



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.

SPECIAL MEETING

**2:00 p.m.,
Wednesday, December 10, 2008**
Riverside County Administrative Center
First Floor, Board Room
4080 Lemon Street
Riverside, California 92501

BOARD OF DIRECTORS

OFFICERS

Eugene Montanez, Chairman
City of Corona

Bob Buster, Vice Chairman
County of Riverside, District I

Jeff Stone, Past Chairman
County of Riverside, District III

BOARD MEMBERS

John Machisic
City of Banning

Frank Hall
City of Norco

Larry Dressel
City of Beaumont

Mark Yarbrough
City of Perris

Jim Hyatt
City of Calimesa

Andy Melendrez
City of Riverside

John Zaitz
City of Canyon Lake

Dale Stubblefield
City of San Jacinto

Robin Lowe
City of Hemet

Maryann Edwards
City of Temecula

Robert Schiffner
City of Lake Elsinore

John Tavaglione
County of Riverside District II

Charles White
City of Moreno Valley

Roy Wilson
County of Riverside District IV

Gary Thomasian
City of Murrieta

Marion Ashley
County of Riverside District V

Charles Landry, Executive Director
Honey Bernas, Director of Administrative Services
Ken Graff, Director of Land Acquisition



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SPECIAL MEETING AGENDA

**Actions may be taken on any item listed on the agenda. Non-exempt materials related to an item on this agenda submitted to the RCA Board after distribution of the agenda packet are available for public inspection at the RCA Offices, 3403 Tenth Street, Suite 320, Riverside, California, during normal business hours. Such documents are also available on the Western Riverside County Regional Conservation Authority website at www.wrc-rca.org subject to staff's ability to post the documents before the meeting.*

Wednesday, December 10, 2008

2:00 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 from the Clerk of the Board. 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.)*

4.1 PRESENTATION TO OUTGOING RCA BOARD OF DIRECTORS

RCA BOARD OF DIRECTORS AGENDA

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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 **RECOMMENDED CHANGES TO SECTION 1.07 OF THE RCA LAND ACQUISITION POLICIES PERTAINING TO BARGAIN SALES**

Overview

This item is for the RCA Board of Directors to approve the modification to RCA's existing Bargain Sale Policy, Section 1.07 of the Land Acquisition Policies.

7.2 **APPROVAL OF RESOLUTION NO. 08-019, "RESOLUTION OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AMENDING THE APPENDIX OF THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974"**

Overview

This item is for the RCA Board of Directors to:

- 1) Adopt Resolution No. 08-019, "Amending the Appendix of the Conflict of Interest Code pursuant to the Political Reform Act of 1974"; and
- 2) Direct staff to submit the Amended Appendix to the County of Riverside Board of Supervisors for approval.

8. DISCUSSION ITEMS

8.1 APPROVAL OF RESOLUTION NO. 08-018, "RESOLUTION OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING A STATEMENT OF INVESTMENT POLICY"

Overview

This item is for the RCA Board of Directors to receive the County Treasurer's presentation on the Investment Policy and approve Resolution 080-018, "Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting a Statement of Investment Policy".

8.2 FISCAL YEAR 2007-08 (JULY 1, 2007-JUNE 30, 2008) FINANCIAL STATEMENTS AND INDEPENDENT AUDITORS' REPORT OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Overview

This item is for the RCA Board of Directors to ratify the Executive Committee's action on the Fiscal Year 2008 Financial Statements and Independent Auditors' Report.

8.3 ELECTION OF OFFICERS

Overview

This item is for the RCA Board of Directors to elect the Chairman and Vice Chairman for 2009

8.4 RECOGNITION OF 2008 RCA CHAIRMAN

9. EXECUTIVE DIRECTOR'S REPORT

9.1 Consultant Services – Dudek & Associates, Inc.

10. LAND ACQUISITION UPDATE

11. ITEMS FOR NEXT MEETING

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

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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	390-100-010, 390-100-014, 390-250-001, 390-250-002, 390-250-003, 390-250-004, 390-250-007, 390-250-008, 390-250-009. 390-250-010, 390-250-011, 390-250-012, 390-250-013, 390-250-014, 390-250-016, 390-250-017, 390-250-018, 390-250-019, 390-250-020, 390-250-021, 390-250-022, 390-250-023, 390-250-024, 390-250-025, 390-260-001, 390-260-002, 390-260-003, 390-260-005, 390-260-006, 390-260-007, 390-260-008, 390-260-009, 390-260-010, 390-260-011, 390-260-012, 390-260-014, 390-260-015, 390-260-016, 390-260-017, 390-260-019	Freddie H. Reynolds and Smith & Reynolds Erosion Control, Inc.

13. ADJOURNMENT

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, January 5, 2009, at 1:00 p.m., at the County Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

AGENDA ITEM NO. 6

MINUTES



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SPECIAL MEETING MINUTES

Monday, November 3, 2008

1. CALL TO ORDER

The special meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority was called to order by Chairman Eugene Montanez at 10:04 a.m. in the Board Room of the County Administrative Center, First Floor, 4080 Lemon Street, Riverside, California, 92501.

Chairman Montanez welcomed John Denver and Bob Cashman, representatives from the Cities of Menifee and Wildomar, respectively, who joined the RCA Board of Directors at the dais to observe the meeting.

2. ROLL CALL

Board Members/Alternates Present

Marion Ashley
Bob Buster*
Maryann Edwards*
Frank Hall
Jim Hyatt
Martie Killough
John Machisic
Andy Melendrez
Eugene Montanez
Robert Schiffner
Karen Spiegel
Jeff Stone
Gary Thomasian
Charles White
Roy Wilson
Mark Yarbrough
John Zaitz

Board Members Absent

Robin Lowe**
Dale Stubblefield

* Arrived after start of the meeting.

**Present for the Workshop after the Board meeting.

RCA BOARD OF DIRECTORS MINUTES

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3. PUBLIC COMMENTS

There were no public comments.

4. BOARD MEMBER ANNOUNCEMENTS

Robert Schiffner announced that he did not seek to run for office and this may be his last RCA Board meeting.

On behalf of the RCA, Chairman Montanez expressed his appreciation for Mr. Schiffner's time and effort serving as the City of Lake Elsinore's representative on the Board of Directors.

Marion Ashley spoke about Mr. Schiffner's contributions and commitment towards launching the Multiple Species Habitat Conservation Plan, even when there were mixed feelings about the Plan in Lake Elsinore.

5. ADDITIONS/REVISIONS

There were no additions or revisions to the agenda.

6. APPROVAL OF MINUTES

M/S/C (STONE/ZAITZ) to approve the minutes of the October 6, 2008 RCA Board of Directors meeting, as presented.

7. CONSENT CALENDAR

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

7.1 ADOPTION OF RESOLUTION NO. 08-017, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AMENDING THE APPENDIX OF THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

- 1) Adopt Resolution No. 08-017, A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Amending the Appendix of the Conflict of Interest Code Pursuant to the Political Reform Act of 1974; and.
- 2) Direct staff to submit the Amended Appendix to the County of Riverside Board of Supervisors for approval.

7.2 PROPOSED 2009 RCA BOARD OF DIRECTORS AND EXECUTIVE COMMITTEE MEETING SCHEDULE

Adopt the proposed 2009 meeting schedule for the RCA Board of Directors and Executive Committee.

7.3 RIVERSIDE COUNTY INFORMATION TECHNOLOGY TECHNICAL SERVICES DESKTOP SUPPORT PROPOSAL

Authorize the Executive Director to execute the Riverside County Information Technology Department Technical Services Desktop Support proposal, on behalf of the Authority.

8. EXECUTIVE DIRECTOR'S REPORT

Consultant Services – County of Riverside Facilities Management

Charles Landry, Executive Director, reviewed the real property services being provided by the County of Riverside Facilities Management Department, which included the procurement of appraisals, Phase 1 environmental hazardous assessments and preliminary title reports, negotiate acquisitions, prepare necessary purchase and sale/donation agreements, and coordinate escrows. From January 1, 2008 through June 30, 2008, the expenditure for Facilities Management Department was \$515,000.

9. LAND ACQUISITION UPDATE

Ken Graff, Director of Land Acquisition and Property Management, reported that since the last meeting, RCA closed on three additional properties which brings the reserve assembly to 43,062 acres.

10. ITEMS FOR NEXT MEETING

There were no items suggested for the next meeting. At this time, Chairman Montanez adjourned to the Conference Room for Closed Session.

Steve DeBaun, Legal Counsel, announced that Closed Session Agenda Item 11.2, is concerning possible liability related to San Jacinto River Ranchos.

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11. CLOSED SESSION:

11.1 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 No.	Property Owners
1	571-380-002 and 571-380-003	William J. Sanders, Trustee of the Sanders Estate Revocable Living Trust

11.2 CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION

Pursuant to Subdivision (b) of Government Code Section 54956.9

Exposure to Litigation

Number of Potential Cases: One (1)

After the Closed Session, Chairman Montanez reconvened the meeting. There were no announcements.

12. ADJOURNMENT

The meeting was adjourned the RCA Board of Directors meeting. Following the meeting will be a workshop on the RAND Report. The next special meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Wednesday, December 10, 2008, at 2:00 p.m. at the County Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Respectfully submitted,



Honey Bernas
Clerk of the Board

AGENDA ITEM NO. 7.1

RECOMMENDED CHANGES TO SECTION 1.07 OF THE RCA LAND ACQUISITION POLICIES PERTAINING TO BARGAIN SALES

*Regional Conservation Authority***RECOMMENDED CHANGES TO SECTION 1.07 OF THE RCA LAND ACQUISITION POLICIES PERTAINING TO BARGAIN SALES****Staff Contact:****Brian Beck
Land Acquisition Analyst
(951) 955-0039****Background:**

At the RCA Board meeting of October 6, 2008, the Board of Directors directed staff to develop possible changes to the existing bargain sale policy in order to make the negotiation process clearer. The Board also asked staff to research the existing Internal Revenue Service requirements for a bargain sale to provide additional background. The Internal Revenue Service defines a bargain sale as “a sale or exchange for less than the property’s fair market value”. This definition is consistent with the definition of bargain sale in the existing RCA Board’s bargain sale policy.

Staff recommends two changes to the bargain sale policy to make the negotiation process clearer. The first change is to add a statement that allows the bargain sale to be based on either an appraisal contracted by the RCA or by the property owner. The current version implies this, but is not explicit in permitting this.

The second change is to add a statement that staff should make the property owner aware of the bargain sale policy, in writing, at the time of presenting the offer, and request a written acknowledgement from the property owner that they have been notified of the policy. This is in response to a concern raised by the Board that staff should make property owners aware of the policy and its possible benefits, as early in the process as possible. The change will prevent future misunderstandings, as well as encourage owners to sell their properties for less than fair market value, and thereby result in cost savings to the RCA. The proposed policy amendment has been reviewed by the Executive Committee and Legal Counsel, and staff recommends approval.

Executive Committee and Staff Recommendation:

That the RCA Board of Directors approve the attached modification to RCA’s existing Bargain Sale Policy, Section 1.07 of the Land Acquisition Policies.

Attachment:

Proposed Modifications to the RCA’s Bargain Sale Policy, Section 1.07 of the Land Acquisition Policies

AGENDA ITEM NO. 7.1

Attachment 1 Section 1.07 of the RCA Land Acquisition Policies

**ATTACHMENT 1
AGENDA ITEM NO. 7.1**

Section 1.07 Policies and Procedures for Execution of IRS Form 8283 for Bargain Sales and Donations

The Regional Conservation Authority (RCA) recognizes that it is appropriate to execute an IRS Form 8283 where the property owner has offered to either provide a bargain sale or to donate land to the RCA. The following policies and procedures are intended to establish basic guidelines for the execution and processing of a Form 8283.

- (a) The MSHCP provides that the RCA shall not pay more than fair market value for any property that it purchases.
- (b) Fair market value shall be determined by negotiation between RCA and the property owner provided that such fair market value is supported by one or more appraisals that are in compliance with the MSHCP and approved by the RCA. *The appraisal may be prepared by an appraiser contracted by either the RCA or the property owner.*
- (c) A Bargain Sale shall be defined to be the sale of property to the RCA for less than the appraisal that has been reviewed and approved by the RCA or an independent, qualified appraiser contracted by the RCA.
- (d) If a property owner elects to accept less than the RCA approved appraisal price, the transaction shall be eligible to be considered a Bargain Sale. The Bargain Sale and the execution of the Form 8283 must be documented in the Purchase and Sale Agreement and shall be subject to approval by the Board of Directors, prior to execution of the form.
- (e) If a property owner elects to donate land to the RCA, the execution of the Form 8283 must be documented in the donation agreement, prior to execution of the form.
- (f) All requests for execution of a Form 8283 shall be reviewed and approved by Legal Counsel prior to execution and may be submitted for either a Bargain Sale as defined in Section (c) above or for a donation of land.
- (g) Only the Chairman of the Board of Directors or the Executive Director or designee shall be authorized to execute a Form 8283, provided that the form has been processed consistent with these policies and procedures.
- (h) *Staff should notify the property owner of this policy, in writing, at the time of presenting an offer to the property owner, and request a written acknowledgment from the property owner that they have been notified of the policy.*