

Executive Committee

Minutes

1. CALL TO ORDER

The meeting of the WRCOG Executive Committee was called to order by Chair Karen Spiegel at 2:00 p.m. on April 4, 2022, on the Zoom platform.

2. PLEDGE OF ALLEGIANCE

Committee member Jacque Casillas led the Committee members and guests in the Pledge of Allegiance.

3. ROLL CALL

- City of Banning - David Happe
- City of Beaumont - Mike Lara
- City of Calimesa - Wendy Hewitt
- City of Canyon Lake - Dale Welty
- City of Corona - Jacque Casillas
- City of Eastvale - Christian Dinco
- City of Hemet - Malcolm Lilienthal
- City of Jurupa Valley - Chris Barajas
- City of Lake Elsinore - Brian Tisdale
- City of Moreno Valley - Edward Delgado
- City of Murrieta - Lori Stone
- City of Norco - Kevin Bash
- City of Perris - Rita Rogers
- City of Riverside - Ronaldo Fierro
- City of San Jacinto - Crystal Ruiz
- City of Temecula - James Stewart
- City of Wildomar - Ben Benoit
- County, District 1 - Kevin Jeffries
- County, District 2 - Karen Spiegel (Chair)
- County, District 3 - Chuck Washington*
- County, District 5 - Jeff Hewitt
- Eastern Municipal Water District (EMWD) - Phil Paule
- Western Municipal Water District (WMWD) - Brenda Dennstedt
- Riverside County Superintendent of Schools - Dr. Edwin Gomez
- WRCOG Executive Director - Dr. Kurt Wilson

*Arrived after Roll Call

4. AB 361 Findings

Action:

1. Adopted Resolution Number 01-22, a Resolution of the Executive Committee of the Western Riverside Council of Governments Authorizing Virtual Committee Meetings Pursuant to AB 361.

RESULT: APPROVED AS RECOMMENDED

MOVER: District 5

SECONDER: San Jacinto

AYES: Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, Wildomar, District 1, District 2, District 5, EMWD, WMWD

5. CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO SECTION 54956.9(d)(1)
 - Western Community Energy, Debtor, United States Bankruptcy Court, Central District -- Riverside Division, Case No. 6:21-bk-12821-SY
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO SECTION 54956.9(d)(1)
 - Sanjuana Andrade v. Elias Aripez, et al., Case No. 37-2019-00052111-CU-BT-NC (San Diego County Superior Court)
 - Irma Lopez Aguirre v. Western Riverside Council of Governments, et al., Case No. 30-2020-01153725-CU-BT-CJC (Orange County Superior Court)
 - Robert Cannon, et al., v. R.E. Pierro Construction, et al., Case No. RIC2000281 (Riverside County Superior Court)
 - Aimme Hazel Patron Cardoso v. County of Imperial, et al., Case No. ECU001264 (Imperial County Superior Court)
 - Sean Carey, et al., v. Western Riverside Council of Governments, et al., Case No. 37-2021-00008300-CU-MC-CTL (San Diego County Superior Court)
 - Maria Castillo v. Western Riverside Council of Governments, et al., Case No. 30-2020-01142779-CU-BT-CJC (Orange County Superior Court)
 - Jose A. Ceja, et al., v. G & A Construction, Inc., Case No. 330-2021-01217813-CU-OR-NJC (Orange County Superior Court)
 - Martha Cordova, et al., v. Elite Solar Group, LLC, et al., Case No. 37-2021-00000765-CUBT-CTL (San Diego County Superior Court)
 - Humberto Garcia v. Western Riverside Council of Governments, et al., Case No. 30-2019-01104024-CU-BT-CJC (Orange County Superior Court)
 - Roberta James, et al., v. Western Riverside Council of Governments, et al., Case No. RG19029659 (Alameda County Superior Court)
 - Loreto Molina-Duarte, et al., v. Western Riverside Council of Governments, et al., Case No. 37-2021-00014856-CU-MC-NC (San Diego County Superior Court)
 - Antonio Zuniga, et al., v. Western Riverside Council of Governments, et al., Case No. 37-2021-00007702-CU-MC-NC (San Diego County Superior Court)

There were no reportable actions.

6. PUBLIC COMMENTS

There were no public comments.

7. CONSENT CALENDAR

RESULT: APPROVED AS RECOMMENDED

MOVER: Corona

SECONDER: Jurupa Valley

AYES: Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, District 5, EMWD, WMWD

A. Summary Minutes from the March 7, 2022, Executive Committee Meeting

Action:

1. Approved the Summary Minutes from the March 7, 2022, Executive Committee meeting.

B. WRCOG Committees and Agency Activities Update

Action:

1. Received and filed.

C. Report out of WRCOG Representatives on Various Committees

Action:

1. Received and filed.

D. Finance Department Activities Update

Action:

1. Received and filed.

E. Approval of Two Reimbursement TUMF Agreements, One TUMF Reimbursement Agreement Amendment, and One Credit Agreement

Item Number 3 was pulled for discussion by Committee member Wendy Hewitt, who asked why the TUMF Reimbursement Agreement Amendment with the City of Riverside increased from \$265,000 to over \$3 million.

Chris Gray, WRCOG Deputy Executive Director, responded that the initial Agreement was for \$2.92 million, and the City asked for a change order in the amount of \$265,000, bringing the total to \$3,185,000.

Actions:

1. Authorized the Executive Director to execute a TUMF Reimbursement Agreement with the County of Riverside for the Planning Phase of the Wood Rd (Krameria Avenue to Cajalco Road) Project in an amount not to exceed \$400,000.

2. Authorized the Executive Director to execute a TUMF Reimbursement Agreement with the County of Riverside for the Planning Phase of the Grand Avenue (Ortega Highway to Central Street) Project in an amount not to exceed \$774,000.
3. Authorized the Executive Director to execute a TUMF Reimbursement Agreement Amendment with the City of Riverside for the Construction Phase of the Iowa Avenue (University Avenue to Martin Luther King Boulevard) Project in an amount not to exceed \$3,185,000.
4. Authorized the Executive Director to execute a TUMF Credit Agreement with the County of Riverside and Ranch RV & Self Storage - Temescal Valley, LLC for the Planning and Engineering of the Temescal Canyon Rd (I-15 to Lake Street) Project in an amount not to exceed \$118,868.

RESULT: APPROVED AS RECOMMENDED

MOVER: Calimesa

SECONDER: San Jacinto

AYES: Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, District 5

The City of Riverside did not respond. The water districts do not vote on TUMF items.

F. Single Signature Authority Report

This item was pulled for discussion by Committee member Brenda Dennstedt, who indicated that for the seven items signed under the Executive Director's Single Signature Authority, there was no fiscal impact indicated, nor is there a notation of where these funds are coming from. For future reports, Committee member Dennstedt asked that the line items be broken out to clarify which funds items are, being attributed to.

RESULT: APPROVED AS RECOMMENDED

MOVER: WMWD

SECONDER: San Jacinto

AYES: Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, District 5, EMWD, WMWD

The City of Riverside did not respond.

Action:

1. Received and filed.

G. Proposed Revisions to the Grant Writing Assistance Program Guidelines

Action:

1. Approved the revisions to the Grant Writing Assistance Program Guidelines.

H. Update on Professional Services Agreements for On-Call Planning Services

Action:

1. Received and filed.

I. I-REN Status and Activities Update

Action:

1. Approved the Governance & Operations Charter for the I-REN Program for incorporation into the Memorandum of Agreement upon completion.

J. Cal Cities Activities Update

Action:

1. Received and filed.

K. Legislative Activities Update

Action:

1. Received and filed.

L. SCAG Activities Update

Action:

1. Received and filed.

8. REPORTS / DISCUSSION

A. Update from the California State Association of Counties

Andrea Mares, County of Riverside, District 3, reported that the California State Association of Counties (CSAC) Executive Committee recently met to discuss the State's Care Court proposal. The Court would allow family members, behavioral health providers, and first responders the ability to Civil Court judges to order clinical evaluations, and if necessary, to implement a plan for un-housed individuals in need of mental health services.

The cost of implementing Care Court as proposed is unknown; however, between 7,000 and 12,000 people could qualify for Care Court.

Action:

1. Received and filed.

B. 2nd Quarter Draft Budget Amendment for Fiscal Year 2021/2022

Dr. Kurt Wilson, WRCOG Executive Director, reported that this item is a carryover from last month's presentation.

The proposed Budget Amendment regarding the HERO Program is for Revenues of \$930k and Expenditures of \$900k. WRCOG receives revenues from the HERO Program under four different categories: 1) Sponsor revenue; 2) an annual Administration Fee; 3) prepayment of Administration Fees; and 4) Delinquencies.

Sponsor revenue is 1% of the bond cost of issuance. The current annual Administration Fee per

assessment is \$95, of which WRCOG receives \$52. The current prepayment of Administration Fees is \$395 per assessment, and WRCOG receives \$225.00. Delinquencies revenue is a very small amount and is secured by a lien. Many years ago, this Committee took action for WRCOG, nor a 3rd party debt holder, to not foreclose on delinquent properties. While this item is not a large dollar amount, it is a recurring revenue stream.

When the Agency budget was prepared and adopted, Renovate America was still operational. After Renovate America filed bankruptcy, WRCOG received revenues of \$680k. Likewise, the Prepayment Fee increased after budget approval and adoption increased by \$50 per prepayment; this created an additional \$250k in revenue, for a total of \$930k between the two.

When Renovate America was still in business, it honored its indemnity agreement with WRCOG. When Renovate America filed bankruptcy in December 2020, over the course of the next year, WRCOG incurred just over a million dollars in legal fees.

Action:

1. Approved the 2nd Quarter draft Budget Amendment for Fiscal Year 2021/2022.

RESULT: APPROVED AS RECOMMENDED

MOVER: Jurupa Valley

SECONDER: Moreno Valley

AYES: Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Jurupa Valley, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, San Jacinto, Temecula, Wildomar, District 1, District 2, District 5, EMWD, WMWD

The Cities of Hemet and Riverside, and District 3 did not respond.

C. PACE Administrative and Legal Services

Steve DeBaun, WRCOG legal counsel, recused himself from this discussion.

Casey Dailey, WRCOG Director of Energy & Environmental Programs, reported that in March 2015, WRCOG amended its general legal counsel agreement with Best Best & Krieger (BB&K) to include bond, special, and disclosure and public finance legal services to support the statewide PACE Program. In June 2015, the agreement was amended a third time, replacing a previously amended fee schedule.

In accordance with WRCOG's Purchasing and Procurement Policy, staff issued a Request for Proposal (RFP) for Administrative and Legal Services for WRCOG's PACE Programs. Only one proposal was received - by BB&K. An Evaluation Committee, consisting of representatives from the Cities of Jurupa Valley, Menifee, and San Jacinto, directed staff to reissue the RFP. One additional response was received by Stradling Yocca Carlson & Rauth.

The Evaluation Committee recommended to the Administration & Finance Committee the selection of BB&K due to its extensive experience in WRCOG's PACE Programs and existing operations structure.

Committee members discussed the term and scope of services of the proposed agreement, as well as the current services provided by BB&K. It was noted that the proposed agreement is for continued PACE services only.

Action:

1. This item was tabled for a Closed Session evaluation and discussion of BB&K services.

9. REPORT FROM THE TECHNICAL ADVISORY COMMITTEE CHAIR

Technical Advisory Committee (TAC) Chair Jeff Van Wagenen had no update.

10. REPORT FROM COMMITTEE REPRESENTATIVES

Committee member Brian Tisdale, CALCOG Board of Directors representative, reported that CALCOG is reviewing AB 285 that was passed back in 2019. Details can be viewed at <https://calcog.org/5-things-about-the-ab-285-report/#more-5839>.

11. REPORT FROM THE EXECUTIVE COMMITTEE CHAIR

Chair Spiegel reported that this year's General Assembly is scheduled for June 23, 2022, and will be held at Pechanga Resort Casino. There will be an Executive Committee meeting on Friday, June 24, 2022, at the same location. Committee member Crystal Ruiz volunteered to participate on the General Assembly Ad Hoc Committee.

Nominations for Community Service Awards are due Friday, April 8, 2022.

Chair Spiegel thanked staff for their presentation of Women's History Month.

12. REPORT FROM THE EXECUTIVE DIRECTOR

Dr. Kurt Wilson reminded Committee members that his written report is attached to the agenda and that nominations for Community Service Awards are due Friday, April 8, 2022.

13. ITEMS FOR FUTURE AGENDAS

Committee member Mike Lara would like an item to discuss WRCOG either creating a policy or releasing a RFP regarding legal counsel services. Chair Spiegel created an Ad Hoc Committee, to be Chaired by Committee member Lara, to have this discussion. Committee members Chris Barajas and Malcolm Lilienthal volunteered to participate.

14. GENERAL ANNOUNCEMENTS

Committee member Barajas congratulated Committee member Christian Dinco on his recent retirement from the Riverside Police Department.

15. NEXT MEETING

The next Executive Committee meeting is scheduled for Monday, May 2, 2022, at 2:00 p.m., on the Zoom platform with an option to attend in-person at the WRCOG office.

16. ADJOURNMENT

The meeting was adjourned at 4:27 p.m.