
Riverside County Habitat Conservation Agency

City of Corona ◇ *City of Hemet* ◇ *City of Lake Elsinore* ◇ *City of Moreno Valley*
City of Murrieta ◇ *City of Perris* ◇ *City of Riverside* ◇ *City of Temecula* ◇ *County of Riverside*

MINUTES

Thursday, August 16, 2007 - 9:00 a.m.

Riverside County Administrative Center
4080 Lemon Street
Board Hearing Room – 1st Floor
Riverside, CA 92501

PRESENT: Mr. Mark Yarbrough, Vice-Chairperson, City of Perris
Mr. Dom Betro, City of Riverside
Mr. Steve Brown, City of Temecula
Supervisor Bob Buster, County of Riverside
Ms. Robin Lowe, City of Hemet
Mr. Eugene Montanez, City of Corona
Mr. Bob Schiffner, City of Lake Elsinore
Mr. Gary Thomasian, City of Murrieta
Mr. Frank West, City of Moreno Valley

ABSENT: None

STAFF: Carolyn Syms Luna, RCHCA
Gail Barton, RCHCA
Princess Hester, RCHCA
Katherine Lind, County Counsel

1. CALL TO ORDER

In the absence of Robin Lowe, Chairperson, Mark Yarbrough, Vice-Chairperson, called the meeting to order at 9:07 a.m.

2. ROLL CALL

Roll call of the RCHCA Board of Directors showed eight member agencies present with the City of Hemet absent.

3. PUBLIC COMMENT

No comments were offered.

4. BOARD MEMBER ANNOUNCEMENTS

Carolyn Syms Luna introduced Princess Hester to the Board. Ms. Hester has joined the RCHCA staff as an Administrative Services Officer.

5. ADDITIONS/REVISIONS

There were no additions/revisions to the agenda.

6. CONSENT CALENDAR: Presented for Block Approval. Board Members have the option of excluding discussion items from a master motion.

6.1 Minutes from the June 21, 2007, Meeting

The minutes from the June 21, 2007, meeting was presented for approval.

6.2 Status of Mitigation Fee Transfers from Member Agencies through May 31, 2007

The fees collected as of May 31, 2007, for FY 2006/07 total \$2,877,750.00.

Supervisor Buster asked if the RCHCA is receiving SKR mitigation fees from the member agencies on a regular basis.

Ms. Hester stated that she will be contacting each of the member agencies in order to reiterate the RCHCA's policy regarding fee submittal. She also stated that she will be tracking the fee submittals on a regular basis. She reported that prior to July 1st, the RCHCA has continued to receive SKR mitigation fees, but not necessarily on a regular basis. Submittal has been sporadic.

Supervisor Buster requested that when Ms. Hester makes contact with the member agencies, she should start with those cities that submit SKR fees sporadically.

6.3 RCHCA Financial Report through May 31, 2007

The fund balance as of May 31, 2007, is \$15,136,577.45.

MOTION for approval of items 6.1, 6.2, and 6.3: Eugene Montanez

SECOND: Steve Brown

Motion Approved

Ayes-8

None Opposed

At this time, Robin Lowe joined the meeting. She asked that Mr. Yarbrough continue to act as the Chair for today's meeting.

7. POLICY CALENDAR:

7.1 Adoption of RCHCA Resolution No. 2007-004 and Policy No. RCHCA-003 concerning Acquisition of Property and Disposal of Surplus Land

Gail Barton discussed the proposed policy regarding the Acquisition of Real Property and Disposal of Surplus Land. She stated that the purpose of the policy is to give RCHCA staff and decision makers clear direction regarding the proper and consistent handling of statutory requirements in the purchase/sale of surplus land.

Ms. Barton stated that regarding the acquisition of real property, RCHCA staff will research the property and make a recommendation to the RCHCA Board. The Board will then determine the negotiation process. The Economic Development Agency (EDA) will serve as the RCHCA's real property agent for purposes of the acquisition.

Ms. Barton stated that regarding the disposal of surplus land, RCHCA staff will maintain an inventory of surplus real property. RCHCA staff will research the property and make a recommendation to the RCHCA Board regarding disposition. If the property is determined not to be "exempt" surplus land, the local planning authority, along with public entities, will be notified regarding the availability of the land. If a sale is not consummated, RCHCA staff will make a recommendation to this Board regarding the sale of the property. The RCHCA Board will then determine the negotiation process. Again, the EDA would serve as the real property agent for the purpose of the sale and the sale would then be executed.

Ms. Barton asked Ms. Lind to advise the Board of her recommended changes to proposed Policy RCHCA-003 so that everything is very clear and documented.

Ms. Lind stated that on Page 3, Item B (iii), the first sentence should be revised as follows: "Prior to initiating the disposal of any real property purchased by the RCHCA with federal or state grant funds, the RCHCA shall consult the terms of the agreement under which the funding was accepted."

Ms. Lind also stated that on Page 3, Item B (iv), the sentence should be revised as follows: "The RCHCA shall determine whether there are any leases, licenses, or other encumbrances attached to the property."

Ms. Lind stated that on Page 4, Item C (ii), the last sentence should be deleted. The sentence currently reads as follows: "If the City or the County disapproves the location, purpose or extent of the sale of the surplus property in question, the disapproval may be overruled by the RCHCA."

Supervisor Buster asked if there is some permissive language that allows this Board to take the recommendation(s) of the cities into account regarding the decision of this agency. He feels that the Board should take into consideration the various cities recommendations, although the Board does not have to abide by those recommendations.

Ms. Lind stated that the RCHCA is required, by law, to request a report on the conformity of the "location, purpose and extent" of the sale of surplus property. She stated the report is an information tool for the Board, and as decision makers, the Board will be able to decide whether or not it wishes to take into account the recommendations of the cities. However, unlike a local agency (i.e., water district or flood control district) the RCHCA Board does not have to overrule the

recommendations of the cities. The Board simply takes the information as a report and indicates that they are going to proceed (or not proceed) with the sale.

Supervisor Buster stated that he feels a sentence should be added to the policy which states that the RCHCA Board will take into consideration the recommendation of the Cities/County, but does not have to abide by their recommendation.

Ms. Lind stated she would add such a sentence to the policy.

Robin Lowe reported that in reading the policy, she does not find any verbiage indicating that the proposal to acquire or dispose of surplus property will come back to this Board for final approval prior to forwarding it to EDA for their processing. She stated she would like to see such a statement added to the policy.

Ms. Lind stated that she will review the policy more closely and, if there is a way to make it more clear that the final execution of the acquisition/disposal of property come back to this Board for final approval, she will modify the policy as such.

Steve Brown suggested adding a Section "h" to page 5 [under C. (iii)] which would state "other special districts" (i.e., water districts). Mr. Brown stated in the past, the City of Temecula has had issues with water districts when selling surplus property, because by law, the water districts have prior rights to purchasing the land before it's offered to others. He suggested adding a sentence that states the above.

Ms. Lind stated that she will add language to the policy that pertains to the above.

Mr. Brown stated that he did not see any language in the policy regarding the "freshness of an appraisal". He asked if there are some operating guidelines that are not mentioned in the policy, but are referenced by a code stating that an appraisal has to be no more than "x" number of months (i.e., three months or six months) old?

Ms. Lind stated that was a very good point, and that it was not addressed in the policy, but should be. She asked the Board members what they thought was an appropriate time period for an appraisal to be acceptable.

The Board members felt that an appraisal should not be more than six months old to be acceptable. If more than six months has passed since the last appraisal on the property, a new appraisal would be required. The Board also felt that in a rapidly changing market, they should have the ability to request a new appraisal, if they so desire, even if it is inside the six month time frame.

Ms. Lind will add the above to the policy.

Ms. Lind suggested that all of the above changes be made to the policy and that the policy be brought back to this Board for approval at their next meeting.

MOTION to revise the policy and bring it before this Board at their next meeting for approval: Bob Buster

SECOND: Eugene Montanez

Motion Approved

Ayes–9

None Opposed

7.2 Adoption of RCHCA Resolution No. 2007-005 and Policy No. RCHCA-004 concerning the Nomination and Election of Chair and Vice-Chair

Princess Hester reported that the purpose of this policy is to establish criteria to facilitate changes in Board officers as recommended by the RCHCA's independent auditor. She stated that RCHCA staff reviewed the officer election policies/procedures of four joint powers authorities and three member agencies. Information obtained from these sources assisted with the development of the proposed policy.

Ms. Hester stated that the proposed policy calls for the election of a Chairperson and a Vice-Chairperson during the last scheduled meeting of this year (2007). The new Chair and Vice-Chair shall assume their office on January 1, 2008. Upon completion of one year of service, the Vice-Chair shall become the Chair and the Board shall nominate and elect a new Vice-Chair for the following year. This will continue on an annual basis. The policy also states that the Chair and Vice-Chair shall not serve more than two years consecutively.

Robin Lowe asked if it will pose a legal problem for the RCHCA if we have a non-elected individual representing one of the member agencies and possibly being elected to the Vice-Chair and Chair positions.

Ms. Luna stated that in her tenure, the JPA has never been amended to have the Board comprised of only elected officials from each of the member agencies.

Ms. Lind confirmed that the JPA does not restrict the RCHCA Board to be comprised of only elected officials. She stated that she will research this matter further to confirm that this is accurate.

MOTION to adopt RCHCA Resolution No. 2007-005 and approve Policy No. RCHCA-004 concerning the Nomination and Election of Chair and Vice-Chair: Robin Lowe

SECOND: Bob Buster

Motion Approved

Ayes–9

None Opposed

7.3 Adoption of RCHCA Resolution No. 2007-006 and Policy No. RCHCA-005 establishing a Records Retention Policy and Schedule

Carolyn Syms Luna stated that some new information has come to light regarding records retention and the citing of government and city codes, etc. She requested that this agenda item be continued to the November meeting.

MOTION to continue this item to the November 2007 Board meeting: Robin Lowe
SECOND: Eugene Montanez **Motion Approved**
Ayes–9
None Opposed

7.4 Report on Reserve Management Committees for the Southwestern Riverside County Multi-Species Reserve and the Lake Mathews Reserve

Gail Barton gave an update on the Reserve Management Committee (RMC) meetings as follows:

Southwestern Riverside County Multi-Species Reserve:

Discussion included the following:

- Presentation of MWD final Diamond Valley Lake East Recreation Area Fencing Plan;
- Discussion of the anticipated use of the Reserve Management Facility;
- Consideration of the following items relating to the possible purchase of an existing MWD-owned mobile that could be moved to the Lake Skinner site:
 - Appraised value/purchase price
 - Costs associated with moving
 - Costs associated with set-up of mobile at Lake Skinner site
 - Costs associated with necessary modifications to mobile
 - Ownership
- Consideration of funding needs and resources that resulted in the adoption of the Reserve budget for FY 2007-2008;
- Discussion of the use of RCHCA funds for reserve management activities;
- Discussion of the outstanding issues relating to the completion of the Draft Management Plan and designation of the August meeting as the target date for production of the Final Draft Management Plan.

Lake Mathews Reserve:

No meetings have been held since the last RCHCA Board meeting. Ms. Barton stated she would give an update of the Lake Mathews RMC at the November meeting of the RCHCA Board.

MOTION to receive and file the above report: Bob Buster
SECOND: Robin Lowe **Motion Approved**
Ayes–9
None Opposed

7.5 Verbal Report on Status of the Coachella Valley Multiple Species Habitat Conservation Plan

Carolyn Syms Luna reported that a final version of the CVMSHCP has been prepared and CVAG has responded to comments. She stated that we are hoping all of the

permittees will have approved and signed the Plan by October 31, 2007. RCHCA staff will then meet with CVAG to assist them in negotiating the permit conditions.

8. EXECUTIVE DIRECTOR'S REPORT

Ms. Luna stated that she has provided each Board member with a new copy of the SKR HCP. The maps within the Plan have been updated.

Ms. Luna stated that the Fringe-toed Lizard (FTL) permit expires on August 31st. She reported that she met with CVAG yesterday in order to review some provisions that Fish and Game, along with U.S. Fish & Wildlife would like to re-issue a consistency finding on. She stated that they cannot issue a permit for FTL as they do not have that provision under State code. They would issue a consistency finding.

Ms. Luna stated that our concern with not having a FTL consistency finding on the books is that it will cause considerable delays for the County's transportation projects. Those projects would have to negotiate separately and go through the federal and state processes until the FTL permit is again in place.

Ms. Luna stated that John Wohlmuth of CVAG should be taking the FTL consistency finding extension to his Executive Committee on September 1st. She also stated that it is her understanding that a representative from the State will be here to meet with us regarding the FTL extension. She stated that it will be a stop-gap measure for approximately seven to eight months until we are able to negotiate the MSHCP permit conditions and the MSHCP permit is actually issued. Ms. Luna stated that primarily all of the transportation projects within the cities in the Coachella Valley will be affected by coverage of the FTL.

9. CLOSED SESSION

No items were scheduled for closed session.

10. ITEMS FOR NEXT MEETING

No items were suggested for the next meeting.

11. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 10:04 a.m. The next meeting will be held on November 15, 2007.