

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

BOARD OF DIRECTORS MEETING MINUTES

Monday, January 8, 2024

1. CALL TO ORDER

The Western Riverside County Regional Conservation Authority Board of Directors Meeting was called to order by Chair Kevin Bash at 12:32 p.m., in the Board Room at the County of Riverside Administrative Center, 4080 Lemon Street, First Floor, Riverside, California, 92501.

2. ROLL CALL

Board of Directors/Alternates Present

Kevin Jeffries
Karen Spiegel
Chuck Washington
Colleen Wallace
Mike Lara
Jeff Cervantez
Tony Daddario
Jocelyn Yow
Linda Krupa

Ron Holliday
Kevin Bash
David Starr Rabb
James Stewart
Joseph Morabito

Board of Directors Absent

V. Manuel Perez
Yxstian Gutierrez
Mark Terry
Leslie Altamirano
Natasha Johnson
Lesa Sobek
David Marquez
Patricia Lock Dawson
Crystal Ruiz

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Daddario.

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 (Spiegel/Starr Rabb) to approve the following Consent Calendar items.

6A. APPROVAL OF MINUTES – DECEMBER 4, 2023

6B. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORT FOR OCTOBER 2023

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 October 2023.

6C. JOINT PROJECT REVIEW STATUS REPORT

This item is for the Board of Directors to receive and file the Joint Project Review (JPR) monthly status report as of November 30, 2023.

6D. ACQUISITIONS STATUS REPORT

This item is for the Board of Directors to receive and file the acquisition status report as of October 31, 2023.

6E. MONTHLY INVESTMENT REPORT FOR OCTOBER 2023

This item is for the Board of Directors to receive and file the Monthly Investment Report for the month ended October 31, 2023.

6F. ADOPTION OF RESOLUTION NO. 2024-001 RELATED TO REVISED INVESTMENT POLICY

- 1) Approve the revised investment policy for the Western Riverside County Regional Conservation Authority (RCA); and
- 2) Adopt Resolution No. 2024-001, *“Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting a Statement of Investment Policy.”*

6G. STATE AND FEDERAL LEGISLATIVE UPDATE

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

7. PROFESSIONAL SERVICES FOR HABITAT CONSERVATION PLANNING

Aaron Gabbe, Regional Conservation Director, provided a presentation on Professional Services for the Strategic Improvement Assessment and Action Plan. The Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) is an ambitious plan vital to supporting smart, regional growth in Western Riverside County while protecting threatened and endangered species and their habitats. The MSHCP is one of the largest in the country, protecting in perpetuity 500,000 acres implicitly to provide habitat for the 146 species covered by the plan. To date, the plan has been a success. The MSHCP has protected over 68,000 acres of Additional

Reserve Lands (ARL) at a cost of over \$570,000,000, while also streamlining the development of over 100,000 acres of vital housing and infrastructure.

The plan was developed over 20 years ago, and while the MSHCP remains as important today as it did when it was developed, some of the assumptions used are no longer accurate. It was always anticipated that the MSHCP would need to be refined as conditions changed. Examples of outdated assumptions that affect plan implementation include the pace of development and corresponding revenue, land acquisition costs, the extent of land donated or exchanged for incentives through the development review process, areas prescribed for conservation have been degraded with time, and the slower pace of state and federal funding for land acquisition.

These outdated assumptions, in part, are affecting the MSHCP implementation. For example, the Development Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process provides little flexibility to the RCA to make acquisition decisions based on habitat quality or cost. This could force the RCA to expend its' limited resources in a manner that may not result in the most effective way to achieve the goals and objectives of the MSHCP.

On May 1, 2023, the RCA Board directed staff to hire a consultant to conduct a Strategic Improvement Assessment and Action Plan (SIAAP) and include funding in the Fiscal Year 2023/2024 Budget. At the time, staff anticipated that the fiscal impacts would range from \$400,000 to \$800,000. The primary objective of the SIAAP study is to identify and recommend pathways that the RCA and other permittees may take to improve MSHCP implementation and flexibility, while maintaining financial flexibility and permit compliance. The primary focus of the SIAAP study will be the HANS process, though ultimately, solutions may result in other changes to the MSHCP implementation. The consultant will evaluate the Development HANS process to identify factors that may limit RCA's flexibility in the land acquisition process. Ultimately, RCA does not know what the SIAAP study will find, so it is unknown what changes may be recommended.

However, potential solutions may involve policy or process improvements that could be modified within the RCA Board's purview and authority, including securing additional sources of funding for land acquisition or a new Nexus Study and a potential fee increase, and possibly a major amendment.

Major SIAAP activities that the consultant and RCA staff will support include regular meetings with staff from U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife to better understand that intricacies of the MSHCP, implementation challenges, and identifying potential recommendations and solutions. Review of the MSHCP, extensive documentation, and supporting materials to understand implementation challenges and alternative solutions will also be completed. The breadth and scope of HANS related implementation challenges will be identified, and the permittees ability to achieve MSHCP goals, requirements and functions as intended. Multiple alternative solutions will be identified to address implementation issues and tradeoffs for each alternative. The best alternative(s) will be presented to the Board and could be implement to improve the Development HANS process and inter-related aspects of the

MSHCP. The consultant will work close with RCA to evaluate alternatives and identify the best path forward to recommend to the Board. Finally, the study will include preparing an administrative and final draft SIAAP. If the Board determines that a major amendment is needed to address Development HANS issues, the consultant will also prepare a scope of work to develop a major amendment to the MSHCP and prepare a Section 6 Planning Grant application.

RFP No. 24002 for Professional Services for Habitat Conservation Services was release by RCA staff on August 29, 2023. The RFP was downloaded by 49 firms, 7 of which were from Riverside County. Two firms submitted responsive proposals prior to the submittal deadline of October 10, 2023. Based on Evaluation Committee's assessment of the written proposals, both firms were shortlisted and invited to interview. Subsequently, the Evaluation Committee determined ICF Jones & Strokes, Inc. to be the most qualified firm to provide Professional Habitat Conservation Planning Services in support of the development of an SIAAP study.

The fiscal impact is spread across two fiscal years. It is estimated the impact to FY 23/24 to be \$288,586 and FY 24/25 to be \$288,585 for a total of \$577,171, plus \$30,000 for contingency for a total amount not to exceed \$607,171. This project was included in the FY 23/24 Budget, and funding for FY 24/25 will also be included in the budget that will be presented to the Board in June 2024.

Board Member Stewart wanted to know who created the HANS process and whether the RCA had the ability to make changes to the process.

Anne Mayer, Executive Director, stated that the RCA created the HANS process as part of MSHCP, so it is imbedded therein. RCA does not have the ability to make changes to the process because the MSHCP and requirements contained in it are the basis for the permits from the U.S. Fish and Wildlife and California Fish and Wildlife. RCA does not have the ability to change the process without going through the major amendment process. RCA wants to evaluate the MSHCP to see where challenges lie, identify solutions, and whether there are opportunities for a major amendment.

Board Member Jeffries noted that RCA would be paying a consultant a sizeable amount of money to learn about the MSHCP process and having them talk to Wildlife Agency staff who is likely to oppose any and all changes. It was not mentioned that the consultant would be talking to County or City staff and some of the original architects of this agency and its' purpose, nor any of the stakeholders. For that kind of money, they should be engaging with more folks that what has been listed.

Aaron Gabbe noted that was a great point, and the presentation failed to mention the full suite of who would be contacted, though a stakeholder outreach process will be started. There are a lot of perspectives to learn, and it will be ensured that the consultant team including RCA will seek feedback from multiple stakeholders.

Board Member Holliday wanted to know what the expected time frame for completion of the study and if there would be updates on the study's progress. Aaron Gabbe stated this process is being fast-tracked so there is one-year to complete this study, but there is additional time on the contract if the Board elects to proceed with additional work such as a major amendment. The consultant will absolutely be providing updates to RCA of the progress of the study.

Board Member Spiegel expressed concern and wanted confirmation that the expanded stakeholder outreach was going to happen and that the updates should be provided to the Board to have that communication tool on a regular basis.

Board Member Washington recalled that through the 1990's there was a lot of development occurring but there were significant challenges to development because each had to get their own permits and deal with the environmental agencies. The MSHCP, when it was first introduced, was thought to be a good idea. The RCA should not lose sight of why the plan was first started just because 20 years have passed, and everyone has forgotten how bad it used to be.

Board Member Krupa agreed with much of what the previous Board Members have said. There is good, bad, and ugly associated with the MSHCP, but to enlist the commentary and wisdom of those that were involved in the beginning and who have stayed involved, it is imperative to get them involved and get their expertise. Hopefully, positive changes can be made to the MSHCP.

Board Member Stewart wanted to know if there was going to be a sub-committee attached to this process to bring up questions and additional thoughts from the Board. A sub-committee would be nice to be able to get input on the process prior to it being completed and give the consultant a chance to ask questions of the Board.

Anne Mayer stated that RCA had not thought of creating a sub-committee yet, but there is the Executive Committee that could be used. There is a keen interest in receiving regular updates for the Board, which can be done on a regular basis. It was suggested that RCA could set up interviews with each Board Member to ensure the consultant is catching the individual thoughts and concerns. As the process starts, depending on the number of questions or concerns, a sub-committee could be established, it would be up to the Board and the Chair.

Board Member Jeffries wanted to remind everyone what led the RCA to this contract approval today. The finances of the RCA are at maximum limitations and in order to comply with future acquisition requirements, RCA has to have the finances. RCA has already bought all the low hanging fruit and RCA is now buying the most expensive land in Riverside County. RCA is also having to buy disturbed land that has no habitat on it because it is in a criteria cell. The purpose of this contract is trying to save RCA from itself and the Wildlife Agencies that are imposing the required land purchases.

Board Member Spiegel agreed with Board Member Jeffries comments. The job of the RCA is to acquire 500,000 acres and protect 146 species, and there have been areas that do not have

anything and have been disturbed, but RCA is required to purchase them. The concern with forming a sub-committee is that not everyone could participate, yet the entire Board should be familiar with the conversations. There are people in our districts that will be approaching Board Members, so having regular input from the consultant would be critical. A sub-committee would be ok, but it should not lessen the involvement from the rest of the Board.

Chair Bash added that no one could anticipate that people would become familiar with the plan and would in turn use it against the RCA. There was a time when building was stagnant in the City of Norco, but then the MSHCP came and remedied the situation. With people using the plan against the RCA, it must start to protect itself and continue to fight for the plan, future development, and ways to grow the Inland Empire.

M/S/C (Holliday/Spiegel) to:

- 1) Award Agreement No. 24002 to ICF Jones & Stokes, Inc. to provide professional habitat conservation planning services for a two-year term, in the amount of \$577,171, plus a contingency amount of \$30,000, for a total amount not to exceed \$607,171 to prepare a Strategic Improvement Assessment and Action Plan (SIAAP);**
- 2) Authorize the Chair or Executive Director, pursuant to legal counsel review, to finalize and execute the agreement, on behalf of the RCA; and**
- 3) Authorize the Executive Director, or designee, to approve contingency work up to the total not to exceed amount as required for these services.**

8. SELECTION OF EXECUTIVE COMMITTEE MEMBERS

Board Member Stewart and Board Member Morabito volunteered to serve on the Executive Committee.

The selections for the Executive Committee were approved by unanimous vote.

Anne Mayer, Executive Director, stated that they are currently 5 members on the Executive Committee: Chair Bash, Vice Chair Spiegel, Past Chair Johnson, Board Member Stewart, and Board Member Morabito. There are still 2 additional vacancies, if any Board Members are interested in joining, they should contact RCA staff. The bylaws do state that there must be at least 2 County Supervisors on the Executive Committee, so one more must be appointed.

9. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORT

Anne Mayer, Executive Director, wished everyone a Happy New Year and shared that each Board Member received a copy of RCA's Basic Financial Statement with the Independent Auditor's Report.

For the contract item that was approved today, staff has clearly heard the Board's concerns about stakeholder outreach, gathering information, and making sure staff is staying in touch with the Board to ensure the study is on the right path.

10. CLOSED SESSION

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

10A. 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	371-100-020	Bongiovai Construction Company and Phyliss L., LLC	RCA

10B. REPORT OUT FROM CLOSED SESSION

There were no announcements from Closed Session.

12. ADJOURNMENT

There being no further business for consideration by the Western Riverside County Regional Conservation Authority Board of Directors, Chair Bash adjourned the meeting at 1:15 p.m. The next meeting of the Board of Directors is scheduled to be held on **Monday, February 5, 2024.**

Respectfully submitted,



Lisa Mobley
Administrative Services Director/
Clerk of the Board