



**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

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MINUTES

Monday, May 14, 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 1:02 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

Dom Betro
Bob Buster
Maryann Edwards
Frank Hall
Jim Hyatt
Darci Kuenzi
Robin Lowe
Eugene Montanez
John Machisic
Robert Schiffner
John Tavaglione
Gary Thomasian
Roy Wilson
John Zaitz

Board Members Absent

Bill Batey
Larry Dressel
Jeff Stone
Dale Stubblefield
Mark Yarbrough

3. PUBLIC COMMENTS

There were no public comments.

4. BOARD MEMBER ANNOUNCEMENTS

There were no Board Member announcements.

5. ADDITIONS/REVISIONS

There were no additions/revisions to the agenda.

6. APPROVAL OF MINUTES

M/S/C (LOWE/KUENZI) to approve the minutes of the April 2, 2007 as presented.

7. CONSENT CALENDAR

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

7.1 **AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND THE CENTER FOR CONSERVATION BIOLOGY**

Approve the amendment to the contract between the Western Riverside County Regional Conservation Authority and the Center for Conservation Biology.

7.2 **CONTRACT AMENDMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND RAND CORPORATION**

Approve the amendment to the contract with RAND Corporation.

7.3 **AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND THE COUNTY OF RIVERSIDE TO PROVIDE STAFFING AND SERVICES**

Approve the draft agreement with the County of Riverside to provide staffing and services.

7.4 **BIOLOGICAL MONITORING PROGRAM WORK PLAN AND COST ESTIMATE FOR FISCAL YEAR 2007-08**

Approve the Biological Monitoring Program Work Plan and Cost Estimate for FY 2007-08 in the amount of \$1,545,000.

7.5 ADOPTION OF RESOLUTION NOS. 07-02 AND 07-03 APPROVING SUBGRANT AGREEMENTS WITH THE WILDLIFE CONSERVATION BOARD

- 1) Adopt Resolution No. 07-02, which approves a Subgrant Agreement between the Regional Conservation Authority and the Wildlife Conservation Board for the Geller property, Assessor Parcel Numbers 581-100-050 and 581-100-052;
- 2) Adopt Resolution No. 07-03, which approves a Subgrant Agreement between the Regional Conservation Authority and the Wildlife Conservation Board for the Williams property, Assessor Parcel Number 580-340-004; and
- 3) Authorize the Chairman, pursuant to Legal Counsel review, to execute the subgrant agreements on behalf of the Authority.

7.6 CANCELLATION OF THE AUGUST RCA BOARD OF DIRECTORS' MEETING

Cancel the August 6, 2007 RCA Board of Directors' meeting.

8. PUBLIC HEARING – APPROVAL OF RESOLUTION 07-01 ADOPTING THE FISCAL YEAR 2007-08 OPERATING AND CAPITAL BUDGET FOR THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Vice Chairman Montanez opened the public hearing. With no requests to speak on the proposed Fiscal Year 2007-08 budget, Vice Chairman Montanez closed the public hearing.

Honey Bernas, Director of Administrative Services, presented the proposed Fiscal Year 2007-08 budget to RCA Board of Directors that the FY 07-8 budget was prepared using the proposed funding plan contained in the MSHCP Appendix B-5 as the basis for cost allocation assumptions and used the following distribution of appropriations: 1) Administration 1.92% (\$1.05 million); 2) Land Acquisition 93.44% (\$51.2 million); and, 3) Management/Monitoring 4.64% (\$2.5 million). The proposed budget includes \$46.4 million in anticipated revenue, \$54.9 million in expenditures and \$28 million in anticipated cash reserve. Staff proposed that cash reserves be used to augment the \$8.5 shortfall in the acquisition budget.

Staff anticipated a 15% reduction in development fees from FY 06-07 and 50% lower than FY 05-06. A 40% reduction in development fees was anticipated for FY 2006-07, and fee revenue is currently down 35% from last fiscal year.

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Bob Buster noted that with reduced development fees and revenues hardly above projections, he asked what course of action would staff be taking in order to carry on with land acquisition, planning and staffing in the long-term.

Tom Mullen, Executive Director, advised that staff was very conservative in its budget projection last year. Taking into consideration a downturn in development activities, staff has anticipated an additional 15% reduction in development fees from last year, which is approximately 50% lower than FY 05-06. About 50% of the anticipated revenues for Fiscal Year 07-08 are encumbered with prospective land purchases with anticipated acquisition in the Core 2 area. The fiscal condition of the State and the nation was taken into account and if economy drops even lower, it will affect not only RCA but others as well.

At this time, Tom Mullen complimented Honey Bernas and her staff for their time and efforts in developing the proposed budget as well as their foresight relating to projected downturn in economy.

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

1. Adopt Resolution No. 07-01 approving the RCA's Fiscal Year 2007-08 Budget; and
2. Endorse the appropriation allocation assumptions contained in Appendix B-5 of the Plan as the principle guideline in preparing this and future RCA budgets.

9. POLICY ITEMS

9.1 APPROVAL OF POLICIES AND PROCEDURES FOR PROPERTY ENCUMBERED BY ASSESSMENTS AND COVENANTS, CONDITIONS AND RESTRICTIONS

Brian Beck, Principal Development Specialist, stated that staff has processed several property acquisitions encumbered with property assessments such as assessments for road maintenance, and Covenants, Conditions and Restrictions (CCRs). He then reviewed the proposed policies on assessments for Willing Sellers and HANS/JPR acquisitions and for CCRs, as listed in the staff report. He noted that under a 404 permit, the owner would be obligated to buy out the property assessments prior to close of escrow. Staff believes that this is appropriate because RCA is cooperating with the owner and the conveyance is a condition of federal and state regulatory process.

In response to Bob Buster's questions if the proposed policies included HOA and Building Industry Association fees and regulations, Brian Beck said these are included as well as Community Services District.

M/S/C (BUSTER/MACHISIC) to adopt the modification to the Land Acquisition Policies.

9.2 APPROVAL OF POLICIES AND PROCEDURES FOR NEGOTIATION OF HANS/JPR ACQUISITIONS AND CLERICAL CHANGES TO THE MSHCP

Joe Richards, Deputy Executive Director, stated that the RCA Board directed staff to work with the Building Industry Association (BIA) and property owner representatives to develop and streamline the 120-day process when negotiating with property owners whose property are partially or wholly identified for conservation. RCA Chairman Stone and staff met with representatives of the BIA and property owners to discuss and develop a draft 120-day policy. It was also determined that a Clerical Change, pursuant to Section 20.1 of the Implementing Agreement, is required in order to effect the 120-day policy. He then reviewed the three proposed Clerical Changes noted in the staff memorandum. The proposed 120-day policy clarifies that the 120-day negotiation period starts upon the completion and concurrence of the HANS/JPR process and also provides that the access to the property granted to the County/city through the HANS application, or an equivalent process, is extended to the RCA for appraisal purposes. If the negotiations are not completed at the end of 120-day negotiation period, the property owner may agree to extend negotiations, withdraw from negotiations, or commence the Conflict Resolution Process.

In response to Bob Buster's question when the 120-day starts and the possibility of achieving it, Joe Richards said that the 120-day starts once it is determined that the property is needed for conservation. This is achievable especially with the access issue being resolved as the appraisal process could then be started and completed before the 120-day. If a resolution is not achieved at the end of the 120-day process, the MSHCP Plan requires that the RCA and the property owner put their issues in writing and then go through an arbitration process. As of this date, staff has not had to go through this process. Also, the 120-day could be extended by mutual agreement. However, if access is not extended to RCA by either a city/county, then staff will have to revisit the policy.

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Gary Thomasian asked that if under Section 108, Aii, IV, "...RCA *may* proceed to have an appraisal..." be changed to "...RCA *shall* proceed to have an appraisal..."

Michelle Ouellette, Legal Counsel, said that the proposed language affords the RCA much more flexibility with whether or not to proceed with the appraisal rather than having a mandate to proceed.

M/S/C (LOWE/MACHISIC) to approve the proposed clerical changes and the proposed policy addressing the 120-day negotiation period that follows the HANS/JPR process.

10. EXECUTIVE DIRECTOR'S REPORT

- A. Tom Mullen acknowledged Borre Winckel, Executive Director of the Building Industry Association (BIA), and mentioned their radio ad targeting the MSHCP in Riverside County and the fine work that the RCA Board, cities and the County have done in attempting to accommodate the increasing population growth by putting together the Riverside County Integrated Project with the MSHCP as the foundation for planning efforts to simultaneously prepare environmental, transportation, housing and planning guidelines. He will include this at the next meeting for the RCA Board's viewing.
- B. Tom Mullen reported that the Annual Report, which was presented to the RCA Board at their last meeting, has been distributed.

11. LAND ACQUISITION UPDATE

Ken Graff, Director of land Acquisition and Management, stated that since the RCA Board's last meeting, three additional properties closed escrow bringing the total acres conserved to 39,043.

12. ITEMS FOR NEXT MEETING

There were no requests for future items.

13. CLOSED SESSION:

With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.8:

**Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8**

- 13.1 Property:** Assessor's Parcel No. 390-280-002
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt.
or Designee
Property Agent: Mauger/Ralph Mauger
Under Negotiation: Price/Terms
- 13.2 Property:** Assessor's Parcel No. 366-320-001
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt.
or Designee
Property Agent: Rullo/John Rullo
Under Negotiation: Price/Terms
- 13.3 Property:** Assessor's Parcel No. 900-020-017
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt.
or Designee
Property Agent: Scheer/Paul Scheer
Under Negotiation: Price/Terms
- 13.4 Property:** Assessor's Parcel No. 915-510-017
Negotiating Parties
Agency Negotiator: Director of Land Acquisition and Property Mgt.
or Designee
Property Agent: Wallis and Mullings/Michael Wallis
Under Negotiation: Price/Terms

There were no Closed Session announcements.

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14. ADJOURNMENT

There being no other items to be considered, Vice Chairman Montanez adjourned the meeting. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled to be held on Monday, June 11, 2007, at 1:00 p.m. in the Board Room of the County Administrative Center, First Floor, 4080 Lemon Street, Riverside, California.

Respectfully submitted,



Honey Bernas
Clerk of the Board