



Staff Comments – This approach provides clear lines of authority, takes advantage of the RCHCA's experience and is consistent with the Board's previous actions and those of the WRCOG and RCHCA Boards. However, it does not address the concerns about a single joint powers authority administering both TUMF and MSHCP fees.

2. The Wanzuk-Barton Compromise – Amend the WRCOG Joint Powers Agreement and execute a WRCOG Implementing Agreement which treats the MSHCP as a program under WRCOG's Executive Committee, the aforementioned MSHCP Advisory Committee and a RCA Program Manager. The RCA Program Manager would report directly to the Executive Committee and MSHCP Advisory Committee and would provide coordination of actions with the WRCOG Executive Director. (See Ms. Wanzuk-Barton's letter and organizational structure set forth in Exhibit B attached.)

Staff Comments – This approach raises the question of the relationship of the WRCOG Executive Director and the RCHCA Executive Director. While a direct line of authority from the RCA Executive Director to the WRCOG Executive Committee could allow better communication of MSHCP related issues, it would raise the question of coordination and the use of WRCOG committee resources. The approach is consistent with the Board's previous actions; however, it is a change from the initial WRCOG proposal endorsed by the Executive Committee. It does not address the concerns about a single joint powers authority administering both TUMF and MSHCP fees.

3. The Coachella Valley Association of Governments (CVAG) Model – Execute a joint powers agreement which establishes the RCA as a separate joint powers authority. CVAG is the lead agency currently preparing a multiple species habitat conservation plan for the Coachella Valley. CVAG's draft Multiple Species Habitat Conservation Plan calls for the establishment of a separate joint powers authority to be staffed by CVAG for the first five years. CVAG will serve as staff for this separate joint powers authority since CVAG's staff assisted in preparation of that plan. The RCA joint powers agreement could provide for the establishment of the RCA as a separate joint powers authority to be staffed by the County for the first three years (the Western Riverside County MSHCP requires the County to provide staff for the first three years to the RCA). This agreement would allow for each City to appoint one member to serve on the RCA Board. Should a City so choose, it could appoint its WRCOG Executive Committee member or, alternatively, its RCHCA Board member to serve on the RCA Board. Meetings could be coordinated with WRCOG in an effort to streamline the process. A separate joint powers authority affords that entity the ability to act independently and avoid the potential for TUMF fund exposure resulting from MSHCP related litigation.

Staff Comments – This approach provides clear lines of authority but creates the potential for RCA, WRCOG and RCHCA to operate independently resulting in duplication and a lack of coordination. It is not consistent with previous direction from the Board of Supervisors, WRCOG Executive Committee or the last action taken by RCHCA. The creation of a separate JPA does address the concern raised by County Counsel and some cities as to the legal separation of MSHCP and TUMF fees. It reduces the risk that legal challenges to one program could place the funds of another program at risk.

4. The Coachella Valley Association of Governments (CVAG) Model – Utilizing WRCOG and the RCHCA – Execute a joint powers agreement that establishes the RCA as an separate joint powers authority but utilizes the existing WRCOG Executive Committee as the Board for the JPA. Under this arrangement it is not necessary to have a new body of elected officials established. (See joint powers agreement and organizational structure set forth in Exhibit C attached). The joint powers agreement attached for the

Board's consideration provides for the establishment of the RCA as a separate joint powers authority to be staffed by the County for the first three years (the Western Riverside County MSHCP requires the County to provide staff for the first three years to the RCA). To coordinate the activities of the RCHCA and the RCA, the use of an advisory committee as discussed under Alternative 2 is recommended at the discretion of the RCA Board. The involvement of the RCHCA Board members would allow their experience to contribute to MSHCP implementation and allow coordination of management, monitoring and land acquisitions between the agencies.

Utilizing the WRCOG structure to coordinate involvement of the City and County staff and managers avoids duplication of committees. A separate joint powers authority affords that entity the ability to act independently and avoid the potential for TUMF fund exposure resulting from MSHCP related litigation.

Under this approach the RCA would be an independent legal entity; however, coordination of the administrative functions within WRCOG is important and needs to be addressed. The new joint powers authority provides for the RCA Board to contract with WRCOG for administrative and personnel services. This contract as envisioned would give the WRCOG Executive Director the ability to negotiate a second contract on behalf of the RCA to provide management and staffing for the RCA or to recruit staff after the first three years. (The Western Riverside County MSHCP requires the County to provide staff for the first three years to the RCA.) If at any time the Managing Director position is not filled, the WRCOG Executive Director could act as the RCA Managing Director. The RCA Managing Director position would function with direct reporting responsibility to the RCA Board on a regular basis but within the WRCOG structure would report to the WRCOG Executive Director. It can best be described as similar to a city or county redevelopment agency where the Redevelopment Agency Director makes reports to the City Council / Board of Supervisors but is responsible to the City Manager / County Chief Executive Officer.

Staff Comments – This approach provides clear lines of authority and avoids the duplication of existing WRCOG structures. The approach is consistent with the Board's previous actions. It is not consistent with previous direction from WRCOG Executive Committee or the last action taken by RCHCA. The creation of a separate joint powers authority does address the concerns raised by County Counsel, some cities and stakeholders about a single joint powers authority administering both TUMF and MSHCP fees. It reduces the risk that legal challenges to one program could place the funds of another program at risk.

County Counsel and WRCOG have reviewed the existing WRCOG Joint Powers Agreement and proposed modifications that will strengthen the WRCOG JPA as it begins to implement major programs such as TUMF and the MSHCP.

It is recommended that the Board support the fourth alternative and execute the RCA Joint Powers Agreement set forth in Exhibit C and amended WRCOG Joint Powers Agreement set forth in Exhibit D. This organizational structure streamlines and eliminates duplication while providing the best legal protections to the Cities and the County.