

AGENDA ITEM NO. 7

MINUTES

May 4, 2015



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 12:30 p.m. on Monday, May 4, 2015, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

Board Members Present

Board Members Absent

<p>George Moyer, <i>City of Banning</i> Mark Orozco, <i>City of Beaumont*</i> Jeffrey Hewitt, <i>City of Calimesa</i> Tim Brown, <i>City of Canyon Lake</i> Eugene Montanez, <i>City of Corona</i> Clint Lorimore, <i>City of Eastvale</i> Linda Krupa, <i>City of Hemet</i> Verne Lauritzen, <i>City of Jurupa Valley</i> Matt Liesemeyer, <i>City of Menifee</i> D. LaDonna Jempson, <i>City of Moreno Valley*</i> Harry Ramos, <i>City of Murrieta</i> Kevin Bash, <i>City of Norco</i> Julio Rodriguez, <i>City of Perris Alternate</i> Andy Melendrez, <i>City of Riverside</i> Scott Miller, <i>City of San Jacinto</i> Maryann Edwards, <i>City of Temecula</i> Ben Benoit, <i>City of Wildomar</i> Kevin Jeffries, <i>Riverside County District I</i> John Tavaglione, <i>Riverside County District II</i> Chuck Washington, <i>Riverside County District III</i> Ella Zanowic, <i>Riverside County District V Alternate</i></p>	<p>Natasha Johnson, <i>City of Lake Elsinore</i> John Benoit, <i>Riverside County District IV</i></p>
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*Arrived after start of meeting

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4. PUBLIC COMMENTS

There were no public comments.

5. BOARD MEMBER ANNOUNCEMENTS

There were no announcements by Board Members.

6. ADDITIONS/REVISIONS

There were no additions or revisions.

7. APPROVAL OF MINUTES

M/S/C (MILLER/CORONA) to approve the minutes of the April 6, 2015 meeting of the RCA Board of Directors.

Ayes 18, Nays 0, Abstain 1 (RODRIGUEZ)

8. 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.)*

M/S/C (JEFFRIES/EDWARDS) to approve the following consent calendar items:

Ayes 19, Nays 0, Abstain 0

8.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORTS FOR MARCH 2015

Overview

This item is for the RCA Board of Directors to receive and file the Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Reports for March 2015.

8.2 FISCAL YEAR 2015 THIRD QUARTER CONSULTANT REPORTS

Overview

This item is for RCA Board of Directors to receive and file the Fiscal Year 2015 Third Quarter Consultant Reports.

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9. **RESOLUTION NO. 2015-005, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING THE FISCAL YEAR 2016 OPERATING AND CAPITAL BUDGET**

Overview

This item is for the RCA Board of Directors to adopt Resolution No. 2015-005, *Resolution of the Board of Directors of the Westerns Riverside County Regional Conservation Authority Adopting the Fiscal Year 2016 Operating Capital Budget*.

Honey Bernas, Director of Administrative Services reported that proposed budget reflects conservative revenue estimates and limited appropriations in order to meet current commitments and obligations under the Plan.

She presented an overall summary of the proposed FY2016 budget, showing comparisons to the FY2014 actual revenues and appropriations, the FY2015 adjusted budget and year-end projections estimated by staff, and the dollar and percentage change from the FY2015 adjusted budget. The 2015 adjusted budget reflects an overall draw on fund balance of \$2.1 million; however, staff is projecting balanced revenues and appropriations overall as an agency for FY2015. During FY2015, RCA received two Participating Special Entities (PSE) applications resulting in revenue of \$2.2 million that was not in the original budget. The Proposed 2016 budget the overall budget calls for a \$688 thousand draw on restricted fund balance, which is a contingency.

Total proposed revenue sources of \$28.3 million. RCA has been awarded \$8.2 million in federal funds for land acquisitions. Staff continues to work diligently with potential sellers to acquire land to expend those funds. RCA currently has potential properties with possible closing dates within FY2016. The proposed budget reflects the use of all the federal funds awarded and the state matching funds of \$6.3 million and \$3.1 million respectively. RCA received good news from the Executive Director of the Wildlife Conservation Board (WCB) that they are willing to recommend providing a larger match than 30% on one of RCA's potential acquisitions, which will save \$1.1 million in RCA funds if approved. This was not included in the proposed budget, since approval is pending.

Local development mitigation fees are estimated at \$9.3 million, based on the current trend and proposed actuals for 2015. Measure A funds in the amount of \$3 million represents the fourth installment out of eight agreed upon with RCTC, to fulfill RCTC's obligation under the plan. RCA anticipates 11 donations with an estimated value of \$2.5 million, which is a 29% decline from FY2015.

Tipping fees are projected at \$2.3 million based upon FY2014 actuals and the current year trend. Other proposed revenue sources include Flood Control fees of \$590,000; TUMF contributions of \$500 thousand, interest of \$100 thousand estimated at the

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FY2015 average interest rate of 0.45%, \$100 thousand in infrastructure contributions and \$75 thousand in civic project contributions.

The proposed budget reflects a 17% increase in total appropriations, from \$24.7 million in the FY2015 Adjusted Budget, to \$29 million in the FY2016 proposed budget. The overall \$4.3 million increase is attributed to probable land acquisitions during FY2016.

Salaries and Benefits reflect a 1% decrease from FY2015 as a result of a \$94,000 increase in salaries (7%), a 2% cost of living increase, and a new position replaced a consultant, which resulted in savings in contract expenditures. There is a \$14 thousand dollar increase in budgeted benefits. There is a \$126,000 reduction in annual retirement/buydown payouts, as two staff members retired in FY2015 and no retirements are anticipated in the current year.

Land purchases and improvements of \$22.1 million which include 27 properties (4 previously committed land acquisitions, 8 federal/state funded acquisitions, 11 donations, and 4 other potential acquisitions).

Honey Bernas continued with a summation of the summary. RCA is proposing \$28.3 million in revenue sources and \$29 million in appropriations which represents a \$688,000 draw on restricted fund balance. Staff is projecting a \$26.5 million fund balance as of June 30, 2015 to carry forward into FY2016. Of this amount, \$16.3 million is unrestricted general funds and \$10.2 million is restricted fund balance for capital acquisition purposes. The Fiscal Year 2016 proposed deficit is attributed to previously committed land acquisitions and a 14% contingency. The budget includes a \$500,000 contingency for legal, \$2.0 million for existing litigation, and \$1.5 million for potential properties. No draw on unrestricted funds is proposed. If RCA receives additional match from the WCB, the potential draw could be reduced by \$1.1 million.

Honey Bernas then presented an overview of the Proposed Budget by fund and by program. She stated that the General Fund is comprised of the Operations and Management and Monitoring Programs. The Capital Project Fund includes all resources and appropriations applicable to the Land Acquisition Program.

In Operations, staff proposes a balanced budget of \$449,000 for revenues and appropriations. General revenues include Flood Control, Joint Project Review fees, civic and infrastructure contributions. Significant appropriations include salaries, contract and legal appropriations. In Management and Monitoring, staff proposes a balanced budget of \$2.7 million in revenues and appropriations. Significant revenues include Tipping Fees of \$2.3 million, Flood Control fees of \$163 thousand, and approximately \$50,000 from the California Department of Fish and Wildlife for the tri-colored blackbird habitat enhancement grant. Appropriations of \$2.7 million are primarily comprised of contract services of \$2.0 million, which includes the Santa Ana Watershed Association contract of \$929 thousand and Parks & Open Space District

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for \$935 thousand. There is also an allocation of salaries in general office expenditures in the proposed budget.

In Land Acquisition, revenues of \$25 million represent primarily development mitigation fees of \$9.3 million, Federal Grants of \$6.3 million, State Grants at \$3.0 million, Measure A of \$3 million and land donations of \$2.5 million. RCA's estimated beginning fund balance is \$10.2 million, which represents prior years' mitigation fees that are available for contingent land acquisitions. The budget includes a \$688 thousand contingency for possible land acquisitions.

Honey Bernas then reviewed Exhibit A-3 which provided a detail of all appropriations for contracts. The proposed budget reflects a slight increase of \$6,000, less than 1%. She then reviewed the major changes. Vegetation mapping decreased by \$135 thousand as the contract ended in March of 2015. Real property services increased by 33% mainly due to appraisal costs and increased acquisitions. In addition, real estate service rates are increasing by 14.5% which represents the County of Riverside, Board of Supervisors' approved rate. In Reserve Management there is a \$27,000 increase, as hourly rates have increased due to a cost of living adjustment and the reinstatement of step increases. Biological monitoring increased by \$63 thousand due to an increase in overhead of \$33 thousand based on the cost to administer the contract. Budget increases also include approximately \$15,000 for field biologist benefits and \$14,000 for program lead biologist step increase to avoid compaction.

Honey Bernas concluded stating that the RCA Executive Committee and staff recommend that the Board approve and adopt proposed budget and offered to answer any questions.

Board Member Jeffries referenced Exhibit A-1 and the increases in salaries, general office expenditures and legal expenses. He questioned the increases and stated that every dollar spent in these areas is less than can be spent on acquisitions. He noted that the increase in legal expenses was the largest increase. Honey Bernas clarified that the proposed budget for legal is the same as FY2015. The increase from year-end projections and proposed budget is a contingency which was not used last fiscal year. Board Member Jeffries asked that Executive Committee look at quarterly budget reviews closely and hold the line on increases. Chairman Tavaglione agreed and will make sure this is addressed during quarterly reviews.

Board Member Brown stated that the budget projections reflect significant increases in state and federal grant contributions and asked about the level of confidence in those amounts. Honey Bernas stated that the amounts have already been awarded to RCA; however, the funds are not received until RCA acquires property. His next question was regarding the salary appropriations. He stated that it was noted that responsibilities of a consultant are now being assumed by a staff member. Honey Bernas answered yes. Board Member Brown asked how many positions were added.

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Honey Bernas stated that RCA added one new position and filled two positions to replace retired employees. Those positions were reclassified to lower positions to save money. Cost of living adjustments and step increases have been reinstated by the Board of Supervisors, and the step increase are based on merit. Board Member Brown asked what the percentage of cost increases for existing employees is. Honey Bernas responded the increases could be approximately 7%. Board Member asked how that works. Honey Bernas responded that RCA staff members are county employees so the cost of living of increase is required. Board Member Brown asked if the Board of Supervisors approved this 7% salary increase. Honey explained that the Board approved a 2% cost of living adjustment. The step increases are increases within a range of a salary schedule for each position. Step increases are based upon merit and could be increased or decreased by a maximum of 5.5% annually. Board Member Brown asked who is responsible for identifying the salary levels for RCA staff. Charlie Landry, Executive Director, responded that he is responsible and salaries are included in the budget. He stated that RCA has uses contracts for services which is the reason RCA has a small staff. RCA only has staff members that are absolutely needed. The agency has not grown its staff, and during the very lean years, RCA has cut contracts significantly. Board Member Brown asked if salaries have increased 7%. Honey Bernas answered salaries could go up. Board Member Brown further asked if employee benefits have increased. Honey explained that benefits have increased 3% as certain benefits, such as Medical Flex and deferred compensation are fixed. The CalPERS employer contribution is 20%, and the employees pay 8%. The medical flex benefit is \$411.50 per pay period. Social Security is 6.2%, Medicare is 1.4% and deferred compensation is \$50 per pay period.

Board Member Washington asked for clarification that RCA is reporting an increase in salary, but it was offset largely by a decrease in contract costs. Honey Bernas answered affirmatively and explained that a contract person fulfilled the duties part-time and the duties of the position necessitated a full time person. She further noted that the contract was terminated and RCA filled the position with a full time staff person. Board Member Washington asked if that was the decrease of \$91,000 in the contract cost and was corresponding increase of \$94,000, but because some staff retired there is a net decrease in salary expenses. Honey answered yes.

Mark Orozco, City of Beaumont arrived during staff presentation at 12:35p.m;

D. LaDonna Jempson, City of Moreno Valley arrived during staff presentation at 12:40p.m.

M/S/C (MILLER/EDWARDS) to approve Agenda Item No. 9.

Ayes 20, Nays 1 (BROWN), Abstain 0

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10. FISCAL YEAR 2016 RECURRING CONTRACTS

Overview

This item is for the RCA Board of Directors to approve the recurring contracts for Fiscal Year 2016.

Honey Bernas, Director of Administrative Services, reported that RCA has a small staff and many of the core services are provided by contractors. RCA staff, along with the Executive Committee, recommended the approval of six recurring contracts for next fiscal year. There were no proposed changes for the Kennett, Wheeler or Mullen contracts. She noted that the Mullen contract is solely for expense reimbursement.

Geographics has been providing services to RCA since 2009. They provide branding, public outreach, graphics, photography, website hosting and design along with custom updates. They have not increased their rates in five years, but they did announce a 10% rate increase effective July 1, 2015. A rate comparison was conducted with local vendors. It was difficult finding a vendor that provides all of the services that Geographics provides to RCA. They have been responsive and have done an excellent job. Geographics' rates are competitive and to offset the rate increase, staff reduced the scope of services and will perform the Tour of the Reserve video in-house. This resulted in an \$8,000 reduction in the contract amount.

Honey Bernas explained that the Santa Ana Watershed Association (SAWA) administers RCA's Biological Monitoring Program (BMP). They collect data on MSHCP's 146 species and their associated habitats, which is a key requirement of the MSHCP. The BMP staff is provided by SAWA, a non-profit organization made up of four Resource Conservation Districts. SAWA proposes to allow step increases within the range of rates for their Program Leads to improve retention and eliminate compaction with field biologists, and to provide field biologists with the same benefit packages as all of their other positions. Their overhead rate has increased by \$33,500 based on their cost to administer the contract. The budget increase of \$63,545 includes approximately \$15,000 for the field biologist benefits and \$14,000 for their program lead biologist rate increases. RCA staff has reviewed rates with comparable public and private biological classification pay rates, and SAWA's rates remain very competitive. RCA bid this contract a few years ago, and SAWA was by far the lowest bidder.

Vavrinek, Trine, Day and Company (VTD), are RCA's external auditors. They were retained in 2012 after a competitive procurement process. VTD performs RCA's annual audits and agreed-upon procedures for all member agency fee collections. The proposed contract is increased by \$3,344 as RCA requires a single audit this year.

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Chairman Tavaglione commented that 7% increase on the biological monitoring of SAWA, who are a non-profit association, and asked if RCA acquires another agency would the agency have to go to a private association. Honey Bernas stated that she believed that would be probably. Honey Bernas stated that RCA would have to seek another agency that provides services exclusively to RCA and finding another umbrella agency, which would most likely be a for profit agency, may end up costing RCA more money. The only other option would be to bring the entire program in under RCA.

Board Member Melendrez asked if there is a timeframe for agreements to seek a request for proposal or does staff base it on the quality of services provided and continue to renew the contract for one or multiple years. Honey Bernas answered that most of the contracts are for specialized services and with firms who have been working with RCA prior to MSHCP implementation. To bid the contracts, which RCA is willing to do, would likely not benefit RCA because of consultants not being familiar with the Plan. If Board decides to do rebid contracts, staff believes the best option would be to bring the services into RCA, rather than contracting with another consulting firm. Board Member Melendrez said if RCA continues to use the same person all the time and they are contracted individuals, it would seem like two different things. He understands that RCA did some comparisons in the market.

Board Member Jempson asked about the contractor who increased their rates by 10% are there any guidelines or stipulations that would require RCA to go out for RFP if the increase is at a set amount. Honey Bernas answered there are none and legal counsel confirmed. Board Member Jempson asked if it's based on performances only and if the increases from contractors are within the realm of comparisons in the market, then it is accepted. Honey Bernas answered that the decision on placing the contract out for bid is decided upon my staff. This particular contractor is in the middle of major upgrades to RCA website and working on projects that staff would prefer be completed before going out for bid. Board Member Jempson asked if there is a history on the contractors that are before the Board now, as to how long RCA has been doing business with them. Honey Bernas answered yes. Geographics was hired in 2009. Another firm was providing services prior to that.

Board Member Brown stated that he hates the hidden governments all over the place in this world and especially in this county. RCA contracting with another one of those hidden governments gives him heartburn. He stated with regard to SAWA's increases to administration, he thinks some of the consultant rate increases that are proposed are outlandish and if people knew they would be appalled. He asked if RCA looking at significant details behind these estimates. He is appalled by the increased administration costs. He asked if RCA is looking at detail behind these estimates, how deep RCA is examining these cost structures, and if there is any analysis being done or any attempted negotiations. Charlie Landry answered, yes. He stated that there has been several meetings with SAWA and expressed RCA's

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concerns with increase and why SAWA did not capturing that earlier if in fact that those were the correct charges and worked through their numbers. Honey Bernas stated that SAWA has a 15% rate for all of their customers. Staff met with SAWA's Executive Director, and the overhead rate was negotiated down to 9%. Staff will continue to meet with SAWA throughout the year.

M/S/C (B.BENOIT/ZANOWIC) to approve Agenda Item No. 10.

Ayes 21, Nays 0, Abstain 0

11. BIOLOGICAL MONITORING WORK PLAN AND COST ESIMATE FOR FISCAL YEAR 2015-16

Overview

This item is for the RCA Board of Directors to approve the Biological Monitoring Work Plan and Costs Estimate for Fiscal Year 2015-16.

Laurie Correa, Director of Reserve Management and Monitoring made the presentation. She explained that the biological monitoring program is required to produce a work plan and budget every year for approval by the Board. The work plan lays out general monitoring program functions and what specific surveys will be conducted in the coming year. Once surveys are completed they become part of the MSHCP Annual Report and the occurrence data is added to the data base and is also distributed to the reserve managers for their use. The work plan also includes an overall budget for the upcoming fiscal year.

This year the work plan includes surveys for quino checkerspot butterfly, and Delhi sands flower-loving fly. Most species surveys are on an eight year rotation because there are 146 covered species it would impossible to survey for each one every year. Species surveys are also grouped for efficiency, i.e., three to four riparian birds will be surveyed all at once where they occur in the same type of habitat. Upland birds follow the same standard. The reptile survey this year is looking for specific species of king snakes that occur in similar habitats and are hard to find.

Laurie explained that the surveys include fairy shrimp again this year, there has not been a successful fairy shrimp survey for three years due to lack of rain. Water must pond for at least two to three weeks. So this survey will be rolled over and hopes that this coming winter there is sufficient rain. Upland bird surveys include gnatcatcher, Nashville warbler, and tricolored blackbird. She explained the surveys for each bird and the challenges. This coming year raptor reproduction will be documented, which is an objective for those species. Every year monitoring of the burrowing owl is conducted. One of the main objectives for burrowing owl is to monitor the number of pairs and the number of cores they occur in.

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Every species that both private and public agencies have to survey for under the plan are species that biologist did not have enough information on. When enough information is acquired or enough habitat is conserved, the process can be started to eliminate that survey. There is a lot of focus on burrowing owl because the survey area is large, encompassing most undeveloped property in Plan area. Meeting the objectives is important so that the surveys can be suspended projects in the survey area.

Laurie continued on to explain another area to be surveyed is amphibians. Arroyo toad is rare species in this county with distribution is mainly limited to National Forest land. The pond turtle population in conservation is small; only two populations are being monitoring at this time. For small mammals the monitoring program is always rotating through different species in different areas of the plan with the goal of meeting the various objectives.

Laurie further commented that general surveys include vegetation surveys, which are done during other surveys. Rare plants are the largest group of species that are covered by the Plan and surveys, again, are grouped by plants that occur in the same types of habitat for efficiency. This year Engelmann oak survey, which occurs on the Santa Rosa plateau, with the focus on recruitment and how fast it reproduces since it's very slow growth.

Laurie commented that the proposed increase for the program is related to salaries; the field biologist's benefit package is proposed to be increased to be consistent with all the other staff members who work on this program. The focus is on retention, this program is doesn't have high pay rates. These are college graduates with masters degrees, who start at \$16./per hour. It's an attractive position because they can survey for many different species verses one or handful. This is why pay rates are acceptable to biologists. Some biologists have been with the program six years, which is experience we would hate to lose.

Board Member Hewitt asked about tricolored black bird if they are similar to crows. Laurie answered no, this species is much smaller. It's a small bird that nests in big flocks, flocks of 10,000 to 20,000 birds were common at in the past. They nest in tules, reeds associated with wetlands, and crop fields which has been a big issue both in central valley and Riverside County. When they nest in dairy crop fields the crops can be harvested before the young have matured which can result in the loss of all young for that year. This is not an uncommon occurrence and can result in extreme reduction of population. The Audubon Society has a program that will pay farmers for their crop or delay harvesting but it isn't always successful. It's hard to sustain a population with low numbers which is why we applied for a habitat improvement grant in the San Jacinto Wildlife Area, in hopes of keeping them in the Wildlife Area where they can complete their life cycle.

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Board Member Brown asked if which species are mandated for our monitoring and which of them are on the "nice to do" list, if such exist. Laurie answered that all the species are required by MSHCP. Every species that is covered by the plan has to be monitored at least once every eight years. Brown stated that SAWA is being mandated to monitor species already and he wanted to know if the responsibilities potentially overlap. What is RCA contracting SAWA to survey and what they are chartered already to do? Laurie explained SAWA does a fair amount of wetland bird, least Bell's vireo, willow flycatcher, and Santa Ana sucker monitoring. Where SAWA does monitoring work RCA does not duplicate work. SAWA provides their data for that work. Sometimes RCA and SAWA biologists trade assistance on surveys each has planned where both agencies benefit. The RCA's monitoring extends to a much larger area because SAWA is restricted to the Santa Ana watershed and we include a much larger area i.e., San Jacinto and Santa Margarita watersheds. The efforts are never duplicative. SAWA's work contributes to the monitoring and sometimes RCA assists them in their work in exchange for SAWA's contribution. Board Member Brown is concerned about an administrative overlap, how do we know we are getting our bang for our buck. Laurie explained that SAWA's RCA contracted staff is completely separate. There is no overlap in duties in terms of who pays for what. SAWA MSHCP staff is completely dedicated to the RCA's monitoring program so we are only billed for those costs. When there is overlap, SAWA sends a written request, RCA agrees to a certain number hours, so there accounting of any overlap. Brown asked why should I give a darn about the fairy shrimp. Laurie answered because it's covered in the MSHCP. It's a very rare species and to some people more rarity the more important it is. It's a covered species and listed.

M/S/C (EDWARDS/MILLER) to approve Agenda Item No. 11

Ayes 21, Nays 0, Abstain 0

12. LAND ACQUISITION UPDATE

Charlie Landry, Executive Director updated that there were no additions to the reserve this month, but RCA does have a number acquisitions scheduled to close in the next few months. The current number of acres of reserve land is 48,972.

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

Item	Assessor Parcel No.	Property Owners
1	900-020-006	James McCormick

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

14. ITEMS FOR NEXT MEETING

There were no items requested by the RCA Board Members for the next meeting.

15. ADJOURNMENT

Chairman Tavaglione adjourned the meeting. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, June 1, 2015, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Prepared by:


Rose Esparza
Administrative Manager

Respectfully submitted:


Honey Bernas
Clerk of the Board