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Established in 2004, the Western Riverside County Regional Conservation Authority is a joint powers authority consisting of fourteen (14) cities and the county. The RCA is charged with administering the 2003 Western Riverside County Multiple Species Habitat Conservation Plan.

MEETING

1:00 P.M., Monday, March 2, 2009
Riverside County Administrative Center
First Floor, Board Room
4080 Lemon Street
Riverside, California 92501

BOARD OF DIRECTORS

OFFICERS

Bob Buster, Chairman
County of Riverside, District I

Gary Thomasian, Vice Chairman
City of Murrieta

Eugene Montanez, Past Chairman
City of Corona

BOARD MEMBERS

John Machisic
City of Banning

Mark Yarbrough
City of Perris

Larry Dressel
City of Beaumont

Andy Melendrez
City of Riverside

Jim Hyatt
City of Calimesa

John Mansperger
City of San Jacinto

Jordan Ehrenkranz
City of Canyon Lake

Maryann Edwards
City of Temecula

Robin Lowe
City of Hemet

John Tavaglione
County of Riverside District II

Melissa Melendez
City of Lake Elsinore

Jeff Stone
County of Riverside District III

Bill Batey
City of Moreno Valley

Roy Wilson
County of Riverside District IV

Frank Hall
City of Norco

Marion Ashley
County of Riverside District V

Charles Landry, Executive Director
Honey Bernas, Director of Administrative Services
Ken Graff, Director of Land Acquisition



**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

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AGENDA*

**Actions may be taken on any item listed on the agenda. Non-exempt materials related to an item on this agenda submitted to the RCA Board after distribution of the agenda packet are available for public inspection at the RCA Offices, 3403 Tenth Street, Suite 320, Riverside, California, during normal business hours. Such documents are also available on the Western Riverside County Regional Conservation Authority website at www.wrc-rca.org subject to staff's ability to post the documents before the meeting.*

Monday, March 2, 2009

1:00 p.m.

Riverside County Administrative Center

First Floor Annex – Board Hearing Room

4080 Lemon Street

Riverside, CA 92501

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in a Board meeting, please contact the Clerk of the Board at (951) 955-9700. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENTS**

At this time, members of the public can address the RCA Board of Directors regarding any items within the subject matter jurisdiction of the Board that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Each individual speaker is limited to speak three (3) continuous minutes or less. Any person wishing to address the Board on any matter, whether or not it appears on this agenda, is requested to complete a Request to Speak form available at the door. The completed form is to be submitted to the Clerk of the Board prior to an individual being heard. Whenever possible, lengthy testimony should be presented to the Board in writing and only pertinent points presented orally. Any written documents to be distributed or presented to the RCA Board of Directors shall be submitted to the Clerk of the Board.

- 4. BOARD MEMBER ANNOUNCEMENTS** *(This item provides the opportunity for the Board Members to report on attended meetings/conferences and any other items related to RCA activities.)*

RCA BOARD OF DIRECTORS AGENDA

Page 2 of 3

March 2, 2009

5. **ADDITIONS/REVISIONS** *(The Board may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Board subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Board. If there are less than 2/3 of the Board Members present, adding an item requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.)*

6. **APPROVAL OF MINUTES**

7. **CONSENT CALENDAR** *(All matters listed under the Consent Calendar will be approved in a single motion unless a Board member requests separate action on specific Consent Calendar item. The item will be pulled from the Consent Calendar and placed for discussion.)*

7.1 **MSHCP LOCAL DEVELOPMENT MITIGATION FEE ANNUAL CPI ADJUSTMENT FOR FISCAL YEAR 2009-10**

Overview

This item is for the RCA Board of Directors to:

1. Approve not implementing the CPI adjustment for Fiscal Year 2009-10; and
2. Direct staff to inform the County and Cities of this action.

8. **DISCUSSION ITEMS**

8.1 **ADOPTION OF RESOLUTION NO. 09-001, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AMENDING THE WEIGHTED VOTING SECTION OF ITS BYLAWS TO ADD THE CITIES OF MENIFEE AND WILDOMAR**

Overview

This item is for the RCA Board of Directors to adopt Resolution No. 09-001, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Amending the Weighted Voting Section of Its Bylaws to Add the Cities of Menifee and Wildomar.*

9. EXECUTIVE DIRECTOR'S REPORT

- 9.1 Permitee Training Scheduled for March 25, 2009, from 1:00 to 5:00 p.m.**
- 9.2 Update Regarding Participating Special Entities**

10. LAND ACQUISITION UPDATE

11. ITEMS FOR NEXT MEETING

Board Members are invited to suggest additional items to be brought forward for discussion.

12. CLOSED SESSION:

12A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Pursuant to Government Code Section 54956.8

Negotiating Parties: RCA – Director of Land Acquisition and
Property Management or Designee
Under Negotiation: Price/Terms

Item	Assessor Parcel Nos.	Property Owners
1	365-270-092	Timothy W. Archer, Marlene E. Archer

12B. CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION
Pursuant to Subdivision (b) of Government Code Section 54956.9
Exposure to Litigation
Number of Potential Cases: 1

13. ADJOURNMENT

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled to be held on Monday, April 6, 2009, at 1:00 p.m. at the County Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

AGENDA ITEM NO. 6

MINUTES

February 2, 2009



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MEETING MINUTES

Monday, February 2, 2009

1. CALL TO ORDER

The meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority was called to order by Chairman Bob Buster at 2:01 p.m. in the Board Room of the County Administrative Center, First Floor, 4080 Lemon Street, Riverside, California, 92501.

2. ROLL CALL

Board Members/Alternates Present

Marion Ashley
Bill Batey
Bob Buster
Larry Dressel
Jordan Ehrenkranz
Maryann Edwards
Frank Hall
Jim Hyatt
Robin Lowe
John Machisic
John Mansperger
Melissa Melendez
Andy Melendrez
Eugene Montanez
Jeff Stone
John Tavaglione
Gary Thomasian
Roy Wilson
Mark Yarbrough

Board Members Absent

None

3. PUBLIC COMMENTS

There were no public comments.

4. BOARD MEMBER ANNOUNCEMENTS

5. ADDITIONS/REVISIONS

Item 8.1, *Clarification of Tenets Regarding Infrastructure Contribution to MSHCP*, was pulled from the agenda.

6. APPROVAL OF MINUTES

M/S/C (ASHLEY/THOMASIAN) to approve the minutes of December 10, 2008, as submitted.

Abstained: Ehrenkranz, Mansperger, Melendrez

7. CONSENT CALENDAR

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

7.1 FISCAL YEAR 2008-09 FIRST QUARTER FINANCIAL REPORT AND BUDGET ADJUSTMENTS

- 1) Receive and file the Fiscal Year 2008-09 First Quarter Financial Statements;
- 2) Approve the Budget Adjustments contained in Exhibit A; and
- 3) Authorize the Chairman to direct the Auditor-Controller to make the budget adjustments contained in Attachment A.

7.2 RATIFICATION OF 2009 RCA EXECUTIVE COMMITTEE CHAIRMAN APPOINTMENT

Ratify RCA Chairman Bob Buster's appointments to the Executive Committee for 2009.

7.3 PROPOSAL TO CHANGE THE MAY MEETING DATE OF THE RCA BOARD OF DIRECTORS

Change the May meeting date of the RCA Board of Directors from May 4, 2009 to May 11, 2009.

8. DISCUSSION ITEMS

8.2 AMENDMENTS TO THE JOINT POWERS AGREEMENT, THE IMPLEMENTING AGREEMENT, AND THE BYLAWS TO ADD THE CITIES OF MENIFEE AND WILDOMAR TO THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Michelle Ouellette, Legal Counsel, stated that the cities of Menifee and Wildomar have advised that they wish to join the Western Riverside County Regional Conservation Authority. In order to proceed, the following course of actions must be taken: 1) Amend the Joint Powers Agreement (JPA) to add Menifee and Wildomar; 2) Amend the RCA bylaws to update the acreages in the weighted vote section; and, 3) Execute an amendment to the Implementing Agreement by RCA, Menifee, Wildomar and the Wildlife Agencies.

Robin Lowe asked Michelle Ouellette to explain the proposed changes to the acreages. In response, Michelle Ouellette reviewed the current and the proposed change to the acreage for each of the member cities as it related to the weighted vote. She added that the proposed acreage does not change the amount of property to be conserved and should not impact development in any way.

Melissa Melendrez asked Legal Counsel to explain the underlying principle of the acreage as it related to the weighted vote provision of the bylaws.

Michelle Ouellette said that when the JPA was originally written in 2003, a weighted voting provision was added in order to have a process for which a member agency may request the Board to reconsider an action on an agenda item. The acreage that was anticipated to be conserved was used as a factor in the weighted vote.

Steve DeBaun, Legal Counsel, explained that the weighted vote provision in the RCA bylaws was patterned after legislation for the Riverside County Transportation Commission. It allows a Board Member(s) to call for reconsideration of an item that was approved. A weighted vote must be requested immediately after a vote on the item and prior to the start of the next item on the agenda. The weighted vote shall pass the three tests in order to proceed: 1) Approved by a majority of the County members present; 2) Approved by a majority of the City members present; 3) Approved by City members representing a majority of an equal combination of population living in member Cities and acreage anticipated for conservation within member Cities' boundaries.

RCA BOARD OF DIRECTORS MINUTES

Page 4 of 7

February 2, 2009

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

- 1) Approve and direct staff to send the Amendment No. 3 to the Joint Exercise of Powers Agreement Creating the Western Riverside County Regional Conservation Authority to the member agencies for execution;***
- 2) Introduce Resolution No. 09-001, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Amending the Weighted Voting Section of Its Bylaws to Add the Cities of Menifee and Wildomar, and direct staff to agendize for adoption at the next regularly scheduled meeting; and***
- 3) Authorize the Chairman to execute the First Amendment to the Implementing Agreement for the Western Riverside County Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan.***

9. EXECUTIVE DIRECTOR'S REPORT

9.1 Legislative Update – David Kennett, Capitol Alliance Consulting, LLC

David Kennett reported on his work activities as follows: 1) Reviewing programs whether it be farm bill programs, transportation authorization measures, Water Resources Development Act, U.S. Fish and Wildlife Service funding, etc., for possible funding streams for the RCA; 2) Monitoring an effort by habitat conservation plan proponents nationwide to either increase funding for federal land acquisition for habitat or come up with a new innovative funding mechanism for purchasing habitat; 3) Dealing with fiscal regulatory issues that come up such as when the Department of Interior issued a ruling last year that ESA Section 6 grant funds could not be matched with mitigation dollars which, in his opinion, does not have a bearing on Riverside County's HCP because the federal government has an above and beyond responsibility to purchase habitat for this HCP through Section 6 grant funds. Essentially, the message being communicated is that they need assistance to fulfill their responsibility by securing a new funding stream, but not mitigation fees, and this is not the agreement that was executed with the RCA. In coordination with staff's efforts, the Congress is now aware of the previously agreed upon agreement with the RCA. He said that he will continue to work fervently on the Section 6 funding issue as well as secure additional funding stream for habitat acquisition.

RCA BOARD OF DIRECTORS MINUTES

Page 5 of 7

February 2, 2009

David Kennett continued and stated that the changes and activities in Washington, D.C., may be beneficial to RCA. He anticipated that there will be a budget increase for the U.S. Fish and Wildlife Service, Carlsbad Office, and he will watch on how they proposed to expend the funds. He noted that it is important for the RCA to engage with the Department of Interior Headquarters in Washington, D.C., and added that this Administration's Department of Interior is supportive of the Riverside HCP. The following are appointments, which are applicable to the RCA, by the Obama Administration:

- David J. Hayes, who was previously Deputy Secretary of the Department of Interior under the Clinton Administration and was personally vested in the Riverside County MSHCP, was appointed as Deputy Secretary for the Department of Interior.
- Former Colorado Senator Ken Salazar, previously Colorado's Attorney General and is a Water Environment Attorney, was appointed as the Secretary of the Department of Interior.
- Nancy Sutley, previously Los Angeles City Deputy Mayor for Energy and Environment and also served on the California Water Resources Board, was appointed as the White House Council for Environmental Quality.
- Carol Browner, who served on the Clinton Administration, from 1993 to 2001, as head of the Environmental Protection Agency, was appointed as Energy Coordinator.

With regards to the Stimulus Bill, David Kennett believed that funds may be available to be used towards land acquisition.

Gary Thomasian iterated the goal of the RCA as it related to land acquisition and asked if this Administration is apt to relinquish funding for land acquisition. David Kennett responded that RCA has a much better likelihood to secure funds from this Administration.

Gary Thomasian asked about working with agencies such the Bureau of Land Management, CDFG, USFWS with regards to management of the reserve lands, once acquired by the RCA. David Kennett said that at some point, there may be ability for inter-agencies to work together but he noted the agencies have different regulations that they follow.

On behalf of the RCA Board, Chairman Buster thanked David Kennett for his report and said that the RCA will be calling upon David Kennett's assistance to arrange future meetings in Washington, D.C.

RCA BOARD OF DIRECTORS MINUTES

Page 6 of 7

February 2, 2009

10. LAND ACQUISITION UPDATE

Ken Graff, Director of Land Acquisition, reported that since the last meeting of the RCA Board of Directors, an additional 213 acres were acquired bringing the total reserve assembly to approximately 43,567 acres. Also, there are 30-40 willing sellers offering their properties, if the RCA has funds.

11. ITEMS FOR NEXT MEETING

No additional items for discussion at the next meeting were suggested by the Board Members.

At this time, Steve DeBaun, Legal Counsel, announced that Closed Session Item No. 12B, related to potential exposure to litigation regarding the San Jacinto River Ranchos acquisition.

12. CLOSED SESSION ITEMS:

12A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Subdivision (a) of Government Code Section 54956.9

- Case No. RIC 493432
- Case No. RIC 493433

After Agenda Item 12A, Legal Counsels Steve DeBaun, Michelle Ouellette, and Ward Simmons left the meeting.

12B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Pursuant to Subdivision (b) of Government Code Section 54945.9 Exposure to Litigation Number of Potential Cases: One (1)

After the Closed Session, Chairman Buster reconvened the meeting. There were no announcements from the Closed Session items.

RCA BOARD OF DIRECTORS MINUTES

Page 7 of 7

February 2, 2009

13. ADJOURNMENT

There being no other items before the RCA Board of Directors, Chairman Buster adjourned the meeting. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, March 2, 2009, at 1:00 p.m., at the County Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Respectfully submitted,



Honey Bernas
Clerk of the Board

AGENDA ITEM NO. 7.1

MSHCP LOCAL DEVELOPMENT MITIGATION FEE ANNUAL CPI ADJUSTMENT

Regional Conservation Authority

**MSHCP LOCAL DEVELOPMENT MITIGATION FEE
ANNUAL CPI ADJUSTMENT**

Staff Contact:

**Charles Landry
Executive Director
(951) 955-9700**

Background:

The MSHCP calls for an annual CPI adjustment to local development mitigation fees collected to fund the implementation of the Plan. Fee ordinances adopted by the County and Cities reflect this requirement. Each year, the RCA staff informs the County and Cities of the CPI adjustment and asks them to adjust their fee accordingly.

Based on the CPI increase from December 2007 to December 2008, MSHCP fees would increase 0.1125% effective July 1, 2009. Based upon this minimal adjustment, staff recommends not implementing the CPI increase for Fiscal Year 2008-09.

Staff Recommendations:

That the RCA Board of Directors:

1. Approve not implementing the CPI adjustment for Fiscal Year 2008-09; and
2. Direct staff to inform the County and Cities of this action.

AGENDA ITEM NO. 8.1

**ADOPTION OF
RESOLUTION NO. 09-001,
*RESOLUTION AMENDING THE
WEIGHTED VOTING SECTION
OF THE BYLAWS TO ADD
MENIFEE AND WILDOMAR***

Regional Conservation Authority

**RESOLUTION NO. 09-001,
RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN
RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY
AMENDING THE WEIGHTED VOTING SECTION OF ITS BYLAWS TO ADD
THE CITIES OF MENIFEE AND WILDOMAR**

Staff Contact:

**Best, Best & Krieger, LLP
(951) 686-1450**

Background:

The Cities of Wildomar and Menifee seek to join the Western Riverside County Regional Conservation Authority (“RCA”). On February 2, 2009, the RCA Board of Directors introduced Resolution No. 09-001 amending the weighted voting section of its bylaws to add the Cities of Menifee and Wildomar. In addition, the method used to calculate the weighted voting section has been changed to reflect a more objective measurement (i.e., the number of acres of the Criteria Area in each of the incorporated areas, as opposed to the number of acres within the Criteria Area *anticipated to be conserved* in each of the incorporated areas).

Staff Recommendation:

That the RCA Board of Directors adopt *Resolution No. 09-001, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Amending the Weighted Voting Section of Its Bylaws to Add the Cities of Menifee and Wildomar.*

Attachments:

1. Resolution No. 09-001, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Amending the Weighted Voting Section of Its Bylaws to Add the Cities of Wildomar and Menifee*
2. Amended Bylaws
3. Redlined Bylaws

AGENDA ITEM NO. 8.1

Attachment 1

**Resolution No. 09-001,
*Resolution Amending the
Weighted Voting Section
of the Bylaws to Add the
Cities of Menifee and Wildomar***

RESOLUTION NO. 09-001

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY AMENDING THE WEIGHTED
VOTING SECTION OF ITS BYLAWS TO ADD THE
CITIES OF MENIFEE AND WILDOMAR**

WHEREAS, the Western Riverside County Regional Conservation Authority (“Authority”) is a public agency of the State of California formed by a Joint Exercise of Powers Agreement (“Agreement”); and

WHEREAS, pursuant to Section 19 of the Agreement, the Authority has the power to adopt such rules and regulations as the Board may deem necessary for the conduct of the Authority’s affairs; and

WHEREAS, the Authority has presented to its members an amendment to the Agreement which adds the Cities of Menifee and Wildomar as parties to the Agreement; and

WHEREAS, the Authority has adopted Bylaws and the Authority has determined that it is necessary at this time to revise the Authority’s Bylaws to amend the manner in which weighted voting is calculated due to the addition of the Cities of Menifee and Wildomar as parties to the Agreement; and

WHEREAS, notice of this change to the Bylaws has been provided as required in the Bylaws; and

WHEREAS, this Bylaw revision shall be effective only upon the approval of the Joint Powers Amendment described above.

NOW, THEREFORE, BE IT RESOLVED the Western Riverside County Regional Conservation Authority hereby resolves to amend its Bylaws as follows:

1. Article V, Section B, Section 3 of the RCA Bylaws are amended to read as follows:

“3. the item shall be approved by Board members present at the meeting who represent Cities representing a majority of an equal combination of 1) the population of the county living in incorporated areas within the boundaries of the MSHCP Plan area, and 2) the number of acres currently within the Criteria Area in the incorporated areas as follows: Banning – 78 acres; Beaumont – 10,098 acres; Calimesa – 3,380 acres; Canyon Lake – 303 acres; Corona – 2,315 acres; Hemet – 1,158 acres; Lake Elsinore – 13,917 acres; Menifee – 249 acres; Moreno Valley – 2,325 acres; Murrieta – 8,722 acres; Norco – 681 acres; Perris – 3,181 acres; Riverside – 1,201 acres; San Jacinto – 4,224 acres; Temecula – 3,903 acres; and Wildomar – 4,152 acres. For purposes of this paragraph, each regular Board member of the meeting who represents a City shall be assigned votes based on the percentage of the population of incorporated areas within the boundaries of the MSHCP Plan area represented by that member in relation to the total population of incorporated areas within the boundaries of the MSHCP Plan area as well as the percentage of the acreage within the Criteria Area subject to the jurisdiction of that member in relation to the total incorporated area acreage within the Criteria Area set forth in the MSHCP. The Criteria Area acreage set forth in this subsection 3 shall be automatically modified if the Authority adopts a resolution as set forth in Section 7 of the Agreement modifying the acreage amounts.”

2. This Amendment shall be effective upon the approval of this Resolution by the Board of Directors and upon the approval of the Joint Powers Amendment described above.

PASSED AND ADOPTED at the regular meeting of the Board of Directors at the Western Riverside County Regional Conservation Authority held this 2nd day of March, 2009.

By: _____
Bob Buster, Chairman
Western Riverside County
Regional Conservation Authority

ATTEST:

By: _____
Honey Bernas, Clerk
Western Riverside County
Regional Conservation Authority

AGENDA ITEM NO. 8.1

Attachment 2 Revised Bylaws

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

BYLAWS

ARTICLE I – NAME AND AUTHORIZATION

- A. **NAME.** The name of this agency shall be the Western Riverside County Regional Conservation Authority, hereinafter known as the Authority.
- B. **AUTHORIZATION.** The County of Riverside (“County”) and the Cities of Banning, Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto and Temecula, by that Joint Exercise of Powers Agreement dated as of January 27, 2004 (“Agreement”) created the Authority for the purpose of acquiring, administering, operating and maintaining land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”).

ARTICLE II – PURPOSE, DUTIES & POWERS

- A. **PURPOSE.** The Authority shall acquire, administer, operate and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the MSHCP and to implement the MSHCP after the MSHCP is approved by the County and Cities and appropriate permits are issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.
- B. **DUTIES AND POWERS.** Duties and Powers of this Authority are set forth in local, state and federal law and the Agreement, as may be amended from time to time. These duties and authorization include, but are not limited to, the following:
 - 1. To make and enter into contracts;
 - 2. To employ agents, consultants, attorneys and employees;
 - 3. To acquire property, and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property;

4. To conduct and direct studies and to develop and implement plans to complement, modify or supplement the MSHCP;
5. To incur debts, liabilities, and obligations;
6. To sue and be sued in its own name;
7. To employ reserve managers and other personnel to operate, maintain, and administer the habitat reserves established through implementation of the MSHCP;
8. To be an applicant, make applications for, and receive grants from governmental and private entities and to participate in State bond issues;
9. To prepare project reports and applications, to qualify for grants, and to enter into grant contracts and to do all other things necessary to comply with State and Federal laws and regulations with respect to grants;
10. To borrow or receive advances of funds from its members or from such other sources as may be permitted by law;
11. To contract with its members and other entities who operate or will operate the habitat reserves established through implementation of the MSHCP;
12. To issue bonds, notes, warrants and other evidences of indebtedness to finance costs and expenses to carry out the powers of the Authority;
13. To acquire, hold, and dispose of equipment;
14. To lobby state and federal governments and their officials as well as private entities to obtain funding for implementation of the MSHCP and employ individuals or entities to conduct such lobbying activities on its behalf; and
15. To exercise all other powers common to the members not specifically mentioned above which may be necessary to carry out the purposes of this Agreement.

ARTICLE III – MEMBERSHIP

- A. **REGULAR MEMBERS.** The regular members of the Board shall be the five members of the Riverside County Board of Supervisors and one member from each incorporated city who is signatory to the Agreement.

Written notification of the appointment of a City representative shall be provided to the Chairperson of the Board.

B. ALTERNATE MEMBERS:

1. Each member of the Riverside County Board of Supervisors may appoint an alternate member to the Board of the Authority and each City may appoint one alternate member to the Board of the Authority.
2. Each regular member and alternate member of a City must hold an elective office on the respective governing body appointing the regular or alternate member.
3. The Board of Supervisors (“BOS”) may appoint a city council member of a member city to represent the member as an alternate at meetings of the RCA Board or committees. Notice of the alternate appointment shall be made in writing to the chairperson of the RCA Board. In no event shall the same person serve as a city representative and alternate for a BOS member at the same meeting.
4. In the absence of a regular member, the alternate member shall, if present, participate in a meeting of the Board or committee the same as if the alternate member were the regular member.

ARTICLE IV – TERM, VACANCIES AND COMPENSATION

- A. **TERM.** Regular members and alternate members shall serve on the Board during the term for which they were appointed or until their successor has been appointed or their appointment has been revoked, whichever is earlier. However, a regular or alternate member’s position on the Board shall automatically terminate if and when the term of the elected public office of such regular or alternate member is terminated.
- B. **VACANCIES.** Any vacancy in the office of regular or alternate member, whether because of death, incapacity, resignation, loss of underlying office, removal or otherwise, shall be filled by the appointing authority for such member. When a vacancy occurs, it shall be the duty of the respective Party having the vacancy to promptly inform the Board of the name of the replacement regular or alternate member.
- C. **RESIGNATION.** Any regular or alternate member may resign at any time by giving written notice of such resignation to the Authority’s Executive Director. Such resignation shall be effective at the time specified; acceptance of such resignation shall not be necessary to make it effective.

- D. REMOVAL. Any regular or alternate member may be removed, with or without cause stated, by the authority responsible for his or her appointment.
- E. COMPENSATION. Unless prohibited by law from accepting compensation, each regular and alternate member (when performing the duties of a regular member) of the Authority shall be compensated at the rate of One Hundred Dollars (\$100) for any day attending to the business of the Authority, but not to exceed Four Hundred Dollars (\$400) in any month, along with necessary traveling and personal expenses incurred in the performance of his or her duties as authorized by the Authority.

ARTICLE V – VOTING

- A. QUORUM. A majority of the members of the Board shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board. Each regular member or alternate member acting in the place of a regular member shall have one vote at meetings of the Board. However, any member of the Board, immediately after a vote of the Board and prior to the start of the next item on the agenda may call for a weighted vote.
- B. WEIGHTED VOTING. For an item to be passed by weighted vote, all of the following requirements shall be met:
 - 1. the item shall be approved by a majority of the Board members present at the meeting who represent the Riverside County Board of Supervisors, who each shall have one vote;
 - 2. the item shall be approved by a majority of the Board members present at the meeting who represent Cities, who each shall have one vote; and
 - 3. the item shall be approved by Board members present at the meeting who represent Cities representing a majority of an equal combination of 1) the population of the county living in incorporated areas within the boundaries of the MSHCP Plan area, and 2) the number of acres currently within the Criteria Area in the incorporated areas as follows: *Banning – 78 acres; Beaumont – 10,098 acres; Calimesa – 3,380 acres; Canyon Lake – 303 acres; Corona – 2,315 acres; Hemet – 1,158 acres; Lake Elsinore – 13,917 acres; Menifee – 249 acres; Moreno Valley – 2,325 acres; Murrieta – 8,722 acres; Norco – 681 acres; Perris – 3,181 acres; Riverside – 1,201 acres; San Jacinto – 4,224 acres; and Temecula – 3,903 acres; and Wildomar – 4,152 acres.* For purposes of this paragraph, each regular Board Member of the meeting who represents a City shall be

assigned votes based on the percentage of the population of incorporated areas within the boundaries of the MSHCP Plan area represented by that member in relation to the total population of incorporated areas within the boundaries of the MSHCP Plan area as well as the percentage of the acreage within the Criteria Area subject to the jurisdiction of that member in relation to the total incorporated area acreage within the Criteria Area set forth in the MSHCP. The Criteria Area acreage set forth in this subsection 3 shall be automatically modified if the Authority adopts a resolution as set forth in Section 7 of the Agreement modifying the acreage amounts.

ARTICLE VI – NOMINATION AND ELECTION OF OFFICERS

- A. **ELECTIONS.** The Board shall elect a Chairperson and a Vice-Chairperson at its meeting every December starting in 2005, or as soon thereafter as practical. The Chairperson and Vice Chairperson shall annually alternate between a regular member of the Board representing a City and a regular member of the Board who is a member of the Board of Supervisors. The term of the Chairperson and Vice-Chairperson shall commence on the first day of the month following the selection, unless otherwise determined by the Board.
- B. **NOMINATIONS.** Any member of the Authority may nominate any regular member for an office contemplated in Section A. An individual receiving the majority of the votes for any of the offices shall be deemed to have been elected. Different procedures and requirements apply to the office of treasurer and controller, pursuant to Section E. and the Agreement.
- C. **RESIGNATIONS.** In the event an officer resigns or ceases to be an officer, the Board shall select a replacement therefore at the next regular meeting of the Board, or as soon thereafter as practical.
- D. **ABSENCES.** In the absence or inability of the Chairperson to act, the Vice-Chairperson shall act as Chairperson.
- E. **APPOINTMENTS.** The Board shall appoint the treasurer of a member agency to serve as the Treasurer. The Board shall also appoint the finance director of a member agency to serve as the Controller.

ARTICLE VII – DUTIES OF OFFICERS

- A. **CHAIRPERSON.** The duties of the Chairperson shall be to:
 - 1. Preside at all meetings of the Authority;

2. Call special meetings of the Authority when necessary;
 3. Appoint ad hoc committees, when necessary, including, without limitation, an Elected Officials Ad Hoc Committee described in the MSHCP.
- B. VICE-CHAIRPERSON. The duties of the Vice-Chairperson shall be to perform the duties and exercise the power of the Chairperson during the absence of the Chairperson.
- C. EXECUTIVE DIRECTOR. The duties of the Executive Director shall be to administer the MSHCP, as defined above, in compliance with the duties and responsibilities set forth in Sections 5.0 and 6.0 of the MSHCP, and such other duties as may be prescribed by the Board, from time to time. The Executive Director shall perform such duties as prescribed by the Board including, without limitation, the administration of agency contracts. The Executive Director may, after consultation with the Chairperson, authorize contracts in an amount up to \$50,000 without prior Board approval. All such contracts shall be reviewed by legal counsel and shall be reported to the Board after execution. The Executive Director may not issue such contracts totaling more than \$50,000 1) to any one entity in any calendar year, or 2) to a group of entities working on a single project for the Authority. The Executive Director's authority for the purchase of supplies, materials, or equipment is limited to \$25,000.

ARTICLE VIII – MEETINGS

- A. AGENDA. Matters to be placed on the Agenda for any regular meeting or Committee meeting may be filed with the Executive Director of the Authority by any member of the Authority by the Thursday before such regular meeting or special meeting. The Agenda for each regular or special meeting shall be prepared under the control and direction of the Executive Director after consultation and concurrence by the Board Chairman or Vice Chairman, if the Chairman is not available. The Executive Director shall cause copies of the Agenda to be mailed or delivered to each regular and alternate member at least three (3) working days prior to the regular meeting date. During a Board or Committee meeting, any member may bring to the Board's attention any item of new business or request for action. Action on any matter of business not listed Agenda shall be deferred until properly listed on the Agenda for a subsequent meeting unless properly added to the Agenda as an item of subsequent need in accordance with Government Code, Section 54954.2. Notwithstanding, the provisions of this section, individual members of the Board may provide a reference to staff or other resources for factual information, request staff to report back to the Authority at a subsequent

meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

- B. **REGULAR MEETING.** Regular meetings of the Authority shall be held, to the extent feasible at 1:00 p.m. the first Monday of each month at the County Administrative Center, 4080 Lemon Street, First Floor, Riverside, California or at such other location set by the Authority. Regular meetings may be canceled by majority vote of the Authority at a regular or special meeting prior to the meeting to be canceled. A regular meeting may also be canceled by the Chairperson for lack of a quorum. The Executive Director shall endeavor to mail or deliver notice of such cancellation to each regular member and alternate member at least twenty-four (24) hours prior to the time of the meeting.
- C. **SPECIAL MEETINGS.** A special meeting of the Authority may be called at any time by the Chairperson, or in his or her absence by the Vice-Chairperson, or by any four (4) regular members by delivering personally or by mail written notice to the Executive Director and each regular and alternate member. Such notice shall be so delivered at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be transacted at such meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Executive Director a written waiver of notice. Such waiver may be given by telegram or telecopier. Such written notice may also be dispensed with as to any regular or alternate member who is actually present at the meeting at the time it convenes.
- D. **POSTING OF AGENDAS.** The Authority shall post agendas of all regular meetings, containing a brief general description of each item of business to be transacted or discussed at the meeting, at least seventy-two (72) hours before such regular meeting. The agenda shall specify the time and location of the meeting and shall be posted at the County Administration Center, 4080 Lemon Street, Riverside, or at another location specified by the Chairperson that is freely accessible to members of the public. No action shall be taken on any item not appearing on such posted agendas, except as permitted by state law.
- E. **RALPH M. BROWN ACT.** All meetings of the Board, including without limitation, regular, special and adjourned meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).
- F. **ADDRESSING AUTHORITY ON AGENDA ITEMS.** No person shall address the Authority at any meeting until he or she has first been

recognized by the Chairperson. The decision of the Chairperson to recognize a person may be changed by vote of a majority of the members of the Authority present at the meeting. When addressing the Authority, each individual speaker will be limited to three minutes or less of public testimony on each agenda item. The Authority may, either at the direction of the Chairperson or by a majority vote of the Authority, waive this three (3) minute time limitation.

ARTICLE IX – STANDING COMMITTEES

- A. **FORMATION.** The following Standing Committees of the Authority are hereby created:
1. **The Funding Coordination Committee.** This Committee shall provide recommendations to the Board on funding priorities and MSHCP Conservation Area acquisitions. Additionally, this Committee shall provide a forum to discuss land acquisition priorities of the U.S. Fish and Wildlife Service (“USFWS”) and California Department of Fish and Game (“CDFG”) and acquisitions by other entities using non-local sources of revenue. It is envisioned that this Committee will meet at least twice annually. The Committee is not intended to address the acquisition of specific properties. The Board shall establish policies under which the Funding Coordination Committee shall make recommendations to the Board. Such policies shall include conflict of interest guidelines for the Committee members. Members of this committee shall consist of the Executive Committee Members, and representatives of the USFWS, and the CDFG. Member Agency Planning Directors shall be invited to participate in the meeting.
 2. **Reserve Management Oversight Committee.** The Reserve Management Oversight Committee (RMOC) shall serve as the intermediary between the Reserve Managers and the decision making function of the Authority. The Executive Director or designee shall serve as Chairperson of the RMOC. The RMOC shall be composed of, at a minimum, one representative appointed by each of the following entities: USFWS, CDFG, Riverside County Regional Parks and Open Space District, Bureau of Land Management, U.S. Forest Service, California Department of Parks and Recreation, Authority, and up to five (5) other private or public agencies or entities that own or manage land within the MSHCP Conservation Area.
 3. **Executive Committee.** The Executive Committee shall be appointed by the Chairperson and ratified by the Board. The Committee shall be composed of seven (7) members, and have at least two (2) and

no more than three (3) representatives representing the County. The Board Chairperson, Vice Chairperson and past Chairperson, if any, of the Commission shall be members of the Committee. The Executive Committee shall oversee Authority administrative functions, staff functions, recommend staff positions, job descriptions and salaries, and consider such other matters as delegated to it by the Board.

4. Stakeholders Committee. The Stakeholders Committee shall be appointed by the Chairperson and ratified by the Board. The Committee shall be composed of up to sixteen (16) members, whose members shall be drawn from the following:
 - a. groups representing property owners affected by the MSHCP;
 - b. groups representing environmental interests implicated by the MSHCP; and
 - c. groups representing the building industry within the area affected by the MSHCP.
 - d. Committee members shall not be permitted to appoint alternates. The Committee shall meet when requested to do so by the Chairperson or Board. The Committee shall meet as often as necessary; however, reasonable efforts shall be made to hold committee meetings at least twice yearly. The Executive Director shall chair the meetings and facilitate discussion. The Stakeholders Committee shall review implementation plans from a stakeholder perspective and perform such other duties as directed by the Board.

- B. CONTROL AND SUPERVISION. In the performance of their duties and responsibilities, all Committees of the Authority shall submit all policy matters coming before them to the Authority for final consideration, unless otherwise specified by the Board. Committee members shall be appointed on an annual basis.

ARTICLE X – CORPORATE POWERS

- A. SUCCESSION. The Authority has perpetual succession and may adopt a seal and alter it at its pleasure.
- B. LITIGATION. The Authority may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

- C. CLAIMS. All claims for money or damages against the Authority are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.
- D. MOTIONS, REGULATIONS AND ORDINANCES. The acts of the Authority shall be expressed by motion, resolution, or ordinance. All ordinances shall take effect upon their adoption. The enacting clause of all ordinances shall be as follows: "The Western Riverside County Regional Conservation Authority hereby ordains as follows: "All ordinances shall be signed by the Chairperson or by the Vice-Chairperson of the Authority.

ARTICLE XI – CONTRACTS

The Authority may make contracts and enter into stipulations of any nature whatsoever either in connection with eminent domain proceedings or otherwise, including but not limited to, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers authorized by law. The Authority may contract with any Department or Agency of the United States of America, with any public agency (including, but not limited to, the County, WRCOG, CDFG or USFWS), or with any person upon such terms and conditions as the Authority finds is in its best interest.

ARTICLE XII – REIMBURSEMENTS

- A. PERSONS SUBJECT TO REIMBURSEMENT PROVISIONS. These Reimbursement Provisions ("Provisions") shall be applicable to all members of the Authority's legislative bodies, as defined in Government Code section 54952, provided such persons receive compensation for actual and necessary Authority expenses ("Official"). Legislative Bodies include, but are not limited, to the Board of Directors, the Funding Coordination, the Reserve Management Oversight Committee, the Executive Committee and the Stakeholders Committee.
- B. PURPOSE. The purpose of these Provisions is to provide guidelines for the reimbursement of any Official for actual and necessary expenses incurred in the performance of their duties. Whenever issues of reimbursement arise, the Authority shall adhere to Government Code sections 53232.2 and 53232.3.
- C. TRANSPORTATION
 - 1. Use of Personal Vehicle. The Authority shall reimburse for mileage incurred when personal vehicles are used to attend Board and Committee meetings and conferences or other meetings approved

by the Board or Executive Director and in furtherance of the Authority's affairs. Authority will reimburse mileage for travel to and from the destination based upon the approved Internal Revenue Service rate in effect.

2. Rentals. The Authority shall reimburse for actual and necessary vehicle rental expenses. The Authority shall only reimburse economy or compact rate vehicles unless (i) such class of vehicle is unavailable; or (ii) such class of vehicles do not accommodate a disability. When an Official rents a vehicle, he or she shall obtain insurance for the vehicle at the Authority's expense.
 3. Shuttle, Bus, Taxi, and Public Transportation. Shuttle, bus, taxi, and public transportation may be used between an airport, hotel and conference site whenever it is available. Officials are encouraged to use the most efficient mode of transportation available.
 4. Air Travel or Other Common Carrier Transportation. As necessary for the performance of their official duties, Officials may use air travel or other mode of common carrier transportation to and from the destination.
- D. LODGING. Lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available. If a group rate is not available, the government rate of the provider of lodging shall be used. If neither the group nor government rates are available, the Authority shall reimburse lodging at a rate not exceeding \$300.00 per night without Board approval. For lodging in high costs cities (e.g., San Francisco, New York, Washington., D.C.), the Authority will reimburse at a rate not exceeding \$490.00 per night without Board approval. Lodging reimbursement rates will be adjusted annually according to the CPI in the applicable metropolitan statistical area.
- E. MEALS. The actual costs of meals incurred while attending conferences or other meetings in furtherance of the Authority's affairs are reimbursable provided the Authority's staff is given a receipt. Meal costs shall be reimbursed at an amount not exceeding the greater of one hundred fifty dollars (\$150.00) per day or the applicable Internal Revenue Service rate.
- F. PERSONAL EXPENSES AND OTHER EXPENSES NOT REIMBURSABLE. The Authority shall not reimburse the cost of transportation, lodging, meals, or other costs of travel when such costs are of a personal nature incurred in conjunction with the performance of official duties. Personal costs, not reimbursable by the Authority, shall include, but not be limited, to the following: (i) alcoholic beverages; (ii) parking and traffic violations; (iii) entertainment; (iv) services provided by

the provider of lodging; and (v) expenses incurred on behalf of a spouse, dependent, or traveling companion.

- G. CONFERENCES AND OTHER MEETINGS. Officials shall only receive reimbursement of travel, lodging, and meals for conferences or other meetings in furtherance of the Authority's affairs. No other occurrences will be reimbursed.
- H. EXPENSES NOT INCLUDED WITHIN THESE PROVISIONS. Occurrences or expenses which do not fall within these Provisions or the Internal Revenue Service reimbursable rates must be approved by the Board in a public meeting before the expense is incurred.
- I. EXPENSE REPORTS. The Authority shall not reimburse any expenses until an expense form is submitted to the Authority's administrative office no later than 45 days of the expenditure. Expense forms shall be accompanied by receipts documenting each expense. Furthermore, Officials will be required to provide a brief report on the conference or meeting attended at the next regular meeting of his or her respective legislative body.
- J. CPI INCREASE. The dollar limits referenced herein shall be automatically updated annually pursuant to reflect increases in the Consumer Price Index.

ARTICLE XIII – AMENDMENTS

- A. ADOPTION. These Bylaws may be amended at any meeting of the Authority by a majority vote.
- B. PROPOSAL. Any Authority member may propose a Bylaw amendment. Such proposal shall be in writing and shall be referred to the Chairperson who shall report the proposed amendment with recommendation to the Authority. All regular members shall receive at least four (4) weeks notice of any amendments to these Bylaws. Notice may be provided on a Board Meeting Agenda of the Board or by separate notice delivered by mail, e-mail or facsimile to the regular member.

AGENDA ITEM NO. 8.1

Attachment 3 Redlined Bylaws

**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

REDLINED BYLAWS

ARTICLE I – NAME AND AUTHORIZATION

- A. NAME. The name of this agency shall be the Western Riverside County Regional Conservation Authority, hereinafter known as the Authority.
- B. AUTHORIZATION. The County of Riverside (“County”) and the Cities of Banning, Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto and Temecula, by that Joint Exercise of Powers Agreement dated as of January 27, 2004 (“Agreement”) created the Authority for the purpose of acquiring, administering, operating and maintaining land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”).

ARTICLE II – PURPOSE, DUTIES & POWERS

- A. PURPOSE. The Authority shall acquire, administer, operate and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the MSHCP and to implement the MSHCP after the MSHCP is approved by the County and Cities and appropriate permits are issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.
- B. DUTIES AND POWERS. Duties and Powers of this Authority are set forth in local, state and federal law and the Agreement, as may be amended from time to time. These duties and authorization include, but are not limited to, the following:
 - 1. To make and enter into contracts;
 - 2. To employ agents, consultants, attorneys and employees;
 - 3. To acquire property, and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property;

4. To conduct and direct studies and to develop and implement plans to complement, modify or supplement the MSHCP;
5. To incur debts, liabilities, and obligations;
6. To sue and be sued in its own name;
7. To employ reserve managers and other personnel to operate, maintain, and administer the habitat reserves established through implementation of the MSHCP;
8. To be an applicant, make applications for, and receive grants from governmental and private entities and to participate in State bond issues;
9. To prepare project reports and applications, to qualify for grants, and to enter into grant contracts and to do all other things necessary to comply with State and Federal laws and regulations with respect to grants;
10. To borrow or receive advances of funds from its members or from such other sources as may be permitted by law;
11. To contract with its members and other entities who operate or will operate the habitat reserves established through implementation of the MSHCP;
12. To issue bonds, notes, warrants and other evidences of indebtedness to finance costs and expenses to carry out the powers of the Authority;
13. To acquire, hold, and dispose of equipment;
14. To lobby state and federal governments and their officials as well as private entities to obtain funding for implementation of the MSHCP
15. and employ individuals or entities to conduct such lobbying activities on its behalf; and
16. To exercise all other powers common to the members not specifically mentioned above which may be necessary to carry out the purposes of this Agreement.

ARTICLE III – MEMBERSHIP

- A. **REGULAR MEMBERS.** The regular members of the Board shall be the five members of the Riverside County Board of Supervisors and one member from each incorporated city who is signatory to the Agreement.

Written notification of the appointment of a City representative shall be provided to the Chairperson of the Board.

B. ALTERNATE MEMBERS:

1. Each member of the Riverside County Board of Supervisors may appoint an alternate member to the Board of the Authority and each City may appoint one alternate member to the Board of the Authority.
2. Each regular member and alternate member of a City must hold an elective office on the respective governing body appointing the regular or alternate member.
3. The Board of Supervisors ("BOS") may appoint a city council member of a member city to represent the member as an alternate at meetings of the RCA Board or committees. Notice of the alternate appointment shall be made in writing to the chairperson of the RCA Board. In no event shall the same person serve as a city representative and alternate for a BOS member at the same meeting.
4. In the absence of a regular member, the alternate member shall, if present, participate in a meeting of the Board or committee the same as if the alternate member were the regular member.

ARTICLE IV – TERM, VACANCIES AND COMPENSATION

- A. **TERM.** Regular members and alternate members shall serve on the Board during the term for which they were appointed or until their successor has been appointed or their appointment has been revoked, whichever is earlier. However, a regular or alternate member's position on the Board shall automatically terminate if and when the term of the elected public office of such regular or alternate member is terminated.
- B. **VACANCIES.** Any vacancy in the office of regular or alternate member, whether because of death, incapacity, resignation, loss of underlying office, removal or otherwise, shall be filled by the appointing authority for such member. When a vacancy occurs, it shall be the duty of the respective Party having the vacancy to promptly inform the Board of the name of the replacement regular or alternate member.
- C. **RESIGNATION.** Any regular or alternate member may resign at any time by giving written notice of such resignation to the Authority's Executive Director. Such resignation shall be effective at the time specified; acceptance of such resignation shall not be necessary to make it effective.

- D. REMOVAL. Any regular or alternate member may be removed, with or without cause stated, by the authority responsible for his or her appointment.
- E. COMPENSATION. Unless prohibited by law from accepting compensation, each regular and alternate member (when performing the duties of a regular member) of the Authority shall be compensated at the rate of One Hundred Dollars (\$100) for any day attending to the business of the Authority, but not to exceed Four Hundred Dollars (\$400) in any month, along with necessary traveling and personal expenses incurred in the performance of his or her duties as authorized by the Authority.

ARTICLE V – VOTING

- A. QUORUM. A majority of the members of the Board shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board. Each regular member or alternate member acting in the place of a regular member shall have one vote at meetings of the Board. However, any member of the Board, immediately after a vote of the Board and prior to the start of the next item on the agenda may call for a weighted vote.
- B. WEIGHTED VOTING. For an item to be passed by weighted vote, all of the following requirements shall be met:
 - 1. the item shall be approved by a majority of the Board members present at the meeting who represent the Riverside County Board of Supervisors, who each shall have one vote;
 - 2. the item shall be approved by a majority of the Board members present at the meeting who represent Cities, who each shall have one vote; and
 - 3. the item shall be approved by Board members present at the meeting who represent Cities representing a majority of an equal combination of 1) the population of the county living in incorporated areas within the boundaries of the MSHCP Plan area, and 2) the acres ~~within these incorporated areas anticipated to be conserved~~ within the Criteria Area ~~established by the MSHCP~~ as follows: Banning – ~~70~~ 78 acres; Beaumont – ~~7,250~~ 10,098 acres; Calimesa – ~~1,740~~ 3,380 acres; Canyon Lake – ~~40~~ 303 acres; Corona – ~~470~~ 2,315 acres; Hemet – ~~840~~ 1,158 acres; Lake Elsinore – ~~6,350~~ 13,917 acres; Menifee – 249 acres; Moreno Valley – ~~405~~ 2,325 acres; Murrieta – ~~2,390~~ 8,722 acres; Norco – ~~400~~ 681 acres; Perris – ~~4,060~~ 3,181 acres; Riverside – ~~90~~ 1,201 acres; San Jacinto – ~~2,130~~ 4,224 acres; Temecula – ~~990~~ 3,903 acres and Wildomar 4,152 acres. For purposes of this paragraph, each regular Board member of the meeting who represents a City shall be assigned

Inserted: number of
 Inserted: currently
 Inserted: in the incorporated areas

votes based on the percentage of the population of incorporated areas within the boundaries of the MSHCP Plan area represented by that member in relation to the total population of incorporated areas within the boundaries of the MSHCP Plan area as well as the percentage of the acreage ~~anticipated to be conserved~~ within the Criteria Area subject to the jurisdiction of that member in relation to the total incorporated area acreage within the Criteria Area set forth in the MSHCP. The Criteria Area acreage set forth in this subsection 3 shall be automatically modified if the Authority adopts a resolution as set forth in Section 7 of the Agreement modifying the acreage amounts.

ARTICLE VI – NOMINATION AND ELECTION OF OFFICERS

- A. ELECTIONS. The Board shall elect a Chairperson and a Vice-Chairperson at its meeting every December starting in 2005, or as soon thereafter as practical. The Chairperson and Vice Chairperson shall annually alternate between a regular member of the Board representing a City and a regular member of the Board who is a member of the Board of Supervisors. The term of the Chairperson and Vice-Chairperson shall commence on the first day of the month following the selection, unless otherwise determined by the Board.
- B. NOMINATIONS. Any member of the Authority may nominate any regular member for an office contemplated in Section A. An individual receiving the majority of the votes for any of the offices shall be deemed to have been elected. Different procedures and requirements apply to the office of treasurer and controller, pursuant to Section E. and the Agreement.
- C. RESIGNATIONS. In the event an officer resigns or ceases to be an officer, the Board shall select a replacement therefore at the next regular meeting of the Board, or as soon thereafter as practical.
- D. ABSENCES. In the absence or inability of the Chairperson to act, the Vice-Chairperson shall act as Chairperson.
- E. APPOINTMENTS. The Board shall appoint the treasurer of a member agency to serve as the Treasurer. The Board shall also appoint the finance director of a member agency to serve as the Controller.

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- A. CHAIRPERSON. The duties of the Chairperson shall be to:
 - 1. Preside at all meetings of the Authority;
 - 2. Call special meetings of the Authority when necessary;

3. Appoint ad hoc committees, when necessary, including, without limitation, an Elected Officials Ad Hoc Committee described in the MSHCP.
- B. VICE-CHAIRPERSON. The duties of the Vice-Chairperson shall be to perform the duties and exercise the power of the Chairperson during the absence of the Chairperson.
- C. EXECUTIVE DIRECTOR. The duties of the Executive Director shall be to administer the MSHCP, as defined above, in compliance with the duties and responsibilities set forth in Sections 5.0 and 6.0 of the MSHCP, and such other duties as may be prescribed by the Board, from time to time. The Executive Director shall perform such duties as prescribed by the Board including, without limitation, the administration of agency contracts. The Executive Director may, after consultation with the Chairperson, authorize contracts in an amount up to \$50,000 without prior Board approval. All such contracts shall be reviewed by legal counsel and shall be reported to the Board after execution. The Executive Director may not issue such contracts totaling more than \$50,000 1) to any one entity in any calendar year, or 2) to a group of entities working on a single project for the Authority. The Executive Director's authority for the purchase of supplies, materials, or equipment is limited to \$25,000.

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- A. AGENDA. Matters to be placed on the Agenda for any regular meeting or Committee meeting may be filed with the Executive Director of the Authority by any member of the Authority by the Thursday before such regular meeting or special meeting. The Agenda for each regular or special meeting shall be prepared under the control and direction of the Executive Director after consultation and concurrence by the Board Chairperson or Viceperson, if the Chairperson is not available. The Executive Director shall cause copies of the Agenda to be mailed or delivered to each regular and alternate member at least three (3) working days prior to the regular meeting date. During a Board or Committee meeting, any member may bring to the Board's attention any item of new business or request for action. Action on any matter of business not listed Agenda shall be deferred until properly listed on the Agenda for a subsequent meeting unless properly added to the Agenda as an item of subsequent need in accordance with Government Code, Section 54954.2. Notwithstanding, the provisions of this section, individual members of the Board may provide a reference to staff or other resources for factual information, request staff to report back to the Authority at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.
- B. REGULAR MEETING. Regular meetings of the Authority shall be held, to the extent feasible at 1:00 p.m. the first Monday of each month at the

County Administrative Center, 4080 Lemon Street, First Floor, Riverside, California or at such other location set by the Authority. Regular meetings may be canceled by majority vote of the Authority at a regular or special meeting prior to the meeting to be canceled. A regular meeting may also be canceled by the Chairperson for lack of a quorum. The Executive Director shall endeavor to mail or deliver notice of such cancellation to each regular member and alternate member at least twenty-four (24) hours prior to the time of the meeting.

- C. SPECIAL MEETINGS. A special meeting of the Authority may be called at any time by the Chairperson, or in his or her absence by the Vice-Chairperson, or by any four (4) regular members by delivering personally or by mail written notice to the Executive Director and each regular and alternate member. Such notice shall be so delivered at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be transacted at such meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Executive Director a written waiver of notice. Such waiver may be given by telegram or telecopier. Such written notice may also be dispensed with as to any regular or alternate member who is actually present at the meeting at the time it convenes.
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- F. ADDRESSING AUTHORITY ON AGENDA ITEMS. No person shall address the Authority at any meeting until he or she has first been recognized by the Chairperson. The decision of the Chairperson to recognize a person may be changed by vote of a majority of the members of the Authority present at the meeting. When addressing the Authority, each individual speaker will be limited to three minutes or less of public testimony on each agenda item. The Authority may, either at the direction of the Chairperson or by a majority vote of the Authority, waive this three (3) minute time limitation.

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 2. Reserve Management Oversight Committee. The Reserve Management Oversight Committee (RMOC) shall serve as the intermediary between the Reserve Managers and the decision making function of the Authority. The Executive Director or designee shall serve as Chairperson of the RMOC. The RMOC shall be composed of, at a minimum, one representative appointed by each of the following entities: USFWS, CDFG, Riverside County Regional Parks and Open Space District, Bureau of Land Management, U.S. Forest Service, California Department of Parks and Recreation, Authority, and up to five (5) other private or public agencies or entities that own or manage land within the MSHCP Conservation Area.
 3. Executive Committee. The Executive Committee shall be appointed by the Chairperson and ratified by the Board. The Committee shall be composed of seven (7) members, and have at least two (2) and no more than three (3) representatives representing the County. The Board Chairperson, Vice Chairperson and past Chairperson, if any, of the Commission shall be members of the Committee. The Executive Committee shall oversee Authority administrative functions, staff functions, recommend staff positions, job descriptions and salaries, and consider such other matters as delegated to it by the Board.
 4. Stakeholders Committee. The Stakeholders Committee shall be appointed by the Chairperson and ratified by the Board. The

Committee shall be composed of up to sixteen (16) members, whose members shall be drawn from the following:

- a. groups representing property owners affected by the MSHCP;
 - b. groups representing environmental interests implicated by the MSHCP; and
 - c. groups representing the building industry within the area affected by the MSHCP.
 - d. Committee members shall not be permitted to appoint alternates. The Committee shall meet when requested to do so by the Chairperson or Board. The Committee shall meet as often as necessary; however, reasonable efforts shall be made to hold committee meetings at least twice yearly. The Executive Director shall chair the meetings and facilitate discussion. The Stakeholders Committee shall review implementation plans from a stakeholder perspective and perform such other duties as directed by the Board.
- B. CONTROL AND SUPERVISION. In the performance of their duties and responsibilities, all Committees of the Authority shall submit all policy matters coming before them to the Authority for final consideration, unless otherwise specified by the Board. Committee members shall be appointed on an annual basis.

ARTICLE X – CORPORATE POWERS

- A. SUCCESSION. The Authority has perpetual succession and may adopt a seal and alter it at its pleasure.
- B. LITIGATION. The Authority may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.
- C. CLAIMS. All claims for money or damages against the Authority are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.
- D. MOTIONS, REGULATIONS AND ORDINANCES. The acts of the Authority shall be expressed by motion, resolution, or ordinance. All ordinances shall take effect upon their adoption. The enacting clause of all ordinances shall be as follows: "The Western Riverside County Regional Conservation Authority hereby ordains as follows: "All

ordinances shall be signed by the Chairperson or by the Vice-Chairperson of the Authority.

ARTICLE XI – CONTRACTS

The Authority may make contracts and enter into stipulations of any nature whatsoever either in connection with eminent domain proceedings or otherwise, including but not limited to, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers authorized by law. The Authority may contract with any Department or Agency of the United States of America, with any public agency (including, but not limited to, the County, WRCOG, CDFG or USFWS), or with any person upon such terms and conditions as the Authority finds is in its best interest.

ARTICLE XII – REIMBURSEMENTS

- A. **PERSONS SUBJECT TO REIMBURSEMENT PROVISIONS.** These Reimbursement Provisions (“Provisions”) shall be applicable to all members of the Authority’s legislative bodies, as defined in Government Code section 54952, provided such persons receive compensation for actual and necessary Authority expenses (“Official”). Legislative Bodies include, but are not limited, to the Board of Directors, the Funding Coordination, the Reserve Management Oversight Committee, the Executive Committee and the Stakeholders Committee.
- B. **PURPOSE.** The purpose of these Provisions is to provide guidelines for the reimbursement of any Official for actual and necessary expenses incurred in the performance of their duties. Whenever issues of reimbursement arise, the Authority shall adhere to Government Code sections 53232.2 and 53232.3.
- C. **TRANSPORTATION**
 - 1. **Use of Personal Vehicle.** The Authority shall reimburse for mileage incurred when personal vehicles are used to attend Board and Committee meetings and conferences or other meetings approved by the Board or Executive Director and in furtherance of the Authority’s affairs. Authority will reimburse mileage for travel to and from the destination based upon the approved Internal Revenue Service rate in effect.
 - 2. **Rentals.** The Authority shall reimburse for actual and necessary vehicle rental expenses. The Authority shall only reimburse economy or compact rate vehicles unless (i) such class of vehicle is unavailable; or (ii) such class of vehicles do not accommodate a

disability. When an Official rents a vehicle, he or she shall obtain insurance for the vehicle at the Authority's expense.

3. Shuttle, Bus, Taxi, and Public Transportation. Shuttle, bus, taxi, and public transportation may be used between an airport, hotel and conference site whenever it is available. Officials are encouraged to use the most efficient mode of transportation available.
 4. Air Travel or Other Common Carrier Transportation. As necessary for the performance of their official duties, Officials may use air travel or other mode of common carrier transportation to and from the destination.
- D. LODGING. Lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available. If a group rate is not available, the government rate of the provider of lodging shall be used. If neither the group nor government rates are available, the Authority shall reimburse lodging at a rate not exceeding \$300.00 per night without Board approval. For lodging in high costs cities (e.g., San Francisco, New York, Washington., D.C.), the Authority will reimburse at a rate not exceeding \$490.00 per night without Board approval. Lodging reimbursement rates will be adjusted annually according to the CPI in the applicable metropolitan statistical area.
 - E. MEALS. The actual costs of meals incurred while attending conferences or other meetings in furtherance of the Authority's affairs are reimbursable provided the Authority's staff is given a receipt. Meal costs shall be reimbursed at an amount not exceeding the greater of one hundred fifty dollars (\$150.00) per day or the applicable Internal Revenue Service rate.
 - F. PERSONAL EXPENSES AND OTHER EXPENSES NOT REIMBURSABLE. The Authority shall not reimburse the cost of transportation, lodging, meals, or other costs of travel when such costs are of a personal nature incurred in conjunction with the performance of official duties. Personal costs, not reimbursable by the Authority, shall include, but not be limited, to the following: (i) alcoholic beverages; (ii) parking and traffic violations; (iii) entertainment; (iv) services provided by the provider of lodging; and (v) expenses incurred on behalf of a spouse, dependent, or traveling companion.
 - G. CONFERENCES AND OTHER MEETINGS. Officials shall only receive reimbursement of travel, lodging, and meals for conferences or other meetings in furtherance of the Authority's affairs. No other occurrences will be reimbursed.
 - H. EXPENSES NOT INCLUDED WITHIN THESE PROVISIONS. Occurrences or expenses which do not fall within these Provisions or the

Internal Revenue Service reimbursable rates must be approved by the Board in a public meeting before the expense is incurred.

- I. EXPENSE REPORTS. The Authority shall not reimburse any expenses until an expense form is submitted to the Authority's administrative office no later than 45 days of the expenditure. Expense forms shall be accompanied by receipts documenting each expense. Furthermore, Officials will be required to provide a brief report on the conference or meeting attended at the next regular meeting of his or her respective legislative body.
- J. CPI INCREASE. The dollar limits referenced herein shall be automatically updated annually pursuant to reflect increases in the Consumer Price Index.

ARTICLE XIII – AMENDMENTS

- A. ADOPTION. These Bylaws may be amended at any meeting of the Authority by a majority vote.
- B. PROPOSAL. Any Authority member may propose a Bylaw amendment. Such proposal shall be in writing and shall be referred to the Chairperson who shall report the proposed amendment with recommendation to the Authority. All regular members shall receive at least four (4) weeks notice of any amendments to these Bylaws. Notice may be provided on a Board Meeting Agenda of the Board or by separate notice delivered by mail, e-mail or facsimile to the regular member.

Approved 06/07/04
Updated 03/07/05; Resolution No. 05-01
Updated 09/12/05; Resolution No. 05-07
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