



**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

MINUTES

Monday, July 24, 2006

1:00 p.m.

1. CALL TO ORDER

The Special 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
Mary Craton
Larry Dressel
Maryann Edwards
John Field
John Machisic
Shenna Moqet
Kelly Seyarto
Karen Spiegel
Jeff Stone
Roy Wilson
Mark Yarbrough

Board Members Absent

William Batey
Bob Buster
Chris Buydos
Frank Hall
Robin Lowe
Robert Schiffner

3. PUBLIC COMMENTS

There were no public comments.

4. BOARD MEMBER ANNOUNCEMENTS

There were no Board Member announcements.

5. ADDITIONS/REVISIONS

There were no additions or revisions.

6. APPROVAL OF MINUTES

M/S/C (YARBROUGH/MACHISIC) to approve the minutes of the May 1, 2006 as presented.

Abstained: Craton, Edwards, Spiegel, Wilson

7. CONSENT CALENDAR:

Noting that a Speaker Card was submitted for Agenda Item No. 7.3, *Structure and Function of Standing Committees*, Chairman Seyarto pulled the item from the Consent Calendar.

M/S/C (YARBROUGH/EDWARDS) to approve the following Consent Calendar Items:

7.1 PROFESSIONAL SERVICES AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND PATRICIA LOCK-DAWSON FOR CONSULTING SERVICES

1. Approve the Professional Services Agreement between the Western Riverside County Regional Conservation Authority and Patricia Lock-Dawson; and
2. Authorize the Chairman, pursuant to Legal Counsel's review, to execute said agreement on behalf of the Authority.

7.2 AMENDED COOPERATIVE AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND THE SANTA ANA WATERSHED ASSOCIATION FOR MONITORING

1. Approve the Amended Cooperative Agreement between the RCA and SAWA, increasing the contract amount to \$1,270,000 for Fiscal Year 2006-07 as approved in the Biological Monitoring Program Work Plan and Cost Estimate; and
2. Authorize the Chairman, pursuant to Legal Counsel's review, to execute said agreement on behalf of the Authority.

7.4 WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY STAFF RECLASSIFICATIONS

Approve the reclassifications and salaries, as specified in the staff report, effective August 3, 2006.

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7.5 CRITERIA REFINEMENT CLARIFICATION POLICY

Approve the Criteria Refinement Clarification Policy.

At this time, Chairman Seyarto opened discussion on Agenda Item 7.3.

7.3 STRUCTURE AND FUNCTION OF STANDING COMMITTEES

Joe Richards, Deputy Executive Director, reviewed the membership and responsibilities of the Administrative, Funding Coordination, Reserve Management and Oversight, and Stakeholder (Implementation Oversight) Committees, and recommended the following: 1) Administrative Committee - rename to Executive Committee and to restructure the Committee to take a more pivotal role with respect to the MSHCP policy matters by providing guidance on a broader range of issues, starting with the Funding Coordination Committee (FCC) duties; 2) Funding Coordinate - fold the FCC responsibilities into the Executive Committee and schedule two to four land acquisition and funding strategy meetings each year to address target areas or types of habitats needed to remain in rough step, but not to discuss specific acquisition sites; 3) Reserve Management and Oversight - no change is recommended at this time until staff has further discussions with the wildlife agencies; and, 4) Stakeholder (Implementation Oversight) – restructure membership and appoint members who are representatives of the environmental community, building industry, and property owners to review implementation issues from a stakeholder perspective and, from time to time, make recommendations to the RCA Board. If the proposed structure and function of the Standing Committees is approved, an amendment to the bylaws will be developed and presented to the Board.

Chairman Seyarto opened the item for public comments.

Bruce Colbert, Executive Director of Property Owners' Association in Riverside County, stated that the RCIP process afforded an opportunity for the stakeholders to discuss issues of concern. There are currently six issues on the table for review and discussion that related to the Hans process, protection of local land use authority, species surveys, and certainty in the project review process. The proposal for the Stakeholder Committee to only meet two to three times annually would not be sufficient to address and resolve issues of concern. He requested that the current Committee meeting schedule on a quarterly basis for two hours be continued until the outstanding issues before the Committee were resolved.

In response to Jeff Stone's question if additional meetings could be set when issues arise from the BIA or the developmental community, Tom Mullen, Executive Director, stated that there are no restrictions to the number of meetings to be held, when needed.

M/S/C (WILSON/STONE) to approve the proposed modifications to the subject committees.

8. EXECUTIVE DIRECTOR'S REPORT

1. Automatic Fee Adjustment

Tom Mullen informed the Board that the MSHCP includes a provision for an automatic fee adjustment based on Consumer Price Index (CPI). However, the model ordinance that was sent to the cities indicated using the Construction Cost Index (CCI) rather than the CPI. While most of the cities used and adopted the model ordinance using the CPI, the County of Riverside and the Cities of Corona, Hemet and Perris adopted a model using the CCI. He said that the CCI is fairly new and, in fact, the Department of Labor website noted that there were errors on the CCI statistics. In addition, John Husing, RCA Consultant, said that he does not have any confidence in the CCI statistics at this time. Therefore, for uniformity, it is recommended that all agencies use the CPI data at this time, rather than CCI, for automatic fee adjustment.

Jeff Stone expressed that the CPI is largely influenced by the price of oil, which is currently at the highest level and has artificially raised the CPI. It may not have a nexus with the cost of materials needed for construction or acquiring land. He asked if there was a way to adjust the CPI by deducting the petroleum element as this is additional tax to the community purchasing land towards the reserves.

Steve DeBaun, Legal Counsel, said that he is not certain about devising the component, only because the ordinance and the Plan referred to the CPI. In order to delete the petroleum component of the CPI, all ordinances will have to be amended to use a different index. He recommended using the CPI at this time. He informed the Board that staff is currently looking for a nexus study which can evaluate things of this nature in the future.

John Machisic asked for clarification of the language in the second paragraph, *"...allow the fee to remain uniform throughout the county. If not, in a decade or so, the MSHCP development fee **will** differ significantly among the Permittees."*

Steve DeBaun said that if there were two different percentages, i.e. 3% for the CPI and 7% for CCI compounded, it would result in an increase. If the difference between the CPI and the CCI remains the same, there would be no other fee adjustments. Mr. DeBaun noted that he should have stated that development fee **could**, rather than **will**, differ.

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It was determined by the Board that staff send notification to the appropriate agencies to use the CPI for automatic fee adjustment.

2. Current Organizational Chart

Tom Mullen presented the RCA's current organizational chart to the Board. He then introduced Brian Beck, Principal Development Specialist, who is the newest addition to RCA staff.

9. LAND ACQUISITION UPDATE

Ken Graff, Director of Land Acquisition and Property Management, informed the Board that since its last meeting, four additional properties totaling 316.78 acres were closed and recorded. Fourteen properties or 3,677 acres are currently in escrow.

10. CALL BACK ITEMS

There were no call back items.

11. ITEMS FOR NEXT MEETING

Dom Betro inquired about the status of the marketing contract previously approved by the Board.

Tom Mullen spoke about the RCA doing public advertising as well as an RFP that is expected to be in-house on August 10, 2006. All of the efforts are geared towards a major funding effort in Washington D.C. He then reported on an article published in the BioScience Magazine that is highly critical of Habitat Conservation Plans (HCPs). It assessed twenty-two HCPs nationwide and Western Riverside County was noted as the second largest with 146 species in its plan with all but only one species presence as unconfirmed. He discussed an opportunity for an article in the magazine with UC Riverside to point out RCA's efforts and, more importantly, to detail the importance of HCPs. With the financing and marketing elements, staff is assessing how to proceed in this matter. Staff will bring this report at a future Board meeting.

At this time, the Board adjourned to Closed Session.

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12. **CLOSED SESSION:** *With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.8:*

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

- 12.1 **Property:** Assessor Parcel No. 470-370-018
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Baez, Alfonso M. & Haydee, M.
Under Negotiation: Price/Terms
- 12.2 **Property:** Assessor Parcel No. 932-170-018
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Biggerstaff, Cachia, Verbeerst
Under Negotiation: Price/Terms
- 12.3 **Property:** Assessor Parcel Nos. 362-130-019, 362-130-010
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Borchard, Waldemar Charles: Trustee
Under Negotiation: Price/Terms
- 12.4 **Property:** Assessor Parcel No. 932-020-002
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Austin Murrieta
Under Negotiation: Price/Terms
- 12.5 **Property:** Assessor Parcel No. 932-020-019
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Damietta Ranch
Under Negotiation: Price/Terms

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- 12.6 Property:** Assessor Parcel No. 581-020-001
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Karam, Kathy
Under Negotiation: Price/Terms
- 12.7 Property:** Assessor Parcel Nos. 579-420-011, 579-420-012, 579-420-013, 579-420-014, 579-420-015, 579-420-016, 579-420-017, 579-420-018, 579-420-020, 579-420-021, 579-420-022, 579-420-023, 579-430-008, 579-430-009, 579-430-010, 579-430-011, 579-430-012,
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Walker, Frank
Under Negotiation: Price/Terms
- 12.8 Property:** Assessor Parcel No. 555-300-012
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee
Property Agent: Kirchner/Searl
Under Negotiation: Price/Terms

There were no announcements from the Closed Session Items.

13. ADJOURNMENT

There being no other business before the Board, Chairman Seyarto adjourned the meeting at 1:57 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled to be held on Monday, September 11, 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