

**REGIONAL CONSERVATION AUTHORITY
MINUTES
APRIL 05, 2004**

1. CALL TO ORDER

The meeting of the Regional Conservation Authority was called to order at 2:00 p.m. by Chairman Jim Venable in the County Administrative Center Board Hearing Room.

2. ROLL CALL

Supervisor Bob Buster
Supervisor Jim Venable
Supervisor Marion Ashley
Supervisor Roy Wilson
Barbara Hanna, City of Banning
Shenna Moqheet, City of Calimesa
Martin Gibson, City of Canyon Lake
Eugene Montanez, City of Corona
Robin Lowe, City of Hemet
Robert Schiffner, City of Lake Elsinore
Kelly Seyarto, City of Murrieta
Frank Hall, City of Norco
Mark Yarbrough, City of Perris
Dom Betro, City of Riverside
Chuck Washington, City of Temecula

3. PUBLIC COMMENTS

There were no public comments.

4. MINUTES

M/S/C (Lowe/Seyarto) Approve minutes dated March 8th, 2004, as presented. Motion carried with 11-0, with 1 abstention.

5. CONSENT CALENDAR

No items.

6. POLICY CALENDAR

6.1 Status Report – Jurisdiction Joint Power Agreement Execution

Carolyn Luna addressed the committee referring to the most recent JPA status report. A summary was passed out showing a JPA version of December 3rd. She requested all member jurisdictions adopt this version. As of yet, the City of Calimesa did adopt the December 3rd version, but are still awaiting a signed JPA as well as waiting for a MOU that the city is entering into with the County of Riverside.

Ms. Luna called upon Steve DeBaun, Legal Counsel, to answer questions regarding voting authority. Mr. DeBaun identified which agencies were eligible to vote (agencies who have adopted the JPA) and those who were not eligible to vote were agencies that were still waiting to adopt the JPA.

6.2 Selection of RCA Chairperson and Vice-Chairperson

Supervisor Marion Ashley nominated Robin Lowe as Chair. He recognized her experience and achievements in the community. This nomination was seconded by Supervisor Bob Buster. The nomination was unanimously approved.

Ms. Lowe nominated Kelly Seyarto for Vice-Chairperson. The nomination was seconded by Chuck Washington, and the nomination was unanimously approved.

Ms. Lowe moved to the Chair position and thanked the Board for their support.

6.3 USFWS – CDFG Western Riverside County MSHCP 10A Permit Issuance Status

Michelle Ouelette spoke on behalf of Best, Best & Kreiger regarding permit issuance. Ms. Ouelette said that permit issuance should be by the end of May or early June, according to the Department of Fish and Wildlife.

6.4 Appointment of an Ad Hoc Committee Addressing JPA Language and Procedures

Mr. DeBaun started his discussion by focusing on the City of Lake Elsinore, which has proposed some specific changes to the JPA. Mr. DeBaun is recommending that an Ad Hoc Committee of RCA members be convened to look at the changes proposed by the City of Lake Elsinore, and any other changes made by others, to determine if those changes should be adopted into the final JPA document.

Mr. DeBaun discussed the drafting of by-laws for agencies. The by-laws set forth the rules of order and duties for the Chairperson, Vice Chairperson, meeting requirements, etc. Mr. DeBaun established that rules be in place for this agency as well. Mr. DeBaun recommended that a draft of by-laws be prepared, and have the draft reviewed by an Ad Hoc Committee, which will then be presented to the floor for approval.

Mr. DeBaun covered the appointments of alternates. He referred to the JPA agreement that states different processes for appointing alternates. Mr. DeBaun clarified that for each City, the representative to the RCA is the WRCOG Executive Committee member, according to the JPA document. Upon further review, however, the City alternate member can be any other member of city council from that member agency. Mr. DeBaun wanted to clarify any confusion regarding the WRCOG alternate also being the RCA alternate.

For the County, Mr. DeBaun pointed out that the process is different. The regular member is the member of the Board of Supervisors. However, the alternate member can be a person appointed by the Board of Supervisors who is either elected or not elected. This is a very open policy, according to the JPA, as to who can be appointed. Mr. DeBaun recommended an Ad Hoc Committee to discuss this issue because there may be some concern over having non-elected people on the County board.

Mr. DeBaun went on to address a question posed as to whether or not a County representative could appoint another member of the Board of Supervisors or another member of RCA/JPA as their voting member. This would let a Supervisor have two votes. This is a process that RCTC has in place, as a process set forth specifically in a RCTC statute. Outside of a statutory change, Mr. DeBaun regarded this process to be inappropriate. He stated it violates the Brown Act. This would force discussions regarding that particular vote outside of the public meeting, which is not appropriate.

Mr. DeBaun also noted that the WRCOG TAC has reviewed and approved the organizational chart. He further explained that the WRCOG TAC has requested an Ad Hoc Committee to consider some minor refinements to the chart. The WRCOG TAC has also requested to have a formal City Manager and County CAO Committee as a separate sub-committee of RCA board.

Supervisor Marion Ashley inquired about setting up the advisory committee to be formed for the creation of the by-laws. He suggested this would be a good way to insure that there is a connection between the public and the committee to make sure that things are done according to the public wants and needs. Mr. DeBaun noted that this would be discussed under the by-laws ad hoc committee.

Ms. Lowe recommended that Barbara Hanna be a part of that committee and recognized Ms. Hanna's experience in writing by-laws. Ms. Lowe then further recommended Kelly Seyarto from Southwest County, Mark Yarbrough from the Central County, Eugene Montanez, Supervisor Marion Ashley, and Frank Hall.

Mr. DeBaun noted that the Chairperson is being asked to appoint the Ad Hoc Committee in order to comply with the Brown Act.

M/S/C (Washington/Ashley) Approval of the appointment of the Ad Hoc Committee passed 13-0.

Chuck Washington questioned whether all the issues on the item will be discussed through the Ad Hoc Committee motion that was just passed. Mr. DeBaun answered confirming yes, all issues will be discussed by the formed Ad Hoc Committee and then reported back to the Board. Ms. Lowe requested that the proposed changes made by City of Lake Elsinore be distributed to all the members. Mr. DeBaun agreed this should be done and will provide the changes.

6.5 RCA Administrative Responsibilities Overview – Funding Coordination Committee (FCC), Reserve Manager Oversight Committee (RMOC), Joint Project/Acquisition Review Process – Elected Officials Ad Hoc Committee

Carolyn Luna discussed the different committees that the MSHCP requires to be established, what these committees do, and how they get various funding sources. She referred to three committees: the Funding Coordination Committee (FCC), the Joint Project Acquisition Review Process, and Reserve Manager Oversight committee (RMOC).

Ms. Luna advised that the RMOC is required to be formed within 60 days of the RCA entering into contact with Authority Director. Ms. Luna acknowledged that this was done at the last meeting.

The FCC is to be formed within 120 days after issuance of permits by the RCA.

Ms. Luna advised that the Joint Project is an elected officials Ad Hoc committee that is to be convened within 30 days of submittal from another meet and confer committee.

Ms. Luna referred to the staff report, which summarizes the dates for when these committees should be established, and what their functions are. The RMOC committee serves as an intermediary between MSHCP and RCA.

Ms. Luna requested that if anyone having interest in serving on any of the committees leave their request with the Secretary.

The FCC consists of representatives from the wildlife agencies and RCA. This committee provides a forum to discuss the wildlife agencies land acquisition priorities and keeps the RCA informed of its activities. The FCC does advise the Board and Executive Director, however, the Authority does have final word on FCC matters.

Riverside County has convened a funding and implementation committee that has coordinated the conservation of 19,000 acres of property under the MSHCP, using a variety of funding sources. Ms. Luna recognized this as exemplary work. This group has been zealous in acquiring funding, collecting an estimated 124 million dollars. Part of a three year effort by some individuals. Ms. Luna referred to a book that will be distributed to local elected officials that shows the contributions made.

Ms. Luna advised that the Ad Hoc committee should discuss how to effectively transition these functions over from present committee to FCC.

She also discussed the Elected Officials Ad Hoc Committee, saying this doesn't need to be activated until the joint project review process. It is not critical at this time. The Elected Official Ad Hoc Committee will serve as a mediator to solve inconsistencies with MSHCP that a member jurisdiction brings to table.

Mr. Seyarto asked if this was 3 more committees. Ms. Luna advised that it is one committee addressing one Ad Hoc to address the three committees. Out of the Ad Hoc committee, then 3 more committees need to be established to run the science side of the process.

Mr. Washington suggested a motion to narrow the number of people in the committees, to have the same people on the committees.

M/S/C (Washington/Hall) Approve the committees for funding implementation. Motion carried 13 -0.

6.6 Administrative/Personnel Contract between WRCOG and the RCA

Mr. DeBaun proposed a contract between RCA and WRCOG, under which WRCOG will provide contract management, budget administration, policy coordination, accounting, outreach, and related service to the RCA board for an initial term of 3 years. Approval for the contract is desired, and the chair to sign the contract.

M/S/C (Buster/Washington) Approval for motion 14-0.

6.7 Reimbursement Agreements between the County of Riverside & WRCOG with the RCA

Mr. DeBaun noted that the agency has approved two contracts without funding at this time. Mr. DeBaun is requesting funding reimbursement mechanism for these contracts.

For the County contract, Mr. DeBaun stated the County will be providing services under the Management Service Agreement. An invoice will be generated every month and will be provided to the RCA. Instead of paying the invoice, the amount will become a debt to the County. This debt will be reimbursed within a two year term which starts on the date of the issuance of the 10-A permit.

This is the same for the WRCOG agreement.

The reason for the lag is because the agency does not have funding at this time. Once the permit is issued, the fees will be collected, then the RCA can reimburse.

Mr. Gibson asked if costs were anticipated in budgets already or if this increases budget. Mr. DeBaun replied that in the services agreement, the amounts paid to each agency are set forth in the budget. The budget is subject to change or revision throughout the year based on what needs arise. Mr. Gibson wanted to be sure that the additional services approved fall within the same budget approved last month. Mr. DeBaun assured him that it does.

M/S/C (Washington/Seyarto) Motion approved 14-0.

6.8 Selection of an RCA Treasurer and Auditor/Controller

Mr. DeBaun noted that the Treasurer and Auditor Controller are required to be from the same agency and required to be from a member agency of RCA.

It was decided to set up an Ad Hoc Committee to determine and discuss the options for the Treasurer/Auditor/Controller. The committee will include: Councilmember Chuck Washington, Supervisors Marion Ashley and Bob Buster, and Mayor Frank Hall.

6.9 Western Riverside County Regional Conservation Authority Logo

Options were provided for viewing the draft logo to establish identity for the RCA. Option #2 is approved, but with suggestions to remove the green/grey background in order to enhance reproduction quality.

M/S/C Motion approved 13-0.

6.10 MSHCP State Agencies Tour

Ms. Luna advised that the county has arranged for state agencies to tour areas concerning MSHCP. Ms. Luna requested the Chair to appoint 2 members to attend the tour.

Ms. Lowe suggested that the Chair Robin Lowe and Vice Chair Kelly Seyarto to attend the first meeting. For the second tour, to set up for the entire board to attend, so that every can view what is out there.

7. ITEMS FOR NEXT MEETING

No items were recommended.

8. CLOSED SESSION

Carolyn Luna was appointed General Manager of the RCA.

9. ADJOURNMENT

Meeting was adjourned to May 03, 2004.