

# WRCOG Executive Committee

## Minutes

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### 1. CALL TO ORDER

The meeting of the WRCOG Executive Committee was called to order by 2nd Vice-Chair Rita Rogers at 2:06 p.m. on February 6, 2023, at the Riverside County Administrative Center, 4080 Lemon Street, 1st Floor Board Chambers, Riverside.

### 2. PLEDGE OF ALLEGIANCE

Supervisor Kevin Jeffries led the Committee members and guests in the Pledge of Allegiance.

### 3. WELCOME NEW COMMITTEE MEMBERS

- City of Banning - Rick Minjares
- City of Canyon Lake - Mark Terry
- City of Hemet - Jackie Peterson
- City of Menifee - Bob Karwin
- City of Moreno Valley - Elena Baca-Santa Cruz
- City of Wildomar - Dustin Nigg
- County of Riverside, District 5 - Yxstian Gutierrez

### 4. ROLL CALL

- City of Banning - Rick Minjares\*
- City of Calimesa - Jeff Cervantez
- City of Canyon Lake - Mark Terry
- City of Corona - Jacque Casillas
- City of Eastvale - Christian Dinco
- City of Hemet - Jackie Peterson
- City of Lake Elsinore - Brian Tisdale
- City of Menifee - Bob Karwin
- City of Moreno Valley - Elena Baca-Santa Cruz
- City of Murrieta - Ron Holliday
- City of Norco - Kevin Bash
- City of Perris - Rita Rogers
- City of Riverside - Ronaldo Fierro
- City of Temecula - James Stewart
- City of Wildomar - Dustin Nigg
- County, District 1 - Kevin Jeffries
- County, District 2 - Karen Spiegel
- County, District 3 - Chuck Washington\*

- Eastern Municipal Water District (EMWD) - Phil Paule
- Western Municipal Water District (WMWD) - Brenda Dennstedt

\*Arrived after Roll Call

## 5. CLOSED SESSION

### CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Section 54959.9(d)

(1): One case:

1. Case number: RIC1707201 c/w RIC1712042

### CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representative: Executive Director

Unrepresented employees: All agency employees

There were no reportable actions.

## 6. PUBLIC COMMENTS

There were no public comments.

## 7. CONSENT CALENDAR

**RESULT: APPROVED AS RECOMMENDED**

**MOVER:** Norco

**SECONDER:** Lake Elsinore

**AYES:** Calimesa, Corona, Eastvale, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, Temecula, Wildomar, District 1, District 2, District 3, EMWD, WMWD

**ABSTAINED:** Banning, Canyon Lake, Hemet abstained from the Minutes only.

### A. Assembly Bill 361 Findings

**Action:**

1. Affirmed the findings of the Executive Committee in Resolution Number 01-22, adopted on April 4, 2022, which are:
  - a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which State of Emergency continues to exist today; and
  - b. State or local officials have recommended measures to promote social distancing.

### B. Summary Minutes from the December 5, 2022, Executive Committee Meeting

**Action:**

1. Approved the Summary Minutes from the December 5, 2022, Executive Committee meeting.

### C. Finance Department Activities Update

**Action:**

1. Received and filed.

#### **D. WRCOG Committees and Agency Activities Update**

**Action:**

1. Received and filed.

#### **E. Report out of WRCOG Representatives on Various Committees**

**Action:**

1. Received and filed.

#### **F. TUMF Program Activities Update: Approval of Reimbursement Agreement**

**Action:**

1. Authorized the Executive Director to execute a TUMF Reimbursement Agreement with the City of Menifee for the Planning, Engineering, and Right-of-Way Phases for the Menifee Road (Scott Road to Garbani Road) Project in an amount not to exceed \$2,169,000.

#### **G. I-REN Program Status and Quarterly Update**

**Action:**

1. Received and filed.

#### **H. Commercial PACE Activities Update - Limited Appointment of Program Administrative Responsibility to Nuveen Green Capital**

**Action:**

1. Adopted Resolution Number 01-23; A Resolution of the Executive Committee of the Western Riverside Council of Governments authorizing and appointing Greenworks Lending, LLC, as a Program Administrator in connection with the Temecula Senior Living Center, LLC, Commercial PACE Assessment Lien and documents related thereto and approving other actions in connection thereto.

#### **I. Classification and Compensation Study Results and Budget Impacts**

**Actions:**

1. Adopted Resolution Number 02-23; A Resolution of the Executive Committee of the Western Riverside Council of Governments adopting the Fiscal Year 2022/2023 publicly available salary schedule effective July 1, 2022, through June 30, 2023, as required by the California Public Employee's Retirement System.
2. Approved a Budget amendment allocating the unallocated labor increase approved in WRCOG's Fiscal Year 2022/2023 budget.

### **8. REPORTS / DISCUSSION**

#### **A. Report on Remote Public Meeting Requirements**

Steven DeBaun, WRCOG General Counsel, gave a presentation regarding teleconferencing for committee meetings that meet Brown Act requirements which had previously been waived or modified by Governor's Executive Orders, and AB 361. The State of Emergency is set to expire on February 28, 2023, therefore, AB 361 will no longer be available for committees to use.

There are two options that committees may implement: pre-pandemic rules, or AB 2449. In pre-pandemic rules, the classic rules still apply, which would have committee members give their location on the agenda, post the agenda at the site, allow public access to the site, and conduct roll call votes. Video is not mandatory, audio only is acceptable, but there must be a quorum of the committee present.

AB 2449 has similar requirements as AB 361, but committee members must provide just cause, or have a medical emergency, that would prevent him/her from attending in person. Under both circumstances, the committee member must give notice to the legislative body at the earliest opportunity, with a general description of reasons. For medical emergencies, the legislative body must take action to approve the request as a late item by 2/3 vote. Just cause can be used no more than two meetings per year, and medical emergencies can be no more than three consecutive months and no more than 20% of meetings. Committee members must disclose if anyone over 18 years of age is also present and their relationship to the committee member. They must also allow for both audio and video conferencing for the public at all times.

Committee member Karen Spiegel asked to clarify the term "teleconferencing."

Mr. DeBaun explained that for pre-pandemic rules, audio only is ok. If AB 2449 is implemented, the committee must use both audio and video.

Committee member Jacque Casillas suggested using the same zoom link for the public, to which Mr. DeBaun said it is legal, but that every vote will have to be a roll call vote for the public to be aware of who voted for what items.

Committee member Bob Karwin asked about the legislative intent behind the restriction of remote participation.

Mr. DeBaun said the intent is unclear.

Committee member Brian Tisdale commented that the Committee should make a decision of how subsequent meetings will be held.

The item was originally a receive and file, but Executive Director Dr. Kurt Wilson then asked Mr. DeBaun if the blanket language included in the agenda would allow the Committee to make a decision today, to which Mr. DeBaun said yes.

Committee member Elena Baca-Santa Cruz asked if the Committee is required to attend in person, could a Zoom link still be provided for members of the public?

Mr. DeBaun responded that a Zoom link could be provided for members of the public.

Committee member Spiegel asked if the public zoom link would also allow for public comment.

Mr. DeBaun said this was not specified under the Brown Act, therefore, it is up to the Committee to decide if they would allow it.

Committee member James Stewart emphasized that under AB 2449, there must be just cause or medical emergency. It is not something that can be done on a regular basis.

Committee member Casillas asked if AB 2449 had to be implemented within a certain window.

Mr. DeBaun clarified that it could be implemented in future meetings as long as it was added to the agenda, and then return to the old rules.

Committee member Brenda Dennstedt commented that Western Municipal Water District decided to roll back to the original 1988 rules, while allowing livestreaming and a zoom link for the public and staff members who are unable to attend.

Committee member Chuck Washington asked for clarification that under the old rules, his city Councilman could request participation in the meeting from Temecula City Hall, post it on the agenda, and have the location available to the public.

Mr. DeBaun concurred.

Dr. Wilson asked if it would apply to just the Executive Committee, or all committees.

Committee member Tisdale clarified that today's action would apply to all of WRCOG's Brown Act committees.

**Actions:**

1. Reaffirmed that the Committee would return to in-person meetings under the Brown Act Rules.
2. Directed staff to include a Zoom link to Committee meeting agendas for members of the public.

**RESULT:** APPROVED

**MOVER:** Lake Elsinore

**SECONDER:** Murrieta

**AYES:** Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, Temecula, District 2, District 3, EMWD, WMWD

**NAYS:** Banning, Wildomar

**B. 2023 General Assembly Community Service Award Selection Guidelines**

Julian Brambilla, WRCOG Staff Analyst, reported that every year, officials from WRCOG member agencies provide nominations for Community Service Awards, which highlight community members who have gone above and beyond their respective roles to support the Western Riverside County subregion. The nomination period will begin in early February, the Administration & Finance Committee will consider all nominations at its March meeting, and the Executive Committee will finalize the awardees at its April meeting.

Committee member Karen Spiegel asked for clarification on the definition of who would qualify as a "public official."

Committee member Jeff Cervantez suggested using the term "elected public officials" so that people who are nominated can still be considered for the award.

The Committee voted to update the award selection guidelines for the upcoming nomination period as follows:

1. Recipient exhibits exemplary volunteerism;
2. Recipient is not a current elected public official;
3. Recipient is not currently employed by a WRCOG member agency; and
4. There are two award categories: individual and group.

The Committee also made changes to clarify who can submit a nomination. Previous wording specified that only City Managers from the Technical Advisory Committee (TAC) could make nominations. Now nominations can be accepted by all TAC members. Additionally, a 200-word limit on the nomination form will be more strictly enforced moving forward.

**Action:**

1. Approved the community Service Award selection guidelines.

**RESULT:** APPROVED

**MOVER:** District 2

**SECONDER:** Canyon Lake

**AYES:** Banning, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, Temecula, District 2, District 3, District 5, WMWD

**C. Approval of WRCOG Strategic Plan**

Due to time constraints, this item was moved to the March agenda.

**Action:**

1. Moved to March.

**9. REPORT FROM THE TECHNICAL ADVISORY COMMITTEE CHAIR**

TAC Chair Rob Johnson provided a brief update about the MS4 Permit compliance. The Permit is now roughly 10 years past renewal and there have been some changes. Permits are now a tri-county Permit and includes Orange, Riverside, and San Bernardino Counties. There is also a requirement to create a comprehensive watershed management plan, and full implementation of trash-capture devices, which must be in place by December 2, 2030. The current fee waiver for public construction activities will be eliminated and there is increased inspection and reporting frequency for commercial industrial sites. The Permit should be finalized by mid-2023.

The TAC received a presentation on a Fee Comparison Analysis based on 2022 fees on development by jurisdiction, which was emailed to City Managers in December and is also available from WRCOG.

The TAC recommended that the Energy Resilience plan be approved by the Executive Committee.

TAC also recommended that the Committee not approve the amendment to the TUMF administration plan and reimbursement model.

The C-PACE Program received an update on projects for \$158M in funding.

The Residential Trip Generation Study is still under review.

## **10. REPORT FROM COMMITTEE REPRESENTATIVES**

Committee member Brian Tisdale, CALCOG representative, reported that CALCOG now has a bill tracker on [www.calcog.org](http://www.calcog.org). The Regional Leadership Forum will take place in Riverside on March 6 and 7, 2023.

Committee member Ted Hoffman, SAWPA OWOW representative, reported that they approved the planned city incorporation of 2022 Riverside County Storm Water Resource Plan into the OWOW Plan. This will make Riverside County eligible for grant funds.

## **11. REPORT FROM THE EXECUTIVE COMMITTEE CHAIR**

The Executive Committee Chair was not present.

## **12. REPORT FROM THE EXECUTIVE DIRECTOR**

Dr. Kurt Wilson announced that a report from the California Air Resources Board will be on next month's agenda. Planning for General Assembly has started, with save-the-dates coming in the next few days. This year, the registration process will be automated. The sponsorship component has begun, and WRCOG has received its first commitment from Pechanga for \$50K.

## **13. ITEMS FOR FUTURE AGENDAS**

There were no items for future agendas.

## **14. GENERAL ANNOUNCEMENTS**

Committee member Kevin Bash announced that the City of Norco will be renaming their post office to honor fallen Marine, Kareem Nikoui, on Friday, February 10, 2023, at 11:00 a.m. Committee member Bash thanked Congressman Calvert for pushing for Congress' approval, and got a unanimous vote to make this possible.

## **15. NEXT MEETING**

The next Executive Committee meeting is scheduled for Monday, March 6, 2023, at 2:00 p.m., in the Riverside County Administrative Center, 4080 Lemon Street, 1st Floor Board Chambers, Riverside.

## **16. ADJOURNMENT**

The meeting was adjourned at 3:52 p.m.