



**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

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MINUTES

Monday, September 10, 2007

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority Board of Directors was called to order by Vice Chairman Eugene Montanez at 1:03 p.m. in the Board Room of the County Administrative Center, 4080 Lemon Street, First Floor, Riverside, California, 92501.

2. ROLL CALL

Board Members/Alternates Present

Marion Ashley
Dom Betro*
Bob Buster
Larry Dressel
Maryann Edwards
Frank Hall
Jim Hyatt
Robin Lowe
John Machisic
Eugene Montanez
Robert Schiffner
Jeff Stone*
John Tavaglione
Gary Thomasian
Mark Yarbrough
John Zaitz

Board Members Absent

Bill Batey
Dale Stubblefield
Roy Wilson

*Arrived after start of the meeting.

3. PUBLIC COMMENTS

A. Illeene Anderson, representing the Center for Biological Diversity, provided copies of the report entitled "Safeguarding Our Future: A Blueprint for Effective Conservation in Western Riverside County" to the RCA Board of Directors that identifies some issues and solutions on the MSHCP. The report is presented by the Center along with the Sierra Club, the San Bernardino Valley Audubon Society, and the California Native Plant Society. The Blueprint makes recommendations related to: 1) Closing the Loopholes; 2) Strengthening Species and Habitat Conservation; 3) Improved Conservation Area; and, 4) Improving Implementation. She stated that the MSHCP still has

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significant opportunities for improvements to reach its ambitious goals of habitat conservation in the Western Riverside County.

- B. Jonathan Evans, representing the Center for Biological Diversity, said that one of the challenges of achieving the goals of the Western Riverside County MSHCP is achievement of the rough step requirements because it has been out of rough step since its inception. He encouraged the Board and staff to assure that proposed amendments to the MSHCP engage in as much transparency as possible in the proposal of minor amendments. He said the Endangered Species Act requires the best available science to be used in all decisions regarding the MSHCP matters. He raised a concern that the proposed minor amendment actually constitutes a major amendment considering the rough step requirements which was clearly outlined in the requirements in the MSHCP and there appears to be an ambiguity as to what was actually required as part of the accounting purposes.

4. BOARD MEMBER ANNOUNCEMENTS

There were no Board Member announcements.

5. ADDITIONS/REVISIONS

A correction to the agreement to the subgrant with the Wildlife Conservation Board, under Section 5.4.1 of Agenda Item 7.3, regarding to the expiration of the agreement was noted.

6. APPROVAL OF MINUTES

M/S/C (HALL/SCHIFFNER) to approve the minutes of the July 2, 2007 meeting as presented.

5. CONSENT CALENDAR

M/S/C (LOWE/ASHLEY) to approve the following Consent Calendar items:

7.1 ADOPTION OF RESOLUTION NO. 07-04, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY REVISING ITS FEE COLLECTION AND REMITTANCE POLICY

Adopt Resolution No. 07-04 revising its fee collection and remittance policy.

7.2 RECOMMENDATION REGARDING FORMATION OF A MANAGEMENT AND MONITORING DIVISION

Approve:

- 1) A budget adjustment to the 2007 RCA Budget, as reflected in Exhibit A;
- 2) The creation of a new position titled "Director of Reserve Management and Monitoring" and a new job specification for the position; and
- 3) Changing the title of the "Director of Land Acquisition and Property Management" to "Director of Land Acquisition" and revising the associated job specification.

7.3 RESOLUTION NO. 07-06, APPROVING A SUBGRANT AGREEMENT WITH THE WILDLIFE CONSERVATION BOARD

- 1) Adopt Resolution No. 07-06, which approves a Subgrant Agreement between the Regional Conservation Authority and the Wildlife Conservation Board for the Jaglowski property, Assessor Parcel Number 472-100-003; and
- 2) Authorize the Chairman, pursuant to Legal Counsel's review, to execute the subgrant agreement on behalf of the Authority.

At this time, Chairman Jeff Stone assumed the Chair.

8. DISCUSSION ITEMS

8.1 INTRODUCTION OF RESOLUTION NO. 07-07, AMENDING THE AUTHORITY'S BYLAWS CONCERNING THE ELIGIBILITY REQUIREMENT FOR ALTERNATES TO THE BOARD OF SUPERVISORS

Tom Mullen, Executive Director, stated that this item is to propose to amend the eligibility requirements of alternates to the Board of Supervisors. The alternates for the city members of the Board are also elected officials and so the same is being proposed for the Board of Supervisors. He noted that the proposal is the same for Board of Supervisors on the Coachella Valley Association. He encouraged the Board to work with the Legislature to amend State law for RCA to allow the type of proxy that takes place at RCTC when its membership was expanded to include all of the cities.

Steve DeBaun, Legal Counsel, stated that another part of the item for consideration and recommendation is a joint powers agency (JPA) agreement amendment related to: 1) allowing the appointment of elected officials as alternates of the Board of Supervisors; and, 2) the governing law for the JPA for

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procedural purposes. Every JPA has to set forth a governing law chosen from one of its member agencies to govern the procedural requirements of that agency. In many cases, when a group of cities are brought together, a city is chosen or the group is designated as a general law city. However, with the RCA, it is an amalgamation of cities and the County and their current JPA designates the County as the governing law for procedural purposes. The County law has additional procedural requirements that cities do not have to comply with, which has caused additional steps for RCA staff. The change for RCA to be governed by city law would streamline the requirements. The County law is better suited for a multi-faceted organization with a variety of departments.

Robin Lowe asked about the Board of Supervisors appointing a member of their staff, who is an elected official, to be their alternate on the RCA and Steve DeBaun said that there is no prohibition for such an arrangement so he does not see a problem.

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

- 1) Approve Introduction of Resolution No. 07-06; and
- 2) Direct staff to agendize this matter for possible adoption at the next meeting of the RCA Board of Directors.

8.2 RESOLUTION NO. 07-08, ESTABLISHING A POLICY FOR REIMBURSEMENT OF COSTS RELATED TO NON-MSHCP CONTRIBUTIONS OF PROPERTY

Joe Richards, Deputy Executive Director, informed the RCA Board that there have been occasions when RCA is asked to accept land donations that are outside of the criteria area and the land may contribute to public/quasi-public land and, therefore, would be reasonable for the RCA to consider the donation. For this reason, staff is proposing a process. He said that when staff negotiates with the property owner/developer, there are legal and administrative costs for doing so as this is outside of the services that RCA is required to collect fees for. The policy would allow reimbursement of costs for non-MSHCP contributions of property.

M/S/C (LOWE/BUSTER) to adopt Resolution No. 07-08 establishing a policy for reimbursement of costs related to Non-MSHCP contributions of property which amends Resolution No. 06-05.

8.3 RECOMMENDATION REGARDING MANAGEMENT AND ENDOWMENTS FOR NON-MSHCP LAND DONATIONS

Joe Richards said that the proposed policy is to allow RCA to accept endowments to cover management and monitoring costs.

M/S/C (LOWE/BUSTER) to adopt the policy committing only to land management and monitoring activities expressed in the Plan and requiring endowments for non-MSHCP land donations.

8.4 RESOLUTION NO. 07-09, ELECTING DIRECTORS TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) BOARD OF DIRECTORS

Honey Bernas, Director of Administrative Services, advised Board that since 2005, the RCA has been a member of the SDRMA which provides liability and property insurance coverage. Therefore, the RCA is entitled to participate in the Board elections. There are nine (9) candidates for the three (3) vacancies with four-year terms beginning January 1, 2008 and terminating on December 31, 2011.

In response to Bob Buster's question relating membership, Honey Bernas stated that there are over 700 members. Bob Buster stated that it would be useful if the RCA could be represented on the Board.

Tom Mullen said that in reviewing the applications, three candidates are from the Inland Empire area.

Eugene Montanez suggested researching the process for future elections so that RCA may have more of a direct representation.

M/S/C (LOWE/ASHLEY) to:

- 1) Select Antonio Sedano, Ed Gray, and Henry Miller to fill the three (3) vacant seat on the SDRMA Board of Directors; and,
- 2) Adopt Resolution No. 07-09 in support thereof.

Abstain: Thomasian

9. EXECUTIVE DIRECTOR'S REPORT

9.1 RCA BROCHURE "*Preserving Our Open Space Heritage, Protecting Our Economy*"

Tom Mullen said that copies of the RCA brochure were distributed to the Board Members. At this time, he introduced Juanita Carles, who was recently hired to fill the Account Technician position, to the RCA Board.

9.2 ROUGH STEP STATUS

Tom Mullen said that a report on rough step will be presented to the Board at their November meeting. He said that staff has discovered that the original formula contained in the Plan had been changed and staff has been using the changed formula to run the rough step numbers. During the investigation, it was learned that even the original formula was flawed. A correction of the formula will bring it to full compliance of the requirements of the Plan.

Staff will review and respond to the suggestions proposed by the Center for Biological Diversity during the Executive Director's report in November. He added that the memorandum of understanding with the Army Corp of Engineers is moving forward to finish the special area of management plan as it related to the aquatic side of the Habitat Conservation Plan and the Endangered Species Act.

9.3 ACQUISITION FUNDS FOR FISCAL YEAR 2007-08

Tom Mullen advised the RCA Board that the FY 2007-08 funds for acquisition have been expended or committed. There are adjustments to the Public/Quasi-Public (PQP) land and a report will be presented in November.

10. LAND ACQUISITION UPDATE

Honey Bernas reported that since the last meeting, escrow closed on nine (9) acquisitions totaling 342 acres.

11. ITEMS FOR NEXT MEETING

There were no requests for the next meeting. At this time, Chairman Stone adjourned the meeting to Closed Session.

