



**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

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MEETING MINUTES
Monday, May 5, 2008

1. CALL TO ORDER

The meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority was called to order by Chairman Eugene Montanez at 1:01 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

Bob Buster
Maryann Edwards
Jim Hyatt
Larry Dressel
Bonnie Flickinger
Frank Hall
Jim Hyatt
Robin Lowe
John Machisic
Eugene Montanez
Robert Schiffner
Jeff Stone
Charles White
Roy Wilson
Mark Yarbrough
John Zaitz

Board Members Absent

John Tavaglione
Gary Thomasian
Andy Melendrez

3. PUBLIC COMMENTS

There were no public comments.

4. BOARD MEMBER ANNOUNCEMENTS

Chairman Montanez announced the retirement of Joe Richards, RCA Deputy Executive Director, effective on May 8, 2008. He expressed his appreciation and gratitude for his efforts and the role that he played during the time when the agency is defining its management responsibilities and policies for implementation of the MSHCP.

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Jim Hyatt advised that his first meeting with Joe Richards was in the late 1980's at UCR where he and his wife took a General Plan course from him. This was during the incorporation of Calimesa. He stated that Joe Richards was a tremendous help and provided valuable information on the General Plan process for which Mr. Hyatt is very thankful.

Robin Lowe said that she was privileged to work with Joe Richards during the RCIP planning process when he was the Chairman of the General Plan Committee for the County of Riverside and she was the Chairman of the CETAP Committee. She said the Joe Richards came to RCA at a critical time to assist and provided fundamental assistance to Tom Mullen and to the RCA. She expressed her thanks to Joe Richards for filling the niche that RCA desperately needed.

Joe Richards thanked the Board Members for the kind words. He said that he had an enjoyable experience and had a great working relationship with the RCA Board members and staff, the member cities and their staff, and consultants. He also expressed his thanks to Tom Mullen for providing him with the opportunity to work for the RCA.

5. ADDITIONS/REVISIONS

There were no additions or revisions to the meeting agenda.

6. APPROVAL OF MINUTES

M/S/C (STONE/BUSTER) to approve the minutes of the March 31, 2008 meeting, as presented.

7. CONSENT CALENDAR

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

7.1 AHERN CONTRACT MODIFICATION

1. Approve Amendment No. 1 to the Professional Services Agreement between RCA and Ahern, Adcock, and Devlin, LLP, and modify the Agreed-Upon Procedures List; and
2. Authorize the Chairman, pursuant to Legal Counsel review, to execute said Amendment on behalf of the Authority.

7.2 BIOLOGICAL MONITORING PROGRAM WORK PLAN AND COST ESTIMATE FOR FISCAL YEAR 2008-09

Approve the Biological Monitoring Program Work Plan and Cost Estimate for Fiscal Year 2008-09 in the amount of \$1,471,497.

7.3 RECURRING CONTRACTS FOR FISCAL YEAR 2008-09

Approve the Recurring Contracts for Fiscal Year 2008-09.

7.4 ADOPTION OF RESOLUTION NO. 08-005 APPROVING THE ACCEPTANCE OF THREE SUBGRANTS FROM THE WILDLIFE CONSERVATION BOARD

1. Adopt Resolution No. 08-005, which approves the acceptance of three subgrants from the Wildlife Conservation Board for the Benton 36 and Cordes properties; and
2. Authorize the Chairman, pursuant to Legal Counsel review, to execute three subgrant agreements on behalf of the Authority.

7.5 AMEND THE JUNE AND AUGUST MEETING SCHEDULE FOR THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

1. To reschedule its June meeting to June 9, 2008 to accommodate the County of Riverside's request; and
2. Cancel the August meeting of the RCA Board of Directors and the July and August Executive Committee meetings.

8. DISCUSSION ITEMS

8.1 APPROVAL OF RESOLUTION NO. 08-004 ADOPTING THE FISCAL YEAR 2008-09 OPERATING AND CAPITAL BUDGET FOR THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Honey Bernas, Director of Administrative Services, presented the proposed FY 2008-09 Operating and Capital Budget for the RCA. The proposed budget was prepared using the approved cost allocation assumptions endorsed by the Board (MSHCP Section 8, Appendix B-5) as its guiding principle. As noted in the Funding Plan, the cost allocations for the first 25 years (acquisition period) are 4.1% Administration, 91% Land Acquisition, and 4.8% Management/Monitoring. The cost allocations for the proposed budget for Fiscal Year 2008-09 are: 1) Administration 1.74%; 2) Land Acquisition 93.49%; and, 3) Management/Monitoring 4.77%. The projected Total Revenues are estimated at \$44.4 million and staff anticipated a decrease of 15% in mitigation

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fees from the actual amount in the year end. Staff proposed Total Expenditures of \$54.9 million and to draw \$10.5 million from Cash Reserves to augment the Land Acquisition budget, leaving a balance of \$12 million in the Cash Reserve Account at the end of Fiscal Year 2009.

M/S/C (BUSTER/STONE) to adopt Resolution No. 08-004 adopting the Fiscal Year 2008-09 Operating and Capital Budget for the Western Riverside County Regional Conservation Authority.

8.2 UPDATE ON GOVERNMENT CODE SECTION 84308

Steve De Baun, Legal Counsel – Best, Best & Krieger, stated that Government Code Section 84308, Disclosure of Campaign Contributions, only applies to appointed agencies such as the RCA. He reviewed the general rule regarding disclosure of received contributions and participation in the decision-making process. Unlike most rules, the Conflict of Interest Rule applies to applicants as well. The policy that the RCA Board adopted on March 31, 2008 requires the disclosure of contributions by those doing business, including land purchase, with the RCA. He noted two exceptions to the rule: 1) It does not apply to low bid contracts; and, 2) It does not apply if the Board Member returns the contribution within 30 days after learning about the contribution.

Bob Buster requested clarification to the rules: 1) Before action is taken if a Board Member received a contribution of more than \$250 from the applicant and the ability for the Board member to participate in the action if a portion of the contribution is returned so it falls below \$250; and, 2) After approval of a project, if a Board Member sends a solicitation letter for campaign contribution to the applicant within three months of the action.

Steve DeBaun said that the rules would not apply if the Board Member abstained from participation of the approval process. However, the rules apply if the Board Member chose to participate in the approval process, returns a partial contribution so that it is below the \$250 minimum or returns the full contribution during the approval process and three months after the approval process.

Maryann Edwards asked about an LLC contribution as it related to land acquisition and contracts. Steve DeBaun said that the rule applies to the agency that holds the contract and the agent. He will have to research the matter on how the rule applies to a minority partner of the LLC who has the responsibility for solicitation and with whom the contract is with.

In response to Robin Lowe's inquiry as to when the State statute became effective noting that the minimum amount of campaign of contribution is very low, Steve DeBaun said that the statute has been in place for many years. He

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advised that this started when a city council member took exception that members of a planning commission were able to solicit for contributions.

Jeff Stone commented that he proposed that the County of Riverside and other public agencies adopt a policy wherein parties engaging in a business relationship with the agency disclose if they have made contributions to members of the Board. Members of the Board of Supervisors receive contributions outside of the District that they represent and sit on various Boards and this is a means to aid the elected officials to comply with the FPPC rules and regulations. This is for applicants to recognize that they have a responsibility as well regarding campaign contributions.

Steve DeBaun said that in accordance with the RCA policy, applicants and participants in land business dealings will be provided a list of the RCA Board Members. In response to a question regarding compliance by the Board Member and Alternate, Steve DeBaun said that the official that is currently sitting at the dais and/or participating on the approval process would need to comply with the requirement.

9. EXECUTIVE DIRECTOR'S REPORT

9.1 Public Outreach

Charles Landry, Executive Director, said that in response to discussion at a previous Board meeting regarding outreach, staff is proposing to develop a brochure which covers the Multiple Species Habitat Conservation Plan and the various jurisdictions that it covers. At the concurrence of the RCA Board, staff will proceed with the development of the brochure. In addition to developing a brochure, RCA staff will comply with requests from staff of member agencies to speak before their respective city councils.

9.2 Wildomar Incorporation

With the incorporation of Wildomar this summer, Charles Landry said that RCA staff is assembling appropriate documents for Wildomar and will be meeting with city officials to discuss them entering into an agreement with the wildlife agencies and their membership to the RCA JPA.

10. LAND ACQUISITION UPDATE

Ken Graff, Director of Land Acquisition and Property Management, informed the Board that since its last meeting, RCA acquired four additional properties for a total of 40,451 acres conserved.

11. ITEMS FOR NEXT MEETING

Chairman Montanez informed the Board Members that there is a need to review the Plan for refinements and set up policies and procedures. This will be done through a subcommittee. Interested Board Members should contact him or Charles Landry.

At this time, Chairman Montanez adjourned to Closed Session.

12. CLOSED SESSION:

12A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Pursuant to Government Code Section 54956.8

Negotiating Parties: RCA – Director of Land Acquisition and Property Management or Designee
Under Negotiation: Price/Terms

Item	Assessor Parcel Nos.	Property Owners
1	571-380-007	William Sanders, Sherry Ikezawa, Brenda Atkinson, SV 101
2	900-070-001, 900-070-008, 900-070-009, 900-070-010, 580-470-003, 580-470-004, 580-480-001, 571-170-028, 571-170-029, 571-170-030, 571-170-032, 571-170-033, 571-170-039, 571-170-140, 571-170-141, 571-170-042, 571-170-007	Winchester 700

12B. CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION
Pursuant to Subdivision (b) of Government Code Section 54956.9
Exposure to Litigation
Number of Potential Cases: 2

12C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Subdivision (a) of Government Code Section 54956.9
 ■ **Case No. RIC 493433**
 ■ **Case No. RIC 493233**

At this time, the RCA Board meeting reconvened. Steve DeBaun announced two cases of anticipated litigation: 1) Winchester 700; and 2) San Jacinto River Ranch.

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13. ADJOURNMENT

Chairman Montanez adjourned the meeting. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled to be held on Monday, June 9, 2008, at 1:00 p.m. at the County Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Respectfully submitted,

A handwritten signature in blue ink that reads "Honey Bernas". The signature is written in a cursive style with a large initial "H" and a long, sweeping underline.

Honey Bernas
Clerk of the Board