

*Regional Conservation Authority***AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY AND THE USFWS FOR A POSITION
DEDICATED TO THE IMPLEMENTATION OF THE MSHCP****Staff Contact:****Honey Bernas, Director of
Administrative Services
951-955-2842****Background:**

As previously discussed with the Executive Committee and Board of Directors, staff believes that it is crucial that a full-time, local representative from the United States Fish and Wildlife Service be assigned to assist the RCA on implementation of the Western Riverside County Multiple Species Conservation Plan. Although the role of the Service in development in Western Riverside County has decreased with the approval and implementation of the WRC MSHCP, the Service is still a significant partner in the Plan's implementation.

Staff from the Carlsbad office of the Service, which is currently assigned to the MSHCP, is extremely busy and often unavailable for meetings or to be able to respond promptly to RCA's requests. Therefore, staff believes that it is imperative that a position be created for a Service representative to be dedicated full time to Plan implementation. As a result of the meeting with Secretary of the Department of Interior, Dirk Kempthorne, on June 20, 2007, the Service has agreed to create such a position to be located in Riverside, provided the position is funded by the RCA.

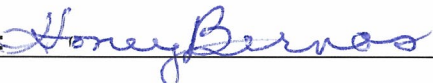
The position will be a GS-14 policy level position funded with Development Mitigation Fees (80%) and various operational revenues (20%). The term of the agreement will be for a period of four (4) years, or until work is completed, whichever comes first. The cost will be \$165,000 per year, for a total contract amount not to exceed \$670,000, which includes up to \$10,000 for moving expenses. Funding for this position was not included in the Fiscal Year 2008 budget, and therefore, a budget adjustment is required.

The Executive Committee has reviewed the proposal and recommended that the RCA Board authorize the Executive Director to prepare an agreement with the USFWS, and approve the budget adjustment contained in the Financial Information Section on Page 2. Staff and legal counsel have prepared an agreement (Attachment 1).

Executive Committee and Staff Recommendations:

That the RCA Board of Directors:

- 1) Approve the Agreement between the RCA and USFWS for a GS-14 Policy Level Position;
- 2) Authorize the Chairman to execute said agreement on behalf of the Authority; and
- 3) Approve the Budget Adjustment contained in the Financial Information section below.

FINANCIAL INFORMATION	
In Fiscal Year 2007-08 Budget: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Current Year Cost: \$ 80,000 Annual Cost: \$ 165,000 Total Cost: \$670,000
Source of Funds: Development Mitigation Fees 80% Various Operational Revenue 20%	Budget Adjustment: Yes 51630-935100-510040 <\$14,300> 51630-935100-518100 <\$5,700> 51630-935100-527980 \$20,000
Approved by: 	Date: January 2, 2008

Attachment:

Agreement between RCA and USFWS for a GS-14 Policy Level Position

AGENDA ITEM NO. 7.4

Attachment 1

Agreement between RCA and USFWS for a GS-14 Policy Level Position

AGREEMENT BETWEEN Western Riverside County Regional Conservation Authority AND U.S. DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE		1. WRCRCA Agreement #:	08001
		2. U.S.F.W.S. Agreement #:	
		3. Total Agreement Amount:	\$670,000.00
		4. Effective Date:	Upon signature
5a. [ADDRESS, OFFICE] Western Riverside County Regional Conservation Authority (WRCRCA) 4080 Lemon Street, 12 th Floor Riverside, CA 92501 (951) 955-9700 fax (951) 955-8873		6a. FISH & WILDLIFE SERVICE DATA [ADDRESS, OFFICE] U.S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office 6010 Hidden Valley Road Carlsbad, CA 92009 760-431-9440 fax 760-431-5902	
5b. Select One: <input checked="" type="checkbox"/> Buyer <input type="checkbox"/> Seller		6b. Select One: <input type="checkbox"/> Buyer <input checked="" type="checkbox"/> Seller	
5c. DUNS#:	808554336	6c. DUNS#:	949149801
7. PROJECT TITLE: Western Riverside MSHCP Coordinator			
8. SCOPE OF WORK <small>[DETAIL THE BACKGROUND, PURPOSE, SPECIFIC OBLIGATIONS OF EACH PARTY - USE ADDITIONAL PAGE(S) IF NECESSARY]</small> WRCRCA will provide annual funding for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Coordinator position. The incumbent serves as the Fish and Wildlife Service's Western Riverside County MSHCP Coordinator. The MSHCP is a nationally significant, highly complex, regional habitat conservation plan for highly urbanized and quickly developing western Riverside County in southern California. This position will represent the Carlsbad Fish and Wildlife Office (CFWO) Field Supervisor and CFWO on all issues relating to MSHCP implementation. The incumbent serves as the Service's primary contact, often representing the Department, Director, or CNO Manager, for all issues relating to implementation of the MSHCP. The incumbent is an employee of the Service and specifically not an employee of the WRCRCA or the County of Riverside and shall at all times be under the Service's exclusive direction and control. The WRCRCA is not responsible for any benefits or any other compensation not specifically set forth in this agreement. The incumbent shall maintain in force at all times all requisite insurance policies such as vehicular insurance. Either party may terminate this agreement with six (6) months written notice.			
9. SPECIAL PROVISIONS: (1) THIS AGREEMENT MAY BE MODIFIED BY MUTUAL CONSENT OF BOTH PARTIES. (2) IT MAY BE TERMINATED BY 30-DAY PRIOR WRITTEN NOTICE BY EITHER PARTY. ALLOWABLE COSTS INCURRED THROUGH DATE OF TERMINATION SHALL BE REIMBURSED UNDER THIS AGREEMENT. Should disagreement arise on the interpretation of the provisions of this agreement or amendments and/or revisions thereto, that cannot be resolved at the operational level, the area(s) of disagreement shall be stated in writing by each party and presented to the other party for consideration. If agreement on interpretation is not reached within thirty (30) days, the parties shall forward the written presentation of the disagreement to respective higher officials for appropriate resolution.			
10. Project Officer <small>[NAME, OFFICE, ADDRESS, PHONE, FAX, E-MAIL]</small> Joe Richards Western Riverside County Regional Conservation Authority 4080 Lemon Street, 12th Floor P.O. Box 1667 Riverside, CA 92501-1605 (951) 955-9700 fax (951) 955-8873		11. FWS PROJECT OFFICER <small>[NAME, OFFICE, ADDRESS, PHONE, FAX, E-MAIL]</small> Jim Bartel U.S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office 6010 Hidden Valley Road Carlsbad, CA 92009 760-431-9440 fax 760-431-5902	
12. PERIOD OF PERFORMANCE: This Agreement shall become effective upon signature by the Parties and remain in effect until September 30, 2012, unless terminated earlier.			
13. ESTIMATED PRICE/COSTS: SEE BLOCK 3 Funds in the amount of \$670,000.00 are available to complete the work as identified in the Scope of Work (see Block 8) and for the period specified in Blocks 4 and 12 above. WRCRCA will provide an initial advance payment of \$175,000 payable to the FWS. WRCRCA will make additional payments (in \$165,000 increments) to the FWS when remaining funds drop below \$15,000. The requirement to replenish the Agreement account shall not be construed to mean a one-time replenishment. Replenishment may occur repeatedly (throughout the term of the Agreement; or until the total Agreement amount of \$660,000 is reached, or the work is completed (whichever comes first), whenever the Agreement account drops below \$15,000. Expenditures in excess of this amount will not be reimbursed without a fully signed modification to this agreement.			

14a. METHOD OF PAYMENT AND BILLING INSTRUCTIONS:

- A. Upon signature of this agreement, WRCRCA shall provide the FWS advance payment of \$165,000.
- B. FWS (CFWO) will invoice WRCRCA whenever the amount left in the Agreement account drops below \$15,000.
- C. Payment will be made directly to the FWS, and will note the project number of this Agreement. Payments will be directed to:
U.S. Fish and Wildlife Service
Division of Budget and Finance
Attn: Michael Knowles
911 NE 11th Ave.
Portland, OR 97232-4181
503-231-2242
- D. Upon completion or termination of this Agreement, the Service shall refund any remaining funds in excess of prorated expenditures.

14b. BILLING SCHEDULE: *[SELECT ONE]* _____ MONTHLY, _____ QUARTERLY, _____ SEMI-ANNUALLY, X OTHER *[SPECIFY]*
Advance payments per No. 14a. above.

14c *[NAME, OFFICE, ADDRESS, PHONE, FAX, E-MAIL]*
Honey Bernas
Director of Administrative Services
Western Riverside County Regional Conservation Authority
4080 Lemon Street, 12th Floor
P.O. Box 1667
Riverside, CA 92502-1605
Phone: (951) 955-2842
Fax: (951) 955-8873
E-mail: hbernas@rctlma.org

14d. FWS BILLING CONTACT *[IF DIFFERENT THAN BOX 19A, PROVIDE: NAME, OFFICE, ADDRESS, PHONE, FAX, E-MAIL]*
Sue Fahey
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
Carlsbad, CA 92009
760-431-9440 fax 760-431-5901

15. AUTHORITY: *[CITE APPLICABLE AUTHORITY TO ENTER INTO THIS AGREEMENT; I.E. ECONOMY ACT OF 1932 (31 USC 1535)]*

Intergovernmental Cooperation Act of 1968

16a. *[NAME, TITLE, ADDRESS, PHONE, FAX, E-MAIL]*
Eugene Montanez, Chairman
Western Riverside County Regional Conservation Authority
Board of Directors

16b. AUTHORIZING OFFICIAL SIGNATURE

16c. DATE

16d. AUTHORIZING OFFICIAL FOR FWS *[NAME, TITLE, ADDRESS, PHONE, FAX, E-MAIL]*

Paul Henson
Assistant Manager, Ecological Services
California/Nevada Office
2800 Cottage Way, Suite W 2606
Sacramento, CA 95825-1846

16e. AUTHORIZING OFFICIAL SIGNATURE

16f. DATE