

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

BOARD OF DIRECTORS MEETING MINUTES

Monday, November 1, 2021

1. CALL TO ORDER

The Western Riverside County Regional Conservation Authority Board of Directors Meeting was called to order by Chair Natasha Johnson at 12:33 p.m., via Zoom Meeting ID 899 5174 0965, in accordance with AB 361 due to state or local officials recommending measures to promote social distancing.

2. ROLL CALL

Board of Directors/Alternates Present

Kevin Jeffries
Jeff Hewitt
Colleen Wallace
Julio Martinez
Jeff Cervantez
Larry Greene
Tony Daddario
Jocelyn Yow
Linda Krupa
Lorena Barajas

Natasha Johnson
Lesa Sobek
David Marquez
Jonathan Ingram
Kevin Bash
David Starr Rabb
Patricia Lock Dawson
Crystal Ruiz
Maryann Edwards
Ben J. Benoit

Board of Directors Absent

Karen Spiegel
Chuck Washington
V. Manuel Perez

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Lock Dawson.

4. PUBLIC COMMENTS

There were no requests to speak from the public.

5. ADDITIONS / REVISIONS

Chair Johnson announced that Agenda Item 10 would be moved to right after Closed Session.

Lisa Mobley, Administrative Services Manager/Clerk of the Board noted that the attachment to Agenda Item 7B in the original agenda packet contained a spreadsheet formula error that undercalculated the total amount of fees remitted. This morning, staff circulated a revised attachment that shows the correct amount of total fees remitted as \$1,687,443, all other figures are unchanged.

6. CLOSED SESSION

At this time, Steve DeBaun, legal counsel, announced the Board will be going in to Closed Session to discuss the property items on the agenda.

6A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Agency Negotiator: Executive Director or Designee

Item	Property Description	Property Owner	Buyer(s)
1	394-010-017, 390-110-007, 390-120-010, 390-120-012, & 390-120-015	Ecosystem Investment Partners	RCA

6B. REPORT OUT FROM CLOSED SESSION

There were no announcements from Closed Session.

10. AB 361 DETERMINATION

Steve DeBaun, legal counsel, provided information on the newly signed AB 361. At the beginning of the pandemic, the Governor issued executive orders suspending certain provisions of the Brown Act. Under those executive orders, boards were permitted to meet remotely if certain safeguards were followed. The legislature has now adopted AB 361 as an urgency bill, which became effective when the executive order expired on October 1, 2021.

This new legislation permits agencies to continue to host remote meetings, but requires, among other things, that the Board makes certain findings to support the need for remote meetings. The resolution included in this agenda item implements AB 361 for the agency. If adopted, the Board would be making the following two findings: that a proclaimed state of emergency exists and that local or state officials have imposed or recommended measures to promote social distancing. RCA believes that both of those findings can currently be met.

If the resolution is approved, the findings would also cover any committees meeting during the proposed 30-day period. In months where the Board meeting is cancelled, the Executive Committee will be asked to make the findings themselves. The findings expire after 30 days, requiring the Board to re-adopt the findings in subsequent meetings.

Board Member Ingram shared that even though remote meetings were a by-product of COVID, they are productive and save the RCA a great deal of money and travel time expenses. RCA should continue remote meetings unless there is a special meeting that would require in-person attendance.

Board Member Daddario wanted to clarify that the resolution needed to be re-adopted every 30 days to determine whether meetings can be remote or in-person. Mr. DeBaun confirmed, noting that was the way the legislature drafted the bill. Every 30 days the Board will be required to make the two findings. If the Governor was to cancel or end the state of emergency, AB 361 would no longer apply, and meetings could no longer be remote. Also, if leadership determined

the findings could not be made, the meetings would be scheduled for in-person. The resolution itself does not require the meetings be held remotely, it would just allow for it.

Chair Johnson noted that a benefit of adopting the resolution whether the meetings remain remote or in-person, is the flexibility to pivot and the ability to reassess every 30 days.

Board Member Edwards echoed Chair Johnson's comments. There is an added benefit of the reduced travel time for some members.

Board Member Benoit added that the remote option allows citizens to join the meeting remotely. AQMD has seen hundreds of citizens able to join the meetings.

M/S/C (Sobek/Edwards) to:

- 1) **Adopt Resolution No. 2021-016, "Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Virtual Board and Committee Meetings Pursuant to AB 361"; and**
- 2) **Discuss and provide direction on whether to continue holding virtual meetings with the flexibility to revisit the matter on a monthly basis.**

7. **CONSENT CALENDAR** - *All matters on the Consent Calendar will be approved in a single motion unless a Board Member(s) requests separate action on specific item(s).*

M/S/C (Ingram/Barajas) to approve the following Consent Calendar items.

7A. APPROVAL OF MINUTES – OCTOBER 4, 2021

7B. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORT FOR SEPTEMBER 2021

This item is for the Board of Directors to receive and file the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Fee Collection Report for September 2021.

7C. FISCAL YEAR 2020/21 PRELIMINARY FOURTH QUARTER FINANCIAL REPORT

This item is for the Board of Directors to receive and file the FY 2020/21 Preliminary Fourth Quarter Financial Report.

7D. ACQUISITIONS STATUS REPORT

This item is for the Board of Directors to receive and file the acquisition status report as of September 30, 2021.

7E. SINGLE SIGNATURE AUTHORITY REPORT

This item is for the Board of Directors to receive and file the Single Signature Authority report for the first quarter ended September 30, 2021.

8. LEGISLATIVE UPDATE

Tyler Madary, Senior Management Analyst, Legislative Affairs, provided an update on state and federal legislative actions. Governor Newsom had until October 10th to sign or veto bills passed by the legislature. At the close of the legislative session, 836 proposals were sent by state law makers to the governor, of those, Governor Newsom signed 770 new California laws and vetoed 66 bills. Now that the first year of the legislative session has concluded, the Legislative Affairs team is reviewing the Board adopted Legislative Platform, taking into consideration emerging policies at the state and federal levels. A draft of the 2022 Legislative Platform will be brought forward to the Board for review and consideration, in preparation for the next session of the legislature. Legislative Affairs staff will continue to monitor the development of state agency guidelines that could impact the mission of Habitat Conservation Plans (HCPs) or that could facilitate further discussion regarding the need for additional state investment.

The California Natural Resources Agency (CNRA) continues to draft their 30 by 30 document and the California Air Resources Board (CARB) continues to draft their 2022 AB 32 Scoping Plan Update for Natural and Working Land based on comments previously provided by the Legislative Affairs team and other stakeholders across the state. CNRA recently released their draft Natural and Working Lands Climate Strategy for public input through November 9th. The Legislative Affairs team is working with the California HCP Coalition to review the draft document and provide comments that promote HCPs as shelf-ready tools to implement the state's climate goals.

On the federal side, Congress continues to simultaneously negotiate and consider the Build Back Better budget reconciliation package, a corresponding debt limit increase, the bi-partisan Infrastructure Investment and Jobs Acts, and the Fiscal Year 2022 Appropriations Bill. The Senate Appropriations Committee recently released their draft appropriation bills for each of the sub-committees, including the Department of the Interior (DOI). While the Senate's DOI appropriations bill matched the \$13 million in grant funding to states that was in the House Appropriation Bill, the Senate bill proposed to fund HCP land acquisitions at \$19.6 million, which was a \$10 million decrease from the House bill. If the Senate's lower amount prevails, it means less funding available for HCPs, increasing the level of competition for funding. The Legislative Affairs team will need to advocate for the House to maintain the higher level of funding when it goes to conference with the Senate to settle on a single appropriations bill.

Unfortunately, neither Senators Feinstein nor Padilla's RCA Community Project Funding (CPF) requests to fund the Wolfskill Acquisition Project were included in the Senate DOI Appropriations Bill. Senators Feinstein and Padilla's willingness to submit CPF requests of behalf of RCA were greatly appreciated. Moving forward, the Legislative Affairs team will evaluate

opportunities to improve chances of securing funding for the Fiscal Year 2023 Appropriations Bill.

Lastly, the Legislative Affairs team will continue to monitor the progress of Representative Calvert's bill HR 972 to establish the Western Riverside County Wildlife Refuge, as well as Senator Feinstein's draft language.

This item is for the Board of Directors to receive and file an update on state and federal legislation.

9. STAKEHOLDERS COMMITTEE MEMBERSHIP OUTREACH UPDATE

Chair Johnson reminded the Board that one of the top priorities during the transition to RCTC management was for RCA to expand the reach, communication with, and education of the stakeholders in the communities served. One thing that must be done is the relaunching of the Stakeholders Committee. The application period opened September 27th and closed at the end of October. The recruitment and outreach video that was created was shared with the Board.

The RCA Bylaws state the eligibility and criteria for a position in this committee. The criteria is intended to help unify the diverse constituents in the communities served and making sure everyone has a voice. Ultimately, it is the Board Members responsibility to set policy, direction and guide the RCA, the Stakeholders Committee is a resource and tool that can be called upon when needed. The Stakeholders Committee does not have the authority to make decisions, guide staff, or direct policy.

Chair Johnson is currently reviewing the applications and will make a final decision on appointments this week. The hope is with the support of the Stakeholders Committee, the RCA will be successful in meeting the goals of RCA, including the implementation and completion of the MSHCP.

Board Member Sobek wanted to know if there were a good number of applications received by the deadline. Chair Johnson noted the bylaws state there can be up to 16 members on the Stakeholders Committee and there were 14 applications submitted.

This item is for the Board of Directors to receive and file an update on the Stakeholders Committee membership outreach efforts.

11. PRESENTATION – GETTING TO KNOW THE MSHCP

Tricia Campbell, Reserve Management and Monitoring Manager, provided a presentation on the Ad Hoc Committee, which is the last step of the Joint Project Review (JPR) process. When all parties involved on a JPR don't agree, the MSHCP has a built-in process to handle disagreements. At a previous meeting, the Meet and Confer process was explained to be used when the RCA does not agree with a permittee on whether the project is consistent with the MSHCP. When RCA and the permittee representatives fail to resolve any outstanding issues

regarding a project's compliance during the Meet and Confer, the last step is the Ad Hoc Committee.

The Ad Hoc Committee consists of members of the Board appointed by the Chair and elected officials from the permittee governing body (i.e., City Council Members or County Supervisors.) The process for the Ad Hoc Committee is prescribed in Section 6.6.2, subsection E.4 in Volume 1 of the MSHCP and charges the committee with reviewing the project and attempting to develop feasible solutions. The Ad Hoc Committee can only be established for projects that are in cells where a JPR occurs between the RCA and a permittee.

When the permittee and RCA do not find a resolution on whether the project is in compliance with the MSHCP, either party can submit a request to the Chair of the RCA Board of Directors to establish an Ad Hoc Committee. The committee must meet within 30 calendar days of the request, and the applicant is invited to attend. The committee meeting would then result in one of two possible outcomes. If the matter is resolved, no further action is needed. If no resolution occurs, and the permittee intends to proceed with the approval of the project, the RCA must notify the Wildlife Agencies within 14 days. It is then at the Wildlife Agencies sole discretion to revoke or suspend all or a portion of the permittee's MSHCP permits as set forth in Section 23.5 of the implementing agreement.

Since the inception of the MSHCP, the RCA has only been involved in 1 Ad Hoc Committee in 2007. The project was found not consistent with the MSHCP and the Wildlife Agencies did not take action.

Chair Johnson noted that having only 1 instance of the committee since the inception of the MSHCP is a true testament to staff.

12. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORT

Overview

Anne Mayer, Executive Director, shared that early Friday morning she will attend the Temecula Group meeting to share information related to the RCA and RCTC management merger and the goals and objectives that have been set by RCA.

Board Member Bash announced that the City of Norco would have Senator Melendez as a guest speaker at the Veteran's Day Wall of Honor. The city is adding Kareem Nikoui, one of the Marines that was killed in Afghanistan. All are welcomed to join.

Chair Johnson thanked staff for putting together the Stakeholders Committee video so quickly, as well as all the other communication that went out. Chair Johnson also congratulated Aaron Hake, Interim Regional Conservation Deputy Executive Director, for his completion of the Boston Marathon.

Board Member Barajas announced the Jurupa Valley State of the City is on November 16th, it will be livestreamed from the new Skyview Event Center.

Chair Johnson wished everyone a Happy Thanksgiving.

13. ADJOURNMENT

There being no further business for consideration by the Western Riverside County Regional Conservation Authority Board of Directors, Chair Johnson adjourned the meeting at 1:14 p.m. The next meeting of the Board of Directors is scheduled to be held on **Monday, December 6, 2021**, via Zoom.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lisa Mobley".

Lisa Mobley
Administrative Services Manager/
Clerk of the Board