
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*

RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY

MINUTES

**Monday, December 2, 2002
12:00 p.m.**

Riverside County Administrative Center Annex
4080 Lemon Street
Fourth Floor Conference Room "A"
Riverside, CA 92501

PRESENT: Ms. Robin Reeser Lowe, City of Hemet, RCHCA Chair
Supervisor Bob Buster, County of Riverside
Ms. Laura Pearson, City of Riverside
Mr. Mark Yarbrough, City of Perris
Mr. Bob Schiffner, City of Lake Elsinore
Mr. Bill Batey, City of Moreno Valley
Ms. Carolyn Syms Luna, Executive Director
Ms. Karin Watts-Bazan, Legal Counsel

ABSENT: City of Corona – unrepresented
Mr. Mike Naggar, City of Temecula
Mr. Kelly Seyarto, City of Murrieta

1. CALLED TO ORDER AND ROLL CALL

The meeting was called to order by Robin Reeser Lowe at 12:20 p.m.

Roll call of the RCHCA Board of Directors showed six member agencies present, with the cities of Murrieta, Temecula and Corona being absent.

2. PUBLIC COMMENT

No comments were offered.

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4080 Lemon Street, 7th Floor ! Riverside, California 92501 ! (909) 955-1946
P. O. Box 1605 ! Riverside, California 92502-1605 ! FAX (909) 955-1816

3. MINUTE APPROVAL

3.1 Approval of minutes for the meeting of June 24, 2002

MOTION: Bill Batey
SECONDED: Bob Schiffner

**Motion: Ayes - 6
None opposed**

4. CONSENT CALENDAR: Presented for block approval: Board Members have the option of excluding discussion items from a master motion.

- 4.1 Status of Mitigation Fee Transfers from Member Agencies
- 4.2 RCHCA Financial Report through FY 01/02
- 4.3 Federal BLM Land Exchange Update
- 4.4 Board Meeting Schedule 2003
- 4.5 SKR Density Survey – Results

MOTION: Bill Batey
SECONDED: Robin Reeser Lowe

**Motion: Ayes - 6
None opposed**

5. POLICY CALENDAR: Presented for Block Approval; Supervisors have the option of excluding discussion items from a master motion.

5.1 Adoption of Resolution Number 2002-01 concerning purchase of 31.0 acres of Real Property from Allen and Mary Heaton in unincorporated Riverside County – APN: 466-300-003.

MOTION: Laura Pearson
SECONDED: Bill Batey

**Motion: Ayes - 6
None opposed**

5.2 Authorization to release a “Request for Qualifications/Request for Proposal” through Riverside County purchasing to select a fencing company to fence the RCHCA’s Steele Peak Reserve in an amount not to exceed \$85,000.00

Carolyn Syms Luna, RCHCA Executive Director, reported having met with Moore Fencing to bid for chain link fencing along the perimeter of Forest Drive and a smaller portion that wraps around the corner of Forest and San Jacinto. The remaining boundary is proposed to be fenced utilizing 3-strand barbwire. Moore Fencing provided an estimate in the amount of \$84,728.54. As Ms. Syms Luna cannot authorize

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expenditures over \$25,000, permission has to be given by the RCHCA Board. Board member Laura Pearson asked if any other estimates had been considered and was advised that none had yet been obtained. Ms. Syms Luna suggested using the County's purchasing department to process and receive additional bids. Karin Watts-Bazan, RCHCA General Counsel, added that Moore Fencing would formally bid on this proposal. Ms. Pearson inquired about the possibility of the RCHCA adding this project to any existing vendor contracts, to which Ms. Syms Luna responded that there is an existing contract with Moore Fencing. However, Karin Watts-Bazan opined that the amount of the contract required that this go out to bid. Chairperson Reeser Lowe further inquired of Counsel about the RCHCA Board having the ability to authorize the Executive Director to add this job onto the existing contract with Moore Fencing. RCHCA General Counsel responded that it could be done; however the Board would need to put a limit on the amount authorized, "not to exceed \$85,000.00." Discussion ensued among the Board members and it was decided that adding this job to the existing fencing contract was cost effective and responsive to resolving the citation that the Agency received from the County of Riverside for illegal dumping and littering on Steele Peak.

MOTION: Laura Pearson - Add services not to exceed \$85,000.00 to the existing contract with Moore Fencing made by Board member Laura Pearson.
SECONDED: Bill Batey

**Motion: Ayes - 6
None opposed**

5.3 Seventh Amendment to the RCHCA Joint Powers Authority Agreement concerning establishment of a meeting stipend and member agency termination.

Discussion was held regarding two amendments to the JPA Agreement. The first amendment contemplates that members of the Board and their alternates shall be entitled to compensation in the amount of \$100.00 per meeting and mileage for attendance and participation in regular and special meetings of the Board, while the second amendment updated the number of Board members to reflect the present composition of the Board pertaining to expulsion of a Board member from the Agency Board of Directors.

Discussion ensued regarding the expulsion provision and the consensus of the Board members was that this language was not appropriate and should be stricken from the RCHCA Joint Powers Authority Agreement.

Additional discussion among the Board members occurred pursuant to the provisions defining the time limits imposed on the Member Agency's as it pertains to the submission of collected fees to the RCHCA. The consensus of the Board was that a quarterly submission was more fitting. Chairperson Reeser Lowe queried staff on the matter of the City of Canyon Lake, specific to whether the City was collecting SKR mitigation fees.

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Ms. Syms Luna indicated that she was not certain as to whether Canyon Lake was actually collecting SKR mitigation fees. However, Ms. Syms Luna stated that the RCHCA was not receiving any SKR mitigation fees from Canyon Lake since they were not a member agency.

MOTION: Robin Reeser Lowe moved to accept the inclusion of the stipend language and amend Section 3.10.1 of the RCHCA Joint Powers Authority Agreement to incorporate language that provides for “fiscal quarterly payments to the Agency, and that the Board authorizes staff to conduct an audit of RCHCA member agencies regarding timely fee collection and payment, and authorized RCHCA Counsel to prepare a Public Information Act Request for the City of Canyon Lake pertaining to collection and use of SKR fees.

SECONDED: Laura Pearson

**Motion: Ayes - 6
None opposed**

MOTION: Bill Batey moved to delete the section of the JPA outlining the terms by which a member could be expelled.

SECONDED: Bob Schiffner

**Motion: Ayes - 6
None opposed**

6. CLOSED SESSION

With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9:

MOTION: Robin Reeser Lowe motioned for the Board to go into closed session at 12:40 a.m. to consider matters of litigation and property negotiations.

SECONDED: Laura Pearson.

**Motion: Ayes - 6
None opposed**

A. Conference with legal counsel – existing litigation:

1. Lockheed Martin Corporation v. Riverside County Habitat Conservation Agency et al. Riverside County Superior Court Case No. 2880025

No reportable actions taken

2. Lockheed Martin Corporation v. U.S. Department of the Interior, et al. Central District Case No. EDV97-97-0051 RT (VAPx)

No reportable actions taken

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B. Conference with legal counsel – anticipated litigation

1. One potential litigation case.

No reportable actions taken

7. ADJOURNMENT

The meeting adjourned at 1:30 p.m. to the next date of February 20, 2003 at 9:00 a.m.