



**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

MINUTES

Monday, April 3, 2006

1:00 p.m.

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority Board of Directors was called to order by Chairman Kelly Seyarto at 1:04 p.m. in the Board Room at the County Administrative Center, 4080 Lemon Street, First Floor, in Riverside, California, 92501.

2. ROLL CALL

Board Members/Alternates Present

Marion Ashley
Dom Betro
Bob Buster
John Field
Frank Hall
Robin Lowe
John Machisic
Shenna Moqet
Eugene Montanez
Robert Schiffner
Kelly Seyarto
Jeff Stone
Chuck Washington
Mark Yarbrough
John Zaitz

Board Member Absent

William Batey
Chris Buydos
Larry Dressel
Roy Wilson

3. PUBLIC COMMENTS

Terry Wold, Conservation Coordinator for the San Geronio Chapter of the Sierra Club and representing the Sierra Club, Center for Biological Diversity (CBD), California Native Plant Society (CNPS), and San Bernardino Valley Audubon Society, spoke and restated the concerns in the joint letter from the CBD, the CNPS, San Bernardino Valley Audubon Society, and the Sierra Club dated March 2, 2006 that was submitted to the RCA opposing the reduction of the reserve area within Core 2 and potentially eliminating the area as a core reserve, and increasing Core 7. The proposed changes constitute a major modification of the MSHCP and must be analyzed as a Plan amendment rather than a simple Criteria Area Refinement. They understand that the request is as a result of various developers' interests in building housing and commercial projects on properties in criteria cells within Core 2. Core 2 can be a viable reserve with effective management and that conservation of habitat in all established criteria areas in Core 2 is critical for the continued survival of species covered in the MSHCP. The potential exchange of conservation acreage is not biologically equivalent because the habitats types differ between Core 2 and Core 7 and the potential reduction of Core 2 will eliminate crucial wildlife corridors that are essential to maintaining genetic viable populations of a number of plants and animals. She stated that it seems that a foregone conclusion has been made that the plan amendment will save RCA funding because they will not have planning expenditures for Core 2.

4. BOARD MEMBER ANNOUNCEMENTS

There were no Board Member announcements.

5. ADDITIONS/REVISIONS

There were no additions or revisions.

6. APPROVAL OF MINUTES

M/S/C (LOWE/STONE) to approve the minutes of the March 1, 2006 as presented.

7. CONSENT CALENDAR

Robin Lowe requested to pull Agenda Items Nos. 7.4, "*Consideration and Possible Adoption of Resolution No. 06-05 Establishing a Policy for Reimbursement of Costs Related to Joint Project Review, Meet and Confer, Criteria Refinements and Amendments to the MSHCP*" and 7.6, "*Consideration and Possible Adoption of a Surplus Real Property Policy*" from the Consent Calendar.

M/S/C (ZAITZ/MACHISIC) to approve the following Consent Calendar items:

- 7.1 Consideration and Possible Adoption of Resolution No. 06-02, Amending the Authority's Bylaws to Include Reimbursement Provisions Consistent with AB 1234

Adopt Resolution No. 06-02 amending the Authority's Bylaws to include reimbursement provisions consistent with AB 1234.

- 7.2 Introduction of Resolution No. 06-01 Amending the Bylaws Concerning Agenda Setting

Direct staff to place Resolution No. 06-01 on the May 1, 2006 agenda for possible adoption.

- 7.3 Consideration and Possible adoption of Resolution No. 06-04 Adopting an Amended Appendix of the Conflict of Interest Code and Appointing a Filing Officer/Official

Adopt Resolution No. 06-04 amending the Appendix of the Conflict of Interest Code and appointing the Director of Administrative Services as the Authority's filing officer/official.

- 7.5 Consideration and Possible Rescheduling of the June 5, 2005 Meeting of the RCA Board of Directors to June 12, 2006

Reschedule the June 5, 2006 meeting of the RCA Board of Directors to June 12, 2006 at 1:00 p.m.

Items Pulled from the Consent Calendar:

7.4 Consideration and Possible Adoption of Resolution No. 06-05 Establishing a Policy for Reimbursement of Costs Related to Joint Project Review, Meet and Confer, Criteria Refinements and Amendments to the MSHCP

Steve DeBaun, Legal Counsel, stated that the purpose of the policy was to provide a mechanism for the agency to charge appropriate developers or special entities for the cost of undertaking joint project review, meet and confer, and the like. RCA needs funding for ongoing operations and it is significant that these costs are not covered under the developer fees or any other funding mechanisms that the RCA has. The costs will be determined by review of staff time that is specifically allocable to any amendment for JPR, as well as for consultant time that is charged to a particular activity. He then reviewed the process and said that a deposit amount varying from \$1500 to \$5000 would be requested.

Tom Mullen, Executive Director, impressed upon the importance of the ability for RCA to be reimbursed for staff and consultant time. The proposal mirrors the practice of the County of Riverside and several of the cities.

Robin Lowe expressed her concerns about the Joint Project Review (JPR) process. When a property owner pays the HANS fee, they expect that the fees also cover the JPR, i.e., a property owner with 10 acres of property going through the process will be required to pay another \$1500 for deposit or maybe more, depending on the outcome. She also realizes the need to defray costs. Her concern was, and she asked that staff research, if under the Plan the HANS process included payment for the cost of the RCA JPR process.

Michelle Ouellete, Legal Counsel, said that in either the MSHCP or the original JPA documents, there is a provision that allows charges for administrative processing. She explained that the development mitigation fee is primarily for the acquisition of land. This is why staff believes, at this point, that it is warranted to recoup some of the costs in which most instances cannot be taken out of the development mitigation fee.

In response to John Field's question on the hourly rate, Joe Richards, Deputy Executive Director, said that the hourly rate would be based on the involved staff salary, benefits and overhead, and the pass thru costs from the consultants.

Bob Buster asked who is responsible for covering these costs, and advised that he felt that it should be the development industry.

Chuck Washington clarified that there were two issues raised, first the responsibility issue raised by Bob Buster and second the overlapping of charges which was raised by Robin Lowe.

Marion Ashley suggested and Tom Mullen agreed that this proposal be referred back to the Administrative Committee for further review and come back with responses to the Board Members' questions.

M/S/C (Zaitz/Stone) to refer the item to establish a policy for reimbursement of costs related to Joint Project Review, Meet and Confer, Criteria Refinements and Amendments to the MSHCP back to the Administrative Committee for further review.

7.6 Consideration and Possible Adoption of a Surplus Real Property Policy

Steve DeBaun explained that the purpose of the proposed policy is to set a process and guidelines for RCA to follow with regard to holding and disposal of surplus real property. There are specific requirements under State law regarding managing and disposing of surplus property. The critical part of the policy relates to the obligation in the part of the RCA to offer the property back to the original property owner in the event that the purchased property or a portion of it is determined as surplus property within the three year period. The proposed policy will also set the price of the surplus property. He added that notifications will be made to the agency whose jurisdiction the property was located at the time of purchase and the agency whose jurisdiction the property was located at the time of surplus. He noted that there is a general limitation or statement on the part of RCA that it will not dispose of a property within a five-year period. This is not a strict limitation but it is a statement of intent that RCA will not be in the process of professionally flipping properties for the purpose of making a profit.

M/S/C (Lowe/Montanez) to approve the Surplus Real Property Policy.

8. EXECUTIVE DIRECTOR'S REPORT

Tom Mullen provided an update on the following:

8.1 CONTRACT WITH DR. JOHN HUSING

A contract has been executed with Dr. Husing to assist RCA with the Economatrix and Programmatic Studies.

8.1 Update Regarding Economatrix and Programming Requests for Proposals

The Economatrix Study will provide the RCA with information on the cost to assemble the reserve over the 25 year period, as well as the funding source including federal funds to assemble the reserve. The Programming Study will look at whether or not the MSHCP accelerates the placement of infrastructure, and once the reserve is assembled, if there will be additional State and Federal mandates and requirements. Staff expects to go out with the requests for proposals on both studies by mid-May.

8.3 Update Regarding Annual Report for 2005

Staff hopes to have the first draft ready by May 1, 2006.

Joe Richards, Deputy Executive Director, added that the Annual Report is expected to be completed by mid-June. He asked the Board Members to have their respective City staff submit the required information to the RCA as soon as possible.

9. LAND ACQUISITION UPDATE

Ken Graff, Director of Land Acquisition and Management, reported that 27,314 acres have been acquired to date and there is remaining 125,686 acres to be acquired.

10. ITEMS FOR NEXT MEETING

There were no additional items suggested for the next meeting.

At this time, the Board adjourned to the Closed Session.

11. CLOSED SESSION

11.1 Conference with Real Property Negotiators

Property: AP Nos. 363-190-008, 363-190-015

Negotiating Parties

Agency: Director of Land Acquisition and Property Mgmt.

Property Owner: Zukerman

Under Negotiation: Price/Terms of Payment

11.2 Conference with Real Property Negotiators

Property: AP Nos. 407-070-003, 407-070-004, 407-070-007,
407-070-008

Negotiating Parties

Agency: Director of Land Acquisition and Property Mgmt.

Property Owner: Steve McCarty/GSKM

Under Negotiation: Price/Terms of Payment

11.3 Conference with Real Property Negotiators

Property: AP No. 579-020-010

Negotiating Parties

Agency: Director of Land Acquisition and Property Mgmt.

Property Owner: Reden

Under Negotiation: Price/Terms of Payment

11.4 Conference with Real Property Negotiators

Property: AP No. 473-200-008, 413-140-003

Negotiating Parties

Agency: Director of Land Acquisition and Property Mgmt.

Property Owner: Moring

Under Negotiation: Price/Terms of Payment

11.5 Conference with Real Property Negotiators

Property: AP Nos. 473-110-001, 473-110-019, 473-110-020,
473-110-024, 473-110-008

Negotiating Parties

Agency: Director of Land Acquisition and Property Mgmt.

Property Owner: Don DeLello/Pecuniary Capitol Group

Under Negotiation: Price/Terms of Payment

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There were no announcements from Closed Session.

11. ADJOURNMENT

There being no other business before the Board, Chairman Seyarto adjourned the meeting at 2:17 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled to be held on Monday, May 1, 2006, at 1:00 p.m. at the County Administrative Center, Board Room, 4080 Lemon Street, Riverside, California, 92501.

Respectfully submitted,

A handwritten signature in blue ink that reads "Honey Bernas". The signature is written in a cursive style with a large initial "H" and a long, sweeping underline.

Honey Bernas
Clerk of the Board