

*Regional Conservation Authority***INTRODUCTION OF ORDINANCE 08-01,
ORDINANCE OF THE WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY ESTABLISHING
A POLICY FOR PROPERTY ACQUISITION****Staff Contact:****RCA Legal Counsel
Best Best & Krieger, LLP
(951) 686-1450****Background:**

The Western Riverside County Regional Conservation Authority (RCA) is a joint powers agency and is the implementing agency of the Multiple Species Habitat Conservation Plan and is charged with acquiring, holding and disposing of property. RCA's current property acquisition policy is outlined in Ordinance 04-02, as amended by Ordinance 06-01. Recently, the Board proposed, and all member entities adopted, an amendment to the Joint Powers Agreement to change the governing authority for the RCA from state laws governing counties to state laws governing cities. In Ordinance 08-01, the Board will maintain the status quo in continuing to authorize the Executive Director to perform any or all acts necessary to approve and accept for the Authority the acquisition of any interest in real property, along with maintaining specific procedures for the exercise of the authority by the Executive Director and establishing certain dollar limits on any purchase price. The main purpose of the Ordinance is to cite to and rely upon state laws governing cities, rather than state laws governing counties as was the case in Ordinances 04-02 and 06-01. It should be noted that this authority will no longer need to be re-authorized every five (5) years.

As required, prior to adoption of an Ordinance, the proposed Ordinance 08-01 must be published in the newspaper and read to the Board for the second time. It is requested that the Chairman read the title of the Ordinance and waive the reading of the full Ordinance. Further, in compliance with Government section 36933, a summary of the Ordinance will be prepared by the Clerk of the Board for publication.

Staff Recommendations:

That the Executive Committee:

- 1) Authorize staff to agendize this matter for the June 9, 2008 Special Meeting of the RCA Board of Directors to introduce the Ordinance;
- 2) Recommend that the Board Introduce Ordinance 08-01, Establishing a Policy for Property Acquisition, and after reading the title of the Ordinance, waive further reading;

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- 3) Authorize the Clerk of the Board to publish a summary of the proposed Ordinance and post a certified copy of the proposed Ordinance in the Clerk's office at least five days prior to the July 7, 2008 Board meeting;
- 4) Authorize staff to agendize this matter for the July 7, 2008 Regular Meeting of the RCA Board of Directors to vote on the Ordinance;
- 5) Recommend that the Board vote to adopt Ordinance 08-01 at the July 7, 2008 Regular Meeting of the RCA Board of Directors; and
- 6) Authorize the Clerk to publish a summary of the Ordinance with the names of the Board members voting for and against the Ordinance within 15 days after adoption of the Ordinance.

Attachment:

Ordinance No. 08-01, Ordinance Establishing a Policy for Property Acquisition.

AGENDA ITEM NO. 7

**ATTACHMENT 1
ORDINANCE 08-01**

ORDINANCE NO. 08-01

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ORDINANCE ESTABLISHING A POLICY FOR PROPERTY ACQUISITION

PREAMBLE

The Western Riverside County Regional Conservation Authority (“Authority”) is a public agency of the State of California formed by a Joint Exercise of Powers Agreement (“Agreement”). Pursuant to Section 3.D. of the Agreement, the Authority has the power, in carrying out the purposes of the Agreement, to acquire property and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property. Under Section 17 of the Agreement, the laws of the State of California applicable to a general law city govern the Authority in the manner of exercising its powers. Under Section 15 of the Agreement, acquisition priorities are to be determined by the Authority’s Board of Directors taking into account any recommendations of the Funding Coordination Committee (“FCC”).

Pursuant to Government Code sections 37350 et seq., the Authority may purchase, hold, and enjoy real and personal property, and control and dispose of it for the common benefit.

The Western Riverside County Regional Conservation Authority ordains as follows:

SECTION 1. AUTHORITY. This Ordinance is enacted, in part, pursuant to the provisions of Government Code sections 37350 et seq. This Ordinance repeals and replaces Ordinances No. 04-02 and 06-01.

SECTION 2. AUTHORITY OF EXECUTIVE DIRECTOR FOR LAND ACQUISITION GENERALLY.

2.1 Authority Up To \$100,000

The Authority authorizes its Executive Director to perform any or all acts necessary, including the execution of a certificate of acceptance on behalf of the Authority, to approve and accept for the Authority the acquisition of any interest in real property consistent with the Multi-Species Habitat Conservation Plan (MSHCP) in an amount up to \$100,000.

2.2 Authority Up To \$500,000

The Authority authorizes its Executive Director to perform any or all acts necessary, including the execution of a certificate of acceptance on behalf of the Authority, to approve and accept for the Authority the acquisition of any interest in real property consistent with the MSHCP, with the consent of the FCC Working Group, in an amount up to \$500,000. The FCC Working Group shall be comprised of the Executive Director, Deputy Executive Director, the Chairperson of the Funding Coordination Committee, Legal Counsel, and other individuals appointed by the Chairperson of the Authority.

2.3 Acquisitions Greater than \$500,000 Require Board Approval

The acquisition of any interest in real property in an amount greater than \$500,000 shall require an affirmative vote of the Authority's Board of Directors.

SECTION 3. BROADER AUTHORITY TO ACCEPT GIFTS, BEQUESTS AND DEVICES.

Notwithstanding the limitations which would otherwise be imposed under Section 2 of this Ordinance, the Authority authorizes its Executive Director to perform any or all acts necessary, including the execution of a certificate of acceptance on behalf of the Authority, to approve and accept for the Authority the acquisition of any interest in real property consistent with the MSHCP obtained through gift, bequest, or devise made to or in favor of the Authority for any public purpose without regard to the value of the property so obtained.

SECTION 4. ACQUISITION PRIORITIES TO BE DETERMINED BY THE BOARD BASED ON RECOMMENDATIONS OF THE FUNDING COORDINATION COMMITTEE THROUGH THE EXECUTIVE DIRECTOR

Pursuant to Section 15 of the Agreement, the Authority's Board of Directors shall establish local funding priorities for acquisitions. The Funding Coordination Committee formed by the Board may provide recommendations on these priorities through the Executive Director.

SECTION 5. FORM OF ACQUISITION DOCUMENTS

Standard documents, approved as to form by the Authority's counsel, shall be used to ensure consistency in the Authority's land acquisition process. Counsel must approve any deviation from the standard documents.

SECTION 6. MONTHLY REPORT

The Executive Director shall provide a monthly report and map to the Board showing properties acquired under Sections 2.1, 2.2 and 3 of this Ordinance.

July 7, 2008	By: _____ Eugene Montanez, Chairperson Western Riverside County Regional Conservation Authority
ATTEST: By: _____	