

# MINUTES

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### Temecula-Elsinore-Anza-Murrieta Resource Conservation District Regular Board Meeting Thursday, February 9, 2023, at 4:00 PM

Truax Building  
41923 Second Street, 4<sup>th</sup> Floor  
Temecula, CA 92590

#### I. PRELIMINARY FUNCTIONS

Call to Order, 4:00 p.m., meeting  
Flag Salute  
Roll Call/Establish a Quorum

**Directors Present:** Rose Corona (President), Newt Parkes (Secretary/Treasurer), Jeff McClenahan (Director), Pablo Bryant (Director), Teri Biancardi (Director)

**Directors Absent:** None

**Associate Directors Present:** Rick Neugebauer, Sebastian Valente

**Associate Directors Absent:** None

**Temporary Office Manager:** Rae Shirer - Present

**Natural Resources Conservation District (NRCS):** None

**Mission Resource Conservation District:** Scott Murray, Director

**Santa Ana Watershed Association:** Brian Brady, Executive Director

**District Counsel:** Aaron Gettis

**Guest Speakers:** None

**Public Guests:** David Fogg, Andy Domenigoni, Myra Sarmiento, Randy Feeney, Fabian Biancardi, Jonathan Ingram.

#### **Approval of Agenda**

President Corona called for a motion to approve the agenda and minutes as presented. Director Teri Biancardi requested that new business item 4, election of officers, be moved to item 1. President Corona conferred with Counsel Gettis. Upon discussion, Director Biancardi made a formal motion to move the item, Director Bryant seconded. A roll call vote was taken with Directors Parkes and Corona voting nay and directors Biancardi, Bryant and McClenahan voting yay—the motion carried 3-2.

President Corona then requested to move item 1, new business, to item 1, action discussion calendar, in order to discuss the resignation of County Counsel Melissa Cushman and the introduction of County Counsel Aaron Gettis. There being no objections, the item was moved.

President Corona then notified the board that Bernie Traux, the owner of the building in which the TEAM RCD board meetings are held, had been hospitalized at Scripps in La Jolla for heart surgery.

**Public Comment**

John Mueller, Traux Development, read a letter from Bernie Traux (due to Mr. Traux's hospitalization) into the record. The letter addressed the full board regarding the effective leadership of President Corona over the last 8 years and the support that he gives to President Corona. The letter is included in the record and submitted in the Board Packet.

Randy Feeney addressed the board regarding President Corona's leadership and questioned the proposal to hold a new election for the office of President, noting that President Corona had been elected for a one-year term in June of 2022.

Andy Domenigoni also spoke in support of President Corona's leadership and expressed his interest in attending future meetings and possibly serving the District in the future.

Jonathan Ingram of Murrieta spoke regarding his experience as mayor of that city and his work on various land use, open space and conservation issues. He spoke in support of President Corona's leadership.

Scott Murray spoke of his experience as a Director of Mission RCD and spoke of the history of TEAM RCD. Mr. Murray stated that prior to President Corona's service, eight years ago, the TEAM RCD board was "destructive" and encouraged the new board of TEAM RCD be mindful of the public interest by not reversing all of the good work that has been achieved by the current President.

- II. CONSENT CALENDAR
- III. CORRESPONDENCE
- IV. GENERAL INFORMATION

President Corona called for a motion to approve the consent calendar, correspondence and general information. Director Parkes moved, and Director Biancardi seconded, the motion. Upon voice vote, the motion carried unanimously.

**V. ACTION ITEMS/ DISCUSSION CALENDAR**

**1. Discussion of change of County Counsel.** President Corona then introduced County Counsel Aaron Gettis. Mr. Gettis then spoke briefly regarding his background and experience. President Corona then addressed her concerns the Riverside County Counsel is not adequately representing the board as a whole, noting issues surrounding an improperly called Special Meeting (January 19, 2023) and a potential conflict of interest with the Riverside County Board of Supervisors during the director appointment process. President Corona noted that counsel was unable to answer questions posed by the Board of Supervisors and failed to address comments made by the public at the January meeting of the supervisors. President Corona stated that as a result, she was forced to hire independent counsel to advise her and the board regarding the improperly called TEAM RCD special meeting but that county counsel failed to forward a letter from that independent counsel to the board of supervisors in a timely manner prior to the supervisors meeting on January 23<sup>rd</sup>, at which TEAM RCD board appointments would be finalized.

President Corona further stated that Riverside County Counsel was aware of, and ignored, TEAM RCD's procedure for authorizing legal fees and costs in advance. That procedure, agreed to at the TEAM RCD board meeting in November 2021, required any director other than the President to send a request in writing to the President and Office Manager for legal assistance before incurring fees. President Corona stated that unauthorized legal fees for January, 2023 exceeded \$3,500.

Following discussion by and between the board and Mr. Gettis regarding the costs of retaining county counsel versus independent counsel, possible conflicts of interest of other firms who also represent the county, and TEAM RCD's disputed costs and billing procedures, no further action was taken.

**2. Resignation of Darlene Gilbert.** President Corona noted the letter from Ms. Gilbert in the board packet and announced that Rae Shirer, an independent contractor, was acting as temporary office manager.

**3. Participation in City of Menifee Wildlife Appreciation Day.** Director Biancardi presented the request by park ranger Brandon Sampson of the City of Menifee that TEAM RCD participate in the March 18<sup>th</sup> event, with paperwork due March 3<sup>rd</sup> to confirm TEAM RCD's involvement. The board then discussed what form of participation would be involved, such as a table, printed materials, presentation of TEAM RCD programs, etc. Associate Director Valente volunteered to participate on the 18<sup>th</sup>. Director McClenahan offered to assist Director Biancardi with assembling the necessary materials. President Corona noted that at past, similar events, TEAM RCD sold plants and discussed the organization's programs with attendees. Following this discussion, it was moved (Biancardi) and seconded (Bryant) that TEAM RCD participate in the Menifee event that Director Biancardi submit the paperwork to the City. The motion was unanimously approved, with Director Biancardi to report back to the board at the March meeting regarding the details of the presentation.

**4. CDFW 2022 Annual Report.** President Corona reported that the report was submitted prior to the December 31, 2023, deadline.

**5. NACD Capacity Building Grant.** President Corona reported that she has followed up, but that the deadline has been moved into March.

## **VI. NEW BUSINESS**

**1. Election of Officers; President and Vice President.** President Corona introduced the topic and discussed the requirements of the Public Resources Code and TEAM RCD policy 2030.1, establishing a one-year term of office. Counsel Gettis then advised that officers may be replaced at the pleasure of the board, but that the next regular annual election in June of 2023 would still occur. The board then discussed the issue. Director Biancardi stated that as there was a substantial change in the makeup of the board that it was an appropriate time to reconsider leadership. Director Biancardi noted that she would like to take TEAM RCD in new directions and laid out a list of proposals for the future. Both Director Biancardi and President Corona took note of past conflicts on the board over the role of directors and the projects that should be undertaken consistent with the organization's mission.

Director Biancardi questioned Counsel Gettis as to the law for cancelling general meetings. Mr.

Gettis did not have a ready reply. President Corona asked Counsel Gettis for clarification of the interaction of the Public Resources Code and the board's written policies. Mr. Gettis restated his opinion that the board could call for new elections mid-year, but that the June election would still be held for those offices as scheduled. He noted a potential incongruity between the Code and the policies of the board.

The board then discussed postponing action for election of a new president. Director Parkes moved to postpone for three months to allow the board time to adjust to its new configuration. Upon discussion, Director McClenahan requested an amendment to the motion to postpone for two months, rather than three. President Corona seconded the amended motion. Upon roll call vote, the motion passed.

Yay: Corona, Parkes, McClenahan  
Nay: Biancardi, Bryant

The board next considered the election of a vice-president. Director Biancardi nominated Director Bryant, Director Bryant seconded. President Corona nominated Director Parkes, Director Parkes seconded. Following discussion, a roll call vote was taken, electing Director Bryant as Vice-President:

For Bryant: Biancardi, Bryant and McClenahan  
For Parkes: Corona, Parkes

**2. Associate Directors.** Director Biancardi requested clarification of the role of associate directors and their participation on committees and boards of other organizations. Director Biancardi proposed a moratorium on the work of the associate directors and that the board consider a referendum to consider eliminate the position and reconsidering the issue in six-months' time.

(At this point, Director Parkes left the meeting for medical reasons.)

The board proceeded with discussion of the role of the existing associate directors. President Corona noted that there had been previous memoranda prepared by County Counsel discussing the use of associate directors as non-voting participants at TEAM RCD. These associates could be *voting* members of other organizations without presenting a conflict of interest for the Board itself. If a voting director of TEAM RCD also held a voting position in another organization, conflicts could arise. The board discussed this specifically regarding the Santa Ana Watershed Association. Guest Brian Brady discussed the make-up of that board and the participation of TEAM RCD's Associate Director Neugebauer on that board since 2015.

Director Biancardi then asked Counsel Gettis how documents, such as the memos regarding associate directors, are deemed to be "attorney-client privileged". Mr. Gettis explained that it is standard procedure to identify communications as privileged but that the client (the board) could negate the privilege by disseminating the document outside of the organization. President Corona noted that the board had already taken a vote regarding the issue of waiving Attorney Client privilege regarding this issue and it was the Board's decision not to waive their privilege and enable the memos to be disseminated.

Mr. Gettis stated that he would review the memos.

Director Bryant and Director Biancardi requested that Associate Director Neugebauer provide

more detail regarding the activities of the SAWA board in the future. Mr. Neugebauer noted that the SAWA meetings are open to the public and the TEAM RCD directors are welcome to attend.

Director Biancardi moved to abolish the associate director position. President Corona noted that the agenda item that was noticed to the public did not state that a vote would be taken. Counsel Gettis concurred that a vote could not be taken until noticed and advised that something would need to be formalized under the board's policies and placed on a future agenda. President Corona stated that if something was drafted and forwarded, it would be added to the agenda.

**3. Formation of Strategic Planning Committee.** President Corona noted that a copy of the 2018-2023 strategic plan was included in the directors' packet. Director Biancardi moved, and Director Bryant seconded, that an ad hoc committee be established to prepare the one and five-year strategic plans.

During discussion, President Corona noted that any committee with three voting directors would have to comply with the Brown Act, including the provisions for posting notice.

A roll call vote was taken and the motion was passed 4-0, Director Parkes having previously left the meeting.

Director Biancardi then nominated herself, Director Bryant and Director McClenahan to serve on the strategic planning committee.

The board then discussed the Brown Act implications of having three voting directors on the committee, as three directors were also a majority of the board as a whole. Counsel Gettis stated that the benefit of an ad hoc committee was that a portion of the board could work without having to comply with the Brown Act and then bring the product back to the board of a full vote. Counsel Gettis stated that it leads to the appearance of impropriety that the ad hoc committee is actually doing the business of the organization and that the committee could be used to thwart the mission of the organization. Counsel Gettis also noted that the process of informal sharing of ideas and documents of the committee members outside of the meeting could also make the situation ripe for a Brown Act violation.

Director Biancardi then amended the motion to create a two-member ad hoc committee to develop the one and five-year strategic plan and further moved to nominate herself and Director McClenahan to the committee. The motion was seconded by Director McClenahan. Upon voice vote, the motion was carried unanimously.

## **VII. OLD BUSINESS**

**1. Homeless Monitoring.** No report.

**2. Anza/Aguanga.** Director Biancardi reported that it appears many illegal marijuana growers were leaving the area, relieving pressure on the region.

**3. Flood Control and Crop Swap Reports.** President Corona reported that there were not open projects in Crop Swap due to the weather and other than homeless monitoring, there was nothing going on in Flood Control projects.

## **VIII. FUTURE AGENDA ITEMS**

**IX     ADJOURNMENT**

There being no further business to come before the board, Director Corona called for a motion to adjourn. The motion being made, seconded and voted, the meeting adjourned at 6:05 p.m.

\_\_\_\_\_Secretary/Treasurer