



## EXECUTIVE COMMITTEE MINUTES

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1.

### CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority Executive Committee was called to order by Chairman John Tavaglione at 12:03 p.m., Wednesday, January 21, 2015, at the RCA Conference Room, 3403 Tenth Street, Suite 320, Riverside, California, 92501.

2.

### ROLL CALL

#### COMMITTEE MEMBERS PRESENT

Maryann Edwards\*  
Natasha Johnson  
Scott Miller  
John Tavaglione  
Ella Zanowic

#### COMMITTEE MEMBERS ABSENT

Ben Benoit  
Eugene Montanez

*\*Arrived after start of the meeting.*

3.

### PUBLIC COMMENTS

There were no public comments.

4.

### COMMITTEE MEMBER ANNOUNCEMENTS

There were no Committee Member announcements.

5.

### ADDITIONS/REVISIONS

There were no additions or revisions to the agenda.

6.

### APPROVAL OF MINUTES – JANUARY 21, 2015

***M/S/C (MILLER/ZANOWIC) to approve the minutes of the January 21, 2015 meeting of the Executive Committee.***

***(4 Ayes)***

**7. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR NOVEMBER AND DECEMBER 2014**

Honey Bernas, Director of Administrative Services, stated that the RCA collected \$969,398 in MSHCP Local Development Mitigation Fees from Member Agencies. Fees collected were for 355 residential units and 16.62 commercial acres. In addition, the RCA received \$191,963 from Riverside County Flood Control and Water Conservation District for the Little Lake Master Drainage Plan Line B. There were exemptions and fee credits reported for 116 residential units equaling \$224,808. The following exemptions for residential units were reported: City of Calimesa – 16; City of Hemet – 16; City of Lake Elsinore – 81; and, County of Riverside – 3.

***M/S/C (MILLER/TAVAGLIONE) that the RCA Executive Committee:***

- 1) Recommend that the RCA Board of Directors receive and file the Western Riverside County MSHCP Local Development Mitigation Fee Collection and Civic/Infrastructure Contribution Reports for November and December 2014; and**
- 2) Authorize staff to agendize this matter for the February 2, 2015 meeting of the RCA Board of Directors.**

***(4 Ayes)***

**8. FISCAL YEAR 2015 SECOND QUARTER CONSULTANT REPORTS**

Charlie Landry, Executive Director, presented the Fiscal Year 2015 Second Quarter Reports for: 1) Dudek - biological support services; 2) Geographics – website and newsletter support; 3) Riverside County Regional Park and Open-Space District – reserve management; and, 4) Santa Ana Watershed Association -- monitoring program.

***M/S/C (MILLER/JOHNSON) that the RCA Executive Committee:***

- 1) Recommend that the RCA Board of Directors receive and file the Fiscal Year 2015 Second Quarter Consultant Reports; and**
- 2) Authorize staff to agendize this matter for the February 2, 2015 meeting of the RCA Board of Directors.**

***(4 Ayes)***

**9. PRESENTATION CONCERNING MSHCP FEE COLLECTION, REMITTANCE, EXEMPTIONS AND CREDITS**

Honey Bernas, Director of Administrative Services, presented an overview of the MSHCP Fees Collections, Remittance, Exemptions and Credits.

Scott Miller stated that he thought the intent of the presentation was to help the members understand when there is an existing exemption and how local jurisdictions have the authority to extend those exemptions. He believes that the member agencies would like a better understanding of what the guidelines are in order to extend development agreements and how to report those exemptions to the RCA. He stated that Andy Melendrez specifically brought his concerns to the Board regarding the extensions and requested clarification to bring a full understanding of why the extensions are allowed.

Honey Bernas stated that the WRCOG Fee Ordinance has a specific language which prohibits the extension of Development Agreements to exempt payment of TUMF. RCA's model ordinance does not contain this language; however, the model ordinance does not contain an exemption for Development Agreements. The presentation to the Executive Committee in September 2014 laid out some issues that the RCA and the Member Agencies had and staff recommended that RCA consider adopting policies that would clarify fee credits and exemptions.

Chairman Tavaglione asked how the Model Ordinance could be revised and what is the mechanism to insure that it is properly changed.

Michelle Ouellette, Legal Counsel, stated that RCA could adopt a policy that would ask the Member Agencies to amend their Fee Ordinance. From a legal perspective, counsel does not think development agreements should be extended to exempt payment of MSHCP fees. Staff believes that adopting clear policies regarding these issues would alleviate misunderstandings.

Charlie Landry stated that these issues were discussed previously. Staff will bring back a presentation that contains more detail and outlines the issues so that everyone has a better understanding.

Natasha Johnson noted that RCA is working with several Member Agencies to resolve these types of issues. She asked if once these outstanding issues are resolved, if RCA could adopt a policy which states that Development Agreements will not be extended so that the process is concise and clear moving forward.

Chairman Tavaglione recommended that staff develop a presentation that clearly outlines the process and issues and report back to the Executive Committee before this item is brought before the Board. He noted that there are several new Board Members and the presentation should contain more detail.

M/S/C (JOHNSON/MILLER) that the RCA Executive Committee:

- 1) **Direct staff to develop a presentation that outlines the process and contains more detail regarding development agreement extensions and fee credits; and**
- 2) **Agendize this matter for the February 18, 2015, meeting of the RCA Executive Committee.**

**(4 Ayes)**

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

### **10.1 Loan Program Update**

Charlie Landry advised that with the new Congress, Senator Dianne Feinstein and Congressman Ken Calvert will reintroduce standalone legislation for a loan and loan guarantees bill for Habitat Conservation Plans that support infrastructure, probably in late February or early March.

RCA is working with the Senate Committee on Environment and Public Works majority staff to include the loan program into TIFIA language of the Transportation bill. The loan program was included in the Senate version before the bill was tabled and the continuing resolution for transportation was passed. Staff anticipates that a transportation bill will be passed this year, as there is agreement on both sides. Staff is particularly interested in HCPs since they streamline transportation.

RCA previously talked with the House Committee staff and is trying to get the language in both the Senate and House bills. The WRDA is now going to rulemaking. RCA is monitoring progress and with the Environmental Protection Agency and Corps of Engineers, as they are the lead agencies. RCA testified during in the fall, but will monitor to ensure that RCA remains eligible for the programs. Charlie and Chairman Tavaglione will going to Washington, D.C., at the end of February to meet with staff and Congress.

### **10.2 Land Acquisition Update**

Since the November 19, 2014 Executive Committee meeting, RCA acquired six additional properties totaling 456 acres. Acquisition staff has been very busy and working hard to expend Section 6 funding; however, agreement was not reached on some large properties. Therefore, RCA's Section 6 dollars will have to be redirected. The Section 6 acquisition process is long and takes approximately one year.

**10.3 Update regarding County of Riverside Resolution No. 2015-030**

Maryann Edwards joined the meeting during discussion of this item.

Charlie Landry briefed the Committee on the County's action on Resolution NO. 2015-030. While the land swap between the County and the owner is acceptable to RCA, he passed on the concerns and threats made by USFWS on this action. The property was acquired by the County before the MSHCP was completed. The major issue is the transplantation of the San Diego Ambrosia, a listed plant. The Wildlife Agencies have verbally threatened to pull parts of the MSHCP permit if the San Diego Ambrosia is not successfully transplanted from the site which will be transferred from the County to the private owner. The County's action did not yet specify the mechanics of how the plant will be transplanted. RCA will coordinate with the County on how the ambrosia is to be preserved in the final agreement.

**11. FUTURE AGENDA ITEMS:** *(Committee members are invited to suggest additional items to be brought forward for future discussion.)*

**12. CLOSED SESSION ITEMS:**

**12.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**Pursuant to Government Code Section 54957**

**Title: Executive Director**

There were no announcements from closed session.

**13. ADJOURNMENT**

The next meeting of the Western Riverside County Regional Conservation Authority Executive Committee will be held on Wednesday, February 18, 2015, at 12:00 p.m., at the Riverside Centre, 3403 Tenth Street, Suite 320, Third Floor, RCA Conference Room, Riverside, California, 92501.

Respectfully submitted,



Honey Bernas

Director of Administrative Services