

**MINUTES**

**TEAMRCD**

**Temecula-Elsinore-Anza-Murrieta Resource Conservation District**

**Regular Board Meeting**

**Thursday, June 9, 2016 4:00 PM**

**Truax Building  
41923 Second Street, Fourth Floor  
Temecula, CA 92590**

**I. PRELIMINARY FUNCTIONS**

**Call to Order-4:00 pm, meeting recorded by Rose Corona**

**Flag Salute**

**Roll Call/Establish a Quorum:**

**Directors Present: Rose Corona (President), David Kuhlman (Secretary/Treasurer), Carol Lee Brady, Michael Newcomb (arrived late)**

**Directors Absent: Viki Long**

**Associate Directors Present: Rick Neugebauer, Dave McElroy, Randy Feeney (arrived late)**

**Deputy Counsel Present: Melissa Cushman**

**NCRS Present: Bob Hewitt**

**Guest Speaker Present: Mandy Parkes – Inland Empire RCD (IERCD)**

**Public: None**

**MOTION TO APPROVE AGENDA:** President Corona called for a motion to approve the agenda, with one change so that nominations would be addressed prior to Mandy Parkes' presentation. Motion to approve the agenda as amended was made by Director Kuhlman. Seconded by Director Brady. Call for vote. **Motion passed 3-0**

**II. CONSENT CALENDAR/CORRESPONDENCE/FINANCIALS**

President Corona asked for a motion to approve the consent calendar as given, and all correspondence. Director Brady moved for approval; Director Kuhlman seconded the motion. Call for vote. **Motion passed 3-0.**

### **III. ACTION ITEM**

#### **Item #2 (moved up): Nomination and Election of Officers for the year 2016-2017**

President Corona noted that the office of President had already been addressed, and opened the floor for nominations for Vice President and for Secretary/Treasurer.

Director Brady nominated Director Kuhlman, and President Corona seconded the nomination. Vote taken. **Director Kuhlman was elected Vice President with a 3-0 vote.**

President Corona nominated Director Brady for the office of Secretary/Treasurer and noted that other directors were absent.

General Counsel Cushman indicated that they should be present in order to be nominated. Vote taken. **Director Brady was elected Secretary/Treasurer with a 3-0 vote.**

### **IV. SPEAKERS**

#### **Item #1 – Mandy Parkes – Inland Empire Resource Conservation District (IERCD) – Understanding Endowments and Endowment Calculation**

President Corona introduced Ms. Parkes and provided some background on the topic of endowments and endowment calculation; specifically, as it relates to Benton Channel. She noted that interest calculations will be important in determining the appropriate amount of money in order to perform the work where the RCD is handling a project in perpetuity, especially since money in the bank makes nearly nothing anymore.

Ms. Parkes began by inviting the Board to ask questions or request clarifications at any time during the presentation. As introduction, she said that IERCD had been taking mitigation projects since 2004 - conservation easements and mitigations. During some of the older projects they learned some tough lessons about the impact of underestimating, in light of the suite of requirements imposed upon the District by the agreed-upon document (conservation easement and mitigation agreement.) She further explained that failure to calculate interest creates a situation where the endowment is "wasting". In addition, salaries increase and cost of living continues to rise, and if inflation isn't added into the cost the amount originally calculated will eventually become insufficient so those two factors are needed in determining long-term requirements.

She said that she and President Corona had discussed Benton Channel Conservation Easement (aka Shea Homes Conservation Easement), and the additional layer of management that was going to be required because of an additional development being proposed.

Ms. Parkes briefly outlined some of the responsibilities and reporting requirements for TEAM RCD as grantee of the Benton Channel property, and President Corona confirmed that there was a fund for the site to cover those activities. Ms. Parkes then continued, noting that a developer is now proposing to convey water across the easement in perpetuity, and President Corona confirmed that there was no term.

She explained that the cooperative agreement covering the proposal has been executed between Shea Homes, Valleywide Recreation and Park District, and Riverside Total Flood Control and Water Conservation District. Although TEAM RCD would not be responsible for damage from moving water; but as granter of the conservation easement there may still be impact even though another party is responsible for those impacts. And TEAM RCD will still be spending time documenting, mapping, surveying, communicating with other entities.

Director Newcomb and Associate Director Feeney arrived during the presentation. Ms. Parkes continued to provide extensive information on the calculation process, and there was further discussion with participation from Directors and Associate Directors. Detail can be viewed in the posted transcript.

President Corona thanked Ms. Parkes, and members of the Board also expressed appreciation.

#### **Item #2 – Bob Hewitt – USDA Natural Resources Conservation Service (NRCS)**

President Corona introduced and welcomed Mr. Hewitt, who discussed the background of NRCS, sources of its funding, and the Environmental Quality Incentive Program. He estimated that they receive about \$100 million for California, which is spent on different practices from all over the state including water conservation in Southern California, dairies in the San Jacinto area, mitigation for fire abatement in the mountains, and air quality which ties to a program for farmers to transition old tractors to new.

He also discussed two projects for reservations (Santa Rosa and Ramona) as well as a recent project for the Meadowview Homeowners Association including a burrowing owl study done along with TEAM RCD's survey of sedimentation runoff. He mentioned that the project includes other participants including Army Corps of Engineers, California Fish and Wildlife Service, National Fish and Wildlife Service, Water Quality, Rancho California Water District (RCWD). President Corona also noted Bureau of Reclamation; Mr. Hewitt added City of Temecula; and Associate Director Neugebauer added Riverside County Flood Control (which has offered to come up with some of the funding, according to Mr. Hewitt.)

Associate Director McElroy asked if anyone has checked to see about recharge, and suggested that RCWD might have a geologist that could

determine if it was a possibility. Mr. Hewitt said that he hopes that others do participate, and mentioned that the Army Corps Engineers' 404 permit, California Fish and Wildlife Service 1600 permit may facilitate others working with the NRCS.

Director Brady inquired about how farmers hear about them, and if there is an outreach program or information on the website to spread the word. Mr. Hewitt indicated that anyone can call for information, and that they can go to the USDA/NRCS website (Washington of California.) Or, he said anyone can also call him for more information.

With no further questions from the Board, President Corona thanked Mr. Hewitt and moved to the next item.

## **V. ACTION ITEMS/ DISCUSSION CALENDAR**

### **Item #1: Updates on TEAM RCD Name Change**

General Counsel Cushman reported that the state had cashed TEAM RCD's \$1.00 check and the name change is now official. She said that direction from the Board was needed to proceed with revision of the name wherever it appears, including the website and emails.

President Corona asked Associate Director Feeney to explain the process for updating Board email addresses, and he indicated that the Directors could use either the EMARCD.org or the TEAM.org address and both would be routed to the new address.

President Corona said that the county would be reimbursed for the dollar fee, and that she had started a list of organizations that would need to be notified of the change. General Counsel Cushman said that she would send President Corona a blurb explaining the change for Associate Director Feeney to post on the website. The new logo was then discussed briefly, and samples provided by President Corona (including one created by Director Newcomb) were narrowed down to two, with one additional "hybrid" revised design also proposed. President Corona will present the revision, along with top two choices, for a vote next meeting.

### **Item #3: Discussion of Integrated Regional Watershed Management Plan with Riverside County Flood Control and Water Conservation District and Potential Resolution for Same**

Ms. Cushman said that she had drafted a resolution, with copies in the Board packets; and also brought the original with the "Approved by Counsel" signature on it. President Corona noted, as review, that this was in reference to the discussion at a previous meeting regarding the discussion with Mr. Uhley (from Flood Control).

President Corona asked for a motion to accept and approve the resolution. Director Newcomb moved, and Director Brady seconded. **Motion passed 4-0.**

**Item #4: Discussion and Update on Meeting with Regional Conservation Authority (RCA) Regarding Potential Memorandum of Understanding (MOU) and partnership with TEAM RCD. Discussion and Potential Approval to Direct Counsel to Create a Draft MOU between RCA and TEAM RCD to be Brought Forth by the Next Meeting**

President Corona provided a description of the topic, and explained that she and Associate Director Neugebauer had met with RCA to discuss a potential MOU with them. She said that the meeting had gone well and they were open and receptive. Their General Counsel was in attendance as well. There is one potential conservation easement, the Morgan Heights DR Horton project; but in order for TEAM RCD to receive it, Due Diligence is required – which will take TEAM RCD quite awhile to complete. The DR Horton project may need to move forward before that happens, and so President Corona initiated the meeting with RCA in order to explore possible alternatives. She recognized Associate Director Neugebauer and turned the floor over to him.

He stated that a positive result of the meeting was having another partner in what TEAM RCD does as a conservation district; and noted that partnering with Riverside County Conservation Authority to provide services would be desirable. He suggested sitting down along with Fish and Game to move forward and finding ways to resolve the issue of the due diligence, since expansion of TEAM RCD's easements would be more likely once we get past this.

General Counsel Cushman asked if RCA is very species focused, and Associate Director Neugebauer responded that they are. Ms. Cushman noted that the RCD's preserving and assisting in the watershed conservation efforts could be complementary. Mr. Neugebauer suggested sitting down with Mr. Brandt to discuss the matter, and asked if Counsel should accompany the Board representatives if such a meeting were to take place. Ms. Cushman responded that she would not be the appropriate person, but could assist.

President Corona said that she thought the process would have to be that the Board would make the determination of where they want to go. She said that she had talked with Mr. Brandt, who wanted to impress upon the Board how very important a full understanding of the breadth of responsibility is; along with a clearly articulated vision. She said that he made it a point to remind the Board that the conservation easements are in perpetuity, and taking on the responsibility is a very hard, concrete, and long-term decision. President Corona told Mr. Brandt that she would discuss it with the Board, and would like to see TEAM RCD take on projects that they could manage and work together with all of the RCDs, with Bob in NRCS, with RCA etc., and demonstrate that TEAM could do things well, continuously and consistently. Mr. Brandt was receptive and seemed pleased with the open communication.

President Corona then noted that once she is able to compile historic information gleaned from the EMARCD (now TEAMRCD) archives, it would be a good time to sit down to fully discuss this topic with the Board. She asked for direction from the Board on the vision of the RCD. She also noted that she would not commit the Board to anything before first discussing and passing it through General Counsel and appropriate agencies. This includes the topic of HOAs, about which Mr. Brandt expressed concern because of the frequent turnover of RCD Board members and the importance of holding the line with permits. He was very clear that Fish and Wildlife will be strongly monitoring how projects are handled, but expressed the desire to partner with TEAMRCD, and get to know the organization with the new Board through improved communication.

Associate Director Neugebauer noted that it was one of the most positive notes from Mr. Brandt to date, and Director Brady complimented President Corona on the way she had expressed the Board's position, and President Corona said that Mr. Brandt had a desire to build a relationship with TEAM RCD.

President Corona then asked for a motion to have Counsel draft an MOU in partnership with RCA to be brought forth at the next meeting.

Director Brady made the motion to direct Counsel to create a draft MOU between RCA and TEAMRCD to be brought forth at the next meeting. Director Kuhlman seconded. **Motion passed 4-0.**

**Item #5. Discussion and Potential Approval to Direct District Counsel and President to Authorize Extension of the Water Audit Agreement Between Mission RCD and TEAMRCD, Should Rancho California Water District Decide to Extend the Existing Agreement with Little or No Change to the Existing Agreement**

President Corona suggested that the Board approve a provision to extend the existing water audit agreement between Mission RCD and TEAM RCD in advance, to avoid a repeat of the prior year when an extension was needed but due to the timing of the monthly Board meeting there was a lapse.

Director Newcomb moved to authorize the President to extend the agreement provided there is no substantial change in the agreement. Director Brady seconded the motion. **Motion passed 4-0.**

**Item #6: Discussion and Potential Approval of Decisions to Work with HOAs in the Future**

President Corona opened the floor for discussion. Associate Director Neugebauer noted that TEAM RCD had learned a lesson with the Bear Creek agreement and suggested requiring payment in full prior to starting work.

Director Newcomb observed that in his profession you "don't turn a deal down till you know what it is." He moved that TEAM RCD resolved to work with work

with anybody and everybody including HOAs and analyze deals as they come in. President agreed, and said that she had discussed with Mr. Brandt the possibility of including some sort of template when entering into agreements with HOAs, to include Fish and Wildlife guidelines, requirements and potential consequences of non-compliance with permits. She called for a second, and Director Kuhlman seconded Director Newcomb's motion.

**Item #7: Discussion, Update and Possible Approval of Draft of Ongoing MOUs with other RCDs in our Area (Inland Empire, San Jacinto, Antelope Valley etc.) and Potential Approval to Give Authority to a Board Member to Negotiate and Sign Agreements upon Advice of Counsel if Only Minor Changes are Made**

President Corona outlined the item, and called for a motion. Director Newcomb moved to give approval to TEAM RCD's President to negotiate agreements that are consistent with the memorandum of understanding that Counsel had previously prepared, that are substantial and consistent. Director Kuhlman seconded the motion. President Corona called for a vote. **Motion passed 4-0.**

**Item #8: Discussion and Potential Approval of Audit Services for Year Ending June 30, 2016**

Director Brady said that two proposals had been received but she had not yet commercially evaluated them. She said that unless President Corona had reviewed them and deemed them to be straightforward enough to award without further analysis, she would like to table the item till the next meeting. President Corona asked if there was any objection; and there was none, so the item was tabled.

**Item #9: Discussion and Update of Country Roads Maintenance Agreement**

President Corona advised the Board that she was still working through this item; but as an overview, while rebuilding the RCD files she discovered two projects with D.R. Horton – one for Country Roads, and one having to do with a maintenance agreement (previously signed by Director Long) that needs to have a conservation easement issue resolved for an Edison access road. No Board action required at this time – reported item only.

**Item #10: Discussion and Potential Approval to Direct District Counsel to Draft a Proposal for Endowment for Benton Channel Project**

President Corona suggested that the Board have District Counsel prepare a draft for discussion at the next meeting. Associate Director Neugebauer asked if it would reflect similar numbers that Ms. Parkes had worked out for TEAM RCD, and President Corona responded that it would. Associate Director Neugebauer expressed concurrence.

President Corona entertained a motion for Melissa Cushman, District Counsel, to prepare a draft for an endowment for Benton Channel Project to be brought forth at the next meeting for discussion.

Director Brady moved to direct District Counsel to draft a proposal for endowment for Benton Channel Project. President Corona called for a second; Director Kuhlman seconded. **Motion passed 4-0.**

Ms. Cushman requested an example, and President Corona agreed to contact Ms. Parkes to obtain one.

## **VI. OLD BUSINESS**

### **Item #1: Update and Review of Spring Area Meeting**

President Corona thanked and complimented the Board on the success of the meeting. Director Brady noted that there had been very positive feedback from the attendees, and that fundraising efforts had resulted in a sixfold increase over past area meetings thanks to the generosity of local wineries and businesses.

### **Item #2: Water Audit Updates**

Associate Director McElroy reported that there had been a post-audit who was also an Equipped member; and there was also a call from someone who requested an audit in two-three days. Mr. McElroy sent him information and the customer said he would contact him again when he returned to town.

President Corona noted that audit activity from January to May has historically been slow, but then during the summer months and into fall the activity typically increases.

### **Item #3: Discussion on New Logo for TEAM RCD**

President Corona included in the Board packet a few samples of logos and suggested that the Board narrow the choices down to two. After some discussion, two of the examples were selected plus a third "hybrid" that included a partial design from the previous logo that had been created by Director Newcomb. Ms. Cushman noted that the official name of TEAM RCD has hyphens, so they should be included in the final version of the logo.

### **Item #4: Discussion and Update of Morgan Hill-D.R. Horton Project**

President Corona noted that she had already talked a little about the D.R. Horton project earlier in the meeting, and moved on to New Business.



## **VII. NEW BUSINESS**

### **Item #1: De Luz Wetland Restoration Project – Homeowner Fish and Wildlife Violation**

President Corona reported that Fish and Wildlife had called to say that there was a violation by a homeowner who blocked a stream bed and then pulled the dirt out, then made a driveway out of the dirt.

Associate Director Neugebauer visited the site with Hugh Wood and James Loft from SAWA. The incident occurred during the snowfall (January of 2015) and the homeowner was cleaning the property of broken tree branches, debris and silt. They noted that that the area had grown back in and the pond is alive with fish and bullfrogs. Mr. Neugebauer indicated that the bullfrogs will need to be trapped and eliminated while still protecting the river. SAWA is developing a proposal, and the RCD will work out an arrangement with Fish and Game to get them cleared.

President Corona added that once Fish and Game feels that the proposal is acceptable, they will contact the homeowner to advise them of what they will need to do and the associated cost. TEAM RCD will manage the three-year management and monitoring of the project to ensure that it's done correctly.

## **VII. ORAL/WRITTEN REPORTS**

### **Item #1: District Counsel Gregory P. Primos/Melissa R. Cushman –**

Nothing to report.

### **Item #2: EMARCD Director Reports Open**

#### **President Corona Update – Developer Dep/Reconstructing Files; Update on MOU with Mission RCD –**

President Corona reported that she is still reconstructing files and the signed MOU with Mission RCD came back.

#### **Dave Kuhlman –**

Director Kuhlman noted that Director Newcomb and Associate Director Feeney had been working on the TEAM RCD website; and offered to join the Ad Hoc committee to help move things forward. President Corona asked if that would be ok, and Director Newcomb agreed.

#### **Carol Lee Brady –**

Nothing to report

**Associate Director Neugebauer –**

Associate Director Neugebauer reported that SAWA is working on a new office location, so they are month-to-month in the old Western Municipal location for now until they locate something. The Fish and Wildlife issue already was discussed, so there was nothing more to report for Item #4.

**Associate Director Feeney –**

Associate Director Feeney asked President Corona for clarification about the SB272 information that she had sent him. He noted that it said that TEAM RCD doesn't fall under the described conditions, and he wondered if he should put a statement to that effect on the website.

President Corona asked Counsel for guidance, and Ms. Cushman said that she thought it would be useful to have something on the website addressing it. She suggested discussing how to address it along with the name change notification the following week; and also offered to draft something.

**VIII. CLOSED SESSION**

**Item #1: Conference with Legal Counsel – Anticipated Litigation. Potential Initiation of Litigation pursuant to subdivision (d)(4) of Government Code Section 549569; One Potential Case**

President Corona and the Board thanked Mr. Hewitt, and he left the meeting.

General Counsel Cushman suggested that President Corona go ahead and close open session and open closed session. President Corona moved to close open session and called for a second. Director Brady seconded the motion.

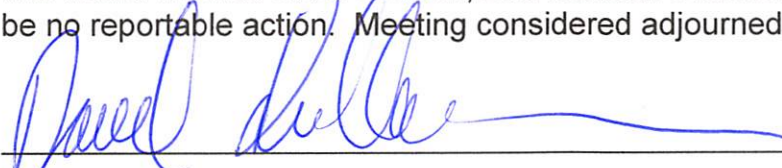
**Motion passed 4-0.**

Ms. Cushman said that it was unlikely that there would be anything to report out of closed session, and the transcript ended at this point.

**VIII. FUTURE AGENDA ITEMS**

**X. ADJOURNMENT**

The board finished close session, and General Counsel stated that there would be no reportable action. Meeting considered adjourned.

 8-11-16

Dave Kuhlman-Secretary/Treasurer Date