

RC: Maybe this is it so keep yours on. Keep yours on just in case. This is the call to order. The Temecula Elsinore Anza Murrieta Resource Conservation District Regular Board Meeting, Thursday, April 13, 2023, at 4:00 PM. Call to order and the Pledge of Allegiance, if you could all stand, please. Ready? Begin.

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all. Roll call, Rose Corona, President.

NP: Newt Parkes, Director.

RN: Rick Neugebauer, Associate Director.

JM: Jeff McClenahan, Director.

RF: Oh, Randy Feeney, guest.

BG: Bradley Greenman, Attorney with Tyler Law, guest.

SV: Sebastian Valente, Associate Director.

TB: Teri Biancardi, Director.

AG: Aaron Gettis, District Counsel.

PB: Pablo Bryant, Director.

RS: Rae Shirer, Bookkeeper and Acting Office Manager.

RC: I asked Aaron about this because Bernie wanted to come in and say something, but he's been extremely ill. So he said we should knock on the door, and if he's there, he'll come out. If not, he's not well enough. Or he's already left, I don't know. Go ahead. He said to go ahead and knock. Hopefully, I can go around the other way if he doesn't come out. Or not. Let me check on this side.

RF: Here he comes.

Bernie: No one's home.

[laughter]

Bernie: He's banging on the door.

RN: Hey, Bernie.

Bernie: Hey guys!

RN: She went to the other side.

Bernie: Oh, she went the other way to get me? She likes to go this way.

[laughter]

Bernie: Nobody saw when I came into the office.

RC: Come on in. Without having to really do anything fancy in terms of taking votes to allow Bernie to talk so he can go home. Aaron didn't think this was going to be a big deal.

AG: No, I don't think so. We're just going to allow him to basically do the public comment already, essentially.

Bernie: I just wanted to let you clarify a little of the letter I wrote. One, obviously, I think most of you know I was on my way to the hospital for heart surgery, so my move wasn't exactly the way I like it to be all the time. I wrote the letter because I wanted you guys to know I support-- My family has always done all they can in the community to support both public staff, the elected officials, these charities, et cetera, that we do. Where we can give back, we do because the Valley's been really good to us. That's why we made this available, okay?

It wasn't about just Rose, and it wasn't about all the stuff, but it was about the one thing that did bother me, which was, it did get noisy in here and it got disruptive, and I can hear it. That's all glass. I did get some tenants who said, "Jesus, who are those people? Are they tenants?" I want you to know the boardroom is yours forever, if that's what you want, but please follow the decorum and the professionalism and treat one another a little more respectful. I don't know who is doing what necessarily, and don't care. All I know is I don't like it, it's hostile.

We don't try to do that here. I had to go through that in my life. Big voice, a lot of people thought I was hollering when I wasn't. Now I've got to talk to somebody. I'm glad you're here. You're doing great work. It's important work. I'm here to help, whatever I can, when I can. It's easy to do this that's why I built it. You're not the only one. Boy Scouts, all kinds of people use this as their board so please use it wisely and do good. Anybody got anything they want to ask me? [crosstalk]

RC: Thank you very much for clarifying.

Bernie: See you guys.

RC: Does that help a little bit? I hope so. All right, let's go to the approval of the agenda, the minutes, the financials, and the consent calendar.

TB: I can't approve the minutes.

RC: All right, do you want to pull those?

TB: Yes.

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RC: We want to pull the minutes. We just pull them? Can we approve? Since you want to pull the minutes for discussion what then I would say is why don't we approve the financials and the consent calendar, and then we can come back to the minutes?

NP: I make a motion to do that. Okay.

RC: Do we have a second?

TB: Second.

RC: All right. All in favor, let's do a roll call. Rose, yes.

NP: Newt yes.

JM: Jeff, yes.

TB: Teri, yes.

PB: Pablo, yes.

RC: Okay, we pull the minutes so that we can move forward. What in the minutes do you want to discuss, Teri?

TB: I think I said in my piece last month just that this narrative style seems slanty to me. There's some editorial license that's being taken. There's some errors in there and rather than go through and nitpick, I'm just going to not approve the minutes.

RC: Does anybody else have any other-- What?

PB: We could vote.

RC: Right, I just wanted to ask if anybody else has anything that they want to add.

PB: I apologize.

RC: [chuckles] Okay.

PB: I agree with Teri since there's stuff that is on the written minutes that is missing stuff from the recorded minutes, that's important. I'm going to have a chance to look at that.

RC: We do keep in mind that for years-- I'm sorry, Pablo. Are you finished?

PB: Sure.

RC: One of the reasons why we use narrative here is that before we came to the board, or before I came to the board and some other people came to the board, the minutes were done in a very-- they weren't done in narrative. There was a lot of

things going on in the former board that made it extremely difficult to know exactly what happened in the board. Now, if you want to make changes and you want to remake the minutes, to the minutes, we can certainly add, as long as it's on the recording, what you want to do. When we go through, there's just certain things that seem to have importance.

More importance, there was more discussion on it. We try to include as much as we can because then going forward, if I get hit by a bus or anybody else gets hit by a bus and this whole board is not here, they have a way to go back and look. None of you were here, and none of you had to do what I had to do in 2015. It took me almost two years to pull all of the information and have to discern and figure out what exactly was happening and a chronological way of saying, "Okay, well, this happened here, so this is why this happened here." It wasn't thoroughly available, and that's why we do a narrative. That's all I'm going to say about it. Yes, Rick?

RN: Why don't you submit your corrections, Teri, that you find in objection to the narrative that was written? Why didn't you bring those objective comments and talk about them? You can't say the whole minutes are wrong. Obviously, you have pieces of it that you find are wrong. Is that what I'm hearing?

TB: Yes, there are pieces.

RN: Why don't you state those for the sake of business and move on?

TB: For example, there was no comment that you were corrected when you said that the minutes, if they were submitted beforehand to us, would be a Brown Act violation. We were told that's not included in the minutes.

RN: Yes, it is.

TB: No, it's not included that you were corrected, that that would not be a Brown Act violation. Right? We also did not agree that the motion for Jeff to investigate other locations to hold a meeting would only happen if the present location issues could be resolved. That was not what we agreed on.

RC: It doesn't say that. Before you finish Teri, it might be easier than to in the future give a summary, but have the transcript as the minutes.

TB: I just think that there's editorial license that's taken. I know someone's trying to do it straight. This idea of going from a narrative format, there's not even the language of the actual motion and who and who voted for it, who didn't vote for it. Then it slips into transcript, the transcript has errors in it. There's sections of, at least what I was saying that like whole sentences weren't reported it's just kind of this jumbled. It's just--

RC: What I quoted in there was what was on the transcript? It was completely on the transcript.

TB: Well, I'm sorry. I think maybe my voice isn't being picked up necessarily, but there are things that are dropped out. Some sentences make no sense, and I didn't say a sentence it made no sense. I don't mean to be difficult here. It's just I'm struggling with this format, I don't think it's the best way forward rather than getting into a big struggle over it, I'm just going to withhold my vote and say no and the motion can still pass.

RC: Yes, Miss Rae.

RS: I agree both ways. I do think that there should be a narrative, I've been on all kinds of boards, I've chaired non-profits. I've done a lot of this, I've done hundreds of minutes. I think that you want to have a narrative, you don't want a 12-page narrative. You don't, on the other hand, want to have the board of supervisors model, because what they do is they just put the whole audio up and they just go, "We voted this blah, blah, blah." Well, fine, and if any one wants to hear the whole audio then you'll listen to the whole audio.

I think that's necessary for them and okay for them, but not necessary here, where the issues that are on any given calendar are fairly few, and that you should be able to summarize your discussion. Try to get some summary of everyone's input and then put your audio up. You can do that, you have the capability to put the audio up and people go listen to it.

Then it's a lot easier for you to review your minutes because they're not 12 pages long. Since you haven't put in so much detail about what's already recorded anyway, you don't have to argue about whether somebody got it right or wrong or whether the comma is in the right place. You just say, "Okay, so and so presented the discussion was about this program. We took a vote to support the program, went this way or that way and it's further action item scheduled for X, Y, Z," and you put the audio up.

PB: Can I ask a question?

RC: Yes, go ahead.

PB: One thing that we talked about is we were going to wait two weeks, excuse me, two months before we vote for president.

AG: Let's not go off that.

RC: Okay. That's--

AG: We're just here talking about--

[crosstalk]

RC: We're just--

[crosstalk]

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PB: Oh, but that was omitted though.

RC: That's a different--

PB: Well, I'm just saying that's omitted, I assume.

AG: One of the ways could be to do is as I thought that was a good suggestion, and maybe a less of a narrative. The narrative becomes more of an issue. It's more of a summary of what occurred with the audio included is the ultimate.

RS: It should say that director so-and-so proposed this, or the guest talked about this, or whatever. It should say those basic things but if you're going to, go to the transcript, well then just go to the transcript, go to the audio, and be done with that because you are a volunteer organization.

RC: Exactly.

RS: You have one little part-time staffer, and you have to strike that balance of how you have transparency for the public and also have a record for you, because like Rose said, if you come in after a period where nobody's keeping good records of anything, how do you know what your organization agreed to? Where can you flip back to to say, "Well, this is what we voted on and this is what we said." It has to have at least that.

TB: Yes, Rae, I love your third way here. I think these minutes were seven pages.

RS: Well, I'm--

TB: No, no, no, but I think they were seven pages. Could we have aim for maybe two pages.

RC: Well, it would depend on the meeting. Hold on just a second.

[crosstalk]

JM: May I ask a question, please? I like what Teri is saying here about, outline summary in the audio. I'm just curious, what's the argument against having published the audio in the past?

RC: For many years we didn't have a website that could accommodate that. That was part of the reason, and most of the time the minutes were because they just needed to be just-- That was originally for me because we had no staff and so I was doing the minutes. There was no staff to do it, that's what I did. You're talking to the last person in the world that knows how to do technology, if I can just even type it, I'm happy.

Then we eventually got, what was it Streamline and I think that whole thing and software, I think it's possible to do that. I'm almost sure it is, it shouldn't be a problem but I'd have to check.

RS: Oh, I was pretty sure, because Teri asked for the last audio and I uploaded it, and then I--

TB: And it worked. It did it.

[crosstalk]

RS: I think that that's--

PB: So are you proposing to do is upload the audio?

RS: Yes, you can upload any file you want, basically.

RC: We have to address this first, which is to take the vote on to make changes to the alterations that need to be made. You need to make a motion on exactly what you want to do, Teri.?

RS: Well, just to, Teri had said, well can we try to whittle it down to two pages? I would just say that that is a great goal, but with the level of intense conversation that I haven't missed in the last couple of months and in trying to write them from an objective point of view, I would try to make sure that the gist of each person's point is in there. That could be a little longer than two pages, but I don't think it should be seven. I don't think so, no.

TB: Well, okay. Two would be good. I don't understand the point of saying in the transcript, I'm being reviewed by Rose, stop directed at TB. I think that thing is unnecessary and unhelpful to the district. Yes, if we could perhaps eliminate the transcripts, if we could aim to get down to, two pages, then that would be more acceptable. Just for the purpose of this meeting, I'm going to vote no, the motion, the minutes can still be approved. I think my point's been made.

NP: Question, Aaron, what if the minutes are voted down and not accepted, then what?

RC: They go to the next meeting, Aaron. Just so you know, I have to do that.

AG: I suppose we have to do that.

RC: Yes. We went through that.

AG: I'm hoping that that won't, well, it's up to whatever the vote is on it, but I think that there was some good discussion maybe about the transcript. Another thing, Teri could do is amend or I guess he would have it and amend it to their zones with her opinions and then vote on it. Or you could just abstain if it is true and then we could

just put it for a vote at this time and then care for it with that idea that maybe there's always better ways to do things that everybody's in agreement for, of course, and so-

RC: May I make a suggestion to that then? Why doesn't I know that Teri asked for the transcript and if Rae can get whoever wants the audio that we table this item, to table the minutes and they would just not be voted on. Then Teri and Pablo and whoever else can make whatever changes that they wish to see on those minutes and bring them forward at the next meeting, and that way then we can address it at that point. Then at the same time, we can have a secondary item on the agenda that basically addresses this particular idea that she has. Yes, Rae.

RN: Point of order, if we're going back and changing what was said, what's the point of having minutes?

AG: Well, I don't think it maybe changes of what was said.

[crosstalk]

RC: No, no, no, no, no. I don't think--

RN: That's the whole point is to collect those thoughts and those comments at the point that they're made. To go back and edit or change doesn't-- We're talking about doing the district's disservice at one of those sects.

RC: Okay. Wait a second. Were you going to say something, Rae?

RS: Well, the minutes don't have to have the level of detail that these minutes have in order to be a record of the meeting. We wouldn't be changing it if we edit it down. We wouldn't be changing what happened, which could be backed up by the audio that we've been taking. It would merely be an edited version of what actually happened.

RC: Not happened [crosstalk].

RS: Not that it would--

RC: A reduced thing.

RS: Because otherwise, why not just put the whole 41-page transcript up and call it a day? That's crazy.

RN: How many pages is it?

RS: Yes.

RC: 44 or 46.

AG: There could be another option.

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RN: This is a happy seven-page number. [laughs]

RS: It could be shorter.

RC: Okay. Shall we make a motion to table the minutes of March 9th at this time to come back with additions or corrections or what people want at the next meeting?

NP: Second.

RC: Well, okay.

RS: Second.

RC: Newt Parkes seconds it. All in favor, roll call aye. Rose Corona?

NP: Aye, Newt.

JM: Jeff, aye.

TB: Teri, aye.

PB: Pablo, aye.

RC: All right. Let's move on to the next item. It is an update on City of Menifee Wildlife Appreciation Day. Teri?

TB: Oh.

AG: Wait, I thought we were--

RC: What were we doing? Did I skip something?

AG: Yes.

RC: What did I skip?

AG: We have both. [chuckles]

RC: Wait, wait, wait, wait, wait, wait. Where's the page? Oh, here it is. Duh. I'm sorry. I apologize, Aaron. I said I saw you and I was going to notice you, but I didn't.

AG: It's okay. I thought that was a good outcome.

RC: Okay. Public comment. Do we have any public comment at all? Okay, none? All right. Now we go to action items. Am I correct or am I missing another page somewhere? Update on City of Menifee Wildlife Appreciation Day. Teri?

TB: Jeff, chime in here, please.

JM: Yes, ma'am.

TB: His owl pellets were the hit of the day. I'm saying no. I think we got a really pretty good team together. We had a bunch of flyers. Basically, one of the major themes that we had was don't use poison in the environment because it will kill raptors, and raptors can eat a thousand rodents, I think, a year or something like that. You're shooting yourself in the foot. We had a couple of owls, stuffed owls that had been donated to us for the day by Fish and Wildlife Service.

That was really popular, I think, attraction with tons of kids, lots of parents stopping by. We partnered with San Jacinto Resource Conservation based in San Jacinto. Really had a very positive discussion with Brett Mills there about how he could do much more of this educational outreach and working with TEAM RCD. We also had Peter Thomas, who's the new DC from NRCS there, who's also trying to build up his table. It was just a really happy trio.

JM: Probably the only thing I would add to that is there's a lot of interest in what we do as an organization. One of the things, and I'm not proposing for this meeting, but for a future agenda item is to maybe consider putting together a small information pamphlet or page that when we are doing outreach, that's something that people can walk away with.

RC: Yes, I would agree. I think that there's a lot of options with that. You could just do a one-sided, three-by-eight card that they can flip so you're not paying for a tri-fold or something, just to give them the information. I think that we could limit that in a way that basically if you were handing them out, that we keep in mind the projects that we are doing at the moment, like crop-swap or whatever, and give them the QR code that Darcy was talking about at the last meeting, and provide the ability for people to easily scan it and go to the website.

That way, we're not having to expend tremendous amounts of money to try to have to change it. Unless you make it something that's just very generic and long-term, I don't think it reflects the changes we're trying to make and the things we're trying to go to and goals, et cetera. Does that make sense? Okay. Teri?

TB: One quick add. We did get picked up by Valley News. I had a chat with a reporter there, and I do have leftover materials. I have a lot of--

RC: No owls, though.

TB: No owls.

[laughter]

[crosstalk]

RS: No rats.

TB: No rats around, no they ran.

JM: We've got owl puppets. We've got plenty of owl puppets.

RC: Okay.

TB: I put together something like 100 little seed packets of native seeds for our spreading, and those went in an hour and a half. I should have actually made packets of all my seeds, but I have some of those left over for future table events.

RC: Yes, Pablo.

PB: I just want to say thank you for doing that because that was a lot of work and I appreciate it.

RC: Well, thank you all.

PB: Jeff. Yes, both of them.

RC: Jeff, Rae, and everybody over at San Jacinto, I think we should make it a-- All these people that participate with us, I think we should make it a rule that we send out a thank you for participating with us. It's just a little card. It takes two minutes and I can just sign TEAM RCD. If you feel that there's some people in particular, or that we need to outreach to them and say we would let and be interested in having further discussions. It was nice talking to you.

Whoever is at the outreach should take those names, get their address. One, it's good for a mailing list. If we're doing something, that's another thing we should include on any of the table in outreach we have. Get a mailing list, start writing people's names down, and then say, "Good to see you." We could send them just an email, e-blast and then we could keep them in the loop. Okay. Update item. Teri, is that all? Does anyone have--?

TB: Yes.

RC: Okay. Update on partnership for a myriad of a public library on Earth Day, April 22nd, 2023 for community outreach and collaboration with Mission RCD. Okay, so I get this email from Catherine and she says, "Gee it was so great. I talked to Lisa Dibble and turns out she is a member of Xerces. That's what I've been looking for. Thank you but we'll just be using Lisa. [laughs] We won't need TEAM RCD to come." [laughs] She was looking for something and talking to Catherine. She was looking for something specific things at this particular event.

Apparently, Lisa, after she talked to her, was what she was really looking for. She found what she needed. We wished her luck, and if there was anything we could do to help, then great. Unfortunately, then we won't be part of that, but that's okay. I just wanted to let you know that that's what happened because Lisa would've been our representative and I understand that she cannot be representing Xerces and us at

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the same time. There is a conflict there for her. Okay. Item number three, update discussion regarding a contract with RCWD CropSWAP, AIP, and Rootstock swap programs.

We haven't run into a roadblock because it's not really a roadblock, but as you all know, we ran into some problems last year when Mission RCD's auditor decided that he was going to take off for two months and he wouldn't be back. He notified everybody as such. It was like, "Okay, so how does that leave us because we have a contract with him." In light of that, we had a lot of train wrecks along the way. Yet we managed to get as a result, Airtable and running, and now everything is running smoothly.

Having said that we also have to think of a backup. What I suggested is that James asked SAWA if they could do this kind of work, and they believe they can. They can do it, but James Law, who does all the monitoring and all of that stuff, he does all of our conservation easements, et cetera. The flood control projects, I should say, not the conservation easements, he does the flood control.

He wanted to be able to see what exactly is entailed by going along with Jameson for a couple of audits to make sure exactly what Rancho California is going to want, because Rancho California Water District has asked for additional items, and that includes drones. Mission does not have drones, but SAWA's got two of them, and they're very proficient in them. They know how to GPS things, et cetera. If there's a property that needs drones, then we have a go-to person and a backup.

We won't end up ever having this, hopefully ever having this situation that happened last year happen again. James is going to go out on an audit, I believe next week, a couple of audits with James, they're going to work it out. Then from there, once we have the numbers, we're hoping that they stay within the same numbers that we get from Mission, and then we can sign the contract with Rancho California Water District. I think it's a safer bet, so that's basically what that is all about. Does anyone have any questions? Yes, Jeff.

JM: Are we going to get a chance to see that contract recorded?

RC: Oh yes. No, I won't sign it unless, because this is been totally amended from the original and it will be submitted in the packet for your review. It all the contracts are, and so it's up to the board to take a good look at those and the numbers and make sure that this is-- but what may or may not happen, and I haven't, as I recall it was-- It might be specific to just a year contract rather than the long term that we had before. One, because of inflation.

Two, because some of the monies for some of the projects are running out and will eventually run out, so they will design the contract based on the years that we have left or the money we have left, not we, but they, to spend. They have asked, by the way in conjunction, Rancho California Water District, as Darcy said the last time, has asked for additional monies to continue these programs. This was our pilot program. This is something that was suggested by this organization, and now we've got San

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Diego, Oceanside, Escondido, Valley Center, and Fallbrook that are extremely interested in the expansion of this program in San Diego.

If they get the monies, meaning Rancho California Water District, those coordination for those projects in San Diego will happen through a collaboration with TEAM RCD and Mission to be able to implement them. That's another reason why we want to make sure that we've got enough water auditors and CropSWAP people to make-- if they get the money that we're going to need to have those people.

Does anyone have any other questions? Okay, then let's move on to item four, discussion of in-- Sorry, the typo error, regards to the request for closed session in order to discuss the letter sent to TEAM RCD related to a litigation, ethical screening of district council, and potential impacts on the district. That's Aaron's.

AG: I just wanted to get this in just so we can talk really quick about it and maybe just clarify a couple of points. I know those are requests to come too, and sometimes this is confusing between what might be potential litigation, et cetera, which is a reason at times to go into a closed session for a public agency, but just to clarify, the request that came in was really a litigation hold on documents.

We are not the subject of potential litigation, et cetera. This appears to be an ongoing issue between the county and the would be the petitioner, and beyond that, I don't really have any information about it, et cetera, and ethical screening is something that's done.

It's typically is in a law firm, but we utilize it the same in county council's office, especially with how large we are. We're able to do that where we really are able to separate attorneys, so whatever attorney would be involved in representing the county in that respect, I have no interaction with them in this and we keep a very strict separation, et cetera.

I wouldn't add anything and I don't have anything to add anyway. Like I said, it's not something at this point facing TEAM RCD, I don't know where this goes in the future, et cetera, or ultimately where it ends, but it's not something that I'm involved with. I've been screened from it and just want to make it clear that, it wouldn't really be validated to go into a closed sessions scenario at this point because we're not facing the litigation.

RC: Yes, Teri.

TB: The request came from me, I did ask for it to meet the closed session just because I thought it would be good for us to be able to talk about that letter might be concerning to some of us to receive notification that we could some of our communications could be subpoenaed and I wanted to be able to do that in a safe place. Obviously, we have a representative from the law firm who is sitting in listening at this moment. Unfortunately, we can't have a discussion, maybe a strategy would emerge, but I thought it would be useful, perhaps if we could have

some advice from counsel as to how relevant this request is, is there any teeth there? Is it something we should be concerned about? Something concerning to me?

AG: Yes, again, all that's been sent into TEAM RCD is a hold for documentation, so that meaning you don't start ripping documents or deleting things, you just preserve them. That's all that is exclusively. Like I said, this is between that party and the county exclusively. Well, ultimately, there may be effect depending on what that outcome is, it's not against us. It wouldn't be justified to go into it. I apologize, and I know that's confusing at times, but it wouldn't really be justifiable under the Brown Act to go into a closed session in that respect because we're not really facing any litigation, et cetera. I understand that point, but we have to follow those rules, regulations, et cetera.

TB: Okay, but now we don't have a safe space to discuss this and we can't really get any further information about whether or not we should be concerned. I think you can understand that we as volunteers might be a little bit concerned that we're ensnared in a legal matter.

AG: Understood. It's just, again, then my duty to really, like I said, this is a separate lawsuit not against you, and I don't even know if it's a lawsuit at this point, tell you the truth. I don't know where it's in the process at all, and through that ethical screening, it's a necessary thing that I'm able to be here with TEAM RCD, et cetera. I have that document, but it's not a lawsuit we're facing. I understand the concern, but at the same time, I just don't have any of that information. I'm just got clear of it. I don't purposely go out and try to obtain it. I don't look on the internet for it, et cetera. That's just the process in order to keep it, so I'm not involved.

NP: Question. In that we've been warned to keep documents in the event there is some litigation action, does that mean we're subject to the supervision of the court that will handle the litigation?

AG: I don't know at that point. At this point, I don't believe there's been any public record action request filed or things like that. I don't know where this would go when in litigation, they could request those documents as a public agency and anybody could request any documents, of course, that would be public, et cetera. At this point, I don't believe that that letter was asking, it was essentially a rather broad hold on documents at this point.

RN: Communications, emails, and--

AG: Essentially, it's similar to a request that you might see in a Public Record Act request, saying, some of these says, at this point, I believe it's just a hold. I do not believe there's been a request for documents there may be in the future, but at this point, [crosstalk] to do.

RC: Yes, Jeff.

JM: Just hypothetically it moves forward, how would we be notified? Via email or--
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AG: If what?

JM: If the litigation moves?

AG: Ultimately, if litigation was to move forward, there would be, as you can imagine, the determination that then would have to have to abide by whatever that may be.

RN: Typically there's a complaint filed and then it's served, and then you answer.

AG: There would be some from the judge [crosstalk]

RN: Those that are served--

AG: There'd be an ultimate ruling that-- Yes, that's right.

RC: Does that cover everybody's questions?

SV: For now, we're all committed-- we are all under order not to get rid of any documents and keep everything, correct?

RC: Correct.

AG: Correct.

SV: We' all have to honor that.

AG: Correct.

SV: Then at some point someone could be like, "Hey, deliver all your documents," and also pull us in for deposition or something at some point, or?

AG: I don't know where this would [crosstalk]. It's possible.

RC: Wait a second. We don't even know if there is a lawsuit.

AG: That's correct. Like I said, I'm completely separated and uninvolved.

RC: All right. Okay, let's move on to the next item. I'm going to discuss an impossible vote on whether the attorney-client privilege on the SAWA memo should be lifted. Aaron and Teri?

AG: I can just start on that. If that's all right, obviously, I'm not here to make policy. I often find it as a bad policy, but I'm an attorney, so to me, the attorney-client privilege is a sacrosanct thing that I always adhere to. I think if maybe there's some objective from it, there might be, I would maybe just consider another ways around to try to do that. At the same time, it's not my privilege. It's the client's privilege. There's a thing called, I believe, if I'm correct, I think it's called informed waiver. I know that some government entities do that from time to time.

Where they, for their purpose, whatever their purposes are, oftentimes just to say, "Look, we have nothing to hide." So they'll waive purposely attorney-client privilege. Otherwise, it's usually by accident, et cetera, it tends to be but this would be deemed, I suppose an informed waiver if they wanted to have a vote to do that. Like I said, there's nothing that stops it. It's the client's privilege. It's not mine. It's mine to not break but it's not mine to keep.

RC: Teri?

TB: I just think that it would be useful, seeing as we have this opinion that's been given, that the directors or the public agency should not serve on a nonprofit as directors. It would be useful to seek a second opinion. I know for example, our state office, California RCDs, they have directors serve on their board and it's exactly the same situation where you have California RCDs, the nonprofit has been set up to serve the interests of RCDs. Like with SAWA, it's possible that there could be a conflict of interest that arises. How do they get around that? I'd be really interested to know. I don't see that there could be any harm in getting some sunlight on this, because right now it's just an opinion within our board.

AG: That's right. I think, if I could just really quick, this is an interesting dance. The agenda is just to lift the attorney-client privilege of this document. We don't want to talk about what the document itself is. It's always been-- [chuckles] I think it comes down to the-- Forgive my interruption, please. Teri, go ahead. If you weren't done. I'm sorry.

TB: No, that's it. Sorry. I just want to take advice from elsewhere.

RC: Yes. Right.

RS: Isn't there another way to get that information from other organizations without showing our stuff? If we were to just do a survey of other organizations, what is your associate director policy? How did you come about it, something like that, without getting into the specifics of what our legal team might have said?

RC: Can I just interrupt? Are you done?

RS: That's my question.

RC: If you've been in enough legal battles and it's just in general, if you've ever had just one attorney, you never, ever, ever want to give up attorney-client privilege, because once you do, then all bets are off folks, that it doesn't matter just for this one item. If there was legal action taken against this board, and they say, "Well, we've got to get those documents from Jeff." The thing is, is we could say, "Well, that's attorney-client privilege. You can't have those" and they say, "Oh, I'm sorry. On April 13th, you waived an attorney-client privilege and so now you've set a precedent," and there's, in my opinion, and it's only my opinion, that we need to protect this whole board.

Rae's suggestion might be very well taken, that is there other ways to get this? At what point did we start attorney-shopping everything that we do? If one person or two people or three people don't like it, then it costs us money to get a second opinion. Then what? We're back to the same place and we've spent \$15,000, \$20,000 to get the opinion. Now, in that document, I can't say but it is a funny dance, isn't it? It's difficult to have, and so I beg this board to be very, very careful about that, because once you let it go, it's a slippery slope.

AG: If there's any questions, of course, [crosstalk]

RC: Legally, Aaron can answer this better than I can but I always told you don't do it.

RS: Well, as she points out, Aaron if you have something specific in a letter that you've got attorney-client privilege, but that's the specifics of a general topic, and you waive the privilege so you can put that letter out, are you in danger of waiving privilege for everything that ever covers that topic that that letter was specific about?

RC: You can sue anybody for anything. [laughs]

RS: We waived it for this one specific purpose on this letter, but it talked about this general topic. Now that general topic is that putting us in danger of waiving.

AG: Not really, no. It tends to be tied to that. Now, at the same time, I've never had a client waive a privilege, so I wish I had a better answer [laughter] but they never do this.

PB: I have a follow-up question.

AG: Yes.

PB: She alluded to the fact, Rose, excuse me, alluded to that it was a slippery slope. Is that true? If you do it one time, do you have to always do it?

AG: No. One could waive this and then not waive on another legal opinion, of course.

PB: There's no relationship to this one, to other ones?

AG: No. The attorney-client privilege carries forward for everything else that we would do. There would be a specific waiver for this.

PB: Well, I'm just saying the argument that says if you do it once, you always have to do it. Is that some argument?

RC: No, my point being is that you don't always have to do it, but you don't have any idea what the other side's attorneys are going to make you do.

RS: I gave an example that has nothing to do with the actual letter. Years ago, somebody in the attorney general's office wrote a thing about waterboarding.

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PB: About what?

RS: Waterboarding.

PB: Waterboarding, okay.

RS: That came out-- Let's say we had an opinion from our attorney about waterboarding, and we decided to waive the privilege so we could go ask other organizations if they do waterboarding. My question was, if we waive that, does that open the door to talk about our other techniques, our other ways of doing things because we waived the privilege to talk about waterboarding? Now anybody comes to ask us about the overall general topic of interrogation techniques, had we waived the privilege?

AG: Let's just say that it becomes trickier because you do open a door to something and then it does open a door for somebody else to say, "Well, by waving that privilege in this memo, where does it end and how far does it go? It is true. It opens up certainly the argument as a no and as a gentleman in the room there are most of you-- our attorneys can argue about anything. I would think that once you waive that privilege-

RS: The doors open.

AG: -it could open up beyond maybe where you want to go, and then it becomes an argument. If there's other ways to do it, I always would advocate to hold the attorney-client privilege. Again, I'm an attorney, it is an important protection, typically for my clients.

PB: Can I ask a question? What's the difference between your client as the board and your client as an individual director?

AG: I represent the board. I don't represent the individual directors. It's the board collectively so I wouldn't be your legal counsel individually. I would be your legal counsel in the sense of guiding the board.

PB: Yeah.

AG: Correct.

RC: Rick.

RN: Being in business 50 years, I've litigated a few things as planton sometimes detective too, but the attorney-client privilege is an important item of any company and representation, pro to con. I've seen it open up and it's ugly. It can be really ugly as you just stated.

AG: I would agree with that statement.

RN: It's a sacred thing.

TB: It seems to me like waterboarding is one thing, and you could really understand how opening one

[laughter]

[crosstalk]

TB: -waterboarding is.

AG: It's definitely not a topic I understand.

RC: It's water. [laughs] It's a natural resource. [crosstalk]

TB: I think this is a very different issue, and it has to do with structure and the structure of governance, and it's just basically seeking input. I don't see anything sinister here, but I do struggle with the advice in this memo. It's not a question of attorney shopping, it's a question of trying to verify and validate this. No disrespect to attorneys.

I do think that what they do is identify risk and try to avoid it at all cost. I think sometimes, clearly not you Aaron, they identify risk, but they don't also identify the risk of not doing something or doing something differently. In my opinion, everything in life carries risks. I think that there needs to be an assessment of risk across the board. That's why I'm struggling with this particular memo and why I would like to get input from other entities that are similar to ours as to what they think of it.

RC: Newt, you had questions.

NP: Yes. I feel like every time we seek an opinion from an attorney and pay some pretty decent money for it like we did in this particular case, we shouldn't be looking for somebody else to verify what they did and said. We have to have confidence in the attorneys we work with, but we can't be going behind their back every time they provide an opinion to us and seek to undo what they presented.

RC: We have to have some--

SV: Are we opinion shopping? Is that what we're doing? We're just looking for the right answer that suits us.

NP: That's what I understood Teri to say, that we need to challenge the opinions that we get. If I'm wrong, correct me, Teri, but that's what I understood you to say.

RC: I would also like to add, what kind of confidence does that show in our own district counsel? You're basically saying, "We're throwing you under the bus because one person doesn't agree. We have already voted on this before and it keeps coming up. As Rae is suggesting that it's possible to get the information. Maybe we spend

the money to ask Aaron to what? You've already-- not you, but the former District Counsel and with-- I guess you have to approve it through somebody. Somebody has to sign off on it, right?

AG: It would've been the County Counsel. I can't. I should not say that. I don't know. I didn't write it.

RC: Exactly, but I'm saying that it has to go up a chain. The attorneys, and it can't just willy-nilly. I guess. I don't know. What?

RS: I'm stuck on why is it so much about legal question. Didn't you say something about the CARCD had a policy that's [crosstalk]--

TB: They only have directors serve on their board.

RS: My question is why can't we just reach out on a non-legal basis to say we're looking at best practices, how did you arrive at your policy on X, Y, Z? I don't know why we have to reveal any legal thing in order to do that. Maybe they're willing to discuss it and maybe even throw their legal at us. [laughs] They don't see why we have to reveal any legal conclusion in order to reach out informally to other organizations about best practices.

AG: If I could make a suggestion. First of all, this could always be brought forth again. It's anybody's right to bring forth an action item that doesn't necessarily go to bed. It could be brought up again. As I said, I represent the board, but I'm also able to interact, obviously, with individual directors, et cetera, in those kind of capacities or where I send advice out to the directors separately so we don't violate Brown Act discussions.

RC: Are you able to reach out to other attorneys or organizations without revealing that just to get a basic idea?

AG: I could do anything that this board tasked me to do.

RS: Then it becomes legal. We're part of an association, the CARCD, and it's got other members. Isn't part of that membership the networking of best practices? Isn't that part of why you're in it, is to share best practices? I'm still stuck on that question. Why aren't we just informally, non-legally reaching out and not paying for an attorney to issue that? [laughs]

TB: Exactly, and I'm not proposing that we spend any money on legal. I just would like to be able to explore how other people are doing. If this is what we've come up with, what do you think about this approach? It doesn't necessarily have to, but I don't know that having had this opinion in stone, if we came back with other entities, best practices that were different than ours, we're still stuck with our opinion. To your point, Newt, no I don't think I've challenged any other legal opinion, and I'm not opinion shopping. It is an opinion.

AG: If I could just add something. I know people's hands are up, forgive me. Just to carry over as a part of the conversation. The memo I was providing was a specific question asked of that attorney and they provided an answer. As you know, things tend to be in legal opinions, set in a stone that this is what this means, et cetera.

Sometimes it's not. Sometimes there's gray areas as well. It doesn't mean there couldn't be other actions, objectives, things like that, that could come around it and then say, "What if we did this? Would this be something that could fit within still, the understanding of the memo, et cetera?" It doesn't mean that there's not other ways to explore maneuvering around within it still without waiving necessarily attorney-client privilege.

RC: Exactly. Jeff, you had your hand up.

JM: As a new board member, I've gleaned that this particular memo is about best practices.

RS: In a way, yes.

[laughter]

JM: If that's something that's available.

RC: We can send it to you now that you're a director.

JM: Thank you.

RC: Is that all you wanted?

JM: That's all I wanted.

[laughter]

PB: I'll take a copy too then.

JM?: What if I can't participate in a discussion?

JM: Can I have a copy of that, please. Thank you.

TB: Why don't we table this?

RC : Rick. Okay, good. Teri **[unintelligible 00:56:46]**.

RC: Go ahead, Rick. You next and then Teri.

RN: When we're going about getting these opinions from other RCDs, I don't believe that there are other RCDs with a very similar or same organization that SAWA is. Maybe that's the first research. Let's say you go up at the Central Valley and there's four or five RCDs. Do they belong to another non-profit that has representation or

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designee's for them and work in a different capacity? I think that's understanding, really, the first question of why it is what it is.

RC: [laughs] We're all trying to say whatever it is.

RN: Do you understand what I'm saying, Teri?

TB: Yes, but I think the CARCD is a very similar situation.

RN: No, not at all. Look at that first. Go to some other place in California and see what and how there-- is there a similar structure as this is.

RC: I'd be interested if there were a similar structure also nationwide too.

RN: I don't think there is. I think it's very unique and special.

RC: Let Teri finish. Oh, you want to say something too? Go ahead.

SV: When you said best practices, is it only the board members allowed to say the best practices or everybody?

NP: This is a document to board members.

[crosstalk]

RC: Yes.

[crosstalk]

JM: I was referring to the doc.

PB: Here in lies the rub.

JM: Oh, okay. Sorry.

RC: Teri.

TB: I'm happy to table this and tell at least the other directors to have a copy of the memo.

RC: Yes, that would be helpful.

TB: They can bring this up another time. Thank you for the discussion, everyone.

RC: All right. Let's go on to new business.

NP: Excuse me. I'm sorry, does that mean we're tabling the--

RC: Tabling it until the next.

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TB: Indefinitely [crosstalk]--

JM: Tabling to the idea of going to the private session?

RC: Oh, indefinitely.

TB: No.Uhh...

RS: No. She's asking to table--

NP: Because that was what was on the agenda here to talk about.

RN: She's tabling it indefinitely until the other board members [crosstalk]--

JM: [unintelligible 00:59:03] tabling here.

RS: No.

RN: Item 5.

RC: Item 5.

RN: We went to five.

RS: It's not closed session.

RC: It's not closed session. Item 5.

RS: The closed session thing, Aaron addressed that we couldn't do that, and then we had the discussion about the litigation hold.

RC: Shall we move on? Item number 6.

PB: I have one question, though. At the beginning of the meeting, I brought up something that you said, "Oh wait, we're going to talk about that now." I don't think those were related when I asked about the action item that was removed from the agenda. Was that something that you wanted to talk about [crosstalk]--

RC: It never made the agenda?

AG: No.

RC: No. Next meeting.

AG: Next meeting. We do have this item coming up, future agenda items and we can make clear, just [crosstalk] future--

RC: Yes. We'll put it in there.

RS: Right now we're still on the urban ag grant, yes?

AG: Yes.

RC: Update on the urban ag grant is right now we don't have anything. I left several messages and they haven't gotten back to me. I'm guessing that within at least a couple of months, they will have some sort of answer on that. I also got contacted by Ms. Tams wanting to know where we were at, and I said, "I don't have an answer yet, but as soon as I have one, we will let you know." New business. Discussion and vote to approve changing monthly meeting times from 16:00 to 15:00. Jeff, were you in the military? [laughs]

JM: No, but I have made mistakes before.

[laughter]

RC: Is that your watch that said it's 16:00?

JM: [chuckles] No. I've made mistakes. Not PM in email [unintelligible 01:00:50]. I'm actually going to propose that, at the moment or for the moment, we table both of these items.

RC: Okay.

RS: Can I just ask what your thinking was in moving it earlier in the day?

JM: As I said in my email, I'm not sure which one of these two items should've come first. [chuckles]

RC: Yes. I just put them in the way you wrote them.

RS: Were they related to the availability of--

JM: If we were going to consider moving meetings to POR conference room, the one hurdle, or small hurdle there is that it will close at 5:00. From 4:00 to 5:00.

RC: You have to be out by 5:00. [laughs]

RS: Tabling that too.

RC: Tabling that too.

RS: Both of those things.

JM: We have a very large table.

RC: Let's go to old business, homeless monitoring reports.

NP: The last couple of meetings I've talked about it being relatively status quo with respect to the monitoring activities taking place. Over the last year or so, we've seen status quo for one month to the next, and then occasionally some improvement or some change. This has, in fact, happened in March in Temecula Creek channel AD 159. There's no change in terms of change in activity that has been monitored there.

With respect to the Santa Gertrudis channel, still some activity in parts of that area. One of the camps that has been specifically identified in our reports in the past has been cleaned up. Now, that's all this report says. I don't know why that happened, but I would hope that our reporting to the account to the city, that the situation in the sites that they have jurisdiction over and continually reminding them of where they have this activity, maybe led to a cleanup activity at Santa Gertrudis channel. Anyway, it's good to see.

PB: I just want to ask you a question. In this really rainy season with all the people living in all of the drainages and all the waterways, has the Homeless Outreach team been more successful in getting people out of those areas or has it made a difference with the increased water?

NP: I would suspect, but I don't know for a fact.

RC: Usually, if the water's rising, they move themselves. The problem is they move just somewhere else. It's to higher ground.

PB: They've just moved so many. It's been so high for so long this year, I just wonder if that's really had a negative effect on that. Thanks.

NP: With respect to the Lake Elsinore Homeless Task Force, that is status quo. Their meetings have been a little less well attended. It's more of just covering their day-to-day activities and making sure they report on them to the group as a whole. Such things as giving Lake Elsinore updates, their alert of Lake Elsinore campaign, code enforcement updates, law enforcement updates, updates from SWAG who runs The Anchor, and some of the other homeless activities, homeless shelter-type things that they have.

They also always comment on funding updates. Project Homekey set aside a grant awarded at \$700,000 to them where it's just going into improvements at The Anchor. Finally, one of the things that they're doing locally there is reaching out to churches in the area to see about providing meals on a regular weekly basis for the residents of The Anchor. The first dinner was delivered by the First Christian Church of Lake Elsinore. Going forward, they'll provide dinners to residents weekly on Mondays. Using that as a model, they're looking to other churches to step in and do some similar things.

That's it. That's the kind of activity that takes place at these meetings. They're making sure that they stay on top of the homeless situation in Lake Elsinore. Everybody who attends these meetings is very tuned into the problems, the difficulties, the drug addiction, alcohol problems that make it so much harder to deal

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with a lot of the individuals. They've made some headway, and when they do, it makes them feel really good as attendance to the meeting and they feel like they're making a contribution locally.

RS: Has there been any increase in shelter capacity or any talk of that in our district area?

NP: There's some. It's real expensive, and it takes a lot of work to get the funding from the government. They are continually looking at places where they can add residential capacity to Lake Elsinore.

RC: Is it true that they prioritize women with children or families? Do you know that?

NP: I've never heard that spoken as a priority.

RC: Okay. Yes, Rick.

RN: I know in the City of Corona they do. Definitely.

RC: All right. Thank you.

RS: That also depends on their capacity. There tends to be more women's shelters built than men's. Then we end up prioritizing for what you have.

RC: Item number 2, Anza/Aguanga. Teri?

TB: Nothing.

RC: Item number 3, Flood Control and crop swap reports. We're getting to the end of the year for our flood control for our projects. We are under the assumption they are going to re-up that. The numbers have to be calculated and then we submit. Ahmad who has been there for so many years is retired or is retiring in the next month.

RS: Imad?

RC: Yes, Imad. They're going to go and live their happy life, I guess. Item number 4 now. Long-range strategic plan, Jeff.

TB: I have a question about that. In terms of the negotiations with Flood Control, who from TEAM RCD is involved in that?

RC: Me.

TB: That's something I'd be interested in participating in.

RC: Okay. It's more of a formula that comes back to the board and they can review it. It's a formula that's based on each thing. Basically, you can rip that thing apart and start saying what you want to change as a board. It's pretty cut and dry. We do the same thing every year. The same projects.

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TB: Isn't there a meeting where you go and you sit down and you identify the facilities?

RC: No.

TB: They just send you something and there's no conversation?

RC: No. Go ahead. Wait a second. What they do is they tell us what projects they need and then we go out with SAWA. We have SAWA go out. They calculate what it's going to cost for whatever. We send it to them and then they say, "Okay, this is a good number. We'll take that." They've never asked us to change those numbers ever. It just gets added as another project.

This was done with Jeff Brandt when he was at CDFW. He first only gave us four projects. He said, "I will allow TEAM RCD to do four in collaboration, but I want a metric and I want to see what happens after those four and what the actual feedback is. Did you crash and burn? Did you do a great job? Did you do mediocre, half and half? What?" That's what he wanted to see in order to make this kind of a project our project.

Because on the other years before we came on to suggest this collaboration, there wasn't any accountability for doing things so it became a very untenable situation. Flood at that time did not reach out to this organization. Our job was to show Flood and to show CDFW who was very disappointed in the way things were coming around as far as the things they were handling at the time, that he wanted to be very careful not to bite off more than we could chew.

What we did is we did four projects. We went through that and it was a six month thing, and then we brought it to CDFW in which Jeff reviewed it. We sat down at a meeting, he was happy, Flood was happy, and we were happy. He said, "Okay, I will let you do seven more projects, okay? Basically, don't screw it up." We all worked very hard and we came back at the end of the year, and the numbers were always right for Flood. We performed as we were supposed to.

What I was trying to propose at the time to Flood is that we and our partners know how to do this no-go zone stuff much better than Flood Control. You had a problem with CDFW and with Flood because when Flood says they want to go work in an area, all CDFW could see was a big D9 scraper. [laughs]

RN: That's what they did.

RC: That's what they did, right? You had this lack of trust between two organizations. I went to Flood, I met with these people and I said, "Look, let our people do the no-go zones. You can scrape off your center, do whatever you need to do there, because you're allowed to do that in your flood zones, and let us take care of this. We will give you the reports. We will do the reports. We will do it much less than it's going to cost Flood Control to do because we don't have the kind of an expense that a Flood Control District does with insurance and benefits and all of this other stuff."

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SAWA probably has all of that, but it's not on the scale of a city governmental thing. After a year, we met again and Flood was thrilled. CDFW was thrilled. We got all the reports in, on time, by the 31st of December. They just added one more, which is over there by the hospital. I can't remember what the--

NP: VV.

RC: The VV channel. They're hoping to add more. All of that with our percentages, will hopefully just have a good cushion for us with us not having to think about it too much. Now there's a set pattern of what gets done on those things. There's really nothing we have to do but calculate the numbers.

RS: Which we did. We have 13 in there now. Basically, Flood is telling us what the projects are, not the other way around. We're sending that out to SAWA and we say, "Okay." It's either from the prior year or it's a new project. They gather the information on what they're doing. They plug in what they think their budget is, and it's basically four categories. It's their staff, it's herbicide, it's equipment, and it's transportation. They calculate all that, "Okay, this is what it's going to cost us for a year to do this project, to maintain this area." The calculation then runs through our little spreadsheet where we get a percentage here and there, and it bumps it up.
[laughs]

RC: A percentage for administration.

RS: For the administration of these projects.

RC: It's not a negotiation. We don't sit down and pound down anything because basically--

RS: Yes, we don't.

RC: How the contract runs is that they give us X amount of money up front when the contract starts, and they have to give us 50% to start work because their year ends on the 30th of June. We ask for that money. I always start asking in May. We don't get it until--

NP: July, August.

[crosstalk]

RC: No, we don't get it till October or November.

RS: No, we got it in August last year, but it wasn't easy.

PB: When's the ask, May?

RN: Fiscal year.

RC: Fiscal year.

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RS: As soon as we get the budget in numbers from SAWA, then we start doing the calculation for asking for the deposit.

RC: It's done in a drawdown. We created it this way. It's because what ended up happening is that SAWA estimated X, but James and his crew were so fantastic that they were able to actually-- honestly, we were dealing with locations that probably hadn't been touched in 20 years. You can imagine what kind of undergrowth and all of the stuff that needed to be taken out, you name it, had to be taken out. They gave a big number and thought, "Okay."

What happened in actuality is that by combining some of the crews that were in the same area and working that way, and then they got this climber machine so they could mulch things right there without having to drag anything out. That saved a lot of money, that a lot of those costs were halved.

What we at that time then say, "Can we go in again and hit it again before bird season or at that time to try to get ahead of this thing?"

Because if we don't get ahead of it now we're bound to have another big rain season at some point, and it's all going to grow back and we want to be able to catch up for the 20 years nothing was done, or very little was done because the Flood Control did not have the biologist to be able to do it correctly. There was this battle all the time." Nobody has any complaints. It's the way it is. It's a very good successful program that brings in consistent money for this district.

RS: We receive monthly detailed reports along with the invoice from SAWA.

RC: The final reports, all but done?

RS: The final reports of--

RC: They go to CDFW, and we've met our obligation.

RS: Yes, At the end of the year, everything goes up to CDFW. We maintain Airtable or we do project management, we maintain all the reports there. We haven't yet, and we certainly can give each board member view access to that. You can look at the individual projects, what the budget is and what they are. A couple of weeks ago I asked James at SAWA. I said, "How are we doing? A couple of these look like they've exceeded the 50% deposit," and he said, "I'm sure we're going to finish up within budget. It's no problem." We are monitoring it, and we have in place a way to monitor it. Israel says, "There's not really any negotiation room at this point." The costs are what they are--

RC: They have a certain budget.

RS: -the projects are what they are. [laughs]

RC: Yes. Flood has a certain--

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RN: It's not all the same.

RC: Yes.

RS: No.

RC: Flood has a certain budget that they're trying to stay within, and they let us know what that is, and so we back it out. Basically, what's it going to cost to do this project? Can we still maintain our percentage and are we going to come in? They have yet to fail.

RS: I think last year, didn't they say all the projects had to come in under \$999.99?
[laughs]

NP: Last year there was more--

RC: There was more projects.

NP: Last year there was more than just V and V that we all kept doing. V and V fit into their budget. The other three projects did not.

RN: We started those this year, which is the Murrieta Creek, which they did a really good job. So literally, driving across Rancho California Road, and you look north and you look south, and how nice it looks, that's the SAWA team that went in there in between some of the big downpours. Now what you've got growing is the river cane that **[unintelligible 01:17:29]** used to use to make baskets.

RC: Hey Teri, I need those bags of seeds.

PB: It's growing there and it's about this tall.

RC: [laughs] Let's go and just throw them out.

RS: They would give us more projects, but they have an overall cap, and so we try to balance that out.

TB: As I understood from their presentation last year that we're coming up to a new five-year contract, and they wanted to increase the amount of money.

RC: They've increased the project. They have to go to their board and ask for more money to cover those. It wasn't in the five-year. That's why.

TB: Where are we with that? Do we think that they're going to return and give us a larger contract this year?

RC: We would hope so because there's going to be more projects to do.

TB: What are the new projects?

RC: We don't know yet. We've got the VV channel, whatever. They try to release us as they can, and in conjunction with federal funds and these other things that they're dealing with there to try to get-- I shouldn't say. That's a pretty blanket statement. The moneys that came from the federal government for Temecula Creek were done in phases. Right, that's why we were held up between Rancho California Road, doing the clean out and et cetera because the funds hadn't been released yet. I'm sorry, Jeff, you've been waiting patiently.

JM: No. I just wanted to underscore it would be great to get the project list.

RC: Even until we get it all together, it is in the May packet of 2022. If you look for whatever agenda it is, it has a discussion of contract with Flood Control, blah, blah, blah. That had to be approved by the board. You can find at least a preliminary if you're--

JM: It seems like in this recent annual report, there was a pretty strong summary of most of those projects.

RC: Yes, you have to submit a report to CDFW on each project and each project that involves your long-term Streambed Agreement. Yes, Rick.

RN: I think the other important thing is to do with Flood, is that they have ongoing projects with the Army Corps of Engineers that may not have been completed yet. A lot of times when those projects are under construction, they're not kept up to what the Corps expects the districts to maintain them at. They need additional work. That would indicate the size of some of those annual budgets are changing.

RC: I think that's what Bob Cullen was talking about, that there were still some things that needed to be done up here.

NP: Especially with this.

RC: Yes, IN Murrieta Creek, at this particular situation. We were having to wait until they gave us the A-OK. We're hoping that it is one of those.

TB: I think it's been handed over to the city now. The Murrieta Creek is really a priority, I think, because it's just filled with Arundo and Tamarisk. I know SAWA was looking to find more Arundo to eradicate. I just don't know why--

RC: The whole hold up is at Flood.

TB: If there was any way to get Flood Control to possibly add that in as a project, I think that would be a huge benefit to [crosstalk]--

RC: I think their intent is to do it, Teri. As soon as they can get the money because we pounded them about it. I think we harass them about it.

RS: We do have priorities assigned. Who's setting those? Is that according to the floods?

RC: That's according to Flood. That's predominantly based on how long it's been neglected.

RS: There are levels of things.

RC: They've got people out in the field and they'll turn around and say, "Hey, can you get somebody out here to whack this down and start pulling Arundo or whatever because we're going to get behind on it." We let them call James because James is the one we would call and we'd say, "Okay, this is what they want." They always keep us in the loop. Then James can coordinate his crew to go down and do an inspection to see how bad and how is it going to affect the budget? Yes, Rick.

RN: Down here, the biggest problem is not Arundo, but the biggest problem is Tamarisk.

RC: Tamarisk, yes.

RN: Tamarisk is the big problem here.

TB: Just one further quick comment about that. I was in a meeting about six months ago in the city of Temecula, and there was a comment that was made by one of the city reps who said that they were trying to get some facility handled because there was such a lot of homeless in the area, and it was a Flood Control facility. I was wondering if we have communication with the city as well because it might be useful to go to Flood Control and say, "Here are some of the priorities that you might consider that we know as the local knowledge on the ground." [crosstalk]

RC: If you've noticed, one of the things that I put into this project when I first proposed it was monthly homeless monitoring. Now, what happens is when our guys are out there and they're already doing that work, then if they see a homeless person, one, they do not approach them, they do not remove them, they do not get anywhere near. They put it in the report, they get the report to us. Newt takes that and he lets Michael Wooten know. Our contact to keep that. He will contact the various cities. In case you didn't know, this is also what Newt does, to, "Hey, we're aware of homeless down there, you have to do something."

Those same monitoring reports go to Flood because they have the ability to say, "Okay, maybe those people aren't there. We've got to get that cleaned up because we don't want it floating down to Oceanside, wherever it is." We've done our part because we have no enforcement ability and we are not police, and we don't go down there with them and we admonish our guys and girls that are working down there to be very careful. They usually know and they can see, and they've worked with homeless situations before. Does that answer your question, Teri?

TB: No.

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RC: The deal is the monitoring reports come from SAWA working in the field. If they see homeless, then they let us know. They probably also let Flood know at the same time because the monitoring reports goes to both of us. Then Newt will contact the local people because they're the ones that are supposed to be enforcing that. It's worked fairly well, actually. As Newt said, there's only the one that's the problem, Santa Gertrudis, right?

NP: Yes.

RC: The other one.

NP: There's been some cleanup in Santa Gertrudis over the past month. Temecula Creek channel AD 159 is pretty much still in the same situation it has been for months.

RC: We can't go out there and do anything because especially if there's needles and hazardous material, et cetera.

NP: We've invited Mike Wooten several times to come to one of our board meetings and give us a presentation on what his organization is up to. Rose and I have met with him a couple of times in his office, but we still haven't been able to get him to pull his group together and come to one of our meetings.

RC: We'll keep trying. Okay, anything else?

RN: The city of Murrieta.

RC: Okay. Oh, long-range plan, right? Strategic plan. Jeff?

TB: I thought that the way we left it last month was that you were going to see if there was someone who could preserve as a [crosstalk]--

RC: I just wanted to know if you guys had anything that you wanted to say before I tell you what it is that I learned.

JM: I don't have anything to offer on that. Then our next meeting have a good structure for the project management to present to them at the board.

RC: Okay. This is my conversation that I had with CARCD. The tier 1, we had quite a bit of stuff that we did get accomplished. I explained to the nice lady. We did that with a grant. The grant at that was \$10,000, actually \$9,900 and something. That was in 2017, to work with a guy named Bill Long at Solid Ground Consulting. He did an amazing job. That money isn't given to-- it's not given to us. We were trying to make the basic tier 1, so as an underserved RCD, we were awarded the \$9900 it would take to start us and get us through tier 1.

We didn't get the money. What happens is they say, "You've got \$9900 or \$10,000, and then once your consultant is done, he has given us a quote that to do this for

you is \$10,000." His bill was \$9900, I guess. Then he comes in and CARCD pays him directly. We never get that \$10,000. It is paid on our behalf to get us to tier 1. Now, let's talk about tier 2. Tier 2, I asked her. I said, "Do you have those funds available?" She says, "Hopefully, it won't be much longer, but we are still waiting to see how CARCD is going to distribute grant funds."

But, she says, "We have funds, but we haven't got a concrete plan like we did on tier One. What I need you guys to do is write a proposal as to what you would like to have this consultant do, and what things you're looking at, et cetera." Then we will send that out and we will take a look at it. If it's going to help the RCD and then CARCD, they decide how much funds for what we want to do, they may or may not be. It's like applying for a grant, and they will do the same process.

That's what I'm tasking the two of you to do, is come up with something like that so we can get a proposal to the board that they can look over, add what they need to add, and then we should all agree on that's what we want this person to perform and then see how much it's going to cost and see if they'll give us the money. That will make life easier for you and Teri. It'll make life easier for the entire board. This guy is really good. He really saved us. It was laborious to get all the information he needed. But we had a whole day that we took to give him what he needed, but it was worth every cent.

NP: Is he still available [crosstalk]?

RC: He is. He's still alive.

NP: That wasn't my question.

[laughter]

RC: He lives in Helena, Montana. He's cryogenics. He's probably well-preserved. [laughs] On the future agenda items, I'd just like to note that I have it for election of officers for the president. What was the other one that we were talking about?

TB: Associate director.

RC: Yes, the associate director.

PB: And the minutes

RC: The minutes.

TB: I just would like to say that behind the scenes, some things go on. Sometimes they are not apparent. I did request that the election of officers be added to this agenda because it was pretty clear to me in February and all of us. I think that we said two months and the associate director, we discussed it pretty extensively last time. I worked with Aaron over this last month as well as drafting a proposal. I requested that those items be added to this agenda. I sent in my request on

Thursday, which is the deadline. I heard nothing back. No acknowledgement of my request. On Monday, the agenda was posted. I asked where the--

RC: Is that part of future agenda items, please?

AG: We'll have the extra item coming up. We can talk about that at the next one [unintelligible 01:30:02]. Right now we're just putting things on the future agenda, and we shouldn't really be talking things that we're adding to the future agenda. I understand, Teri. I apologize.

TB: No. I'm sorry. This needs to be said. Okay?

AG: We can't talk off the--

RC: We can't talk off the topic.

AG: We can't talk off what we have in our [crosstalk]--

RC: You can bring it up at the next meeting.

AG: We can talk about it [crosstalk]--

TB: I'm talking about agenda items that I tried to add. Okay?

AG: I understand.

RC: No, but that's not the--

RN: It's not germane at end of the meeting.

AG: We'll put them in and then we can talk about the history of them at our next meeting. If you want to send it to me directly, we'll make sure they get included. Then we can talk about that at the next one.

RC: Can I have a motion to adjourn?

NP: So moved.

RC: Can I have a second?

JM: Second.

RC: All in favor? Rose, aye.

NP: Newt, aye.

JM: Aye. Jeff.

RC: Teri?

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TB: I'm just going to take a minute here.

RC: We have a majority.

NP: We have a quorum.

RC: We have a quorum too. Pablo, do you want to--

PB: I'm letting her take a minute. She said she wanted to take a minute.

RC: She can. I'm giving you the next minute.

TB: It is absolutely appropriate to talk about the process by which agenda items are added to the agenda. To be shut down as I'm trying to explain how they weren't added to the agenda is completely inappropriate. I want my comments to be noted in the minutes. Okay?

RC: Okay.

RN: I think Counsel has already advised you that it is not appropriate.

TB: And I don't think you're a voting director, so this has nothing to do with you.

RN: It has nothing to do with me voting or not.

RC: It doesn't. If you guys are abstaining, are you voting?

PB: Are you done with your minute? Do you want to still compose yourself or think about what--

TB: I see where this is going, so yes, I'll vote to adjourn the meeting.

RC: Pablo?

PB: Yes.

RC: Thank you very much.

TB: Thanks, Pablo.

RC: We will see you next month.

[01:32:33] [END OF AUDIO]