



**MINUTES  
EXECUTIVE COMMITTEE  
May 20, 2010**  
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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 Gary Thomasian at 12:04 p.m. in the RCA Conference Room located at 3403 Tenth Street, Suite 320, Riverside, California.

**2. ROLL CALL**

**Committee Members Present**

Jim Hyatt  
Melissa Melendez  
Eugene Montanez  
Gary Thomasian

**Committee Member Absent**

Marion Ashley  
Bob Buster  
Jeff Stone

**3. PUBLIC COMMENT**

There were no public comments.

**4. COMMITTEE MEMBER ANNOUNCEMENTS**

There were no Committee member announcements.

**5. ADDITIONS/REVISIONS**

Copies of revised Agenda Item No. 9, *Fiscal Year 2009-10 Third Quarter Financial Report*, were distributed to the Executive Committee members.

**6. APPROVAL OF MINUTES**

***M/S/C (HYATT/MELENDEZ) approve the minutes of the April 21, 2010 Executive Committee meeting, as submitted.***

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### **7. PROFESSIONAL SERVICES AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND THE SANTA ANA WATERSHED ASSOCIATION (SAWA)**

Ken Graff, Director of Land Acquisition, stated that RCA has contracted with SAWA for five years and the current contract will expire in June 30, 2010. This item is to reissue the contract for one year. He then reviewed the scope of services that SAWA provides RCA. He noted that the proposed agreement includes the creation of an Administrator position; the position previously provided by the California Department of Fish and Game (CDFG). The "not to exceed" amount will be increased when the agreement between RCA and CDFG regarding the State Wildlife Grant (SWG) funds is finalized.

In response to Melissa Melendez' question on anticipated change to the contract, Ken Graff stated that RCA's funding commitment will be remain at \$680,110. However, the contract amount currently does not include the SWG funds. It was decided not to include the SWG funds in the contract until the agreement between the State and RCA was processed and approved.

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

- 1) Recommend that the RCA Board of Directors approve, pursuant to Legal Counsel review and approval, the Professional Services Agreement between the Western Riverside County Regional Conservation Authority and the Santa Ana Watershed Association; and***
- 2) Direct staff to agendize this matter for the June 7, 2010 meeting of the RCA Board of Directors.***

### **8. RETAINER AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND HOGAN LOVELLS US LLP (DOUG WHEELER)**

Charlie Landry, Executive Director, stated that this item is to retain Doug Wheeler to assist RCA in its efforts to establish a federal loan program. He provided a background of Doug Wheeler's credentials working on natural resources and environmental issues, his work at the Department of Interior, and his tenure as California's Secretary of Resources. In addition, he worked on the development of the Natural Community Conservation Planning (NCCP), which is the State component of Riverside's Habitat Conservation Plan (HCP). He is currently with the firm of Hogan Lovells. Mr. Wheeler he has assisted the RCA without compensation

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for the past two years. He was involved in the meetings with Congressional delegates' staff in Washington for the preparation of legislation language for the loan program. It is anticipated that the legislation will be introduced no later than 2012, with funding availability in 2013, and execution of the legislation no later than 2014. He stated the significance of retaining Doug Wheeler's services in order to proceed with the developing the language of the loan legislation and to drive it through each of the congressional committees.

Eugene Montanez asked about the possibility that other habitat conservation agencies contribute in funding this effort since they may benefit from it. Charlie Landry said that, at this time, the other agencies have not been involved with the process because this is envisioned as a pilot loan program looking at four to five HCPs nationally. It is uncertain whether other programs can be identified as partners since our HCP is so far ahead of others.

Melissa Melendez said that she understands that Doug Wheeler has been providing "pro bono" assistance to the RCA for the past two years and now is requesting a contract. She asked if there was inference during the past two years of a future contract.

Charlie Landry clarified that there was no understanding or insinuation of a future contract given to Doug Wheeler. Mr. Wheeler assisted RCA over the past two years because he is a proponent of transportation and infrastructure. His level of effort on the loan program is of such a magnitude that he has requested compensation for future work. The scope of his service will include drafting legislation language, working with Congressional delegates and federal agencies regarding the loan program.

Eugene Montanez said that he sees no problem with the contract assuming that the RCA receives something in return. It would seem that when the HCPs are identified, that those HCPs should compensate RCA for some expenditures used to set up the loan program.

Jim Hyatt stated that the proposed agreement is for one year but it does not include a provision wherein RCA may cancel the agreement during the term of the contract if they see that progress is not being achieved. He requested that a provision be included that RCA may cancel the agreement upon 30 day written notice.

In response to Chairman Thomasian about a need for the Consultant to provide quarterly progress reports, Charlie Landry said that this could be added to the agreement.

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Melissa Melendez said that she is familiar with the way business is conducted and the importance of having someone with connections with access at the various governmental offices. However, currently RCA has a Lobbyist and a Consultant already under contract to provide federal-related services and now, staff is proposing to add another. She stated that she is not comfortable about compensating another Consultant when RCA has two consultants already under contract especially with the current fiscal condition.

As requested, Charlie Landry reviewed the value of loan program and its significance to the RCA to acquire reserve land. He reported on the Washington, D.C., trip where meetings were held with Senator Dianne Feinstein's office, Department of Interior staff and with Jeff Shockey, Appropriations Committee Minority Staff Director, to work on the language of the bill.

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

- 1) Recommend that the RCA Board of Directors approve, pursuant to Legal Counsel review and approval, the Retainer Agreement, which includes cancellation and quarterly reporting provisions, between the Western Riverside County Regional Conservation Authority and Hogan Lovells US LLP; and***
- 2) Direct staff to agendize this matter for the June 7, 2010 meeting of the RCA Board of Directors.***

***NAY: Melendez***

### **9. FISCAL YEAR 2009-10 THIRD QUARTER FINANCIAL REPORT**

Honey Bernas, Director of Administrative Services, reviewed the Fiscal Year 2009-10 Third Quarter Financial Report. The cash balance at July 31, 2010 was \$16,900,000 with \$11,700,000 in expenditures as of March 31, 2010, leaving a cash balance of \$11,500,000. MSHCP revenue for the first three quarters was 23% higher than estimated in the budget. As of March 31, 2010, in Operations, revenue was \$1,002,237, with expenditures of \$366,432, and a net operation position of \$635,805. The year-end projection for net operating position in Operations is \$631,609. In Land Acquisitions, revenue was \$14,679,062, with expenditures of \$20,075,783. The year-end projected draw on cash is \$7,110,896. A budget adjustment will be necessary prior to year-end. However, staff is awaiting an appraisal report for the CALMAT donation prior to submitting.

In response to Melissa Melendez for clarification on the item noted as Lobbying (To Be Determined) for \$100,000, Charlie Landry said that this was on the budget as there may be needs such as on the Section 6 funding amendment, but staff does not anticipate expending the funds.

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

- 1) ***Recommend that the RCA Board of Directors, receive and file the Fiscal Year 2009-10 Third Quarter Financial Report; and***
- 2) ***Direct staff to agendize this matter for the June 7, 2010 meeting of the RCA Board of Directors.***

**10. RESOLUTION NO. 10-005, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING AN ECONOMIC STABILIZATION POLICY**

Charlie Landry stated that this item is response to RCA Board direction to develop a policy which would establish a minimum cash level to provide the ability for RCA to continue its operations. The proposed policy establishes a minimum cash level of \$9 million to maintain minimum RCA operations for approximately 18 months. Operating guidelines are also included in the policy should the cash level decline below the minimum level. RCA will not enter into new purchase and sale agreements for land acquisition unless the minimum cash level is restored or unless there is specific direction from the RCA Board. Staff will continue to accept land donations and pursue opportunities for grant funds.

In response to Jim Hyatt as to RCA's commitments in the future, Charlie Landry said that staff will present a report on projections for the next three years at the Board Workshop. Staff is not planning new acquisitions except for those funded by Section 6 funds, land donations or HANS identified projects.

Melissa Melendez asked about the appropriateness of the last sentence under No. 4 Exception, "*Any extension of closing dates will also seek to comply with the time constraints...*" It was determine to strike out will also seek to from the sentence.

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

- 1) ***Recommend that the RCA Board of Directors approve Resolution No. 10-005, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority adopting an Economic Stabilization Policy; and***
- 2) ***Direct staff to agendize this matter for the June 7, 2010 meeting of the RCA Board of Directors.***

**11. SEMI-ANNUAL REPORT OF MSHCP MANAGEMENT ACTIVITIES**

Ken Graff, Director of Land Acquisition, said that this report is resubmitted to make the appropriate changes suggested by the Executive Committee to include detailed description of services performed by the Park District staff.

***M/S/C (MONTANEZ/MELENDEZ) to:***

- 1) Recommend that the RCA Board of Directors receive and file the Semi-Annual Report of MSHCP Management Activities; and***
- 2) Direct staff to agendize this matter for the June 7, 2010 meeting of the RCA Board of Directors.***

**12. MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND THE RIVERSIDE-CORONA RESOURCE CONSERVATION DISTRICT (RCRCD) COORDINATING HABITAT MANAGEMENT FOR RCRCD LANDS AND POTENTIAL RESTORATION FOR RCA LANDS**

Ken Graff said that the RCRCD is a non-Party who manages multiple conservation easements and owns fee title to lands for conservation purposes. Entering into an MOU will ensure that the RCRCD Public/Quasi-Public (PQP) Lands will qualify as PQP Lands pursuant to the MSHCP, qualify as mitigation lands under the MSHCP, allow RCRCD to conduct enhancement, restoration or other similar activities on RCA-owned properties which activities may be related to RCRCD's jurisdictional waters in-lieu fee mitigation program, and to confer "take" to RCRCD, pursuant to the Implementing Agreement, in order to conduct management activities.

Jim Hyatt noted a correction in the first paragraph of the MOU Recitals that there should be sixteen cities rather than fourteen cities, as stated. Staff will make the correction to the MOU.

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

- 1) Recommend that the RCA Board of Directors approve the MOU between the Western Riverside County Regional Conservation Authority and the Riverside-Corona Resource Conservation District and authorize the Executive Director, pursuant to Legal Counsel review and approval, to execute said agreement on behalf of the Authority; and***
- 2) Direct staff to agendize this matter for the June 7, 2010 meeting of the RCA Board of Directors.***

**13. EXECUTIVE DIRECTOR'S REPORT**

**13.1 Update Regarding Funding**

Charlie Landry reviewed the progress on the Section 6 local match issue. He said that a meeting was held with the Department of Interior and they indicated that there would be a California solution for the match issue before the next funding cycle, which is in August. Because of the uncertainty that the remedy will be in place, language is being inserted in an Appropriations bill that local match may be used, if the agency is a National Community Conservation Planning (NCCP) agency or equivalent which would apply to RCA.

**13.2 Update Regarding RCA/CAL FIRE Cooperative Project**

Ken Graff presented a report on RCA activities with CAL FIRE, Riverside County Fire Department, Riverside Community College Fire Academy and City Fire Departments as it related to vegetation management and weed abatement, condition and evaluation of RCA parcels with structures, and use of structures to be demolished for fire training. He said that RCA saved an estimated \$18,000 in demolition costs through reduced equipment, dumping, labor, and overhead expenses. The effort provided the fire trainees introduction to habitat reserves of the MSHCP and assisted them in combating wildfires in Riverside County.

Jim Hyatt said that Calimesa's Historical Society has discussed the possibility of preserving Dorothy Lamour's house as it is the oldest known adobe-built house, and he asked if the area is covered by CAL FIRE/fire departments. Ken Graff stated that the house is recognized with some historical significance and it is protected.

**14. FUTURE AGENDA ITEMS:**

Jim Hyatt spoke about community interests regarding the protection and preservation of Live Oaks. He then asked staff, if at some time, RCA may spearhead a conservation group for this purpose.

Ken Graff said that this has been discussed at meetings with trails associations from four cities and the County. RCA staff will be glad to work with them.

Eugene Montanez stated that one of things that they are doing for the Santa Ana River Trail is to form a Foundation. Thereupon sub-chapters could be formed at any time. He suggested that an item on formation of community groups be placed at a future agenda item for RCA Board.

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At this time, the Executive Committee adjourned to Closed Session.

**15. CLOSED SESSION ITEM:**

- 15A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Subdivision (a) of Government Code Section 54956.9
- RIC 10004733
  - RIC 530137

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

**16. ADJOURNMENT**

There being no other items before the Executive Committee, the meeting was adjourned at 1:25 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Executive Committee will be held on Wednesday, June 16, 2010, at 12:00 p.m., at the Riverside Centre, 3403 Tenth Street, Suite 320, Third Floor, RCA Conference Room, Riverside, California, 92501.

Respectfully submitted,



Honey Bernas  
Clerk of the Board