

RESOLUTION NO. 07-04

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY REVISING
ITS FEE COLLECTION AND REMITTANCE POLICY**

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

WHEREAS, pursuant to Section 19 of the JPA, the Authority has the power to adopt such rules and regulations as the Board may deem necessary for the conduct of the Authority’s affairs; and

WHEREAS, the Authority desires to ensure a consistent flow of fee revenues to support its operations, consistent with the intent of the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”), the MSHCP Implementing Agreement (“IA”), and the JPA; and

WHEREAS, the Authority desires to provide maximum clarity to the County and Cities signatory to the JPA (“Cities”) regarding requirements for remitting Local Development Mitigation Fees as defined in Section 3.58 of the IA and for contributions related to Qualified Infrastructure Projects as described in the MSHCP, endorsed by the Board on February 5, 2007, and enumerated below.

NOW, THEREFORE, BE IT RESOLVED by the Western Riverside County Regional Conservation Authority Board of Directors:

1.0 QUALIFIED INFRASTRUCTURE PROJECTS:

A. City and County Roadways Covered by the MSHCP: Permittees shall contribute 5% of the facility construction cost for city and county roads to the Authority as set forth herein:

1. The 5% contribution shall apply to new facilities, or the widened portions of existing facilities for capacity enhancement.
2. Maintenance and safety projects, as defined in Section 7 the MSHCP, are exempt from the 5% contribution.
3. The 5% does not apply to:
 - a. Projects, or portions thereof, paid for by Measure A (contribution already paid directly by RCTC)
 - b. Projects, or portions thereof, paid for by TUMF (contribution already paid directly by WRCOG)
4. Payment of federal funds is contingent on approval by the Federal Highway Administration.

5. Contributions for all Caltrans facilities are covered by the Caltrans mitigation bank, regardless of fund source(s).
 - B. **Local Non-Transportation Facilities (i.e. parks and civic buildings):** Under the MSHCP Section 8.5.1 and Section 12.2.2 of the IA, Permittees will contribute a per acre mitigation fee based upon the current commercial/industrial fee for these types of facilities.
 - C. **Supplement to Prior Policy:** This Resolution, as it relates to Qualified Infrastructure Projects, is intended to augment the Policy adopted by the Board on February 5, 2007 entitled "*Tenets Relating to Local Infrastructure Contribution.*"
- 2.0 MONTHLY PAYMENT. Pursuant to Section 8.5 of the MSHCP, Sections 12.2.1 and 12.2.2 of the IA, and Sections 19.A and 19.B of the JPA, the County and the Cities shall remit all Local Development Mitigation Fees which are collected or should have been collected for any Development, as defined in the MSHCP, and contributions for Qualified Infrastructure Projects to the Authority on a monthly basis to be expended to fulfill the terms of the MSHCP.
- A. Payment to the Authority shall be made no later than 90 days after the Local Development Mitigation Fees were collected.
 - B. Payment to the Authority shall be made no later than 90 days after the construction contract for the Qualified Infrastructure Project is approved by the County or the City.
- 3.0 NO WITHHOLDING. The County and the Cities may not recover the costs of administering the provisions of their Local Development Mitigation Fee ordinance using the Local Development Mitigation Fee revenues generated by them through said ordinance.
- 4.0 AUDIT. Pursuant to the JPA, the County and the Cities shall maintain complete and accurate records with respect to all Local Development Mitigation Fees collected under their Local Development Mitigation Fee ordinance and the calculation of contributions for all Qualified Infrastructure Projects. All such records shall be clearly identifiable. The County and the Cities shall allow a representative of the Authority during normal business hours to examine, audit, and make transcripts or copies of such records.
- 5.0 LATE PAYMENTS. Starting January 1, 2008, if the County or the Cities fail to remit the monthly payment within 90 days of collection as required in Section 2.0 above, any delinquent amounts will be assessed interest at the rate of RCA's prevailing rate for invested funds. Notwithstanding the prior sentence, no interest shall be assessed on delinquent fees remitted prior to January 1, 2008.
- 6.0 NO EFFECT ON WITHDRAWAL. The obligations imposed under this Article on the County and the Cities shall not affect any more strict obligation imposed on each of them under Section 22.1 of the IA pertaining to withdrawal from the MSHCP.