

MINUTES

TEAMRCD

Temecula-Elsinore-Anza-Murrieta Resource Conservation District

Regular Board Meeting

Thursday, September 8, 2016 4:00 PM

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

I. PRELIMINARY FUNCTIONS

Call to Order, 4:00 p.m., meeting recorded by Rose Corona

Flag Salute

Roll Call/Establish a Quorum:

Directors Present: Rose Corona (President); David Kuhlman (Vice President); Carol Lee Brady (Secretary/Treasurer)

Directors Absent: Viki Long, Michael Newcomb

Associate Directors Present: Dave McElroy, Randy Feeney

Associate Directors Absent: Rick Neugebauer

District Counsel Present: Melissa Cushman

NCRS Present: Bob Hewitt

Public/Guests: Carl Omundsen, NRCS Consultant (Environmental Biologist); John Abel, Mission Pacific Land

MOTION TO APPROVE AGENDA: President Corona called for a motion to approve the agenda; moved by Director Kuhlman and seconded by Director Brady. Call for vote. **Motion passed 3-0**

II. CONSENT CALENDAR & III. GENERAL INFORMATION

President Corona asked for a motion to approve the consent calendar. Director Kuhlman made the motion and Director Brady seconded. Call for vote. **Motion passed 3-0.**

President Corona noted that her request for motion should have included all Correspondence and General Information listed in the agenda, and asked for

another motion to add those items. Director Brady moved, and Director Kuhlman seconded. Call for vote. **Motion passed 3-0.**

IV. ACTION ITEMS/DISCUSSION CALENDAR

Item #1: Update of Meadowview Project

President Corona turned the floor over to Bob Hewitt. He reported that NRCS had finished their design using Geoengineering, which uses wattles made from natural materials or compost walls, rather than hard substances like concrete or rock. He provided some technical detail regarding the process, and noted that there should be enough water within the first 3-5 feet along the toe of the slope to keep cuttings that they eventually would plant alive. Then the plants would take over and the wattles would dissipate and disappear over time.

President Corona said that she had spoken with Stuart McKibbin at Flood Control regarding what TEAM RCD's would be, and had mentioned to him that Meadowview Project is not a concern but a challenge since we don't have a scope of work or cost. Mr. McKibbin said that he understood and sent some paperwork for TEAM RCD to review. President Corona said that at this point the Board would wait for Mr. Hewitt to complete the scope of work first.

Mr. Hewitt explained that they had tried to get a cost estimate at about half the existing projection; but if numerous contractors are used the cost goes up. They had come up with a cost of about \$150,000 for the project, and NRCS is paying almost half of that. Fish & Wildlife Service has money to contribute.

President Corona asked if that figure was \$33,000, and Mr. Hewitt was unsure of the amount. He continued, saying that the Homeowners Association (HOA) also needs to be a part of the decision since it's their project.

President Corona agreed, and said that they're deciding about the Bureau of Reclamation and how TEAM RCD ends up being involved. She had left a message with Rancho Water, but her contact had been on paternity leave so she will follow up.

Mr. Hewitt noted that the reason Flood Control is involved, even though it's not their jurisdiction, is that NRCS doesn't have enough upfront money to and Flood Control is going to try to come up with some funds to help pay the difference. This is the reason Flood Control has involved TEAM RCD, since any money they contribute has to go through a third party such as TEAM RCD.

President Corona asked if there were any further questions, and there was some general technical discussion regarding grading, yardage and the permitting process. She then moved to the next item.

Item #2: Discussion and Potential Approval of New Logo for TEAM RCD

Director Newcomb was absent so the new proposed logo was not available for review, so President Corona moved to the next item.

Item 3: Discussion and potential approval of letter designating alternate(s) for the Santa Ana Watershed Association Board Meeting Sept 22, 2016. Rick Neugebauer cannot attend.

This item was inadvertently skipped.

(Note - All directors were later formally notified of a special meeting to be held to address Item #3 – see corresponding minutes.)

Item 4: Discussion, update and potential approval of any documentation regarding potential MOU with Regional Conservation Authority (RCA) and partnership with TEAM RCD- Melissa Cushman

District Counsel Cushman reported that the MOU had been approved as reported in the last meeting, and as an update it was forwarded to RCA. They wanted to make a few minor changes such as property identification, but did plan to sign it. President Corona moved to the next item.

Item 5: Discussion and potential approval of Conflict of Special Interest Codes drafted by District Counsel to be approved by the Board-Direction and authorization for District Counsel to draft a Conflict of Special Interest Code to be adopted by the Board within 90 days of submission of changes to Clerk of the Board

Ms. Cushman reported that the draft she had brought to the last meeting, which needed some minor changes, had been updated and the updated version was in the Directors' packets.

President Corona asked if everyone had reviewed the adoption of Special Interest Codes including the amendments that the Associate Directors had requested, and if there was any discussion. There were no questions, so she called for a motion.

Director Brady moved to approve the Conflict of Special Interest Codes drafted by District Counsel. President Corona seconded and called for a vote. **Motion passed 3-0.**

President Corona noted that she had moved to the next item quickly after Mr. Hewitt's presentation, and asked if he had anything else to discuss. He stated that NRCS has 47 contracts they are currently working on in the area. President Corona asked if he had a list of them, if perhaps there's an opportunity for RCD to work on future projects.

Mr. Hewitt responded that they would be able to provide a list in the next couple of months once people hand in applications.

Item 6: Information on the CSDA Annual Conference in San Diego Oct. 10-13. Discussion and potential approval to send one Board Member or Associate Director to the Conference and pay expenses for registration, meals and gas to and from convention. Also update and discussion on CARCD meeting in November in regards to scholarship funds

President Corona reminded the Board that in the last meeting there had been discussion about sending one Board member or Associate Director to the conference and pay expenses for registration, meals and gas to and from the convention. At that time, Mandy Parkes from Inland Empire RCD had said that there were scholarships available. As an update, President Corona spoke again with Ms. Parkes, who said that scholarships are available for the November meeting, which is the California Association Resource of Conservation Districts. However, they've changed the policy for the event down in San Diego and that location's conference is not going to have scholarships available. There had been some interest expressed for the San Diego event, so President Corona asked if the Board wanted to pay about \$500+ for one person and \$279 for a second person to attend.

Associate Director McElroy noted that the November meeting looks better than the one in October, and President Corona agreed. She noted that no motion is needed since the November conference would be at no cost to TEAM RCD. She moved to the next item.

Item 7: Discussion and potential approval to direct District Counsel to draft a resolution to replace the annual audit required by the state with a policy to change the audit process to an audit every three years with additional requirements to meet Riverside County Controller/Auditor requirements. Also discussion and potential approval to forward resolution to the Board of Supervisors in order to obtain unanimous approval of the Board of Supervisors in order to change District policy. Resolution must include a financial compilation conducted at specific intervals as recommended by the county auditor with a financial compilation and financial review in accordance with the appropriate professional standards that shall be determined by the county auditor

President Corona provided a recap from the last meeting regarding AB2613 that would allow districts that don't bring in revenue over \$150,000 to forego the annual audit process; and instead do a yearly compilation and then have an audit every two, three or five years. As requested by the Board in the last meeting, President Corona called the Controller of Riverside County to verify their requirements, who confirmed that TEAM RCD can have District Counsel prepare a resolution for the yearly compilation with audits as noted above. This would then need to be approved through a unanimous vote of the Board, and then would be submitted to the Board of Supervisors for approval. President

Corona noted that this would spread the cost over three years rather than paying \$6,400 (which had been the low bid for the prior RFP) every year. She said that she had not had a chance to discuss this with Supervisors Washington or Jeffries; but that the new financial controls in place using Quickbooks Accounting would allow for a quarterly report. The auditor said that as long as the TEAM RCD Board approves it and four of the Supervisors also approve it, this would be something they can live with.

President Corona noted that this would save the RCD money while remaining compliant and transparent.

Director Kuhlman asked if there would be any impact on TEAM RCD's future ability to get certified, and President Corona said that Fish & Wildlife had not given the impression that this would affect the due diligence. In fact, they were pleased with the newly implemented accounting process, especially in the area of developer deposits and swift access for financial reporting.

General Counsel Cushman stated that she would need to look further into the requirement of "unanimous" vote of the Board, for clarification on whether all five Directors must be present for the vote, or if three present at the meeting represents a unanimous decision. She advised the Board that they can discuss a theory and make a motion in theory; but she would need to return for the actual resolution. President Corona asked if a motion for Counsel to draft a resolution would be acceptable, and Ms. Cushman said that it would. President Corona called for a motion.

Director Brady moved to direct Counsel to draft a resolution to replace the annual audit required by the state with a policy to change the audit process with additional requirements to meet Riverside County Controller audit requirements. President Corona seconded and called for a vote. **Motion passed 3-0.**

Item 8: Discussion and potential approval to notify the Board of Supervisors of Board appointment and/or re-appointment possibilities with ending terms to Carol Lee Brady and Dave Kuhlman

President Corona asked District Counsel Cushman what process should be followed, and Ms. Cushman said that she would proceed with contacting the Clerk of the Board to put the advertisement out. At that point, the current Directors could submit their application along with any others who may be interested.

President Corona moved on to Old Business.

V. OLD BUSINESS

Item 1: Discussion and potential approval of update on RFP's for conservation easements

Director Brady distributed a spreadsheet summarizing bid results, and noted that there had been bids requested from Santa Ana Watershed Association (SAWA), Mission Resource Conservation District (Mission RCD), Inland Empire Resource Conservation District, (IERCD), Riverside-Corona Resource Conservation District (RCRCD), San Jacinto Basin Resource Conservation District (SJBRC), and Live Oaks Association. SAWA and Mission RCD submitted bids and the remaining invited entities declined to bid. IERCD later forwarded the bid request to two consulting firms who submitted unsolicited bids (one of which was received after the bid due date and not included in the summary.)

Director Brady noted that her analysis was solely from a bottom line cost perspective, that technical or professional qualification review was not included; and that Director Neugebauer could provide his feedback to the Board if there were any questions or clarifications regarding scope of work etc.

She reported that the bidder submitting the lowest cost proposal was SAWA. President Corona said that in the course of a conversation she had with Hugh Wood on another topic, she mentioned to him that their estimated cost seemed higher than last year. He said the reason was that the area was larger than the former analysis had shown which led to further research that adjusted the work needing to be performed. He expressed willingness to explore the possibility of teaching a TEAM RCD representative to take photographs - instead of using an expensive biologist - which would reduce the cost to about \$3,700 for the Greer Ranch portion.

Director Brady noted that SAWA's initial estimate for Greer Ranch had been \$5,500, so assuming that Adeline Farms remained unchanged, the revised total estimate would potentially be reduced from \$6,120.00 to \$4,320.00. This is less than half the amount proposed by the next lowest bidder.

President Corona said she would like to entertain a motion to accept the low bid. Director Brady moved to accept SAWA's bid, President Corona seconded the motion and called for a vote. **Motion passed 3-0.**

Item 2: Discussion, update and potential approval of extension of Water Audit Agreement with Mission RCD to June 30, 2017

President Corona reported that Rancho Water had originally told her that the extension of the water audits was going to be through December 31, 2016. However, when she received it in the mail it was actually extended to June 30, 2017 because they were given enough money to carry it through to that date. President Corona made the motion to extend the water audit agreement with Mission RCD to June 30, 2017. Director Kuhlman seconded. President Corona asked for any discussion; there was none, and she called for a vote. **Motion passed 3-0.**

Item 3: Water Audit Updates

Associate Director McElroy reported that eight people are participating; three are finished, four in the process of making improvements, and one is a recent request. President Corona noted that there was a range of 5 acres to as much as 25 acres for Hart Winery, and Mr. McElroy said that he had also referred them to NRCS because there's additional work he would like them to explore. He stated that Mission RCD was doing a nice job, and President Corona also complimented him on his work.

President Corona recognized Director Brady, who asked Associate Director McElroy if there was any follow-up process in place for submitted bills shown on the summary. Mr. McElroy said that he had placed calls to the individual in question with no response to any of his messages. President Corona noted that sometimes customers choose not to follow through with pre-audit recommendations. Associate Director McElroy added that sometimes they fail to compile their paperwork and decide not to submit bills, but he does make follow-up calls.

Items 4: Discussion of Benton Channel project and potential approval of letter and endowment information to be sent to Mission Pacific/Jason Keller

President Corona had prepared a letter (included in the agenda packet) and said that she will sign it; and she passed a copy to Mr. Abel. She read the letter to the Board in case anyone had not reviewed it prior to the meeting. The following is taken from the transcript at this point:

..."September 8, 2016, Temecula, Elsinore Anza Murrieta Resource Conservation District. Team RCD discussed your proposal to have Team RCD visit. When we actually discussed some of these at the last meeting, some of Mission Pacific Company's requirements to the French Valley south tentative track, 30847, the project essentially your project will be for foreseeable future. Increase flows depend on a channel apparently impacting Team RCD's conservationists in that area. It is our understanding that you have discussed with California Fish and Wildlife mitigating project impacts to the conservationists whereby funding the removal of non-native planted species within a segment of Benton Channel, and monitoring and further non-native plant removal is needed for the five years, following initial removal of the performing above-described work for the next five years. Mission Pacific offered Team RCD a one-time payment of \$17,000. However, while you're proposing mitigation requirements may terminate in five years, potential impacts to the conservation easement from your project will remain for the life of the project. Accordingly, rather than a one-time payment of \$17,000, Team RCD would instead require one-time endowment of \$155,000. This would prevent significant environmental impact in the future from the addition of water and related invasive species that would result from your project.

Thank you for working with Team RCD. If you have any questions related to the above or wish for more specifics related to help your endowment came to be set up, please give Rick Neugebauer a call, at 760-594-1107 or you may reach him at rick.neugebauer@teamrcd.org.”

You've got a breakdown of that endowment and how we came to that conclusion. It's getting harder. We heard this was a result of a meeting with Fish and Wildlife and their increased concerns, not with you in particular, but with every developer that's out there. They're only looking, as you probably know, at how the conservation easement is going to be impacted. I think I heard, "Remember, Miss Corona, it's in perpetuity in perpetuity in perpetuity," that Mr. Brandt and the California Fish and Wildlife was trying to impress upon us. He was asking to see a wider scope and discussion with Flood Control, which, we still have not been able to get all three of us together. We were only able to meet with him (Jeff Brandt) and have this discussion. He is very concerned considering that there are -- I think their overall concern is that there isn't enough money done in the endowments to keep conservation easements to be protected (in perpetuity)

You guys are not new to this. It was difficult but we have to also look out for what our responsibilities are, and that makes it harder for all of you guys. I was not expecting to not know you were coming here and I don't mean to just surprise you with this because I know it's not what you wanted to hear. It's very difficult. You guys have the floor if you would like to say whatever you need to say.” ...

End of transcript at this point.

Mr. Abel suggested that he needs to circle back and determine where the number came from; and President Corona noted that it was in the attachment. Mr. Abel responded that he had the attachment and needed Karl to take a look at it. President Corona stated that she understood, and said that TEAM RCD is also in a learning curve. She said that several conservation easements have been underfunded in the past, creating problems especially due to their long-term nature. She continued, saying that Fish & Wildlife is insisting that invasives with waterflow will continue even after the five-year period; and ultimately, as a Board and an RCD we have the responsibility.

President Corona suggested to Mr. Abel that after they collect and review their information, TEAM RCD would welcome conversations and discussions.

Mr. Omundsen asked if Associate Director Neugebauer had put together the numbers, and President Corona responded that Mandy Parkes, from Inland Empire had helped with the calculation and would probably be happy to talk to them about the numbers.

Mr. Omundsen said he thought that assumptions built in could be causing their figures to be far off from TEAM RCD's, and reminded the Board that they had been issued two sets of permits or two letters of operational laws by Jeff Brand for this project. He said that Mr. Brandt or his staff had reviewed bed channel impacts but had not mentioned this. President Corona noted that there is also Fish & Wildlife to consider.

There was further discussion of a technical nature, and President Corona suggested that Mr. Omundsen and Mr. Abel talk to Ms. Parkes and also contact Fish & Wildlife. She offered to let Ms. Parkes know they would be in touch. She also said that she had been trying to reconstruct some of the history. Mr. Omundsen stated that they had documents to double-check and confirm. He said that that Director Long had been involved in on-site meetings with the agencies, and approximately 17,000 was mentioned verbally as a good agreement. They also were discussing it with the Army Corps of Engineers as well as California Department of Fish & Wildlife, so they felt comfortable.

President Corona said that Director Long had not shared that information with the Board, and the offer letter brought it to the foreground. With a new Board, there was not enough information to an agreement; and as Acting President at the time she had not felt that it was prudent to proceed without more facts.

After additional discussion between President Corona, Mr. Abel and Mr. Omundsen, it was agreed that Mr. Omundsen would get to work on gathering more information, and President Corona said that she would call Ms. Parkes and Mr. Brandt to see how agreement could be reached.

Mr. Omundsen agreed, and said that they would be happy to be considered to provide any training or help establish cost sheets to assist in continued education to the new Board.

President Corona and the Directors thanked Mr. Abel and Mr. Omundsen, who then left the meeting.

Item 5: Update and discussion on letter to Flood Control regarding the current Maintenance agreements with Valley Wide

Item 5 was inadvertently skipped and will be addressed at the next meeting.

Item 6: Update on Ongoing MOU's with other RCD's in our area (Inland Empire, San Jacinto, Antelope Valley etc.

President Corona reported that Inland Empire is bringing this to the Board, and everyone is excited. Antelope Valley has been included and already approved the MOUs, so everyone except San Jacinto has passed the MOUs.

VI. NEW BUSINESS

None

VIII. ORAL REPORTS

None

President Corona recommended moving to closed session, thanked Mr. Hewitt for his attendance and he left the meeting.

President Corona called for a motion to close open session; Director Brady made the motion and President Corona seconded. Call for vote. **Motion passed, 3-0.** No items were anticipated to be reported out of closed session.

VII. 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

Carol Lee Brady

10/13/16

Carol Lee Brady -Secretary/Treasurer

Date

SPECIAL MEETING

MINUTES

Temecula-Elsinore-Anza-Murrieta

Resource Conservation District

Regular Board Meeting

Thursday, Sept 16, 2016 – 4:00 p.m.

Truax Building

41923 Second Street, Fourth Floor

Temecula, CA 91590

ADDING URGENCY ITEMS TO THE AGENDA:

Items may be added to the Agenda in accordance with section 54954.2(b)(2) of the Government Code (Brown Act), upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District after the agenda was posted.

I. PRELIMINARY FUNCTIONS

Call to Order – Pledge of Allegiance

Roll Call/Establish a Quorum

Approval of Agenda

Public Comment

Any person may address the Board at this time upon any subject not identified on this Agenda but within the jurisdiction of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District. Please note that for items not listed on the agenda, the Brown Act imposes limitations on what the Board may do at this time. The Board may not take action on the item at this meeting. As to matters on the Agenda, persons will be given an opportunity to address the Board when the matter is considered. If you wish to speak during public comment, please fill out a "Speaker Request Form" and give it to the Board Secretary. When the Board President calls your name, please immediately begin by giving your name and address for the record. Each speaker will be given three (3) minutes to address the Board.

The special meeting was called to order at 4:00 promptly. Present were Dave Kuhlman, Rose Corona, Michael Newcomb and Carol Lee Brady. Absent were Vicki Long, Rick Neugebauer, Dave McElroy and Randy Feeney.

Motion to approve the agenda. Motion made by Dave Kuhlman, seconded by Carol Lee Brady. Motion passed 4-0

DISCUSSION AND POTENTIAL APPROVAL OF LETTER DESIGNATING ALTERNATE FOR THE SANTA ANA WATERSHED ASSOCIATION BOARD MEETING SEPT. 22, 2016

Board discussed appointing a long term solution to alternates to the SAWA Board meetings if Rick Neugebauer cannot attend. Carol Lee Brady made a motion to designate an alternate for the Santa Ana Watershed Association Board meetings for September 22, 2016 as well as ongoing to include officers for TEAM RCD of Rose Corona, Dave Kuhlman and Carol Lee Brady.

Dave Kuhlman asked if the motion could be amended to include Associate Directors. Director Corona asked for an amended motion. Dave Kuhlman made a motion to amend the original motion to include the Associate Directors. No further discussion.

Director Corona asked for a second. Seconded by Michael Newcomb. Motion passed 4-0. Motion made to adjourn the meeting. Dave Kuhlman made a motion, seconded by Carol Lee Brady. Meeting adjourned 4:04 p.m.



Secretary-Treasurer- Carol Lee Brady

10-13-16