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MEETING MINUTES

Monday, May 11, 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 1:02 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

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

Board Members Absent

Marion Ashley
John Tavaglione
Roy Wilson

3. PUBLIC COMMENTS

Vicki Long, representing the La Cresta Property Owners' Association, asked about information conveyed to her by a Code Enforcement staff member regarding a meeting being scheduled by the RCA, EPD and Code Enforcement identifying La Cresta as a habitat area and, therefore, needing to go through the California Environmental Quality Act (CEQA) or the horse trails in La Cresta will be closed. In discussing the matter with their Attorney, she was informed that CEQA does not apply to the Association. Further, if a government agency wish to acquire their horse trails,

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the governmental agency would have to do an Environment Impact Report (EIR) and go through the CEQA process. She believed that the proceeding started because of a letter from a group of La Cresta residents sent to the County of Riverside. Finally, she requested a copy of the letter.

Chairman Buster said that it is his understanding that Code Enforcement's visit to La Cresta was due to a complaint letter from La Cresta property owners. He believes this is strictly a civil matter between the property owners and does not involve the County or its agencies. He is not able to confirm this as he has not seen the letter. He will get back with Ms. Long when he receives information.

Charlie Landry, Executive Director, stated that the RCA has not received anything regarding this matter. The RCA meets with the EPD on a regular basis, and he will bring this matter up at their next meeting.

Robin Lowe and Eugene Montanez questioned the communication rendered by Code Enforcement to Ms. Long implicating the RCA and RCHCA, and requested a report back on this matter.

4. BOARD MEMBER ANNOUNCEMENTS

There were no Board Member announcements.

5. ADDITIONS/REVISIONS

There were no additions or revisions to the agenda.

6. APPROVAL OF MINUTES

M/S/C (MONTANEZ/MELENDEZ) to approve the minutes of April 6, 2009 meeting, as submitted.

7. CONSENT CALENDAR

Consent Calendar items were pulled and individual actions were taken on each of the items.

7.1 2009 ELECTION OF SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) BOARD OF DIRECTORS

M/S/C (MONTANEZ/STONE) to:

- 1. Receive the information for the SDRMA Board of Directors vacancies; and***
- 2. That RCA Board Member(s) interested in seeking election to SDRMA Board of Directors contact RCA staff by May 29, 2009***

so that the Resolution for Candidate Nomination can be prepared and submitted for approval at the next meeting.

7.2 RESOLUTION NO. 09-002, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING A GIFT OF TICKET DISTRIBUTION POLICY

Melissa Melendez said that the City of Lake Elsinore is the owner of the baseball park in Lake Elsinore. She asked Legal Counsel to clarify the policy relating to event tickets held at the baseball park.

Steve DeBaun, Legal Counsel, said that unless there is ceremonial function that an elected official is attending at the baseball park, if tickets are being sold to the general public, this would be covered under the policy. The old regulations required an elected official to declare the tickets on their Form 700. Under the new regulations and the proposed policy, the agency will need to report and post the names of the individuals receiving tickets on the Form 802.

M/S/C (MONTANEZ/STONE) to adopt Resolution No. 09-002, A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting a Gift of Ticket Distribution Policy.

7.3 HABITAT RESERVE FIRE RESPONSE AND SUPPRESSION POLICY

Jim Hyatt asked who developed the Fire Response and Suppression Policy, and Ken Graff, Director of Land Acquisition, said that the Policy was prepared in-house along with Dave Driscoll, RCA Consultant and a former Cal Fire Regional Director. The policy is designed to be generic in scope and used as a foundation toward the development of local habitat unit response plans. Once local habitat unit response plans are completed, they will be provided to appropriate agencies and officials.

Chairman Buster added that Dave Driscoll is also a member of Riverside County's Fire Hazard Reduction Task Force and is familiar with state, national and international issues regarding wildfires and planning.

Gary Thomasian asked if the local habitat unit response plan only deals with designated area(s), and Ken Graff said the plan interfaces with the reserves in the MSHCP Plan. Cal Fire and the various cities will have specific activities related to the individual habitat units, and meetings will be held with applicable agencies to discuss the local plan.

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In response to Gary Thomasian regarding the use of bulldozers in habitat areas, Ken Graff said that bulldozers are classified as the most destructive equipment to habitat. Cal Fire staff and others are trained on a regular basis in the operation of bulldozers in habitat areas. The bulldozers are used, when necessary, and the Incident Fire Commander would make the determination.

M/S/C (HYATT/MELENDREZ) to receive and file the Habitat Reserve Fire Response and Suppression Policy.

8. DISCUSSION ITEM

8.1 RECURRING CONTRACTS FOR FISCAL YEAR 2009-2010

Charlie Landry stated that in light of the anticipated revenue projections for Fiscal Year 2009-2010, the amounts of the recurring contracts were significantly reduced by approximately 27%. He reported on activities and services provided by Tom Mullen and Economics and Politics, Inc. (John Husing) as follows:

Tom Mullen

- 1) Continues to work on securing additional funding for the MSHCP;
- 2) Work on assembling a roundtable on infrastructure for the purposes of securing and increasing funding for the MSHCP from the federal government and other sources;
- 3) Coordinate with various national foundations and national environmental groups, of which many of them have been on a parallel course with the RCA. They share the same concern that the extraordinary commitments made in the private and public sectors for billions in new infrastructure for cleaner energy and safer, more efficient transportation could fall short of the goal if projects were not delivered on time and on budget;
- 4) Instrumental in setting up the California Habitat Conservation Plan Coalition, made up of most representatives of HCPs within the State of California led by The Nature Conservancy and others, to increase funding through Section 6;
- 5) Held meetings with the Assistant Secretary of the Interior, Deputy Director of the U.S. Fish and Wildlife Service, and will schedule meetings with new appointments within the new administration;
- 6) Introduced to Doug Wheeler, former California State Secretary of Resources, by Robin Lowe. Dough has been assisting Tom and RCA through this process and has provided a number of contracts to continue our dialogue.
- 7) Met with the Conservation Fund and a number of other foundations which fund environmental programs, which include the Annenberg Foundation and the Packard Foundation;
- 8) RCA lead person RCA in sharing information with the Foundations and environmental groups for the purposes of increased Habitat Conservation Plan (HCP) funding for infrastructure development; and

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- 9) Works with The Conservation Fund, a national environmental foundation, in setting a national conference entitled "The National Summit on Infrastructure Environment: Better Outcomes through Better Process" to be hosted by two Governors on September 29 through October 2, 2009, in Shepherdstown, West Virginia. The Conference will look at successful models of expedited environmental review processes such as the RCA MSHCP. Three projects will be presented: 1) RCA MSHCP and the results of the RAND Study; 2) HCP established for coverage of an Interstate Pipeline through five Midwest States; and 3) Another not yet identified project. The RAND Study is featured prominently in these discussions as the first objective study in the success of these HCPs. The MSHCP RAND Study is being analyzed by Conservation Environmental Groups throughout the United States. It is the first major objective study showing the benefits of a habitat conservation plan. The reason that the RCA engaged RAND to do the study was to have an objective third party analyze whether the Plan was effective and meeting the goals of protecting the environment while expediting infrastructure and development, and to get a better cost estimate of the Plan. It appears that the third party analysis of the MSHCP is a pretty powerful tool for the RCA in securing funding.

Economic and Politics, Inc. (John Husing)

John Husing continues to provide significant background for the RAND Study as well as provide updates and forecast for development which has a direct correlation with RCA's revenues. He is needed for continued support in providing economic background information in the discussions with the federal government for additional funding.

Jim Hyatt said that he seconded approval of Tom Mullen's contract with the understanding that quarterly reports would be submitted to the Executive Committee. He acknowledged that the Executive Committee receives verbal reports. This is the first detailed report that was presented but would like to see a written report. He recommended approval of Item 8.1 but withhold action on Tom Mullen's contract until a written report on activities and accomplishments is submitted at the next meeting.

Robin Lowe commented that Charlie Landry provided a very good report and she would appreciate receiving a written report. She added that Doug Wheeler works for a very prestigious law firm in Washington, D.C., with access and connections, and has afforded RCA with many introductions and works extremely diligently with Tom Mullen. She continued and said that Tom Mullen, as the "godfather" of the MSHCP has brought credibility to the table that many people could not bring. She appreciated the reduced cost of the contract as well as his continued relationship with the previous and current Department of Interior. David Hayes who has returned as the Deputy Secretary of the Interior is very familiar with Riverside elected officials and its MSHCP. She welcomes the conference and understands the time and effort that Tom Mullen put into it.

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Melissa Melendez said that she recognizes Tom Mullen's expertise, but his contract called for quarterly reports. However, rather than holding approval of Tom Mullen's contract, she offered a substitute motion to approve the recurring contracts as submitted, with a provision that Tom Mullen provide quarterly reports.

Maryann Edwards said that she too appreciates the expertise that Tom Mullen brings to RCA especially with his contacts in Washington, D.C., along with Doug Wheeler's credibility and access. However, the RCA Board Members have an obligation to go back to their cities and report if there are any activities and accomplishments. She believes that Tom Mullen would be pleased to report the accomplishments that he has achieved.

Chairman Buster noted that it would helpful if staff would differentiate the work activities and achievements of Tom Mullen and David Kennett, RCA Lobbyist, especially given a new Administration.

Bill Batey suggested that there should be a routine report provided by the consultants on a regular basis rather than waiting until approval of the annual recurring contracts.

At this time, Jeff Stone announced that he is actively pursuing endorsements from some of the consultants, as well as pursuing aggressive campaign funding. To date, he has not taken receipt of any campaign funds, but in anticipation of an endorsement, he is going to recuse himself from participation and action on this item.

Jim Hyatt voiced his "no" vote on Tom Mullen's contract due to the fact that despite several requests, he has not received additional information or a written report, prior to approving an extension of the contract.

Robin Lowe said that since the consultants are required to report to the Executive Director, she directed Charlie Landry to make certain that consultants abide by the requirements of their contract.

Gary Thomasian concurred with Jim Hyatt and said that consultants should meet the requirements of their contract. Additionally, noting the dramatic reduced amount of Tom Mullen's contract, he asked what the basis was for the drastic change in the amount of the contract.

Charlie Landry responded that the reduced contract cost from \$180,000 to \$96,000 for the proposed contract was based upon the economy and the services and activities proposed for next fiscal year.

M/S/C (MELENDEZ/EDWARDS) to approve the Recurring Contracts for Fiscal Year 2009-10, with the understanding that quarterly written reports will be submitted by Tom Mullen.

No: Hyatt, Thomasian

Note: Jeff Stone recused himself from discussion and action on Item 8.1, due to possible conflict of interest.

Chairman Buster directed staff to provide a report distinguishing the services and activities of Tom Mullen and David Kennett.

9. EXECUTIVE DIRECTOR'S REPORT

9.1 Update on National Summit on Infrastructure and the Environment

Charlie Landry iterated that Tom Mullen's effort in setting up the Summit was reported under Agenda Item 8.1. The Summit will be held on September 29 through October 2, in Shepherdstown, West Virginia, chaired by two Governors. The Administration is very supportive of the Summit, and environmental groups and foundations are anxious to have this as a first step towards securing funds from the federal government and other sources for infrastructure and for the HCPs. Invitation for the Summit has not yet been received and attendees from RCA have not yet been determined.

Robin Lowe said that the fact that a Summit is being set is a feat for the RCA as its MSHCP is the first in history where elected officials that have written a plan with so many stakeholders are going to be at a table with so many conservancy and foundations with monetary value to plans that could help the County, State and nationally and pave the way for better communication between local jurisdictions, States, and the federal government. Additionally, it is remarkable that this is happening in just two years.

10. LAND ACQUISITION UPDATE

Ken Graff, Director of Land Acquisition, stated that there are no new acquisitions to report and the total acquired reserve assembly stands at 43,760 acres.

11. ITEMS FOR NEXT MEETING

Jim Hyatt said that with the verbal report received from its Executive Director that perhaps RCA should list its goals and objectives, along with a plan to achieve the goals in light of the economic condition, including staffing and use of consultants.

At this time, Steven DeBaun announced the cancellation of all of the Closed Session items.

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13. ADJOURNMENT

With no other items before the RCA Board of Directors, Chairman Buster adjourned the meeting at 1:45 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled to be held on Monday, June 8, 2009, 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, flowing style.

Honey Bernas
Clerk of the Board