

*Regional Conservation Authority***CLARIFICATION OF TENETS REGARDING INFRASTRUCTURE
CONTRIBUTION TO MSHCP****Staff Contact:****Charles Landry
Executive Director
(951) 955-9700****Background:**

On February 7, 2007, the RCA Board of Directors considered a staff report and adopted a set of tenets regarding MSHCP infrastructure contributions and directed staff to work with the Cities and County to ensure that qualified infrastructure projects provide appropriate mitigation pursuant to the Plan.

The RCA has met with Permittee staffs with regard to infrastructure contributions and remittance. Staff believes we have resolved administrative issues; however, during our discussions, it became clear that the basic tenets required some clarification and amplification.

Developer-Constructed General Plan Roads: The original tenets did not address developer-constructed General Plan roads, because most Permittees believed that there were too many variables and uncertainties to apply a contribution factor based on capital costs. After further discussions with Permittee staffs, we recommend that the commercial/industrial “per acre fee” be used in calculating the contribution. Under this approach a residential developer’s obligation would be calculated as follows: the residential “per roof top fee” multiplied by the number of units plus the acreage contained in the General Plan road right-of-way (most likely the half adjacent to the development) multiplied by the commercial/industrial fee. In the case of a commercial development, the obligation would be the total acreage, including the appropriate General Plan road right of way, multiplied by the commercial/industrial fee.

Non-Transportation Linear Public Works: The Plan contemplates contributions from Permittees for the construction of “non-transportation” linear projects, such as water lines, sewer lines, and similar facilities, but it contains no contribution estimate or clear guidance for the procedure. Therefore, staff is recommending that the commercial/industrial fee be applied to such facilities.

It is important to understand that funding and implementation is a “work in progress” and we should anticipate future modifications to these tenets as we work through the issues with the Permittee staffs.

RECOMMENDATION:

That the RCA Executive Committee recommend that the Board of Directors:

- 1) Endorse the following tenets regarding MSHCP infrastructure contributions;
- 2) Direct staff to forward the tenets to the County Executive Officer and City Managers; and
- 3) Direct staff to continue to work with the County and cities to ensure that qualified infrastructure projects contribute to the Plan;


Tenets Relating to Local Infrastructure Contribution

A. TUMF: TUMF contributions to the MSHCP have been adopted that required 5% of the facility construction cost or about \$64 million over 25 years. WRCOG is maintaining a separate account for these contributions and will release funds for acquisitions at RCA’s request upon WRCOG approval.

B. City and County Roadways and Bridges Covered by the Plan: These facilities would contribute 5% of the facility construction cost subject to the following:

1. The 5% contribution applies to new facilities, or the widened portions of existing facilities for capacity enhancement.
2. Maintenance and safety projects as defined in Section 7 of the Plan are exempt from the 5% contribution.
3. For projects with multiple fund sources, the 5% does not apply to:
 - a. Portions paid for by Measure A (contribution already paid directly by RCTC).
 - b. Portions paid for by TUMF (contribution already paid directly by WRCOG).
4. Payment of federal funds is contingent on approval by the Federal Highway Administration.
5. Contributions for all Caltrans facilities are covered by the Caltrans mitigation bank, regardless of fund source(s).
6. Contributions for transportation facilities not funded by TUMF or Measure A will be remitted to the RCA upon approval of the construction contract by the Permittee.

- D. **Non-Transportation Linear Public Works:** The commercial/industrial fee will be applied to calculate the contribution.
- E. **Local Civic Projects: (i.e. parks, civic buildings, city halls, parks, libraries, juvenile facilities, jails, sewage treatment plants, fire stations, etc.):** The commercial/industrial fee will be applied to calculate the contribution.
- F. **Covered Projects by Riverside County Flood Control and Water Conservation District:** The Implementing Agreement calls for a contribution of 3% of capital costs. The funds are remitted to the RCA annually.
- G. **Developer-Constructed General Plan Roads:** The commercial/industrial fee will be applied to calculate the contribution for developer-constructed General Plan roads.

FINANCIAL INFORMATION	
In Fiscal Year 2009 Budget: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Cost: \$ None Annual Cost: \$ None
Source of Funds Revenue Accounts: Other Government MSHCP Infrastructure (769240), Other Government MSHCP Civic Projects (769260), Flood Control Covered Projects (771410), TUMF (777600).	Budget Adjustment: None From To
Approved by: 	Date: January 12, 2009