

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

EXECUTIVE COMMITTEE MINUTES

Wednesday, December 15, 2021

1. CALL TO ORDER

The meeting of the Executive Committee was called to order by Chair Natasha Johnson at 12:01 p.m., via Zoom Meeting ID: 860 8252 2939, in accordance with AB 361 due to state or local officials recommending measures to promote social distancing.

2. ROLL CALL

Members/Alternates Present

Kevin Jeffries
Jeff Hewitt
Natasha Johnson
Lesa Sobek
Jonathan Ingram
Kevin Bash
Crystal Ruiz

Members Absent

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Johnson.

4. PUBLIC COMMENTS

There were no requests to speak from the public.

5. ADDITIONS / REVISIONS

There were no additions or revisions to the agenda.

6. 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 (Ruiz/Ingram) to approve the following Consent Calendar items.

6A. APPROVAL OF MINUTES – NOVEMBER 17, 2021

6B. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORT FOR NOVEMBER 2021

- 1) Receive and file the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Fee Collection Report for November 2021; and
- 2) Forward to the Board of Directors for final action.

6C. ADOPTION OF RESOLUTION 2022-002 RELATED TO REVISED INVESTMENT POLICY

- 1) Approve the revised investment policy for the Western Riverside County Regional Conservation Authority (RCA);
- 2) Adopt Resolution No. 2022-002, *“Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting a Statement of Investment Policy”*; and
- 3) Forward to the Board of Directors for final action.

7. RIGHT OF WAY POLICIES AND PROCEDURES MANUAL

Hector Casillas, Right of Way Manager, provided a presentation on the updated Right of Way Policies and Procedures Manual. Prior to RCTC assuming management of RCA, each agency followed its own policies and procedures pertaining to Right of Way. This agenda item is another element in fulfilling the objective of agency consolidation, streamlining procedures, and increasing the professionalism of RCA functions.

The RCTC Right of Way Manual has had three previous revisions. The policy and procedures manual follow Caltrans Right of Way manual and complies with the Federal Highway Administration policies and procedures. RCA’s Land Acquisition Policy has been adopted 12 separate times by the RCA Board. The policies comply and are consistent with the MSHCP. RCTC’s Right of Way Manual and RCA’s Land Acquisition Policy have been combined and updated in order to serve both agencies.

The Right of Way Policy and Procedures Manual was updated to conform with current laws, industry best practices, incorporating the RCA Land Acquisition Policy, and has increased from 12 to 13 chapters. Given the nature of the Right of Way staff work, only 7 of the 13 chapters of the updated manual apply to RCA. Chapter 13 is specific to RCA and includes the latest policies that were adopted by the RCA Board on September 14, 2020.

Since Right of Way has now managed RCA’s acquisitions for an entire year, staff added additional items to Chapter 13 to efficiently acquire property. The additions include administrative settlements, changes to the appraisal sharing policy, and the process for grant funded properties.

Administrative settlements changes would allow staff to negotiate and propose a settlement to address any differences between the RCA appraisal and the property owner’s evaluation.

The Board would continue to be the ultimate decision maker for any administrative settlements and would need to approve the settlement.

The appraisal sharing policy was also changed. Currently only a summary statement is shared with each offer, however, several property owners have requested a full copy of the appraisal before accepting an offer. In the event this trend continues to occur, staff would like to provide discretion to the Executive Director, but only when another public agency or grant funds are involved.

The final change was regarding grant funded properties. About a third of the work done by Right of Way staff is related to grant funded property acquisitions. With that in mind, it was important to outline the process for securing a grant funded property for Right of Staff to follow.

Staff is recommending the Executive Committee adopt Resolution No. 2022-001 and forward this item to the Board of Directors for final action at the January 10, 2022, meeting. Once approved, staff will take similar steps with the RCTC Board, in the hopes of receiving adoption at the February 9, 2022, Commission Meeting. This updated policies and procedures manual would ensure that real estate matters using public funds are conducted in a professional, ethical, and consistent manner that protects both agencies.

Board Member Ingram wanted to clarify whether this manual would combine the policy of RCTC with RCA as they are separate entities. Mr. Casillas noted that the manual separated the policies specifically and it is clearly noted in each chapter whether something is a Commission (RCTC) activity or an RCA component.

Board Member Ingram also wanted to ensure the amendments to the policy still fell in the parameters of the permit, as the policies were originally crafted around the permit. Steve DeBaun, legal counsel, confirmed that was correct.

Board Member Sobek thanked Mr. Casillas for the work done this last year, putting together this policy to make it easier for everyone including staff.

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

- 1) **Adopt Resolution No. 2022-001, “Resolution of the Western Riverside County Regional Conservation Authority Approving and Adopting the RCTC/RCA Right of Way Policies and Procedures Manual”; and**
- 2) **Forward to the Board of Directors for final action.**

8. STATE AND FEDERAL LEGISLATIVE UPDATE

Tyler Madary, Senior Management Analyst, Legislative Affairs, provided an update on state and federal legislative actions. The California Legislative Analyst Office (LAO) published its’ 2022/23 fiscal outlook in late November, reporting an unprecedented growth in revenue and projected a \$31 billion surplus for the 2022 Budget Year which begins on July 1st.

The Legislature will reconvene on January 3rd, beginning the second year of the legislative session as the Governor prepares to submit the budget proposal prior to January 10th. Given the projected surplus, the Legislative Affairs team intends to continue to advocate for increased funding to the Wildlife Conservation Board (WCB) with dedicated funding to Habitat Conservation Plans (HCPs) and Natural Community Conservation Plans (NCCPs) for land acquisition. As previously reported, this year the Legislative Affairs team advocated for \$500 million in dedicated funding to WCB, however, this year's adopted budget only allocated \$31 million, with non-binding language expressing intent for future spending levels.

The adopted budget expressed intent for \$593 million to be allocated to the California Natural Resources Agency, its departments, conservancies, and boards in Fiscal Year 22/23; and \$175 million in FY 23/24 for programs that advance multi-benefit and nature-based solutions to climate change. Development and implementation of HCPs would be one of several eligible uses for this funding, however, it cannot be taken for granted. It is important that RCA and other HCP advocates not only urge the Governor and Legislature to keep their word, but also to push for increased dedicated funding to WCB and specifically HCPs.

On the federal side, on November 15th, President Biden signed the \$1.2 trillion bi-partisan Infrastructure, Investment and Jobs Act (IIJA) into law. The IIJA includes a 5-year reauthorization of Surface Transportation Program Funding, with \$150 billion in new investments in highway, bridge, public transportation, passenger rail, broadband, energy, and water infrastructure. Legislative staff is currently reviewing the bill to determine how HCPs might be an eligible component to the climate resiliency elements contained in the law, and to mitigate for environmental impacts of new infrastructure projects.

On November 19th, the House passed the Build Back Better Act, President Biden's \$1.7 trillion social safety net legislation, to the Senate after months of debate and discussion. Senate Majority Leader Chuck Schumer indicated publicly that his goal is to bring this spending plan to the Senate floor before Christmas, which is an ambitious timeline.

Congress has passed a continuing resolution to keep the Federal Government open and operating through February 18th, and just yesterday the Senate voted to raise the debt ceiling by \$2.5 trillion in order to avoid a default in the nation's debt. The House passed the bill this morning and will be sending it to President Biden. Congress continues to negotiate and consider the FY 2022 Appropriations Bill.

Also of note, the Senate Committee on Environment and Public Works held a hearing on President Biden's nomination of Martha Williams to be the Director of the U.S. Fish and Wildlife Service (USFWS) on November 17th. A former Director of the Montana Department of Fish, Wildlife, and Parks, Williams had served previously at USFWS as Principal Deputy Director. Williams enjoys a broad bi-partisan support and is expected to receive confirmation in the Senate.

Lastly, the Legislative Affairs team continues to work with Senator Feinstein's staff throughout the drafting of her bill to establish the Western Riverside County Wildlife Refuge and advocate for HR 971 by Representative Calvert.

- 1) **Receive and file an update on state and federal legislation; and**
- 2) **Forward to the Board of Directors for final action.**

9. **BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORTS**

Board Member Sobek shared that the Riverside County Habitat Conservation Authority has been able to have the Stevens Kangaroo Rat down listed, all the public hearings have been completed and the package is being sent to the Fish and Wildlife Agencies.

Anne Mayer, Executive Director, provided an update on the year in review. At the last meeting, Chair Johnson talked about some of the highlights of the last year, which has gone by so quickly, while still accomplishing quite a bit of work. Some of the objectives that were put forward a year ago included: best position the MSHCP for successful completion; complete land acquisitions; maintain RCA staff and institutional knowledge; create cost efficiencies; minimize contract redundancy; focus resources on MSHCP implementation; strengthen presence in Sacramento and D.C.; strengthen public engagement; and ensure stability of RCA and the MSHCP. The priorities and objectives that were set by the Board have been the basis for everything that was done over the last year.

Everything that was planned during the first transition year has been completed. Many of the activities had to do with the actual transfer of the managing agency and getting the right staffing in place. The important milestone of having the Nexus Study fully implemented with all agreements in place by July 1st, was a huge accomplishment.

In addition to the MSHCP responsibilities, it's exciting to think about some of the extra things that were accomplished at the Board's direction, including: adopting a legacy home rebate program for some of the long-term property owners; completing the 2017 Section 6 Grant Program; securing state funding for Quino Checkerspot Butterfly and Mountain Lion research; extending the Jurupa Mountain Grant for a year; confronting bureaucratic issues at the state and federal level; authoring a join op-ed with Chair Johnson and Chair Harnik of RCTC that was published in the paper talking about the integration of conservation and transportation; receiving a shout-out at a Senate Environment and Public Works Committee Meeting from Senator Padilla; advocating for Senator Feinstein's proposal and Representative Calvert's Wildlife Refuge Bill; implementing the Stakeholders Committee; and last week Aaron Hake was able to give a 5-minute presentation to the California Transportation Commission about the importance of the MSHCP and what it can do in the region for long term planning.

The approval of the updated Right of Way Manual was another commitment to the Board and goes in line with integrating processes and policies. There has also been a lot of work done in consolidating contracts. There has been a lot of exciting progress made, but there is still more work to be done. The amount of outreach that has been done with member agencies, the

development community, and landowners is something to be proud of. When any outreach has been done, staff ensures they are listening to feedback to be able to address any suggestions or improvements that are recommended.

In conversation with Chair Johnson, staff will be working on a survey to send to all Board Members, to get more information of what is seen as a priority and seek areas of improvement.

Board Member Sobek was reflecting on all of RCA's accomplishments for the year and appreciates the recap as it pointed out more than she even realized. This management transition and the leadership provided by Ms. Mayer, Mr. Hake, and staff is impressive. This was a good move and a great partnership for RCA.

Chair Johnson thanked staff for exceeding expectations and adding some unexpected wins to the list of accomplishments this year. Chair Johnson also thanked the Board Members for their service on the Executive Committee and for agreeing to remain on the committee for the following year to provide continuity to the team.

10. ADJOURNMENT

There being no further business for consideration by the Executive Committee, Chair Johnson adjourned the meeting at 12:27 p.m. The next meeting of the Executive Committee is scheduled to be held on **Wednesday, January 19, 2022**.

Respectfully submitted,



Lisa Mobley
Administrative Services Manager/
Clerk of the Board