

AGENDA ITEM NO. 7

MINUTES

MEETING MINUTES

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority was called to order by Chairman Scott Miller at 12:31 p.m., Monday, June 2, 2014, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

2. PLEDGE OF ALLEGIANCE

Harry Ramos led the RCA Board Members and meeting attendees in a flag salute.

3. ROLL CALL

Board Members/Alternates Present

Marion Ashley, *Riverside County District 5*
Kevin Bash, *City of Norco*
Ben Benoit, *City of Wildomar*
Roger Berg, *City of Beaumont*
Tim Brown, *City of Canyon Lake*
Maryann Edwards, *City of Temecula*
Debbie Franklin, *City of Banning Alternate*
Thomas Fuhrman, *City of Menifee*
Jeffrey Hewitt, *City of Calimesa*
Kevin Jeffries, *Riverside County District 1*
Verne Lauritzen, *City of Jurupa Valley*
Bob Magee, *City of Lake Elsinore Alternate**
Andy Melendrez, *City of Riverside*
Scott Miller, *City of San Jacinto*
Shellie Milne, *City of Hemet*
Eugene Montanez, *City of Corona*
Harry Ramos, *City of Murrieta*
Adam Rush, *City of Eastvale**
Richard Stewart, *City of Moreno Valley Alternate*
Jeff Stone, *Riverside County District 3*

Board Members Absent

John Benoit, *Riverside County District 4*
John Tavaglione, *Riverside County District 2*
Mark Yarbrough, *City of Perris*

**Arrived after start of the meeting.*

4. PUBLIC COMMENTS

MaryAnn Shushan Miller of Murrieta, California, presented an oral and written testimony concerning the following: 1) RAND analysis of the MSHCP unfunded estimated land acquisition; 2) Contract costs on various projects; 3) MSHCP duplication and overlapping

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roles of Federal/State Fish and Wildlife agencies and Environment Protection Agencies; 4) Accountability of lost property tax revenues on trustee sales; and, 5) List of questions for RCA auditors. *(The written testimony is on file at the RCA office.)*

5. BOARD MEMBER ANNOUNCEMENTS

There were no Board Member announcements.

6. ADDITIONS/REVISIONS

There were no additions/revisions to the agenda.

7. APPROVAL OF MINUTES

M/S/C (STONE/EDWARDS) to approve the May 5, 2014 meeting, as submitted.

Ayes 14, Abstained 4 (Berg, Milne, Stewart, Hewitt)

8. CONSENT CALENDAR

Roger Berg requested that Agenda Item No. 8.1, *Western Riverside County MSHCP Local Development Mitigation Fee Collection and Civic/Infrastructure Contribution Report for April 2014*, be pulled from the Consent Calendar.

M/S/C (MILNE/EDWARDS) to approve the following Consent Calendar items:

Ayes 18

8.2 FISCAL YEAR 2014 THIRD QUARTER FINANCIAL REPORT

Receive and file the Fiscal Year 2014 Third Quarter Financial Report.

8.3 NON-DEVELOPMENT HANS FUNDING LEVEL FOR FISCAL YEAR 2015

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, 2014 to purchase Non-Development HANS properties under Section 1.13 of the Land Acquisition Policies.

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At this time, the RCA Board Members addressed Agenda Item No. 8.1.

8.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR APRIL 2014

Roger Berg requested an accounting report, by jurisdiction, on the total development fees collected from all member agencies to date. He would also like a report regarding development agreements and an explanation regarding the ability for Lake Elsinore to grant extensions on the development agreement in perpetuity.

Honey Bernas, Director of Administrative Services, indicated that RCA is currently reviewing development agreements. With regard to the exemptions, RCA and its Legal Counsel are reviewing development agreements and working with the respective agencies and their Legal Counsel. The result will be provided to the RCA Board after the review is completed.

Honey Bernas said that staff would probably need more time to compile a report. Roger Berg asked if staff could report on the amount of money collected and remitted from each jurisdiction at the next meeting. Staff was directed to report back on the fees collected and remitted from inception by jurisdiction.

M/S/C (BERG/BBENOIT) to receive and file the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Local Development Mitigation Fee Collection and Civic/Infrastructure Contribution Report for April 2014.

Ayes 18

9. ADOPTION OF RESOLUTION NO. 14-004, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AMENDING THE DUTIES OF THE CHAIRPERSON

Steve DeBaun, Legal Counsel, Best, Best & Krieger, said that the amendment of the Bylaws to allow for a Board vote to overrule a decision made by the Board Chairperson at or during a meeting of the Board was introduced at last month's RCA Board meeting. The Executive Committee recommended that the matter be placed on the RCA Board agenda for adoption. Therefore, the amendment to the duties of the RCA Chairperson is before the RCA Board for adoption.

M/S/C (BBENOIT/BERG) to adopt Resolution No. 14-004, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Amending the Duties of the Chairperson.

Ayes 18

10. MONITORING PROGRAM WORK PLAN AND BUDGET FOR FISCAL YEAR 2014-15

Laurie Correa, Director of Reserve Management and Monitoring, reviewed the Monitoring Work Plan and Budget for Fiscal Year 2014-15. She said that the monitoring results are used to evaluate the MSHCP's effectiveness with regard to meeting the RCA's conservation objectives by documenting where covered species are occurring. The Plan requires that an annual Monitoring Work Plan be submitted and adopted. The California Department of Fish and Wildlife (CDFW) provided staff and other support through June 30, 2012. An inventory is performed on a majority of species every eight (8) years. Thereafter, it is considered as long-term monitoring. The Monitoring Program is transitioning from baseline inventory into long-term monitoring. As of this date, baseline information is still currently being collected. She then reviewed the monitoring efforts to be performed for FY 2014-15 for Invertebrates, Birds, Amphibians and Reptiles, Mammals, and Plants.

Laurie Correa continued and said that in addition to monitoring efforts, cost estimates to implement the Work Plan are submitted on an annual basis. For 2014-15, the total cost for the Monitoring Program is \$1,089,414, less the CDFW funding of \$89,645. The net cost to RCA is \$999,769. The amount reflects an increase of \$30,270 from FY 2013-14, which is due to cost of living increases for the Monitoring Program staff.

Adam Rush entered the meeting at this time.

In response to Tim Brown's question if the contract price is reasonable, Laurie Correa said that the initial contract with the Santa Ana Watershed Association (SAWA) was competitively bid. She noted that SAWA is relatively low cost compared to other consulting firms.

Tom Fuhrman asked who makes the determination for the work efforts and whether historical records are kept for these efforts. Laurie Correa said that the Plan has monitoring standards for all of the 146 species. The Monitoring Program is required to keep each one in at least an eight-year rotation. They must determine every year what species have not been surveyed for eight years or what they weren't able to complete. The Work Plan and budget are fiscal year programs, and the surveys actually run calendar year. The survey season is generally spring to fall. There are overlaps from year to year. The Monitoring Program Administrator determines what species need to be done this year based on the required rotation in the Plan, when it was last surveyed, and whether we were able to actually do the survey in previous years because of things such as rainfall. Tom Fuhrman asked if historical records are kept for each species. Laurie Correa stated that species occurrence data are collected for every survey that the Monitoring Program does and RCA has a cumulative collection.

M/S/C (STONE/FUHRMAN) to approve the Monitoring Program Work Plan and Budget for Fiscal Year 2014-15.

Ayes 18, 1 Abstention - Rush

11. LAND ACQUISITION UPDATE

Brian Beck, Land Acquisition Analyst, reported that since the last report, the RCA has conserved an additional five (5) acres, bringing the reserve total to 47,215 acres.

Bob Magee joined the meeting at this time.

12. EXECUTIVE DIRECTOR'S REPORT

Charlie Landry reported on the following items:

12.1 Loan Program Update

The Water Resources Development Act (WRDA) legislation was passed overwhelmingly by the Senate, and it is currently awaiting signature by President Obama. The legislation included the Water Infrastructure Financing and Innovative Act (WIFIA) language that provides the loan program. He informed the RCA Board of a glitch wherein the WRDA bill being advanced was substituted with the House version of the bill, which did not include the loan program language. However, through Senator Barbara Boxer's staff's vigilance, they immediately took appropriate steps to make certain the Senate version of the loan program language was included in the final bill. The next step will be the rulemaking process and staff and its consultants will be working closely with the EPA and the Corp of Engineers throughout the process.

RCA is working with Congressman Ken Calvert to make sure that the Transportation bill includes the program language. Congressman Calvert has been in communication with Senator Vitter, who is a ranking member of the Conference Committee and advised that this is a useful provision which should be supported by Republicans. The language was then included in the bill.

12.2 Section 6 Funding

The approved Section 6 funding totaling \$50 million that includes \$18 million for acquisition. RCA has approximately \$6.8 million in federal funds and approximately \$3 million in state match which funds for 2012 and 2013. RCA has already committed approximately \$2 million and has a list of acquisitions pending which will use up the available funding. He also noted that RCA has requested the maximum \$2 million for the 2014 allocation. The request is supported by the local USFWS office.

Adam Rush asked what RCA's percentage of Section 6 funding relative to the whole pot for the current year is, and with respect to the WIFIA loan, if there is a cap per HCP or jurisdiction as far as the dollar amount that can be loaned. Charlie Landry said that the loan guarantee program has the possibility for providing robust funding. He noted that the program is also available to the water agencies and it all depends on the outcome of the rulemaking process. With regard to the Section 6 funds, some

of the 2012 and 2013 funds were appropriated last year and staff anticipates the bulk will be spent next year. Part of the reason for the delay is due to the process which includes appraisal and approval by the CDFW and the Wildlife Conservation Board.

12.3 California Habitat Conservation Planning Coalition Annual Meeting

The annual meeting of the California Habitat Conservation Planning Coalition was held on May 14 and 15, in the City of Temecula's Conference Center, and attended by approximately 60 participants. The first day included presentations and discussions on issues with federal and state wildlife regulatory agencies and funding. It was a successful conference. On the second day, the participants had a tour of the Santa Rosa Plateau, Tenaja Corridor and the Santa Margarita Ecological Reserve.

12.4 Washington, D.C., Trip

Chairman Miller commented on how far RCA has come with the loan program proposal. He pointed out the collaborative efforts with Congressman Ken Calvert, Senators Dianne Feinstein and Barbara Boxer, and the federal agencies. He stated that during RCA's trips to Washington, D.C., federal conservation agencies marveled at the impact that RCA has made with regards to conservation and noted RCA as the most active of the HCPs. This concerted effort by the congressional delegation, Dave Kennett, Doug Wheeler, Tom Mullen, past and current RCA Board Members and staff resulted in RCA's loan program being included in the bill that is before President Obama for signature.

Jeff Stone thanked Chairman Miller for his time and efforts for traveling to Washington, D.C., with staff and elected officials. He recalled the process to push for the loan program that started a few years ago and the daunting experience to go through the various federal agencies to place the legislation successfully into the bill and meeting with potential opposition. Finally, the loan program provision was included in a bill. Great efforts were applied to those who would potentially oppose the proposal to make sure that they understood what RCA is trying to accomplish so that they would not circumvent the proposal. In order to achieve this, RCA retained lobbyists to insure that the federal government steps up to the plate with regard to the Endangered Species Act. To sum it up, the federal government has finally realized that the Act is an unfunded mandate placed upon the states/counties and now there is a funding mechanism that habitat agencies can utilize in order to acquire the habitat necessary to meet their goals. This accomplishment benefits all HCPs nationwide, especially those that have shown success. To date, the RCA has acquired 47,000 acres out of the required 153,000 acres, from the time that the MSHCP was implemented, which shows significant progress. More importantly, RCA has acquired land through arm's length negotiations and has not resorted to utilization of imminent domain.

Jeff Stone continued and said that the benefits to the residents of Riverside County outweigh the cost for the lobbyists and the Washington, D.C., trips because it will meet the needs of the Plan. He reminded those present that the Plan was formed

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during the development of the Integrated Plan, which included the General Plan, and working with the environmental community with the express desire to expedite infrastructure. This was a collective visionary effort on the part of Board of Supervisors, which included Tom Mullen, Jim Venable, Marion Ashley, John Tavaglione and the late Roy Wilson, and others to meet the prediction that Riverside County would be encountering an explosive population growth such as one experienced in 2007. And, as everyone is aware, the economic condition changed but it is slowly turning. The benefits are the ability to proceed with construction of infrastructure projects throughout the County such as the Route 91 \$1.5 billion project. Had it not for the MSHCP, this project would still be under environmental review for an additional five (5) years. The RCA has served a very important purpose which is visible in every jurisdiction in the County. He thanked Charlie Landry for a fabulous job and Tom Mullen, who spearheaded such visionary idea in order to accommodate growth and the infrastructure needed for future growth. He concluded and said that Riverside is a progressive county, and he is very proud to serve on the RCA Board and with each of the Board Members who are all beneficiaries of expediting projects with the true beneficiaries being the tax payers who see the improvements under construction from Blythe to Riverside.

Maryann Edwards said that the Plan not only protected the residents, but also shows that this County is more progressive than others. In addition, with the great strides were made and the relationships made in Washington, D.C., this County will serve as a model because of its accomplishments. While the process is not perfect, RCA has taken it further than anyone else and the legislation is a proof of that. RCA needs to position itself as the model process and needs to market it in that way to secure future funding possibilities.

Eugene Montanez recalled a meeting with the Secretary of the Department of Transportation two years ago when the effort started and his viewpoint changed and added his support when the Route 91 highway project was mentioned. So, it not only benefitted RCA, but also provided funding for Route 91, which moves forward the I-15 infrastructure. He thanked every member of the RCA, from five years ago to the present, who all had some hand in the success.

Chairman Miller noted Eugene Montanez' role to keep the process going and his red-eye flights to Washington, D.C.

Charlie Landry said that it is important to keep things in a national perspective, particularly related to future Washington, D.C., trips which will be made to seek support for Section 6 funding support and other potential funding. It is important that there is national, not just for Riverside, recognition of the HCP process.

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12.5 *Transportation and Habitat Conservation Plans: Improving Planning and Project Delivery While Preserving Endangered Species* by Jaimee Lederman and Martin Wachs, UC Los Angeles, April 2014

A national study authored by Jaimee Lederman and Martin Wachs of UCLA regarding transportation and habitat conservation plans features the importance of HCPs. It asserts that more transportation agencies should be taking advantage of HCPs as a vehicle to move infrastructure projects forward. The study referenced RCA and California. Copies of the study were made available to the RCA Board Members.

13. ITEMS FOR NEXT MEETING

Chairman Miller iterated the reports requested to be provided to the RCA Board at a future meeting: 1) Amount of development fees collected to date by jurisdiction and types (civic/residential/infrastructure); and, 2) Status of the development agreement exemptions.

There were no other items requested for the next RCA Board meeting.

The meeting adjourned to Closed Session.

14. CLOSED SESSION ITEMS

14.1 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/Agent
1	347-270-012 347-270-013	North Peak Partners/Cindy Scanlan
2	384-200-018	Nancy Wilson, Shelley Robinson, Gary Starr, Beverly Cain
3	470-110-001	Siamak Veshkini

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

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15. ADJOURNMENT

There being no other items before the RCA Board, Chairman Miller adjourned the meeting to the next meeting of the Western Riverside County Regional Conservation Authority Board of Directors on Monday, July 7, 2014, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Respectfully submitted,



Honey Bernas
Clerk of the Board