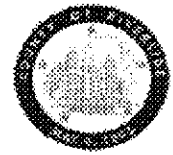


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

652



FROM: Executive Office


SUBMITTAL DATE:
December 8, 2008

SUBJECT: Tenth Amendment to the Riverside County Habitat Conservation Agency Joint Exercise of Powers Agreement

RECOMMENDED MOTION: That the Board of Supervisors approve the Tenth Amendment to the Riverside County Habitat Conservation Agency Joint Powers Agreement (Attachment A), and authorize the Chairman to execute the same.

BACKGROUND: The Joint Exercise of Powers Agreement (JPA) was established in 1990 for the purpose of creating a public agency- the Riverside County Habitat Conservation Agency (RCHCA), to plan for, acquire, administer, operate, and maintain land and facilities for ecosystem conservation and habitat reserves to implement a habitat conservation plan for the Stephens' kangaroo rat and other listed candidate threatened or endangered species. This constitutes the Tenth Amendment to the JPA.

CONTINUED ON PAGE 2


Tina Grande, Principal Management Analyst

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2007/08

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Gary M. Christmas

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 2/28/06 3.45 | District: All | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.7

FORM APPROVED COUNTY COUNSEL
BY: CARISA R-MCKENNA
12/16/08
Departmental Concurrence

TO: Board of Supervisors

DATE

**SUBJECT: Tenth Amendment to the Riverside
County Habitat Conservation Agency
Joint Exercise of Powers Agreement**

PAGE 2

BACKGROUND CONT'D:

At its February 21, 2008 meeting the RCHCA Board approved the Ninth Amendment to the JPA. This amendment provided the following:

1. The authority for the General Manager to enter into Agreements that do not exceed \$25,000 and to execute non-substantive Amendments where there is no change to the maximum obligation amount or the scope of work in the Agreement; and
2. The requirement that all RCHCA Board Members be elected officials representing the Member Agencies; and
3. In order to simplify the JPA for ease of understanding, the Agreement was incorporated into one working document inclusive of all Amendments to date.

The City of Riverside identified areas in the proposed JPA which prevented them from taking the document forward. As a result of this action the Ninth Amendment to the JPA was not approved by unanimous vote of the Member Agencies.

RCHCA staff, with the support of Counsel, has determined that it is now necessary to amend the document to allow for additional provisions as outlined below:

1. The document should be entitled "Restated and Amended" because it incorporates the original document and all amendments thereto, as well as amending it with new terms.
2. Add Section 2.1, Agreement, to read as follows, "This Agreement hereby restates the Agreement created on May 15, 1990, and includes all prior amendments thereto as follows:

Amendment #1	08/20/1990
Amendment #2	11/06/1990
Amendment #3	04/30/1991
Amendment #4	06/01/1993
Amendment #5	Not Approved
Amendment #6	08/01/1995
Unnumbered Amendment	06/30/1997
Amendment #7	02/11/2003
Amendment #8	02/28/2006
Amendment #9	Not Approved

TO: Board of Supervisors

DATE

**SUBJECT: Tenth Amendment to the Riverside
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BACKGROUND CONT'D:

This Agreement further amends the Agreement created on May 15, 1990, in the manner set forth herein:

1. Amend Section 3.6.1, Compensation, to read as follows, "Unless prohibited by law from accepting compensation, each regular and alternate member (when performing the duties of a regular member) of the Board shall be compensated at the rate of One Hundred Dollars (\$100) per day, for any portion of a day they spend attending to the business of the RCHCA, but not to exceed Four Hundred Dollars (\$400) in any given month, along with necessary traveling and personal expenses incurred in the performance of his or her duties as authorized by the Board."
2. Amend Section 3.7.1, Regular Meetings, to read as follows, "The Board shall hold at least four regular meetings per year. The dates, hours, and places of the regular meetings shall be set by the Board, and a copy of the meeting schedule shall be furnished to each Member Agency."
3. Amend Section 3.7.3, Minutes, to the following, "The Secretary of the Agency shall cause to be kept minutes of all meetings of the Board, shall submit the minutes to the Board for approval, and shall cause a copy of the approved minutes to be forwarded to each member of the Board and to each of the parties hereto."
4. Amend Section 3.8.4, General Manager, to read as follows, "The General Manager, if appointed, or such other officer or employee of the Agency, to whom the Board delegates such authority, shall have the power to appoint, promote, demote, and remove employees of the Agency subject to the provisions of the Agency's approved budget, and subject to such personnel policies as may have been adopted by the Board. The General Manager shall also have the power to enter into Agreements in an amount not to exceed Twenty-Five Thousand dollars (\$25,000) per Agreement, per fiscal year, and enter into non-substantive Amendments to such Agreements where there is no change to the maximum obligation amount or the scope of work in the Agreement in accordance with the Riverside County Purchasing Department guidelines."
5. Amend Paragraph 1 of Section 3.10.1 of the JPA, Contributions of Mitigation Fees, to read as follows, "The Member Agencies have imposed a mitigation fee on certain types of development within their jurisdictions to implement the initial habitat conservation program for the Stephens' kangaroo rat. All mitigation fees for the Stephens' kangaroo rat collected by the Member Agencies prior to the effective date of this Agreement, less monies expended by the County for consultants' services and land acquisition, shall be deposited into the treasury of the Agency within sixty (60) days of such effective date."

TO: Board of Supervisors

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**SUBJECT: Tenth Amendment to the Riverside
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BACKGROUND CONT'D:

Monies expended by the County for consultants' services and land acquisition for the benefit of the SKR shall be included in the County's overall contribution to the Agency for purposes of calculating the County's percentage vote under Section 7.3.4 above. All mitigation fees collected for the Stephens' kangaroo rat from and after August 24, 2006, shall be forwarded to the Agency for the period of April 1 through June 30 before July 31; for the period of July 1 through September 30 before October 31; for the period of October 1 through December 31 before January 31; and for the period of January 1 through March 31 before April 30 of each fiscal year."

The RCHCA is focused on continuous enhancement of the Agency that will provide the tools and ability to streamline processes and establish a solid foundation as we move ahead. Therefore, the RCHCA Board requests your approval of the recommended motions.

Financial Impact:

None