



EXECUTIVE COMMITTEE MINUTES

May 20, 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 12:04 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

None

3. PUBLIC COMMENT

At this time, Chairman Buster welcomed Tommy Thompson, Director of Government Affairs for the Building Industry Association in Riverside.

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 April 15, 2009 meeting of the Executive Committee, as submitted.

7. AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND AHERN, ADCOCK AND DEVLIN, LLP, FOR MSHCP MITIGATION FEE ATTESTATION

Honey Bernas, Director of Administrative Services, advised the Executive Committee that in order to keep our review of the fee collections current, while completion of prior year reviews are underway, staff recommends that the current agreement with Ahern, Adcock and Devlin, LLP, be modified. The proposed amendment to RCA's contract with Ahern, Adcock and Devlin, LLP, will: 1) expand the scope of the services to include the annual performance of agreed-upon procedures for MSHCP fees, as well as civic and public infrastructure contributions, for all member agencies beginning Fiscal Year 2009; 2) extend the contract term to June 30, 2012; and, 3) increase compensation in an amount not to exceed \$75,000 annually, including authorized reimbursements, for additional work to be performed. By extending the contract term to 2012, the auditors will have sufficient time to complete their reports for the audit services ending June 30, 2011.

Eugene Montanez asked if all of the cities are now aware of the reporting requirements, specifically for civic projects. Charlie Landry, Executive Director, said that the requirements and fees for civic and infrastructure projects have been reviewed with City staff at meetings with the cities and at the training session held for City and County staff last month.

Eugene Montanez suggested that a letter be sent to each City Manager with a copy to their Community Development Director reminding them of the fee and reporting requirements for public infrastructure projects.

Jim Hyatt asked what task is being added to the auditor's agreement, and Honey Bernas said that in addition to reviewing the civic and infrastructure projects, the auditors will review the MSHCP fee collection and remittance for all Permittees for Fiscal Year 2008-09 and for two fiscal years for the Cities of Perris and Corona.

Jim Hyatt inquired if the State Water Project that was built through the City of Calimesa should have been reported to the RCA and Charlie Landry said that, in accordance with RCA Board action, those projects which were issued permits in Fiscal Year 2008-09 will be reviewed as they should have been reported to the RCA. He noted that cities should advise third parties to go through RCA for project applications not permitted through the Plan.

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

- 1) *Recommend that the RCA Board of Directors approve Amendment No. 2 to the Professional Services Agreement between RCA and Ahern, Adcock and Devlin, LLP, increasing the scope of services, extending the term, and increasing compensation; and*
- 2) *Authorize staff to agendize this matter for the June 8, 2009 meeting of the RCA Board of Directors.*

8. AMENDMENT NO. 2 TO AGREEMENT NO. 08002 BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND U.S. DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE (USFWS) FOR PARTIAL ANNUAL FUNDING OF AN INTERIM MONITORING PROGRAM ADMINISTRATOR/MONITORING PROGRAM COORDINATOR

Ken Graff, Director of Land Acquisition, stated that Amendment No. 2 will extend RCA's agreement with the USFWS to continue to provide 50% funding for a staff position to assist RCA to maintain the Monitoring Program.

Gary Thomasian noted that under Agenda Item No. 9, *Biological Monitoring Program Work Plan and Cost Estimate for FY 2009-10*, lists a Monitoring Program Coordinator position and he asked whether the USFWS submits a report to the RCA.

Ken Graff pointed out that in order to continue the USFWS position, a Board action is needed. Agenda Item No. 9 relates to the Biological Monitoring Program Work Plan and includes a listing of staff, supplies, operating expenses and equipment. The Monitoring Program Coordinator position is listed as a budget line item.

Charlie Landry stated that the culmination of the monitoring services provided by USFWS and others are published in the Annual Report.

In response to Gary Thomasian as to the protocol followed for studying habitat, Charlie Landry said that the protocol followed for listed species has already been established by USFWS.

Karin Cleary-Rose, USFWS, added that in most cases, the protocol set by the USFWS is followed. However, there are instances where the protocol is modified depending upon the absence or presence of species in a particular area. The Plan includes core areas for various species and, therefore, the entire conservation area will need to be surveyed.

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Gary Thomasian asked if Dudek biologists work with USFWS in conjunction with monitoring, and Karin Cleary-Rose said that the services that Dudek provide RCA fall under Plan Implementation. The Monitoring Program addresses requirements under the Plan for already conserved land.

Charlie Landry said that city and county determinations on discretionary permits for a property within criteria area/cells are submitted to a RCA to ensure compliance with MSHCP criteria and other requirements. The HANS/JPRs include biological surveys and assessments and RCA relies on Dudek biologists' expertise to review them.

Gary Thomasian asked if there are conflicts on HANS/JPR determination by the USFWS, Charlie Landry said since RCA will be looking at infrastructure and development, there may inherently be future conflict with USFWS. RCA will interpret the Plan requirements and make its determination. He added that RCA holds a monthly meeting with USFWS and CDFG and any concerns or issues are discussed at these meetings.

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

- 1) Recommend that the RCA Board of Directors approve Amendment No. 2 to Agreement No. 08002 between the RCA and USFWS to provide partial annual funding for an interim Monitoring Program Administrator or Monitoring Program Coordinator; and***
- 2) Authorize staff to agendize this matter for the June 8, 2009 meeting of the RCA Board of Directors.***

9. BIOLOGICAL MONITORING PROGRAM WORK PLAN AND COST ESTIMATE FOR FISCAL YEAR 2009-10

Ken Graff presented the FY 2009-10 Biological Monitoring Program and reviewed the: 1) staff composition; 2) specific tasks; 3) monitoring activities; 4) schedule; and, 5) the program cost estimate in the amount of \$1,049,828 for Fiscal Year 2009-10. He then complimented USFWS staff for their efforts conducting the biological surveys.

Eugene Montanez inquired whether RCA has experienced any difficulty being reimbursed by the State given the current state of the economy. Karin Cleary-Rose responded that since the task is directly funded by the State, no reimbursement is required. However, given the current State budgetary constraints, any program is vulnerable, and it has already affected staffing, the internship program, and equipment. She then reviewed the make-up of the field crew.

Eugene Montanez is concerned that the budget situation will affect field positions and Charlie Landry pointed out that the field positions are filled predominantly by SAWA staff through the RCA contract.

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

- 1) ***Recommend that the RCA Board of Directors approve the Biological Monitoring Program Work Plan and Cost Estimate for Fiscal Year 2009-10 in the amount of \$1,049,828; and***
- 2) ***Authorize staff to agendize this matter for the June 8, 2009 meeting of the RCA Board of Directors.***

10. RESOLUTION NO. 09-003 APPROVING THE FISCAL YEAR 2009-10 OPERATING AND CAPITAL BUDGET FOR THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Honey Bernas presented the proposed FY 2009-10 Operating and Capital Budget of the RCA. Staff prepared the proposed budget using cost allocation assumptions endorsed by the RCA Board as its guiding principle. The appropriations are distributed as follows: Administration 2.18%, Land Acquisition 92.22% and Management/Monitoring 5.60%. The proposed budget anticipates a 74% decrease in overall revenue projections from last year's budget, no new hires and no cost of living adjustments. Appropriations for salaries and benefits were decreased by 20%, supplies and services by 27% and contracts by 34% for an overall reduction of 69% in budgeted appropriations compared to last fiscal year. The projected cash balance as of June 30, 2009 is \$14.6 million, and the projected balance as at June 30, 2010 is \$7.1. In summary, the proposed budget consists of \$27.6 million revenues, \$35.1 million in expenditures and a \$7.5 million draw on cash (land acquisition).

Eugene Montanez asked the effects will be on approved land acquisitions if revenues are less than expected. Charlie Landry said that staff will need to renegotiate with the property owners. However, staff has been very cautious in its assumption for incoming revenues and it is hoped that the economy will show improvement next fiscal year, resulting in more revenue than budgeted.

In response to Jim Hyatt's inquiry about the difference from the previous year's budget under the Donations, Grants, and Contributions line items, Honey Bernas stated that the difference shown under the Donations line item for FY 2009-10 is due to the anticipated transfer of 14 parcels owned by the County to RCA. Charlie Landry added that staff anticipated no grants or contributions for the next fiscal year.

