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## **MEETING MINUTES**

**Monday, March 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 1:04 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  
Maryann Edwards  
Jordan Ehrenkranz  
Frank Hall  
Jim Hyatt  
Robin Lowe  
John Machisic  
Melissa Melendez  
Andy Melendrez  
Eugene Montanez  
Jeff Stone  
John Tavaglione  
Gary Thomasian  
Roy Wilson  
Mark Yarbrough

#### **Board Members Absent**

Larry Dressel  
John Mansperger

### **3. PUBLIC COMMENTS**

There were no public comments.

## RCA BOARD OF DIRECTORS MINUTES

Page 2 of 5

March 2, 2009

### 4. BOARD MEMBER ANNOUNCEMENTS

Chairman Buster reported that a number of incoming RCA Board and Alternate members attended the workshop/orientation which is an indication of interest in the RCA and other agencies of Riverside County. He expressed his appreciation to RCA staff for setting up the workshop/orientation and the new members for their attendance.

### 5. ADDITIONS/REVISIONS

It was requested that Agenda item No. 12B, *Closed Session – Conference with Legal Counsel: Anticipated Litigation*, be removed from the agenda.

### 6. APPROVAL OF MINUTES

Under Agenda Item Nos. 6 and 8.2, Board Member Melinda Melendez noted a correction of her last name. It should be Melendez, **not** Melendrez.

***M/S/C (LOWE/MELENDEZ) to approve the minutes of February 2, 2009, as corrected.***

### 7. CONSENT CALENDAR

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

#### **7.1 MSHCP LOCAL DEVELOPMENT MITIGATION FEE ANNUAL CPI ADJUSTMENT FOR FISCAL YEAR 2009-10**

1. Approve not implementing the CPI adjustment for Fiscal Year 2009-10; and
2. Direct staff to inform the County and Cities of this action.

### 8. DISCUSSION ITEMS

#### **8.1 ADOPTION OF 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**

Honey Bernas, Director of Administrative Services, reported on the proposed changes to the weighted voting section of the bylaws. All business transactions and official actions of the RCA Board require a majority vote. A provision in the

## RCA BOARD OF DIRECTORS MINUTES

Page 3 of 5

March 2, 2009

bylaws provides that any Board Member can request a weighted vote on any action. The request for a weighted vote shall occur immediately after the action and before the next item on the agenda. In order for a weighted vote to pass, three tests must be met: 1) Approved by a majority of the Board members present at the meeting representing the County of Riverside Board of Supervisors; 2) Approved by a majority of the Board members present at the meeting representing the cities; and, 3) Approved by Board members present at the meeting representing the Cities that represent a majority of an equal combination of population and the number of acres currently within the Criteria Area in the incorporated areas of the members Cities (as noted in the staff report). The method for calculating the weighted vote section is being proposed to be changed **from** the number of acres within the Criteria Area anticipated to be conserved **to** the number of acres in each of the Criteria Area in each of the incorporated areas. Amendment No. 3 to the JPA necessitated changes to the acreage values. The original methodology to establish acreage values during development of the MSHCP Plan was not documented and could not be recreated. The change in the methodology will provide staff a verifiable, documented and reproducible methodology for any future updating of the weighted vote table. She then presented the acreage within criteria cells for each of the Member agency, including Menifee and Wildomar, as well as a sample of the weighted vote form.

In response to Chairman Buster's question on the effect to the methodology if a city or county representative/alternate is absent when a weighted vote is called, Steve DeBaun, Legal Counsel, said the population and the acreage within that agency will drop off from the calculation and the formula will be recalculated with the total remaining at 100%.

***M/S/C (ASHLEY/THOMASIAN) to adopt 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.***

### 9. EXECUTIVE DIRECTOR'S REPORT

#### 9.1 Permittee Training Scheduled for March 25, 2009, from 1:00 to 5:00 p.m.

Charlie Landry, Executive Director, informed the RCA Board of Directors that permittee training for cities and county staff has been scheduled from 1:00 p.m. to 5:00 p.m. on Wednesday, March 25, 2009. RCA has received a number of responses from cities and county confirming their attendance at the training. Because of the overwhelming response, additional training sessions may be scheduled to accommodate all of those interested, if there is space availability problem.

## **RCA BOARD OF DIRECTORS MINUTES**

Page 4 of 5

March 2, 2009

### **9.2 Update Regarding Participating Special Entities**

Charlie Landry continued and said that regional public facility providers such as utility companies, public districts or agencies that operate their own land within the MSHCP area can apply for 'take' authorization through the MSHCP as a Participating Special Entity (PSE). In going through this process, the project must be consistent with the MSHCP and they will have to receive concurrence from the RCA, as well as the Wildlife Agencies. Part of their mitigation is to pay a mitigation fee to the RCA, which is typically a 5% fee. The regional public facility providers do not have to use the MSHCP process as they can go through the Section 7 or Section 10 consultation. However, it appears that the providers are opting to go through the MSHCP process because they believe that it is more of a streamlined process and it provides them with certainty of success. Over the last two months, the RCA has processed two PSE applications for the Southern California Edison for their Valley Hole Replacement Project in Murrieta (\$300,000 fee) and the El Casco System Project in the San Timoteo area (\$2.54 million fee). Through the MSHCP process, Southern California Edison was provided with 'take' authorizations. Staff is in the process of discussing possible PSE's with a number of regional public facility providers on a couple of projects.

### **10. LAND ACQUISITION UPDATE**

Ken Graff, Director of Land Acquisition, reported that there were no acquisitions since the last meeting, and the total acquired reserve assembly stands at 43,567 acres.

### **11. ITEMS FOR NEXT MEETING**

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

At this time, Chairman Buster adjourned the meeting to Closed Session.

**RCA BOARD OF DIRECTORS MINUTES**

**Page 5 of 5**

**March 2, 2009**

**12. CLOSED SESSION:**

**12A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**Pursuant to Government Code Section 54956.8**

**Negotiating Parties:** RCA – Director of Land Acquisition and or Designee

**Under Negotiation:** Price/Terms

<b>Item</b>	<b>Assessor Parcel Nos.</b>	<b>Property Owners</b>
1	365-270-092	Timothy W. Archer, Marlene E. Archer

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

**13. ADJOURNMENT**

There being no other items before the RCA Board of Directors, Chairman Buster adjourned the meeting. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, April 6, 2009, at 1:00 p.m., at the County Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Respectfully submitted,



Honey Bernas  
Clerk of the Board