

AGENDA ITEM NO. 7

MINUTES
April 4, 2016



MEETING MINUTES

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority was called to order by Chairman Montanez at 12:30 p.m. on Monday, April 4, 2016, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

2. PLEDGE OF ALLEGIANCE

Board Member Lauritzen led the RCA Board Members and meeting attendees in a flag salute.

3. ROLL CALL - Taken by Rose Esparza, RCA Administrative Manager.

Board Members Present

Board Members Absent

<p>George Moyer, <i>City of Banning</i> Brenda Knight, <i>City of Beaumont</i> Jeffrey Hewitt, <i>City of Calimesa</i> Tim Brown, <i>City of Canyon Lake</i> Eugene Montanez, <i>City of Corona</i> Clint Lorimore, <i>City of Eastvale</i> Linda Krupa, <i>City of Hemet</i> Verne Lauritzen, <i>City of Jurupa Valley</i> Natasha Johnson, <i>City of Lake Elsinore</i> Matt Liesemeyer, <i>City of Menifee</i> Jonathan Ingram, <i>City of Murrieta</i> Kevin Bash, <i>City of Norco</i> David Starr Rabb, <i>City of Perris</i> Andy Melendrez, <i>City of Riverside</i> Crystal Ruiz, <i>City of San Jacinto</i> Maryann Edwards, <i>City of Temecula</i> Ben Benoit, <i>City of Wildomar</i> Kevin Jeffries, <i>Riverside County District I</i> Bonnie Wright, <i>Riverside County District III (Alt.)</i> Marion Ashley, <i>Riverside County District V</i></p>	<p>D. LaDonna Jempson, <i>City of Moreno Valley</i> John Tavaglione, <i>Riverside County District II</i> John Benoit, <i>Riverside County District IV</i></p>
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4. PUBLIC COMMENTS

Chairman Montanez called for public comments on items not listed on the agenda. There were no public comments.

5. BOARD MEMBER ANNOUNCEMENTS

Chairman Montanez called for any Board Member announcements. There were no announcements.

6. ADDITIONS/REVISIONS

There were no additions or revisions to the agenda.

7. APPROVAL OF MINUTES – March 7, 2016

M/S/C (EDWARDS/KRUPA) to approve the minutes of the March 7, 2016 meeting of the RCA Board of Directors.

Ayes 19, Nays 0, Abstain 1 (WRIGHT).

8. CONSENT CALENDAR

M/S/C (JEFFRIES/BENOIT) to approve the Consent Calendar Agenda Item Nos. 8.1, 8.2, 8.3, and 8.4

Ayes 20, Nays 0

8.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR FEBRUARY 2016

Overview

This item is for the RCA Board of Directors to receive and file the Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for February 2016.

8.2 NON DEVELOPMENT HANS FUNDING LEVEL FOR FISCAL YEAR 2017

Overview

This item is for the RCA Board of Directors to direct staff to continue to set aside no more than three percent (3%) of Western Riverside Multiple

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Species Habitat Conservation Plan Local Development Mitigation Fees received, effective July 1, 2016, to purchase Non-Development HANS properties under Section 1.13 of the Land Acquisition Policies.

8.3 RESOLUTION NO. 2016-006 RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FOR ACQUISITION OF REAL PROPERTY

Overview

This item is for the RCA Board of Directors to adopt Resolution No. 2016-006, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing the Acceptance of Grant Funds for Acquisition of Real Property*. The approval shall be conditional upon the Board's approval, in closed session of the proposed purchase.

8.4 RESOLUTION NO. 2016-007 RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY RESCINDING AUTHORIZATION TO ACCEPT GRANT FUNDS FOR ASSESSING DISPERSAL AND MORTALITY OF BURROWING OWLS FOLLOWING PASSIVE AND ACTIVE RELOCATION

Overview

This item is for the RCA Board of Directors to adopt Resolution No. 2016-007, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Rescinding Authorization to Accept Grant Funds for Assessing Dispersal and Mortality of Burrowing Owls Following Passive and Active Relocation*.

9. RESOLUTION NO. 2016-003, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY REVISING ITS FEE CREDIT AND WAIVER POLICY SUPERSEDING AND REPLACING RESOLUTION NO. 05-05.

Overview

This item is for the RCA Board of Directors to adopt Resolution No. 2016-003, *Resolution of the Board of Directors of the Western Riverside Revising Its- Fee Credit and Waiver Policy Superseding and Replacing Resolution No. 05-05*.

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Honey Bernas, Director of Administrative Services, presented this item and indicated that the RCA Board of Directors directed staff to update RCA's Fee Credit and Waiver Policy.

The intent of the proposed policy is to provide Member Agencies with implementation guidance and the RCA Board authority over the fee credits and waivers. A fee credit is described in the Plan, as an incentive that Member Agencies can offer developers in exchange for dedication of land that contributes to reserve assembly. The current policy is Resolution No. 05-05 which provides that Member Agencies *may* send a fee credit request to RCA for review and comment.

Staff developed a draft policy that was distributed to Member Agencies seeking their input and suggestions. A number of valuable comments were received from several Member Agencies and the Executive Committee. The intent of the policy is to assist the Member Agencies and RCA. After several meetings, discussions and revisions, staff believes that the proposed policy is acceptable to Member Agencies and the RCA.

The proposed policy defines and Honey Bernas gave an overview of the application process, review timeline, review standards, levels of approval authority, decision and appeal process, reporting and conveyance of conservation land. She added that nothing in the proposed policy impedes or limits and Member Agency's ability to approve a fee credit agreement or Flood Control's ability to offset its mitigation payments.

Staff and the Executive Committee recommend that the RCA Board of Directors adopt this resolution superseding Resolution 05-05.

Chairman Montanez called upon Ed Sauls, representing The Sauls Company, who requested to speak on this item. Mr. Sauls asked the Clerk to distribute a letter dated April 4, 2016 to all RCA Board Members. (A copy of Mr. Sauls's letter is on file at the RCA.)

Mr. Sauls thanked the RCA Board Members for the opportunity to speak on this item. He stated that although this item may have been somewhat vetted, the purpose of the hearing is to provide the Board with some perspectives that may not have been brought to the table before. Mr. Sauls stated that everyone he knows that has dealt with this Plan since its inception in the 1990's has been well-intentioned, and it is his belief that the policy presented today was well-intended.

He stated that all wear different hats and those wearing different hats see things differently. Mr. Sauls stated that there are problems that are apparent in the proposed policy and the policy should be reconsidered. Mr. Sauls brought three hats representing

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the Board Members' roles. He presented an Angels hat which represented the RCA Board Members' position on the RCA Board, as they are in an angelic position. A City of Lake Elsinore hat represented Board Members acting as a city or county officials. A Navy hat represented Board Members' sworn roles as elected officials protecting citizens, their interests, and rights.

Mr. Sauls stated that from an Angel's perspective, the policy looked okay, but it was not clear from the presentation that there is a demonstrated need for the policy. While there may be a need, it's not clear to the public. It's not clear what problem RCA is trying to solve. He asked if the policy is really needed, if it is the best solution, and if the Board has been presented with alternatives. He suggested that the Board look for that type of direction from staff. Mr. Sauls stated that from a city perspective, this policy adds costs, time and uncertainty to the process, particularly the HANS process.

He stated that fee credits are supposed to be negotiated as part of the incentives. The prospective city is supposed to work on incentives to set aside land for free. The process in the policy kills that and may result in unintended consequences where developers may decline the fee credit and force RCA to purchase the property. Additionally, the policy puts the cities in a position where they have to ask the RCA Board for permission to use something that they already have the authority to do. If there is a problem to solve, RCA could be in a position where they simply ask the city to allow the review of the fee credits, and any problem could be elevated to the Board, which would not undermine a city's authority. Finally, the Board, in their role of protecting the citizens, is telling those who were given the HANS process for protecting their interest in this Plan that three to six months and \$5 to \$10 thousand dollars will be added to the process because of an appraisal. He stated that if the applicant does not like the appraisal, they may appeal it to the RCA Board, which is not an independent third party. He stated that is a conflict of interest and not the right way to do government. For those reasons, Mr. Sauls asked that the RCA Board pull this policy back and ask the staff to reconsider the policy. He believes there are better ways to accomplish the objective.

Board Member Jeffries thanked Mr. Sauls for his presentation on what he considers to be a constitutional issue and the right of elected officials in their entities to control their destinies. He acknowledged and extended his appreciation to Honey Bernas for working to incorporate many ideas and suggestions from his office to try to make the policy more palatable. He asked if the verbiage "Nothing in this resolution impedes or limits a Member Agency's ability to approve a fee credit agreement," does not, in real terms, just set things back to where they are today. It appears that the policy just goes full circle, implements all of these new regulations where everything goes to the Executive Director, who may or may not agree, but the Member Agency still gets to decide what it wants to do. If the RCA does not agree with what the Member Agency agrees to, at the end of the day, there is potential litigation. He asked if RCA is trying to minimize these occurrences. Honey Bernas

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answered in the affirmative and added the intent of the policy would be that RCA is aware fee credits and fee credit agreements prior to them being entered into to avoid problems after the fact. It was meant to ensure Member Agencies and the RCA to work together to ensure that fee credits are appropriate and fair. She added that a fee credit should always be based on an appraised value so ordering an appraisal should not add time to the process. Board Member Jeffries stated that he raised the same concerns expressed today and has never been comfortable having any City Council or the Board of Supervisors surrender any level of authority over to a non-appointed governing body that is not accountable to the public directly, recognizing that every member of the Board is an elected official. He asked general counsel to comment. Steve DeBaun, General Counsel, said the language was requested by one of the Member Agency's staff to provide recognition that Member Agencies retain their land use authority. It is up to the Member Agency to make the determination whether or not to enter into the credit agreement. What the remainder of the policy sets forth is the process by which RCA will evaluate the credits, value them, and determine if they are valid. An agency can go forward under their land use authority and enter into a credit agreement, but if they do so without consulting with RCA or without that approval, there could be question after the fact as to whether those are valid credits vis-a-vis the Member Agency's relationship with the RCA. Board Member Jeffries' argument is that elected bodies have the right to make mistakes, questionable judgements and decisions, but it is their right to make those decisions whether RCA agrees with them or not. He believes the one statement, "Nothing in the policy prohibits a Member Agency is from entering into a fee credit agreement..." preserves and respects that right and makes it very clear that RCA has the potential process that Member Agencies may or may not like and may or may not agree to play by in their individual jurisdictions, and he can live with that. He does not like the rest of the policy because it implies that Member Agencies are going to surrender their authority, but Section VI serves as a reminder them that they are not.

Honey Bernas thanked Board Member Jeffries and expressed her appreciation for the guidance and input he and his staff provided. She made reference to Mr. Sauls' comments regarding the appraisal process, stating that the policy refers to Section 6.1.1 of the MSHCP, which lays out the appraisal process. If a property disagrees with the valuation of property, the property owner may, at their expense, obtain a second appraisal that meets yellow book standards, and any discrepancies between the appraisals would be reviewed by a third party.

Board Member Jeffries stated that he has some heartburn with RCA's process. There is a development in his district that has a lot of challenges on its own. The developer is buying a lot of acreage to give to the RCA, is setting aside more acreage around their project, and is being required to pay a fee. It appears that RCA is getting many bites at the apple and shouldn't be. RCA can only ask so much from landowners.

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Board Member Krupa stated that this policy has created a lot of conversation in the City of Hemet. While the City is late to weigh in on the policy, she believes what is not established is how the implementation ordinance, which the City of Hemet and assumingly all members have adopted, will be revised. She believes that RCA is able get to the goal without changing the role of local control, which cities need to retain. She stated that she had no problem with the review standards and believes they are absolutely appropriate and helpful. If the policy were revised to be notification, rather than a decision-making and appeal policy where RCA is taking control, she would have less concern. The original intent of the MSHCP and the implementation was that these fee credits would be determined by the individual municipalities who have signed onto this JPA.

Board Member Ashley advised that Ed Sauls is one of the individuals representing the private industry, landowners, and developers that worked on and fought hard to get this Plan approved. He stated that RCA would not be here today if not for people like Ed Sauls who truly believes in and understands the Plan. Board Member Ashley's wants to ensure that RCA does not infringe upon private property owners' rights, nor the county or cities' sovereignty. He is of the opinion that the policy needs more work.

Chairman Montanez asked Charlie Landry to give background information on why this process to amend the policy started.

Charles Landry, Executive Director, said that the MSHCP allows the Cities and County who have land use authority to provide fee credits. The RCA does not have an enforceable policy that even requires that RCA be notified when fee credits occur. Unless the Member Agency informs RCA of a fee credit, the only way RCA is made aware is through an audit finding, which can be years afterwards and places RCA and the Member Agency in dispute after the fact. Values have to be reviewed. In some cases, land that is intended to be conveyed to RCA as part of the credit process has no value to the MSHCP. Also, for fiscal reasons, RCA needs to know what fee credits are being given ahead of time, and there needs to be some certainty to the process. This policy was mirrored as much as possible with TUMF because it's a similar type of policy. There had to be a mechanism that would get to an end as opposed to a Member Agency may coordinate.

Chairman Montanez agreed with Supervisor Jeffries' assertion that each agency is able to make their own decisions, but as Charlie Landry indicated, those decisions do come back and affect RCA as a whole. If a Member Agency agreed to take property that is unusable in exchange for fees, it would affect all the Member Agencies. RCA is not finding out about some of these credits until an audit is conducted and that has been part of the problem. Chairman Montanez stated if there's an alternative process that someone would like to propose, it would have been helpful to have received that six months ago, but this policy is not something that has to be decided upon today. The Chairman asked for recommendations for alternative ways to accomplish this, keeping in mind that if a Member Agency makes a bad decision, it affects all RCA members. The policy needs to protect the

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agency as a whole, as well as the members' in all of their roles exemplified by the hats that Mr. Sauls used. The Chairman stated that there is no urgency to adopt this policy today. He encouraged those who have issues with the policy as written to propose language that allow staff and the RCA, as an agency, to deal with this issue.

Board Member Jeffries stated that the Executive Director raised a red flag when he labeled this as an enforceable policy. It goes right back to Board Member Jeffries' point that City Councils do not report to the RCA Board. They are not accountable to the Executive Director. It is not an enforceable policy to the elected body of the city. It is a legal dispute at the end of the day, and that is all it is. Charles Landry apologized, stating it was bad terminology on his part.

Board Member Jeffries said he and Board Member Lauritzen agree that what is needed is a required reporting/notification procedure rather than a required policy.

Vice Chairman Ashley agreed with Board Member Jeffries and added that it should include uniform criteria throughout with everyone using the same procedure.

Board Member Jeffries said it should not be a policy trying to exert RCA authority over the Member Agency. It should be an adopted procedure for Member Agencies to notify RCA as to what is going on, much of which would be laid out in the exact language, but without the implication that RCA has final say over what a council does or does not do in their local jurisdiction.

Chairman Montanez asked if Board Member Jeffries was volunteering to sit on Ad Hoc Committee. Board Member Jeffries responded in the negative stating his belief that staff understands what the Board is looking for and needs to be done. He questioned if the Executive Committee understood that the Board wants an adopted policy/procedures verses a policy that directs how Member Agencies are going to run things.

Vice Chairman Ashley suggested that this agenda item be referred back to the Executive Committee to resolve the issues raised and then bring the matter back to Board.

Board Member Ingram asked, for clarification purposes, if this issue is more about understanding how RCA can create lines of communication with the cities when they are entering into fee credit agreements and have projects in the queue. Honey Bernas responded in the affirmative. He recommended creating a policy that RCA is notified when a fee credit is in the queue and not waiting three years to do an audit, which is not prudent. Audits should be yearly or quarterly, whatever it takes to ensure that RCA is aware that fee credits have happened. Fee credits may be valued at millions of dollars and have a huge impact on RCA. He suggested that the policy be referred back with the understanding that that RCA needs be able to communicate, and it is essential that RCA know what the Member Agencies and those involved with the JPA are approving.

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Board Member Ruiz said she is playing catch up. She asked what the notification process is today or if there is one. Honey Bernas responded that the Member Agencies are supposed to report all fee credits to RCA on a monthly basis. Chairman Montanez advised that it is not happening. Board Member Ruiz asked if the intent of this proposed policy is to keep fee credits in line and get the Member Agencies to commit to giving RCA the information on monthly basis. Honey Bernas answered in the affirmative and added that the other intent of the policy was to assist Member Agencies to not enter into fee credit agreements that give away RCA funds or MSHCP fees for land that does not contribute to reserve assembly. Board Member Ruiz stated that she understood that, but does not understand how this policy is going to help especially when RCA Board Members are elected officials. They work for the people and their job is to protect their city. This policy is a good idea, but it's pulling this authority away from the cities, and RCA should not be doing this. She stated that there needs to be another process or timeframe that requires consistency, but that voting on this item today is not a good idea.

Board Member Krupa advised that Resolution No. 05-05 spells out that when a Member Agency receives a request for fee credit or proposes a fee credit, such request *may* be sent to the Authority (General Manager) for review and comment. She recommended that the language be changed to state that notification *will* be sent to the RCA on a quarterly, semi-annual, or annual basis. She stated that the problem is the line of communication. Taking away local control and leaving it up to RCA is what the Board Members have an issue with. The open line of communication is imperative. The language that is already in the resolution just needs to be changed from "may" to "will" be sent and implement the standards at the same time.

Charlie Landry stated that he understood the Board's direction that the policy be changed to a coordination type policy. He believes it would be useful to keep the proposed standards that are already built into the new resolution to provide implementation guidance. He suggested that staff re-work the policy so that it is a coordination policy.

Board Member Krupa further stated that the Review Standards in Section II are absolutely appropriate. They lay out the common playing field for Member Agencies in establishing fee credits.

Chairman Montanez said another other issue is Member Agency staff turnover and education. Between RCA, RCHCA, WRCOG and other organizations, there is a lot to learn, and often historical knowledge is lost with staff changes. Even if Member Agencies notify RCA, agencies need to make sure that staff is up to speed and knows what is and what is not acceptable for property exchange.

Board Member Edwards said that having heard all of the input from the Directors, there are three issues. One is a line of communication, but it has to be more than that. If the policy

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just states that Member Agencies “will” report, rather than “may” report, what are the teeth behind the policy? What are the consequences if cities don’t report? Chairman Montanez added that it is not just the reporting, it’s whether the land contributes to reserve assembly. Board Member Edwards continued that the second issue is establishing consistent guidelines that are easy for Member Agencies and developers to understand. The policy needs to convey what RCA is looking for with reference to fee credits, which is clearly spelled out in the MSHCP. She believes that the goal should be to put in place the teeth behind “you will report.” What happens when three years down the road, there is a new City Manager, two of Council Members are gone, the development is finished, and no one remembers anything that was said? The policy should spell out guidelines to make sure that Member Agencies understand what is required through the MSHCP, and then somehow, without usurping their authority, hold them to that.

Chairman Montanez stated that as the RCA Board moves forward, it is important that each member who has commented or wishes to comment, is involved in what RCA comes up with as a resolution so that before it goes to the Executive Committee, all Board Members are aware of and involved in the direction. There are two simplistic things that need to be addressed. The first is the reporting. The RCA as a group needs to know what properties are being considered for fee credit. The second is the land being offered in exchange for the fee credit. Is the property useable for reserve assembly? It sounds simple, but as evidenced by today’s meeting, it is not as simple as it sounds.

Board Member Melendrez stated that the Board touches on something that all experience, which is the fluidity of the staff, council members and a variety of other things. He stated his observation that staff did a lot of work and outreach in trying to connect with all the cities. When developing a policy such as this and one thing probably everyone has experienced is that no policy is perfect. There will always be issues and necessary refinements. Given the work that has been done and the way staff has reached out to Member Agencies, he suggested that the Board consider moving forward with the proposed resolution and policy and review it again in one year to see how it’s working. If things are moving in right direction or the policy can be tightened up or made stronger, revisions can be made to make the better policy in the future. He likes the outline and the outreach. He stated that there are pros and cons in the policy, but suggested that the Board move forward with the policy and review it in one year to see how it is working, and needed revisions to make a stronger policy can be made at that time.

In the interest of transparency, Board Member Brown stated that he would like to see every fee credit agreement reported back to RCA Board, even as a consent item. Even fee credits under \$200 thousand could represent 40 to 80 acres, which is significant information and should be reported.

Board Member Hewitt stated he liked Supervisor Jeffries’ comment that Member Agencies can do whatever they want. He can find a lot of worthless property and use it as a fee

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waiver and be more competitive at attracting developers than the cities next to Calimesa. That works great for him. The two issues that he is concerned with are the appraisals. What is the property worth and goodness of fit. He said the problem is that cart is being pushed ahead of the horse. The goodness of fit is not a decision that staff can make overnight. It takes time. He stated that there is flexibility in the system. If a developer gives RCA property in lieu of fees which not useable, it still has a value. It has a pawn shop value. Land is a fluid currency in a sense. He proposed that at the very least, the property be valued at the pawn shop value and RCA adds the difference in fees later on. He said it may be a terrible idea, but that is what he thinks will keep fairness to the process.

Board Member Liesemeyer stated that developers have to go water districts to get a will serve letter if they are going to start a project. That is the developer's way of indicating they are going to start working on negotiating a project. The developer knows early on if they plan on gifting lands or changing hands of land with RCA. When the developer advises the City that they will be requesting a fee credit, the city could reach out to RCA and basically request a number. This would open the line of communication early on so that RCA can begin the process early on rather than later.

Chairman Montanez said that would be one way to start the process even earlier than has been contemplated. RCA and everyone involved would be aware at the very beginning stage of the project. RCA staff could then give some direction to Member Agency staff in a standard letter. It could also be a notice to Member Agencies that their staff has not come in for training in two years and an inquiry as to whether staff has changed and if they are familiar with the procedures.

Board Member Edwards suggested that along with the letter, RCA could provide each Member Agency with a form that could be used to do a self-check.

Chairman Montanez stated that when developers come to their counters, Member Agencies could provide developers with a letter advising them to coordinate with RCA so that the developer knows the process and there are no surprises.

Board Member Knight stated that she is newest member to RCA Board. From her perspective in dealing with fee credit headaches, given that Mr. Sauls is before the Board and the comments from the County Supervisors and other Board Members, she is uncomfortable with the policy as is. She agreed with Board Member Edwards that there must be some teeth behind the policy to push Member Agencies to do what is expected. She is in support of considering a policy that requires reporting, but not with what is being proposed.

Board Member Johnson stated that from what she has heard, all are in agreement with some kind of formalization of the process. She believes it is important to note that as RCA has grown, there are issues that were brought up, and this is why the policy is being

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brought before the RCA Board. The Executive Committee has vetted the policy several times, but the more important issue is that staff did outreach for the first time and spent a lot of energy making sure that the Member Agencies had time to comment regarding the policy. The City of Lake Elsinore and the County were provided the opportunity to inflect and interject their ideas. She asked Honey Bernas for confirmation that every single recommendation was included or negotiated with RCA staff and the Executive Committee. Honey Bernas confirmed that suggestions were vetted and only one or two recommendations were not included in policy. Board Member Johnson further stated all of the Board is in agreement that there should be a policy, but there is a sense of being uncomfortable. She recommended that the RCA Board direct that this policy be taken back to Executive Committee to consider all comments mentioned and come up with some additional ideas. She made a motion that the matter be referred back to the Executive Committee for revision and return back to the RCA Board.

Board Member Brown stated that the RCA Board formerly had a stakeholders group and asked if this policy was presented before that group. Charles Landry answered that it was not. Board Member Brown asked if there was any reason this policy cannot be brought before the Stakeholders to get their input. Charlie Landry said it would take some time to reassemble the stakeholder committee.

Chairman Montanez suggested that since that Mr. Sauls took the time to appear before the Board on this matter and has been a major leader in the stakeholder group, that he be invited to provide RCA input and direction. Chairman Montanez stated that he agreed with Board Member Brown. Given that the stakeholders don't meet on a regular basis, the Chairman asked Mr. Sauls to be part of the solution. Mr. Sauls stated that a meeting would be most sufficient and that he would be happy to help.

M/S/C (JOHNSON/MOYER) to refer this item back to the Executive Committee for revision and return item to the RCA Board at a future date.

10. EXECUTIVE DIRECTOR'S REPORT

10.1 Washington D.C. Trip for Section 6 Funding

Charles Landry, Executive Director, reported that two weeks ago the annual California HCP Coalition meeting took place in Washington, D.C. The purpose of the meeting was to increase Section 6 funding, which is RCA's federal match money for HCP acquisition. He reminded the Board Members that for the last couple of years only a total of \$18 million was available nationwide, of which RCA has received \$2 million a year for the last couple of years. He accompanied RCA Board Member Tavaglione to several meetings, and they were joined by RCA's lobbyists, Dave Kennett and Doug Wheeler. It was a very productive trip. They met with the Department of Interior, Michael Bean and his staff, and USFWS. They also met with Congressman Calvert, along with his

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staff lead. Congressman Calvert is the Chair for the House Interior Appropriations subcommittee.

They also met with Senators Feinstein's and Boxer's staffs. Their meetings included Senate Interior appropriations and the Office of Management and Budget. They had further meetings with the President's Council on Environmental Quality, which are the President's environmental advisors. Additionally, the Coalition spread out and met with members of the California House delegation.

There were also a couple of individuals from the National HCP Coalition, which is newly established. Included in this meeting was Commissioner Covey from Williamson County, Texas, who arranged for RCA to meet with Representative John Carter of Texas. The meeting was particularly important for out of state buy in for future loan legislation. He said that Congressman Carter signed on and is ready to help push the loan legislation. Previously, there has not been a lot of help from out of state with the loan legislation.

He also reported meeting with the Western Governors' Association who is looking at possible changes to the Endangered Species Act. The Authority wants to be on the ground floor if there is any movement on these proposed changes.

10.2 Minor Amendment Regarding Participating Special Entities

Charles Landry asked Laurie Dobson Correa, Director of Reserve Management and Monitoring, to give a summary on PSEs. Laurie stated that RCA has drafted a minor amendment to address PSEs. They are non-member agencies, third parties, who elect to join the Plan to get listed species coverage. The Plan defines a PSE as any regional public facility provider. It could be utilities, water or school districts, anybody that is not already a member can join. Utilities have joined the Plan in past, and the RCA has had inquiries from several private pipeline companies and from Lockheed who is working on the Potrero Valley and Laborde Canyon clean-ups. They are undertaking that work themselves, and there is no entity that they need a permit from so they can't join the Plan. Any PSE that joins the Plan has to comply with all applicable provisions and pay a fee that's usually based on their construction cost. The Authority has proposed an amendment, after consulting with RCA legal counsel and the Wildlife Agencies and their counsel, to allow private entities to join the plan under the same provisions as public entities. It was determined that the take is there, and it doesn't matter if they are public or private projects. The RCA is preparing to circulate this amendment and wanted to make the RCA Board of Directors aware. She asked if there were any questions.

Chairman Montanez said he has two Board Members in the queue.

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Michelle Ouellette, General Counsel, added that this is not an agenda item. It's a report under Executive Director's report so if it needs discussing, it can be placed on the agenda for next month.

Chairman Montanez asked if City of Calimesa and City of Canyon Lake were wishing to speak or was it an error.

Board Member Hewitt (Calimesa) indicated it was an error.

Board Member Brown (Canyon Lake) said his question was related to the PSE report.

Chairman Montanez suggested that Board Member Brown ask RCA staff his question, and if it was raised to the level of placing it on a future meeting agenda, that could be requested.

11. LAND ACQUISITION UPDATE

Charlie Landry, Executive Director, reported that at the last RCA Board of Directors meeting it was reported that 52,806 acres in the reserve. Two more parcels totaling approximately 150 acres were acquired, which brings the reserve to 52,955 acres.

12. ITEMS FOR NEXT MEETING

Chairman Montanez asked if any Board Member had items for next meeting. There being none, unless after closed session Board Member Brown wanted to place an item on the agenda, the meeting was adjourned to closed session.

13. CLOSED SESSION ITEMS:

13.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Negotiating Parties: RCA – Executive Director of Designee

Under Negotiation: Price/Terms

Item	Assessor Parcel No.	Property Owners
1	579-390-005 579-390-006 579-390-007 579-390-010	Sue and Jolly Martin
2	426-180-002 426-430-005	Riverpark (Hillcrest Homes, David Arnold)

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13.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph 1 of Subdivision (d) of Government Code Section 54956.9

- **Case No. MCC1300351 JPR, Inc., dba Silverado Ranch Estates vs. California Department of Fish and Game; County of Riverside; Western Riverside County Regional Conservation Authority**

After Closed Session, the meeting was reconvened. There were no announcements from Closed Session and no items to add for the next meeting.

16. ADJOURNMENT

There being no other items before the RCA Board, Chairman Montanez adjourned the meeting at 1:30 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, May 2, 2016, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California

Prepared by:



Rose Esparza
Administrative Manager

Respectfully submitted:



Honey Bernas
Clerk of the Board