



## **MEETING MINUTES**

### **Monday, September 12, 2011**

#### **1. CALL TO ORDER**

The meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority was called to order by Vice Chairman Jim Hyatt at 12:08 p.m. in the Auditor Controller's Conference Room, Riverside County Administrative Center, 11<sup>th</sup> Floor, 4080 Lemon Street, Riverside, California 92501.

Vice Chairman Hyatt adjourned the meeting to Closed Session.

#### **2. CLOSED SESSION ITEMS**

##### **2A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** **Pursuant to Subdivision (a) of Government Code Section 54956.9**

- **RIC 530137**

##### **2B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**Pursuant to Government Code Section 54956.8**

**Property:** 927-680-004 and 927-680-005

**Negotiating Parties:** Rancho California Water District

**Under Negotiation:** Price and Terms

There were no announcements from the Closed Session items.

#### **3. ADJOURN TO FIRST FLOOR ANNEX – BOARD HEARING ROOM**

#### **4. RECONVENE MEETING**

Vice Chairman Hyatt reconvened the RCA Board meeting at 1:15 p.m., in the Board Room, First Floor of the Riverside County Administrative Center and welcomed Mayor Adam Rush, City of Eastvale, to the RCA Board.

#### **5. PLEDGE OF ALLEGIANCE**

At this time, Adam Rush led the RCA Board Members and those present in a flag salute.

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### **6. ROLL CALL**

#### **Board Members/Alternates Present**

Marion Ashley  
Kevin Bash  
Bill Batey  
Ben Benoit  
Roger Berg  
Randy Bonner  
Bob Buster  
Thomas Fuhrman  
Mike Gardner  
Jim Hyatt  
Linda Krupa  
Alan Long  
John Machisic  
Melissa Melendez  
Scott Miller  
Ron Roberts  
Adam Rush

#### **Board Members Absent**

John Benoit  
Maryann Edwards  
Eugene Montanez  
John Tavaglione  
Mark Yarbrough

### **7. PUBLIC COMMENTS**

Bud Spresney of Cerritos, California, requested that a presentation on the progress of the program and conservation metrics be scheduled at a future meeting of the RCA Board. He suggested that studies related to freeway crossing linkages be considered as an area to investigate for possible cost cutting measure. He spoke about the hospital development in Murrieta, Linkage 16 which is an identified linkage, and how the development has affected the corridor, habitat, as well as cost to resolve the issues. He asked whether it is sensible to reactivate a cougar-containing corridor through a high population density area just for the possible benefit of two cougars and some deer and in addition to the factor of cost being prohibitive, it would create a situation that is overly dangerous to humans. He advocated the RCA Board to establish a committee to look into this matter by using the criteria refinement process. (A written analysis on Linkage 16 was submitted for distribution to RCA Board Members.)

### **8. BOARD MEMBER ANNOUNCEMENTS**

There were no Board Member announcements.

### **9. ADDITIONS/REVISIONS**

There were no additions/revisions to the agenda.

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**10. APPROVAL OF MINUTES**

*M/S/C (ASHLEY/MILLER) to approve the May 2, 2011 minutes of the RCA Board of Directors meeting.*

**11. CONSENT CALENDAR**

*M/S/C (ROBERTS/BUSTER) to approve the following Consent Calendar items:*

**11.1 RESOLUTION NO. 11-007, "RESOLUTION FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS"**

- 1) Adopt Resolution No. 11-007, "Resolution for the Election of Directors to the Special District Risk Management Authority Board of Directors," selecting Mike Schaefer of Costa Mesa Sanitary District, Ed Gray of Chino Valley Independent Fire District, and Terry Burkhart of Bighorn-Desert View Water District to fill the vacant positions; and
- 2) Authorize staff to forward Resolution No. 11-007 and the ballot to the Special District Risk Management Authority.

**11.2 FISCAL YEAR 2010-11 THIRD QUARTER FINANCIAL REPORT**

Receive and file the Fiscal Year 2010-11 Third Quarter Financial Report.

**11.3 FISCAL YEAR 2010-11 APPROPRIATION TRANSFERS REPORT**

Receive and file the Fiscal Year 2010-11 Appropriation Transfers Report.

**11.4 CONSULTANT REPORTS**

**11.4A DOUG WHEELER – THIRD AND FOURTH QUARTER REPORTS**

Receive and file Doug Wheeler's Third and Fourth Quarter Consultant Reports.

**11.4B DAVE KENNETT – THIRD AND FOURTH QUARTER REPORTS**

Receive and file Dave Kennett's Third and Fourth Quarter Consultant Reports.

12. DISCUSSION ITEMS

12.1 **RESOLUTION NO. 11-006, “RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING A STATEMENT OF INVESTMENT POLICY”**

Steve DeBaun, Legal Counsel, informed the RCA Board of the State requirement that each public agency shall adopt an investment policy annually. Enclosed in the agenda packet is Resolution No. 11-006 which adopts RCA’s statement of investment policy. He then introduced Don Kent, County of Riverside Treasurer-Tax Collector, RCA’s Treasurer, to review the County’s investment policies and activities.

Don Kent provided an overview of the County investment policies as well as an update on the status of local government investments, interest rates, and the current national state of economy has affected local agencies. He noted that the Treasurer-Tax Collector’s office develops and distributes a monthly report and this is posted on the County Treasurer-Tax Collector’s website.

***M/S/C (MELENDEZ/ASHLEY) to adopt Resolution No. 11-006, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting a Statement of Investment Policy.***

12.2 **FISCAL YEAR 2010-11 PRELIMINARY FOURTH QUARTER (UNAUDITED) FINANCIAL REPORT AND BUDGET ADJUSTMENTS**

Honey Bernas, Director of Administrative Services, presented the FY 2010-11 Preliminary Fourth Quarter (Unaudited) Financial Report ending June 30, 2011 and staff’s proposed budget adjustments. At the end of the fiscal year, RCA’s cash balance is \$12,607,000. Ending appropriations were as follows: 1) Operations \$601,649; 2) Land Acquisition \$15,075,448; and, 3) Management and Monitoring \$1,965,419. She stated that the auditors have started the audit and the Final Financial Statements are scheduled to be presented to the RCA Board in December 5, 2011. She reviewed the proposed budget adjustments to Operations, Land Acquisitions, and Management/Monitoring as shown in Exhibit A. The Executive Committee and staff proposed that the RCA Board receive and file the Preliminary Fourth Quarter Financial Report, approve the budget adjustments, authorize the Chairman to direct the Auditor-Controller to process the budget adjustments, and commit \$600,000 in FY 2011 Tipping Fee proceeds for future land acquisitions.

Melissa Melendez commented that with regards to RCA’s policy to maintain a minimum balance of \$9 million, it appears that RCA is within reach of the minimum balance policy.

*M/S/C (GARDNER/BASH) to:*

- 1) Receive and file the Fiscal Year 2010-11 Preliminary Fourth Quarter (Unaudited) Financial Report;*
- 2) Approve the budget adjustments contained in Exhibit A attached thereto;*
- 3) Authorize the Chairman to direct the Auditor-Controller to make the budget adjustments contained in Exhibit ; and*
- 4) Commit \$600.00 thousand in FY 11 Tipping Fee proceeds for future land acquisition cost.*

### **12.3 WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY MULTIPLE SPECIES HABITAT CONSERVATION PLAN ANNUAL REPORT 2010 PRESENTATION**

Pat Egetter, Chief of Technical Information, reviewed the 2010 MSHCP Annual Report. He reported the habitat losses and gains in 2010, as follows: 1) 1,710 acres of new development were approved by Permittees within the MSHCP Plan area; 2) 1,426 acres were acquired or donated to the Additional Reserve Lands; and 3) 43,034 acres of conservation lands were acquired within the MSHCP Plan area. With regards to Rough Step, there were a total of eight rough step units with 37 vegetation categories and only 4 out of 37 vegetation communities are out of rough step in 4 of the units. Management and Monitoring activities in 2010 included: 1) Addition of 1,431 acres to the Reserve Inventory; 2) Continued focus protection and security of the properties; 3) Completion of nine (9) Management Evaluation Reports; 4) Continue the first phase mapping of vegetation communities, gather existing species information and conduct field surveys; 5) Detection of 102 of the 146 species; 6) Conducting surveys within the existing conservation area of the public/public-quasi (PQP) and additional reserve lands (ARL); and 6) Since 2004, 139 of the 146 covered species have been detected in the conservation area. Of those, 119 is a result of the Monitoring Program. The Annual Report, in its entirety, was distributed in CD form to agencies and is posted on RCA's website.

With regards to Vice Chairman Hyatt's question about the 8,405 acres identified to be extracted from future development, Pat Egetter said that this is through the Permittees when projects are processed and will either be a conservation easement or a donation to the RCA.

Charlie Landry, Executive Director, added that the cities and the County, through their respective Land Use policy, can conditionally make the donations.

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Alan Long asked if and how areas are prioritized as far as sensitivity and vitality of habitat, especially with current deficiency of public agency funding.

Laurie Correa, Director of Reserve Management and Monitoring, said that it is based on the resources on the property and their proximity to either urban and/or suburban uses. In certain places of the conserved land, fences are placed for the purposes of keeping motorized vehicles out, not to prevent access by individuals. She noted that Winchester 700 in Murrieta receives attention because of subdivisions located in the vicinity. In addition, there are sensitive resources in the land such as pond turtles with transmitters that were recently relocated to this area.

Alan Long asked about the policy in relation to existing trails in RCA purchased land, Laurie Correa said that there are a number of properties with existing trails and these trails will remain and continue to be used by residents.

Vice Chairman Hyatt noted that Calimesa has a map showing public/private trails in their city.

It was determined to receive and file the 2010 RCA MSHCP Annual Report.

### **13. EXECUTIVE DIRECTOR'S REPORT**

Charlie Landry, Executive Director, reported on the following items:

#### **13.1 LOAN PROGRAM UPDATE**

As of this date, SB 826 has been introduced; the House version of the bill is HR 1907. Senator Dianne Feinstein and Congressman Ken Calvert are actively working on the bills. However, the process has been put off because of the current budget situation and activities in Washington, D.C. In the meantime, staff is working with others to broaden the spectrum of support by agencies and others. Some of those approached were AASHTO (American Association of State Highways and Transportation Officials), as well as Mobility 21 (who has already endorsed the loan program), BIA (Building Industry Association), State and Federal Building Trades and Unions.

Bob Buster noted that Doug Wheeler's report, in addition to organizations, will be looking at others as well as congressional districts for support of the loan program. He asked about the number of congressional districts affected by the conservation and transportation issues.

Charlie Landry stated that staff will provide this information at the next meeting. In addition, he will provide the list of involved Committee leaders with HCPs (habitat conservation plans) and may benefit from the loan program.

**13.2 CRITICAL HABITAT DESIGNATION UPDATE**

Critical habitat is designated by U.S. Fish and Wildlife Service (USFWS) for endangered species. At issue is that under the Implementation Agreement, USFWS signed and stated that they will not add more critical habitat. There are a couple of species that had critical habitat designation within the Plan area during the development of the Plan. Subsequently, designation of twelve (12) critical habitats has occurred. After fairly extensive lobbying efforts in Washington, D.C., an agreement with USFWS was reached that they will try to eliminate new critical habitat designations. They indicated that a new Rule for non-federal properties will be developed and resolve the issues.

**13.3 NEXUS STUDY UPDATE**

Request for Proposals for the Nexus Study was released in June and RCA has received proposals. Interviews are scheduled and award of the contract is expected to be presented to the RCA Board for approval sometime in November.

**13.4 SECTION 6 UPDATE**

The U.S. Department of Interior has released the allocation of 2011 Section 6 funds which supports habitat acquisition and conservation planning for endangered species. Staff was told that RCA would rank high for the 2011 allocation but this was not the case. The 2011 allocation list was released and for Southern California, it included an award for \$6 million for Coachella Valley and \$6 million for San Diego. He questioned the award to San Diego because the federal requirement, under San Diego's plan, had been met and completed. This was not an issue for RCA in the past since RCA have been receiving Section 6 funds, with the exception of two years ago when funds were suspended when a question arose about local matching funds. This has been resolved and RCA has used \$8.9 million of its Section 6 funds for a number of land acquisitions.

Charlie Landry presented a chart on federal/state acreage contributions. Based on the projection, the federal government has only acquired about 5,000 acres since the RCA Plan was implemented. This shows that the federal government will only achieve acquisition of approximately 24,000 acres out of 56,000 acres needed from Federal/State. The projection shows that it is not likely that federal portion will be achieved. Initially, prior

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to Plan implementation, 12,000 acres were purchased mostly by the State. This will be a major point of contention and staff plans to bring forward to U.S. Fish and Wildlife Service the issue of fulfilling their share of contribution to Western Riverside County's MSHCP.

In response to Alan Long on where the authority lies on the Section 6 allocations, Charlie Landry said that the allocations are made by the USFWS in Washington, D.C.

Bob Buster stated that there should be criteria in which to rank and award Section 6 allocations and Charlie Landry said that staff will pose this matter to USFWS as well.

### 14. LAND ACQUISITION UPDATE

Brian Beck, Land Acquisition Analyst, said that since the last RCA Board meeting in May, in partnership with state/federal agencies and the Wildlife Conservation Board, has conserved an additional 787 acres which brings to total reserve land to 44,199 acres. Using a map, he reviewed the acreages that were added.

### 15. ITEMS FOR THE NEXT MEETING

The following subject matters were requested by the following RCA Board Members to be scheduled at a future RCA meeting:

- A. Western Riverside County Trails: A review of Western Riverside County Trails, plan/activities for the trails and the strategy developed to work with the respective communities – Alan Long
- B. Presentation on Cougars/Mountain Lions/Deer – Thomas Fuhrman

### 16. ADJOURNMENT

There being no other items before the RCA Board of Directors, Vice Chairman Hyatt adjourned the meeting. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, October 3, 2011, at 1:00 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California, 92501.

Respectfully submitted,

  
Honey Bernas  
Clerk of the Board