

MINUTES

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

Truax Building
41923 Second Street, 4th 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), 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

Office Manager: Rae Shirer - Present

Natural Resources Conservation District (NRCS): None

Mission Resource Conservation District: Darcy Cook, District Manager

Santa Ana Watershed Association: None

District Counsel: Aaron Gettis

Guest Speakers: Darcy Cook, Mission Conservation Resource District

Public Guests: Randy Feeney

Public Comments

None.

II. CONSENT CALENDAR

III. CORRESPONDENCE/GENERAL

IV. GENERAL INFORMATION –CORRESPONDENCE GENERAL

Approval of Agenda, Correspondence, Financial and General information

Director Parkes moved for approval of the agenda, February 9, 2023, minutes and financial and general information as presented. Director Biancardi requested the minutes be pulled, identifying two concerns: 1) That the narrative form of the minutes should be shortened and that 2) the Board members be given in advance the minutes to review and then they could be posted on the website once approved. Director Biancardi suggested that with this method Directors could review them and then approve them at the Board meeting. Her concerns were the minutes have been posted on the website without being approved and that by posting them on the website errors in the minutes were being entered into the public record. District Counsel Gettis asked for a clarification

on the policy and procedure of how TEAM RCD did their posting. President Corona noted that the consistent procedure has always been that the minutes are always posted by the correct time (72 hours in advance) and that if anyone would like to change anything they can change it at the meeting by a majority vote and then the minutes will be reposted. This gives the Directors 72 hours to review and bring whatever changes they have to the meeting. She also noted that the minutes that are posted are not signed and therefore not official.

Associate Director Neugebauer noted that forwarding it to the Board could be a potential Brown Act violation and Director Biancardi wanted clarification why that would be the case. Counsel Gettis confirmed it would be a Brown Action violation. Director Parkes wanted to know if Director Biancardi had issue with the process or with the minutes and Director Biancardi she had issues with both. Temporary Office Manager Rae Shirer asked if the minutes were not posted when required yet everything else was posted such as the agenda and the packet, would that be a Brown Act violation.

President Corona clarified that she was informed that the information for the Agenda, Minutes and the packet had to be available to the public at the same time it was available to the members so that is why they were always sent out at the same time.

Following discussion, it was agreed that the draft minutes included in the agenda package posted prior to the meeting would be marked "DRAFT", the minutes would be reviewed at the board meeting and the final minutes would then be posted to the website. President Corona made a motion to approve the minutes and the consent calendar as presented. Second by Director Bryant and passed unanimously – 5- 0.

V. ACTION ITEMS/ DISCUSSION CALENDAR

- 1. Form 700:** President Corona reminded all directors to complete and return annual form 700.
- 2. Guest Speaker:** President Corona introduced guest Darcy Cook of Mission RCD for presentation and discussion of collaboration on projects to include the San Diego Ag Planning program-Water Working Group, Healthy Soils program, Carbon Farm Planning Program and the Small Wine Grape Growers Association.

On the Water Working Group of the San Diego Ag Planning Program Ms. Cook reported that Mission RCD is supporting a current program with San Diego LAFCO and another RCD, Greater San Diego. Their program is a SALC funded program for Dan Diego Ag planning. The Water Working group which she leads is focused on adopting the original pilot program that TEAM RCD collaborates with the Rancho Water District in Crop Swap and Root Stock Swap programs in an outreach to expand the program into San Diego County and that it had significant interest.

She mentioned that RCWD has submitted a recent grant from Metropolitan Water District that might provide additional funds for this work as a stepping stone to expand the program. At present the Districts that are showing interest are Valley Center,

Rainbow, Fallbrook and potentially Oceanside as well as South Morro Hills. Escondido had been interested but unfortunately the lead person Eddie Grangetto had not been able to attend the zoom call to give the group an update as to where his group was at. They potentially may have access to other water sources such as recycled water through their local District.

President Corona gave the overall view of how the program was originally adopted and came about historically to the people in the zoom meeting. The potential was for TEAM RCD to do these audits with the funds on behalf of RCWD either through the use of the water auditors at Mission RCD or hiring additional people if necessary. She also broke down in general the funds available for this Crop Swap and the Root Stock Swap program and the process TEAM RCD goes through from start to finish to implement the program.

Director McClenahan asked how interest was generated in the program and President Corona indicated that RCWD put in a massive effort through their existing mailing list, TEAM RCD put out an ad through the Riverside County Farm Bureau, and contacts with Grove Managers.

Associate Director Neugebauer inquired as to whether grafting was an option or was pulling the trunks out the only option. President Corona said both could be done since grafting is less expensive than stumping. Further discussion included how former Director at TEAM RCD had formulated this program years ago before he was a Board Member for RCWD and how this program may expand beyond our District lines which would be a good thing.

Ms. Cook's next item which was the Healthy Soils Program and that a new funding announcement would be coming out soon. She noted that it was a difficult program especially for smaller growers due to the somewhat difficult application that is put out by the California Dept of Food and Agriculture which has made success difficult to measure. However, she is looking to collaborate with TEAM RCD, the small wine Growers Association and other growers in the Temecula Valley to help assist in completing those applications and making it easier on the farmers. She noted that funding is available until it runs out and there is a list of best management practices which the applicant can choose up to four on the list. The most common things are compost, mulch, cover cropping, hedgerows etc. The application is reimbursement by receipts and if the applicant has spent the money correctly, they get reimbursed.

Finally, Ms. Cook spoke to the last collaboration which is another CDFA program that's called Carbon Farming Plans. She noted that a lot of farmers wonder "Why do I need a carbon farm plan if I'm not going to be implementing it?" Ms. Cook responded that these particular plans can help set up a farmer or producer to better receive funds if they already have funds. And they look for underserved areas and farmers as well. President Corona asked if Mr. Neugebauer could reach out to the Small Winegrowers Association and he said he'd be happy to. With a few more questions, Ms. Cook said she would keep the Board informed and the Board moved on to the next item.

3. Update on City of Menifee Wildlife Appreciation Day: Director Biancardi provided an update regarding materials she had collected for display and information for the Appreciation Day. She noted that even though Menifee was not in our District Boundaries, San Jacinto had jurisdiction and they wanted to collaborate with this project. Additional assistance was offered by Darcy Cook, and Director McClenahan. Director Biancardi that some ideas were to get information on Project Coyote and possibly a barn yard owl (not live) from CDFW. Also perhaps information on pollinators. She asked the Board to approve some funds to buy seeds which were specialty seeds from a pollinator group called Xerces and possibly for some printing items of not to exceed \$400.00. Suggestions for additions were tables, pop ups, TEAM RCD signs and perhaps sponsors that might discount their printing for advertisement. She also mentioned that the materials could be used again at the Temecula Valley Library event on March 23rd. Director Biancardi moved for approval of an amount not to exceed \$400 for printing and other costs of assembling the displays for both the Menifee and Temecula Valley Library event. The motion was unanimously approved 5-0.

4. Update on Strategic Planning Committee: Director McClenahan provided an update on the committee activities, wanting to come up with a format that all on the Board can agree with and to bring in something as an assessment protocol for determining how well we've done with each year of the five year plan. He then suggested that in the next few months we can identify what the Board may want to accomplish in the next 1,3, and 5 years. President Corona asked to make a suggestion that once the committee has some ideas that they are put out to the Board to respond with individual ideas that could be brought back at the next meeting or to the committee to consider keeping in mind that the Board did not want to bite off more than they could chew. Director McClenahan then passed out written materials with Tier One approval for CARCD. President Corona clarified that TEAM RCD has already qualified for CARCD Tier One accreditation, completing those tasks some years ago. President Corona noted that CARCD had offered a professional during that process to work with TEAM RCD to facilitate the creation of the strategic plan. Following discussion, President Corona agreed to contact CARCD regarding possible funding for work on Tier Two accreditation. When asked where the Board was at on Tier Two, President Corona responded that what the Board had been waiting for was a notice or announcement from CARCD regarding potential Tier Two funding to build capacity. Tier One had been achieved with Tier One grant funds with a facilitator to make it easier on such Districts as TEAM RCD that was considered an underserved RCD and a facilitator was provided using those grant funds. Director Biancardi added on that they did look at what other RCDs have done and provided a master guidance document from CARCD for all RCDs working on strategic planning called Planning for the Future. She suggested that maybe a day for a special meeting to discuss the items would be beneficial.

President Corona mentioned and Ms. Cook from MRCD concurred that what TEAM had done and what MRCD also has done is use grant funds to have a professional come to help facilitate the creation of the vision we have for Tier Two. Ms. Cook said how helpful it was to have a professional guide to collaborate and put together all the different aspects of the program.

Then President Corona offered to call and see if CARCD had funds for Tier Two and if we could actually get the same person who helped us do the original 5 year Strategic Plan. She mentioned that because of that individual things went faster and easier and TEAM already accomplished most all of the items in the plan due to the pre-work the Consultant did in creating the plan.

5. Discussion and potential approval to partner with Murrieta Public Library on Earth Day: President Corona informed the Board about the potential collaboration with MRCD to provide a person to man a location for Earth Day April 22 for community outreach and collaboration with Mission RCD's Lisa Dibble. Ms. Dibble is a Natural Resource specialist who has horticulture experiences managing MRCD's pollinator program. President Corona ask Ms. Cook to give some background on Ms. Dibble which included that she had taken the Pollinator Certification Program and that she sat in on the Xerces Symposium. As our representative and expert, Ms.Dibble would be supporting the Healthy Soils Program and that Mission had a lot of material to support this project that Ms. Dibble can hand out.

Following discussion, President Corona moved to approve the collaboration with Mission RCD, with Lisa Dibble (MRCD's Natural Resource Specialist) attending the event, MRCD providing materials, and TEAM RCD providing up to \$50 to cover the costs of printing or other expenses. Director Bryant seconded and the motion was unanimously approved-5-0.

6. Update on NACD Urban Agriculture Conservation Grant: President Corona presented a local program, "Cultivating Inclusion", as a possible project for funding with the NACD grant. The NACE grant is available in two parts. One side is a planning grant for \$10,000 which could be a precursor to the second grant which is the Implementation Grant. The proposal is to start with the Planning grant of \$10,000 with a matching amount from TEAM RCD of \$2500.00 (which some of that 25% could be in-kind donation of time or product from the Board members themselves.) President Corona explained how Cultivating Inclusion got its start and that the project operates a garden in Murrieta to provide young adults with special needs with agricultural training and education. They give everything they grow to food banks throughout the year. Like most of the grants that come around, there was a short window and the deadline was for March 13, 2023 and the President needed as part of the application an approval of a submitted resolution provided in the packet to authorize the her to sign the proposed resolution and submit the application for the Planning Grant portion of the NACD Grant in order to meet the deadline. The potential implementation project would be with the Cultivating Inclusion Farm in Murrieta. President Corona stated that she has been working with Brian Brady of Santa Ana Watershed Association to write the grant application and the resolution was the last piece to be included with the application. President Corona read the resolution and took questions from the Board. Director Bryant wanted to know what the monetary amount was and what we were trying to do. The President explained that we were building capacity of the District by applying for the NACD grant for a Planning Grant of \$10,000 with a match from TEAM RCD of 25% which could be in-kind work from District members and that the project would be with Cultivating Inclusion in mind to create a framework to help TEAM RCD then apply for the implementation grant for \$60,000. She also mentioned that MRCD has offered

assistance with the program if TEAM were to get the planning grant. Ms. Cook also proceeded to discuss other organizations that have been successful that are in the underserved community. Associate Director Neugebauer asked if the planning stage would include maybe a seasonal planting plan to start with and what can grow in the different seasons and perhaps a irrigation plan through RCWD's AEIP program. President Corona said yes. AD Director offered to give his time to help out with the project. Director Bryant asked about the "in-kind" aspect of the grant and wanted to clarify if the \$2500.00 was only to go to one person. President Corona clarified by saying that all the Directors have a different skill set at which might be useful in the project based on accepted practices of usual billing for particular work and that every Director could offer their services as an in-kind donation to push the project forward. ask about. Director McClenahan asked if a particular budget had to be submitted by the deadline and the President said with this project no but with the implementation Grant it was required. Director McClenahan made a motion to approve the resolution to allow President Corona to sign the resolution for the NACD Urban Agriculture Conservation Grant. Seconded by Director Biancardi. With no further discussion the motion was approved unanimously 5-0.

VI. NEW BUSINESS

1. Discussion regarding new facilities for TEAM RCD monthly meetings:

Director McClenahan opened the discussion, noting that last month's letter from Bernie Traux (owner of the building where the meetings are held) had prompted him to add the item to the agenda. His concern was that he wanted to propose the discussion about moving from the private location to a public location in which there isn't the potential for interpretation that a single person is supported and not the entire District and that although he appreciates Mr. Truax's support of the President, however Director McClenahan was concerned as to what might happen long- term if officers change. Associate Director Neugebauer suggested that may that was a discussion Ms. Corona or the Board should have with Mr. Truax and it might clear everything up. Director Bryant stated that he felt that it was a threat and Director Biancardi concurred that was also her feeling the Board doesn't want to be perceived as having strings attached and would support Director McClenahan's suggestion. Director Parkes disagreed and did not perceive the letter as a threat. President Corona reminded the Board that Mr. Truax does have tenants and staff and perhaps there was an issue with one of them and said she would have to talk to him to find out. Director Bryant disagreed and says he remembers it a different way and Director McClenahan noted that the letter said if Rose isn't the president then you can't use the space. President Corona mentioned that the letter also said that the meetings were disruptive to his tenants. The board discussed the pros and cons of various locations, including consistency of availability, cost, technology and access to the public. Director Parkes asked Director McClenahan if there was a location he had in mind. He said no but wanted to ask the Board if it was okay if he looked for alternatives. President Corona suggested that if it was amenable to the Board that we make a motion to allow Director McClenahan to bring a list back to the Board at the next meeting of locations for recommendation. District Counsel reminded the Board that the location had to be steady and it had to be in the District.

DC Gettis was asked by Director Biancardi his thoughts on the propriety of the statement made by Mr. Truax and his response was to say that it was an interesting statement but and provided that somebody is not able to exert undue influence on the decisions the board makes then he did not see a conflict. He agreed that all the points by all Directors made on this item were all valid however although he may have interpreted it in his own way, that is, 'you did this, that would happen', he did not see it as a legal issue. Counsel Gettis reiterated, "That's just the way I've interpreted it personally, not necessarily as a legal issue." Director Bryant indicated that if things were to change in the next few months that the Board may not have a lot of time to find a new location. DC Gettis agreed that this was a possibility but President Corona noted that it would be important to talk to Mr. Truax and clarify for the Board his intent. AD Neugebauer suggested that President Corona reach out to Mr. Truax and perhaps there might be a misunderstanding or a way to understand the best path forward after the Board had more information. It was therefore agreed that the motion would be to approve that Director McClenahan to look for alternative locations in case the present concerns cannot be resolved, Following discussion, it was moved by Director McClenahan and seconded by Director Biancardi that Director McClenahan be allowed to explore other meeting locations and bring a list of possibilities back to the board. The motion was approved unanimously 5-0.

2. Discussion of Associate Director Policy: County Counsel Gettis provided a clarification of the existing policy regarding associate directors, noting that a moratorium on activity by those directors was not authorized in the current policies. He noted that section 1020 of the policies provides the method for changes to policy. Director Biancardi then asked for further discussion regarding the associate director policy and possibility to make changes to it, including a moratorium on Associate Director participation in district activity while changes in policy were being considered. President Corona asked why the Board would want to have a moratorium and proceeded to ask why would we (the Board) want a moratorium on the activity of the Associate Directors. She noted that when the document says participation, what the President says she hears is that the Board doesn't let the Associate Directors participate in any activity. That the Board would be asking them for six months to sit in the meetings, listen and not have a voice and not contribute anything and contribute to the anything the Board was doing. President Corona asked why would the Associate Directors want to do that? Director Biancardi responded that she didn't think they necessarily would want to do that but her concerns about the current Associate Director policy is that it doesn't have some of the constraints that she felt should be in and that she has some concerns about AD activity. AD Neugebauer inquired if this was about free speech. President Corona informed Mr. Neugebauer to wait his turn, that Director Biancardi had the floor and she would call upon him when it was his turn. Director Biancardi noted that her concerns were that there are no term limits or structure for an exit or reappointment. Also, that certain recent actions by the Associate Directors were not in alignment with the District's best interests.

[From the transcript of this meeting:]

“TB: Specifically my concerns as I articulated at the last board meeting, are, A, that associate directors, you in particular, have served for eight years, and there's no term associated. You're appointed and there's no exit or reappointment. It's like an appointment for life or until you decide not to serve anymore. We don't have a way, a mechanism according to our policy, I don't think, or do we?”

RC: No, we don't.

TB: We don't, to say thanks very much. I've also articulated my concern about SAWA, your appointment at SAWA and how you rarely report what's going on at SAWA even when asked. "What's going on at SAWA?" you refuse to report what's going on there. That's a concern I have. Also, the allegations that you made towards us at the last board meeting that we were engaging in reprehensible and egregious behavior without any evidence or any examples to prove it all. It's just a perception that you have towards clearly myself, I suspect Pablo as well. Also, I'm sorry, I think what happened at the Board of Supervisors really embarrassed the District. It was a very public expression of a split between associate directors and the directors, some of us on the Board. I think that's really harmful to the District.

You're advocating conversation and communication, but this was pretty much the most public forum where you could express your issue with us. These concerns, I think, make me want to pause and say, I think it's time we sit back and discuss really whether we want to have associate directors, and what rules should guide their behavior. I did pull some associate director policies from other RCDs. I have three here. Two of them have term limits. One doesn't specify term limits.

They also have all kinds of other criteria as well, which I think we would do well to look at. I think it's a longer discussion than just "Figure out a vision and bring it to the board next month or the month after that." I want to be thoughtful about this. I hope I answered your question, Rick.

RC: Wait a second. You were next.

RN: In my mind, you are advocating my First Amendment right, free speech I do find that reprehensible. That's all I'm going to say.

TB: I'm advocating your first-- I do have a [crosstalk]

RN: You are talking about limiting my First Amendment rights of free speech. Do you understand what you just said? I'm explaining to you what that is.

TB: I don't need to be patronized. [crosstalk]

RN: I'm not patronizing you.

RC: Stop. (Directed to TB)

RN: I'm not done.

RC: Stop.(Directed to TB)

RN: That's how I'm seeing it, that I would be limited as an associate director on what I said at any time, in any public place, even at the Board of Supervisors, that what I said was wrong. That's denying my First Amendment rights.

RC: Stop. Newt, go ahead.

NP: With all due respect, the way I interpret and read between the lines here, your issue with associate directors is really an issue with Rick and not with the whole concept of associate directors, and that's wrong.

TB: That's why I want to be thoughtful about this.

NP: I didn't think it was so thoughtful in the last meeting when that was originally brought up. Unfortunately, I wasn't able to be here for the discussion, so I don't know what it was.

TB: Did you hear him say that certain directors have behaved in egregious and reprehensible fashions? Did you hear what he said at the Board of Supervisors meeting?

NP: I read what he said at the Board of Supervisors meeting, and I think he had a right to say it. TB: Sure. Do you see how that plays into the relationship with the District? I mean, he's got his First Amendment rights, but the higher authority, in my view, if you're going to be a participating member, is representing the District in a way that is beneficial. He basically told the Board of Supervisors that there are three people that they can appoint, and they can't appoint Pablo. They can either appoint these three people-- By the way, the supervisor who is responsible for making the appointment isn't the person who's going to make the appointment anymore. think that made Team RCD look really bad. I think that that has ripple effects to other RCDs as well. Your First Amendment rights, you are welcome to them, I totally support you having them, but I do think it was harmful to the District. That's my concern.

NP: I did not but I wanted to express my opinion. I feel there's more emotional reaction to Rick than there is to their reacting to whether we should have a strong associate director group.

RC: I have a question and I will get to you, Jeff. Pablo, I will get to you as well, I saw you raise your hand. I have a question. Doesn't our policy manual say that you can only remove an associate director for good cause? What I'm concerned about is that that could create a liability for the District. If what she is saying is that what happened at the Board of Supervisors is, I guess, good cause to have a discussion about removing an associate director, but since we don't have a policy, I think, for removing other than good cause, and there's a couple of other things, not attending meetings or something like that. Might it create a legal liability if we abridge his First Amendment rights by using that as cause? He can turn around and sue every one of"

[End of transcript excerpt]

At this point DC Gettis stepped in to remind the Board that probably not and although he isn't Mr. Neugabauers' attorney he has a right to say what he wishes. Having said that DC also noted that the Board was getting away from the Agenda item and to remain

focused on the original intent which was about potentially amending the process and the procedure. Getting the Board back on track that there was a procedure to amend policy and a process for it but as a reminder that the Associate Director is essentially a volunteer that is not an employee so therefore does not have employee rights. Therefore, they cannot be treated the same as an employee/employer situation would be treated. Director McClenahan noted that as he read the policy, he perceived the associate directors as primarily outside advisors that were just temporary. Director Bryant asked DC Gettis how amending the policies would happen. DC Gettis responded by informing the Board that any District Member could write up a policy, draft up the language and then submit it through the office to the President who would then forward it to DC to make sure there were no violations of the law and then have it distributed to the Board members as an attachment to the packet.

Director Biancardi said she would submit a written policy proposal to the District and legal.

Associate Director Valente noted for the entire Board that it is best to keep in mind that the board is encouraging participation and that the Board doesn't want to have a situation where the Associate Directors are controlled 100% of the time. After further discussion, the Board moved on to the next item on the agenda.

VII. OLD BUSINESS

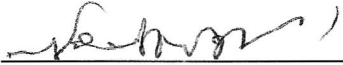
- 1. Homeless Monitoring Reports:** Director Parkes reported that two sites continue to have issues: Temecula AD 159 and Santa Gertrudis. Director Parkes continues to report these areas to the homeless coordinator. Murrieta and Lake Elsinore also continue to work with their homeless population.
- 2. Anza/Aguanga Reports:** Director Biancardi did not have new information regarding Anza/Aguanga, but stated that she was gathering information regarding other cannabis restoration projects in the district.
- 3. Flood Control and Crop/Swap Reports:** President Corona reported that there was no current activity due to the weather, but that new rates would soon be agreed to with Rancho California Water District.

VIII. FUTURE AGENDA ITEMS

IX. ADJOURNMENT

There being no further business to come before the board, upon motion moved, seconded and unanimously approved, the meeting was adjourned at 5:50 p.m.

Dated: 6/26/2023



Secretary