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The Western Riverside County Regional Conservation Authority was established in 2004 as a joint powers authority to administer the 2003 Western Riverside County Multiple Species Habitat Conservation Plan. Currently, the Authority consists of eighteen (18) cities and the county.

MEETING

Monday November 7, 2016

12:30 p.m.

Riverside County Administrative Center

Board Room, First Floor, 4080 Lemon Street, Riverside, CA 92501

OFFICERS

Eugene Montanez, Chairman
City of Corona

Marion Ashley, Vice-Chairman
County of Riverside, District 5

BOARD MEMBERS

George Moyer
City of Banning

Kevin Bash
City of Norco

Brenda Knight
City of Beaumont

David Starr Rabb
City of Perris

Jeffrey Hewitt
City of Calimesa

Andy Melendez
City of Riverside

Tim Brown
City of Canyon Lake

Crystal Ruiz
City of San Jacinto

Clint Lorimore
City of Eastvale

Maryann Edwards
City of Temecula

Linda Krupa
City of Hemet

Ben Benoit
City of Wildomar

Verne Lauritzen
City of Jurupa Valley

Kevin Jeffries
County of Riverside, District 1

Natasha Johnson
City of Lake Elsinore

John Tavaglione
County of Riverside, District 2

Matt Liesemeyer
City of Menifee

Chuck Washington
County of Riverside, District 3

D. LaDonna Jempson
City of Moreno Valley

John Benoit
County of Riverside, District 4

Jonathan Ingram
City of Murrieta

Charles Landry, Executive Director



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MEETING 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. Alternative formats are available upon request by contacting the Clerk of the Board at (951) 955-9700. Notification of at least 72 hours prior to meeting time will assist staff in accommodating such requests.

Monday, November 7, 2016

12:30 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. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. 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 from the Clerk of the Board. 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.

5. 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.)

6. CLOSED SESSION ITEMS

6.1 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 Owner (s)/Agent
1	583-140-017, 583-180-046, 583-180-047, 583-180-048, 583-180-049	John Broders, Christopher Leggio, Bernard Kloenne, Jeffrey Burum
2	384-270-006	Anheuser Busch

7. 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.)

8. APPROVAL OF MINUTES

RCA Board Meeting - [October 3, 2016](#)

9. 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.)

9.1 FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR SEPTEMBER 2016

Overview - [Staff Report](#)

This item is for the RCA Board of Directors to receive and file the MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for September 2016.

9.2 FISCAL YEAR 2016 DEVELOPMENT IMPACT FEE ANNUAL ACCOUNTING REPORT

Overview - [Staff Report](#)

This item is for the RCA Board of Directors to receive and file the Fiscal Year 2016 Development Impact Fee Annual Accounting Report.

9.3 FISCAL YEAR 2017 FIRST QUARTER CONSULTANT REPORTS

Overview - [Staff Report](#)

This item is for the RCA Board of Directors to receive and file the Fiscal Year 2017 First Quarter Consultant Reports.

9.4 FISCAL YEAR 2017 BUDGET ADJUSTMENT FOR ACQUISITION OF REAL PROPERTY

Overview - [Staff Report](#)

This item is for the RCA Board of Directors to:

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

10. PULLED ITEMS (if any, for clerks use only)

11. RESOLUTION NO. 2016-016, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AMENDING ITS BYLAWS WITH REGARD TO THE ELECTION OF OFFICERS AND APPOINTMENT OF THE EXECUTIVE COMMITTEE

Overview - [Staff Report](#)

This item is for the RCA Board of Directors to adopt Resolution No. 2016-016, Resolution of the Board

of Directors of the Western Riverside County Regional Conservation Authority Amending Its Bylaws with Regard to the Election of Officers and Appointment of the Executive Committee.

12. LAND ACQUISITION UPDATE

13. ITEMS FOR NEXT MEETING

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

14. ADJOURNMENT

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, December 5, 2016, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

[2016 RCA Commonly Used Acronyms](#)

AGENDA ITEM NO. 8

MINUTES

October 3, 2016



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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 Vice Chairman Ashley at 12:35 p.m. on Monday October 3, 2016, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL – Taken and noted by Rose Esparza, RCA Administrative Manager.

Member Agency	Name	Status	Arrived
City of Banning	George Moyer	Present	12:27 PM
City of Beaumont	Brenda Knight	Absent	
City of Calimesa	Jeffrey Hewitt	Present	12:23 PM
City of Canyon Lake	Tim Brown	Absent	
City of Corona	Eugene Montanez, Chairman	Absent	
City of Eastvale	Clint Lorimore	Present	12:43 PM
City of Hemet	Linda Krupa	Present	12:26 PM
City of Jurupa Valley	Verne Lauritzen	Present	12:32 PM
City of Lake Elsinore	Natasha Johnson	Absent	
City of Menifee	Matt Liesemeyer	Present	12:35 PM
City of Moreno Valley	D. LaDonna Jempson	Present	12:34 PM
City of Murrieta	Jonathan Ingram	Present	1:00 PM
City of Norco	Kevin Bash	Absent	1:00 PM
City of Perris	Mark Yarbrough, Alternate	Present	12:36 PM
City of Riverside	Andy Melendrez	Present	12:29 PM
City of San Jacinto	Crystal Ruiz	Present	12:10 PM
City of Temecula	Maryann Edwards	Present	12:29 PM
City of Wildomar	Ben Benoit	Present	12:20 PM
District 1	Kevin Jeffries	Present	12:35 PM
District 2	John Tavaglione	Present	12:37 PM
District 3	Matt Rahn, Alternate	Present	12:07 PM
District 4	John Benoit	Absent	
District 5	Marion Ashley, Vice Chairman	Present	12:23 PM

4. PUBLIC COMMENTS

There were no public comments.

5. 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.)

There were no Board Member announcements.

6. 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.)

There were no additions/revisions to the agenda.

As this time Rose Haro, RCA Administrative Manager, explained modifications to the new *request to speak button* in the board chambers, so that Board Members were aware of the changes made since their last meeting.

7. APPROVAL OF MINUTES – September 12, 2016 Special RCA Board of Directors Meeting and September 12, 2016 RCA Board of Directors Meeting

RESULT:	APPROVED AS RECOMMENDED [14 TO 0]
MOVER:	City of Hemet
SECONDER:	City of Moreno Valley
AYES:	Banning, Calimesa, Hemet, Jurupa Valley, Menifee, Moreno Valley, Perris, Riverside, San Jacinto, Temecula, Wildomar, District 1, District 2, District 5
ABSTAIN:	District 3
ABSENT:	Beaumont, Canyon Lake, Corona, Eastvale, Lake Elsinore, Murrieta, Norco, District 4

- 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.)**

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of Banning
SECONDER:	District 3
AYES:	Banning, Calimesa, Hemet, Jurupa Valley, Menifee, Moreno Valley, Perris, Riverside, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, District 5
ABSENT:	Beaumont, Canyon Lake, Corona, Eastvale, Lake Elsinore, Murrieta, Norco, District 4

8.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR AUGUST 2016

Overview

This item is for the RCA Board of Directors to receive and file the MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for August 2016.

9. EXECUTIVE DIRECTOR'S REPORT

9.1 Update Regarding Habitat Conservation Plan Legislation

Charles Landry, Executive Director, provided an update on the Water Resources Development Act (WRDA) bill. He said the bill is making its way through congress. Senator Boxer's staff assisted with obtaining language within the Senate version of the WRDA bill which will make eligible for under the Water Infrastructure Finance and Innovation Act (WIFIA) loans and loan guarantee projects to prevent, reduce or mitigate the effects of drought, including projects that enhance the resilience of drought-stricken watersheds. Any number of projects could benefit from this broad language, including landscape-scale Habitat Conservation Plans that alleviate drought conditions such as acquiring raw land to allow recharge of groundwater.

He further stated that the House bill approved last week did not include this language. As the Senate and House version are quite different, with the House bill being much smaller than the Senate bill, the two bills will need to go through a House/Senate conference. It is anticipated that the Senate/House staff will informally pre-conference their bills in the upcoming recess that will begin this week and extends through mid-November. A formal conference would take place in November or December.

There are communications with the house staff, as well Senator Boxer's staff, and Congressman Calvert has been very helpful to ensure the language is place into the final conference bill.

Board Member Lorimore arrived during the discussion of this item at 12:43p.m.

10. LAND ACQUISITION UPDATE

Charles Landry, Executive Director, stated that at the last RCA Board of Directors' meeting, it was reported that RCA had acquired 53,434 acres. Escrow has closed on two additional properties totaling approximately 149 acres, bringing the reserve total to approximately 53,583 acres.

11. ITEMS FOR NEXT MEETING

Vice Chairman Ashley asked if any Board Member had items for the next meeting. There being none.

Steve DeBaun, General Counsel, announced the closed session items to be discussed. Agenda Item No. 12.2 was identified as a claim received from Eric Tallaksen.

Vice Chairman Ashley adjourned the meeting to closed session.

Board Member Ingram and Board Member Bash arrived at the start of closed session at 1:00p.m.

12. CLOSED SESSION ITEMS:

12.1. 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 No.	Parcel	Property Owners
1	940-020-001 940-020-002		Gloria Di Loreto, Louis Obradovich, Margaret Barry, Martin Stenzler, Barbara Stenzler, Paul Monroe, Shirley Monroe, Maricopa Holdings
2	932-060-023		James Jenkins

12.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Section 54956.9

One potential case.

After closed session, the meeting was reconvened. There were no announcements from closed session.

13. ADJOURNMENT

There being no other items before the RCA Board, Vice Chairman Ashley adjourned the meeting at 1:16 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, November 7, 2016, at 12:30 p.m. at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Prepared by:



Rose Haro
RCA Administrative Manager

Respectfully submitted:



Honey Bernas
Director of Administrative Services

AGENDA ITEM NO. 9.1

**WESTERN RIVERSIDE COUNTY
MULTIPLE SPECIES HABITAT
CONSERVATION PLAN (MSHCP)
LOCAL DEVELOPMENT MITIGATION
FEE (LDMF) COLLECTION AND
CIVIC/INFRASTRUCTURE
CONTRIBUTION REPORT FOR
SEPTEMBER 2016**

Regional Conservation Authority

**WESTERN RIVERSIDE COUNTY
MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)
LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION
AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR
SEPTEMBER 2016**

Staff Contact:

**Honey Bernas
Director of Administrative Services
(951) 955-9700**

Background:

The RCA Executive Committee directed staff to report on Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contributions on a monthly basis.

Attached is the report for September 2016. The report was prepared on a cash basis and, therefore, reflects the cash received by RCA during that month.

Staff Recommendation:

That the Board of Directors receive and file the attached Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for September 2016.

Attachment

Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for September 2016

AGENDA ITEM NO. 9.1
Attachment

**WESTERN RIVERSIDE COUNTY
MULTIPLE SPECIES HABITAT
CONSERVATION PLAN (MSHCP)
LOCAL DEVELOPMENT MITIGATION
FEE (LDMF) COLLECTION AND
CIVIC/INFRASTRUCTURE
CONTRIBUTION REPORT FOR
SEPTEMBER 2016**

**MSHCP LDMF AND CIVIC/INFRASTRUCTURE CONTRIBUTION
CASH RECEIPTS SEPTEMBER 2016
CASH BASIS**

DEVELOPMENT FEES					
City/County by Month	REMITTED			EXEMPTIONS & FEE CREDITS	
	Residential Permits	Commercial Acres	Amount Remitted	Residential Permits	Amount
City of Banning August - No Activity					
City of Beaumont August	35		\$69,720		
City of Calimesa August		4.1	\$27,595		
City of Canyon Lake August - No Activity					
City of Corona August received in October					
City of Eastvale August	38		\$56,576		
City of Hemet August - No Activity					
City of Jurupa Valley August	49		\$97,608		
City of Lake Elsinore - August Summerly Project ¹ Pardee-Grossman/Cottonwood Canyon ²				6 12	\$11,952 \$23,904
City of Menifee August	25	2.7	\$68,174		
City of Moreno Valley August	26	19.1	\$181,561		
City of Murrieta August	2	5.8	\$43,444		
City of Norco August	1	3.8	\$27,724		
City of Perris August	11	8.6	\$80,084		
City of Riverside July August	23 15	31.4	\$34,344 \$242,636		
City of San Jacinto August	5		\$9,960		
City of Temecula - August Roripaugh DA ³	17		\$18,219	15	\$29,880
City of Wildomar August	9		\$17,928		
County of Riverside - September Rancho Bella Vista ⁴	75		\$139,077	8	\$15,504
Total Cities and County	331	75.5	\$1,114,650	41	\$81,240

CIVIC AND INFRASTRUCTURE PROJECTS	
City of Eastvale - Fire Station No. 2	\$11,228
Total Civic/Infrastructure Remitted	\$11,228

TOTAL RECEIPTS - SEPTEMBER 2016 \$1,125,877

- 1) Summerly Project - Development agreement dated 8/24/04. Expiration date 9/23/14. Under review.
- 2) Pardee Grossman/Cottonwood Canyon Development Agreement - Development Agreement dated 7/9/1990. Expiration date 7/9/2010. Amended January 2010 extending term to 7/1/2030. Under review.
- 3) Roripaugh Development Agreement dated 12/17/02. Project is exempt under AD161.
- 4) Rancho Bella Vista - Fee Credit Agreement with County of Riverside. Properly exempted at \$1,938 rate.

AGENDA ITEM NO. 9.2

**FISCAL YEAR 2016
DEVELOPMENT IMPACT
FEE ANNUAL
ACCOUNTING REPORT**

Regional Conservation Authority

**FISCAL YEAR 2016
DEVELOPMENT IMPACT FEE ANNUAL ACCOUNTING REPORT**

Staff Contact:

**Honey Bernas, Director of
Administrative Services
(951) 955-2842**

Background:

In accordance with Government Code Section 66006 (b), RCA is required to make an annual accounting of the Development Impact Fee Funds. Additionally, the Government Code requires that the annual accounting be made available to the public no later than 180 days after the last day of each fiscal year. This information must be reviewed by the Board no earlier than 15 days after it becomes available to the public.

Staff Recommendation:

That the RCA Board of Directors receive and file the attached Fiscal Year 2016 Development Impact Fee Annual Accounting Report.

Attachment:

Fiscal Year 2016 Development Impact Fee Annual Accounting Report

AGENDA ITEM NO. 9.2
Attachment

FISCAL YEAR 2016
DEVELOPMENT IMPACT
FEE ANNUAL
ACCOUNTING REPORT



Development Impact Fee Annual Accounting Report

Fiscal Year 2016

California Government Code Section 66006 requires an annual disclosure review of development impact fees collected and disbursements made. The disclosure portion of Section 66006 (b) requires that, within 180 days after the last day of the fiscal year, the Western Riverside County Regional Conservation Authority (RCA) shall make available the following information:

A. A brief description of the type of fee in the account or fund:

The Local Development Mitigation Fee (LDMF) is to be charged throughout the Plan Area on all development in order to assemble a 500,000 acre reserve which will protect and sustain endangered and threatened animals and plants and their habitats in a comprehensive way and allow local governments to expedite development and the construction of infrastructure, particularly transportation facilities.

B. The amount of the fee 2016:

Category	Fee Amount
Residential, density less than 8.0 dwelling units per acre (fee per dwelling unit)	\$ 1,952
Residential, density between 8.0 and 14.0 dwelling units per acre (fee per dwelling unit)	\$ 1,250
Residential, density greater than 14.0 dwelling units per acre (fee per dwelling unit)	\$ 1,015
Commercial (fee per acre)	\$ 6,645
Industrial (fee per acre)	\$ 6,645

C/D. The beginning and ending balance of the account or fund and the amount of the fees collected and interest earned (Government Code Sections 66006(b)(1)(C) and (D)):

Beginning Fund Balance (7/1/15)	\$ 12,478,860
Fees Collected:	
Fees Collected	\$11,147,125
Fee Credits Applied	<u>1,197,720</u>
Net Fees	12,344,845
Interest Earned	88,376
Expenditures	<u>(9,620,675)</u>
Ending Fund Balance (6/30/16)	<u>\$ 15,291,406</u>



Development Impact Fee Annual Accounting Report

Fiscal Year 2016

- E. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees:

Project Descriptions	Project ID	FY 2016 Reportable Fees	Percentage Funded with Reportable Fees
Kaelin #2 Property	15-008	\$ 17,035	2%
Costanzo Property	15-009	37,681	100%
Inland Premier Phase II Property	15-010	214,703	46%
RCTC Land Donation	15-011	19,496	4%
Sheffield Property	15-012	164,776	100%
McCormick Property	15-013	11,493	10%
Stearns Property	15-014	139,864	100%
Dyer/Wynn Property	15-015	24,782	12%
Tax Sale parcels 2013	15-016 ~ 023	281,334	100%
Tax Sale Parcels 2014	15-024	30,193	100%
Lloyd Property	15-025	23,045	12%
O'Connor Phase IV Property	15-026	304,345	100%
Parry Property	15-027	67,959	100%
Temecula Escarpment Land Donation	16-001	21,294	4%
Anheuser Busch Phase V Property	16-002	197,822	6%
Bautista Canyon Property	16-003	554,001	15%
Shoppe Property	16-004	104,826	41%
TNC/Caramello Property	16-005	33,263	21%
Soboba Land Donation Phase II	16-006	45,957	6%
Martin Property	16-007	228,428	70%
Calvary Chapel of Murrieta Property	16-008	3,342,231	100%
Southwest Mesa Property	16-009	359,701	100%
Hong Property	16-010	708,618	100%
Soboba Conservation Easement Phase III	15-E01	3,900	6%
FC-Temecula Creek Conservation Easement	16-E01	15,162	8%
Cost Related to Land Acquired in Prior Years		90,473	100%
Properties of Interest Under Negotiation		456,251	87%
Capital Acquisition Administrative Cost		1,546,687	100%
Consultants: Capital Acquisition Strategies		465,285	100%
Consultants: Financial and Compliance Audits		80,869	100%
Property Insurance		29,201	100%
		<u>\$ 9,620,675</u>	

Development Impact Fee Annual Accounting Report Fiscal Year 2016

- F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and public improvement remains incomplete.**

The RCA has determined as of the end of fiscal year 2016 that sufficient funds have been collected to finance a portion or all of the cost associated with the following properties:

Property	Estimated/Actual Acquisition Date
Live Oak Canyon	September 2016
Ordonez Property	September 2016
Jenkins Property	October 2016
Davis Property	October 2016
Higgins Nuevo Property	October 2016
Rancho Road Escarpment	October 2016
O'Connor Property Phase V	December 2016

- G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.**

Not applicable. The RCA has not made any such interfund transfers or loans.

- H. The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.**

Not applicable. The RCA has not made any refunds pursuant to subdivision (e) of Section 66001 or any allocations pursuant subdivision (f) of Section 66001.

AGENDA ITEM NO. 9.3

FISCAL YEAR 2017 FIRST QUARTER CONSULTANT REPORTS

Regional Conservation Authority

**FISCAL YEAR 2017 FIRST QUARTER
CONSULTANT REPORTS**

Staff Contact:

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

Background:

Attached are the Fiscal Year 2017 First Quarter Consultant Reports for Dudek, Geographics, Riverside County Regional Park and Open-Space District, Santa Ana Watershed Association, David Kennett – Capitol Alliance Consulting, LLC, and Douglas P. Wheeler – Hogan Lovells US LLP.

Staff Recommendation:

That the RCA Board of Directors receive and file the Fiscal Year 2017 First Quarter Consultant Reports.

Attachments:

Fiscal Year 2017 First Quarter Consultant Reports

- Attachment 1 – Dudek
- Attachment 2 – Geographics
- Attachment 3 – Riverside County Regional Park and Open-Space District
- Attachment 4 – Santa Ana Watershed Association
- Attachment 5 – David Kennett, Capitol Alliance Consulting, LLC
- Attachment 6 – Douglas P. Wheeler, Hogan Lovells US LLP

AGENDA ITEM NO. 9.3
Attachment 1

DUDEK

**CONSULTANT REPORT
DUDEK
FISCAL YEAR 2017 FIRST QUARTER REPORT**

Report Covers Period: 07/01/16 to 09/30/16

Services Provided During Current Work Period:

Joint Project Reviews

As part of our ongoing duties related to MSHCP implementation for the RCA, Dudek continued to provide review of biological reports, analysis and submittals related to Joint Project Reviews (JPRs) submitted by Permittees. Dudek reviewed and completed several JPRs for Permittees in this reporting period.

Permittee Trainings and Support

Dudek assists the RCA in providing training and support to Permittees on MSHCP implementation. These training sessions are provided once or year or upon request and include an overview of the MSHCP, RCA responsibilities, Permittee Responsibilities, rough step, JPR process, required surveys and mitigation, CEQA documents, changes to the MSHCP, reserve lands, and the Wildlife Agencies' role. Discussion of unique circumstances for each Permittee is also provided in the training. Separate trainings sessions were held for the City of Murrieta and all Permittees, both during the third quarter of 2016. A separate training session was held for consultants on April 18, 2016.

Dudek staff continued to provide ongoing support and attended meetings with Permittees on MSHCP implementation and compliance questions. Dudek fields questions on an ongoing basis related to either new projects or ongoing projects.

Monthly meetings with the County Environmental Planning Department (EPD) have resumed as of January 2016. These meetings are a forum to discuss upcoming or ongoing County HANS/JPRs, conservation criteria, and other Permittee requirements to facilitate MSHCP consistency. Meetings with EPD this quarter were held on July 6 and August 3, 2016. The September 7, 2016 meeting was cancelled.

Wildlife Agency Coordination and Meetings

Dudek attended three monthly meetings with U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) staff hosted by the RCA. Duties included coordinating with attendees and review of materials ahead of the meeting. Meetings with the Wildlife Agencies this quarter were held on July 21, August 18, and September 15, 2016. Miscellaneous discussions included possible MOU to bring land into the Reserve at Linkage 8, and potential Santa Ana sucker habitat restoration at Hidden Valley and/or Hole Lake.

Dudek also participated in three Pre-Application Meetings with the U.S. Army Corps of Engineers, Regional Water Quality Control Board, CDFW, and FWS staff. Projects represented by Permittees and/or the project representatives are presented for consideration. The various regulatory agencies and RCA discuss, review, and seek solutions to issues related to permitting and MSHCP compliance. The review and analysis presented in these meetings is often subject to MSHCP Consistency review which is part of Dudek's role with the RCA. Meetings with the regulated waters Permitting Agencies this quarter were held on July 13, August 10, and September 14, 2016. At the pre-application meetings, Dudek also participated in discussions lead by Peggy Bartels (USACE) regarding linear waivers and the development of a USACE In-Lieu Program.

Also in this reporting period, Dudek provided documentation and support to CDFW and USFWS related to ongoing projects and questions on MSHCP implementation.

RCA Support

Dudek staff provided various forms of analysis and provided staff support by attending meetings, conference calls and conducting research via email related to ongoing and past projects. During this reporting period, Dudek was involved in discussions regarding the following projects, including but not limited to: Cajalco Road Widening, Mexico Café (Temecula) JPR, Tract 30322 on Salt Creek, Rancho San Gorgonio, Corona 720 Criteria Refinement, Hospitality Commons (Murrieta), Riverpark Mitigation Bank, San Jacinto River Stage III, Proposed Constrained Linkage 17, Mid-County Parkway, Moon Nursery, and the San Jacinto Wildlife Area. Dudek staff also attended the Altair Specific Plan (City of Temecula) Workshop on July 28, 2016 to take notes on RCA's behalf.

The last year of monitoring for the Munz's Onion relocation effort has been completed. The results of the monitoring effort are being incorporated into the final report which will be issued before the end of the year.

Participating Special Entities

Dudek staff provided support and coordination related to pending and existing Participating Special Entities (PSE). Issues related to several ongoing Southern California Edison (SCE) projects and the MSHCP are ongoing and require support related to MSHCP implementation. SCE submitted an informal PSE application for the Valley South System Project to RCA on January 4, 2016. The comments were sent to SCE via email on March 20, 2016 (BUOW DBESP) and May 23, 2016 (BTR). No further coordination has occurred with SCE; therefore as of this reporting period, this PSE process is still on hold.

A formal PSE application was submitted for the SCE Valley-Ivyglen Subtransmission Line Phase 2 (VIG2) on March 29, 2016 although GIS files were not provided until April 6. Revised reports (Riparian/Riverine Determination of Biologically Equivalent or Superior Preservation, and Additional Reserve Lands and Public/Quasi-Public Equivalency Analysis) were submitted June 6, 2016. RCA sent comments to SCE re: two (2) outstanding concerns and one (1) report correction on August 26, 2016. RCA is waiting for SCE to resolve the remaining issues before proceeding with PSE Findings.

The West of Devers Upgrade Project PSE application was also submitted formally on August 4, 2016. RCA is currently reviewing draft comments provided by Dudek staff on September 27, 2016. The other PSE application that may be submitted formally or informally in 2016 is for the Alberhill System Project.

Management Support

In partnership with the USFWS, and the San Diego Zoo Institute for Conservation Research, Dudek staff assisted in the preparation of a California Energy Commission (CEC) grant proposal titled “Assessing California’s mitigation guidelines for burrowing owls impacted by habitat development and project activities: better science, better conservation, better economic outcomes”. The study will provide information on the effectiveness of burrowing owl relocations in southern California and within the Plan area, and will support the RCA’s burrowing owl management objectives. Work is ongoing, including planning meetings, site selections, and telemetry tag testing.

AGENDA ITEM NO. 9.3
Attachment 2

Geographics

**CONSULTANT REPORT
GEOGRAPHICS
FISCAL YEAR 2017 FIRST QUARTER REPORT**

Report Covers Period: 7/1/16 – 9/30/16

Services Provided During Current Work Period:

Public Information and Branding Services
Website Updating and Hosting

Branding Services:

Geographics updated and provided business cards for two employees.

Geographics began work on a new infographic brochure specific to property owners, *Before the Build—A Guide for the MSHCP and how it affects your property or project*. The work involved design, copywriting and illustration. Work is continuing into the second quarter.

A new tablecloth with the RCA logo was designed and produced by Geographics for staff use at events.

General information retractable banners (2) were designed for staff use at events. Work was begun on a second banner featuring species that is targeted to school-age children.

The main RCA brochure “What is RCA” was updated and 2,500 copies were printed.

During the fourth quarter, Geographics completed work on RCA’s annual newsletter. The newsletter was printed (1,700 quantity) and mailed to almost 600 contacts, and an accompanying e-newsletter was distributed through Constant Contact.

Website Hosting:

Geographics provided secure hosting with automatic backups for all three months of the quarter. During this quarter, the server was upgraded. The previous Windows server had drive and memory limitations, was on an older operating system, and was using 76.8GB of the 78.1GB available.

The website is now hosted on a 2GB General Purpose Server (dual core with 40 GB SSD storage) with a 1 GB dedicated MYSQL server (single core with 20 GB SSD storage). A dedicated MYSQL server will balance the load and reduce traffic spikes, and is easily expandable, if necessary, in the future.

Wrcrca.org currently has legacy documents going back to 2004. These documents were rarely accessed, but still need to be accessible for research and transparency. The files are now on a CDN or Cloud Files configuration – files are on a dedicated and managed server off-location. The files are accessed via normal HTTP URLs. This protects the website ensuring maximum website uptime and visibility.

Website Updates:

Various updates and modifications were made to the website during the fourth quarter. The updates included:

- New home page button (RFQ for Appraisal Services) design and programming
- Add stylesheet to agenda

AGENDA ITEM NO. 9.3
Attachment 3

Riverside County
Regional Park &
Open-Space District

**CONSULTANT REPORT
RIVERSIDE COUNTY PARKS AND OPEN-SPACE DISTRICT
FISCAL YEAR 2017 FIRST QUARTER REPORT**

Report Covers Period: 07/01/16 – 09/30/16

Services Provided During Current Work Period:

152 Work Release Program hours were utilized during the First Quarter of FY2017

Patrol/Access Control/Maintenance

General

Menifee HMU

Efforts to establish a usable trail system without major impacts to the resources were on-going. On site meetings with trail users on the Win Mur 700 property went well and all were amicable to working towards a common plan that would establish set trails for future use.

San Jacinto HMU

Warren Road Partners, EMWD, Pico Thompson Ranch, and SJRR property were all attended to during the first quarter. Issues responded to and rectified ranged from trash pick up along the road side and within Warren Road Partners to removal of 55 gallon waste from SJRR property.

San Tim HMU:

WCB sign was installed on TNC Carmello property as required.

Hong: was inspected for access for the planned post-escrow cleanup. Coordination will have to be made with RCWD to access through a pumping station road. Removal of debris will be completed by utilizing RCA quad, trailer and plastic tow sled.

Cachia: 30 feet of fencing was installed to prevent unnecessary public access to the site. It looks like a few vehicles have made a small road into the parcel, which left unchecked will invite more interest.

Sage HMU

Bell/Weigle: Unauthorized OHV access was stopped with the installation of 2 gates. One illegal Mt. Biking trail was also closed off. One large marijuana grow was also prevented as Ranger staff removed 400 feet of new water tubing and metal cages.

Ranger Garcia came across signage on private property along Kersarge Road which advises any government agency to stay away. We have advised staff to exercise caution while in the area.

Work has been completed with 600 feet of fencing to protect the Gellar parcel on Reed Valley Road/Wilson Valley corner. The fencing will also cut off an access road to a wellhead on the property to the public. The work was prompted by motorcycle riders who ignored signage and continued crossing onto the property, re-riding trails that were starting to grow over near the corner. Staff is also looking at improving security measures at the Odegaard parcel, which has seen an increase in OHV activity.

Rangers continually patrolled Odegaard, Gellar, Winchester 700 Reed Valley, Anza Knolls United Five Star, Bergman, Rivera and Dorfner during the first quarter.

Cactus Valley HMU

Bautista Canyon: Rangers and Maintenance staff continued to spend a good deal of time keeping unwanted visitors away. SCE will remove the power poles that enter the property in the second quarter.

Habitat/Species Management

Gabrych: Site visit to assess vegetation and to take photos of the illegal road that was cut in 2015. Staff set up two photo points and took an up road and down road photo from each photo point. Plant species that are coming up out of the cut include California buckwheat (1), Chia (10 desiccated), Doveweed (5), Brittlebush (4), Sugar bush (1 stump sprouted) and Slender buckwheat (5). A restoration plan is now being completed and implemented by the guilty party who graded the illegal road.

Staff completed BUOW burrow check and maintenance.

WIN MUR 700: Invasive spp. removal. NRM and BMP staff completed two days of invasive removal and one day of surveying for turtles. No turtles were found and all of the pools were surveyed, seined or electro-fished.

CALMAT: Stink net growing in hydro seeded area has responded to treatment. We will have to watch it close to ensure that it does not set in like the SJWA and Lake Perris SRA. The remaining 1,000 gallons were used on the restoration plants. The plants are beyond established and this will be our last watering. We have established 60-70% survival rate so far and we expect that number to remain.

JPR6: 4.0 acres were mowed for SKR habitat improvement. This project has been on the list for a while now but now has been completed. Staff will mow this area in conjunction with the Cordova lower cabin SKR site, where plenty of SKR have been supported over the years. We may want to trap this area to see if the weight of the SKR has been affected by the drought.

Functional Riparian Mitigation Survey: Staff inspected suitable project sites in the SAG HMU to fill ACOE request. A list of the potential properties was given to the ACOE. We have not heard any feedback from the ACOE field day inspection.

Fire Management/Weed Abatement

Weed Abatement: Most of the work during the 1st quarter was comprised weed abatement to comply with County and City ordinances on various properties which included Greenwald, Shiang, Riverside Clark, El Casco, Vogel Cucuia and McElhinney Stimmel.

Acquisitions

Initial Site Inspections:

Davis, James and John: Only the south west corner marker was present. The other markers were missing or damaged. No trash on the property and no major issues. The property is comprised of a dry creek, oak woodland and grassland.

Ordonez: All witness markers were present. There may be access issue on the western parcel, dirt roads lead into the property with no limit of access. There was dumping on the property and a mine that need to be blocked and the previous owner completed all required work before the close of escrow.

Riverpark Parcels A: No witness markers are present. The property consists of disturbed agricultural land. There was no dumping on the site. There are water pipes and irrigation systems on the property. The eastern half of the property appears to be in use as an agriculture area with irrigation lines, running water, and sprayers in place. It looks like they are growing soy or some other type of legume. There is also a water catchment basin on site, which was dry at the time of the inspections.

Toscana Donation: Initial site inspection completed. All the witness markers are present. There is a small amount of trash on the property and some illegal access issues but no major issues. The trash is comprised of a pile of tile and an old wooden shelter and door and was cleaned up by the seller before the close of escrow.

Higgins Nuevo: The western most area had easy access and a lot of dumping. Dumping included mattresses, old bedding and clothing, metal frames from furniture, roofing material, tires (30), plastic containers and old wood. There is a cinder block structure on the property as well. All issues were cleaned up and made correct before the close of escrow.

AGENDA ITEM NO. 9.3
Attachment 4

Santa Ana
Watershed Association

**CONSULTANT REPORT
SAWA – BIOLOGICAL MONITORING PROGRAM
FISCAL YEAR 2017 FIRST QUARTER REPORT**

Report Covers Period: 07/01/16 – 09/30/16

Services provided during current work period:

Conducted biological monitoring surveys for:

- Carnivores (mountain lion, coyote, bobcat, long-tailed weasel) via motion-triggered cameras in habitat linkages.
- Targeted Plummer's mariposa lily (*Calochortus plummerae*) and Mojave tarplant (*Deinandra mohavensis*) observations via area-constrained visual encounter surveys at conserved locations known or suspected to support covered rare plant species.
- Terrestrial herpetofauna via grid-based area searches for lizards and snakes. Experimenting with onduline roofing material at select sites.
- Delhi Sands flower-loving fly via visual encounter surveys along line-distance transects at recently occupied locations to confirm annual reproduction and determine density. In addition, habitat surveys via vegetation and soil sampling to clarify suitable habitat characteristics and track changes in site composition through time.
- Golden Eagle via United States Geological Survey (USGS) territory surveys.
- Nashville Warbler via point count surveys in the San Jacinto Mountains of the San Bernardino National Forest.
- Pond turtle via hand capture within appropriate aquatic habitat in a previously occupied area (Warm Springs).
- Aguanga kangaroo rat via live-capture trapping grids within modeled suitable habitat in Anza.
- Burrowing Owl habitat via vegetation and physical site topography sampling at successful 2015 breeding locations to clarify suitable habitat characteristics.

Collaborated with:

- Continue to coordinate with CA Department of Fish and Wildlife (CDFW) staff at the San Jacinto Wildlife Area (SJWA) regarding management of the Tricolored Blackbird breeding and foraging habitat.
- Collaborated with CDFW to produce comments and provide additional biological information for the SJWA Land Management Plan.
- Collaborated with CDFW staff at SJWA to conduct a botanic survey at a proposed mudflat restoration project site and provide recommendations based on results.
- Collaborated with USGS with their Golden Eagle territory surveys.
- Collaborated with RCA Management with the Delhi Sands flower-loving fly surveys.
- Collaborated with RCA Management with invasive removal at Warm Springs during a turtle survey effort.

- Collaborated with RCRC and others on current issues in a quarterly Santa Ana River and Orange County Weed Management Area meeting in September, including but not limited to discussions on creation of a list of invasive species for early detection, spread of the polyphagous shothole borer, and the upcoming spread and use of tamarisk beetles.
- Collaborated with other wildlife organizations and agencies on current issues in a quarterly Southern California Native Freshwater Fauna Working Group meeting in September, including but not limited to extent of the polyphagous shot hole borer along the Santa Ana River, successful Santa Ana sucker surveys in the Santa Ana River, successful translocation (breeding reported) for the mountain yellow-legged frog in the San Jacinto Mountains, and Malaysian trumpet snail establishment in the Cleveland National Forest.

Accomplishments:

- Gathered useful data for carnivores, rare plants, herpetofauna, Delhi Sands flower-loving fly, Aguanga kangaroo rat, and Burrowing Owl. Golden Eagle, Nashville Warbler, and pond turtle surveys did not result in detections.
- Met species 8-year objective for western whiptail and jackrabbit. Obtained 2 more observations for San Diego banded gecko, resulting in the need for only one more observation to meet the 8-year species objective. The gecko is normally extremely difficult to detect, but so far this year there have been roughly 3 times as many records, which is more than what had been found in the past 10 years combined. The reason for this increased detection is currently unknown.
- Hosted three monthly monitoring/management coordination meetings with local land managers and wildlife agency representatives.
- Completed 8 survey reports summarizing monitoring activities in 2015 to be included in RCA's Annual Report.
- Database documents created to better inform staff of the database operations and also guide staff with their gathering, entering, and checking of survey data as these activities relate to the database. Data review procedure was expanded to include required review by Program Leads prior to database certification.

AGENDA ITEM NO. 9.3
Attachment 5

**David Kennett,
Capitol Alliance
Consulting, LLC**



8 Oak Tree Drive
Newport Beach, CA 92660

MEMORANDUM

To: RCA
From: Dave Kennett
RE: July to September 2016 Activity Report
Date: October 3, 2016

RCA's government affairs agenda from July to September 2016 included these continuing efforts:

1. Support RCA's Efforts to Win Section 6 Grants while seeking an increase in federal grant funding for HCP land acquisition;
2. Pursuing federal legislative language to provide loans and loan guarantees for HCP land acquisition;
3. Fending off designation of critical habitat within the MSHCP.

RCA Wins Maximum Habitat Acquisition Grant; Signs Look Up for Future HCP Funding

In September, the US Fish and Wildlife Service (USFWS) announced that RCA won a \$2 million grant for habitat acquisition in the latest Section 6 competition. This was the second year in a row that RCA won the maximum award.

As we reported last quarter, Congressional support for the Section 6 program has solidified, with the Senate and House each passing a bill that would increase HCP funding. While we are still on target for that increase, the overall appropriations process stalled over the late summer, forcing Congress to pass a Continuing Resolution (CR) to keep the government open through December 9, 2016. I fully expect Congress to pass an Omnibus Appropriations bill that includes the Section 6 boost either during a lame duck session later this year or in early 2017.

Loan Language Update

We helped secure language in the Senate-passed Water Resources and Development Act (WRDA) that would make eligible for WIFIA loans and loan guarantees projects to "prevent, reduce, or mitigate the effects of drought, including projects that enhance the resilience of drought-stricken watersheds." The language would allow RCA to compete directly for WIFIA loans and loan guarantees.

As the Senate and House versions of WRDA are quite different, with the House bill being much smaller in scope, the two bills will need to go through a House/Senate conference. We anticipate that House and Senate staff are currently informally "pre-conferencing" their bills. We have reached out to key Senate and House staff to urge them to keep the language in the final joint package. A formal conference would take place in November or December. Before then, we will ask Rep. Ken Calvert to personally contact key decision-makers in the House and ask them to protect the language.

Critical Habitat Designations

Once again, USFWS did not issue any Critical Habitat Designations (CHDs) related to the MSHCP during this period and thus continues to adhere to its commitment to exclude MSHCP lands from CHDs for most threatened and endangered species.

I continue to work with local water agencies that are pursuing creation of an HCP for the sucker and other species along the Santa Ana River. Formation of the "Upper Santa Ana River Habitat Conservation Plan" should result in the removal of the sucker's CHD from the areas covered by your MSHCP. These agencies continue to hold regular stakeholder meetings on the plan that include USFWS staff.

As always, it is a pleasure to serve RCA as your full-service government affairs consultant. If this report brings rise to any questions, please do not hesitate to contact Dave Kennett at 202-320-1290.

AGENDA ITEM NO. 9.3
Attachment 6

Douglas P. Wheeler
Hogan Lovells US LLP

Quarterly Contract Report

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

July through September, 2016

At the close of this quarter, on September 28, the House of Representatives enacted H.R. 5303, a bill to re-authorize the Water Resources Development Act (WRDA). This action is significant for several reasons: despite partisan gridlock in both the House and Senate, H.R. 5303 gained a bi-partisan vote of 399-25; unlike the Senate companion bill (S. 2848), it adheres to the traditional formula for re-authorization of U.S. Army Corps of Engineers infrastructure projects, with minimal provision for policy directives and new programs; and does not include the Senate-passed **WIFIA amendment which authorizes funding for the acquisition of drought-resilient habitat**. Members will recall that this provision in the Senate bill had been sought by the Authority as another means by which to finance the completion of the Western Riverside MSHCP.

A Conference Committee will be required to reconcile the differences between the Senate and House bills, which are substantial. Although skeptics are unsure whether a Conference Committee could be convened to successfully complete its work during the post-election "lame duck" session, the chairs of relevant committees (Environment and Public Works in the Senate, and Transportation and Infrastructure in the House) have expressed confidence that an **acceptable Conference bill** can be drafted and enacted before year's end. The Authority's principal objective during this period will be to assure survival of the drought-related amendment to WIFIA, as contained in the Senate bill. To this end, the Authority's representatives will work with members of the Committee staffs as they prepare for the Conference, and with Members who have supported the Authority's land acquisition program, including Senators Feinstein and Boxer, and Representative Calvert.

Enactment of the Senate provision, authorizing WIFIA support for the acquisition of habitat to "prevent, reduce or mitigate the effects of drought..." would greatly expand opportunities for the Authority's use of WIFIA in the protection of designated MSHCP habitat. The Authority had earlier secured an amendment which provides for the acquisition of habitat in conjunction with otherwise eligible water infrastructure projects, but the new language expands the likely utility of this facility. Authority staff suggest that much of the MSHCP habitat which remains to be acquired would fall within the stated purposes of the drought provision. Assuming enactment of this provision, it will be necessary to assure that **implementing regulations**, to be drafted by EPA, would contemplate ready availability of this funding source. As Members will recall, consultants and staff have already met with EPA personnel to assure that the earlier water-related provision of WIFIA will likewise be applicant-friendly.

Other Matters of Current Interest

In its position as a leader of the California and National HCP Coalitions, the Authority has participated in recent activity which relates to improvements in HCP policy and practice. Among these is Coalition comment on the recently-released draft of a revised **HCP Handbook**. The Handbook was published in 1996, and has not been revised until now. At its first annual meeting in November of 2015, the National Coalition urged adoption of a Handbook which reflects emerging

trends among practitioners, and resolution of procedural obstacles. Among these is the possibility of **permit integration or alignment**, by which HCP sponsors would gain permits beyond those which are required under sections 7 and 10 of the Endangered Species Act (ESA). Where section 404 permits are also required, for instance, by the Clean Water Act (CWA), HCP plans could be deemed to meet the requirements of both the ESA and CWA, avoiding the necessity of duplicative permit applications. The draft Handbook makes mention of this possibility, but does not go so far as to incorporate the more prescriptive language which had been suggested by the Coalition. The Coalition has repeated its suggestion in comments on the draft Handbook, and has prepared a draft memorandum of agreement between the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers to sanction such permit integration. This draft memorandum, and the possibility of a Presidential directive, were discussed by the Authority's representative with Timothy Male, of the Council on Environmental Quality, at a meeting in July. Male encouraged contact with **Paul Souza, the newly-appointed Regional Director** of the Fish and Wildlife Service in Sacramento. At a subsequent meeting with the Executive Director and others, Souza affirmed his support for the MSHCP and for permit integration. He is expected to be generally more sympathetic to the Authority's objectives than was his predecessor, and has adopted an "open door" policy with regard to matters of mutual interest.

In September, the Executive Director and this consulted participated in a symposium which marked the **20th anniversary of the Central Coast Orange County Natural Communities Conservation Plan (NCCP)**, the first large-scale plan to simultaneously meet species and habitat protection requirements of state and federal law. The Western Riverside MSHCP was also recognized at the symposium as another successful example of this approach to mitigation of development impacts, which model is now being emulated elsewhere in California and across the United States.

Although the Congressional appropriations process for fiscal year 2017 remains unsettled, with the Congress having adopted a short-term continuing resolution to fund government operations through December, an omnibus appropriations bill for the balance of the fiscal year (through September 30, 2017) may be enacted during the lame duck session. The continuing support of Representative Calvert for **section 6 funding**, which provides support for the Authority's land acquisition program, makes it likely that funding will continue in the new fiscal year at an acceptable level.

*Douglas P. Wheeler, Esq.
Washington, D.C.
October 12, 2016*

AGENDA ITEM NO. 9.4

FISCAL YEAR 2017 BUDGET ADJUSTMENT FOR ACQUISITION OF REAL PROPERTY

Regional Conservation Authority

**FISCAL YEAR 2017 BUDGET ADJUSTMENT
FOR ACQUISITION OF REAL PROPERTY**

Staff Contact:

**Honey Bernas, Director of
Administrative Services
(951) 955-2842**


Background:

Staff is requesting a proposed amendment to the FY 2017 budget to reflect potential land acquisition costs not anticipated in the current year to be discussed in closed session on today's agenda. The budget adjustment would be conditional upon the Board's action in closed session.

Staff Recommendation:

That the RCA Board of Directors –

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

FINANCIAL INFORMATION	
In Fiscal Year 2017 Budget: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Cost \$ 9,000,000
Source of Funds: MSHCP Local Development Mitigation Fees and TUMF	Budget Adjustments -
	Increase Estimated Revenues:
	777600 TUMF Revenue-Developer Fees \$ 250,000
	Increase Appropriations:
	534000 Interest \$ 100,000
	540040 Land \$ 8,900,000
	Use of Restricted Fund Balance \$ 8,750,000
Approved by: 	Date: November 7, 2016

AGENDA ITEM NO. 9.4
Attachment

Exhibit A



DATE	November 7, 2016
TO	Auditor-Controller
FROM	Honey Bernas, Director of Administrative Services (951) 955-2842
SUBJECT	FISCAL YEAR 2017 BUDGET ADJUSTMENTS (FUND 51630)

Background:

On November 7, 2016, the RCA Board of Directors approved the Fiscal Year 2017 budget adjustments contained herein.

Requested Action:

That the Auditor-Controller make the following budget adjustments -

Land Acquisition (935201)			
<u>Increase Estimated Revenues</u>			
777600	TUMF Revenue-Developer Fees	\$	250,000
<u>Increase Appropriations</u>			
534000	Interest	\$	100,000
540040	Land		8,900,000
		Total	\$ 9,000,000
<u>Increase use of Restricted Fund Balance</u>			
322300	Restricted for Capital Outlay	\$	8,750,000

APPROVED BY: _____ **DATE:** _____
 Eugene Montanez, Chairman
 RCA Board of Directors

AGENDA ITEM NO. 11

**ADOPTION OF RESOLUTION NO. 2016-016
RESOLUTION OF THE BOARD OF
DIRECTORS OF THE WESTERN
RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY
AMENDING ITS BYLAWS
WITH REGARD TO THE ELECTION
OF OFFICERS AND APPOINTMENT
OF THE EXECUTIVE COMMITTEE**

Regional Conservation Authority

**ADOPTION OF RESOLUTION NO. 2016-016
RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY AMENDING ITS BYLAWS
WITH REGARD TO THE ELECTION OF OFFICERS AND
APPOINTMENT OF THE EXECUTIVE COMMITTEE**

Staff Contact:

**Steven DeBaun
General Counsel
(951) 686-1450**

Background:

Pursuant to Section 17 of the JPA, the RCA has the power to adopt such rules and regulations as the RCA's Board of Directors may deem necessary for the conduct of the RCA's affairs. Pursuant to Article XIII of the RCA Bylaws, the RCA may amend its bylaws from time to time.

At the December 7, 2015 RCA Board of Directors' meeting, staff was directed to place an item on the agenda to allow the RCA Board of Directors to consider amending the RCA Bylaws with regard to election of officers and appointment of the RCA Executive Committee.

The Executive Committee authorized staff to place this matter on the Board of Directors' agenda for September 12, 2016 to introduce the resolution amending the bylaws. Legal Counsel presented the item, along with a chart depicting the manner in which RCA, RCTC and WRCOG's officers are elected and executive committee or equivalent is appointed.

At its September 12, 2016 meeting, the RCA Board of Directors supported the recommendation of the Executive Committee and staff which amended Article VI, Section A of the RCA Bylaws. This amendment to the Bylaws modified the annual alternation of Chairperson and Vice Chairperson to require that at least once every three years, the Chairperson or Vice Chairperson shall be a regular member of the Board who is a member of the Board of Supervisors.

The Board of Directors also supported a modification of Article IX, Section A.3 to allow two members of the Executive Committee to be selected by the Board at its meeting every December, or as soon as thereafter as practical. The remaining members shall be appointed by the Chairperson and ratified by the Board. The Board also directed staff to add language to this section which states that in the event of a vacancy in the Committee, the Chairperson shall appoint a replacement and said appointment shall be ratified by the Board.

Agenda Item No. 11 Staff Report

Page 2

November 7, 2016

This item accomplishes the amendments recommended by the Board of Directors at their September 12, 2016 meeting.

Staff Recommendation:

That the RCA Board of Directors Adopt Resolution No. 2016-016, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Amending Its Bylaws with Regard to the Election of Officers and Appointment of the Executive Committee.*

Attachments

1. Resolution No. 2016-016
2. Redlined Bylaws
3. Amended Bylaws

**AGENDA ITEM NO. 11
ATTACHMENT 1**

RESOLUTION NO. 2016-016

RESOLUTION NO. 2016-016

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION
AUTHORITY AMENDING ITS BYLAWS WITH REGARD
TO THE ELECTION OF OFFICERS AND
APPOINTMENT OF THE EXECUTIVE COMMITTEE**

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

WHEREAS, pursuant to Section 17 of the JPA, the RCA has the power to adopt such rules and regulations as the RCA’s Board of Directors (“Board”) may deem necessary for the conduct of the RCA’s affairs;

WHEREAS, pursuant to Article XIII of the RCA Bylaws, the RCA has presented to its members an amendment to the RCA Bylaws which amends the provisions regarding the election of RCA officers;

WHEREAS, the Board has determined that it is necessary at this time to revise the RCA’s Bylaws as set forth herein; and

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

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

1. Article VI, Section A, is hereby amended to read as follows:

ELECTIONS. The Board shall elect a Chairperson and a Vice Chairperson at its meeting every December, or as soon thereafter as practical. At least once every three years, the Chairperson or Vice Chairperson shall be 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.

2. Article IX, Section A.3, is hereby amended to read as follows:

Executive Committee. The Executive 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 Authority shall be members

of the Committee. Two members of the Executive Committee shall be selected by the Board at its first meeting in December, or as soon thereafter as practical. The remaining members shall be appointed by the Chairperson and ratified by the Board. 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. In the event of a vacancy in the Committee, the Chairperson shall appoint a replacement, and said appointment will be ratified by the Board.

3. This Amendment shall be effective upon the approval of this Resolution by the Board of Directors.

PASSED AND ADOPTED at the regular meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority held this 7th day of November, 2016.

By: _____
Eugene Montanez, Chairman
Western Riverside County
Regional Conservation Authority

ATTEST:

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

**AGENDA ITEM NO. 11
ATTACHMENT 2**

**REDLINED
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.
2. 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 Cells 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; Eastvale – 1,024 acres; Hemet – 1,158 acres; Jurupa Valley – 5,039 acres; Lake Elsinore – 14,336 acres; Menifee – 249 acres; Moreno Valley – 2,325 acres; Murrieta – 8,726 acres; Norco – 733 acres; Perris – 3,181 acres; Riverside – 1,201 acres; San Jacinto – 4,580 acres; and Temecula – 3,917 acres; and Wildomar – 4,151 acres.* Population data shall be

determined through California Department of Finance estimates, adjusted annually.

In addition, the Board may, through resolution, revise the above-referenced number of acres due to the addition of a new member entity or other appropriate adjustments as the Board deems necessary.

ARTICLE VI – NOMINATION AND ELECTION OF OFFICERS

- A. **ELECTIONS.** The Board shall elect a Chairperson and a Vice Chairperson at its meeting every December, or as soon thereafter as practical. At least once every three years, the Chairperson or Vice Chairperson shall be 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, provided that the Board, by a majority vote of the members present, may overrule any decision under this Section A.1 by the Chairperson at or during the meeting;
 - 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.** A schedule of regular meetings of the Authority will be adopted by the Board annually. Regular meetings shall be held, to the extent feasible, 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 or substantive agenda items. 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 Authority shall be members of the Committee. Two members of the Executive Committee shall be selected by the Board at its first meeting in December, or as soon thereafter as practical. The remaining members shall be appointed by the Chairperson and ratified by the Board. 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. In the event of a vacancy in the Committee, the Chairperson shall appoint a replacement, and said appointment will shall be ratified 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

Updated 12/05/05; Resolution No. 05-10
Updated 03/06/06; Resolution No. 06-01
Updated 04/03/06; Resolution No. 06-02
Updated 05/01/06; Resolution No. 06-03
Updated 09/10/07; Resolution No. 07-06
Updated 12/03/07; Resolution No. 07-11
Updated 10/06/08; Resolution No. 08-015
Updated 03/02/09; Resolution No. 09-001
Updated 03/07/11; Resolution No. 11-002
Updated 01/09/12; Resolution No. 11-008
Updated 06/02/14; Resolution No. 14-004
Updated 11/07/16; Resolution No. 2016-016

**AGENDA ITEM NO. 11
ATTACHMENT 3**

AMENDED 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.
2. 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 Cells 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; Eastvale – 1,024 acres; Hemet – 1,158 acres; Jurupa Valley – 5,039 acres; Lake Elsinore – 14,336 acres; Menifee – 249 acres; Moreno Valley – 2,325 acres; Murrieta – 8,726 acres; Norco – 733 acres; Perris – 3,181 acres; Riverside – 1,201 acres; San Jacinto – 4,580 acres; and Temecula – 3,917 acres; and Wildomar – 4,151 acres.* Population data shall be

determined through California Department of Finance estimates, adjusted annually.

In addition, the Board may, through resolution, revise the above-referenced number of acres due to the addition of a new member entity or other appropriate adjustments as the Board deems necessary.

ARTICLE VI – NOMINATION AND ELECTION OF OFFICERS

- A. **ELECTIONS.** The Board shall elect a Chairperson and a Vice Chairperson at its meeting every December, or as soon thereafter as practical. At least once every three years, the Chairperson or Vice Chairperson shall be 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, provided that the Board, by a majority vote of the members present, may overrule any decision under this Section A.1 by the Chairperson at or during the meeting;
 - 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.** A schedule of regular meetings of the Authority will be adopted by the Board annually. Regular meetings shall be held, to the extent feasible, 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 or substantive agenda items. 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 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 Authority shall be members of the Committee. Two members of the

Executive Committee shall be selected by the Board at its first meeting in December, or as soon thereafter as practical. The remaining members shall be appointed by the Chairperson and ratified by the Board. 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. In the event of a vacancy in the Committee, the Chairperson shall appoint a replacement, and said appointment shall be ratified 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

Updated 12/05/05; Resolution No. 05-10
Updated 03/06/06; Resolution No. 06-01
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Updated 12/03/07; Resolution No. 07-11
Updated 10/06/08; Resolution No. 08-015
Updated 03/02/09; Resolution No. 09-001
Updated 03/07/11; Resolution No. 11-002
Updated 01/09/12; Resolution No. 11-008
Updated 06/02/14; Resolution No. 14-004
Updated 11/07/16; Resolution No. 2016-016

2016 RCA
Commonly Used Acronyms

ARL	Additional Reserve Lands
BUOW	Burrowing Owl
CALFIRE	California Department of Forestry and Fire Protection
CALTRANS	California Department of Transportation
CD	Consistency Determination
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife (<i>formerly CDFG</i>)
CEQA	California Environmental Quality Act
CETAP	Community and Environmental Transportation Acceptability Process
CHD	Critical Habitat Designation
CIP	Capital Improvement Program
CNLM	Center for Natural Lands Management
EMWD	Eastern Municipal Water District
EPD	Environmental Programs Department (<i>Riverside County</i>)
ERP	Expedited Review Process
FY	Fiscal Year
HANS	Habitat Evaluation and Acquisition Negotiation Strategy
HMU	Habitat Management Unit
IC	Interchange
JPR	Joint Project Review
LDMF	Local Development Mitigation Fee
MOU	Memorandum of Understanding
MSHCP	Multiple Species Habitat Conservation Plan
OHV	Off-Highway Vehicle
PCL	Proposed Constrained Linkage
PQP	Public/Quasi-Public
PSE	Participating Special Entities
RCA	Regional Conservation Authority
RCD	Resource Conservation Districts
RCRCD	Riverside-Corona Resource Conservation District
RCOE	Riverside County Office of Education
RCTC	Riverside County Transportation Commission
RCTD	Riverside County Transportation Department
RMOC	Reserve Management Oversight Committee
ROVE	Recreation Off-Highway Vehicle Enforcement
SAWA	Santa Ana Watershed Association
SB	San Bernardino
SR	State Route
SWG	State Wildlife Grant
TAC	Technical Advisory Committee
TIFIA	Transportation Infrastructure Finance and Innovation Act
TUMF	Transportation Uniform Mitigation Fee
USFWS	United States Fish and Wildlife Service
UTM Nad 83 Zone 11	Meter Coordinate System for Maps
WIFIA	Water Infrastructure Finance and Innovation Act
WA	Wildlife Agencies (<i>USFWS & CDFG</i>)
WCB	Wildlife Conservation Board
WPT	Western Pond Turtle
WRDA	Water Resources Development Act