

MINUTES

EMARCD

Elsinore-Murrieta-Anza Resource Conservation District

Thursday, March 10, 2016 4:00 PM

**Truax Building
41923 Second Street, Ste. 401
Temecula, CA 92590**

I. PRELIMINARY FUNCTIONS

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

Flag Salute

Roll Call:

Directors Present: Rose Corona, Carol Lee Brady, Michael Newcomb, Dave Kuhlman (arrived later)

Directors Absent: Vicki Long

Associate Directors Present: Randy Feeney, Dave McElroy, Rick Neugebauer

Deputy Counsel Present: Melissa Cushman-Riverside County Counsel (arrived later)

County Counsel Absent: Greg Priamos

Bob Hewitt: Absent

Guest Speakers: None

Public: None

MOTION TO APPROVE AGENDA: Motion made by Director Brady. Seconded by Director Newcomb. Motion passed 3-0.

II. CONSENT CALENDAR/CORRESPONDENCE/FINANCIALS

Acting President Corona asked for a motion to approve the consent calendar with consideration to a minor change to pull the financial audit of Nigro & Nigro because of some additional paperwork that had arrived that she wished to address later in the meeting.

Associate Director Neugebauer indicated that he had a question, and when recognized, asked if the public needed to be provided a request form in order to speak. District Counsel Cushman said that there isn't one required by law; but that the Board could create forms if desired. With the clarification provided by Ms. Cushman, Associate Director Neugebauer said that his question was only because of the language in the agenda and he didn't see a need to have a form created at this time.

Director Brady made a motion to approve the consent calendar with the exception of the audit report. Second by Director Newcomb. No discussion. Call for vote. Motion passed 3-0.

III. ACTION ITEMS/ DISCUSSION CALENDAR

ADDED DISCUSSION ITEM BY DIRECTOR CORONA – NIGRO & NIGRO FINANCIAL AUDIT

General Counsel Cushman asked if Acting President Corona was going to discuss the audit report, and Director Corona responded in the affirmative. Ms. Cushman indicated that it was appropriate to move into that discussion at this time.

Director Corona stated that the audit is completed and final. The following discussion took place (text copied directly from the verbatim transcript):

(BEGINNING OF TRANSCRIPT AT THIS POINT IN THE MEETING):

Rose: Okay. The audit is completed and it's final, but what they sent, as you all... Well, some of you have copies. I didn't have enough for all three of you guys..

Michael: That's alright. I printed it all. I'm good.

Rose: But some people did print them out, and they still are in your packet, so you can read them there. But the one thing I just wanted to make a point of is that they had sent these cover letters to the Board of Trustees, and also to the Board of Supervisors, and they added one extra finding, that's what I wanted to make a note of, when they sent the packets out. So, it was an observation about cash disbursements, and it said, "The district does not have a pre-approval process for expenditures whereby a purchase order or check request form is completed and approved prior to the incurrence of the expenditure. Rather, the current Board policy is to approve expenditures prior to payment at a Board meeting. Also, management is not following the Board procedure to require two signatures on checks for amounts over \$1,000. There is no listing of prohibited purchases. And the recommendation is that the district adopt an expenditure pre-approval process for all expenditures so that the greater budget control can be executed. The Board must follow their current Board policy by requiring two Board signatures on checks disbursements over \$1,000 in value. The district also should adopt a listing of prohibited purchases."

Rose: Okay, now just keep in mind that this audit is based on up until June 30th. So, we have been performing a little bit differently since July 1st as far as some of these are concerned. But, there were some instances that they found in 2015 and '14 where checks were signed for over \$1,000 without two signatures, and they weren't brought forward to the Board for approval and that's what I think they're trying to address here. So we're gonna have to make sure that... We have been following that, the only thing that a purchase order, I guess we'd have to have a purchase. Right now, we've got very little expenditures. So, can I have some discussion about this? Or does anybody have some suggestions?

Michael: Well, ordinarily we have a budget, yeah?

Rose: Yes.

Michael: And if we've approved the budget, then those expenditures are somewhat pre-approved. So, are they saying that... Or at least that's how I understand it works. So are they saying that we should approve expenditures that have already been identified as expenditures in our budget?

Rose: Well, I believe what was happening, and this is just... Well, I know what was happening prior, was that we would get to a meeting, and then these checks had already been written and already been done without the Board knowing what they were for, because after the fact, I know that I was asking, and I know that Danny at the time was asking, "Where did this come from?" But it had already been paid and signed and sent. And I think that is their concern, that

somebody doesn't get out of control, one signing over \$1,000, there's gotta be more checks and balances. And the Board has an opportunity to ask about expenditures that come in, especially if you've got a general overall budget, maybe for accounting or for some odd... I shouldn't say odd, but something that we want to spend. And I, for example, I found something that was old, but it was from A & K Equipment or something, and I thought, "What is that?" And by the time I found it, it was for a repair on a printer, and it was like \$600, or \$500, something to that effect, I don't know the exact figure. But I think that's what they're saying. If they want purchase orders. I don't know that we necessarily need purchase orders right now, because we're bringing everything to the Board prior so they know what's being approved. Go ahead, Rick

Rick: Well, I think some of the underlying issues here is that we really don't have a budget, things other than accounting, that's the only thing that's really a budgeted item for what we do monthly. So there's really no statutory budget that says, "We're spending \$10,000 a month, and here's what it's being spent for." I don't think we have that in place. So I think our projects are specific to... Let's say we need to hire a biologist, it becomes very specific to tasks right now. Not to say in the future that that could change and there needs to be a budget, which I think relates back to your comment. Well, we have a budget, we've already approved it, so why are we identifying each expense as it comes up? Because we don't really have an annual budget in place yet to identify all those costs. We don't know what they are.

Rose: Specific costs, I mean...

Rick: Specific costs.

Michael: Or even just broad categories. So I mean if we know we're going to be paying on average \$300 or \$400 for transcription services, okay, fine. We figure out what we believe our projected annual expenditures will be.

Rick: And those are in place.

Michel: Yeah, and as I understand, that's all that's really required is that we approve a budget that's reasonably detailed in category, from a category standpoint, and then any expenditures have already been approved. Now, if we're talking about extraordinary expenditures, then we've gotta follow the rules.

Rick: That are project specific.

Rose: Yeah. I think that I just wanted to bring that up to everybody's knowledge. And moving forward, we're gonna try to do that as we are. They had an example which they wanted the developer fees... They found that very difficult to know exactly what they went to, and what they're supposed to go to, and an accounting for them.

Rick: And that's being organized now?

Rose: Yeah, correct. And so I'm working on trying to organize it, and hopefully getting some help...

Rick: Basically create a customer chart of accounts, and who pays what, when. Who are our customers, per se, when we talk about accounting principles. And then a chart of accounts. I mean, we have everything in QuickBooks.

Rose: Right. And that's great. And we didn't really have that in the past, Michael, so...

Rick: And that's why the audit identified, stuff was being written, bills were being paid, and that's changed since last July. Everything comes to this Board for approval, because of what

happened in the past.

(END OF TRANSCRIPT AT THIS POINT IN THE MEETING)

1. DISCUSSION AND POTENTIAL VOTE TO FILL SEAT OF FORMER PRESIDENT AND OTHER DIRECTOR SEATS, IF NECESSARY AS A RESULT OF THE VOTE

Acting President Corona moved to Agenda Action/Discussion Item 1, and opened the floor to a nomination for President. Director Brady nominated Director Corona. District Counsel Cushman stated that the Board could either take a vote or continue the item until the other two directors are present. There was discussion regarding the process. Associate Director Neugebauer stated that he thought Director Corona had done a "tremendous job" for the District and that it would be the right thing to have her continue her leadership the next year, depending on the by-laws.

Director McElroy asked if there were by-laws that stated the rotation, and Director Corona answered that the Board votes for officers once a year. There was lighthearted discussion. Director Newcomb indicated that he had no one to nominate. He then seconded the nomination.

Director Corona closed the nominations; there was no further discussion. **Motion passed 3-0.**

Discussion began regarding remaining officers. Director Brady asked if a Director could be nominated if he/she were not present. District Counsel Cushman said that they could be; however it probably makes more sense to continue the vote until a meeting in which they are present so they can accept the nomination. There was agreement that the remaining officer openings would be addressed at the next meeting.

2. DISCUSSION AND POTENTIAL APPROVAL OF DATES FOR SPRING AREA MEETING, COSTS, AND RECOMMENDATION FOR SPEAKER(S)

President Corona turned the floor over to Director Newcomb for an update on the Spring Area Meeting plans. He reported that Fazeli Cellars is available and would be happy to be the site for the meeting. Dates available are April 30, May 3, May 14, May 21 and May 28. There was general discussion regarding dates, price and details regarding food, service, and a possible short presentation by Mr. Fazeli on the energy, water, and other conservation features of the recently constructed facility.

Director Corona moved to accept the date of May 14, 2016 for the Area Meeting in one of the meeting rooms at Fazeli Cellars, and approval of the menu price of \$35/person, all inclusive (bread, salad, main course and dessert, buffet style.) Director Brady seconded the motion. **Motion passed 3-0.**

Director Newcomb will contact Mr. Fazeli and advise him that we have committed to the date. Director Brady asked how the Region would be notified, and President Corona indicated that she would email all the RCDs, and that Mandy Parks had offered her assistance in helping coordinate everything including getting RSVPs for EMARCD.

Associate Director Neugebauer asked about the timing for the meeting, and Director Corona responded that the usual window has historically been between 11:00 and 2:00. Memorabilia bags were also discussed, including possible Wine Country items such as tastings or other items to showcase Temecula Wine Country. Director Newcomb, Director Corona, Director Brady and Associate Director Neugebauer agreed to reach out to contacts in the industry along De Portola Trail for possible participation in donations for baskets or goodie bags. The Board expressed excitement and enthusiasm at the prospect of hosting the event and reciprocating the past hospitality of other districts.

Director Corona added that she would like to discuss possible speakers at the next meeting, and requested that anyone with suggestions please forward them to her. She cited examples

such as the National Oceanographic and Atmospheric Association regarding El Nino and the potential impact to all RCDs (not just our region.)

3. DISCUSSION OF BEAR CREEK AND FAIRWAY ESTATES HOA EXPANSION OF CONTRACT FOR ADDITIONAL WORK

President Corona introduced the topic and turned the floor over to Associate Director Neugebauer, who reported that payment had not been received from the Bear Creek Master Association for work that EMARCD performed for them last year. He stated that it is not in our best interest to continue doing any additional work for them until the bill is paid, and that we may need to enter into collections.

Director Corona asked if he had been in communications with Bear Creek, and he responded that they had told him they were going to discuss it at their last Board meeting, which he believed was held on March 1st. There has been no response from them on two issues: 1) The outstanding bill, and 2) A quote for additional work, for which EMARCD had sent them in an RFP.

Director Corona asked if there had been a response from Fairway Estates, and Mr. Neugebauer said that there had not; and that no additional work would probably be performed unless a biologist could be brought in because we now are in nesting season. Director Corona stated that she had spoken to Hugh Wood, who said that parts, but not all, of the work could probably be performed at this point.

Associate Director Neugebauer continued the discussion and said that the main part of the work was done to eliminate the invasives on both properties, Fairways and the Master Association. There had been some question as to the scope; and he believed there might have been some misunderstanding on the part of Fairways and Master Association's boards; but removal of dead material and invasives had been based on the fee they were willing to pay (\$10,276.00 from the signed contract) and how much could be removed for that fee. It was equal to four days of work for the crews but due to the density of the dead material and invasives, that is all that could be done. The HOA representatives are saying that they expected the entire area to be completed. In his opinion collection of payment is now the priority. He requested District Counsel Cushman's opinion, and she said that Number 10 on the agenda could be combined with discussion and potential approval to direct District Counsel to draft a letter as an appropriate next step.

President Corona called for a motion to approve and direct District Counsel to draft a letter to Bear Creek Master Association for payment of the bill for vegetation removal that is three months overdue. Director Brady moved, and Director Corona seconded. **Motion passed, 3-0**

4. DISCUSSION AND POSSIBLE APPROVAL OF ONGOING MOU WITH MISSION RCD

President Corona opened the discussion and explained that EMARCD has an ongoing memorandum of understanding (MOU) with most of the RCDs. The most recent MOU was specifically for water audits with Mission Resource Conservation District, since that is one RCD with which EMARCD doesn't currently have a general MOU. Because there may be some future opportunities for some grant money (removal on Santa Margarita Watershed) together with them. Director Newcomb asked if LAFCO would need to get involved with this process, and Director Corona responded that she had spoken with George Spiliotis (LAFCO, Riverside County), who clarified that unless the scope of work was outside of anything that has ever been done before by an RCD, he did not believe there was any problem with entering into an MOU between EMARCD and Mission RCD.

Director Brady moved to develop an ongoing MOU with Mission RCD, and for District Counsel to draft the document. Director Newcomb seconded the motion. Discussion regarding the process continued for clarification, and District Counsel recommended that she work directly with President Corona on the draft for Board review at the next meeting to ensure that the

Directors are in agreement on the scope and vote to move forward with or without changes before it is signed. Director Corona seconded the motion as clarified. **Motion passed, 3-0.**

5. DISCUSSION AND POSSIBLE APPROVAL FOR RCRC D TO VISIT CLINTON KEITH PROPERTY AND TO DO A REPORT FOR EMARCD AND CDFW AT A COST OF \$285.82

President Corona provided background from a previous Board Meeting, when Jeff Brand (from California Dept. of Fish & Wildlife) was a guest speaker. During that meeting, Director Long gave Mr. Brandt a disc, and on the disc was information regarding the Clinton Keith Property owned by EMARCD. Until that time, Director Corona had not been aware of details regarding this property and so she conducted some additional research and spoke with Mr. Brandt who informed her that a report was needed on that property, along with other work using our Long-term Streambed Agreement. Director Corona then contacted Shelly Lamb, who verified that they (Riverside Corona RCD) had prepared the 2014 report but had not been contacted to do the 2015 report, which is due by April 1, 2016. Ms. Lamb then gave Director Corona a price of \$285.82 and said that RCRC D could take care of it in time to meet the deadline.

There were no questions or further discussion, President Corona asked for a motion. Director Brady moved for approval to have RCRC D visit the Clinton Keith property and prepare a report for EMARCD and CDFW at a cost of \$285.82, seconded by Director Newcomb. **Motion passed, 3-0.**

6. DISCUSSION AND POSSIBLE APPROVAL FOR REQUESTS FOR PROPOSALS FROM ACCOUNTING FIRMS FOR ANNUAL END OF YEAR ACCOUNTING, SUBMISSION OF ANNUAL REPORT TO STATE. DISCUSSION AND POSSIBLE APPROVAL TO GIVE AUTHORITY TO BOARD MEMBER TO CREATE AND SUBMIT FOR REVIEW AND CONSENT OF COUNSEL IN ORDER TO OBTAIN BIDS BY NEXT MEETING.

President Corona suggested that the Board begin work on obtaining bids for year-end audits so that EMARCD is ahead of State Requirement timing moving forward. After some discussion regarding the Director that would prepare the RFPs, President Corona moved to approve that Director Brady work with Counsel to prepare RFPs for accounting firms to perform the annual year-end audit, including submission of a report to State. Director Newcomb seconded the motion. **Motion passed 3-0.**

7. DISCUSSION AND POSSIBLE APPROVAL TO HIRE AN OUTSIDE ACCOUNTANT TO RECONSTRUCT DEVELOPER FILES AS PER THE AUDIT FINDINGS

President Corona opened the discussion, with the following exchange taken from verbatim transcript:

(BEGINNING OF TRANSCRIPT AT THIS POINT IN THE MEETING):

Rose: Okay. Discussion and possible approval to hire an outside accountant to reconstruct developer files as per the audit findings. Okay, and I'm willing to figure out these RFPs if it's necessary. But what the auditors didn't find or are trying to find or whatever, I understand what they were saying in their findings. If any of us besides me got to look through these files, it's a very, very difficult to determine what fees go to which development, because there's no real standard file for each developer. I don't know that I'm capable of... I know I'm capable of finding the developers, okay, and some of the other information, but I think it really takes an accounting mind to kind of see where the money has really gone. It's historically... It's there in the CDs and in the brokerage CDs, but which developer, gave us which money for which project? And maybe it's just my mind, but I can't easily figure it out. And so I would like for us to consider having a professional coming in and looking at it. And just at least...

Rick: And consolidate.

Rose: Consolidate some of this stuff. But also, it will depend on cost. So that's why I wanna at least put an RFP to see what this is gonna cost...

Dave M: We only have three, don't we? Three...

Rose: No, there's probably more sites than that. We're continuing to research.

Rose: There's Adeline Farms, there's Greer Ranch, that are conservation easements. There's mitigation that's been put on Clinton Keith Property, and those are separate files. So I just wanna know how much money each developer has given the EMA in order to say, "Okay, McCall 71 goes to Clinton Keith, and this is how much money the developer has given us." There's Morgan Heights, which is a DR Horton property, okay? There's Morgan Heights, which we don't have the conservation easement on yet, which I found out the other day. However, we are the ones that are named to get that conversation easement, once the obligations are met by the developer. They are now at the end of their requirements, and so they're wanting to know where we're at in being able to take over the conservation easement. And this is all news to me. So, we're working through it, and I just wanna make sure that there's nothing...

Rick: There's about eight or 10 easement properties that are all linked, and some of them we don't know what has happened on them. So we've been working on that for the last 60 days.

Dave M: Have you ever seen a map of the easements and holdings that we have?

Rick: No, what we have right now, we have a current list. So that will be one of the final documents that we bring back is to add a map, an overlay map to that.

Dave M: That would help a lot.

Rick: Yeah, to visualize. So I agree with you 100%, yeah.

Rose: Right.

Rick: Maps are much easier to look at. But this, right now...

Rose: And this might be completely out of our budget to even consider, but we have to at least find out what it would cost to do such a thing.

Michael: So essentially, you guys are looking to bring in some sort of forensic accountant to figure out what money went into what bucket?

Rose: Correct.

Rick: Absolutely.

Rose: Correct.

Michael: And you just want to get bids, at this point?

Rose: Yes.

Michael: And there's eight or nine projects that...

Rick: Properties

Michael: That have gone into how many different accounts?

Rose: Right. I wouldn't go forward, because it might be so prohibitive, that we can't afford it.

Dave M: Two I think... Aren't there two accounts where money's being held to finance this?

Rose: Yes, yes. But I wanna know... Because in our meeting in August if you look at the minutes, Vicki was asked about a \$98,000 endowment, I don't know if you recall, Dave? And it was like, "Where did the money come from?" Well, it came from the developers and it came from Fish and Wildlife. Well, I have to be able to ask Fish and Wildlife, "Exactly how much money did you put in? How much money did the developers put in?" And it seems to be in several different buckets, as you would say, Michael.

Dave: Okay.

Rose: And so I just wanna make sure that we're... Because I think this is also something that Fish and Wildlife's gonna ask us to do on our due diligence, so we can move forward and show that we are properly handling the money in order to take more conservation easements, or to do more work.

Michael: Do we have a list of who is supposed to be paying?

Rick: We're working on that, that's still being worked at. We have...

Rose: They're supposed to be paying.

Dave M: It's already paid.

Rick: Yeah.

Rose: It's already paid.

Rick: This is all about what's been paid.

Michael: Do we have a list of our customers, if you will, that, "Okay you're paying X amount."?

Rose: Yes we do.

Rick: Yes, yes.

Michael: Okay.

Rose: Right. We have a list of the customers, but we have to determine what the X amount is.

Rick: And if there are any other moniesthat they have not paid. So this has been, like I said, ongoing for about 60 days now, going through what agreements that we have.

Michael: So, Vicki Long has the institutional knowledge, she's been here, right? And a lot of this happened under her tutelage as President?

Rose: Mm-hmm.

Michael: Has she provided some sort of written report as to...

Rose: No, she has not. I have asked her to come work with me in the December meeting, to try to reconstruct these things. And she said she would, but I've asked her several times and there

gather some information, quotes?

Rick: And maybe you have a couple of account that do this type of work, too, Michael, that you'd recommend?

Michael: Okay.

Rose: Yeah, I'll take recommendations anywhere I can get them.

Michael: So I move to go get the RFPs for a forensic accountant to help us understand...

Rick: The flow chart, basically.

Michael: Where our monies have gone. [chuckle]

Rose: Well, I'm sure that they're all in that thing, it's just how do they divide.

Michael: Yeah, I mean we need to understand, have we been paid everything we were supposed to be paid? And account for the funds. I assume that's what the scope is.

Rose: Yes, correct.

Michael: I guess my only observation here is a forensic accountant's gonna say, "Okay, give me your documents and data so I can do this." And we're gonna turn to him and say, "We don't really have."

Rose: Well we do.

Michael: Okay.

Rose: We do have it, it seems to not be very consistent. If it were me and the way I do things, that's not always the way other people do things, is that you have a file, this is Cameo Homes, let's say for example, and from day one, what did they give us? What were the requirements to meet? Their easement information is there, etcetera. Everything's all there. Along in a duplicate place would also be with the deposits into the general account and/or into the big account, which is the brokerage account. So that's all I want to do, and it just seemed to...

Rick: And is it in the right account? All of those things.

Michael: Yeah, no definitely. We obviously don't know what we don't know, so there's no harm in asking for proposals.

(END OF TRANSCRIPT AT THIS POINT OF THE MEETING)

President Corona asked for a second to Director Newcomb's motion to get RFPs for a forensic accountant, and Director Brady seconded. **Motion passed, 3-0.**

8. DISCUSSIONS AND POSSIBLE APPROVAL OF POTENTIAL COLLABORATION WITH HIGH SCHOOLS AND OTHER VOLUNTEER OPPORTUNITIES FOR COMMUNITY SERVICE HOURS

President Corona gave Director Newcomb the floor. As he began the discussion, Director Kulhman arrived.

Director Newcomb opened the discussion by asking for clarification of previous concerns expressed in the last meeting regarding potential liability. Director Corona added that she had additional questions as well, such as what projects did he foresee and how would they be administered or controlled. She stated that EMARCD doesn't have the structure of some other RCDs and she recommended having a plan before "getting the kids excited".

Director Newcomb explained that his vision is to express the needs of EMARCD in a public way, and to ask input from the community for their ideas on how to participate. He proposed doing this via the website and volunteered to be in charge of the website and to oversee the program.

Discussion regarding potential liability, program administration and technological options continued as follows:

(BEGINNING OF TRANSCRIPT AT THIS POINT IN THE MEETING)

Michael: So the vision that I had was to express in a public way, "Here are some of our needs as an RCD." And also say, "We're also open to hear from the community as to how you might be able to help us. Make your pitch." Have on our website, essentially an ability to get those communications, to bring them in to whoever's gonna be in charge of this program. And I'll volunteer to be in charge of it. And to say, "If we have a specific need that we've identified..." "

Randy: Dave Kuhlman just arrived.

Dave Kuhlman (at 0:51.48): Hello.

Michael Newcomb: Hello, Dave.

[laughter]

Randy: Dave Kuhlman, how are you?

Michael: How are you doing, Dave?

Randy: We've got volunteers for a bunch of stuff.

[background conversation]

Michael: So how I envisioned it was that first we look into and create technologies on our website, which, there's already off-the-shelf technologies..

[background conversation]

Michael: To essentially solicit, from kids, "How would you like to help us?" Right? And then as those projects come in, we can look and say internally, with the President who's kind of our chief officer here and the day-to-day, "Alright, this is a need that we have." And give the authority to the President if there's no fiscal impact. And maybe if we can say, "Hey, I can transcribe something for you. I want to go out and take pictures of our territory, or video..." "

Rick: The easements, the easements.

Michael: Yeah, or maybe it's the easements, or of RCD in general, so you guys can put them on your website as we can build this library. If it's not gonna cost us anything, there's no real fiscal impact, then the President would be able to authorize that. If there's a fiscal impact and we have to write a check, or there's going to be costs and expenses, or some other things that

might create liabilities for us above and beyond just this program, then alright, that's needs to be brought to the Board where we can actually analyze whether that project is worthwhile. But we don't have a staff like they do at Mission, and so in my mind, this is way where we can get some volunteer labor, as long as we can find a Director, or an Associate Director that's willing to kind of monitor that particular project. Maybe we only get two or three, maybe we get 20 of them, who knows? But let's put something out there where we can be pitched.

Dave K: Yeah, so would you foresee an application process where they kind of go through the scope of what they want to do there, what their qualifications are, maybe include some sort of general release of the application that indemnifies us on any collection that (muffled) on the grounds, or something like that.

Michael: Yeah and if it's a child, or if it's a minor, we may have parental release. I did correspond with Counsel about some of the liability issues. Even though I'm an attorney, I'm not giving any legal advice here, but my view was we kind of have some immunity, and if we have a good release and we have the appropriate documents in place, then we should be able to mitigate that. But at this stage it's do we have approval to go forward and create a project that we then say, "Okay, this is what it looks like, this is what we've come up with." And then bring to the Board where the Board can say, "Alright, you have our blessing. Let's go live with it."

Dave K: Are you gonna give us some suggested projects that they might be able to execute?

Rick: Are we talking about projects or programs? Okay so, program first, project second. And I guess my other question is, does the RCDs have some of these programs already established that they do with, what I call, education with the high schools? So this would be community service hours and those type of things, is that what you're kind of leaning at? Okay.

Michael: Yes, yeah. You weren't here, so...

Rick: Yeah, I'm trying to get... I have to speak a little bit on that.

Michael: This was my logical play, I have high school kids. I've got one daughter that has... Well, both daughters in order to graduate need 40 hours of community service. I've got one daughter that has a 120 hours, and then I've got another daughter with no hours.

Dave K: That's a lot of we.

[chuckle]

Michael: Alright but the one daughter with 120 hours, she doesn't have as many activities as say, the one with zero hours, and bad record keeping skills. All of these parents, they have these kids and some of them have real passion, whether it's photography, videography...

Rick: So that gets back to having a program of how we can apply a project?

Michael: Right.

Dave M: They had a list of things that they can look at, the kids.

Rose: Who's they?

Dave M: The children who need the hours.

Rose: Okay.

Michael: Right.

Dave M: Didn't they have categories of things with ideas, and who they can contact?

Michael: There is. And then every day I get an email from the School District saying, "This non-profit is looking for volunteers. This non-profit is looking for volunteers." Well, I'm looking at, say our website, which we don't have very much information. We kind of tore it down, and now we've gotta rebuild it. And just looking at all of these other RCDs, they've got videos and pictures, and flyers, and all sorts of stuff that they've developed, okay? Who's gonna do that at our end? It's either gonna be a Director, or are we're gonna have to hire that.

Rick: And that's a project?

Michael: So, that's why. But let's develop a volunteer initiative...

Rick: Program.

Michael: Program that we can... And I'd volunteer to take on... Develop the parameters, look at the technologies that we could implement that would make this thing work, that could keep track of their time online, and all those other good stuff so we can do it. I'm trying to minimize our administrative oversight, but I wanna be able to go to the schools and talk to the schools about, "Hey, this is what we want to do. What are the parameters that you need to see in order for these hours to qualify?" And then be able to then have this district use all of this potential free labor, which are these exchange for volunteer hours that the kids need. And boy, howdy, we could probably use it as we start to get our act together, no offense. [chuckle] But there's all sorts of stuff that we can do in the future. So my proposal was, let's put together this volunteer project program... What are you calling it?

[laughter]

Michael: Programs, a program for high school and/or others, anybody else that wants to volunteer.

Rick: Right, right. Volunteer program. But we don't even know what the projects are, and...

Rose: That's what I was saying to you in an email, that basically I think we don't wanna bite off more than we can chew.

Rick: We're probably not ready, if I'm measuring the level of where we're at right now.

Dave K: You don't think we could brainstorm 15 project titles that they could apply or make suggestions on how to execute against it?

Michael: I don't know yet. I know that I'm thinking of the website, like I've mentioned.

Randy: Something simple, if it's done wrong, it's not wasted effort. You're saying taking pictures, something like that, if they go out and take a bunch of pictures, and oops they took the wrong stuff, it's not like...

Michael: And so what?

Randy: So what?

Rick: But what's the intent? There needs to be intent.

Michael: The intent is to create...

Dave K: Because they're engaged in the community...

Rose: Wait, wait a second. Let him finish, and then you can talk.

Michael: Well the intent is to, as we move forward, and hopefully in the next coming months, we will slowly get our, "Hey, we need to update our website." And that was one of the things that I agreed to assist with. And what we want, ideally, so that we're not micromanaging all of these old processes, is to say to a Director, "Okay, go get it done, here's your broad parameters." And then go work within those broad parameters. And if we have a project to update a website, or we have a project to maybe forensic accounting. [chuckle] I mean, if we've got some volunteers, maybe they're not high school students, maybe they're kids from the college that are in accounting, and this is a way that they could come in and help out the district. We identify what our needs are, which we're doing in these Board meetings, and then build a database where we can have some resources, and we have a mechanism to put it out to the community, as well as to even hear back from the community. Maybe there's a kid out there that has this wonderful idea of doing something pitch us on it, and we'll look at it. But at this point, we've gotta at least build a program that the Board can say, "Okay, we like it. Let's.."

Rick: They can get credit hours for and then implement.

Michael: Right, and then as projects come rolling in, or things that come rolling in, hopefully at the next meeting we'll say, "Okay, here's the parameters. Can we go live with it?" Maybe we need to address a few things, maybe it's good.

Rick: And we're talking about conservation. We're talking about...

Michael: Right, and assisting the Conservation district.

Rick: Right, we're talking about wetlands, we're talking about nesting season, we're talking about all the things we do as a district. And so if I'm thinking about developing a program, those would be the things that I think.. Let's say the video, or the pictures, or the website, or maybe even working with SAWA on projects, or there's a restoration and r-vegetation project going on. Those are the things I think we need to identify to put into this curriculum.

Carol Lee: Well I think we have some benchmarks already established. I'll start out by saying I think it's a fabulous idea, and I love...

Rick: Yeah, I think it's great too.

Carol Lee: I love the idea of bringing the community in, and the outreach. I think one of the things that, via the new website, and by all our community outreach campaign that we'll develop as time goes on, this is gonna be a big part of it. But I don't think you were here, Dave, for the last meeting, were you?

Dave K: No.

Carol Lee: So one of the concerns that was raised by... I think it may have been Vicki, and myself too, had to do with liability, if a kid on a volunteer program falls and breaks his leg. And so Hugh happened to mention that they had an additional binder, or an additional waiver on liability addendum, and he said it was quite costly. So he's gonna be taking a look at the specifics and having his administrative people give us that information. But when I was at the group, or the Inland meeting, that was one of the questions I asked because we were talking about how they can help the different RCDs. And I said one of the things would be to kind of have an umbrella template, if you will, for something like this community outreach so that we can learn from mistakes that the other RCDs that may have transpired. Maybe they started a

project and they found that it was just too cumbersome, so they weren't able to follow through with it, but they made progress in this area. So when I asked Shelly Lamb the question, she said that the RCRC already had embarked on it, and they ran into some issues, and that she would be glad to let you pick her brain.

Rose: And that was the email that was included in the packet from Shelly Lamb. Let me recognize Dave, because he started and I interrupted him. David Kuhlman, did you have a question?

Dave K: It's okay. It's totally fine.

[chuckle]

Rose: Randy Feeney?

Randy: I do have a question about the procedure. I'm just assuming that this whole program would be taking place offline first, right? As in they would be doing their projects, and they would do whatever, and then they would bring it to the Board and say, "Here's what we've got." And then you guys would say, "Oh, this is great. We'll put it public on our website," or whatever it is. If that's the intent that we're talking about?

Carol Lee: Well (this is Carol Lee Brady) Mike, just now when you were talking about developing a program outline, or kind of a skeleton bullet point of what your vision is, and maybe hit some of the details that we're saying - what are the ramifications of the liability, or the specifics, or whatever. You're saying that you'd like to put together an outline and then bring it to the Board, and then we go from there? Or what's the process you're proposing?

Michael: Well, the process that I'm proposing is develop and also use the technologies that are available to us. We wanna use the technologies, because I quite frankly, want to make this as easy to manage from a Director level. So this is a technology driven initiative in that, let's identify the technologies, let's look at what it takes to implement those technologies so that we can say, "Hey, we've got a bite and this is a \$50 a year license for the particular Joomla extension, or margin that's gonna do all these things from a project management standpoint." And then investigate that, "Here's what we can do, and here's what this can do." And then also make sure that we've addressed and answered some of these liability issues. I, quite frankly, have a far different view of the liability risk than I think everyone else sitting here at the table, and even the folks at the Mission RCD, quite frankly, I think that's a non-issue.

Rose: The RCRC.

Michael: Oh, RCRC, I think it's a non-issue based on what I know. Now, I've emailed Melissa my thoughts and asked her for an opinion. And I don't know, do you have an opinion?

Melissa: Well, I think the first question was looking into the insurance policy to see whether existing insurance that the district has covers this sort of thing, whether we'd need some sort of addendum to make sure that it's covered. And then at that point, to look into whether the cost is covered, or worth it, or...

Carol Lee: Is that SDRMA?

Rose: Yes, it is.

Melissa: So that is my opinion, that that would be the first thing to do to ensure that either it is covered, or how much it would cost to cover it. And then I think with the liability waiver and things like that, it's much less of a concern.

Michael: Yeah. And, let me just address it, and I looked at it from a slightly different view, which is there is no liability under the volunteer rules, and thus, insurance would not even be applicable.

Rose: Well, I spoke to SDRMA briefly, I didn't get a cost. This is Rose Corona. And they said that the bottom line of this really is they're gonna look into the cost. But the bottom line of it is, you have them sign a liability waiver, however if someone's gonna sue you, they're gonna sue you. So no matter if you have them sign it or whatever, it's always...

Rick: The insurance company represents you.

Melissa: If the insurance covers it.

Rose: Yes, if the insurance covers it, right. Stop for a second. Okay, hold on. Dave Kuhlman, go ahead.

Dave K: So let's work it out, and figure out what we need to do. I mean I'm all for... We need to start communicating, and get some outreach going. It's a little bit of the cart before the horse, horse before the cart here. I would like to get started and see what kind of ideas get pitched to us or whatnot. And in the meantime, before we give them the go ahead, let's just make sure that we can insure it, or whatever's necessary, I don't know about the volunteer rules and that type of thing, but...

Rose: And I would be interested in process, too. The process is real important to be step by step, and how are we going to. You get this information together, Michael, and how that would work. And then the step by step of how it's going to be implemented. Because somewhere along the line, and with all of us here we should be able to catch any mistake that's coming down the road, or at least try to address it. And that way, it looks seamless, so we can get...

Rick: Yeah. Why don't we request Michael to come back in 60 days to bring a program agenda on how we do the outreach, how we get there. Who are the people who are going, are we going to the school districts? Are we gonna go to the public?

Rose: Yeah. I'm curious, and you would know, because you're a dad, and you do this. But is the outreach program and the volunteer program for Chaparral? Or you're at...

Michael: Great Oak

Rose: Great Oak. The same as Chaparral, the same as Temecula Valley High?

Michael: So is it a district policy or it a district thing that we want?

Rose: Is it a district policy? Or is it different per each school?

Michael: I can answer that, it's a district policy. And I believe that Murietta Unified has a similar district policy, and I don't know about Lake Elsinore.

Rick: But how that program engages, do we go to them and we present to principals, teachers, "This is what we're doing."? Is it environmental classes that are being taught? I mean I think there's a lot of things that could segway into a great program to help us, and to help them at the same time.

Rose: Yes, Randy?

Randy: And we're not involving any technology just yet though, that first step?

Rick: Well, I don't know. I don't think we can. I think we'd have to know what we're doing first before we talk about the technologies, who are the people that are participating? What is the program? I think we need to know what that is.

Rose: But could you...

Rick: What are we gonna do?

Rose: What's the plan? And then you could also in addition to that, and Michael and Randy can explain how these different programs Joomla or whatever they are, you're asking the wrong person, but interface and make that work, and how it works.

Michael: And where Randy and I may have a disagreement is for me, this is a technology driven program. We need to be able to identify which technologies we're going to adopt in order to implement the program when it comes down to implement it. I think Randy's preference is to implement the program not using the technologies and do it offline, is that correct?

Randy: The way I used to develop as a software developer is that you analyze the problem first. And sometimes, you have to implement it manually. As a systems analyst, if people have a system already in place, you look what they're doing. But if there's not one already in place, then you have to put it in place manually. People have to do it manually so you can see where the problems are. Because in my experience anyway, when you throw technology at a problem that hasn't been fully defined, you write yourself into a corner and drive yourself nuts. [chuckle]

Michael: Yeah. And my response to that is we simply do not have the time or energy to do this, without using our technological tools that are available to us.

Rose: I disagree, I disagree.

Michael: If we're going across our district and were soliciting volunteers, how are we not going to use email? How are we not going to use a form to solicit stuff?

Rose: Okay, the chair recognizes Rick Neugebauer.

Rick: No, no, no. I think that's application. We have to have a program in place first. We've gotta know what we're doing, we have to have the... How many eggs are in the carton, and how are we gonna cook it? What's the program, what are we going out to do? And I don't think we have enough information about that. That's what I'm saying. Let's not rush into it, let's have 60 days, and bring back a written program of who we're gonna take this to. Applying it, you've got the application down, Michael, there's no question. The application, we've gotta work some of the physical things out, but I think going about it, how you wanna do it, I think that's the right way to do it. It is technological from that side.

Michael: I don't need 60 days.

Rose: Okay, so 30. So, next month.

Michael: I'll bring to the next meeting.

Melissa: To the next meeting.

(END OF TRANSCRIPT AT THIS POINT IN THE MEETING.)

Director Corona moved that Director Newcomb and Associate Director Feeney work together to prepare a plan for the high school volunteer program and present it to the Board in 30 days. Director Brady seconded. **Motion passed, 4-0.**

Associate Director McElroy noted that it had been a good discussion, and said that the Board may want to consider meeting again to discuss the Board's vision for the RCD, things they want to be involved in, and a new five-year plan. Other Directors and Associate Directors agreed, and Mr. McElroy suggested adding an agenda item to the next meeting to discuss steps toward coming up with a long-range plan for the District.

9. DISCUSSION OF WEBSITE AD HOC COMMITTEE AND ADMINISTRATIVE ACCESS AND PROCEDURES

Director Brady began by explaining that she thought this item flowed together with the previous discussion because EMARCD's branding, links and website appearance (in addition to the proposed future volunteer program) will be included in the plan the Ad Hoc committee is putting together. Director Newcomb brought up the question of administrative access. Discussion regarding this question and other controls continued as follows:

(BEGINNING OF TRANSCRIPT AT THIS POINT IN THE MEETING):

Michael: Last meeting, I thought we approved setting up the website Ad Hoc Committee and get rolling on creating content that is appropriate for the district, for our website?

Carol Lee: Yes.

Michael: Okay, so the issue then came up where I asked Randy for administrative access so I could start creating some pages and so forth, it's Joomla, they don't have to go live, but I could start doing my aspect of it. To which Randy came back to me and said, "Well, I don't have that authorization to give you that privilege." So, I think we wanted to raise that at this meeting.

Carol Lee: Oh, okay.

Michael: Do you guys want me to actually start working on creating content, as in throwing stuff up there for eventual approval by the district? If you do, I need the appropriate level of access to the website.

Rose: Can stuff be created without having to have the access? I mean, can you just create stuff and bring it, just like we do on the packet, without having to have access? Because originally when we decided to do a website, etcetera, the access was agreed that it was only going to be the President and...

Dave M: Office Manager.

Rose: And the Office Manager only. We need to control it tightly and make sure that everything goes through District Counsel.

Dave K: Can that be partitioned so you can do creative work without it having the ability to post?

Randy F: I can set it up so you just create articles, and then (muffled) can look at them to see if they're articles...

Dave K: And then you can publish them?

Randy: You could put them wherever they're... Structurally you'd say, "Okay, we're gonna have a menu item here, and it's gonna hang off the site over here." That kind of thing. Or you can create a complete test site, I guess...

Rose: That might be an idea. See, because I'm just a type of paper person, I know most of you are... But when we come to meetings, I like to see something, so I can look through it and we can go through it page by page and see what's... Am I completely crazy? Probably.

Dave: Well I'm just trying to see if we can separate the creative process so work can get done without necessarily posting. So it can just be reviewed and approved, and then post.

Carol Lee: I kind of like the test site idea, where that way if it's...

Dave: You'll have to excuse me just for one second.

Carol Lee: So Michael, are you thinking of recreating the website so it's more interactive and not static? And that there would be pull down tabs that are...

Rose: He's having a headache. I can tell.

Carol Lee: I think I can tell.

Michael: Who, me? I'm waiting for you to finish.

Carol Lee: No, I was wondering what your vision is for the website itself?

Michael: Okay.

Carol Lee: Are you thinking of making it so that it's more interactive, with pictures flowing through? Or....

Michael: Yes. So I'm looking at the other districts, and the kind of content that they're putting out there. And I look at our website, it has nothing.

Carol Lee: Right.

Michael: Now, the way I work is I try to do it once, and do it right. Not try to do it once and then, let's re-enter it in, and double entry it and all this other stuff. So, we have a Joomla based website. Joomla is a technology, it's a content management system. And it's essentially a glorified database that generates websites based on user interaction. I have significant Joomla experience, so this is not scary to me, getting in the back end, creating a menu system that isn't live for the public, but is available... Creating the menu system, creating something, I simply am not going to sit there and write it out on paper, and fax it to somebody.

Dave M: I don't think that's what...

Rose: That's not what I'm saying.

Michael: What I'm willing to do, so let me just say what I'm willing to do. I'm willing to go into the website, create content in a way that, "Okay, this is what I think the page should look like." It's not live, but it's in the database. Then, if Counsel needs to look at it, if we all wanna look at it at a meeting. Okay, everyone can look at it, it's there, we can see where it's going. In order for me to do that, and to do what I think we should do, I need a certain level of access to the website. If we're talking about making structural changes to the website, which we need to make structural changes to the website from a menu system and all that other good stuff, then I basically need that administrative access in order to do that. Maybe there's a lower level, I'm not asking for super administrator, just administrative access to do what I think we should do, so then the Board can see, "Okay, great. Let's go live, we've got our clearance from Counsel." Now that's what we need to happen, we desperately need that to happen at some point. If not now, well then we can table it for 60 days and continue to limp along like we are. I'm willing to

do the work, but I need you guys to make it easy on me to do it. And so this is what I believe I need in order to do the job properly the first time. Does that make sense?

Rose: I gotcha, I gotcha.

Michael: Okay.

Carol Lee: I get you.

Dave M: That would be great.

Rose: Huh?

Dave M: That would be really good.

Rose: Well, yeah. I don't understand, sorry... I don't understand, this is Rose Corona, Randy, what a test site is?

Randy: I was just saying we could have another server somewhere that's not connected to...

Rose: And then he could constantly just make up whatever he wants, right?

Randy: It would just be a duplicate site, I could take it and duplicate it over to that site and he could go and do stuff there. But...

Dave K: Can you publish from it?

Randy: Yeah, but the thing is it's not hooked up to the domain. So in another words, we go to the domain, it's our site, the EMARCD, I mean there's no issues of, "Oops, somebody posted a nude picture." Or something like that, and, "Oh my gosh we are in trouble." No, it's completely separate.

[laughter]

Rose: Yes.

Dave M: Nothing personal.

[laughter]

Michael: At a certain point, you're gonna have to import all that data over.

Randy: Right.

Michael: All I am saying is, why bother? [chuckle] Because Joomla is...

Randy: There's back up programs you can...

Michael: Okay. Look, I can set up my own Joomla server, I own my own server, I got six or seven Joomla websites. So I mean I can play around on another server, if that's what you guys wanna do...

Randy: No, it's okay. Here's where my situation is, I mean I can do a lot of the same stuff that you're talking about, but I always try and look to the Board because it's not my site, and I'm not at liberty to decide what goes up there, I have to go and say, "Well, Rose, do you want this?" Or, "Carol, is it okay, this kind of stuff?" But you're on the Board, so you're closer to the top of

the food chain, so to speak. I don't have a problem if somebody says, "Randy, you're authorized." You're there, you've got full admin rights and stuff.

Rick: So what I'm hearing is that Randy is having an issue with full access, and there needs to be some test site to show what Michael's ideas are, that's what he's asking for, and I kind of heard that from Carol Lee also. So why don't we do this test site and see what it looks like, and say, "Wow, that's where we need to go." And then you guys all vote on it, and everybody's happy, the County Counsel looks at it and says, "That's something that's functioning appropriately within the scope of the Board." And then you move forward with it.

Rose: Do you have a comment, Melissa?

Melissa: I don't think there's a legal issue here, that I see. So it's up to the Board.

Rose: Okay.

Dave M: And I would say let's give Mike access, and let him go, it sounds like he's got some good ideas, and it's not going to be on the site until the Board approves it.

Randy: I just need somebody to say, "Yes, it's okay."

Michael: You guys are... Because I understand, I'm a new member, I'm a new Director.

Rose: And it's not you, Michael. I look at it not from this point of view, but let's say there happens to be somebody that comes along and says they want access, and then all of a sudden we've got something on that site that doesn't belong because they have access. It starts a ball rolling downhill...

Dave M: If you have protocol the controls.

Rose: Correct, and that's all I'm asking for.

Michael: So my response is, set up a committee, that's your Ad Hoc Website Committee. You have a director on that committee who has a fiduciary duty to the Board, and understands his responsibility, and give him the authority to do what he needs to do in order to start bringing our website up. I'm more than willing to do that, this is what I'm asking for.

Rose: Randy?

Randy: I do have users set up there so that when you guys are logged in, you can see things that the public can't see. And if you create stuff and it only allows those users to see it, then you'd have to go in and login for you to be able to see it, to see the changes that he's made.

Melissa: That could be a Brown Act problem, if the Board is weighing in on things that he's adding outside the public. So I would prefer that was not available other than to the committee that he's referring to. It would be fine if it's a committee having access to that, but the entire Board having access and kind of weighing in on it outside of the public may be a problem.

Michael: Yeah, and at this point, all I'm talking about is..

Rose: And if nothing gets published... I don't have an issue with it if nothing gets published until it has been brought to the Board and approved by Counsel. Then those things can be done.

Michael: Yeah, and that's essential to what I'm saying.

Rose: Okay, well it's obviously been confusing to the Board.

Carol Lee: But I think the one question was, in order to do that, Michael would need to have the administrative authority.

Rose: Or access, but he can't publish.

Carol Lee: Or access, right.

Rose: He has to have access to work with Joomla.

Michael: Well the problem there is, if you have administrative access, along with that is the ability to click the publish button. So when you guys are ready to move forward, and you feel that whether it's Randy or myself or whoever that you can trust that that person is going to do the right thing, then maybe this is the time that we have that discussion. Or let's have that discussion in the future, but I'm stuck, and if you guys want my help, this is what I need you to do and you got to trust me that I understand my responsibilities, and I'm not an idiot. I'm not going to hit publish when it shouldn't be published.

Rick: But then I guess that's the protocol that comes into place with having an administrator, and a process there. Create the documents, it goes to the administrator, there's something to look at so that... I guess, I mean that's all I'm hearing is there's no opportunity for that, then. Is that what I'm hearing from you, Rose?

Rose: Correct. That's what you're hearing from me, there's no opportunity to do it, and I think what Michael is saying is saying, "Give me the authority to do it." And I don't want that authority, I think the whole Board has to see what's going on. It's very important to me that everybody get their input, that we see this stuff and it goes on. It may happen just like this, because Michael's so good at it and Randy's so good at it, but...

Rick: Test site, it makes a lot of sense.

Rose: A test site seems to be the answer, I don't... Dave, do you have anything for an input?

Dave K: That meets my requirements.

Rose: That meets your requirements, okay. So how about if someone... Can I entertain a motion... Well, I'll have to make a motion, I guess, that we put up a test site so it allows Michael and Randy to create things to be able to bring to the Board in 30 days, did you say, Michael, or sooner? And we can see what it is you want to do, and then we can just turn it over and have it put on the website.

Michael: Well the 30 day component is..

Rose: By the next meeting, I'm just saying.

Melissa: That was tied to the program for the volunteers, right? Just the outline?

Michael: Yeah, this was the...

Melissa: That was a separate issue?

Michael: This was a separate issue, so... Yeah, [chuckle] you guys, do what you want.

Rose: Okay, do I have a second or do we just table it 'til the next meeting?

Dave: I'll give you a second, let's vote on it.

Rose: All in favor?

Dave K: Aye.

Carol Lee B: Aye.

Rose: Aye.

Michael: No.

(END OF TRANSCRIPT AT THIS POINT IN THE MEETING)

Motion to have the Ad Hoc Committee develop a test site to present to the Board at the next meeting passed 3-1.

10. DISCUSSION AND POSSIBLE APPROVAL TO DIRECT DISTRICT COUNSEL TO DRAFT A LETTER TO BEAR CREEK MASTER ASSOCIATION FOR PAYMENT PRESENTLY 3 MONTHS OVERDUE

President Corona noted Item 10 had been previously addressed.

11. DISCUSSION OF CONTACT FROM GONZALEZ ENVIRONMENTAL WANTING MITIGATION MONITORING FOR A CLIENT IN MURRIETA

Associate Director Neugebauer stated that there had been no further communication with Gonzalez Environmental.

IV. OLD BUSINESS

1. DISCUSSION OF BROWN ACT FOR BOARD MEMBERS

District Counsel Melissa Cushman conducted a presentation regarding the Brown Act and its importance. She included examples and scenarios, and the Directors and Associate Directors participated in the discussion with some questions, with answers and clarifications provided by Counsel.

2. UPDATE ON LETTER ADVISING LAFCO OF MOU WITH MISSION RESOURCE CONSERVATION DISTRICT

Already addressed in previous discussion regarding MOU.

3. WATER AUDITS AND WEBSITE

Associate Director McElroy briefly described the irrigation upgrade program and reported that there have been two agricultural audits so far. Associate Director Feeney reported that there is now a feature in the EMARCD website to allow people to download the request form.

Director Corona mentioned that Rancho California Water District was going to do an e-blast. Associate Director Neugebauer asked if there would be a link to tie the EMARCD website with a search, and Director Brady mentioned the possibility of having key words that would direct inquiries to the correct site for information. Mr. Feeney agreed to look into that.

4. DISCUSSION AND POSSIBLE APPROVAL OF CREATING POLICY FOR EMAIL USE

District Counsel and Director Brady to address this item at a future meeting

5. UPDATE AND DISCUSSION ON THE PROPOSED BENTON CHANNEL AGREEMENT AND CITY OF MURRIETA MITIGATIONS

Associate Director Neugebauer provided an update and there was discussion as follows:

(BEGINNING OF TRANSCRIPT AT THIS POINT IN THE MEETING)

Rick: Okay, so the Benton Channel, we've received some additional information from the group. Two things, one is that I think prior to the last two meetings, I did not find the appropriate document that we do have now that's included in the packet, and that is that there's a 60-inch line that's gonna be connecting directly to their project. We were under the assumption that the water was going to free flow through about a mile of open space and other drainage creek beds, that were one property to the other. Now we understand that there is a 60-inch line that will dump directly in from their clean water, which means onsite they have probably 10 retention basins that are very prescribed in the quality of the water before it leaves the site. So envision this as about 350 lots. All of that water stays onsite, it goes into their percolation basins. Now, in the event of a 100 year rain, or what's they call the queue, which is the amount of water that's collected. Anything above that would run off the site and into the 60 inch storm drain that would plumb into our easement.

Rick: So, the water coming into the easement is going to be reasonably clean, it will not have turbidity, it will not have sediment, it will be pretty good water coming in there. So I think the issue of water quality is fairly benign, and I think if we look at the reports that Helix has prescribed in identifying the invasives and other things that could happen over a five year period, I think are close to being addressed. So, I think that they have put together a good (muffled) Now, the second item that they've just come back with, and this was a condition that Flood Control just came back with them, is Flood Control wants them to build a road out along this new outlet into the easement, not into our easement, but into the Benton Channel. So they're going back and they're creating plans and documents to take back to flood control for approval on that. I spoke with Jason yesterday, or was it Thursday? Tuesday or Thursday...

Rose: Jason, is Jason Yully from Flood Control, right?

Rick: No, he is...

Rose: Jason Keller from Mission?

Rick: From Mission, yes.

Rose: Okay, from the Helix...

Rick: Right, Helix is their environmental biologist group. But, he indicated that, one of these last minute conditions by Flood Control and I kind of said, "Why don't you take some time and see if you can't talk them out of it, since there's already a gravel road going in there" He said, "Well we've tried, and most of the time they go back to argue those points, but we're not successful." So I said, "Okay." So I said, "That's your battle, not necessarily ours at the moment." So, with that said, I'm of the opinion that we could probably approve what they're offering us, I don't think that we have major mitigation issues, other than clean water coming across our property. And secondly, the inspection of invasives and those that would happen to grow there that may come from their site. And so I think the reports show that in generality, that we could get some a soft grass, or... Not soft grass, oh gosh...

Rick: An invasive.

Rick: An invasive that would come in and grow in there that would have to be inspected and looked at, and that Valley Wide may have missed. So, I think moving forward, I think that it's not a bad application of what they're asking for.

Rose: Okay, may I make some comments on this?

Rick: You bet.

Rose: A couple of things, we get back to a meeting that our former President mentioned. If we wanna really consider what the right will cost for them to do that, because that's very important. And also, and how we're gonna do this, and I also called the (muffled) Land Conservancy, because there's a gentleman named Mike Peters that I asked him for more information, because he does this on a regular basis.

Rose: And he sent me an email saying, "The way I see it is they are asking for permission to dump stormwater on the easement, and all the funds are for you to remove invasive plants for five years. Maybe turn," this is his recommendation, "maybe turn it around and they remove invasive plants and make the annual reports for five years, with written reports to you and a fee for you to review the work. As far as conservation easement, you're getting nothing from them, and it reads that you don't have to allow it. That they are getting approval from agencies, including CDFW, that you have to report as an easement holder. In your situation, why take on more responsibility with invasive removals and reporting, and not getting anything out of it but extra work? How much is it costing you a year? If you have a biological monitor on the site, make a report, there are funds for that now." His estimation is a \$54,600 endowment for the site we create 1802 per year for us to monitor in perpetuity. That was my concern is, is after the five years, and you're taking care of this thing, it's not just while we're alive, it goes on forever. Yes, Rick?

Rick: So, in response, one, the Benton Channel is being maintained by Valley Wide Parks and Rec.

Rose: Oh, it is?

Rick: Yes.

Michael: Okay.

Rick: So this means we have no maintenance. The only thing that we have to do is provide a report once a year that they're doing their job. We don't do any work at all, they already have an agreement to maintain that for Flood Control. So they have a maintenance agreement, and I've walked it, you walked it, it's pretty clean in there, there's no grasses, it's pretty... In fact, it's probably maintained more than it should be, in my opinion. But it is what it is, and it looks very nice, and there's a walking path on both sides. And it's very well maintained. We have no maintenance in there at all. And the limit of our exposure is five years, at the end of five years, we have five years of reporting and we're done. And that's in agreement with Fish and Wildlife and under the permit, we're done. Five years, it's done.

Rose: Okay. Well, I have a question, because we do have... All I want, and it's up to the Board too, would like to see what Flood Control says is the impact if there is 100 year flood when all this happens. And you and I have an appointment...

Rick: And we have a meeting.

Rose: Appointment on the 17th to visit with them to get that information. So we could bring that back to the Board and then we can make a decision for them, does that sound reasonable?

Rose: I have no problem with that.

Dave K: I have a question.

Rose: Oh yes, Dave?

Dave K: It's Dave. Does their maintenance agreement include erosion impact?

Rick: They maintain everything in there, all the maintenance. That's a good point, maybe we should see a copy, get a copy of Valley Wide's maintenance agreement with the Riverside County Flood Control.

Rose: That's a good idea. If we could do...

Rick: Again it's designed, if you look at the design in there, and we walked quite a bit of the channel with another associate a month or so ago, but it's fairly clean, you know what I mean? They've got (muffled) where it's suppose to go, Flood Control is fairly diligent about the design of their projects.

Rose: Okay.

Michael: What happens if we don't agree? And this is Michael.

Rose: Yes, Michael Newcomb. Yes?

Rick: Well...

Rose: They don't get their...

Rick: They don't get the last sign off, and then they could go and appeal it to the Board of Supervisors. And then we look like we have egg on our face. Because I really believe that it's not something that we would not approve. They've done their due diligence, they have Flood Control signed off, Fish and Game signed off, all the other agencies, we're the last agency that haven't signed off on this, just a point of information.

Michael: For them to dump stormwater, however plain it may be, on this..

Rick: On this easement.

Michael: On this easement?

Rick: And it is a Flood Control channel too, by the way.

Michael: Okay. And we have that responsibility to take care of this easement, and...

Rick: Just monitor for invasives.

Michael: Just monitor for invasives.

Rick: And file a report at the end of the year, that's our responsibility in the agreement that we would have with them.

Michael: If we don't agree to do this, because we think the amount is too low, then they can have it waived, the Board of Supervisors could waive that requirement?

Rick: I think that it would create a hearing, and somebody's gonna go up and the Board of Supervisors is gonna say, "Well, what's the problem?" Or Flood Control, or someone's gonna come over and say, "What's the issue with this?" And so, there's gonna have to be something substantial to say, "Well, there's a big problem." "And so what's the problem?" That would be something that we'd have to respond back to, what is the problem?

Rose: And my question is, is like Dave's saying, at the impact of 100-year flood or 50-year flood, what would that be, and what would the erosion be, and how it would impact our easement, and what would we be responsible for eventually? Even after five years, because it's usually Mother Nature's way of saying, "The sixth year she's gonna hit us with a 100-year flood."

Rick: Yeah, and anecdotally, I'm gonna say that the site has the ability to hold the 100-year event, or the 10 year, the site will hold the 10 year, and so the 100-year event is what will overflow and go into the 16th channel, and then follow suit.

Rose : Okay, I suggest we get that information so we can present that to the Boards (muffled)

Rick: Yeah.

Dave K: Let's do the maintenance agreement, if it looksgood then we should be able to proceed, maybe.

Rick: Yeah, and it's really a monitoring agreement.

Dave K: Right, for us.

Rose: Okay, so...

Rick: And a maintenance agreement from Valley Wide, and I'll work on getting that.

(END OF THE TRANSCRIPT AT THIS POINT IN THE MEETING)

6. REMINDER REGARDING SUBMITTAL OF FORM 700

President Corona reminded any Directors and Associate Directors who had not yet submitted their forms that it was a requirement, and requested that they do so as soon as possible

7. DISCUSSION OF LONG TERM STREAMBED AGREEMENT AND REPORT DEADLINE

President Corona had reported on this item as part of an earlier discussion.

V. NEW BUSINESS

1. DISCUSSION OF MORGAN HEIGHTS AGREEMENT – CDFW

Director Long was not present to address this item. President Corona informed the Board that she had been contacted by L&L regarding the Morgan Heights Agreement, but needed more information from Jeff Brandt at Fish & Wildlife. He was out of town on a family emergency and she was therefore unable to provide any further detail to the Board until he returned.

2. DISCUSSION OF POSSIBLE APPROVAL OF CREATION OF AD HOC COMMITTEE TO CREATE MORE SPECIFIC BOARD PROCEDURES AND POLICIES

President Corona noted that due to time constraints she suggested moving on to the next item.

3. MEADOWVIEW PROJECT

Director Brady commented that in the interest of time she would present more information at the next meeting regarding a potential opportunity with an HOA that would like EMARCD to take the role as lead agency.

VI. ORAL/WRITTEN REPORTS

No oral or written reports.

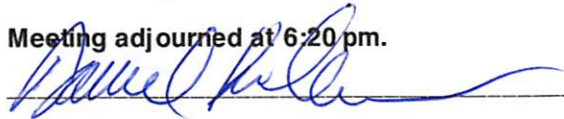
VII. FUTURE AGENDA ITEMS

As previously noted.

VIII. ADJOURNMENT

Director Brady moved to adjourn, seconded by Director Kuhlman. Motion passed 4-0

Meeting adjourned at 6:20 pm.



Dave Kuhlman-Secretary/Treasurer Date