

# **AGENDA ITEM NO. 6**

## **MINUTES**

**March 16, 2016**



## 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 Vice Chairman Ashley at 12:22 p.m., Wednesday, March 16, 2016, at the RCA Conference Room, 3403 Tenth Street, Suite 320, Riverside, California, 92501.

### 2. ROLL CALL – was taken by Rose Esparza, Administrative Manager.

COMMITTEE MEMBERS PRESENT	COMMITTEE MEMBERS ABSENT
Natasha Johnson - City of Lake Elsinore	Eugene Montanez, Chairman – City of Corona
Jonathan Ingram – City of Murrieta	Ben Benoit – City of Wildomar
Maryann Edwards - City of Temecula	John Tavaglione, – County of Riverside District II
Marion Ashley – County of Riverside District V	

### 3. PUBLIC COMMENTS

Vice Chairman Ashley welcomed Jonathan Ingram to the RCA Executive Committee and stated that his expertise is a great addition to the Executive Committee. Vice Chairman Ashley also called for any public comments. There were no public comments.

### 4. COMMITTEE MEMBER ANNOUNCEMENTS

Vice Chairman Ashley called for any announcements.

Board Member Johnson announced that Castle & Cooke has filed the initiative in the City of Lake Elsinore to continue on their large project. Vice Chairman Ashley suggested that since this discussion is not an item on the agenda, it should be requested that counsel give ramifications when the item is agendaized.

### 5. ADDITIONS/REVISIONS

Rose Esparza, Administrative Manager, stated that there were no additions or revisions to the agenda.

**6. APPROVAL OF MINUTES – February 17, 2016**

***M/S/C (INGRAM/EDWARDS) to approve the minutes of the February 17, 2016 meeting of the Executive Committee as submitted.***

***(4 Ayes, 0 Nays, 0 Abstain)***

**7. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR FEBRUARY 2016.**

Honey Bernas, Director of Administrative Services, presented the LDMF Collection and Civic/Infrastructure Contribution Report for February 2016. The RCA received fees in the amount of \$998,429 for 402 residential units and 44.4 commercial acres. There was one reported exemption totaling \$1,952 in the City of Lake Elsinore. Contributions were received from City of Norco for a civic/infrastructure project in the amount of \$23,760 for the Hamner Avenue Widening Storm Drain Improvement.

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

- 1) Recommend that that RCA Board of Directors receive and file the Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for February 2016; and**
- 2) Authorized staff to agendize this matter for the April 4, 2016 meeting of the RCA Board of Directors.**

***(4 Ayes, 0 Nays, 0 Abstain)***

**8. SIXTH DRAFT RESOLUTION NO. 2016-003, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY REVISING IT'S FEE CREDIT AND WAIVER POLICY SUPERSEDING AND REPLACING RESOLUTION NO. 05-05.**

Honey Bernas, Director of Administrative Services, gave some historical background for the benefit of the newest Executive Committee member, Jonathan Ingram. She explained the reason behind the sixth draft before the committee and the work staff and the Executive Committee members have done to incorporate the Member Agencies input into this policy.

Board Member Ingram said it would be prudent that the Executive Director has approval authority not to exceed a certain dollar amount, and anything above that amount should be approved by the RCA Board of Directors.

The Executive Committee and staff discussed the comments received from the County of Riverside and were agreeable to the requested changes. Additions were requested to Section I.A, page 2. They also discussed Section III.A. and B. on pages 3 and 4.

**M/S/C (JOHNSON/EDWARDS) Authorizing staff to agendize this matter for the April 4, 2016 meeting of the RCA Board of Directors.**

***(4 Ayes, 0 Nays, 0 Abstain)***

**9. NON DEVELOPMENT HANS FUNDING LEVEL FOR FISCAL YEAR 2017**

Honey Bernas, Director of Administrative Services, explained that the MSHCP allows for property owners who do not intend to file a development application to submit their properties for evaluation and possible acquisition under the HANS process. The MSHCP requires that a list be established for properties that fall within this category. The Plan also provides that a separate designated fund be created to purchase properties on this priority list. Land Acquisition Policy 1.13 requires that the level of funding to be set aside for the purchase of Non-Development HANS properties be reviewed annually and set by the RCA Board of Directors. Staff recommends continuing the 3% funding level for Fiscal Year 2017. Currently there is one property on the priority list. Maintaining the 3% funding level will generate sufficient funds to finalize the acquisition during Fiscal Year 2017.

Charles Landry, Executive Director, commented that if we did not have this separate fund our acquisition funds would quickly be depleted. Regional Conservation Authority would be focused on non-development HANS, instead of our priority acquisitions where value of the land is increasing.

Honey Bernas further stated that RCA could add more to the fund if there are other properties on the list and the Board would like to acquire them.

Board Member Ingram asked if these are assets that RCA has acquired that being set aside. Honey Bernas answered in the affirmative, MSHCP fees.

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

- 1) Recommend that that RCA Board of Directors direct staff to continue to set aside no more than three percent (3%) of Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fees received, effective July 1, 2016, to purchase Non-Development HANS properties under Section 1.13 of the Land Acquisition Policies; and**
- 2) Authorized staff to agendize this matter for the April 4, 2016 meeting of the RCA Board of Directors.**

***(4 Ayes, 0 Nays, 0 Abstain)***

## 10. EXECUTIVE DIRECTOR'S REPORT

Charles Landry reported on the following items:

### 10.1 Washington D.C. Visit

Board Member Tavaglione will accompany Charlie Landry to Washington, D.C., for the annual HCP Coalition trip which place next week. The importance of these meetings is that it keeps RCA in front of the U.S. Fish and Wildlife Service, Department of Interior. They will visit the Office of Management & Budget and Capitol Hill. This visit allows RCA to discuss any items of concern. The fundamental issue is Section 6 Funding, which is the Federal Match Program for HCPs. In the last four years, RCA has received \$10.2 million in Federal funding. Those funds are then matched by the State of California, which equates to \$15-\$16 million worth of acquisitions that otherwise could not have been accomplished. The RCA has been very successful in gaining those Federal monies.

### 10.2 Section 6 Funding

In Fiscal Years 2012, 13 and 15 RCA acquired \$10.2 million. The RCA has \$1.6 million remaining of unspent funds. The 2015 funding was \$2 million, and RCA has already spent \$1.2 million, leaving \$800 thousand. The RCA is ahead in finding places to spend the remainder. The Section 6 Funding is close to being exhausted. Unless an agency is making progress on spending these funds, no additional funding will be given. RCA has been very successful in obtaining additional funding because of their efforts each year. There is only \$18 million available nationwide. The RCA has focused its priorities on the Interstate 15 corridor. Board Member Ingram asked if this is a zero balanced budget. Charles Landry answered to say that the bulk of these Section 6 dollars come out of the Land and Water Conservation Fund, which is funded by offshore petroleum leases. Congressman Calvert has kept this program alive even though some Republicans want to cut it. Most of the HCPs are in red states such as California and Texas. California is getting the bulk of funding because of the numerous endangered species.

Board Member Ingram asked if there is a cap on funding and a time limit to acquire property. Charles Landry answered that there is a \$2 million cap per year, and RCA has to show that they are able to spend those dollars. The fact that RCA has spent more than half of the 2015 grant reflects RCA's success. Several years ago, when the funding rules changed was the only time that RCA had to return the money back. Other than that, RCA has not had to return funds.

Board Member Edwards commented that RCA is the leading HCP in the country.

**10.3 Memorandum of Agreement with the City of Fontana**

Charlie Landry advised that the City of Fontana would like RCA to buy land within RCA's plan area. This will provide the city mitigation for projects. It will also be applied toward RCA's acquisition goal of 153 thousand acres. The draft agreement is completed; however, the U.S. Fish and Wildlife Service will need to be in agreement before proceeding, otherwise there is no benefit to RCA. There will be a meeting with the U.S. Fish and Wildlife Service tomorrow and staff will report back once the agency reviews.

Michelle Ouellette, General Counsel, explained how this matter came before RCA. She said that the City of Fontana has gnatcatcher, San Bernardino kangaroo rat, and Delhi Sands flower-loving fly. The city started its own habitat conservation plan to allow development to go forward. Ultimately the city did not go forward with it but were still collecting the fees which amounted close to \$1 million. The city needs to spend these funds on habitat mitigation. She further stated that as long as the Wildlife Agencies give the RCA credit, the funds will be used for specific habitats and species.

Board Member Edwards asked why there be a problem with the Wildlife Agencies giving RCA credit. Michelle Ouellette responded that it may be perceived as double-dipping in some way. The Agencies could say that RCA is getting CEQA mitigation credit and should not get Additional Reserve Lands (ARL) credit also. There are credits for different purposes. A deal can be made, especially when it is habitat types that RCA needs.

Board Member Edwards stated that it's applicable to both requirements. Michelle Ouellette responded to say that it is because CEQA analysis of the projects in Fontana are impacting those habitats and those species, so why shouldn't RCA get be able to get credit from buying the habitat on this side of the County.

Board Member Edwards said that she could understand why the Wildlife Agencies would make that case, but it is serving a dual purpose. Charles Landry said that the local Wildlife Agency staff recognizes that funding is a good thing and hopefully staff can come back next month with the MOU to move forward.

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

Board Member Johnson requested the Castle & Cooke matter be agendized for the next Executive Committee meeting.

**CLOSED SESSION ITEMS:**

**12A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**Pursuant to paragraph 1 of Subdivision (d) of Government Code Section 54956.9**

- **Case No. RIC 1600058 A.T. Paulek; Friends of the Northern San Jacinto Valley vs. Western Riverside County Regional Conservation Authority, Coachella Valley Conservation Commission, California Department of Fish & Wildlife**

After closed session, the meeting was reconvened. There were no announcements from close session.

**16. ADJOURNMENT**

There being no more items before the Executive Committee, Vice Chairman Ashley adjourned the meeting at 12:52 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Executive Committee will be held on Wednesday, April 20, 2016, at 12:00 p.m., at the Riverside Centre, 3403 Tenth Street, Suite 320, Third Floor, RCA Conference Room, Riverside, California, 92501.

Prepared by:



Rose Esparza  
Administrative Manager

Respectfully submitted:



Honey Bernas  
Clerk of the Board