



EXECUTIVE COMMITTEE MINUTES April 15, 2009

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1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority Executive Committee was called to order by Chairman Bob Buster at 12:03 p.m. in the RCA Conference Room, 3403 Tenth Street, Suite 320, Riverside, California.

2. ROLL CALL

Committee Members Present

Bob Buster
Frank Hall
Jim Hyatt
Melissa Melendez
Eugene Montanez
Jeff Stone

Committee Member Absent

Gary Thomasian

3. PUBLIC COMMENT

There were no public comments.

4. COMMITTEE MEMBER ANNOUNCEMENTS

There were no Committee Member announcements.

5. ADDITIONS/REVISIONS

There were no additions or revisions to the agenda.

6. APPROVAL OF MINUTES

M/S/C (MONTANEZ/HYATT) to approve the minutes of the March 18, 2009 meeting of the Executive Committee.

7. 2009 ELECTION OF SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) BOARD OF DIRECTORS

Honey Bernas, Director of Administrative Services, stated that the RCA Board of Directors had expressed interest in participating in the activities of the SDRMA and staff was directed to seek opportunities to do so. Staff received notification from the SDRMA that the terms of four of their Directors will end this year, resulting in four vacancies on the SDRMA Board of Directors. She then informed the Committee Members of the requirements, role and responsibilities, time commitment, and the timetable for the election.

Eugene Montanez asked when the deadline is to submit interests for open Directors seats, and Honey Bernas said that a Candidate's Statement of Qualifications, along with an adopted RCA resolution, needs to be completed and submitted to SDRMA no later than June 10, 2009.

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

- 1) Recommend that the RCA Board of Directors receive the information for the SDRMA Board of Directors' vacancies;***
- 2) Recommend that RCA Board Member(s) interested in the SDRMA Director positions contact staff to prepare the Resolution for Candidate Nomination for approval at the RCA Board of Directors' next meeting; and***
- 3) Authorize staff to agendize this matter for the May 11, 2009 meeting of the RCA Board of Directors if a member expresses interest for candidacy.***

8. 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

Steve DeBaun, Legal Counsel, said that the Fair Political Practices Commission (FPPC) adopted new regulations regarding the distribution of gifts (tickets or passes to events) to public officials, effective February 1, 2009. In the past, public officials disclose received tickets in their respective Form 700s. However, when tickets were given to an agency and the Executive Director/Executive Officer distributed the tickets, some public officials have avoided declaring receipt of the tickets as gifts on their Form 700s. The new FPPC regulations set out circumstances under which an agency's distribution of tickets or passes to a public official does not result in a gift to the official. However, in cases wherein distribution of tickets or passes to public officials fall under the regulations as being not a gift, the agency must disclose the distribution on a Form 802 and public officials do not have to disclose tickets or passes received or distributed under the regulation on their Form 700. Tickets or

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passes received or distributed by public officials, whether they were used personally or given to an individual or organization that does not fall under the regulation may be subject to disclosure on the official's Form 700 and is subject to gift limits. Agencies distributing the tickets or passes must complete a Form 802 identifying those receiving the tickets or passes from the agency. The Form 802 must be posted on the agency's website within 30 days after distribution. The Resolution No. 09-002 that is before the Executive Committee provides RCA guidelines for distribution of tickets.

Melissa Melendez asked for clarification on handling tickets received and given away, and Steve DeBaun said that, unless the tickets were returned, the agency would post the public official's name as receiving the tickets even though the public official has given the tickets away.

M/S/C (HYATT/MELENDEZ) to:

- 1) ***Recommend that the RCA Board of Directors 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; and***
- 2) ***Authorize staff to agendize this matter for the May 11, 2009 meeting of the RCA Board of Directors.***

9. RECURRING CONTRACTS FOR FISCAL YEAR 2009-2010

Honey Bernas presented the recurring contracts for FY 2009-2010. She advised that contract amounts were reduced where appropriate.

Jim Hyatt asked what services O'Reilly Public Relations provides to the RCA, and Charlie Landry said that their service include public and media outreach, and press releases.

A discussion followed regarding the O'Reilly Public Relation's contract and the circumstances relating to O'Reilly and San Bernardino County. It was decided not to submit the recurring contract to the RCA Board of Directors for approval. It was suggested that should the agency require public relations services in the future, that the services be put out for bid.

Jim Hyatt inquired as to the status of Tom Mullen's efforts towards securing funding for the RCA and Charlie Landry said that this subject matter is covered under the Executive Director's Report, Agenda Item 11.1. At this time, although the RCA has not received additional funding, recognizing that there are hurdles along the way, progress is being made. He noted that the result of his efforts will be worth it to RCA. He noted that there is a conference scheduled in September that he hopes will be an impetus for more funding. Also, RCA is part of a coalition that Tom Mullen had originally helped set up which would increase federal funding from \$75 million

to \$100.5 million for next year. Because of these activities that are in progress, staff is proposing renewing Tom Mullen's contract.

Jim Hyatt asked about Joe Richards' contract and Charlie Landry said that for FY 2008-09, Joe Richards' contract was to review and work on administrative changes within the MSHCP. His contract is not listed as recurring contract for 2009-10.

Eugene Thomasian asked whether the \$10,000 reimbursement should be listed under Tom Mullen's contract given the fact that his expenses are reimbursable, Honey Bernas stated that the reimbursement is covered under Tom Mullen's contract.

M/S/C (HYATT/MELENDEZ) to:

- 1) Submit the proposed list of Recurring Contracts for Fiscal Year 2009-2010, except for O'Reilly Public Relations, to the RCA Board of Directors and recommend approval; and***
- 2) Authorize staff to agendize this matter for the May 11, 2009 meeting of the RCA Board of Directors.***

10. HABITAT RESERVE FIRE RESPONSE AND SUPPRESION POLICY

Ken Graff, Director of Land Acquisition, presented the Habitat Reserve Fire Response and Suppression Policy to the Executive Committee. The Policy will serve as guidelines in allowing Fire Responders to go into reserve areas to contain wild land fires. It does not, in any way, take away the Fire Incident Commander's authorities or responsibilities to protect private property, health and safety, and lives. The Policy provides detailed information regarding the nine (9) Habitat Management Units within the MSHCP and shows gate locations, roads, sensitive habitat areas and other information that would be useful to the responders as well as the reserve managers in dealing wild land fires.

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

- 1) Recommend that the RCA Board of Directors receive and file the Habitat Reserve Fire Response and Suppression Policy; and***
- 2) Authorize staff to agendize this matter for the May 11, 2009 meeting of the RCA Board of Directors.***

11. EXECUTIVE DIRECTOR'S REPORT

11.1 Update on National Summit on Infrastructure and the Environment

Charlie Landry informed the Executive Committee that the RAND Report is becoming well known as it is looked at as a first major objective study showing the benefits of habitat conservation plans. Two reasons why RCA engaged RAND to do a study were to determine: 1) Does it provide a benefit to Riverside; and, 2) Does it achieve the goal of expediting infrastructure while sustaining and protecting the environment. It appears that the third party analysis by RAND is becoming a powerful tool for the RCA. He told the Committee that an environmental roundtable at a national level is being assembled with some success for the purposes of securing additional funding for the MSHCP from the federal, state, and other sources.

He continued stating that Tom Mullen has led and is coordinating an effort to secure MSHCP funding with various national foundations and environmental groups. Many of these organizations have been on a parallel course and are heading in the same direction. There has been extraordinary commitment as far as what is occurring for infrastructure development in both private and public sectors for clean energy, safer and more transportation. The concern that everybody has is whether the budget will be on time and whether there is a budget to be able to achieve this effort. He said that as of today, there are still some environmental positions that are unfilled. RCA knows and has a connection with most of the candidates that are being considered for the positions. Doug Wheeler, a former California Secretary of Resources, has helped shape most of the policies for environmental policy including habitat conservation, has been assisting with the process for over a year and has provided a number of contacts. Through these contacts, Tom Mullen has met with The Conservation Fund and several of the foundations that provide funding for environmental programs. Information is shared with environmental groups and foundations in hopes of getting increased HCP funding and grants. The Conservation Fund is taking the lead of hosting the first national conference called National Summit on Infrastructure Environment, which is scheduled to be held the last week of September. At the conference, they will look at three successful models of expedited projects: 1) RCA's MSHCP, including the RAND Study; 2) An HCP which provides coverage for interstate pipeline through five states in the Midwest; and 3) another project. The Conference will be hosted by two Governors, and attended by the Administration as they are co-hosting the Conference. The RAND Study is featured prominently in the discussions to secure funding.

Eugene Montanez asked, with the RAND study being featured, who would be making the presentation at the conference. As of this date, it has not yet been decided, but it will mostly likely be RAND staff based on the fact that they would be the one that the participants would be interested to hear from.

12. DISCUSSION REGARDING RAND REPORT – CHAPTER 3, “VALUE OF LAND REQUIRED FOR THE MSHCP RESERVE”

Charlie Landry presented the section of the RAND Study that related to land acquisition and reserve operating costs. Based on Western Riverside County's property sales records from January 2000 to October 2007, they predicted parcel values as of mid-2007 and used the U.S. Fish and Wildlife Service Conceptual Reserve Design to value the land needed for the reserve. He then reviewed: 1) the estimated funding obligations and the target acreage by the stakeholders which include state and federal (56,000 acres), local government (56,000 acres), and private developers (41,000 acres); 2) estimate of reserve value from \$1.5 billion in 2003 to \$2.3 billion in 2007; 3) price of open space and agriculture since 2003; 4) account of land already acquired (35,000 acres at \$9,000 per acre), additional linkage parcels (41,000 acres at \$63,000 per acre), and additional linkage core parcels (77,000 acres at \$18,900 per acre); 4) route linkages to avoid developed parcels could save the RCA up to 25%; 5) land contributions through October 2007; 6) remaining local acquisition cost is dependent upon developer contributions; and, 7) forecast of operating cost of the MSHCP over its 75-year life.

Jim Hyatt asked how the monthly land acquisition updates fit into the Rand Report and Charlie Landry said that the staff report is targeting 43,000 acres. Staff is in the process of reconciling acquisitions at the early stage of the Plan. Some of the acquisitions were Sections 7 and 10 for mitigation of projects and, therefore, will need to be credited back so instead of 43,000 acres, it may be 40,000 acres.

Jim Hyatt asked if the report by Ken Graff is split up between the local government and private developers. Charlie Landry said that the breakdown is approximately 25,000 acres local and 15,000 acres state/federal.

In response to Bob Buster's question if land abutting the U.S. National Forest contributed by several developers in Temescal Valley would be credited to RCA, Charlie Landry stated that it is one of the things that staff will look into. Also, staff is trying to see if conservation easements could be obtained for lands that were set aside because of communities and its open space.

Eugene Montanez said that as an option to secure land would be for cities to assist in identifying and approaching property owners with over 1,000 acres and make some sort of arrangement to develop 25% of their property and contribute the remaining 75% when the economy picks up.

Chairman Buster and Eugene Montanez suggested that perhaps a seminar with the planning departments could be set up using the County of Riverside and the City of Murrieta to showcase the arrangement made with the developers of Murrietta Hills and Lake Nuevo projects to donate land.

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Charlie Landry said that staff will develop a training model on alternatives to secure land for conservation using no dollars and set up a seminar for the planning departments.

Chapters 4 and 5 of the RAND Study will be reviewed at the next meeting.

13. FUTURE AGENDA ITEMS

No future agenda items were suggested.

14. ADJOURNMENT

The next meeting of the Western Riverside County Regional Conservation Authority Executive Committee will be held on Wednesday, June 17, 2009, at 12:00 p.m., at the RCA Offices, 3403 Tenth Street, Suite 320, Third Floor, Riverside, California, 92501.

Respectfully submitted,



Honey Bernas
Clerk of the Board