
AGENDA ITEM NO. 7

MINUTES FEBRUARY 2, 2015



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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 John Tavaglione at 12:35 p.m. on Monday, February 2, 2015, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

2. PLEDGE OF ALLEGIANCE

Chairman Tavaglione led the RCA Board Members and meeting attendees in a flag salute.

3. ROLL CALL

Board Members Present

Kevin Bash, *City of Norco*
Ben Benoit, *City of Wildomar*
Tim Brown, *City of Canyon Lake*
Maryann Edwards, *City of Temecula*
George Moyer, *City of Banning*
Matt Liesemeyer, *City of Menifee*
Kevin Jeffries, *Riverside County District 1*
Bob Magee, *City of Lake Elsinore Alternate*
Andy Melendrez, *City of Riverside*
Scott Miller, *City of San Jacinto*
Eugene Montanez, *City of Corona*
Verne Lauritzen, *City of Jurupa Valley*
Clint Lorimore, *City of Eastvale*
D. LaDonna Jempson, *City of Moreno Valley*
John Tavaglione, *Riverside County District 2*
David S. Rabb, *City of Perris*
Harry Ramos, *City of Murrieta*
Ella Zanowic, *Riverside County District 5 Alternate*

Board Members Absent

John Benoit, *Riverside County District 4*
Jeffrey Hewitt, *City of Calimesa*
Shellie Milne, *City of Hemet*
Vacant, *Riverside County District 3*
Vacant, *City of Beaumont*

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4. PRESENTATION – RECOGNITION OF PAST RCA BOARD MEMBER

Past RCA Board Member Richard Stewart was not in attendance.

5. INTRODUCTION OF NEW BOARD MEMBERS

At this time, Chairman Tavaglione welcomed the new RCA Board Members:

George Moyer, City of Banning
Clint Lorimore, City of Eastvale
Matt Liesemeyer, City of Menifee
D. LaDonna Jempson, City of Moreno Valley
David S. Rabb, City of Perris

6. PUBLIC COMMENTS

There were no public comments.

7. BOARD MEMBER ANNOUNCEMENTS

There were no Board Member announcements.

8. ADDITIONS/REVISIONS

There were no additions or revisions.

9. APPROVAL OF MINUTES

M/S/C (JEFFRIES/EDWARDS) to approve the minutes of the February 2, 2015 meeting of the RCA Board of Directors.

Ayes 14, Abstain 4 (Banning, Lake Elsinore, Perris, and County of Riverside District 5)

- 10. 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.)*

10.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORTS FOR NOVEMBER AND DECEMBER 2014

Receive and file the Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Reports for November and December 2014.

M/S/C (MONTANEZ/EDWARDS) to approve Agenda Item 10.1

Ayes 18

The following items were pulled for discussion:

10.2 FISCAL YEAR 2015 SECOND QUARTER CONSULTANT REPORTS

Receive and file the Fiscal Year 2015 Second Quarter Consultant Reports.

Bob Magee referenced Page 1 of the staff report regarding Dudek providing training and support to Permittees on MSHCP implementation. He stated that the City of Lake Elsinore is struggling with great consternation as to how to transplant the San Diego Ambrosia. They have requested assistance and a protocol from the Resource Agencies and are having difficulty getting meetings and unsuccessful in getting a protocol. He asked if Dudek can provide the city with a protocol for the transplantation and perhaps train some of the members in the proper process. He is seeking help from the RCA Board and thinks Dudek can provide such help.

Laurie Correa responded that Dudek has staff that does that type of work. There is a limited amount of assistance that RCA can provide in terms of the cost of the relocation plan. She would be happy to talk with Dudek and see if there is something basic that RCA and Dudek can do. A relocation plan itself is fairly complicated, but perhaps they could outline a protocol. Bob Magee stated that the issue is that everyone wants to save the plant, but no one will tell them how to save it. The City needs guidance as they have been unable to find a weed expert who can professionally transplant the ambrosia. Laurie Correa stated that RCA can research to see what is available. She does not think it has been done very often and does not know that there is a standard protocol. Bob Magee asked that RCA report back to the city and county counsel..

M/S/C (MAGEE/TAVAGLIONE) to approve Agenda Item 10.2

Ayes 18

10.3 RESOLUTION NOS. 2015-001 AND 2015-002, RESOLUTIONS 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

Tim Brown stated that the last time this item was presented, he expressed his concerns with and objection to RCA purchasing tax defaulted properties. He believes this is an important issue, and he intends to continue to object. In his opinion, the the 5th Amendment of the U.S. Constitution is quite clear that private property not be taken without just compensation. He asked the Board to consider the fact that he has a small parcel that is currently in the conservation corridor. He is unsure that his daughter even remembers that he owns that property. When he

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dies, he would not be surprised if she decides to move to another location, and not knowing his property holdings, she may not advise the Treasurer's Office of her relocation. He gave an example of the property being worth \$100,000. In five years, his daughter might owe \$5,000 in back taxes. In normal circumstances, the Treasurer's Office would put the property up for auction and hold the difference between the monies received and the monies due, the cost of the auction and back taxes, for the property owner to pick up. Because his property is in the conservation corridor, RCA would likely come in and take that property for the \$5,000 in back taxes. His daughter would be out the \$95,000 that would be reasonable for her to assume was hers. He believes that taking private property without just compensation is wrong and in violation of the U.S. Constitution. Property should be processed through auction and proceeds to go to its rightful owner and not the state.

The Chairman thanked Tim Brown for his comments and acknowledged the he had let his position on this be known in the past.

Andy Melendrez asked about the tax default process and what has been before the property comes to the RCA. He stated that an attachment showing a chronological list of what has been done would be helpful to assure the Board Members that everything has been done.

Charlie Landry commented that it's a County process and once all required legal notifications have been completed, agencies are notified of properties for sale. The tax sale process has been presented to the Board in the past, and it can be presented again; however, the sale of tax defaulted properties is a County process.

Brian Beck commented that the Board of Supervisors authorizes the sale of tax default properties. Property owners still have substantial opportunity to redeem their property. This is a beginning step in the process. If the Board approves this item today, a purchase agreement will be prepared by the County of Riverside, which is taken to the Board of Supervisors and goes to the State Auditor-Controller. There are additional notifications. It is likely there will be at least another year and a half, during which time property owners still have the ability to redeem their property.

Andy Melendrez asked for clarification regarding Charlie stating that RCA had provided the attachments in the past. Charlie Landry clarified that the County presented the tax sale process to the RCA Board in the past. Andy Melendrez suggested adding the Board of Supervisors' packet to RCA's agenda packet.

John Tavaglione suggested that staff work with the Treasurer Tax-Collector to provide the appropriate statutes showing they have the authority for the tax default sales.

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Kevin Jefferies advised that all of tax default properties for sale may be accessed on the County's website. He stated that there are approximately 100 to 200 properties that are in the process. It is a fascinating argument that could be made about government paying the value of the property. If the RCA wanted to obtain these parcels in any other circumstance, RCA would have to pay fair market value. Because the property taxes have not been paid, the RCA may get the properties on the cheap potentially if they outbid the other bidders. The fundamental constitutional argument is should government still be required to pay fair market value even if they are obtained through a different venue or path. Under current state law whether or not you believe it is morally or ethically the right thing for government to do, it is what is allowed. If the Board wants to adopt a policy that RCA will not purchase properties through tax sale, but instead will pay fair market value, that is a policy decision that RCA Board needs to make going forward.

Harry Ramos indicated he would like to see this item discussed further and return as an agenda item. He would like to know if the purchase of tax default properties is different from a non-profit standpoint than it is with a private citizen.

John Tavaglione stated the RCA Board has an obligation, as part of the MSHCP, to acquire parcels. One way property is purchased is through fees. The federal government is required to assist as part of the process, which they have not been keeping up with their side of the bargain. During the bad economy, the fees did not come in, which is a natural occurrence. During the bad economy, property values were low and RCA would have liked to have the funds to purchase Additional Reserve Land. The economy is improving. There are properties available through the tax sale process, and RCA should acquire these properties when it can. The RCA has an obligation to purchase properties to assemble the reserve in order to make this Multiple Species Habitat Conservation Plan work. The MSHCP has benefitted western Riverside County. One of the benefits achieved through this Plan is being able to build billions of dollars in projects, including SR91, I-215, I-15, and SR 60, that would otherwise be built because of the permits that were obtained in an expeditious manner.

Bob Magee stated that he believes the new members on the RCA Board would benefit by having the opportunity to review the RAND report, the study that came out three or four years ago. If every member was afforded a copy of that report within the next 30 days, they would have an idea of the history and the recommendations going forward, what has been accomplished, and steps to be taken moving forward.

M/S/C (MONTANEZ/ZANOWIC) to approve Agenda Item 10.3:

Ayes 14, Abstain 1 (San Jacinto) Nays 3 (Canyon Lake, Moreno Valley and Murrieta)

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11. RATIFICATION OF THE CHAIRMAN'S APPOINTMENT OF THE 2015 RCA EXECUTIVE COMMITTEE

M/S/C (ZANOWIC/BENOIT) to approve the ratification of the Chairman's appointment of the 2015 RCA Executive Committee

Ayes 18

Chairman Tavaglione announced the appointments to the 2015 RCA Executive Committee:

John Tavaglione, Chairman – County of Riverside District 2
Eugene Montanez, Vice Chairman – City of Corona
Scott Miller, Past Chairman – City of San Jacinto
Ben Benoit, City of Wildomar
Maryann Edwards, City of Temecula
Natasha Johnson, City of Lake Elsinore
Marion Ashley, County of Riverside District 5

12. EXECUTIVE DIRECTOR'S REPORT

12.1 Loan Program Update

Charlie Landry gave an overview of the loan program for the new Board Members. He advised that RCA is trying to use federal loans or federal loan guarantees to purchase property for the reserve early, particularly property that is under significant development pressure before values rise.

The standalone legislation was introduced a couple of Congresses ago and renewed with the last Congress. With a brand new Congress the base legislation will have to be reintroduced. Senator Feinstein and Congressman Calvert have agreed to reintroduce the legislation, which is expected to occur in late February or early March. The Water Resources Development Act in the WIFIA portion, which is the Innovate Financing portion of the WRDA bill. This has been approved by Congress and signed by the President. There is a provision which makes Habitat Conservation Plan's (HCP) to be eligible for loans and loan guarantees. RCA is following up with the Environmental Protection Agency and Corps of Engineers as they make the rules so that RCA continues to qualify for those loans. It is anticipated that the process will take anywhere from six months to one year. This is a new program, it is a long process. The RCA is also working on putting language in the transportation bill for HCP's that support transportation. The Western Riverside County MSHCP certainly supports transportation. It is one of the main reasons for the HCP. In the last Congress, the language was included in the Senate portion of the bill. The House bill had not been completed, but all appeared favorable. Subsequently, RCA's D.C. lobbyists have been working with the Republican staff and the Senate who are very

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familiar with this. They are also engaging the House staff to making sure they understand and that the language is included in transportation bill. They are also in ongoing discussions with the Department of Interior to assure their continued support.

Chairman Tavaglione again welcomed the new Board Members and advised that the process is not always popular. He advised that 15 or 16 years ago, he was the worst of the worst in terms of the naysayers on this process. He did not believe that Riverside County should be going down this path and recalled walking out of a meeting with the Wildlife Agencies. One of the projects in his district was delayed for almost 10 years, and now he is one of the biggest fans of the MSHCP because it is the right thing to do for this County. The billions of dollars in transportation projects that are underway are because the plan has shortened the timeframe to get permits for these projects. He encouraged the Board Members to call on the Executive Director and legal counsel to answer any questions they may have regarding the plan, as it is complicated and challenging, but it is the right thing to do.

13. LAND ACQUISITION UPDATE

Charlie Landry reported that since the last meeting, RCA acquired six additional properties totaling approximately 456 acres, bringing the reserve total to 48,774 acres. These were all purchased properties and staff has been working very hard and has done a great job.

14. ITEMS FOR NEXT MEETING

Andy Melendrez stated that he requested an opportunity to review how the RCA goes about collecting fees. He advised that the City of Riverside has had a difference of opinion with RCA on how fees are collected. As a result, it is important that this is addressed so that all of the members understand how and when to collect fees, and whether or not there is training and procedures for over and under collection.

Chairman Tavaglione agreed that there needs to be more clarity and consistency amongst all of the member agencies.

Andy Meledrez stated that RCA is a relatively new agency and as things develop, there is often a need to revisit certain policies.

Chairman Tavaglione advised that the matter will be agendized for the March meeting of the Board of Directors.

At this time the Chairman adjourned the meeting to closed session.

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15. CLOSED SESSION ITEMS:

15.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Negotiating Parties: RCA – Executive Director of Designee

Under Negotiation: Price/Terms

Item	Assessor Parcel No.	Property Owners/Agent
1	569-070-001	Cameron Lloyd, Brian Lloyd and Seth Lloyd/No Agent
2	465-020-040	Grace M. Kaelin, Glen T. Kennedy, Martha I.G. Kennedy, Helen Hartman, Irene Konopasek, Gail K. Wolny, Geraldine L. Leadbetter, Frank K. Leavitt, and Tina Leavitt/Tami Wilhelm
3	470-100-009	Sharon Witek/No Agent
4	472-090-022	Stephen McCausland and Lousie McCausland/No Agent

After the Closed Session, the meeting reconvened. There were no announcements.

16. ADJOURNMENT

There being no other items before the RCA Board, Chairman Tavaglione adjourned the meeting of the Western Riverside County Regional Conservation Authority Board of Directors at 1:36 p.m. The next meeting is scheduled for Monday, March 2, 2015, 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