



**REVISED**  
**MINUTES**  
**EXECUTIVE COMMITTEE**  
**April 21, 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**

Marion Ashley  
Bob Buster  
Jim Hyatt  
Melissa Melendez  
Eugene Montanez  
Gary Thomasian

**Committee Member Absent**

Jeff Stone

**3. PUBLIC COMMENT**

Karen Cleary-Rose, U.S. Fish and Wildlife Service (USFWS), stated that under the terms of the MSHCP, the California Department of Fish and Game (CDFG) is charged with administration of the Biological Monitoring Program. She reviewed the staffing and funding changes over the years to administer the Program. Before the Executive Committee is a contract for RCA to utilize the grant funds that CDFG received from USFWS to provide staff, equipment and a Monitoring Program Administrator. RCA will contract with Santa Ana Watershed Association (SAWA) to fill the Administrator position. She then introduced Adam Malisch of SAWA, who will ~~fill~~ perform the Administrator duties for the Biological Monitoring Program.

Adam Malisch said that he has worked on the Monitoring Program for the past five years. He received a Masters Degree from the University of California at Riverside. His position as Administrator of the Biological Monitoring Program was effective May 10, 2010.

**4. COMMITTEE MEMBER ANNOUNCEMENTS**

There were no Committee member announcements.

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### 5. ADDITIONS/REVISIONS

Honey Bernas, Director of Administrative Services, presented the following revisions:

- Agenda Item 6, Minutes, Page 4, 1<sup>st</sup> Paragraph, last sentence, should be revised as “*The programs being looked at are facsimiles of programs that have been established for other purposes.*”
- Agenda Item 10, Biological Monitoring Program Work Plan Staff Report, 2<sup>nd</sup> Paragraph, 3<sup>rd</sup> sentence, should read “... *Federal State Wildlife Grant funding in the amount of \$634,205.00...*” Page 10 next to last line should read “*Minus State Wildlife Grant in the amount of \$634,205.00.*”
- Agenda Item 11, Recurring Contracts - Santa Ana Watershed Association (SAWA), the redlined agreement basically points out that SAWA employees will remain as such; and
- Agenda Item 12, Fiscal Year 2010-11 Operating and Capital Budget Staff Report, 3<sup>rd</sup> paragraph, last sentence, should be, “... *increase by approximately \$5 million...*”

### 6. APPROVAL OF MINUTES

***M/S/C (MONTANEZ/HYATT) to approve the minutes of the March 17, 2010 Executive Committee meeting, as corrected.***

### 7. AMENDMENT NO. 3 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 stated, this item is to amend the agreement with Ahern, Adcock and Devlin to increase the total compensation by \$15,000, from \$123,000 to \$138,000, to cover unanticipated activities that were not included in the original scope of the agreement; such as difficulties encountered during the audits, increase in the number of County departments to be audited, preparation of presentation for the RCA Audit Ad Hoc Committee, and attendance of meetings.

Eugene Montanez asked about the duration of the agreement and Honey Bernas said that the agreement was for five years ending in 2012. She noted that the proposed amendment cost is not to exceed \$138,000, rather than specifically naming the number of permittees to audit and amounts expended per permittee. She then discussed difficulties encountered gathering records from member agencies by the auditors.

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Jim Hyatt suggested that staff contact RCA Board Members when they are experiencing difficulties obtaining records from their respective agencies. In response to Jim Hyatt's question if the agreement with Ahern, Adcock and Devlin included audits of the two new cities as well as the possibility of adding another city to audit, Honey Bernas responded that the agreement includes audit of all RCA member agencies.

Charlie Landry, Executive Director, stated that staff presents and reviews audit concerns with the Audit Ad Hoc Committee. Also, staff meets with appropriate City Managers to review the findings and recommendations of the audit.

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

- 1) Recommend that the RCA Board of Directors approve Amendment No. 3 to the Professional Services Agreement between the RCA and Ahern, Adcock and Devlin, LLP; and***
- 2) Direct staff to agendize this matter for the May 3, 2010 meeting of the RCA Board of Directors.***

### **8. AMENDMENT NO. 6 TO COOPERATIVE AGREEMENT NO. 070100 BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND THE SANTA ANA WATERSHED ASSOCIATION (SAWA)**

Ken Graff, Director of Land Acquisition, reviewed the amendment to the agreement with SAWA. He said that the California Department of Fish and Game (CDFG) had been unable to fill the Monitoring Program Administrator position and most recently, the position was filled and funded 50/50 by RCA and the U.S. Fish and Wildlife Service (USFWS). A meeting was held between RCA and CDFG to discuss the staffing arrangement and it was concluded that the Monitoring Program Administrator position can be filled with a SAWA employee, who has worked on the Monitoring Program for five years. At the same time, he can be responsive to both RCA and CDFG while supervising the SAWA workforce. While the proposed amendment agreement will increase by \$17,000, the increased cost will be funded using savings from the early termination of the USFWS contract. The proposed amendment to SAWA's agreement is for the remainder of the fiscal year. An agreement with SAWA for Fiscal Year 2010-11 will be presented at the next meeting.

Michelle Ouellette, Legal Counsel, reported on the changes on the redlined agreement distributed to the Executive Committee members. Basically, the employees working on the Monitoring Program will remain as SAWA employees.

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***M/S/C (BUSTER/ASHLEY) to:***

- 1) ***Recommend that the RCA Board of Directors approve redlined Amendment No. 6 to the Cooperative Agreement No. 070100 between the RCA and SAWA; and***
- 2) ***Direct staff to agendize this matter for the May 3, 2010 meeting of the RCA Board of Directors.***

**9. RESOLUTION NO. 10-003 AUTHORIZING A CONTRACT WITH THE CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG) FOR MONITORING PROGRAM OVERSIGHT**

Ken Graff reported that this item is for a grant (\$901,161) received by the California Department of Fish and Game from the U.S. Fish and Wildlife Service (USFWS) for administration of the Biological Monitoring Program. The proposed contract with the RCA will provide staff and equipment as well as develop a long-term monitoring strategy for the Program.

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

- 1) ***Recommend that the Board approve Resolution No. 10-003, A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing a Contract with the California Department of Fish and Game for Monitoring Program Oversight; and***
- 2) ***Direct staff to agendize this matter for the May 3, 2010 meeting of the RCA Board of Directors.***

**10. BIOLOGICAL MONITORING PROGRAM WORK PLAN AND COST ESTIMATE FOR FISCAL YEAR 2010-11**

Ken Graff presented the Work Plan and the Fiscal Year 2010-11 Cost Estimate for the Biological Monitoring Program. He iterated a correction to the item wherein the Federal State Wildlife Grant funding is \$634,205 rather than \$636,908.

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

- 1) ***Recommend that the Board approve the Biological Monitoring Program Work Plan and Cost Estimate for Fiscal Year 2010-11; and***
- 2) ***Direct staff to agendize this matter for the May 3, 2010 meeting of the RCA Board of Directors.***

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### **11. RECURRING CONTRACTS FOR FISCAL YEAR 2010-11**

Honey Bernas reviewed the scope of services and contract amounts for Fiscal Year 2010-11 for the following recurring contracts: 1) David Driscoll; 2) David Kennett - Capitol Alliance Consulting; 3) Dudek & Associates; 4) Geographics; 5) Naty Kopenhaver; 6) Riverside – Corona Resource Conservation District; 7) Santa Ana Watershed Association; and, 8) Thomas B. Mullen. She noted that the number of recurring contracts was reduced and the overall amount of the proposed contracts was reduced by 18.4% from last year.

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

- 1) Recommend that the Board approve the Recurring Contracts for Fiscal Year 2010-11; and***
- 2) Direct staff to agendize this matter for the May 3, 2010 meeting of the RCA Board of Directors.***

### **12. RESOLUTION NO. 10-004 ADOPTING THE FISCAL YEAR 2010-11 OPERATING AND CAPITAL BUDGET FOR THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY**

Honey Bernas presented the proposed Fiscal Year 2010-11 Operating and Capital Budget for the RCA. The proposed budget reflects: 1) A projection of an 21% decrease in revenues compared to FY 09-10; 2) 5% increase in MSHCP Development Mitigation Fee revenue; 3) Approximately 59% donation decrease; 4) Increase of approximately \$5 million in grant funding, which includes the \$0.6 million State Wildlife Grant funds for FY 2011; 5) 50% decrease in TUMF Revenue; 6) Zero Participating Special Entity Revenue; 7) Reduces both Civic and Infrastructure Revenue to \$20K each; 8) 7% decrease in Tipping Fee revenue; 8) Reduction of overall appropriations by 33.3%, a 6% increase in Appropriation 1, decrease of contracts of 32% and land acquisitions and improvements reduction of 42%. Overall, the proposed budget includes total revenue of \$19,991,108, total appropriations of \$23,413,221, depreciation (non cash expenses) of \$57,963, and draw on cash of \$3,364,150. The draw on cash funds will be used for twelve (12) acquisitions approved by the RCA Board and one (1) deed of trust. Staff used the cost allocation assumptions endorsed by the Board as the guiding principle to develop the proposed budget.

In response to Eugene Montanez' question on the source of revenues for management and monitoring, Honey Bernas said that the revenue sources are primarily tipping fees, and other sources such as Participating Special Entity revenue, infrastructure/civic projects and flood control fees.

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Marion Ashley questioned whether RCA has a reserve policy and Charlie Landry said that the proposed policy being discussed is to have as a minimum eighteen (18) months of operating funds with acquisition pushed out in later years.

Marion Ashley suggested that RCA develop a three-year projection.

Melissa Melendez asked for clarification on RCA effort regarding acquisition and Charlie Landry said that RCA will continue efforts towards acquisition but funds will not be available up front. He noted that RCA has four years to process acquisitions. The four-year process starts when the purchase price of the property is negotiated.

Jim Hyatt asked if the 6% increase under Appropriations 1 due to retirement payoffs for two employees would benefit RCA in the long run. He then asked what the 2% increase in benefits is attributed to. Charlie Landry responded that it would not be the case if both positions were filled. However, under consideration, is to fill one position and possibly contract for services for the other position. He reminded the Executive Committee that when the RCA was established, it was proposed that the agency be staffed with twenty-five (25) positions. Honey Bernas added that the 2% benefit increase is mostly due to an increase in unemployment insurance.

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

- 1) Recommend that the Board approve Resolution No. 10-004, A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting the Fiscal Year 2010-11 Operating and Capital Budget; and***
- 2) Direct staff to agendize this matter for the May 3, 2010 meeting of the RCA Board of Directors.***

### **13. EXECUTIVE DIRECTOR'S REPORT**

#### **13.1 RCA Board Workshop**

The RCA Board Workshop will start at 9:00 a.m., on Monday, May 3, 2010 at the County of Riverside Administrative Center, Auditor-Controller's Conference Room, 4080 Lemon Street, 11<sup>th</sup> Floor, Riverside, California.

**13.2 Section 6 and Funding Update**

- Recently, RCA received a donation from Vulcan Materials aka CALMAT. The donation will be used for Section 6 as local match for the Reynolds property and other properties. The process to utilize Section 6 funds starts with the approval of the Wildlife Conservation Board (WCB). The problem that RCA is faced with, as it related to the Reynolds property, is that it is scheduled to close in August and this item did not make it to the WCB agenda. This was because the Department of General Services has not completed their review of the appraisal.
- California Fish and Wildlife staff supports RCA's position regarding the requirements to use Section 6 local match funds. Nonetheless, Senator Dianne Feinstein's office is moving forward with legislation to change the language. At this time, it is not certain if it will be as a continuing resolution or in appropriation legislation.

**13.3 RCA Reserve Fund Policy**

It was determined to reschedule discussion of the Reserve Fund Policy until the next meeting of the Executive Committee.

**14. FUTURE AGENDA ITEMS:**

There were no future agenda items recommended by the Executive Committee members.

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**

Chairman Thomasian recused himself and left the room when RIC 10004733 came up for discussion.

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

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**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, May 19, 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