

# **AGENDA ITEM NO. 6**

## **MINUTES**

**August 17, 2016**



## EXECUTIVE COMMITTEE MINUTES

[www.wrc-rca.org](http://www.wrc-rca.org)

**1. CALL TO ORDER**

The meeting of the Western Riverside County Regional Conservation Authority Executive Committee was called to order by Chairman Montanez at 12:20 p.m., Wednesday, August 17, 2016, at the RCA Conference Room, 3403 Tenth Street, Suite 320, Riverside, California, 92501.

**2. ROLL CALL – was taken by Rose Haro.**

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

*\* departed before meeting adjourned*

**3. PUBLIC COMMENTS**

Chairman Montanez called for public items not listed on the agenda.

- Jeff McClellan, representing Inland Valley Mountain Biking Association
- Greg Nagle
- Gentry Kramer, representing Inland Valley Mountain Biking Association
- Roxanne Schuda, representing Inland Valley Mountain Biking Association
- Dennis Foster
- Mark McClellan, representing North Star Ranch Community

## **RCA EXECUTIVE COMMITTEE MINUTES**

**Page 2 of 10**

**August 17, 2016**

Chairman Montanez explained that since this matter is not on the agenda, the Executive Committee is unable to respond regarding the issue.

Charles Landry, Executive Director, advised the speakers that Dustin McLain, Park Ranger, is available to speak with them after the public comment portion of the committee meeting.

All individuals requested to speak regarding the Winchester Murrieta 700 Trail closure. Each speaker stated how they use the trail, such as biking, hiking, or horseback riding. They discussed the benefits of the trail and requested that the trail remain open to the public. They also stated that they have taken a personal interest in the trail area with regard to anti-loitering and anti-littering of the area by the public.

Chairman Montanez suggested that this matter be agendaized for the RCA Board of Directors' meeting in October or November in order that the matter may be discussed in detail. He also suggested that those present contact the Riverside County Trails Commission. He cautioned those present to be careful what they wished for, citing Skyline Drive in Corona as an example. The neighbors in that area are not happy with the public access seven days a week, and the congestion caused by cars with people using the trails that arrive weekly.

Vice Chairman Ashley suggested that the speakers contact District V Trail Commissioner Bill Zimmerman at (951) 672-0154, or e-mail [bzimmerman@rbf.com](mailto:bzimmerman@rbf.com).

Chairman Montanez reminded group that Dustin McLain is available to meet with them in another meeting room.

Charles Landry introduced the speakers to Laurie Dobson Correa, Director of Reserve Management and Monitoring, and advised that she is Mr. McLain's supervisor.

Board Member Ingram had an emergency and left the meeting before Public Comments commenced.

#### **4. COMMITTEE MEMBER ANNOUNCEMENTS**

Chairman Montanez called for any announcements from Executive Committee members. There were no announcements.

#### **5. ADDITIONS/REVISIONS**

Chairman Montanez asked if there were any additions or revisions to the agenda.

Charlie Landry, Executive Director, suggested that Chairman Montanez move Closed Session Agenda Item No. 17.1.1 to be considered before Agenda Item No. 6 in that Glen Price, General Counsel, from Best, Best, & Krieger was waiting to discuss this item with Executive Committee.

**RCA EXECUTIVE COMMITTEE MINUTES**

**Page 3 of 10**

**August 17, 2016**

Chairman Montanez moved the Agenda Item No. 17.1.1 as requested. No vote was necessary.

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

**6. APPROVAL OF MINUTES – June 15, 2016**

***M/S/C (BENOIT/EDWARDS) to approve the minutes of the June 15, 2016 meeting of the Executive Committee as submitted.***

***(6 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 JUNE AND JULY 2016**

Honey Bernas, Director of Administrative Services, presented the LDMF Collection and Civic/Infrastructure Contribution Reports for June and July 2016. In June 2016, the RCA received fees in the amount of \$748,345 for 412 residential permits and 10.3 commercial acres. There were 67 reported residential exemptions totaling \$130,280. There were 29 exemptions in the City of Lake Elsinore, 2 exemptions in the City of Temecula, and 36 exemptions in the County of Riverside. There were no reported Civic/Infrastructure projects.

In July 2016, the RCA received fees in the amount of \$1,129,991 for 266 residential permits and 93.8 commercial acres. There were 162 reported residential exemptions and 4.5 acres of commercial totaling \$345,147. There were 80 exemptions in the City of Lake Elsinore, 12 exemptions in the City of Temecula, and 70 exemptions in the County of Riverside. There were no reported Civic/Infrastructure projects.

**M/S/C (JOHNSON/TAVAGLIONE) to:**

- 1) Recommend that that RCA Board of Directors receive and file the Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for June and July 2016; and
- 2) Authorize staff to agendize this matter for the September 12, 2016 meeting of the RCA Board of Directors.

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

**8. FISCAL YEAR 2016 PRELIMINARY FOURTH QUARTER FINANCIAL REPORT (UNAUDITED)**

## RCA EXECUTIVE COMMITTEE MINUTES

Page 4 of 10

August 17, 2016

Honey Bernas, Director of Administrative Services, presented an overview of the Fiscal Year 2016 Fourth Quarter Financial Report. As of June 30, 2016, the RCA's cash balance was \$34.7 million, which represented a \$4.3 million increase from prior year's ending cash balance. Cash receipts totaled approximately \$27.2 million, which included \$11.2 million in mitigation fees, \$6.9 in million federal and state funds, \$3 million in Measure A, \$4.3 million in Tipping Fees, \$1.3 million in infrastructure, Flood Control and Water Conservation District and TUMF, and other miscellaneous revenue of \$429 thousand. Cash disbursements totaled \$22.9 million and included Capital Acquisitions of \$16.7 million, general expenditures of \$4.3 million, and salaries and benefits of \$1.9 million. She noted that the cash balance as of August 16, 2016, was \$36.2 million, with an additional \$3.8 million set aside for as restricted endowment for a total of \$40 million.

She was pleased to report that revenue exceeded expenditures in all three of RCA's programs. In the Operations Program, revenue of \$539 thousand exceeded expenditures of \$446 thousand by \$93 thousand.

In the Management and Monitoring Program, revenues of \$3.5 million exceeded expenditures of \$2.4 million by approximately \$1 million.

In the Land Acquisition Program, revenues of \$24.3 million exceeded expenditures were \$22.3 million by \$1.9 million. Mitigation fees of \$11.1 million were higher than last year's collections of \$9.4 million. Mitigation fees increased 18% from the prior year. RCA acquired 20 totaling approximately 3,948 acres during the year. Six of those properties were federal and state funded, one was funded by RCTC Measure A funds, and 13 were funded with RCA Mitigation Fees. The RCA received three land donations and two conservation easements with a combined acreage of 262 and an estimated value of \$2.3 million.

### **M/S/C (TAVAGLIONE/JOHNSON) to:**

- 1) Recommend that the RCA Board of Directors receive and file the Fiscal Year 2016 Preliminary Fourth Quarter Financial Report (Unaudited); and
- 2) Authorize staff to agendize this matter for the September 12, 2016 meeting of the RCA Board of Directors.

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

### **9. RESOLUTION NO. 2016-XXX, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING AN UPDATED RECORDS RETENTION POLICY AND SCHEDULE AND REPLEALING RESOLUTION NO. 08-012**

Honey Bernas, Director of Administrative Services, presented this item. She explained that the records retention policy had not been updated since 2008 and staff recommended that the policy be updated.

**M/S/C (TAVAGLIONE/ASHLEY) to:**

- 1) Recommend that the Board of Directors adopt Resolution No. 2016-XXX, *Resolution of the Board of Directors of The Western Riverside County Regional Conservation Authority Adopting an Updated Records Retention Policy and Schedule and Repealing Resolution No. 08-012; and*
- 2) Authorize staff to agendize this matter for the September 12, 2016 meeting of the RCA Board of Directors.

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

**10. RESOLUTION NO. 2016-XXX, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AMENDING THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974**

Honey Bernas, Director of Administrative Services, presented this item. She explained that the amendment was necessary since the RCA Board approved adding two new positions; one Ecological Resources Specialist and one Senior Real Property Agent. She further reported that legal counsel made one clarification in the disclosure category on investments.

**M/S/C (ASHLEY/JOHNSON) to:**

- 1) Recommend that the Board of Directors adopt Resolution No. 2016-XXX, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Amending the Conflict of Interest Code Pursuant to the Political Reform Act of 1974;*
- 2) Authorize staff to agendize this matter for the September 12, 2016 meeting of the RCA Board of Directors; and
- 3) Direct staff to submit said amendment to the Riverside County Board of Supervisors as the Authority's code-reviewing body (Gov. Code § 82011) to request approval of the amendment, as required under Government Code section 87303.

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

**11. RESOLUTION NO. 2016-003, RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY REVISING ITS FEE CREDIT AND WAIVER POLICY SUPERSEDING AND REPLACING RESOLUTION NO. 05-05.**

Honey Bernas, Director of Administrative Services, presented this item. She stated that all Member Agency comments were addressed. Board Members Edwards and Ingram met with RCA staff and discussed the City of Temecula's comments regarding

the policy. As a result of that meeting, definitions were added to Section II.C. and clarifying language was added to Section III.A. A minor change was made to Section III. A. regarding appraisals. The last sentence was amended to read: "The cost of the appraisal will be the responsibility of the entity that commissions the appraisal."

**M/S/C (EDWARDS/ASHLEY) to:**

- 1) Recommend that the Board of Directors adopt Resolution No. 2016-003, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Revising Its Fee Credit and Waiver Policy Superseding and Replacing Resolution No. 05-05; and
- 2) Authorize staff to agendize this matter for the September 12, 2016 meeting of the RCA Board of Directors.

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

**12. DISCUSSION AND POSSIBLE EXECUTIVE COMMITTEE ACTION REGARDING AMENDING THE RCA'S BYLAWS CONCERNING ELECTION OF OFFICERS AND APPOINTMENT OF THE EXECUTIVE COMMITTEE**

Honey Bernas, Director of Administrative Services, presented this item. She explained that the RCA Board asked that staff review the manner in which the Executive Committee is appointed. The Executive Committee also asked that staff look at the rotation of the Chairperson and Vice Chairperson between the county and city representative.

She presented a chart reflecting the manner in which RCA, RCTC, and WRCOG handle election of officers and committee appointments.

The Executive Committee discussed and directed staff to amend Article VI, Section A, of the RCA Bylaws modifying the annual alternation between a member representing a City and a member of the Board of Supervisors to requiring that at least once every three years, the Chairperson or Vice Chairperson shall be a regular member of the Board who is a member of the Board of Supervisors.

The Executive Committee also discussed how the Executive Committee was appointed. The Executive Committee recommended not amending Article IX, Section A, Subsection 3 of the RCA Bylaws which requires the Executive Committee shall be appointed by the Chairperson and ratified by the Board.

**M/S/C (JOHNSON/BENOIT) to:**

- 1) Provide staff direction concerning amending the RCA's Bylaws; and
- 2) Direct staff to agendize this matter for consideration at the September 12, 2016 meeting of the RCA Board of Directors.

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

**13. FISCAL YEAR 2016 FOURTH QUARTER CONSULTANT REPORTS**

Charles Landry, Executive Director, presented this item. He indicated there are no changes in the reporting from the consultants. All consultants continue to provide RCA the services for which they were retained.

**M/S/C (BENOIT/ASHLEY)**

- 1) Recommend that the RCA Board of Directors to receive and file the Fiscal Year 2016 Fourth Quarter Consultant Reports; and
- 2) Authorize staff to agendize this matter for the September 12, 2016 meeting of the RCA Board of Directors.

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

*Board Member Tavaglione left the meeting when the discussion of this item began.*

**14. STATUS UPDATE AND POSSIBLE EXECUTIVE COMMITTEE ACTION CONCERNING TOLLING AGREEMENTS**

This item is for Legal Counsel to provide an update concerning Tolling Agreements.

Steven DeBaun, General Counsel, presented this item. He was given direction from RCA Board and Executive Committee to reach out to cities that had findings after July 1, 2013 to negotiate Tolling Agreements along the lines of what was attached to the policy even though it had not been adopted. He reported that the City of Perris has agreed and authorized the Tolling Agreement. The City of Temecula is resolving their issues outside the need for a Tolling Agreement. The City of San Jacinto has paid their delinquent fees. The City of Calimesa City Manager is not opposed to entering into a Tolling Agreement which is being processed. The RCA and City of Lake Elsinore are still in negotiation and they are disputing how far RCA can go back to collect fees of 2010-11. A response from the City Attorney is expected soon.

Board Member Johnson concurred with legal counsel's report on the status of the negotiations and said that she would reach out to her City attorney on the tolling agreement.



Board Member Edwards commented that City of Temecula is satisfied with what is being proposed.

Board Member Benoit applauded the City of Temecula for the ability to do that. He said that if the City of Wildomar had donated property, he would also request that they be given credit.

Board Member Edwards said at the time of the donation, the City of Temecula did not know to ask for credit.

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

Charles Landry reported on the following items:

15.1 New Digital Voting System – Charles Landry asked Rose Haro, Administrative Manager, to provide an update on the new E-Voting system installed at the Board Chambers. She gave a brief update and advised that the system will be operating on September 12, 2016 for the Board of Directors meeting. A 15-minute training video was shown to Executive Committee. Chairman Montanez suggested that the Board of Directors meeting on September 12 commence at 12:00 p.m. to allow time for Board Members to train on the new system.

Roy Henderson also updated Executive Committee on the technical aspect of the new digital system and how it works.

Chairman Montanez suggested starting the Special Meeting of the RCA Board of Directors at noon on September 12, and opted not to provide lunch. He requested that the training video be sent to all the Board Members prior to the meeting.

15.2 Support for Senate Bill 1386 – Charles Landry gave an update on this bill and indicated there was no need to move forward on the support. It has been approved by the Senate and is at the Assembly.

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

Chairman Montanez invited committee members to suggest additional items to be brought forward for future discussion. He also asked how the Executive Committee would like to deal with Winchester Murrieta 700 trail closure. He asked legal counsel if it was permissible to get an update from staff on what happened, and Steve DeBaun responded in the affirmative.

Laurie Correa, Director of Reserve Management and Monitoring, indicated that Reserve Manager Ranger McLain closed a number of trails at Winchester Murrieta 700 created in the last several years likely by hikers and mountain bikers due to the site's proximity to a housing development. Since 2012 multiple new trails have been created that are

**RCA EXECUTIVE COMMITTEE MINUTES**

**Page 9 of 10**

**August 17, 2016**

degrading the habitat on site. If the trails are closed, and it rains some of the habitat may regenerate. There is no shortage of trails in the area.

Chairman Montanez asked how a trail is closed.

Laurie Correa answered to say that is always the issue. Some areas are fenced and signage is placed. Others have signage and brush is placed in with narrow areas. These are the main methods.

Chairman Montanez asked if there are people still out there even with the closures.

Laurie Correa responded in the affirmative stating that people are still on the property. The Reserve Manager was not attempting to close the entire property. The goal was to deter people from using some of the trails.

Charles Landry said that RCA has reached out to the City of Murrieta in regard to restoring trails, but the city said they did not have the funds.

Chairman Montanez suggested contacting the County Trails Committee.

Charlie Landry said the RCA is very supportive of trails.

Chairman Montanez requested an update at the October 19, 2016 Executive Committee.

**17. CLOSED SESSION ITEMS:**

**17.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**Pursuant to Government Code Section 54956.8**

**Negotiating Parties:** RCA – Executive Director of Designee

**Under Negotiation:** Price/Terms

<b>Item</b>	<b>Assessor Parcel No.</b>	<b>Property Owners</b>
1	384-270-006	Anheuser Busch

*This item was moved on the agenda to be considered before Agenda Item No. 6.*

**18. ADJOURNMENT**

There being no other items before the Executive Committee, Chairman Montanez adjourned the meeting at 2:00 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Executive Committee will be held on Wednesday, September 21, 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 Haro  
Administrative Manager

Respectfully submitted:



Honey Bernas  
Clerk of the Board