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MEETING MINUTES

Monday, February 2, 2009

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 Bob Buster at 2:01 p.m. in the Board Room of the County Administrative Center, First Floor, 4080 Lemon Street, Riverside, California, 92501.

2. ROLL CALL

Board Members/Alternates Present

Marion Ashley
Bill Batey
Bob Buster
Larry Dressel
Jordan Ehrenkranz
Maryann Edwards
Frank Hall
Jim Hyatt
Robin Lowe
John Machisic
John Mansperger
Melissa Melendez
Andy Melendrez
Eugene Montanez
Jeff Stone
John Tavaglione
Gary Thomasian
Roy Wilson
Mark Yarbrough

Board Members Absent

None

3. PUBLIC COMMENTS

There were no public comments.

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4. BOARD MEMBER ANNOUNCEMENTS

5. ADDITIONS/REVISIONS

Item 8.1, *Clarification of Tenets Regarding Infrastructure Contribution to MSHCP*, was pulled from the agenda.

6. APPROVAL OF MINUTES

M/S/C (ASHLEY/THOMASIAN) to approve the minutes of December 10, 2008, as submitted.

Abstained: Ehrenkranz, Mansperger, Melendrez

7. CONSENT CALENDAR

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

7.1 FISCAL YEAR 2008-09 FIRST QUARTER FINANCIAL REPORT AND BUDGET ADJUSTMENTS

- 1) Receive and file the Fiscal Year 2008-09 First Quarter Financial Statements;
- 2) Approve the Budget Adjustments contained in Exhibit A; and
- 3) Authorize the Chairman to direct the Auditor-Controller to make the budget adjustments contained in Attachment A.

7.2 RATIFICATION OF 2009 RCA EXECUTIVE COMMITTEE CHAIRMAN APPOINTMENT

Ratify RCA Chairman Bob Buster's appointments to the Executive Committee for 2009.

7.3 PROPOSAL TO CHANGE THE MAY MEETING DATE OF THE RCA BOARD OF DIRECTORS

Change the May meeting date of the RCA Board of Directors from May 4, 2009 to May 11, 2009.

8. DISCUSSION ITEMS

8.2 AMENDMENTS TO THE JOINT POWERS AGREEMENT, THE IMPLEMENTING AGREEMENT, AND THE BYLAWS TO ADD THE CITIES OF MENIFEE AND WILDOMAR TO THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Michelle Ouellette, Legal Counsel, stated that the cities of Menifee and Wildomar have advised that they wish to join the Western Riverside County Regional Conservation Authority. In order to proceed, the following course of actions must be taken: 1) Amend the Joint Powers Agreement (JPA) to add Menifee and Wildomar; 2) Amend the RCA bylaws to update the acreages in the weighted vote section; and, 3) Execute an amendment to the Implementing Agreement by RCA, Menifee, Wildomar and the Wildlife Agencies.

Robin Lowe asked Michelle Ouellette to explain the proposed changes to the acreages. In response, Michelle Ouellette reviewed the current and the proposed change to the acreage for each of the member cities as it related to the weighted vote. She added that the proposed acreage does not change the amount of property to be conserved and should not impact development in any way.

Melissa Melendrez asked Legal Counsel to explain the underlying principle of the acreage as it related to the weighted vote provision of the bylaws.

Michelle Ouellette said that when the JPA was originally written in 2003, a weighted voting provision was added in order to have a process for which a member agency may request the Board to reconsider an action on an agenda item. The acreage that was anticipated to be conserved was used as a factor in the weighted vote.

Steve DeBaun, Legal Counsel, explained that the weighted vote provision in the RCA bylaws was patterned after legislation for the Riverside County Transportation Commission. It allows a Board Member(s) to call for reconsideration of an item that was approved. A weighted vote must be requested immediately after a vote on the item and prior to the start of the next item on the agenda. The weighted vote shall pass the three tests in order to proceed: 1) Approved by a majority of the County members present; 2) Approved by a majority of the City members present; 3) Approved by City members representing a majority of an equal combination of population living in member Cities and acreage anticipated for conservation within member Cities' boundaries.

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M/S/C (THOMASIAN/ASHLEY) to:

- 1) Approve and direct staff to send the Amendment No. 3 to the Joint Exercise of Powers Agreement Creating the Western Riverside County Regional Conservation Authority to the member agencies for execution;***
- 2) Introduce Resolution No. 09-001, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Amending the Weighted Voting Section of Its Bylaws to Add the Cities of Menifee and Wildomar, and direct staff to agendize for adoption at the next regularly scheduled meeting; and***
- 3) Authorize the Chairman to execute the First Amendment to the Implementing Agreement for the Western Riverside County Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan.***

9. EXECUTIVE DIRECTOR'S REPORT

9.1 Legislative Update – David Kennett, Capitol Alliance Consulting, LLC

David Kennett reported on his work activities as follows: 1) Reviewing programs whether it be farm bill programs, transportation authorization measures, Water Resources Development Act, U.S. Fish and Wildlife Service funding, etc., for possible funding streams for the RCA; 2) Monitoring an effort by habitat conservation plan proponents nationwide to either increase funding for federal land acquisition for habitat or come up with a new innovative funding mechanism for purchasing habitat; 3) Dealing with fiscal regulatory issues that come up such as when the Department of Interior issued a ruling last year that ESA Section 6 grant funds could not be matched with mitigation dollars which, in his opinion, does not have a bearing on Riverside County's HCP because the federal government has an above and beyond responsibility to purchase habitat for this HCP through Section 6 grant funds. Essentially, the message being communicated is that they need assistance to fulfill their responsibility by securing a new funding stream, but not mitigation fees, and this is not the agreement that was executed with the RCA. In coordination with staff's efforts, the Congress is now aware of the previously agreed upon agreement with the RCA. He said that he will continue to work fervently on the Section 6 funding issue as well as secure additional funding stream for habitat acquisition.

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David Kennett continued and stated that the changes and activities in Washington, D.C., may be beneficial to RCA. He anticipated that there will be a budget increase for the U.S. Fish and Wildlife Service, Carlsbad Office, and he will watch on how they proposed to expend the funds. He noted that it is important for the RCA to engage with the Department of Interior Headquarters in Washington, D.C., and added that this Administration's Department of Interior is supportive of the Riverside HCP. The following are appointments, which are applicable to the RCA, by the Obama Administration:

- David J. Hayes, who was previously Deputy Secretary of the Department of Interior under the Clinton Administration and was personally vested in the Riverside County MSHCP, was appointed as Deputy Secretary for the Department of Interior.
- Former Colorado Senator Ken Salazar, previously Colorado's Attorney General and is a Water Environment Attorney, was appointed as the Secretary of the Department of Interior.
- Nancy Sutley, previously Los Angeles City Deputy Mayor for Energy and Environment and also served on the California Water Resources Board, was appointed as the White House Council for Environmental Quality.
- Carol Browner, who served on the Clinton Administration, from 1993 to 2001, as head of the Environmental Protection Agency, was appointed as Energy Coordinator.

With regards to the Stimulus Bill, David Kennett believed that funds may be available to be used towards land acquisition.

Gary Thomasian iterated the goal of the RCA as it related to land acquisition and asked if this Administration is apt to relinquish funding for land acquisition. David Kennett responded that RCA has a much better likelihood to secure funds from this Administration.

Gary Thomasian asked about working with agencies such the Bureau of Land Management, CDFG, USFWS with regards to management of the reserve lands, once acquired by the RCA. David Kennett said that at some point, there may be ability for inter-agencies to work together but he noted the agencies have different regulations that they follow.

On behalf of the RCA Board, Chairman Buster thanked David Kennett for his report and said that the RCA will be calling upon David Kennett's assistance to arrange future meetings in Washington, D.C.

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10. LAND ACQUISITION UPDATE

Ken Graff, Director of Land Acquisition, reported that since the last meeting of the RCA Board of Directors, an additional 213 acres were acquired bringing the total reserve assembly to approximately 43,567 acres. Also, there are 30-40 willing sellers offering their properties, if the RCA has funds.

11. ITEMS FOR NEXT MEETING

No additional items for discussion at the next meeting were suggested by the Board Members.

At this time, Steve DeBaun, Legal Counsel, announced that Closed Session Item No. 12B, related to potential exposure to litigation regarding the San Jacinto River Ranchos acquisition.

12. CLOSED SESSION ITEMS:

- 12A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Subdivision (a) of Government Code Section 54956.9
- **Case No. RIC 493432**
 - **Case No. RIC 493433**

After Agenda Item 12A, Legal Counsels Steve DeBaun, Michelle Ouellette, and Ward Simmons left the meeting.

- 12B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to Subdivision (b) of Government Code Section 54945.9
Exposure to Litigation
Number of Potential Cases: One (1)

After the Closed Session, Chairman Buster reconvened the meeting. There were no announcements from the Closed Session items.

