



**Western Riverside County  
Regional Conservation Authority**

[www.wrc-rca.org](http://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.*

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**MEETING**

1:00 P.M., November 5, 2007  
Riverside County Administrative Center  
First Floor, Board Room  
4080 Lemon Street, Riverside

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**BOARD OF DIRECTORS**

**OFFICERS**

**Jeff Stone, Chairman**  
*County of Riverside District III*

**Eugene Montanez, Vice Chairman**  
*City of Corona*

**Robin Lowe, Past Chairman**  
*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*

**Jim Hyatt**  
*City of Calimesa*

**Dale Stubblefield**  
*City of San Jacinto*

**John Zaitz**  
*City of Canyon Lake*

**Maryann Edwards**  
*City of Temecula*

**Robert Schiffner**  
*City of Lake Elsinore*

**Bob Buster**  
*County of Riverside District I*

**William Batey**  
*City of Moreno Valley*

**John Tavaglione**  
*County of Riverside District II*

**Gary Thomasian**  
*City of Murrieta*

**Roy Wilson**  
*County of Riverside District IV*

**Frank Hall**  
*City of Norco*

**Marion Ashley**  
*County of Riverside District V*

**Joe Richards, Executive Director**  
**Honey Bernas, Director of Administrative Services**  
**Ken Graff, Director of Land Acquisition**



**WESTERN RIVERSIDE COUNTY  
REGIONAL CONSERVATION AUTHORITY**

[www.wrc-rca.org](http://www.wrc-rca.org)

**AGENDA\***

*\*Actions may be taken on any item listed on the agenda.*

**Monday, November 5, 2007  
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. Each individual speaker is limited to speak three (3) continuous minutes or less. 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. Any written documents to be distributed or presented to the RCA Board of Directors shall be submitted to the Clerk of the Board.

- 4. BOARD MEMBER ANNOUNCEMENTS** *(This item provides the opportunity for the Board Members to report on attended meetings/conferences and any other items related to RCA activities.)*
- 5. ADDITIONS/REVISIONS** *(The Board may 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**

**7. CONSENT CALENDAR** *(All matters listed under the Consent Calendar will be approved in a single motion unless a Board member requests separate action on specific Consent Calendar item. The item will be pulled from the Consent Calendar and placed for discussion.)*

**7.1 PROPOSED 2008 MEETING SCHEDULE FOR THE RCA BOARD AND EXECUTIVE COMMITTEE**

Overview

This item is for the RCA Board of Directors to adopt the proposed 2008 meeting schedule for the RCA Board and the Executive Committee.

**7.2 ADOPTION OF RESOLUTION NO. 07-10 APPROVING THE ACCEPTANCE OF SUBGRANTS FROM THE WILDLIFE CONSERVATION BOARD**

Overview

This item is for the RCA Board of Directors to:

- 1) Adopt Resolution No. 07-10, which approves the acceptance of subgrants from the Wildlife Conservation Board for the Kobashi, Lancina and Wilson Creek Inc. properties; and
- 2) Authorize the Chairman, pursuant to Legal Counsel's review, to execute subgrant agreements on behalf of the Authority.

**7.3. APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND NATY KOPENHAVER**

Overview

This item is for the RCA Board of Directors to:

- 1) Approve Amendment No. 2 to the Professional Services Agreement with Naty Kopenhaver extending the agreement for a period of six months until June 30, 2008, increasing the hourly rate from \$75.00 to \$80.00 per hour, and increasing the total contract amount by \$38,400; and
- 2) Authorize the Chairman to execute said Amendment on behalf of the Authority.

**7.4 APPROVAL OF CHANGE ORDER NO. 2 TO THE AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND THE RAND CORPORATION**

Overview

This item is for the RCA Board of Directors to:

- 1) Approve Amendment No. 2 to the contract with RAND Corporation; and
- 2) Authorize the Chairman, pursuant to Legal Counsel's review, to execute the agreement on behalf of the Authority.

**8. DISCUSSION ITEMS**

**8.1 AMENDMENT TO JOINT POWERS AGREEMENT**

Overview

This item is for the RCA Board of Directors to direct staff to forward the proposed Joint Powers Agreement Amendment, as discussed herein, to the RCA member agencies for their adoption.

**8.2 RECOMMENDATION REGARDING MSHCP MINOR AMENDMENT**

Overview

This item is for the RCA Board of Directors to authorize staff to distribute the proposed minor amendment to the Wildlife Agencies and Permittees for review and comment.

**9. EXECUTIVE DIRECTOR'S REPORT**

**9.1 Election of Officers**

**10. LAND ACQUISITION UPDATE**

**11. ITEMS FOR NEXT MEETING**

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

**RCA BOARD OF DIRECTORS AGENDA**

Page 4 of 4

November 5, 2007

**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's Parcel Nos. 583-120-088, 583-140-006,  
583-140-007, 583-180-001
- Negotiating Parties**
- Agency Negotiator:** Executive Director or Designee
- Property Agent:** Geller #2/Ed Sauls
- Under Negotiation:** Price/Terms

**13. ADJOURNMENT**

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled to be held on Monday, December 3, 2007, at 1:00 p.m. in the Board Room of the County Administrative Center, First Floor, 4080 Lemon Street, Riverside, California.

# **AGENDA ITEM NO. 6**

## **MINUTES**



**WESTERN RIVERSIDE COUNTY  
REGIONAL CONSERVATION AUTHORITY**

[www.wrc-rca.org](http://www.wrc-rca.org)

**MINUTES**

**Monday, October 1, 2007**

**1. CALL TO ORDER**

The meeting of the Western Riverside County Regional Conservation Authority Board of Directors was called to order by Vice Chairman Eugene Montanez at 1:06 p.m. in the Board Room of the County Administrative Center, 4080 Lemon Street, First Floor, Riverside, California, 92501.

**2. ROLL CALL**

**Board Members/Alternates Present**

Marion Ashley  
Dom Betro  
Bob Buster  
Larry Dressel  
Frank Hall  
Jim Hyatt  
Robin Lowe  
John Machisic  
Eugene Montanez  
Robert Schiffner  
John Tavaglione  
Gary Thomasian  
Charles White  
Roy Wilson  
John Zaitz

**Board Members Absent**

Maryann Edwards  
Jeff Stone  
Dale Stubblefield  
Mark Yarbrough

**3. PUBLIC COMMENTS**

A. Borre Winckel, Executive Director of the Building Industry Association, reported on the condition of the real estate industry. BIA representatives have met with various cities to discuss possible measures that could be taken to stimulate the housing market such as deferment of fees to a later collection point. He is proposing that the Riverside County Habitat Conservation Agency defer the \$500 per acre fee to a later collection point. He reiterated that the housing industry condition today is far worse than what is reported in the newspapers. They are looking at over fourteen months for the shakeout of the sub market alone. He stated that budgets that include

## **RCA BOARD OF DIRECTORS MINUTES**

Page 2 of 9

October 1, 2007

fees, such as TUMF, should be reduced in half and again discounted at another time.

John Tavaglione concurred with Mr. Winckel's comments regarding the status of the economy that it has not hit bottom as of yet. RCA should discuss options that may lessen the impact. Over the years, Riverside County and its cities have been fortunate and prospered because it allowed reasonable positive development to occur unlike other counties/cities in the State. However, we may be affected harder by the declining economy harder because of the earlier great times. One approach might be to form a partnership with its customers, clients and communities and discuss options to lessen the setback and, at the same time, be prepared by having income still in place by way of deferred income when the economy starts to recover. The County of Riverside will be looking at the proposal to defer fees and suggested that the cities and this agency do the same.

Robin Lowe concurred and stated that the City of Hemet and the RCHCA will be also be addressing this item.

Tom Mullen, Executive Director, appreciated the comments presented today and noted the timeliness of land values depreciating as an opportune time for RCA to pursue acquisitions; however, revenues are decreasing. It is important to discuss the land purchase policy as there may be some dynamics that could cause problems.

Joe Richards, Deputy Executive Director, stated that RCA has acquisition commitments that are currently on the table. Staff will present the budget to the RCA Board at a future meeting.

#### **4. BOARD MEMBER ANNOUNCEMENTS**

There were no Board Member announcements.

#### **5. ADDITIONS/REVISIONS**

There were no additions/revisions.

#### **6. APPROVAL OF MINUTES**

In response to Charles White's request for additional information regarding the rough step on Page 6, Item 9.2, of the Minutes, Tom Mullen said that the MSHCP Plan includes a reserve assembly accounting process to monitor conservation and specified habitats within the criteria areas referred to as rough step. The formula in the Plan was modified by the past Executive Director. A review of the original and modified formula by the RAND Corporation and Dudek revealed that there was a fundamental

flaw in the formula. The RCA Board received testimony and a letter from the Center for Biological Diversity at its September meeting regarding rough step. A report on the 2004, 2005 and 2006 rough step will be presented to the RCA Board in December.

***M/S/C (LOWE/MACHISIC) to approve the minutes of the September 10, 2007 meeting, as presented.***

**7. CONSENT CALENDAR**

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

**7.1 ADOPTION OF RESOLUTION NO. 07-07, AMENDING THE AUTHORITY'S BYLAWS CONCERNING THE ELIGIBILITY REQUIREMENTS FOR ALTERNATES TO THE BOARD OF SUPERVISORS AND ENDORSEMENT OF AN AMENDMENT TO JOINT POWERS AGREEMENT RELATED TO THE SAME**

Adopt Resolution No. 07-07 amending the Authority's bylaws concerning the eligibility requirements for alternates to the Board of Supervisors and change the governing authority for the Authority from state laws governing counties to state laws governing cities.

**7.2 ADOPTION OF RESOLUTION NO. 07-09 APPROVING THE ACCEPTANCE OF SUBGRANTS FROM THE WILDLIFE CONSERVATION BOARD**

- 1) Adopt Resolution No. 07-09, which approves the acceptance of subgrants from the Wildlife Conservation Board for the Bolton, Mauger, Rullo and Dorfner Properties; and
- 2) Authorize the Chairman, pursuant to Legal Counsel's review, to execute the subgrant agreements on behalf of the Authority.

**7.3 APPROVAL OF KIOSK DESIGN FOR RCA PROPERTY ACCESS POINTS, INTERPRITIVE CENTERS OR TRAIL HEADS**

- 1) Adopt the basic Kiosk design plan attached to the staff report as an approved Kiosk design for RCA Open Space Reserve Lands; and
- 2) Authorize staff to direct their installation in appropriate sites.

**7.4 APPROVAL OF PROFESSIONAL SERVICES AGREEMENT TO PERFORM AGREED-UPON PROCEDURES FOR MSHCP MITIGATION FEE ATTESTATION**

- 1) Approve the Professional Services Agreement between the RCA and Ahern, Adhock and Devlin, LLP, and
- 2) Authorize the Chairman to execute said agreement on behalf of the Authority.

**8. DISCUSSION ITEMS**

**8.1 APPROVAL OF MODIFICATION OF THE RCA APPRAISAL POLICY, SECTION 1.03 OF THE LAND ACQUISITION POLICIES**

Brian Beck, Land Acquisition Analyst, advised the RCA Board that the proposed policy is to address requests of staff to provide either a full copy of the appraisal or a copy of the appraisal summary by sellers. The modified policy recommends not to release full appraisal to the seller until the transaction has been completed, which is consistent with RCA's Public Records policy. For sellers of HANS/JPR properties, the policy allows staff to release a copy of the appraisal summary to sellers at the time an offer is made. This is appropriate as the Plan allows that a joint appraisal instructions be prepared for HANS/JPR acquisitions. On all other acquisitions, it is recommended not to release a copy of the appraisal summary until the purchase and sale agreement has been signed. The policy provides staff maximum flexibility while negotiating the purchase price with the seller and to ensure effective use of RCA's financial resources. This is public agency practice consistent with the County and the cities' policy.

Ed Sauls commented that much of the policy has been discussed with the building industry representatives and the idea makes sense. Unfortunately, there are languages in the land acquisition policies that are problematic that had not yet been reviewed. Specifically, under Section 1.03 in the land acquisition policies wherein it states, "...it is the intent of the RCA to pay a fair market value for property acquired to assembly the Reserve.....however..." It is not really clear under what circumstances it may or may not be acceptable to pay less than fair market value. In practice, they have great experience in negotiating other prices. His concern is that this written policy begins to set the stage that RCA has a lot of opportunities to *not* pay fair market value. The policies in the Plan state to compensate for fair market value. They do not want the unintended consequences of the policies to be adopted. Although the policies as written were well intended, it sets the stage for confusion in the negotiations at some

## RCA BOARD OF DIRECTORS MINUTES

Page 5 of 9

October 1, 2007

future date for someone to suggest that the agency no longer have to pay fair market value. There are other cases where it sets timeframes for reports on hazardous materials. These are standard part of the process for buying and selling properties but it suggests that such a report is only good for a certain period of time. It is unclear who the responsible party to pay for the report, such as a hazardous material Phase I study, if it has to be reordered as it takes three years for acquisition. There is a certain timeframe to which this is not an efficient use of funds. With further review and some minor change, the policies could be made clear. It is incumbent upon the RCA Board to make sure that the policies are very clear if it determines to purchase land less than fair market value.

Joe Richards noted that the policy being proposed today relates to the release of full and summary appraisal. Mr. Saul's comments, in terms of fair price for a property, relates to the HANS/JPR process. There are no disagreements since staff bases its bid in accordance to the appraisal. However, for voluntary or willing sellers, it provides staff more opportunities and it allows greater latitude for negotiations. The proposal does not change the intent to RCA's land acquisition policy but rather makes it more consistent with the policy endorsed for the permittees. He recommended approval of the proposed policy regarding release of appraisals. Staff will be glad to work with Mr. Winckel and Sauls regarding their concerns for additional modification to the policy.

Jim Hyatt, as a point of clarification, stated that the Policy 1.03 states "...*fair price*..." and not "*fair market value*".

Ed Sauls that he may have stated "*fair market value*" and Section 1.03 does not specifically state that and this is one of the points of confusion. It is not entirely clear that Section 1.03 does not apply to the HANS process which uses fair market value. However, the proposed action to further review the points with staff, will clarify those points.

***M/S/C (LOWE/ASHLEY) to approve the modification of Policy 1.03 of the RCA and Acquisition Policies to add guidelines or distribution of Appraisal Summaries to property owners with the understanding that staff further discuss the points made by Mr. Sauls and Winckel.***

## 8.2 RECOMMENDATION TO REVISE THE RCA CRITERIA REFINEMENT POLICY

Joe Richards stated that the proposed revision is to make the RCA criteria policy consistent with the Board-endorsed template or model policy for the permittees. There is no change in the intent of the policy.

In response to Bob Buster if this would be considered as an amendment, Joe Richards said that this is strictly for criteria refinement which involves release of certain lands for development when those lands are replaced.

Ed Sauls requested that RCA Board delay action as there are two issues for clarification: 1) It is not exactly clear when the criteria refinement is approved; and, 2) There is a process in the policy that suggest that if is appealed to the Board, it becomes final. Delaying the action would provide additional time to look at those two issues in the context of criteria area refinement policy issues.

***M/S/C (LOWE/BUSTER) to approve the revision to the RCA Criteria Refinement Policy as shown on Attachment 1 with the understanding that staff further discuss the points made by Mr. Sauls.***

## 8.3 APPROVAL OF PURCHASE AGREEMENT WITH THE CITY OF RIVERSIDE FOR ACQUISITION OF REAL PROPERTY

Brian Beck advised the RCA Board that the City of Riverside is in the process of acquiring approximately 125 acres located adjacent to Tequesquite Park. There is a 66-acre portion of the property which is described to be for habitat conservation which will contribute to the MSHCP reserve assembly. The City's appraised value of the 66 acre portion is \$2,154,750 or \$32,500 per acre and this is confirmed by RCA's appraisal. Staff recommends acquisition of the property in two installments. The first installment of \$750,000 will be in January 2008 using TUMF funds and the second installment of \$1,404,750 in January 2009 using RCA MSHCP funds.

Charles White asked about authorization to use TUMF funds for the acquisition and Tom Mullen stated that Measure A authorizes the use of TUMF funds for mitigation purposes.

Dom Betro thanked RCA staff for their work on the acquisition. He pointed out that there are very few properties in the City of Riverside that could qualify for conservation preservation and none is more sensitive and appropriate for RCA than this property. This is not only

an appraised price but an extremely fair price. He noted that leveraging in terms of conservation preservation is seldom talked about. Mayor Ron Loveridge, Supervisors Bob Buster and John Tavaglione, and Dom Betro have participated in the Santa Ana River Parkway, which is a part of the Crest to the Coast Trail Project and comprised of three counties. This acquisition compliments the Trail project and it will create an amenity for the residents of Riverside County for many years to come.

Bob Buster added that this sets a good precedent for acquisition of even more lands along the Santa Ana River Corridor. The assets of the Santa Ana River are just being uncovered in appropriate ways. The area next to the Hidden Valley Wildlife Refuge in the La Sierra area of the City of Riverside also has potential. To this extent, some of the cell criteria in and around the City of Riverside should be reviewed because of some unexplained questions about potentialities of land in areas such as the Box Springs area. He appreciated this effort and supports the acquisition.

In response to Robin Lowe's question as to which agency will manage the acre property, Brian Beck responded that RCA will manage the portion of property acquired for the MSHCP and City will manage the remaining property.

Dom Betro talked about Proposition 80, which is a \$35 million bond from the State. This year's funding was allocated to the Prado Dam area to complete the Trail. He hopes that by assembling the land the City of Riverside and RCA will be placed in a position at some point and time to compete for the funds to create a natural amenity for the residents on the properties.

***M/S/C (BETRO/WHITE) to direct staff to prepare a purchase agreement with the City of Riverside to acquire approximate 66 acres for \$2,154,750 with the City of Riverside for the property shown on Attachment 1.***

## **9. EXECUTIVE DIRECTOR'S REPORT**

### **9.1 DISCUSSION AND POSSIBLE ACTION REGARDING NAMING OF THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN RESERVE**

Tom Mullen recalled that in 1999 Richard Lashbrook, Director of the County's Transportation Land Management Agency, was tasked by the Board of Supervisors to spearhead the transportation and habitat land use plan with habitat being the underpinning for mitigation for transportation and housing. He accomplished this effort within 36

months by presenting to the Board of Supervisors and the Riverside County Transportation Commission with a budget plan. This was an incredible feat recognizing that a General Plan had previously been adopted in 1992. In addition, this was the largest habitat conservation plan in the nation's history done by a local government, overlaid with a new transportation plan for highways and arterials. Mr. Lashbrook accomplished this by bringing a diverse group of individuals that include property owners and environmental groups to consensus. Because of this remarkable achievement, he is recommending that the reserve be named the Richard K. Lashbrook Reserve and that a proclamation be presented at the RCA Board's next meeting. He noted that this does not preclude naming of other certain parcels in the future.

Marion Ashley said that Richard Lashbrook worked on the effort tirelessly. However, there was another individual who has worked along side Richard Lashbrook and this individual is Tom Mullen. Tom Mullen equally deserves to be recognized and perhaps the assembly of reserve should be named the Lashbrook-Mullen Reserve.

Robin Lowe and John Tavaglione concurred with Marion Ashley that Tom Mullen is worthy of such recognition as he was the public official who decided to take on this very difficult plan.

***M/S/C (ASHLEY/LOWE) to direct staff to bring back a report, including the proposed name, subject parcels and any other information to the RCA Board.***

**10. LAND ACQUISITION UPDATE**

Ken Graff, Director of Land Acquisition and Management, advised the Board that since its last meeting, five additional properties (80.45 acres) closed escrow and RCA has a total of 39,432 acres to date.

**11. FUTURE AGENDA ITEMS**

There were no agenda items requested for future meetings.

At this time, Vice Chairman Montanez adjourned the meeting to a Closed Session.

Steve DeBaun, Legal Counsel, announced that the Closed Session item relates to a communication received from the Center of Biological Diversity.

**12. CLOSED SESSION:**

**Conference with Legal Counsel: Anticipated Litigation  
Exposure to Litigation, Pursuant to Subdivision (b) of Government  
Code Section 54956.9: One Case**

At 1:59 p.m., the meeting reconvened. There were no announcements from the Closed Session item.

**13. ADJOURNMENT**

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled to be held on Monday, November 5, 2007 at 1:00 p.m., in the Board Room of the County Administrative Center, First Floor, 4080 Lemon Street, Riverside, California, 92501.

Respectfully submitted,



Honey Bernas  
Clerk of the Board

# **AGENDA ITEM NO. 7.1**

## **PROPOSED 2008 MEETING SCHEDULE FOR THE RCA BOARD AND EXECUTIVE COMMITTEE**

*Regional Conservation Authority*

**PROPOSED 2008 MEETING SCHEDULE  
FOR THE RCA BOARD AND EXECUTIVE COMMITTEE**

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**Staff Contact:**

**Honey Bernas  
Director of Administrative Services  
(951) 955-2842**

**Background:**

In 2007 the meetings of the RCA Board of Directors were scheduled on the first Monday of each month (or the second Monday if the first Monday falls on a holiday) and the Executive Committee meetings were scheduled on the third Wednesday of each month. Staff is proposing a similar schedule for 2008. The meeting dates, times and locations are shown in the attached proposed meeting schedule.

**Staff Recommendation:**

That the RCA Board of Directors adopt the proposed 2008 meeting schedule of the RCA Board of Directors and Executive Committee.

**Attachment:**

Proposed 2008 Meeting Schedule of the RCA Board of Directors and Executive Committee

# **AGENDA ITEM NO. 7.1**

## **ATTACHMENT 1**

### **Proposed 2008 Meeting Schedule Calendar**

## PROPOSED 2008 MEETINGS

### WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

RCA BOARD OF DIRECTORS				EXECUTIVE COMMITTEE		
Month	Meeting Date	Time	Location	Meeting Date	Time	Location
January	Mon, Jan 7	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, Jan 16	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA
February	Mon, Feb 4	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, Feb 20	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "A", 4080 Lemon Street, Riverside, CA
March	Mon, Mar 3	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, Mar 19	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA
April	Mon, Apr 7	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, Apr 16	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA
May	Mon, May 5	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, May 21	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA
June	Mon, Jun 2	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, June 18	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA
July	Mon, Jul 7	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, July 16	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA
August	Mon, Aug 6	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, Aug 20	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA
September	Mon, Sept 9*	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, Sept 17	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA
October	Mon, Oct 6	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, Oct 16	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA
November	Mon, Nov 3	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, Nov 19	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA
December	Dec 1	1:00 P.M.	CAC, Board Room, First Floor, 4080 Lemon Street, Riverside, CA	Wed, Dec 17	12:00 P.M.	CAC, 5 <sup>th</sup> Floor Conference Room "C", 4080 Lemon Street, Riverside, CA

\*Date was changed to the second Monday due to Labor Day holiday.

**AGENDA ITEM NO. 7.2**

**RESOLUTION NO. 07-10  
APPROVING THE  
ACCEPTANCE OF SUBGRANTS  
FROM THE WILDLIFE  
CONSERVATION BOARD**

*Regional Conservation Authority*

**ADOPTION OF RESOLUTION NO. 07-10  
 APPROVING THE ACCEPTANCE OF SUBGRANTS  
 FROM THE WILDLIFE CONSERVATION BOARD**

**Staff Contact:**

**Brian Beck, RCA Land Acquisition  
 Analyst  
 (951) 955-0039**

**Background:**

On December 4, 2006 and June 11, 2007, the Board of Directors authorized the acquisition of various properties, including three properties totaling approximately 386 acres in the Murrieta, Tenaja and Wilson Valley areas. The acquisition of these properties will be funded with a combination of local funds and federal funds from the State Wildlife Conservation Board, with the exception of the Kobashi property which staff anticipates will be funded 100% with federal funds. The source for the local funds match amount will be provided with a combination of RCA MSHCP funds and funds from the Riverside County Transportation Commission. The grant funds total approximately \$1,533,500. A summary of the properties follows.

<b>Property Name</b>	<b>Approximate Acreage</b>	<b>Purchase Price</b>	<b>Approximate Federal Grant Amount</b>	<b>Approximate RCA Match Amount</b>	<b>Approximate RCTC Match Amount</b>
Kobashi	5.90	\$ 325,000	\$ 325,000	\$0	\$0
Lancina	20.31	\$ 830,000	\$ 373,500	\$0	\$456,500
Wilson Creek Inc.	359.85	\$1,670,000	\$ 835,000	\$835,000	\$0
<b>Total</b>	<b>386.06</b>	<b>\$2,825,000</b>	<b>\$1,533,500</b>	<b>\$835,000</b>	<b>\$456,500</b>

**Agenda Item No. 7.2**  
**November 5, 2007**  
**Page 2**

Today's action before the Board of Directors will authorize the Regional Conservation Authority to accept the federal funding from the State Wildlife Conservation Board and to enter into subgrant agreements.

**Staff Recommendation:**

That the RCA Board of Directors:

1. Adopt Resolution No. 07-10, which approves the acceptance of subgrants from the Wildlife Conservation Board for the Kobashi, Lancina and Wilson Creek Inc. properties; and
2. Authorize the Chairman, pursuant to Legal Counsel review, to execute subgrant agreements on behalf of the Authority.

**Attachment:**

Resolution No. 07-10, Approving the Acceptance of Subgrants from the Wildlife Conservation Board for the Kobashi, Lancina and Wilson Creek Inc. Properties

**AGENDA ITEM NO. 7.2**

**ATTACHMENT 1**

**Resolution No. 07-10**

## RESOLUTION NO. 07-10

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
WESTERN RIVERSIDE COUNTY  
REGIONAL CONSERVATION AUTHORITY  
APPROVING THE ACCEPTANCE OF SUBGRANTS FROM THE  
WILDLIFE CONSERVATION BOARD  
FOR THE KOBASHI, LANCINA AND WILSON CREEK INC. PROPERTIES

**WHEREAS**, Luis I. Kobashi, Hiroko Kobashi, Alois Krickl and Setsuko Krickl (“Kobashi Property”), have offered for the sum of \$325,000 property located east of Jessie Ceas Lane and south of Etienne Circle, within Assessor Parcel Number 900-020-011, in the Murrieta area;

**WHEREAS**, Robert G. Lancina and Gabriella L. Lancina (“Lancina Property”), have offered for the sum of \$830,000 property located east of Calle Collado and south of Tenaja Road, within Assessor Parcel Number 932-050-003, in the Tenaja area;

**WHEREAS**, Wilson Creek, Inc. (“Wilson Creek Inc. Property”), has offered for the sum of \$1,670,000 property located west of Sage Road and south of Rich Lane, within Assessor Parcel Numbers 581-070-004 and 581-070-012, in the Wilson Valley area;

**WHEREAS**, on December 4, 2006, the Board of Directors of the Western Riverside County Regional Conservation Authority authorized the acquisition of the Wilson Creek Inc. Property and approved the expenditure of RCA MSHCP Fees to pay for the purchase price or as a match for a grant from the Wildlife Conservation Board;

**WHEREAS**, on June 11, 2007, the Board of Directors of the Western Riverside County Regional Conservation Authority authorized the acquisition of the Kobashi and Lancina Properties and approved the expenditure of RCA MSHCP Fees to pay for the purchase price or as a match for a grant from the Wildlife Conservation Board;

**WHEREAS**, on July 11, 2007, the Riverside County Transportation Commission approved the expenditure of RCTC Funds to assist as a match for the grant for the Lancina Property only from the Wildlife Conservation Board;

**WHEREAS**, on or about November 15, 2007 the Wildlife Conservation Board will consider approving subgrant agreements to assist the Western Riverside County Regional Conservation Authority in acquiring the Kobashi, Lancina and Wilson Creek Inc. properties by granting funds in varying amounts, ranging from approximately 45% to 100% of the purchase price;

**WHEREAS**, the Western Riverside County Regional Conservation Authority is willing to accept the subgrants from the Wildlife Conservation Board; and

**WHEREAS**, the acceptance of these subgrants will assist the Western Riverside County Regional Conservation Authority in providing open space for preservation of wildlife and plant life;

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Directors of the Western Riverside County Regional Conservation Authority as follows:

1. That the Board of Directors of the Western Riverside County Regional Conservation Authority hereby finds and declares that the above recitals are true and correct.

2. That the Board of Directors of the Western Riverside County Regional Conservation Authority approves a subgrant agreement from the Wildlife Conservation Board for approximately 100% of the purchase price to assist in the acquisition of the Kobashi Property, Assessor Parcel Number 900-020-011, in the Murrieta area for habitat conservation.

3. That the Board of Directors of the Western Riverside County Regional Conservation Authority approves a subgrant agreement from the Wildlife Conservation Board for approximately 45% of the purchase price to assist in the acquisition of the Lancina Property, Assessor Parcel Number 932-050-003, in the Tenaja area for habitat conservation.

4. That the Board of Directors of the Western Riverside County Regional Conservation Authority approves a subgrant agreement from the Wildlife Conservation Board for approximately 50% of the purchase price to assist in the acquisition of the Wilson Creek Inc. Property, Assessor Parcel Numbers 581-070-004 and 581-070-012, in the Wilson Valley area for habitat conservation.

5. That the Chairman of the Board of Directors of the Western Riverside County Regional Conservation Authority is authorized to execute the documents necessary to accept the subgrants from the Wildlife Conservation Board.

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority held the fifth day of November, 2007.

BY: \_\_\_\_\_  
Jeff Stone, Chairman  
Western Riverside County  
Regional Conservation Authority

ATTEST:

BY: \_\_\_\_\_  
Honey Bernas, Clerk of the Board

## **AGENDA ITEM NO. 7.3**

**APPROVAL OF AMENDMENT  
NO. 2 TO THE PROFESSIONAL  
SERVICES AGREEMENT  
BETWEEN THE RCA AND NATY  
KOPENHAVER**

## *Regional Conservation Authority*

**AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT  
BETWEEN THE WESTERN RIVERSIDE COUNTY  
REGIONAL CONSERVATION AUTHORITY AND  
NATY KOPENHAVER FOR ADMINISTRATIVE SERVICES**

**Staff Contact:**

**Honey Bernas  
Director of Administrative Services  
(951) 955-2852**

**Background:**

On December 5, 2005, the RCA Board of Directors approved a Professional Services Agreement between the RCA and Naty Kopenhaver for administrative services. On January 8, 2007 the Agreement was amended to extend the term of the agreement and increase the total compensation. The current agreement is for \$75.00 per hour in an amount not to exceed \$72,000.00 through January 9, 2008.

In order to bring this contract in line with the fiscal year, rather than calendar year, staff is requesting authorization to extend the term of the Agreement for period of six months until June 30, 2008. Furthermore, staff is requesting that the hourly rate be increased from \$75.00 to \$80.00. The result of these changes will require that the not to exceed amount of this Agreement be increased by \$38,400. Funds for this contract amendment were appropriated in the Fiscal Year 2007-08 budget.

**Staff Recommendation:**

That the RCA Board of Directors:

- 1) Approve Amendment No. 2 to the Professional Services Agreement with Naty Kopenhaver extending the agreement for a period of six months until June 30, 2008, increasing the hourly rate from \$75.00 to \$80.00 per hour, and increasing the total contract amount by \$38,400; and
- 2) Authorize the Chairman to execute said Amendment on behalf of the Authority.

FINANCIAL INFORMATION	
In Fiscal Year 2007-08 Budget: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Cost: \$ 38,400 Annual Cost: \$ N/A
Source of Funds: Tipping Fees and MSHCP Development Mitigation Fees	Budget Adjustment: No From To
Approved by: <i>Honey Bernas</i>	Date: October 31, 2007

**Attachment:**

Amendment No. 2 to the Professional Services Agreement between the RCA and Naty Kopenhaver

# **AGENDA ITEM NO. 7.3**

## **Attachment 1 Naty Kopenhaver Agreement No. 2**

**AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES  
AGREEMENT BETWEEN THE WESTERN RIVERSIDE  
COUNTY REGIONAL CONSERVATION AUTHORITY AND  
NATY KOPENHAVER**

**1. PARTIES AND DATE.**

This Amendment No. 2 ("Amendment No. 2") is entered into this 5<sup>th</sup> day of November, 2007 by and between the WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY, a Joint Powers Authority organized under the laws of the State of California ("RCA") and Naty Kopenhaver, an individual ("Consultant"). The RCA and RAND are sometimes referred to individually as "Party" and collectively as "Parties."

**2. RECITALS.**

2.1 On or about January 9, 2006, the Parties entered into an agreement for the purpose of performing administrative services ("Agreement").

2.2 On or about January 8, 2007, said Agreement was amended to extend the term and to increase the Total Compensation ("Amendment No. 1").

2.3 The Parties desire to further amend the term and to increase the Total Compensation as originally set forth in the Agreement and Amendment No. 1.

2.4 This Amendment is authorized pursuant to Section 3.5.11 of the Agreement.

**3. TERMS.**

3.1 Section 3.1.2 of the Agreement is amended to extend the term of the Agreement to June 30, 2008.

3.2 Section 3.3.1 of the Agreement is amended to increase the hourly rate to \$80.00 per hour. Furthermore, the not to exceed amount of this Agreement is increased by \$38,400.

3.3 Except as set forth herein, all provisions of the Agreement No. 070107 and Amendment No. 1 shall remain in full force and effect, and shall govern the actions of the Parties hereto and the amended provisions set forth in this Amendment No. 2.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 2 on the date first written above.

By: \_\_\_\_\_  
Naty Kopenhaver

Title: Consultant

Date: \_\_\_\_\_

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Jeff Stone  
Chairman

\_\_\_\_\_  
Honey Bernas  
Clerk of the Board

Approved As To Form:

By: \_\_\_\_\_  
RCA General Counsel  
Best Best & Krieger, LLP

## **AGENDA ITEM NO. 7.4**

**APPROVAL OF CHANGE  
ORDER NO. 2 TO THE  
AGREEMENT BETWEEN THE  
RCA AND THE  
RAND CORPORATION**



# **AGENDA ITEM NO. 7.4**

## **ATTACHMENT 1 Rand Amendment No. 2**

**AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES  
AGREEMENT BETWEEN THE WESTERN RIVERSIDE  
COUNTY REGIONAL CONSERVATION AUTHORITY AND  
RAND CORPORATION**

1. **PARTIES AND DATE.**

This Amendment No. 2 ("Amendment No. 2") is entered into this 5<sup>th</sup> day of November, 2007 by and between the WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY, a Joint Powers Authority organized under the laws of the State of California ("RCA") and RAND CORPORATION, a California non-profit corporation ("RAND"). The RCA and RAND are sometimes referred to individually as "Party" and collectively as "Parties."

2. **RECITALS.**

2.1 On or about October 31, 2006, the Parties entered into an agreement for the purpose of rendering services for the Special Program and Economic Forecast Study ("Agreement").

2.2 On May 14, 2007, said Agreement was amended to modify the Scope of Services and to increase the Total Compensation ("Amendment No. 1").

2.3 The Parties desire to further amend the Scope of Services and to increase the Total Compensation as originally set forth in the Agreement and Amendment No. 1.

2.4 This Amendment is authorized pursuant to Section 3.5.14 of the Agreement.

3. **TERMS.**

3.1 Section 3.1.1 of the Agreement is amended to add the Exhibit A-2 (attached herein and incorporated by this reference) increasing the scope of work contained in Tasks 9 and 10 in the General Scope of Services found in Exhibit A of the Agreement.

3.2 Section 3.3.1 of the Agreement is amended to increase the Total Compensation so that the Total Compensation shall not exceed One Million Twenty-One Thousand Two Hundred Fifteen Dollars (\$1,021,215).

3.3 Exhibit C of the Agreement is replaced with the new Exhibit C (attached herein and incorporated by this reference).

3.4 Except as set forth herein, all provisions of the Agreement No. 070108 and Amendment No. 1 shall remain in full force and effect, and shall govern the actions of the Parties hereto and the amended provisions set forth in this Amendment No. 2.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 2 on the date first written above.

RAND CORPORATION

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved As To Form:

By: \_\_\_\_\_

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Jeff Stone  
Chairman

\_\_\_\_\_

Honey Bernas  
Clerk of the Board

Approved As To Form:

By: \_\_\_\_\_

RCA General Counsel  
Best Best & Krieger, LLP

# **AGENDA ITEM NO. 7.4**

## **ATTACHMENT 2 Rand Exhibit A-2**

DATE: September 7, 2007

TO: Tom Mullen, Joe Richards, Western Riverside County Regional  
Conservation Authority

FROM: Lloyd Dixon, The RAND Corporation

SUBJECT: Amendment to Scope of Work Being Done by RAND on the Legal and  
Procedural Implications of the MSHCP

As discussed in our meetings last fall, RCA would like us to undertake a more extensive examination of the legal and procedural implications of the MSHCP than described in Tasks 9 and 10 of our project proposal (and reflected in the proposed budget). This extension will fund more time for legal consultants on the project, a broader set of interviews with the key stakeholders, and a more thorough search and evaluation of data that might help gauge the likely impact of the MSCHP on the cost and time needed to construct infrastructure projects in Riverside County. The extension will cover:

1. Additional statistical analysis of the effect of HCPs on environmental review time. Key information from environmental review documents for highway construction projects can be estimated from data held by California Office of Planning Research. A comprehensive list of currently approved HCPs in California (and elsewhere in the U.S.) is available from U.S. Fish and Wildlife Service. The review time for projects in areas where HCPs occur relative to review time for projects in areas without HCPs can be statistically analyzed and inferences about their effects on review time drawn. Additional effort will be required to compile and extract information from these large databases, develop meaningful indicators of review time, and statistically analyze them.
2. Additional analysis of illustrative cases. Interviews conducted with transportation and biology experts to date have suggested several projects that illustrate important effects of HCPs, Section 7, and the existence of a federal nexus on the planning of construction of transportation projects. Uncovering relevant detail will require further interviews (with project managers, consultants, and knowledgeable stakeholders) and/or review of available information.
3. Expanded review of political process theories and their applications. Given the limited experience with habitat conservation planning to date, we must consider applications of political process theory outside this area to deepen our conceptual models for how HCPs will affect the project approval process. Conducting this more comprehensive review will require additional literature review and discussions with scholars.

A project budget amendment increasing the project funding by \$59,701 would allow RAND to undertake this work.

COST SUMMARY REPORT

Salaries and Employee Benefits	14,561
Travel Expenses	0
Base Computing Services Costs	1,617
Other Direct Costs	0
Subcontract Costs	22,400
Total Direct Costs	38,578
Total Indirect Costs	14,560
Cost of Money	1,136
Total Estimated Costs	54,274
Fixed Fee	5,427
Total Cost	59,701

SALARY COST DETAIL REPORT

	Daily Rate	Days	Unadjusted	Adjusted Cost
----- PROFESSIONAL EMPLOYEE SALARIES -----				
DIXON,LLOYD S Economist, Sr	537.52	4	2,150	2,228
HANSON,MARK A Project Associate, IV	297.63	25	7,441	7,711
Subtotal		29	9,591	9,939
TOTAL		29.0	9,591	9,939
Employee Benefits				4,622
TOTAL				14,561

COMPUTING DETAIL

----- COMPUTING SERVICES DESCRIPTION -----	Unadjusted	Adjusted Cost
Collaborative Services	89	91
Computer Backups	61	62
Computer Hardware	95	97
Computer Hardware Maint.	45	46
Computer Software	17	17
Computing Support	100	102
Network Services Allocation	1,025	1,048
Shared Computing Services	151	154
TOTAL COMPUTING SERVICES COST		1,617

SUBCONTRACT DETAIL

----- SUBCONTRACT ITEM -----	Unadjusted	Adjusted Cost
Lindell Marsh	22,400	22,400
TOTAL SUBCONTRACT COST		22,400

# **AGENDA ITEM NO. 7.4**

## **ATTACHMENT 3 Rand Exhibit C**

## EXHIBIT "C"

### PAYMENT SCHEDULE

<u>Milestone</u>	<u>Amount</u>	<u>Date</u>
Project start	\$ 50,000	Contract signing
3-month status report	\$ 100,000	3 months into project
Presentation of results for tasks 1,2,3,4,5 to RCA	\$ 200,000	Expected 6 months into project
Presentation of results for task 6 to RCA	\$ 175,000	Expected 9 months into project
Presentation of results for tasks 7, 8 to RCA	\$ 150,000	Expected 9 months into project
Presentation of results for tasks 9, 10 to RCA	\$ 100,000	Expected 10 months into project
Delivery of draft report to RCA	\$ 80,000	Expected 12 months into project
Delivery of final report to RCA	\$ 67,514	Expected 15 months into project
Change Order No. 1	\$ 45,000	May 14, 2007
Change Order No. 2	\$ 59,701	November 5, 2007
Total	\$1,027,215	