

AGENDA ITEM NO. 7

MINUTES

May 1, 2017



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MEETING MINUTES

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority was called to order by Chairman Ashley at 12:35 p.m. on May 1, 2017, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL– Roll Call was noted by Rose Haro, RCA Administrative Manager.

Member Agency	Board Member Name	Status	Arrived
City of Banning	George Moyer	Present	12:02 PM
City of Beaumont	Julio Martinez	Present	12:01 PM
City of Calimesa	Jeffrey Hewitt	Present	12:02 PM
City of Canyon Lake	Vicki Warren	Present	12:09 PM
City of Corona	Eugene Montanez	Present	12:07 PM
City of Eastvale	Clint Lorimore	Present	12:08 PM
City of Hemet	Michael Perciful	Present	12:03 PM
City of Jurupa Valley	Verne Lauritzen	Present	12:08 PM
City of Lake Elsinore	Natasha Johnson	Present	12:08 PM
City of Menifee	Matt Liesemeyer	Present	12:01 PM
City of Moreno Valley	Jeffrey Giba	Present	12:02 PM
City of Murrieta	Jonathan Ingram	Present	12:07 PM
City of Norco	Kevin Bash	Present	12:03 PM
City of Perris	Malcolm Corona, Alternate	Present	12:09 PM
City of Riverside	Andy Melendrez	Present	12:08 PM
City of San Jacinto	Crystal Ruiz	Present	12:02 PM
City of Temecula	Maryann Edwards	Present	12:03 PM
City of Wildomar	Timothy Walker	Present	12:09 PM
District 1	Kevin Jeffries	Present	12:08 PM
District 2	John Tavaglione	Present	12:03 PM
District 3	Chuck Washington	Present	12:07 PM
District 4	Vacant	Absent	
District 5	Marion Ashley, Chairman	Present	12:07 PM

4. PUBLIC COMMENT

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

5. BOARD MEMBER ANNOUNCEMENTS (This item provides the opportunity for the Board Members to report on attended meetings/conferences and any other items related to RCA activities.)

Chairman Ashley called for Board Member announcements. There were no Board Member announcements.

6. ADDITIONS/REVISIONS (The Board may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Board subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Board. If there are less than 2/3 of the Board Members present, adding an item requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.)

Rose Haro, RCA Administrative Manager, announced that there were no additions or revisions.

7. APPROVAL OF MINUTES - March 6, 2017 meeting of the RCA Board of Directors.

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of Moreno Valley
SECONDER:	City of San Jacinto
AYES:	Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, District 5
ABSENT:	District 4

8. RECOGNITION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN RCA AND RIVERS & LANDS CONSERVANCY REGARDING HABITAT MANAGEMENT PURSUANT TO THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN

Chairman Ashley, on behalf of RCA, recognized the Rivers and Lands Conservancy (RLC). Both RCA and RLC have signed a Memorandum of Agreement that will allow the lands owned and controlled by the RLC to be counted toward the MSHCP totals, bringing an additional 430 acres of Additional Reserve Land. Rivers & Land Conservancy Acting Executive Director Jack Easton and President Patricia Lock-Dawson were both present to receive a certificate recognizing the continued partnership.

9. CONSENT CALENDAR (All matters listed under the Consent Calendar will be approved in a single motion unless a Board Member requests separate action on specific Consent Calendar item. The item will be pulled from the Consent Calendar and placed for discussion.)

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of Moreno Valley
SECONDER:	City of San Jacinto
AYES:	Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, District 5
ABSENT:	District 4

9.1 WESTERN RIVERSIDE COUNTY MSHCP FEE COLLECTION REPORTS FOR FEBRUARY AND MARCH 2017

Overview

This item is for the RCA Board of Directors to receive and file the Western Riverside County MSHCP Fee Collection Reports for February and March 2017.

9.2 NON-DEVELOPMENT HANS FUNDING LEVEL FOR FISCAL YEAR 2018

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 County Multiple Species Habitat Conservation Plan Local Development Mitigation Fees received, effective July 1, 2017, to purchase Non-Development HANS properties under Section 1.13 of the Land Acquisition Policies.

9.3 RECURRING CONTRACTS FOR FISCAL YEAR 2018

Overview

That the RCA Board of Directors:

- 1) Approve the Recurring Contracts for Fiscal Year 2018; and
- 2) Authorize the RCA Executive Director, pursuant to legal counsel review and approval, to execute said agreements on behalf of the RCA.

9.4 PROFESSIONAL SERVICES AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND BROWN ARMSTRONG ACCOUNTANCY CORPORATION FOR AUDITING SERVICES

Overview

This item is for the RCA Board of Directors to approve the Professional Services Agreement between the RCA and Brown Armstrong Accountancy Corporation, for audit

services for the year ended June 30, 2017 with an option to extend the term of the agreement for additional one year term not to exceed four years.

10. RESOLUTION NO. 2017-004, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING AN UPDATED CRITERIA REFINEMENT CLARIFICATION POLICY AND FINDING ADOPTION OF THE POLICY EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Michelle Ouellette, General Counsel, presented this item. She stated that the reason for this item is to provide clarity to the Criteria Refinement process contained in Section 6.5 of the MSHCP and as a result Section 2.(i)., Scope and Definitions, of the policy are easier to understand. She presented Attachment A of the agenda item containing a flowchart to further explain the Criteria Refinement policy and streamlining the process. She said that the clarifications are minor. She made reference to the letters that were received from the environmental community and responses given, which were included in the agenda package. Those letters requested that the item be continued. Staff and legal counsel recommended not continuing the agenda item because staff is only clarifying the policy. There are no Criteria Refinements to consider nor environmental review required because it is only clarification with no environmental impacts. She further advised that the Law Offices of the County Counsel sent a letter late Friday after the agenda was published requesting minor wordsmith edits which were not substantive. She suggested that the Board authorize Legal Counsel and RCA staff to work with County Counsel on these minor edits.

Several Board Members asked related questions confirming that no substantial changes have been made to the policy and that RCA is only clarifying the policy. Michelle Ouellette answered the questions giving land use examples that Member Agency are confronted with and explaining why the clarification is needed.

Public Comments were taken from the audience.

Tom Paulek spoke in opposition to the proposed modifications of this policy being exempt from CEQA review. He identified himself a citizen and Conservation Chair for the Friends of the Northern San Jacinto Valley. He requested that the RCA Board defer action on this item to allow the RCA staff, Wildlife Agencies and concerned conservation groups to meet and confer to correct and improve the proposal before the Board takes action on the policy.

Susan Nash spoke in opposition requesting that the item be continued because the proposed changes by County Counsel are not incorporated. She also spoke in opposition to the modifications of this policy being exempt from CEQA review. She identified herself as the President of the Friends of the Northern San Jacinto Valley.

Michelle Ouellette readdressed the Board indicating there is nothing in the policy clarification that will have any environmental impact, and there is no evidence to that affect.

Laurie Dobson-Correa, Director of Reserve Management and Monitoring, addressed the Board. She advised that the Wildlife Agencies reviewed the policy and found it to be a clarifying policy as to when environmental compliance occurs based on the agencies' actions and explained the process. She confirmed that nothing changes in the Criteria Refinement policy except the order in which processes that are already in place occur. There are no changes in the way Criteria Refinements are approved. She stated that, to her knowledge, the Wildlife Agencies had no objection to the clarification policy.

Chairman Ashley recognized a member of the public who entered the Board Chambers, but had not completed a speaker slip.

Howard Omdahl spoke in support of this item. He stated that he is familiar with the Criteria Refinement process due to the many projects he has processed and said that as of recent, the process is a lot better.

Overview

This item is for the RCA Board of Directors to approve Resolution No. 2017-004, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting an Updated Criteria Refinement Clarification Policy and Finding Adoption of the Policy Exempt from Review Under the California Environmental Quality Act*

Electronic voting system became inoperable and Rose Haro, Clerk, took a manual/verbal vote of each Member Agency.

Motion to: Approve Agenda item No. 10 as recommended, with Legal Counsel and RCA Staff authorized to make minor edits as requested from the Law Offices of the County Counsel.

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of Menifee
SECONDER:	City of Banning
AYES:	Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, District 5
ABSENT:	District 4

11. RESOLUTION NO. 2017-005, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING THE FISCAL YEAR 2018 OPERATING AND CAPITAL BUDGET

Honey Bernas, Director of Administrative Services, presented an overview of RCA's Proposed Fiscal Year 2018 Operating and Capital Budget. She advised that as was customary, the proposed budget reflected conservative revenue estimates and limited appropriations in order to meet RCA's current commitments and obligations under the MSHCP. Staff was pleased to propose a balanced budget for Fiscal Year 2018. She reviewed major sources of revenues and appropriations, which included a request to swap a Sr. Real Property Agent for a Director of Land Acquisition position, the Operating and Capital Budget by Program, and Contract Detail-Appropriations by category.

She further stated that the Executive Committee requested that for future budgets staff present a three to five year cash flow analysis.

Board Members had several questions regarding the proposed hiring of the Director of Land Acquisition addressed in the budget presentation. Board Members discussed the need for this position, and the minimum qualifications of this position either containing the requirement to be a Real Estate Agent or Licensed Broker. It was stated that such candidate should have a

background in real estate, in addition to Planning, negotiations and knowledge of the MSHCP. When the classification specification was read from the Human Resources website, it was discovered that no real estate licenses are required. Board Members further discussed requiring that the candidate have real estate experience, but since the incumbent would not be selling or leasing property, it should not be necessary for them to be a broker or have a real estate license.

Charles Landry, Executive Director, discussed RCA's acquisition needs and the projected acquisitions for FY2018. Long range planning development is moving forward which spurs RCA into acquisition mode so to get ahead of those development projects the workload increases by volume.

On the discussion of this position be recruited for succession purposes. Board Member Edwards suggested that the Bylaws include provisions for succession. Board Members discussed the succession planning and its importance to the future of RCA.

Chairman Ashley recommended that the job description be referred to the Executive Committee for discussion. Honey Bernas stated that the County's Human Resources Department will have to approve any changes to the job description.

Overview

This item is for the RCA Board of Directors to approve Resolution No. 2017-005, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting the Fiscal Year 2018 Operating and Capital Budget.*

Electronic voting system was inoperable and Rose Haro, Clerk, took a manual/verbal vote of each Member Agency.

Motion to: Approve Agenda item No. 11 as recommended with direction to discuss the Director of Land Acquisition job description at the next Executive Committee meeting.

RESULT: APPROVED AS RECOMMENDED [UNANIMOUS]

MOVER:	City of Lake Elsinore
SECONDER:	City of Temecula
AYES:	Beaumont, Corona, Lake Elsinore, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, District 2, District 3, District 5
NAYES:	Banning, Calimesa, Canyon Lake, Eastvale, Hemet, Jurupa Valley, Menifee, Moreno Valley, Wildomar, District 1
ABSENT:	District 4

12. BIOLOGICAL MONITORING PROGRAM WORK PLAN AND COST ESTIMATE FOR FISCAL YEAR 2017-18

Laurie Dobson Correa, Director of Reserve Management and Monitoring, presented this item. She explained that the MSHCP requires that a work plan and budget for the Monitoring Program, which is implemented by the Santa Ana Watershed Association, under contract, be adopted annually. Along with the standard administrative functions of preparing the work plan, activities such as training, scheduling surveys, ordering supplies, contract management and data management, the primary function of the program is to conduct focused surveys for covered species based on the frequency required by the MSHCP, either annually, every three or every eight years, and produce reports. She also reviewed the significant contract changes.

Overview

This item is for the RCA Board of Directors to approve the Biological Monitoring Program Work Plan and Cost Estimate for Fiscal Year 2017-18.

Electronic voting system was inoperable and Rose Haro, Clerk, took a manual/verbal vote of each Member Agency. Chairman Ashley called for all in favor to say "Aye," all voiced their yes votes. He called for any opposed, and there were no responses.

Motion to: Approve Agenda item No. 12 as recommended

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of Temecula
SECONDER:	City of San Jacinto
AYES:	Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, District 5
ABSENT:	District 4

13. LAND ACQUISITION UPDATE

Charles Landry, Executive Director, stated that at the last RCA Board of Directors' meeting, it was reported that RCA had acquired 54,791 acres. Escrow has closed on additional properties totaling approximately 1,314 acres, bringing the reserve total to approximately 56,105 acres.

14. ITEMS FOR NEXT MEETING

Chairman Ashley requested that the job description for Director of Land Acquisition, RCA be heard at the next Executive Committee meeting on May 17, 2017 and return to the Board of Directors Meeting on June 5, 2017.

15. CLOSED SESSION ITEMS:

Michelle Ouellette, General Counsel, asked that due to time constraints, that Agenda Item No. 15.2 be pulled and continued to the Board of Directors meeting on June 5, 2017. Chairman Ashley made the motion to continue the item, seconded by Vice Chairman Ingram. Chairman Ashley called for all in favor to say "Aye." All members present voiced their yes votes. He called for any opposed, and there were no responses. Motion carried unanimously to continue Agenda Item No. 15.2.

15.1 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 Owner(s)/Agent
1	932-180-033 932-180-034	Beresford Properties Judson Real Estate Cindy Cochran

2	363-080-038 363-080-039 363-080-029 363-180-026	Tuscany Hills Landscape and Recreation Corporation Jenny Bonnar
3	935-020-010	Belinda Torrez Morton Chang
4	363-090-008	Raghibir Bhathal Martha Bhathal Ed Sauls

15.2 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

There were no announcements from closed session.

16. ADJOURNMENT

There being no other items before the RCA Board, Chairman Ashley adjourned the meeting at 2:10 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, June 5, 2017, at 12:30 p.m. at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Prepared by:



Rose Haro
RCA Administrative Manager

Respectfully submitted:



Honey Bernas
Director of Administrative Services