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## ***MEETING MINUTES***

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

The meeting of the Western Riverside County Regional Conservation Authority was called to order by Chairman Scott Miller at 12:35 p.m. Monday, February 3, 2014, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

### **2. PLEDGE OF ALLEGIANCE**

Board Member Berg led the RCA Board Members and meeting attendees in a flag salute.

### **3. ROLL CALL**

#### **Board Members Present**

Marion Ashley, *Riverside County District 5*  
Kevin Bash, *City of Norco*  
Ben Benoit, *City of Wildomar\**  
Roger Berg, *City of Beaumont*  
Tim Brown, *City of Canyon Lake*  
Maryann Edwards, *City of Temecula*  
Tom Fuhrman, *City of Menifee*  
Andy Melendrez, *City of Riverside*  
Kevin Jeffries, *Riverside County District 1*  
Verne Lauritzen, *City of Jurupa Valley*  
Shellie Milne, *City of Hemet*  
Scott Miller, *City of San Jacinto*  
Jesse Molina, *City of Moreno Valley*  
Eugene Montanez, *City of Corona*  
Harry Ramos, *City of Murrieta\**  
Ron Roberts, *Alternate-Riverside County District 3*  
Adam Rush, *City of Eastvale*  
John Tavaglione, *Riverside County District 2*  
Mark Yarbrough, *City of Perris*

#### **Board Members Absent**

John Benoit, *Riverside County District 4*  
Debbie Franklin, *City of Banning*  
Jeffrey Hewitt, *City of Calimesa*  
Natasha Johnson, *City of Lake Elsinore*

*\*Arrived after start of the meeting.*

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### 4. PUBLIC COMMENTS

1. MaryAnn Shushan Miller of Murrieta, California, provided written testimony to the RCA Board (*on file at RCA*) and added text to her written testimony under Question No. 3 to read as follows: "Has it been explained to these property owners that there are time requirements for the RCA to appraise, process and purchase their properties **or release them from further RCA MSHCP obligations.**" She then referred Exhibit B, which is a list of tax defaulted properties RCA is considering acquiring. She said that with the exception of one property, all of the properties are less than 30 acres. She stated that in response to one of her questions, RCA stated that none of the properties had any relationship to or involvement with the MSHCP related to these properties going into default. Ms. Miller stated that three properties have HANS (Habitat Assessment and Negotiation Strategy) numbers, which indicates they have entered into a process to negotiate with RCA on their properties. In addition, two properties are noted to have RCA expedited review process. She then raised issues how the MSHCP affects small property owners and prevents them access to their legal rights. She stated that one of the things that has happened which creates a lack of ability for small property owners to buy their property rights is the deposits against billings when undergoing the HANS process. The County adopted a policy that which required a \$1,500 deposit and now there is no cap on the billing.
2. Max Miller of Murrieta, California, told the RCA Board that as a member of the Los Alamos Neighbors, he received comments from the group and other groups. They face difficult obstacles while undergoing the HANS process, including the deposit that must be paid. He spoke about the variation in property settlement between large and small property owners. He also pointed out that the Stakeholders Committee appointed by the RCA Board only included two property owners. The remaining members represent other interest groups.

Chairman Miller informed the public and RCA Board Members that response to public comments are on the agenda at the following meeting.

### 5. CHAIR/BOARD MEMBER ANNOUNCEMENTS

#### 5.1 RECOGNITION OF SERVICE – MIKE GARDNER, CITY OF RIVERSIDE

On behalf of the RCA Board and staff, Chairman Miller and Vice-chairman Tavaglione presented Mike Gardner with a plaque to acknowledge his contributions and commitment to RCA during his tenure as the City of Riverside's representative to the RCA Board.

There were no other comments from the RCA Board Members.

### 6. ADDITIONS/REVISIONS

There were no additions/revisions to the agenda.



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### 7. APPROVAL OF MINUTES

***M/S/C (TAVAGLIONE/ASHLEY) to approve the minutes of the January 6, 2014, as submitted.***

***(17 Ayes /1 Abstain-Fuhrman)***

### 8. CONSENT CALENDAR

Tom Fuhrman requested that Agenda Item No. 8.2, *Fiscal Year 2014 Budget Adjustment – Burrowing Owl Relocation*, be pulled from the Consent Calendar.

***M/S/C (EDWARDS/BASH) to approve the remaining Consent Calendar items:***

***(Ayes 18)***

#### **8.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR DECEMBER 2013**

Receive and file the Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fee and Civic/Infrastructure Contribution Report for December 2013.

#### **8.3 FISCAL YEAR 2014 SECOND QUARTER CONSULTANT REPORTS**

Receive and file the Fiscal Year 2014 Second Quarter Consultant Reports for: 1) Dave Driscoll; 2) Dudek; 3) Geographics; 4) Riverside County Regional Park and Open-Space District; and, 5) Santa Ana Watershed Association.

#### **8.4 FISCAL YEAR 2014 SECOND QUARTER CONSULTANT REPORTS FOR DAVID KENNETT, CAPITAL ALLIANCE CONSULTING, AND DOUGLAS P. WHEELER**

Receive and file the Fiscal Year 2014 Second Quarter Consultant Reports for David Kennett and Douglas P. Wheeler.

At this time, the RCA Board addressed the following item which was pulled from the Consent Calendar.

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### 8.2 FISCAL YEAR 2014 BUDGET ADJUSTMENT – BURROWING OWL RELOCATION

Tom Fuhrman requested information on the following: 1) Duration of the Management and Monitoring Program; 2) Photographic substantiation relocating the burrowing owl; 3) Fatalities experienced during the relocation process, and 4) How this will increase revenues.

Laurie Correa, Director of Reserve Management and Monitoring, said that for this task, monitoring will be done for up to two (2) years to coincide with the first breeding season after relocation, and then the next breeding season, if the birds stay and mate. There currently are three (3) birds; one (1) pair and one (1) single female being held in hacking cages. The pair will be held until the start of the breeding season. The single female bird was released after two weeks when the development site (DR Horton) was fully graded. There are approximately 25-30 pairs on conservation land, mainly in southwestern Riverside County. The species objectives require 60 pairs with a minimum of 5 pairs in each of at each of the five Core areas. Owls in secondary areas, outside of the five Cores area, can be counted towards the overall objective.

With regard to the budget adjustment for burrowing owl relocation, Laurie Correa said that DR Horton funded the active relocation. She said that only those with a banding permit are allowed to catch and relocate burrowing owls.

Tom Fuhrman requested a follow-up report by staff on the results after the breeding season. He stated that the cost of relocation is \$8,000 per owl.

***M/S/C (TAVAGLIONE/EDWARDS) to:***

- 1) Approve the budget adjustment contained in Exhibit A; and***
- 2) Authorize the Chairman to direct the Auditor-Controller to make the budget adjustment as contained in Exhibit A.***

***(Ayes 17/Nay 1 - Fuhrman)***

### 9. RESOLUTION NO. 14-001, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY APPROVING THE PURCHASE OF TAX DEFAULTED PROPERTY FROM THE RIVERSIDE COUNTY TREASURER-TAX COLLECTOR'S OFFICE

Brian Beck, Land Acquisition Analyst, stated that RCA received and reviewed the list of tax defaulted properties received from the Riverside County Treasurer-Tax Collector's Office. The identified parcels that would contribute to the MSHCP reserve assembly goals. All of the properties are located in the unincorporated County areas (Highgrove, Good Hope, Santa Rosa Plateau Reserve, Tenaja Corridor, Wilson Valley, and Cactus Valley), and are designated in the County General Plan as rural mountainous or rural



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residential and all are vacant properties. The properties total approximately 181 acres, and the purchase price is \$434,354.17. Staff has coordinated with the County of Riverside Executive Office.

Kevin Jeffries informed the RCA Board of his opposition to this item. He expressed his frustration with the lack of coordination by RCA staff with the County staff. Most of the properties are worthy of being purchased by RCA with the exception of the property located in the Tenaja area as it is sided with roads and homes. It appears questionable that it has significant value for the RCA, in the long run, versus remaining in the County as a productive parcel with a \$1 million or \$0.5 million dollar home.

Charlie Landry, Executive Director, stated that RCA staff has communicated and coordinated with County Executive Office who advised they would brief Supervisor Jeffries on this proposal to purchase tax defaulted properties.

Tim Brown stated that he does feel he is adequately informed on how the tax default process works and, for that reason, he will likely vote no.

John Tavaglione recognized that given the number of County departments and the staff involved, obtaining information can be challenging. He proposed that the item be delayed until the next meeting so that RCA staff can meet with Supervisor Jeffries' office and the County Executive Office.

Andy Melendrez stated that in order to understand what process has been followed and provide clarification to the Board members, he concurred with Supervisor Tavaglione's proposal.

Tom Fuhrman stated that his understanding is the RCA is provided the opportunity to purchase tax-defaulted properties before they go to public auction. Charlie Landry clarified that public agencies, not just RCA, have the opportunity to purchase the properties.

Shellie Milne requested that staff in their report at the next meeting include a paper trail of communications and meetings held.

At this time, Maryann Edwards left the meeting.

Kevin Jeffries thanked John Tavaglione for his proposal and added that any assistance to enhance coordination and cooperation is appreciated. He has had to get information on the properties from the Tax Collector's Office.

In response to Tim Brown's question regarding the process for selecting tax defaulted properties and how the value of the properties is established, Brian Beck said that the values are established by the Tax Collector's Office independently of RCA. The purchase price of the properties is projected out three (3) years due to the length of the process. Tim Brown asked when RCA makes the offer if it is for back taxes only. Brian Beck

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responded that it is the purchase price established by the Tax Collector's Office which includes unpaid taxes and penalties. He stated that the properties may be redeemed if the property owner pays the taxes and penalties. Tim Brown stated, for example, if someone forgets to pay their taxes for a few years on a property that is valued at \$100,000, RCA can pick up the property for \$2,000, plus penalties. Brian Beck stated if property is subject to the power of tax sale as approved by the Board of Supervisors, it could possibly be sold for unpaid taxes. Tim Brown stated he will vote no for that reason.

***M/S/C (TAVAGLIONE/BASH):***

- 1) That RCA staff meet with Supervisor Jeffries' Office and the County Executive Office; and***
- 2) To reschedule this item for the next RCA Board meeting and include additional information regarding communications and the meetings held.***

***(16 Ayes, 1 Nay - Brown)***

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

#### **10.1 Loan Program**

Charlie Landry stated that there were no changes on the loan program proposal since the last RCA Board Meeting. The Water Resources Development Act (WRDA) is still in the Conference Committee. The proposed loan program language is included in the Senate version. The House version of the Water Infrastructure Finance and Innovation Act (WIFIA) does not include the provision; however, it is highly likely that the provision will be included in the final bill because there does not appear to be any opponents of the provision. However, there are other issues that are being addressed in the WRDA bill conference committee. The Senate Transportation bill will be addressed following passage of WRDA. Staff and its lobbyists are working with House and Senate Committee staff (Democrats/Republicans), Senator Dianne Feinstein and Congressman Ken Calvert to make certain that the loan program language is included in the Transportation Infrastructure Finance and Innovative Act (TIFIA) proposed legislation.

#### **10.2 Section 6 Funding**

The Senate and House have approved \$50 million in Section 6 funding of which \$18 million is for acquisition. Last year, out of the available \$18 million nationwide, RCA received \$2.8 million. This year, the U.S. Fish and Wildlife Service will cap the allocations to \$2 million, which is less than the \$3 million cap for last year. RCA will request a full \$2 million. RCA currently has \$5.8 million in Section 6 money. Two million of that is committed, and the rest should be committed this year.



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### **10.3 Report on Follow-up Items from January Board Meeting**

In response to Tom Fuhrman's question with regard to the deposit against billing policy, Charlie Landry explained the process and said that a \$1,500 deposit is required for projects that come to RCA for Joint Project Review after they have gone through HANS process. However, there is no deposit required for 100% acquisition. Tom Fuhrman requested that staff provide him a copy of the policy.

Tim Brown inquired about additional administrative costs and Brian Beck said that RCA covers the fees for appraisal, environmental study, and typically share the escrow fees.

At this time, Charlie Landry reviewed the response to the public comments made at the January meeting by Mr. and Mrs. Max/MaryAnn Shushan Miller and the two letters submitted by MaryAnn Shushan Miller. RCA has responded to the letters. Staff was awaiting a letter from the City of Murrieta because requesting that RCA purchase the 8 acre Miller property, instead of establishing an environmental constraint line. RCA had previously not concurred with this approach. Staff is currently working through the appraisal process. With regard to the request to waive fees, he said that these are to cover the cost of Joint Project Review. He said that the RCA adopted a policy that RCA be reimbursed for the costs associated with Joint Project Review.

Charlie Landry continued and said that with regard to the public comments made in December about conservation in the Wine Country area, staff is waiting for the HANS on this project from the County of Riverside. As requested, RCA and County staff will meet with the property owner. In addition, RCA staff will be meeting with Vicki Long to discuss the mountain lion and wildlife corridor issues.

### **10.4 Update Regarding Stakeholders Committee**

Four meetings were held with the main focus on funding issues. Last month's meeting had a presentation by the Nature Conservancy staff with expertise on funding conservation and transportation tax measures. A variety of funding mechanisms will be explored by the Stakeholders Committee.

Tim Brown asked if RCA Board Members are able to attend the meetings and asked that he be notified of the meetings. Charlie Landry stated that the meetings are open and noticed meetings, and staff will be glad to notify him of the meetings.

## **11. LAND ACQUISITION UPDATE**

Brian Beck reported that since the January RCA Board meeting, 232 acres were added to the reserve, bringing the reserve total to 47,053 acres.

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### **12. ITEMS FOR NEXT MEETING**

Mark Yarbrough requested that staff bring back a report on the cost breakdown for relocating the burrowing owls.

At this time, Chairman Miller adjourned the RCA Board Meeting to Closed Session.

### **13. CLOSED SESSION ITEMS**

#### **13.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**Pursuant to Government Code Section 54956.8**

**Negotiating Parties:** RCA – Executive Director or Designee

**Under Negotiation:** Price/Terms

<b>Item</b>	<b>Assessor Parcel No.</b>	<b>Property Owners</b>
1	392-350-019	Richard Fuller and Barbara Ann Fuller

Ben Benoit arrived for the meeting.

#### **13.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**Pursuant to Paragraph 1 of Subdivision (d) of Government Code Section 54956.9**

- **RIC 10004733 Calvary Chapel of Murrieta vs. Western Riverside County Regional Conservation Authority; City of Murrieta**

There were no announcements from the Closed Session items. With no other items before the RCA Board, the meeting was adjourned.

### **14. ADJOURNMENT**

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, March 3, 2014, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Respectfully submitted,



Honey Bernas  
Clerk of the Board