

**Rural County Representatives of California  
Board of Directors Meeting  
Wednesday, June 19, 2013 – 9:00 a.m.  
1215 K Street, Suite 1650 – Conference Room  
Sacramento, CA 95814**

**MINUTES**

**Call to Order, Determination of Quorum and Self Introductions**

1<sup>st</sup> Vice Chair, Supervisor Nate Beason, Nevada County, called the meeting to order at 9:01 a.m. A quorum was determined at that time. Those present:

<b><u>Supervisor</u></b>	<b><u>County</u></b>
Mary Rawson	Alpine
Brian Oneto	Amador
Doug Teeter	Butte
Merita Callaway	Calaveras
John Viegas	Glenn
Michael Kelley	Imperial
Linda Arcularius	Inyo
Anthony Farrington	Lake
David Rogers	Madera
Carre Brown	Mendocino
Geri Byrne	Modoc
Tim Alpers	Mono
Diane Dillon	Napa
Nate Beason	Nevada
Terry Swofford	Plumas
Anthony Botelho	San Benito
Les Baugh	Shasta
Lee Adams	Sierra
Larry Munger	Sutter
Dennis Garton	Tehama
Debra Chapman	Trinity
Allen Ishida	Tulare
Randy Hanvelt	Tuolumne
Jim Provenza	Yolo
Roger Abe	Yuba

**Absent**

Kim Dolbow Vann	Colusa
David Finigan	Del Norte
Ray Nutting	El Dorado
Aaron Albaugh	Lassen
Kevin Cann	Mariposa

John Pedrozo	Merced
Jim Holmes	Placer
Michael Kobseff	Siskiyou

### **Others in Attendance**

Supervisor John Fenley, Trinity County  
Ed Horton, Placer County Water Agency  
Brian E. Gray, Professor of Law, University of CA, Hastings

### **Staff in Attendance**

Greg Norton, President and CEO  
Patricia Megason, Executive Vice President  
Karl Dolk, Chief Financial Officer  
Mark Lowder, NHF Director of Housing Finance  
Paul Smith, Senior Legislative Advocate  
Cyndi Hillery, Legislative Advocate  
Kathy Mannion, Legislative Advocate  
Mary Pitto, Regulatory Affairs Advocate  
Staci Heaton, Regulatory Affairs Advocate  
Randall Echevarria, Legislative Analyst  
Nick Konovaloff, Legislative Analyst  
Santinia Pasquini, Legislative Analyst  
Sarah Bolnik, Executive Assistant  
Justin Caporusso, Public Affairs Specialist  
Nick Walter, IT Manager  
Sanjay Lee, Staff Accountant

### **Approval of Minutes – April 17, 2013**

1<sup>st</sup> Vice Chair, Supervisor Nate Beason, Nevada County, called for approval of the minutes from the April 17, 2013 Board of Directors Meeting.

**Supervisor David Rogers, Madera County, motioned to approve the minutes from the April 17, 2013 Board of Directors Meeting. Supervisor Les Baugh, Shasta County, seconded the motion. Motion passes unanimously.**

### **Member County Concerns and Issues**

Supervisor Geri Byrne, Modoc County, discussed the need for Modoc County to update a component of its voting system to comply with new requirements being administered by the Secretary of State.

Supervisor Michael Kelley, Imperial County, expressed concern about the possible elimination of enterprise zones. Former Imperial County Supervisor Gary Wyatt asked that the issue of reforming enterprise zones be discussed with the Board of Directors.

Supervisor Debra Chapman, Trinity County, alerted the Board of two recently-qualified ballot measures that will go before Trinity County voters. The two measures that have qualified will dramatically reshape Trinity County's government restructure.

Supervisor Les Baugh, Shasta County, echoed the sentiment of Supervisor Kelley with regards to enterprise zones on behalf of Supervisor Kobseff and Siskiyou County. Supervisor Baugh also informed the Board that Shasta County is currently facing difficulty with the U.S. Forest Service over the second aspect of the USFS's proposed Travel Management Plan.

Supervisor Randy Hanvelt, Tuolumne County, announced that Tuolumne County is also having trouble with the U.S. Forest Service. Supervisor Hanvelt also raised the issue of the Yellow Legged Frog, and asked that everyone get involved.

Supervisor Anthony Botelho, San Benito County, discussed hydraulic fracturing (commonly known as 'fracking') and water monitoring that is going on in San Benito County. San Benito recently adopted an oil exploration ordinance in response to upcoming plans to conduct fracking within the County. Supervisor Botelho is happy to provide a copy of the ordinance to anyone interested.

Supervisor Carre Brown, Mendocino County, informed the Board of Directors that the Russian River Watershed has been identified as the first Habitat Focus Area under the National Oceanic and Atmospheric Administration's (NOAA's) Habitat Blueprint. The County plans to take action and the Supervisor will report back on the results.

Supervisor Brian Oneto, Amador County, asked if there would be a discussion in today's Board meeting surrounding Assembly Constitutional Amendment 8 (Blumenfield) which lowers the vote requirement for passage of local infrastructure projects.

Supervisor Nate Beason, Nevada County, stated that Nevada County is having difficulty with its Fire Safe Council. Supervisor Beason asked that if other counties are having similar issues to please send him an email.

### **Public Comments**

None

### **President's Report**

Greg Norton, President and CEO, welcomed everyone to the meeting. The Executive Committee held a meeting on Wednesday May 15, 2013 covering a variety of items, many of which will be covered today.

Mr. Norton welcomed Mendocino County to their first Board of Directors meeting, and introduced Supervisor Carre Brown to the Board. Mr. Norton also introduced Mr. Justin Caporusso, RCRC's new Public Affairs Specialist.

Mr. Norton announced that Supervisor Michael Kobseff, Siskiyou County has accepted the RCRC seat on the Keep California Beautiful Board.

A number of county visits to member counties are scheduled in the next few months, and Vice President Patricia Megason recently took a trip to visit Supervisor Beason in Nevada County.

## **Governmental Affairs Update**

### **2013-14 State Budget**

Paul A. Smith, Senior Legislative Advocate, provided a summary of the 2013-14 State Budget Package adopted by the Legislature on June 15, 2013. Mr. Smith is pleased that the Budget was adopted on time, as this will provide counties with more certainty regarding their own budgets.

Mr. Smith reported that, unfortunately, the Budget package continues to rely on the collection of SRA fees. Mr. Smith discussed the fact that the Budget does not contain the reimbursement to counties for state PILT or provide funding for local fairs. The Budget does not restore Williamson Act subventions, and relies on loaning Cap-and-Trade auction proceeds to the State General Fund.

Mr. Smith reported that the Budget does not include restoration of the Medi-Cal provider rate cuts which were made in the 2011-12 Budget. Once in effect, these lower reimbursement rates will have a devastating impact on rural health care providers (doctors, hospitals). Mr. Smith explained that the Legislature has indicated it may attempt to revisit the issue during the final weeks of the 2013 Session through Legislative action, rather than through the Budget process.

Mr. Smith discussed that the Budget package provided an increase in funding for county probation departments to assist with reducing recidivism and encourage alternatives to incarceration. Also, the Budget provides additional funding to local trial courts, which will also result in a number of courthouse construction projects moving forward.

Cyndi Hillery, Legislative Advocate, discussed ACA Implementation and its connection to the State Budget Package. Ms. Hillery explained that once federal health care reform goes into full effect on January 1, 2014, a large portion of the population currently served by counties will become eligible for Medi-Cal, and will no longer be a county cost. The Budget package creates a system by which the state will recoup these cost-savings from counties. Ms. Hillery described the two different formulas that will be utilized to determine the amount that is "taken" from counties as a result of these savings, most specifically the CMSP formula, as that is the formula that most RCRC-member counties will utilize. CMSP member counties will continue paying only what they currently pay to CMSP. Three RCRC member counties are not part of CMSP (Placer, Merced and Yolo counties.) These counties have a different process to determine their formula under the ACA.

## **Proposed Amendment to the 2013-14 Policy Principles Agricultural Land Mitigation**

Kathy Mannion, Legislative Advocate, discussed Yolo County's request to add a Land Mitigation Policy Principle to the RCRC Policy Principles. The new policy principle will be helpful in providing guidance to staff on both the regulatory and legislative fronts. The new policy principle relates to conversion of agricultural land to habitat, easements, feasible mitigation, local land use authority, and mitigation lands.

Yolo County worked with RCRC staff in developing the proposed policy principle. The Board discussed at length the new addition and provided edits. The new policy principle would read as follows:

**Agricultural Land Conversion to Habitat.** RCRC believes that mitigation should be required for the conversion of agricultural lands to terrestrial or aquatic habitat when the easement is permanent and/or agricultural land uses are prohibited. This mitigation should be required for a period of time that is commensurate with the amount of time that the agricultural land uses will be precluded. An exception to this policy is agricultural development where land is set aside for habitat or open space to address the impacts of the agricultural development.

**Easements.** RCRC believes that the "stacking" of habitat and agricultural conservation easements may or may not be appropriate depending on the specific county and circumstances.

**Feasible Mitigation.** RCRC believes that permanent agricultural land conservation through easements and fees should be recognized as feasible mitigation for the loss of agricultural land. RCRC supports clarifying in statute that the permanent protection of agricultural land is feasible mitigation under CEQA for the loss of agricultural land as determined by the local government.

**Local Land Use Authority.** RCRC opposes efforts to preempt local land use authority in connection with the conversion of agricultural land to nonagricultural uses. A one-size fits all approach with respect to mandatory mitigation requirements, arbitrary minimum or maximum mitigation ratios, the types of agricultural land required to be mitigated, and the location of mitigation lands ignores the unique characteristics of each county, has no scientific basis, and would establish a bad precedent.

**Mitigation Lands.** RCRC believes that mitigation lands should be of comparable quality and value to that permanently converted.

### **Staff Recommendation**

Staff recommends that the RCRC Board of Directors approve adoption of the draft Agricultural Land Mitigation Policy as amended.

**Supervisor David Rogers, Madera County, motioned to approve the staff recommendations. Supervisor Debra Chapman, Trinity County, seconded the motion. Motion passes unanimously.**

### **Delta Stewardship Council's Delta Plan**

Kathy Mannion informed the Board that the Delta Stewardship Council (DSC) made several changes to the Delta Plan and proposed regulations that were in line with amendments suggested by RCRC. Ms. Mannion also reported that seven lawsuits have been filed in response to the DSC's adoption of the Delta Plan, EIR, and regulations.

### **U.S. Fish and Wildlife Service – Recent ESA Related Activities**

Kathy Mannion reported on the recent Federal Endangered Species Act (ESA) and related activities by the U.S. Fish and Wildlife Service (USFWS). Of particular interest was the proposed listing of the Sierra Nevada Yellow-Legged Frog, the Mountain Yellow-Legged Frog, the Yosemite Toad, and the concurrent designation of critical habitat for these species. There are currently seventeen counties affected (all but one are member counties) by the listings. RCRC will be submitting joint comments to the USFWS along with the CA Farm Bureau and the CA Cattlemen's Association opposing the listing and designation of critical habitat. A number of counties indicated that they have or intend to submit comments. Several counties have requested an extension of the comment deadline, and that field hearings be held in their county. The Board discussed this issue at great length.

### **2013 Update to AB 32 Scoping Plan**

Staci Heaton, Regulatory Affairs Advocate, informed the Board of Directors that in 2013 the Air Resources Board (ARB) is due to update their Scoping Plan. Assembly Bill 32, requires that every five years, the scoping plan to reduce greenhouse gas emissions be renewed. The original scoping plan recommendations include strategies on forestry, water, recycling, waste management, land use, green buildings, agriculture, electricity, and natural gas. The draft of the scoping plan is due to be released for comments on August 5<sup>th</sup>.

Mary Pitto, Regulatory Affairs Advocate, informed the Board that ARB and CalRecycle have released a Draft Overview of the Waste Management Sector Plan which outlines the six areas that the Scoping Plan will focus on: Recycling, Reuse, and Remanufacturing; Composting and Anaerobic Digestion; Biomass Conversion; Municipal Solid Waste Thermal Technologies; Landfilling of Waste; and Procurement.

### **Proposed State Water Quality Control Board Fee Increases**

Staci Heaton reported on the State Water Quality Control Board's (Water Board) proposed fee increases. The proposed 2014 fee increases would affect the water quality programs, and fees are being raised substantially across the board to fill the gap created by the loss of General Fund support starting in the 2011-12 State Budget. Ms. Heaton noted that the Landfill Fee alone is proposed to go up by 25.2%. The Water Board Staff plan to bring the proposed fee increases before their Board in September 2013. RCRC staff will notify member counties when the new fee schedule is released for formal comment.

### **Speaker, Professor Brian E. Gray, Professor of Law, University of CA, Hastings**

Supervisor Linda Arcularius, Inyo County, introduced Professor Gray to the Board of Directors. Professor Gray provided the Board an overview of California's Water Policy – including infrastructure, water rights, and current issues.

### **RCRC 2012 Audited Financial Statements**

Greg Norton presented the 2012 audited financial statements and information letter for RCRC. Moss Adams LLP, our independent auditing firm, provided the RCRC financial statements with an unqualified "clean" opinion and there were no significant matters identified and no audit adjustments were proposed. Moss Adams had presented the financial statements and letter to the RCRC Executive Committee on May 15, 2013.

### **Staff Recommendation:**

Staff recommends that the Board of Directors review and adopt the 2012 audited financial statements and information letter as presented.

**Supervisor Larry Munger, Sutter County, motioned to approve the staff recommendations. Supervisor Brian Oneto, Amador County, seconded the motion. Motion passes unanimously.**

### **Position Title Changes**

Greg Norton explained to the Board of Directors that in order to provide a clearer description of RCRC positions and responsibilities, some of the position titles have changed. Additional positions have not been created, but rather titles have been updated. They are as follows;

#### From:

Vice President Business Development  
Director of Communications  
Network Manager  
Senior Systems Analyst

#### To:

Vice President  
Public Affairs Specialist  
Data & Program Development Manager  
IT Manager

### **Staff Recommendation:**

Staff recommends that the Board of Directors approve the above recommended title changes to be reflected as a part of the approved Pay Schedule.

**Supervisor Merita Callaway, Calaveras County, motioned to approve the staff recommendations. Supervisor Les Baugh, Shasta County, seconded the motion. Motion passes unanimously.**

### **Senate Bill 741 (Cannella) Fairs**

Paul A. Smith and Nick Konovaloff, Legislative Analyst, provided an update on the status of California's fairs and legislative efforts to help assure their continued viability. Mr. Smith explained that the 2013-14 Budget continues to provide no funding for local fairs, placing several fairs in jeopardy of closure and threatening the entire network of fairs. RCRC Staff, along with CSAC, has been working with the Western Fairs Association (WFA) in exploring ways to secure monies for fairs. In the meantime, WFA has sponsored Senate Bill 741 (Cannella), which provides flexibility at the local level in regard to the operation/oversight of the network of fairs. Several member county fairs support this legislation. Mr. Konovaloff presented the details of SB 741 and requested the Board adopt a "support" position.

### **Staff Recommendation**

RCRC, along with CSAC, has been working with the WFA in exploring ways to secure monies for fairs. Long-term financial options for fairs are elusive, at best. RCRC staff will continue working with CSAC staff (and other county officials) along with the WFA on overall issues involving the financial stability of fairs. Since state funding options remain unviable at this juncture, a focus should shift to reforming the governance structure of DAA's. SB 741 would, albeit modestly, achieve a limited amount of revisions to the contracting/auditing requirements of DAA's. As such, RCRC staff recommends the RCRC Board of Directors adopt a "Support" position for SB 741.

**Supervisor Nate Beason, Nevada County, motioned to approve the staff recommendations. Supervisor Debra Chapman, Trinity County, seconded the motion. Motion passes unanimously.**

### **California Environmental Quality Act (CEQA) Legislation**

Kathy Mannion reviewed the current status of RCRC opposed CEQA bills with the Board. Two bills are dead; SB 123 and SB 754, and several more are now two-year bills; AB 823, AB 953, and SB 617. Bills still active this year include AB 543 (Campos), relating to translation of CEQA documents, and SB 731 (Steinberg). SB 731 is viewed as the primary vehicle for any changes to CEQA. Ms. Mannion requested member counties to review SB 731 and RCRC's letter on the bill, and to provide staff with comments.

### **Other State Legislation**

Staff reviewed with the Board of Directors a number of important bills moving through the final stages of the legislative process, including: Senate Bill 740 (Padilla) regarding broadband deployment; Assembly Bill 900 (Alejo) regarding Medical DP SNF reimbursement rates; and Assembly Bill 1042 (Hall) regarding Indian Gaming Distribution monies and the North Fork compact approval.

### **Secure Rural Schools Update**

Paul A. Smith discussed the Secure Rural Schools (SRS) program. Reauthorization remains unknown despite the efforts of RCRC and others. The Farm Bill or an Immigration Reform bill could likely serve as the vehicle to help reauthorize SRS. The USDA and the Forest Service attempted to sequester 5% of the SRS and federal Payment In Lieu of Taxes (PILT) monies. It is expected the sequestration amounts for SRS will be withheld from Title II payments.

### **H.R. 1823 (Heck) – Protecting Lakes Against Quaggas Act of 2013**

Kathy Mannion reported that RCRC supported HR 1823, which would add Quagga Mussels to the national list of invasive species. These mussels pose a threat to water related infrastructure and recreation. Staff requested that member counties contact their Congressional representatives and encourage them to add on as a co-sponsor of HR 1823.

### **H.R. 836 (Miller) – Sunshine on Conflicts Act of 2013**

Kathy Mannion reviewed RCRC supported HR 1836 which would replace the current 10% income rule with a conflict of interest for individuals serving on a regional water quality control board. Because general permits and NPDES permits now cover the vast majority of local governments, the current 10% requirement prevents many qualified local government candidates from serving. Ms. Mannion, as well as multiple Board Members, encouraged member counties to support HR 1836, and send a letter to their congressional representative to urge their co-sponsorship of this bill.

### **Adjournment**

1st Vice Chair, Supervisor Nate Beason, Nevada County, adjourned the RCRC Board of Directors Meeting at 1:55 p.m