative Committee and Staff Recommendation:

Review and consider adoption of Resolution No. 06-02 Amending the Authorities Bylaws to include reimbursement provisions consistent with AB 1234.

Attachments:

1. Draft Resolution No. 06-02
2. Redlined Bylaws

AGENDA ITEM 7.1

Attachment 1 Draft Resolution No. 06-02

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

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; and

WHEREAS, pursuant to Section 19 of the Joint Powers Agreement, the Authority has the power to adopt such rules and regulations as the Authority’s Board of Directors (“Board”) may deem necessary for the conduct of the Authority’s affairs; and

WHEREAS, the Board desires to amend its Bylaws to include reimbursement provisions for the purpose of providing guidance to the Authority on the use and expenditure of its resources as well as the standards against which those expenditures will be measured; and

WHEREAS, this amendment of the Bylaws will satisfy the requirements of Government Code sections 53232.2 and 53233.3.

NOW, THEREFORE, the Board of Directors of the Western Riverside County Regional Conservation Authority does hereby **RESOLVE** and **ORDER** as follows:

Section 1: Renumbering of Article XII “Amendments:” Article XII “Amendments” of the Bylaws is hereby renumbered as Article XIII “Amendments.”

Section 2: Amendment of the Bylaws: Article XII of the Bylaws shall be entitled “Reimbursement” and shall read as follows:

- A. **PERSONS SUBJECT TO REIMBURSEMENT PROVISIONS.** These Reimbursement Provisions (“Provisions”) shall be applicable to all members of the Authority’s legislative bodies, as defined in Government Code section 54952, provided such persons receive compensation for actual and necessary Authority expenses (“Official”). Legislative Bodies include, but are not limited to, the Board of Directors, the Funding Coordination Committee, the Reserve Management Oversight Committee, the Administrative Committee, and the Implementation and Administration Guidelines Committee.
- B. **PURPOSE.** The purpose of these Provisions is to provide guidelines for the reimbursement of any Official for actual and necessary expenses incurred in the performance of their duties. Whenever issues of reimbursement arise, the Authority shall adhere to Government Code sections 53232.2 and 53232.3.

C. TRANSPORTATION

1. Use of Personal Vehicle. The Authority shall reimburse for mileage incurred when personal vehicles are used to attend Board and Committee meetings and conferences or other meetings approved by the Board or Deputy Executive Director and in furtherance of the Authority's affairs. Authority will reimburse mileage for travel to and from the destination based upon the approved Internal Revenue Service rate in effect.
2. Rentals. The Authority shall reimburse for actual and necessary vehicle rental expenses. The Authority shall only reimburse economy or compact rate vehicles unless (i) such class of vehicle is unavailable; or (ii) such class of vehicles do not accommodate a disability. When an Official rents a vehicle, he or she shall obtain insurance for the vehicle at the Authority's expense.
3. Shuttle, Bus, Taxi, and public transportation. Shuttle, bus, taxi, and public transportation may be used between an airport, hotel and conference site whenever it is available. Officials are encouraged to use the most efficient mode of transportation available.
4. Air Travel or Other Common Carrier Transportation. As necessary for the performance of their official duties, Officials may use air travel or other mode of common carrier transportation to and from the destination.

D. LODGING. Lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available. If a group rate is not available, the government rate of the provider of lodging shall be used. If neither the group nor government rates are available, the Authority shall reimburse lodging at a rate not exceeding \$300.00 per night without Board approval. For lodging in high costs cities (e.g., San Francisco, New York, Washington., D.C.), the Authority will reimburse at a rate not exceeding \$490.00 per night without Board approval. Lodging reimbursement rates will be adjusted annually according to the CPI in the applicable metropolitan statistical area.

E. MEALS. The actual costs of meals incurred while attending conferences or other meetings in furtherance of the Authority's affairs are reimbursable provided the Authority's staff is given a receipt. Meal costs shall be reimbursed at an amount not exceeding the greater of one hundred fifty dollars (\$150.00) per day or the applicable Internal Revenue Service rate.

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F. PERSONAL EXPENSES AND OTHER EXPENSES NOT REIMBURSABLE. The Authority shall not reimburse the cost of transportation, lodging, meals, or other costs of travel when such costs are of a personal nature incurred in conjunction with the performance of official duties. Personal costs, not reimbursable by the Authority, shall include, but not be limited, to the following: (i) alcoholic beverages; (ii) parking and traffic violations; (iii) entertainment; (iv)

services provided by the provider of lodging; and (v) expenses incurred on behalf of a spouse, dependent, or traveling companion.

- G. CONFERENCES AND OTHER MEETINGS. Officials shall only receive reimbursement of travel, lodging, and meals for conferences or other meetings in furtherance of the Authority's affairs. No other occurrences will be reimbursed.
- H. EXPENSES NOT INCLUDED WITHIN THESE PROVISIONS. Occurrences or expenses which do not fall within these Provisions or the Internal Revenue Service reimbursable rates must be approved by the Board in a public meeting before the expense is incurred.
- I. EXPENSE REPORTS. The Authority shall not reimburse any expenses until an expense form is submitted to the Authority's administrative office no later than 45 days of the expenditure. Expense forms shall be accompanied by receipts documenting each expense. Furthermore, officials will be required to provide a brief report on the conference or meeting attended at the next regular meeting of his or her respective legislative body.
- J. CPI INCREASE. The dollar limits referenced herein shall be automatically updated annually to reflect increases in the Consumer Price Index.

Section 3: Repeal of Inconsistent Provisions. This Resolution hereby repeals inconsistent portions of any ordinance, resolution, or policy.

Section 4: Effective Date. This Resolution is effective upon its adoption by the Board of Directors.

PASSED AND ADOPTED at a Meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority held this 3rd day of April, 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 7.1

Attachment 2 AB 1234 Redlined Bylaws

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**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

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BYLAWS

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ARTICLE I – NAME AND AUTHORIZATION

- A. NAME. The name of this agency shall be the Western Riverside County Regional Conservation Authority, hereinafter known as the Authority.
- B. AUTHORIZATION. The County Of Riverside (“County”) and the Cities of Banning, Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto and Temecula, by that Joint Exercise of Powers Agreement dated as of January 27, 2004 (“Agreement”) created the Authority for the purpose of acquiring, administering, operating and maintaining land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”).

ARTICLE II – PURPOSE, DUTIES & POWERS

- A. PURPOSE. The Authority shall acquire, administer, operate and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the MSHCP and to implement the MSHCP after the MSHCP is approved by the County and Cities and appropriate permits are issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.
- B. DUTIES AND POWERS. Duties and Powers of this Authority are set forth in local, state and federal law and the Agreement, as may be amended from time to time. These duties and authorization include, but are not limited to, the following:
 - 1. To make and enter into contracts;
 - 2. To employ agents, consultants, attorneys and employees;

3. To acquire property, and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property;
4. To conduct and direct studies and to develop and implement plans to complement, modify or supplement the MSHCP;
5. To incur debts, liabilities, and obligations;
6. To sue and be sued in its own name;
7. To employ reserve managers and other personnel to operate, maintain, and administer the habitat reserves established through implementation of the MSHCP;
8. To be an applicant, make applications for, and receive grants from governmental and private entities and to participate in State bond issues;
9. To prepare project reports and applications, to qualify for grants, and to enter into grant contracts and to do all other things necessary to comply with State and Federal laws and regulations with respect to grants;
10. To borrow or receive advances of funds from its members or from such other sources as may be permitted by law;
11. To contract with its members and other entities who operate or will operate the habitat reserves established through implementation of the MSHCP;
12. To issue bonds, notes, warrants and other evidences of indebtedness to finance costs and expenses to carry out the powers of the Authority;
13. To acquire, hold, and dispose of equipment;
14. To lobby state and federal governments and their officials as well as private entities to obtain funding for implementation of the MSHCP and employ individuals or entities to conduct such lobbying activities on its behalf; and
15. To exercise all other powers common to the members not specifically mentioned above which may be necessary to carry out the purposes of this Agreement.

ARTICLE III- MEMBERSHIP

- A. REGULAR MEMBERS. The regular members of the Board shall be the five members of the Riverside County Board of Supervisors and one member from each incorporated city who is signatory to the Agreement. Written notification of the appointment of a City representative shall be provided to the Chairperson of the Board.
- B. ALTERNATE MEMBERS:
1. Each member of the Riverside County Board of Supervisors may appoint an alternate member to the Board of the Authority and each City may appoint one alternate member to the Board of the Authority.
 2. Each regular member and alternate member of a City must hold an elective office on the respective governing body appointing the regular or alternate member.
 3. Written notification of the appointment of an alternate member of a County representative or City, as appropriate, shall be provided to the Chairperson of the Board.
 4. In the absence of a regular member, the alternate member shall, if present, participate in a meeting of the Board or committee the same as if the alternate member were the regular member.

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ARTICLE IV – TERM, VACANCIES AND COMPENSATION

- A. TERM. Regular members and alternate members shall serve on the Board during the term for which they were appointed or until their successor has been appointed or their appointment has been revoked, whichever is earlier. However, a regular or alternate member's position on the Board shall automatically terminate if and when the term of the elected public office of such regular or alternate member is terminated.
- B. VACANCIES. Any vacancy in the office of regular or alternate member, whether because of death, incapacity, resignation, loss of underlying office, removal or otherwise, shall be filled by the appointing authority for such member. When a vacancy occurs, it shall be the duty of the respective Party having the vacancy to

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promptly inform the Board of the name of the replacement regular or alternate member.

- C. RESIGNATION. Any regular or alternate member may resign at any time by giving written notice of such resignation to the Authority's Executive Director. Such resignation shall be effective at the time specified; acceptance of such resignation shall not be necessary to make it effective.
- D. REMOVAL. Any regular or alternate member may be removed, with or without cause stated, by the authority responsible for his or her appointment.
- E. COMPENSATION. Unless prohibited by law from accepting compensation, each regular and alternate member (when performing the duties of a regular member) of the Authority shall be compensated at the rate of One Hundred Dollars (\$100) for any day attending to the business of the Authority, but not to exceed Four Hundred Dollars (\$400) in any month, along with necessary traveling and personal expenses incurred in the performance of his or her duties as authorized by the Authority.

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ARTICLE V- VOTING

- A. QUORUM. A majority of the members of the Board shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board. Each regular member or alternate member acting in the place of a regular member shall have one vote at meetings of the Board. However, any member of the Board, immediately after a vote of the Board and prior to the start of the next item on the agenda may call for a weighted vote.
- B. WEIGHTED VOTING. For an item to be passed by weighted vote, all of the following requirements shall be met:
 - 1. the item shall be approved by a majority of the Board members present at the meeting who represent the Riverside County Board of Supervisors, who each shall have one vote;
 - 2. the item shall be approved by a majority of the Board members present at the meeting who represent Cities, who each shall have one vote; and
 - 3. the item shall be approved by Board members present at the meeting who represent Cities representing a majority of an equal combination of 1) the population of the county living in incorporated areas within the

boundaries of the MSHCP Plan area, and 2) the acres within these incorporated areas anticipated to be conserved within the Criteria Area established by the MSHCP as follows: Banning – 70 acres; Beaumont – 7,250 acres; Calimesa – 1,740 acres; Canyon Lake – 40 acres; Corona – 470 acres; Hemet – 810 acres; Lake Elsinore – 6,350 acres; Moreno Valley – 105 acres; Murrieta – 2,390 acres; Norco – 100 acres; Perris – 1,060 acres; Riverside – 90 acres; San Jacinto – 2,130 acres; and Temecula – 990 acres. For purposes of this paragraph, each regular Board member of the meeting who represents a City shall be assigned votes based on the percentage of the population of incorporated areas within the boundaries of the MSHCP Plan area represented by that member in relation to the total population of incorporated areas within the boundaries of the MSHCP Plan area as well as the percentage of the acreage anticipated to be conserved within the Criteria Area subject to the jurisdiction of that member in relation to the total incorporated area acreage within the Criteria Area set forth in the MSHCP. The Criteria Area acreage set forth in this subsection 3 shall be automatically modified if the Authority adopts a resolution as set forth in Section 7 of the Agreement modifying the acreage amounts.

ARTICLE VI- NOMINATION AND ELECTION OF OFFICERS

- A. **ELECTIONS.** The Board shall elect a Chairperson and a Vice Chairperson at its meeting every December starting in 2005, or as soon thereafter as practical. The Chairperson and Vice Chairperson shall annually alternate between a regular member of the Board representing a City and a regular member of the Board who is a member of the Board of Supervisors. The term of the Chairperson and Vice Chairperson shall commence on the first day of the month following the selection, unless otherwise determined by the Board.
- B. **NOMINATIONS.** Any member of the Authority may nominate any regular member for an office contemplated in Section A. An individual receiving the majority of the votes for any of the offices shall be deemed to have been elected. Different procedures and requirements apply to the office of treasurer and controller, pursuant to Section E. and the Agreement.
- C. **RESIGNATIONS.** In the event an officer resigns or ceases to be an officer, the Board shall select a replacement therefore at the next regular meeting of the Board, or as soon thereafter as practical.
- D. **ABSENCES.** In the absence or inability of the Chairperson to act, the Vice Chairperson shall act as Chairperson.

- E. APPOINTMENTS. The Board shall appoint the treasurer of a member agency to serve as the Treasurer. The Board shall also appoint the finance director of a member agency to serve as the Controller.

ARTICLE VII – DUTIES OF OFFICERS

- A. CHAIRPERSON. The duties of the Chairperson shall be to:
 - 1. Preside at all meetings of the Authority;
 - 2. Call special meetings of the Authority when necessary;
 - 3. Appoint ad hoc committees, when necessary, including, without limitation, an Elected Officials Ad Hoc Committee described in the MSHCP.
- B. VICE CHAIRPERSON. The duties of the Vice Chairperson shall be to perform the duties and exercise the power of the Chairperson during the absence of the Chairperson.
- C. EXECUTIVE DIRECTOR. The duties of the Executive Director shall be to administer the MSHCP, as defined above, in compliance with the duties and responsibilities set forth in Sections 5.0 and 6.0 of the MSHCP, and such other duties as may be prescribed by the Board, from time to time. The Executive Director shall perform such duties as prescribed by the Board including, without limitation, the administration of agency contracts. The Executive Director may, after consultation with the Chairperson, authorize contracts in an amount up to \$50,000 without prior Board approval. All such contracts shall be reviewed by legal counsel and shall be reported to the Board after execution. The Executive Director may not issue such contracts totaling more than \$50,000 1) to any one entity in any calendar year, or 2) to a group of entities working on a single project for the Authority.

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ARTICLE VIII – MEETINGS

- A. AGENDA. Matters to be placed on the Agenda for any regular meeting may be filed with the Executive Director of the Authority by any member of the Authority by the Thursday before such regular meeting. The Agenda for each regular meeting shall be prepared under the direction of the Executive Director. 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 regular meeting date.

- B. **REGULAR MEETING.** Regular meetings of the Authority shall be held, to the extent feasible at 1:00 p.m. the first Monday of each month at the County Administrative Center, 4080 Lemon Street, 1st Floor, Riverside, California or at such other location set by the Authority. Regular meetings may be canceled by majority vote of the Authority at a regular or special meeting prior to the meeting to be canceled. A regular meeting may also be canceled by the Chairperson for lack of a quorum. The Executive Director shall endeavor to mail or deliver notice of such cancellation to each regular member and alternate member at least twenty-four (24) hours prior to the time of the meeting.
- C. **SPECIAL MEETINGS.** A special meeting of the Authority may be called at any time by the Chairperson, or in his or her absence by the Vice Chairperson, or by any four (4) regular members by delivering personally or by mail written notice to the Executive Director and each regular and alternate member. Such notice shall be so delivered at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be transacted at such meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Executive Director a written waiver of notice. Such waiver may be given by telegram or telecopier. Such written notice may also be dispensed with as to any regular or alternate member who is actually present at the meeting at the time it convenes.
- D. **POSTING OF AGENDAS.** The Authority shall post agendas of all regular meetings, containing a brief general description of each item of business to be transacted or discussed at the meeting, at least seventy-two (72) hours before such regular meeting. The agenda shall specify the time and location of the meeting and shall be posted at the County Administration Center, 4080 Lemon Street, Riverside, or at another location specified by the Chairperson that is freely accessible to members of the public. No action shall be taken on any item not appearing on such posted agendas, except as permitted by state law.
- E. **RALPH M. BROWN ACT.** All meetings of the Board, including without limitation, regular, special and adjourned meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).
- F. **ADDRESSING AUTHORITY ON AGENDA ITEMS.** No person shall address the Authority at any meeting until he or she has first been recognized by the Chairperson. The decision of the Chairperson to recognize a person may be changed by vote of a majority of the members of the Authority present at the meeting. When addressing the Authority, each individual speaker will be limited

to three minutes or less of public testimony on each agenda item. The Authority may, either at the direction of the Chairperson or by a majority vote of the Authority, waive this three (3) minute time limitation.

ARTICLE IX – STANDING COMMITTEES

- A. **FORMATION.** The following Standing Committees of the Authority are hereby created:
1. **The Funding Coordination Committee.** This Committee shall provide recommendations to the Board on local funding priorities and local MSHCP Conservation Area acquisitions. Additionally, this Committee shall provide a forum to discuss land acquisition priorities of the U.S. Fish and Wildlife Service (“USFWS”) and California Department of Fish and Game (“CDFG”) and acquisitions by other entities using non-local sources of revenue. The Board shall establish policies under which the Funding Coordination Committee shall make recommendations to the Board. Such policies shall include conflict of interest guidelines for the Committee members. Members of this committee shall be appointed by the Board and shall consist of, at a minimum, representatives of the Parties to the Agreement, the USFWS, and the CDFG.
 2. **Reserve Management Oversight Committee.** The Reserve Management Oversight Committee (RMOC) shall serve as the intermediary between the Reserve Managers and the decision making function of the Authority. The Executive Director or designee shall serve as Chairperson of the RMOC. The RMOC shall be composed of, at a minimum, one representative appointed by each of the following entities: USFWS, CDFG, Riverside County Regional Parks and Open Space District, Bureau of Land Management, U.S. Forest Service, California Department of Parks and Recreation, Authority, and up to five (5) other private or public agencies or entities that own or manage land within the MSHCP Conservation Area.
 3. **Administrative Committee.** The Administrative Committee shall be appointed by the Chairperson and ratified by the Board. The Committee shall be composed of seven (7) members, and have at least two (2) and no more than three (3) representatives representing the County. The Board Chairperson, Vice Chairperson and past Chairperson, if any, of the Commission shall be members of the Committee. The Administrative Committee shall oversee Authority administrative functions, staff

functions, recommend staff positions, job descriptions and salaries, and consider such other matters as delegated to it by the Board.

4. Implementation and Administration Guidelines Committee. The Implementation and Administration Guidelines Committee shall be appointed by the Chairperson and ratified by the Board. The Committee shall be composed of up to sixteen (16) members, whose members shall be drawn from the following:
 - a) groups representing property owners affected by the MSHCP;
 - b) government agencies within Riverside County;
 - c) groups representing environmental interests implicated by the MSHCP;
and
 - d) other stakeholders.

Committee members shall not be permitted to appoint alternates. The Committee shall meet when requested to do so by the Chairperson or Board. Reasonable efforts shall be made to hold committee meetings a minimum of twice yearly. The Implementation and Administration Guidelines Committee shall review implementation plans and perform such other duties as directed by the Board.

- B. CONTROL AND SUPERVISION. In the performance of their duties and responsibilities, all Committees of the Authority shall submit all policy matters coming before them to the Authority for final consideration, unless otherwise specified by the Board. Committee members shall be appointed on an annual basis.

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ARTICLE X – CORPORATE POWERS

- A. SUCCESSION. The Authority has perpetual succession and may adopt a seal and alter it at its pleasure.
- B. LITIGATION. The Authority may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.
- C. CLAIMS. All claims for money or damages against the Authority are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government

Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

- D. MOTIONS, REGULATIONS AND ORDINANCES. The acts of the Authority shall be expressed by motion, resolution, or ordinance. All ordinances shall take effect upon their adoption. The enacting clause of all ordinances shall be as follows: "The Western Riverside County Regional Conservation Authority hereby ordains as follows: "All ordinances shall be signed by the Chairperson or by the Vice Chairperson of the Authority.

ARTICLE XI – CONTRACTS

The Authority may make contracts and enter into stipulations of any nature whatsoever either in connection with eminent domain proceedings or otherwise, including but not limited to, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers authorized by law. The Authority may contract with any Department or Agency of the United States of America, with any public agency (including, but not limited to, the County, WRCOG, CDFG or USFWS), or with any person upon such terms and conditions as the Authority finds is in its best interest.

ARTICLE XII -- REIMBURSEMENTS

A. PERSONS SUBJECT TO REIMBURSEMENT PROVISIONS. These Reimbursement Provisions ("Provisions") shall be applicable to all members of the Authority's legislative bodies, as defined in Government Code section 54952, provided such persons receive compensation for actual and necessary Authority expenses ("Official"). Legislative Bodies include, but are not limited to, the Board of Directors, the Funding Coordination Committee, the Reserve Management Oversight Committee, the Administrative Committee, and the Implementation and Administration Guidelines Committee.

B. PURPOSE. The purpose of these Provisions is to provide guidelines for the reimbursement of any Official for actual and necessary expenses incurred in the performance of their duties. Whenever issues of reimbursement arise, the Authority shall adhere to Government Code sections 53232.2 and 53232.3.

C. TRANSPORTATION

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1. Use of Personal Vehicle. The Authority shall reimburse for mileage incurred when personal vehicles are used to attend Board and Committee meetings and conferences or other meetings approved by the Board or Deputy Executive Director and in furtherance of the Authority's affairs. Authority will reimburse mileage for travel to and from the destination based upon the approved Internal Revenue Service rate in effect.

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2. Rentals. The Authority shall reimburse for actual and necessary vehicle rental expenses. The Authority shall only reimburse economy or compact rate vehicles unless (i) such class of vehicle is unavailable; or (ii) such class of vehicles do not accommodate a disability. When an Official rents a vehicle, he or she shall obtain insurance for the vehicle at the Authority's expense.

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3. Shuttle, Bus, Taxi, and public transportation. Shuttle, bus, taxi, and public transportation may be used between an airport, hotel and conference site whenever it is available. Officials are encouraged to use the most efficient mode of transportation available.

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4. Air Travel or Other Common Carrier Transportation. As necessary for the performance of their official duties, Officials may use air travel or other mode of common carrier transportation to and from the destination.

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D. LODGING. Lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available. If a group rate is not available, the government rate of the provider of lodging shall be used. If neither the group nor government rates are available, the Authority shall reimburse lodging at a rate not exceeding \$300.00 per night without Board approval. For lodging in high costs cities (e.g., San Francisco, New York, Washington., D.C.), the Authority will reimburse at a rate not exceeding \$490.00 per night without Board approval. Lodging reimbursement rates will be adjusted annually according to the CPI in the applicable metropolitan statistical area.

E. MEALS. The actual costs of meals incurred while attending conferences or other meetings in furtherance of the Authority's affairs are reimbursable provided the Authority's staff is given a receipt. Meal costs shall be reimbursed at an amount not exceeding the greater of one hundred fifty dollars (\$150.00) per day or the applicable Internal Revenue Service rate.

F. PERSONAL EXPENSES AND OTHER EXPENSES NOT REIMBURSABLE. The Authority shall not reimburse the cost of transportation, lodging, meals, or other costs of travel when such costs are of a personal nature incurred in

conjunction with the performance of official duties. Personal costs, not reimbursable by the Authority, shall include, but not be limited, to the following: (i) alcoholic beverages; (ii) parking and traffic violations; (iii) entertainment; (iv) services provided by the provider of lodging; and (v) expenses incurred on behalf of a spouse, dependent, or traveling companion.

G. CONFERENCES AND OTHER MEETINGS. Officials shall only receive reimbursement of travel, lodging, and meals for conferences or other meetings in furtherance of the Authority's affairs. No other occurrences will be reimbursed.

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H. EXPENSES NOT INCLUDED WITHIN THESE PROVISIONS. Occurrences or expenses which do not fall within these Provisions or the Internal Revenue Service reimbursable rates must be approved by the Board in a public meeting before the expense is incurred.

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I. EXPENSE REPORTS. The Authority shall not reimburse any expenses until an expense form is submitted to the Authority's administrative office no later than 45 days of the expenditure. Expense forms shall be accompanied by receipts documenting each expense. Furthermore, Officials will be required to provide a brief report on the conference or meeting attended at the next regular meeting of his or her respective legislative body.

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J. CPI INCREASE. The dollar limits referenced herein shall be automatically updated annually pursuant to reflect increases in the Consumer Price Index.

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ARTICLE XIII – AMENDMENTS

A. ADOPTION. These Bylaws may be amended at any meeting of the Authority by a majority vote.

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B. PROPOSAL. Any Authority member may propose a Bylaw amendment. Such proposal shall be in writing and shall be referred to the Chairperson who shall report the proposed amendment with recommendation to the Authority. All regular members shall receive at least four (4) weeks notice of any amendments to these Bylaws. Notice may be provided on a Board Meeting Agenda of the Board or by separate notice delivered by mail, e-mail or facsimile to the regular member.

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(Adopted on _____, 2006)

AGENDA ITEM 7.2

Regional Conservation Authority

AMENDMENT TO 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.

Administrative Committee and Staff Recommendation:

Direct staff to place this item on the agenda for the April 3, 2006 RCA Board meeting for review and possible adoption at the May 1, 2006 meeting.

Attachments

1. Resolution No. 06-03
2. Redlined Bylaws

AGENDA ITEM 7.2

Attachment 1 Resolution No. 06-03

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 in red and 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 any member 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 Chairman or Vice Chairman, if the Chairman is not available. 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 3rd day of April, 2006.

Kelly Seyarto, Chairman
Western Riverside County
Regional Conservation Authority

ATTEST:

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

AGENDA ITEM 7.2

Attachment 2 Redlined Bylaws

ATTACHMENT 2

DRAFT

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

BYLAWS

ARTICLE I – NAME AND AUTHORIZATION

- A. NAME. The name of this agency shall be the Western Riverside County Regional Conservation Authority, hereinafter known as the Authority.
- B. AUTHORIZATION. The County Of Riverside (“County”) and the Cities of Banning, Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto and Temecula, by that Joint Exercise of Powers Agreement dated as of January 27, 2004 (“Agreement”) created the Authority for the purpose of acquiring, administering, operating and maintaining land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”).

ARTICLE II – PURPOSE, DUTIES & POWERS

- A. PURPOSE. The Authority shall acquire, administer, operate and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the MSHCP and to implement the MSHCP after the MSHCP is approved by the County and Cities and appropriate permits are issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.
- B. DUTIES AND POWERS. Duties and Powers of this Authority are set forth in local, state and federal law and the Agreement, as may be amended from time to time. These duties and authorization include, but are not limited to, the following:
 - 1. To make and enter into contracts;
 - 2. To employ agents, consultants, attorneys and employees;

3. To acquire property, and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property;
4. To conduct and direct studies and to develop and implement plans to complement, modify or supplement the MSHCP;
5. To incur debts, liabilities, and obligations;
6. To sue and be sued in its own name;
7. To employ reserve managers and other personnel to operate, maintain, and administer the habitat reserves established through implementation of the MSHCP;
8. To be an applicant, make applications for, and receive grants from governmental and private entities and to participate in State bond issues;
9. To prepare project reports and applications, to qualify for grants, and to enter into grant contracts and to do all other things necessary to comply with State and Federal laws and regulations with respect to grants;
10. To borrow or receive advances of funds from its members or from such other sources as may be permitted by law;
11. To contract with its members and other entities who operate or will operate the habitat reserves established through implementation of the MSHCP;
12. To issue bonds, notes, warrants and other evidences of indebtedness to finance costs and expenses to carry out the powers of the Authority;
13. To acquire, hold, and dispose of equipment;
14. To lobby state and federal governments and their officials as well as private entities to obtain funding for implementation of the MSHCP and employ individuals or entities to conduct such lobbying activities on its behalf; and
15. To exercise all other powers common to the members not specifically mentioned above which may be necessary to carry out the purposes of this Agreement.

ARTICLE III– MEMBERSHIP

- A. **REGULAR MEMBERS.** The regular members of the Board shall be the five members of the Riverside County Board of Supervisors and one member from each incorporated city who is signatory to the Agreement. Written notification of the appointment of a City representative shall be provided to the Chairperson of the Board.

- B. **ALTERNATE MEMBERS:**
 - 1. Each member of the Riverside County Board of Supervisors may appoint an alternate member to the Board of the Authority and each City may appoint one alternate member to the Board of the Authority.
 - 2. Each regular member and alternate member of a City must hold an elective office on the respective governing body appointing the regular or alternate member.
 - 3. Written notification of the appointment of an alternate member of a County representative or City, as appropriate, shall be provided to the Chairperson of the Board.
 - 4. In the absence of a regular member, the alternate member shall, if present, participate in a meeting of the Board or committee the same as if the alternate member were the regular member.

ARTICLE IV – TERM, VACANCIES AND COMPENSATION

- A. **TERM.** Regular members and alternate members shall serve on the Board during the term for which they were appointed or until their successor has been appointed or their appointment has been revoked, whichever is earlier. However, a regular or alternate member’s position on the Board shall automatically terminate if and when the term of the elected public office of such regular or alternate member is terminated.

- B. **VACANCIES.** Any vacancy in the office of regular or alternate member, whether because of death, incapacity, resignation, loss of underlying office, removal or otherwise, shall be filled by the appointing authority for such member. When a vacancy occurs, it shall be the duty of the respective Party having the vacancy to promptly inform the Board of the name of the replacement regular or alternate member.

- C. **RESIGNATION.** Any regular or alternate member may resign at any time by giving written notice of such resignation to the Authority’s Executive

Director. Such resignation shall be effective at the time specified; acceptance of such resignation shall not be necessary to make it effective.

- D. REMOVAL. Any regular or alternate member may be removed, with or without cause stated, by the authority responsible for his or her appointment.
- E. COMPENSATION. Unless prohibited by law from accepting compensation, each regular and alternate member (when performing the duties of a regular member) of the Authority shall be compensated at the rate of One Hundred Dollars (\$100) for any day attending to the business of the Authority, but not to exceed Four Hundred Dollars (\$400) in any month, along with necessary traveling and personal expenses incurred in the performance of his or her duties as authorized by the Authority.

ARTICLE V – VOTING

- A. QUORUM. A majority of the members of the Board shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board. Each regular member or alternate member acting in the place of a regular member shall have one vote at meetings of the Board. However, any member of the Board, immediately after a vote of the Board and prior to the start of the next item on the agenda may call for a weighted vote.
- B. WEIGHTED VOTING. For an item to be passed by weighted vote, all of the following requirements shall be met:
 - 1. the item shall be approved by a majority of the Board members present at the meeting who represent the Riverside County Board of Supervisors, who each shall have one vote;
 - 2. the item shall be approved by a majority of the Board members present at the meeting who represent Cities, who each shall have one vote; and
 - 3. the item shall be approved by Board members present at the meeting who represent Cities representing a majority of an equal combination of 1) the population of the county living in incorporated areas within the boundaries of the MSHCP Plan area, and 2) the acres within these incorporated areas anticipated to be conserved within the Criteria Area established by the MSHCP as follows: Banning – 70 acres; Beaumont – 7,250 acres; Calimesa – 1,740 acres; Canyon Lake – 40 acres; Corona – 470 acres; Hemet – 810 acres; Lake Elsinore – 6,350 acres; Moreno Valley – 105 acres;

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Approved 06-07-04
Updated 03-07-05; Resolution No. 05-01
Updated 09-12-05; Resolution No. 05-07
Updated 12-05-05; Resolution No. 05-10
Updated 03-06-06; Resolution No. 06-01
Updated 04-03-06; Resolution No. 06-02
Updated 05-01-06; Resolution No. 06-03

Murrieta – 2,390 acres; Norco – 100 acres; Perris – 1,060 acres; Riverside – 90 acres; San Jacinto – 2,130 acres; and Temecula – 990 acres. For purposes of this paragraph, each regular Board member of the meeting who represents a City shall be assigned votes based on the percentage of the population of incorporated areas within the boundaries of the MSHCP Plan area represented by that member in relation to the total population of incorporated areas within the boundaries of the MSHCP Plan area as well as the percentage of the acreage anticipated to be conserved within the Criteria Area subject to the jurisdiction of that member in relation to the total incorporated area acreage within the Criteria Area set forth in the MSHCP. The Criteria Area acreage set forth in this subsection 3 shall be automatically modified if the Authority adopts a resolution as set forth in Section 7 of the Agreement modifying the acreage amounts.

ARTICLE VI – NOMINATION AND ELECTION OF OFFICERS

- A. **ELECTIONS.** The Board shall elect a Chairperson and a Vice Chairperson at its meeting every December starting in 2005, or as soon thereafter as practical. The Chairperson and Vice Chairperson shall annually alternate between a regular member of the Board representing a City and a regular member of the Board who is a member of the Board of Supervisors. The term of the Chairperson and Vice Chairperson shall commence on the first day of the month following the selection, unless otherwise determined by the Board.
- B. **NOMINATIONS.** Any member of the Authority may nominate any regular member for an office contemplated in Section A. An individual receiving the majority of the votes for any of the offices shall be deemed to have been elected. Different procedures and requirements apply to the office of treasurer and controller, pursuant to Section E. and the Agreement.
- C. **RESIGNATIONS.** In the event an officer resigns or ceases to be an officer, the Board shall select a replacement therefore at the next regular meeting of the Board, or as soon thereafter as practical.
- D. **ABSENCES.** In the absence or inability of the Chairperson to act, the Vice Chairperson shall act as Chairperson.
- E. **APPOINTMENTS.** The Board shall appoint the treasurer of a member agency to serve as the Treasurer. The Board shall also appoint the finance director of a member agency to serve as the Controller.

ARTICLE VII – DUTIES OF OFFICERS

- A. CHAIRPERSON. The duties of the Chairperson shall be to:
1. Preside at all meetings of the Authority;
 2. Call special meetings of the Authority when necessary;
 3. Appoint ad hoc committees, when necessary, including, without limitation, an Elected Officials Ad Hoc Committee described in the MSHCP.
- B. VICE CHAIRPERSON. The duties of the Vice Chairperson shall be to perform the duties and exercise the power of the Chairperson during the absence of the Chairperson.
- C. EXECUTIVE DIRECTOR. The duties of the Executive Director shall be to administer the MSHCP, as defined above, in compliance with the duties and responsibilities set forth in Sections 5.0 and 6.0 of the MSHCP, and such other duties as may be prescribed by the Board, from time to time. The Executive Director shall perform such duties as prescribed by the Board including, without limitation, the administration of agency contracts. The Executive Director may, after consultation with the Chairperson, authorize contracts in an amount up to \$50,000 without prior Board approval. All such contracts shall be reviewed by legal counsel and shall be reported to the Board after execution. The Executive Director may not issue such contracts totaling more than \$50,000 1) to any one entity in any calendar year, or 2) to a group of entities working on a single project for the Authority.

ARTICLE VIII – MEETINGS

- 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 any member 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 Chairman or Vice Chairman, if the Chairman is not available. 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.

- B. REGULAR MEETING. Regular meetings of the Authority shall be held, to the extent feasible at 1:00 p.m. the first Monday of each month at the County Administrative Center, 4080 Lemon Street, 1st Floor, Riverside, California or at such other location set by the Authority. Regular meetings may be canceled by majority vote of the Authority at a regular or special meeting prior to the meeting to be canceled. A regular meeting may also be canceled by the Chairperson for lack of a quorum. The Executive Director shall endeavor to mail or deliver notice of such cancellation to each regular member and alternate member at least twenty-four (24) hours prior to the time of the meeting.
- C. SPECIAL MEETINGS. A special meeting of the Authority may be called at any time by the Chairperson, or in his or her absence by the Vice Chairperson, or by any four (4) regular members by delivering personally or by mail written notice to the Executive Director and each regular and alternate member. Such notice shall be so delivered at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be transacted at such meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Executive Director a written waiver of notice. Such waiver may be given by telegram or telecopier. Such written notice may also be dispensed with as to any regular or alternate member who is actually present at the meeting at the time it convenes.
- D. POSTING OF AGENDAS. The Authority shall post agendas of all regular meetings, containing a brief general description of each item of business to be transacted or discussed at the meeting, at least seventy-two (72) hours before such regular meeting. The agenda shall specify the time and location of the meeting and shall be posted at the County Administration Center, 4080 Lemon Street, Riverside, or at another location specified by the Chairperson that is freely accessible to members of the public. No action shall be taken on any item not appearing on such posted agendas, except as permitted by state law.

- E. RALPH M. BROWN ACT. All meetings of the Board, including without limitation, regular, special and adjourned meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).
- F. ADDRESSING AUTHORITY ON AGENDA ITEMS. No person shall address the Authority at any meeting until he or she has first been recognized by the Chairperson. The decision of the Chairperson to recognize a person may be changed by vote of a majority of the members of the Authority present at the meeting. When addressing the Authority, each individual speaker will be limited to three minutes or less of public testimony on each agendized item. The Authority may, either at the direction of the Chairperson or by a majority vote of the Authority, waive this three (3) minute time limitation.

ARTICLE IX – STANDING COMMITTEES

- A. FORMATION. The following Standing Committees of the Authority are hereby created:
 - 1. The Funding Coordination Committee. This Committee shall provide recommendations to the Board on local funding priorities and local MSHCP Conservation Area acquisitions. Additionally, this Committee shall provide a forum to discuss land acquisition priorities of the U.S. Fish and Wildlife Service (“USFWS”) and California Department of Fish and Game (“CDFG”) and acquisitions by other entities using non-local sources of revenue. The Board shall establish policies under which the Funding Coordination Committee shall make recommendations to the Board. Such policies shall include conflict of interest guidelines for the Committee members. Members of this committee shall be appointed by the Board and shall consist of, at a minimum, representatives of the Parties to the Agreement, the USFWS, and the CDFG.
 - 2. Reserve Management Oversight Committee. The Reserve Management Oversight Committee (RMOC) shall serve as the intermediary between the Reserve Managers and the decision making function of the Authority. The Executive Director or designee shall serve as Chairperson of the RMOC. The RMOC shall be composed of, at a minimum, one representative appointed by each of the following entities: USFWS, CDFG, Riverside County Regional Parks and Open Space District, Bureau of Land

Management, U.S. Forest Service, California Department of Parks and Recreation, Authority, and up to five (5) other private or public agencies or entities that own or manage land within the MSHCP Conservation Area.

3. Administrative Committee. The Administrative Committee shall be appointed by the Chairperson and ratified by the Board. The Committee shall be composed of seven (7) members, and have at least two (2) and no more than three (3) representatives representing the County. The Board Chairperson, Vice Chairperson and past Chairperson, if any, of the Commission shall be members of the Committee. The Administrative Committee shall oversee Authority administrative functions, staff functions, recommend staff positions, job descriptions and salaries, and consider such other matters as delegated to it by the Board.
4. Implementation and Administration Guidelines Committee. The Implementation and Administration Guidelines Committee shall be appointed by the Chairperson and ratified by the Board. The Committee shall be composed of up to sixteen (16) members, whose members shall be drawn from the following:
 - a) groups representing property owners affected by the MSHCP;
 - b) government agencies within Riverside County;
 - c) groups representing environmental interests implicated by the MSHCP; and
 - d) other stakeholders.

Committee members shall not be permitted to appoint alternates. The Committee shall meet when requested to do so by the Chairperson or Board. Reasonable efforts shall be made to hold committee meetings a minimum of twice yearly. The Implementation and Administration Guidelines Committee shall review implementation plans and perform such other duties as directed by the Board.

- B. CONTROL AND SUPERVISION. In the performance of their duties and responsibilities, all Committees of the Authority shall submit all policy matters coming before them to the Authority for final consideration, unless otherwise specified by the Board. Committee members shall be appointed on an annual basis.

ARTICLE X – CORPORATE POWERS

- A. SUCCESSION. The Authority has perpetual succession and may adopt a seal and alter it at its pleasure.
- B. LITIGATION. The Authority may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.
- C. CLAIMS. All claims for money or damages against the Authority are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.
- D. MOTIONS, REGULATIONS AND ORDINANCES. The acts of the Authority shall be expressed by motion, resolution, or ordinance. All ordinances shall take effect upon their adoption. The enacting clause of all ordinances shall be as follows: "The Western Riverside County Regional Conservation Authority hereby ordains as follows: "All ordinances shall be signed by the Chairperson or by the Vice Chairperson of the Authority.

ARTICLE XI – CONTRACTS

The Authority may make contracts and enter into stipulations of any nature whatsoever either in connection with eminent domain proceedings or otherwise, including but not limited to, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers authorized by law. The Authority may contract with any Department or Agency of the United States of America, with any public agency (including, but not limited to, the County, WRCOG, CDFG or USFWS), or with any person upon such terms and conditions as the Authority finds is in its best interest.

ARTICLE XII -- REIMBURSEMENTS

- A. PERSONS SUBJECT TO REIMBURSEMENT PROVISIONS. These Reimbursement Provisions ("Provisions") shall be applicable to all members of the Authority's legislative bodies, as defined in Government Code section 54952, provided such persons receive compensation for actual and necessary Authority expenses ("Official"). Legislative Bodies include, but are not limited to, the Board of Directors, the Funding

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Approved 06-07-04
Updated 03-07-05; Resolution No. 05-01
Updated 09-12-05; Resolution No. 05-07
Updated 12-05-05; Resolution No. 05-10
Updated 03-06-06; Resolution No. 06-01
Updated 04-03-06; Resolution No. 06-02
Updated 05-01-06; Resolution No. 06-03

Coordination Committee, the Reserve Management Oversight Committee, the Administrative Committee, and the Implementation and Administration Guidelines Committee.

B. **PURPOSE.** The purpose of these Provisions is to provide guidelines for the reimbursement of any Official for actual and necessary expenses incurred in the performance of their duties. Whenever issues of reimbursement arise, the Authority shall adhere to Government Code sections 53232.2 and 53232.3.

C. **TRANSPORTATION**

1. Use of Personal Vehicle. The Authority shall reimburse for mileage incurred when personal vehicles are used to attend Board and Committee meetings and conferences or other meetings approved by the Board or Deputy Executive Director and in furtherance of the Authority's affairs. Authority will reimburse mileage for travel to and from the destination based upon the approved Internal Revenue Service rate in effect.

2. Rentals. The Authority shall reimburse for actual and necessary vehicle rental expenses. The Authority shall only reimburse economy or compact rate vehicles unless (i) such class of vehicle is unavailable; or (ii) such class of vehicles do not accommodate a disability. When an Official rents a vehicle, he or she shall obtain insurance for the vehicle at the Authority's expense.

3. Shuttle, Bus, Taxi, and public transportation. Shuttle, bus, taxi, and public transportation may be used between an airport, hotel and conference site whenever it is available. Officials are encouraged to use the most efficient mode of transportation available.

4. Air Travel or Other Common Carrier Transportation. As necessary for the performance of their official duties, Officials may use air travel or other mode of common carrier transportation to and from the destination.

D. LODGING. Lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available. If a group rate is not available, the government rate of the provider of lodging shall be used. If neither the group nor government rates are available, the Authority shall reimburse lodging at a rate not exceeding \$300.00 per night without Board approval. For lodging

in high costs cities (e.g., San Francisco, New York, Washington., D.C.), the Authority will reimburse at a rate not exceeding \$490.00 per night without Board approval. Lodging reimbursement rates will be adjusted annually according to the CPI in the applicable metropolitan statistical area.

- E. MEALS. The actual costs of meals incurred while attending conferences or other meetings in furtherance of the Authority's affairs are reimbursable provided the Authority's staff is given a receipt. Meal costs shall be reimbursed at an amount not exceeding the greater of one hundred fifty dollars (\$150.00) per day or the applicable Internal Revenue Service rate.
- F. PERSONAL EXPENSES AND OTHER EXPENSES NOT REIMBURSABLE. The Authority shall not reimburse the cost of transportation, lodging, meals, or other costs of travel when such costs are of a personal nature incurred in conjunction with the performance of official duties. Personal costs, not reimbursable by the Authority, shall include, but not be limited, to the following: (i) alcoholic beverages; (ii) parking and traffic violations; (iii) entertainment; (iv) services provided by the provider of lodging; and (v) expenses incurred on behalf of a spouse, dependent, or traveling companion.
- G. CONFERENCES AND OTHER MEETINGS. Officials shall only receive reimbursement of travel, lodging, and meals for conferences or other meetings in furtherance of the Authority's affairs. No other occurrences will be reimbursed.
- H. EXPENSES NOT INCLUDED WITHIN THESE PROVISIONS. Occurrences or expenses which do not fall within these Provisions or the Internal Revenue Service reimbursable rates must be approved by the Board in a public meeting before the expense is incurred.
- I. EXPENSE REPORTS. The Authority shall not reimburse any expenses until an expense form is submitted to the Authority's administrative office no later than 45 days of the expenditure. Expense forms shall be accompanied by receipts documenting each expense. Furthermore, Officials will be required to provide a brief report on the conference or meeting attended at the next regular meeting of his or her respective legislative body.
- J. CPI INCREASE. The dollar limits referenced herein shall be automatically updated annually pursuant to reflect increases in the Consumer Price Index.

ARTICLE XIII – AMENDMENTS

- A. ADOPTION. These Bylaws may be amended at any meeting of the Authority by a majority vote.
- B. PROPOSAL. Any Authority member may propose a Bylaw amendment. Such proposal shall be in writing and shall be referred to the Chairperson who shall report the proposed amendment with recommendation to the Authority. All regular members shall receive at least four (4) weeks notice of any amendments to these Bylaws. Notice may be provided on a Board Meeting Agenda of the Board or by separate notice delivered by mail, e-mail or facsimile to the regular member.

(Adopted on _____, 2006)

AGENDA ITEM 7.3

Regional Conservation Authority

**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 AND APPOINTING A FILING OFFICER/OFFICIAL”**

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 July 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 and appoint the Director of Administrative Services as Authority's filing officer/official.

Administrative Committee and Staff Recommendation:

That the Board Adopt Resolution No. 06-04 Amending the Appendix of the Conflict of Interest Code and appointing the Director of Administrative Services as the Authority's filing officer/official.

Attachments:

1. 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

AGENDA ITEM 7.3

Attachment 1 Resolution 06-04

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 AND
APPOINTING A FILING OFFICER/OFFICIAL**

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 Authority's filing officer/official and is available to the public for inspection and copying;

BE IT FURTHER RESOLVED that the Authority hereby appoints its Director of Administrative Services as the Authority's filing officer/official.

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

AGENDA ITEM 7.3

Attachment 2 Legislative Version

**LEGISLATIVE VERSION
(Shows Changes Made)**

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

(Adopted July 12, 2004 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
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.

AGENDA ITEM 7.3

Attachment 3 Amended Appendix

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.

AGENDA ITEM 7.3

Attachment 4 Notice of Intention

ATTACHMENT 4

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 7.4

Regional Conservation Authority

**CONSIDERATION AND POSSIBLE ADOPTION OF
RESOLUTION NO. 06-05 ESTABLISHING A POLICY FOR
REIMBURSEMENT OF COSTS RELATED TO
JOINT PROJECT REVIEW, MEET AND CONFER, CRITERIA REFINEMENTS
AND AMENDMENTS TO THE MSHCP**

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.

Administrative Committee and Staff Recommendation:

Approve the Resolution No. 06-05, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Establishing a Policy for the Reimbursement of Costs for Joint Project Review, Meet and Confer, Criteria Refinement and MSHCP Amendments.

Agenda Item 7.4 Staff Report
Page 2
April 3, 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, Meet and Confer, Criteria Refinements and Amendments to the MSHCP.

AGENDA ITEM 7.4

Attachment 1 Resolution No. 06-05

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, MEET AND CONFER,
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 Chairman.

- 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. The Application shall not be deemed complete until the Deposit is paid in full.
- 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 3rd day of April, 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 7.5

Regional Conservation Authority

**CONSIDERATION AND POSSIBLE RESCHEDULING OF JUNE 5, 2006
MEETING OF THE RCA BOARD OF DIRECTORS TO JUNE 12, 2006**

Staff Contact:

**Honey Bernas, Director of Admin. Services
(951) 955-2842**

Background:

The County of Riverside will be holding budget hearings in June. One of the dates selected for their budget hearings is on June 5, 2006, which is the scheduled June meeting date for the RCA Board of Directors' meeting. Therefore, it is necessary for the RCA to select another date and reschedule its June 5, 2006 meeting.

Staff Recommendation:

That the Board consider rescheduling the June 5, 2006 meeting of the RCA Board of Directors to June 12, 2006 at 1:00 p.m.

Attachment:

2006 Board Meeting Schedule

AGENDA ITEM 7.5

Attachment 1 Proposed Revised 2006 Board Meeting Schedule



Western Riverside County Regional Conservation Authority

PROPOSED REVISED MEETING SCHEDULE FOR 2006

RCA BOARD OF DIRECTORS

Meetings will be held on the first Monday of every month at 1:00 p.m. If the first Monday of the month is a holiday, the meeting will be held on the second Monday.

Meeting Location

**County Administrative Center
Annex – First Floor Board Room
4080 Lemon Street
Riverside, CA 92501**

January 9, 2006 *

February 6, 2006

March 6, 2006

April 3, 2006

May 1, 2006

June 5, 2006 (Cancel)

June 12, 2006 (Add)

July 3, 2006

August 7, 2006

September 11, 2006 *

October 2, 2006

November 6, 2006

December 4, 2006

* Meeting date adjusted for holiday

AGENDA ITEM 7.6

*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 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.

Administrative Committee and Staff Recommendation:

Approve the Surplus Real Property Policy.

Attachments:

Surplus Real Property Policy

AGENDA ITEM 7.6

Attachment 1 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 8.3

Regional Conservation Authority

**RCA ANNUAL REPORT FOR 2005
UPDATE**

Staff Contact:

**Pat Egetter, Information Technology Officer
(951) 955-9700**

Background:

The RCA is required to submit an annual report each calendar year to the U.S. Fish and Wildlife Service and the California Department of Fish and Game regarding the activities of the Agency and its permittees. The first annual report covered the period between the issuance of the Permit, June 22, 2004 through December 31, 2004. It was completed in September and distributed in early October to the agencies and all interested parties. Copies of the report were placed on the RCA website.

In preparation for the 2005 Annual Report, the Cities and the County of Riverside were notified in early February of the need to designate a contact person and provide building and grading permit activity.

RCA Staff contacted the designated individuals during the week of March 20, 2006 to discuss their progress and the estimated delivery dates for the permit information.

We anticipate that if the grading and building permit data is received from the Cities no later than the middle of April, we should be able to complete the report on time in June. However, any additional delays in receiving the permit data will delay the preparation and submission of the report to the Wildlife Agencies.

Staff Recommendation:

Receive and File

Attachments:

None