
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, November 15, 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. Steve Brown, City of Temecula
Supervisor Bob Buster, County of Riverside
Mr. Eugene Montanez, City of Corona
Mr. Gary Thomasian, City of Murrieta
Mr. Frank West, City of Moreno Valley

ABSENT: Mr. Dom Betro, City of Riverside
Ms. Robin Lowe, City of Hemet
Mr. Bob Schiffner, City of Lake Elsinore

STAFF: Carolyn Syms Luna, RCHCA
Gail Barton, RCHCA
Princess Hester, RCHCA
Karin Watts-Bazan, County Counsel

1. CALL TO ORDER

Mark Yarbrough, Vice-Chairperson, called the meeting to order at 9:05 a.m.

2. ROLL CALL

Roll call of the RCHCA Board of Directors showed six member agencies present with the Cities of Riverside, Hemet, and Lake Elsinore absent.

3. PUBLIC COMMENT

No comments were offered.

4. BOARD MEMBER ANNOUNCEMENTS

No announcements were made.

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 August 16, 2007, Meeting

The minutes from the August 16, 2007, meeting was presented for approval.

6.2 Status of Mitigation Fee Transfers from Member Agencies through September 30, 2007

The fees collected as of September 30, 2007, for FY 2007/08 total \$122,314.50.

6.3 RCHCA Financial Report through September 30, 2007

The fund balance as of September 30, 2007, is \$15,478,995.93.

6.4 Status Report Concerning Reserve Managers Coordinating Committee

Gail Barton reported that the Reserve Managers Coordinating Committee (RMCC) met on July 26, 2007, and considered the following:

- Motte-Rimrock Reserve research proposal presented by Dr. Ken Halama and Dr. Edie Allen.
 - The goal of the proposed project is to restore an area of the reserve to a state that is suitable habitat for SKR and/or California gnatcatcher while analyzing various techniques and cost benefit options.
- RCHCA approved SKR Management Plan for RCHCA Lands in Lake Mathews and Steele Peak Reserves.
 - Earl Lauppe, California Department of Fish and Game, was extremely complimentary of the Plan, encouraged others to see the merits of the Plan, and proposed that this should be the model for management plans for other reserves.
- BLM request to make a presentation regarding the preparation of the update to their South Coast Resource Management Plan at the next scheduled RMCC meeting.

- Reports from the individual reserves on SKR related issues.

6.5 Status Report Concerning the Mid County Parkway

This is a proposed 32-mile transportation corridor that will span the area between San Jacinto and Corona in order to relieve local and regional traffic congestion.

Because of the location of the proposed transportation corridor and its potential for impact to SKR reserves, the RCHCA has been an active participant in the consideration of alternatives to this project.

Supervisor Buster asked that RCHCA staff provide an explanation or map showing the alternative rights-of-way that affect RCHCA lands. He stated that a map would be helpful to him in understanding the differences in greater detail.

Gail Barton stated that she would be happy to review the map with Supervisor Buster at his convenience. She also stated that staff had planned to include the map with the material in the Board packet; however, RCTC asked that the map not be distributed.

Mark Yarbrough stated that some specifics (i.e., numbers, impact, take) would be especially beneficial for the city of Perris.

Gail Barton stated that staff would be happy to conduct a presentation on this matter at a future meeting.

6.6 Status Report Concerning the Changes in Auditing and Information Reporting

The RCHCA Executive Director has been informed by its external auditor, Ahern Adcock Devlin, LLP (AAD) that beginning with the 2007 audit, there will be significant changes to the auditing requirements that will impact how the annual financial statement audit is performed. Legislation requires AAD to now do the following:

- Gain a more thorough understanding of their client's internal control.
- Obtain more detailed information about their client's operations, their business objectives and strategies, and the risks to achieving these objectives.

As a result of the increased in-depth duties described above, it is anticipated that the cost for auditing will increase as AAD will be required to spend more time preparing financial statements in accordance with the new requirements now imposed.

6.7 RCHCA Board Members Term of Office

Copies of the Board Members Term of Office were distributed as part of the meeting packet as an informational item.

Supervisor Buster asked that his term be corrected to show that it ends in January 2009.

6.8 Schedule of Board Meetings for 2008

The Schedule of Board Meetings for 2008 was distributed to all Board members.

MOTION for approval of items 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8: Eugene Montanez
SECOND: Steve Brown **Motion Approved**
Ayes-6
None Opposed

7. POLICY CALENDAR:

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

Gail Barton reported that at the last RCHCA Board meeting, staff presented a draft policy entitled Acquisition of Property and Disposal of Surplus Land. The Board asked that modifications be made to the policy and that it be brought back before the Board for approval. Ms. Barton reported that the recommended modifications have been made to the policy and requested that the Board adopt Policy No. RCHCA-003 and Resolution No. 2007-004 as presented.

Frank West asked if the RCHCA continues to acquire more land as time goes on. He asked if this was about acquisition of new land.

Ms. Luna stated that this is about the disposal of any surplus properties the RCHCA has in its possession. This policy outlines a clear process that this Board has directed staff to pursue in the event that we want to dispose of surplus land. The RCHCA does not have a lot of surplus land. She stated that the RCHCA has only disposed of one parcel in the history of the agency. She reported that we are not in the land acquisition business and that we have already established our reserve system.

Karin Watts-Bazan reported that the policy does address "acquisition" as well as "disposal". She stated that if there is a determination and a need that the RCHCA might want land as a buffer for our reserves or better management of our reserves, we may want to buy property in the future. However, she stated that we are not under any mandate at this time to purchase more land because we have completed our reserve system.

Supervisor Buster asked if staff can lead the Board members through what was first proposed in the policy. He stated that there were suggested changes at the last Board meeting, which appear to be noted in the redlined copy of the policy.

Ms. Watts-Bazan stated that the suggested changes are clearly noted in the redlined copy of the policy. She stated that she would review each redlined area, if the Board members so desired it.

Supervisor Buster asked if this is a standard procedure that they are being asked to adopt. He asked if this is a specialized procedure with regard to agencies like our own that are in conservation. He also asked if this is a more complex requirement

than the disposal or sale of the City or County general purposes policy. He asked if Ms. Watts-Bazan could outline for the Board members why staff is proposing what they are proposing today.

Ms. Watts-Bazan stated that this policy is based on a policy that had been adopted by the RCA Board. The policy has been fine-tuned for the RCHCA because the RCHCA must follow the rules, as well as the state laws that apply to the City of Moreno Valley. Therefore, the policy has been based on the RCA's adopted policy. RCHCA staff has fine-tuned it to ensure that we are in compliance with all of the statutory requirements that apply to cities. Staff consulted with the City Attorney for Moreno Valley to inquire if Moreno Valley has any specific procedures and/or policies in place or ordinances that may affect our policy. Those comments have been incorporated into the proposed policy.

Ms. Watts-Bazan stated that at the last RCHCA Board meeting, requested changes were made by this Board to go above and beyond what is statutorily required.

Supervisor Buster stated that he does recall that the Board requested that a fresh appraisal (not more than six months old) be used. He stated that another issue the Board is always concerned with is whether or not it would be possible for one or two people in an agency to, without the knowledge of the public or other staff members, propose a deal that would be somehow preferential or biased, or was favorable in some way, and then in the course of hundreds of items on the Consent Calendar for a public agency, have it approved. He asked if this outline has the sufficient consideration by independent departments/divisions here, such that the above would be impossible to accomplish.

Ms. Watts-Bazan stated that the policy specifically directs RCHCA staff to work with EDA Real Property staff, which is trained in this area. EDA staff will take the lead on processing all of the documentation that's required.

Ms. Luna stated that under D. Execution of Purchase, Lease or Exchange Agreements and Grant Deeds the change to that language strikes to the heart of your point. She stated that prior to this, the final documents that needed to be executed normally were only subject to authorization. The Board Chair or the Director would authorize that. This Board has had staff insert certain language that specifically says that RCHCA staff will bring, as an extra step, those documents to this Board, and that this Board then will have to act on that package. Ms. Luna stated that this step is clearly above and beyond what other JPA's require.

Supervisor Buster stated that this is very helpful, but stated that what we are dealing with may not be reality, but may actually be perception. He stated that another issue is to make sure that it comes back as a separate public hearing item and that it's not on the list of Consent Calendar items.

Ms. Luna stated that it would come before this Board in a regular or special meeting.

Mark Yarbrough asked if there were any other comments or questions regarding this policy.

Steve Brown stated that on Page 2, under II. A. Annual Inventory, he stated that on line 7, "real property provided by the RCHCA.....", he feels the word "by" should be "that".

Karin Watts-Bazan agreed with Mr. Brown's recommended change and stated that staff will correct the policy to read as such.

Mr. Brown stated that on Page 5, the first paragraph after "h", he feels the sentence should read "All offers shall be sent by certified mail, *return receipt requested*, first class and shall....."

Ms. Watts-Bazan stated that we would already do this, but we can spell it out in the policy if the Board so desires.

Supervisor Buster asked if the RCHCA has a "notice requirement" to all local agencies that could potentially be interested in the surplus land prior to it being offered to the private sector. He asked if that is what the general thrust is.

Ms. Watts-Bazan stated "yes, it is".

Supervisor Buster asked if we should include State or Federal agencies in that thrust.

Ms. Watts-Bazan stated that there is a specific statutory requirement regarding that. She stated that those agencies listed in the policy are the agencies that are listed in the statute. She stated that "other state and federal agencies" could be added to the policy; however, it is not required by law.

Supervisor Buster stated that what is in the policy is what is required; however, we could go beyond that.

Ms. Watts-Bazan stated that he is correct.

Supervisor Buster suggested that we publish some kind of general notice as well. If the local agencies do not respond and federal or state agencies do, why would we not want to give them additional preference, particularly for land that could be used for conservation for other purposes or for other public purposes.

Ms. Watts-Bazan stated that her experience is that most state and federal agencies like to see local agencies do conservation and land management. She stated that we often times hear that they don't have the money to manage land. However, if the Board would like us to, for example, we could notify BLM, U.S. Fish and Wildlife Service, or California Department of Fish and Game, as they are entities that own conservation lands. Ms. Watts-Bazan stated that she doesn't feel that the RCHCA will be selling conservation lands. She feels that this is intended for surplus lands that aren't needed for conservation.

Supervisor Buster stated that we have one type of conservation here and that is for the Stephens' kangaroo rat.

Ms. Watts-Bazan stated that he is correct.

Supervisor Buster stated he thinks it would be a good idea to publish a notice and send it to all of the agencies.

Ms. Luna stated that a broad general notice published in the newspaper would suffice.

MOTION to adopt Resolution No. 2007-004 and Policy No. RCHCA-003 with the above changes as requested by Steve Brown and the general notice as suggested by Supervisor Buster: Eugene Montanez

SECOND: Gary Thomasian

Motion Approved

Ayes-6

None Opposed

7.2 Adoption of RCHCA Resolution No. 2007-007 and Policy No. RCHCA-006 Concerning the Creation of a Budget Subcommittee

Princess Hester reported that the RCHCA Executive Director is requesting that the Board establish a Budget Subcommittee to provide budget and financial oversight, approve and assist in long-range financial plans, and make recommendations to the Executive Director concerning the RCHCA budget.

Ms. Hester asked that the Board appoint three Board members to serve on the Budget Subcommittee and establish guidelines for operations. As a requirement, there will be two meetings held each year; one in the 3rd quarter of the fiscal year, and the other held no later than April 1st. She also asked that the Board adopt Resolution No. 2007-007 and Policy No. RCHCA-006, which will establish the Budget Subcommittee.

Mark Yarbrough asked for volunteers to serve on this committee.

Gary Thomasian, Eugene Montanez and Mark Yarbrough all volunteered to serve on the Budget Subcommittee.

MOTION to adopt RCHCA Resolution No. 2007-007 and Policy No. RCHCA-006 establishing the Budget Subcommittee, along with Gary Thomasian, Eugene Montanez, and Mark Yarbrough as members of the committee: Bob Buster

SECOND: Gary Thomasian

Motion Approved

Ayes-6

None Opposed

7.3 Report on Reserve Management Committees for the Southwest 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:

- Reserve Management Facility
 - MWD wishes to sell the mobile now located at the east end of Diamond Valley Lake, but does not wish to facilitate moving the mobile, making necessary modifications to the facility, or securing a shop/storage structure.
 - MWD recommends that it should be the responsibility of Riverside County Regional Park and Open Space District (RCRPOSD) to facilitate moving and modifying the MWD owned mobile and securing the shop/storage structure since the facility is located in the RCRPOSD lease area and is occupied by RCRPOSD staff. RCRPOSD will consider whether or not it wishes to assume this responsibility.
- Purchase offer for Kalmia property
 - MWD counsel presented an offer that, with further clarification, will be considered in more detail at a future meeting.
- Design, fabrication, and installation of animal friendly grates for the mine shafts on the Reserve.
- Potential research project to be proposed by the Zoological Society of San Diego's Conservation and Research for Endangered Species for translocation of SKR to enhance populations, repopulate appropriate areas, and maintain genetic diversity.
- Update on outstanding issues relating to the completion of the Draft Management Plan.

Lake Mathews Reserve:

- Appropriate uses of the Reserve Management Facility.
- Acknowledgement of the significant accomplishment achieved by the RCHCA in securing a Reserve Manager for RCHCA lands at Lake Mathews and Steele Peak Reserves.
- Potential ability to utilize the Department of Fish and Game (DFG) Volunteer Assistance Program for supplemental patrol.
- Applicability of the RCHCA Management Plan Table of Contents for use as the basis for a Management Plan for the combined Lake Mathews Reserve.

Gary Thomasian asked Ms. Barton if she could give the Board an update on the Kalmia property.

Ms. Barton stated that years ago, there was a loan made from the Reserve Management funds for the Southwest Reserve. The intention was that the collateral was this piece of property at Kalmia. The property was not considered for reserve land; it was separate from the Reserve. It has been hanging out there for approximately 10 years, and now, in order to get the Reserve Management funds back, the land needs to be sold. Ms. Barton stated that there are some things in the works and we want to be very careful that the RMC does not interfere with anything that is also in the greater good. Therefore, we are continuing to be receptive to what is presented to the RMC.

Mr. Thomasian asked about the size of the property.

Ms. Barton stated she believes it is approximately 100 acres.

Ms. Watts-Bazan asked who, technically, owns the property?

Ms. Barton stated that the property is owned by the Nature Conservancy.

Mr. Yarbrough asked if the issue with the mobile office located near Diamond Valley Lake is something the new Reserve Manager is going to deal with.

Ms. Barton stated that the Reserve Manager that is being hired will work at Lake Mathews and Steele Peak Reserves. She stated how that person will be housed is still under consideration. She also stated that the reserve facility at Lake Skinner is separate from the Lake Mathews and Steele Peak Reserves.

Mr. Yarbrough asked if the "challenge" is the facilities.

Ms. Barton stated that the real challenge in the RMC is that you have a very diverse group of individuals who have to come to total agreement in order to accomplish anything. She stated that the existing facility at the Lake Skinner site is in horrible shape. She stated that it is difficult to make decisions as to who will hold title of the new facility and who will handle the acquisition. Ms. Barton stated she believes that the RMC does have a very good conclusion to this that they are working on at this time. In her opinion it will be a win-win situation. She stated that she looks forward to bringing more information back to this Board as time goes on.

Supervisor Buster stated that Hartford Springs Park, which is a County park, is located approximately half-way between the Steele Peak and Lake Mathews Reserves. He stated that the County Parks District used to have a caretaker housed in a mobile building on the park property. He asked if there was any chance of reinstating that and having the manager duties spread over the three areas.

Ms. Barton stated that the Reserve Manager that the RCHCA is hiring is for the RCHCA lands at Lake Mathews and Steele Peak.

Ms. Luna stated that at the Lake Skinner Reserve, a County Parks and Open Space District employee is the Reserve Manager. She also stated that at Lake Mathews, that reserve is bifurcated, primarily between MWD and RCHCA properties, along with a smattering of BLM and Fish and Game property in there. Therefore, the RCHCA has taken on the responsibility to manage the RCHCA lands at the Lake Mathews Reserve and that the Board authorized RCHCA staff to hire a manager for those lands.

Ms. Luna stated that we hope to bring the new reserve manager to the February RCHCA Board meeting so that he can be introduced to the entire Board at that time.

Gary Thomasian asked if it would be a good idea to prepare a flow chart that would show the organization of the RCHCA.

Ms. Luna suggested that we hold a “study session” in January for RCHCA staff and Board members in order to review the structure of the RCHCA and its many responsibilities and duties.

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

Ms. Luna reported that all of the member jurisdictions and permittees have adopted the Plan. We are now in Phase II of the Plan – negotiating the permit conditions. The Plan should effectively be in place once the permit conditions are issued by the federal and state agencies. CVAG staff is hoping to have that done by March 15, 2008.

Ms. Luna stated that the newspaper has been reporting that Desert Hot Springs may be having a change of heart and would like to possibly reconsider coming back into the Plan. CVAG staff is looking into how to do this, should Desert Hot Springs decide to rejoin the Plan.

Supervisor Buster asked if there is any coordination between state and federal lobbying on behalf of the Western Riverside County Plan. From the RCHCA’s standpoint, between the Coachella Valley Plan and the Western Riverside County Plan, we don’t want to compete with the RCA, but should join forces with them. He asked if there is some kind of a committee or staff interchange that could allow that to take place.

Ms. Luna suggested that Supervisor Buster speak with Joe Richards regarding the above.

7.5 Approval of Resolution No. 2007-008 and 2nd Amendment to the Conflict of Interest Code for the RCHCA

Ms. Hester requested that the Board adopt Resolution No. 2007-008 which will provide a 2nd Amendment to the Conflict of Interest Code (CIC). She stated that pursuant to the Political Reform Act of 1974, the RCHCA adopted a CIC. The CIC provides for the disclosure of designated officials and employees assets and income which may be materially affected by their official actions.

Ms. Hester stated that the Appendix requires amending in order to reflect updates to designated staff positions. The following positions have been deleted:

- Administrative Manager
- Senior Planner

The following positions have been added:

- Administrative Services Officer
- Principal Planner

Ms. Hester asked the Board to adopt the 2nd Amendment to the RCHCA CIC, approve Resolution No. 2007-008, which will amend the Appendix to the CIC, and approve the forwarding of the amended Appendix and Resolution No. 2007-008 to the Riverside County Board of Supervisors.

MOTION to adopt the 2nd Amendment to the RCHCA Conflict of Interest Code, adopt RCHCA Resolution No. 2007-008 amending the Appendix to the RCHCA Conflict of Interest Code, and to forward the amended Appendix and Resolution to the Riverside County Board of Supervisors: Gary Thomasian

SECOND: Steve Brown

**Motion Approved
Ayes–6
None Opposed**

7.6 Election of Officers

Ms. Luna stated that during the August meeting, this Board approved a Resolution and a policy that would allow for the nomination and election of Board Officers. This policy was implemented to ensure adequate opportunity for the rotation of those officers. This election must take place at the last scheduled meeting of the year. The Board policy has the Vice-Chair moving into the Chair position for the upcoming year; therefore, Vice-Chair Mark Yarbrough will move into the Chair position for 2008. In accordance with the policy, the Board must elect a Vice-Chair to assume office for 2008.

Ms. Luna asked for nominations for the Vice-Chair position for 2008.

Mr. West nominated Eugene Montanez for the position of Vice-Chair for 2008.

MOTION to elect Eugene Montanez as the Vice-Chair for 2008: Gary Thomasian

SECOND: Steve Brown

**Motion Approved
Ayes–6
None Opposed**

8. EXECUTIVE DIRECTOR'S REPORT

Ms. Luna stated that she has nothing to report at this time.

9. CLOSED SESSION

No items were scheduled for closed session.

10. ITEMS FOR NEXT MEETING

Mr. Brown stated that approximately six to nine months ago, there was discussion regarding looking into some property in the city of Riverside adjacent to Sycamore Canyon Reserve. He asked if there has been any progress on this or if it has been dropped.

Ms. Luna stated that she will follow-up and inquire as to the status of this item.

Mr. Yarbrough requested that the following item be placed on the next Board meeting agenda:

- Consider amending the RCHCA JPA to make all Board members elected officials.

11. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 9:49 a.m. The next meeting will be held on February 21, 2008.