

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

244



FROM: County Counsel

SUBMITTAL DATE:

December 13, 2011

SUBJECT: Approval of Authorization to Provide Funds to the Western Riverside County Regional Conservation Authority (RCA) for the Acquisition of Property Benefiting the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP); Approval in Concept of Related Agreements between the County and the RCA; and Approval of a Budget Adjustment.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve in concept the attached funding agreement between the County and the RCA to assist in funding the acquisition of certain real property and authorize the County Executive Officer, or his designee, to execute said final agreement, subject to approval by County Counsel;
2. Approve in concept the attached fee credit agreement to provide fee credits for Transportation projects between County and RCA and authorize the County Executive Officer, or his designee, to execute said final agreement subject to approval by County Counsel; and
3. Approve and direct the Auditor-Controller to make the budget adjustment in Attachment "A."

BACKGROUND: The RCA has been negotiating the purchase of certain real property that is a critical piece for inclusion in the Reserve established by the MSHCP. Additionally, as part of this acquisition, the Transportation Department will receive right of way necessary for the extension of Clinton Keith Road. The RCA has recently approached the County to assist in providing funding for this acquisition.

Continued Page 2

Karin Watts-Bazan
 Karin Watts-Bazan, Principal Deputy County Counsel
 for Pamela J. Walls, County Counsel

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY *Samuel Wong* 12/16/11
 SAMUEL WONG

Departmental Concurrence

Dept't Recomm.:
 Per Exec. Ofc.:
 Consent
 Policy
 Consent
 Policy

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 9,000,000	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	YES
	Annual Net County Cost:	\$ 0	For Fiscal Year:	11/12

SOURCE OF FUNDS: Contingency 56% (to be reimbursed), Road and Bridge Benefit Districts (Southwest and Menifee), Gas Tax, and various transportation capital funds (44%)	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY *Tina Grande*
 Tina Grande

County Executive Office Signature

RE: Authorization to Provide Funds to RCA

Date: December 13, 2011

Page 2

BACKGROUND continued:

Attached for your review are two draft agreements. The first agreement is a funding agreement whereby the County will provide to the RCA, a loan in the amount of \$5 million. This agreement provides for full repayment within 10 years with interest. Payments will commence in January of 2017. Funding for this loan of \$5 million will come from contingency; however, it is anticipated that the general fund will receive a loan of Waste Enterprise Funds to off-set this amount. Staff will prepare the appropriate documents for Board consideration to replenish the general fund in a future Board meeting prior to the end of the fiscal year.

Additionally, this agreement provides \$1.4 million for the acquisition of the Clinton Keith right of way and a \$2.6 million advance of MSHCP infrastructure contributions for future Transportation facilities. These funds will come from the Transportation Department. The total amount of funds to be provided through this agreement is \$9 million.

The second agreement provides a \$2.9 million credit towards future Transportation facilities for the aforementioned advance payment of MSHCP infrastructure contributions. This amount is in recognition of the fact that the credit may not be utilized in the near term for some of these facilities and therefore has a greater future value. It also establishes an accounting procedure for monitoring the application of this credit towards such facilities.

We have been advised by the RCA that escrow for the first phase of this acquisition must close by December 29, 2011. We are requesting approval in concept of these agreements given this time constraint and the fact that final agreements have not been negotiated with the RCA.

The budget adjustment in Attachment "A" will need to be made in order to provide the funding discussed above. All funding will be deposited and then remitted to RCA through the Litigation and Administrative Services Fund in the Executive Office.

Attachment A

Increase Appropriations: 20000-3130100000-537140	Interfund Exp-Right of Way	\$ 400,000
Use of Restricted Fund Balance: 20000-3130100000-321101	Restricted Program Money	\$ 400,000
Increase Appropriations: 31600-3130500000-537280	Interfund Exp-Misc Project Exp	\$ 500,000
Use of Assigned Fund Balance: 31600-3130500000-350200	AFB For Const/Capital Projects	\$ 500,000
Increase Appropriations: 20000-3130500000-537280	Interfund Exp-Misc Project Exp	\$2,600,000
Use of Assigned Fund Balance: 20000-3130500000-350200	AFB for Const/Capital Projects	\$2,600,000
Increase Appropriations: 31610-3130500000-537280	Interfund Exp-Misc Project Exp	\$ 500,000
Use of Assigned Fund Balance: 31610-3130500000-350200	AFB for Const/Capital Projects	\$ 500,000
Increase Estimated Revenue: 10000-110290000-778260	Interfund -Property & Assmt	\$ 400,000
10000-110290000-778330	Interfund -Salary Reimbursement	\$3,600,000
Decrease Appropriations: 10000-1109000000-581000	Appropriation for contingency	\$5,000,000
Increase Appropriations: 10000-110290000-536200	Contribution to non-county funds	\$9,000,000