

# WRCOG Executive Committee

## Minutes

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### 1. CALL TO ORDER

The meeting of the WRCOG Executive Committee was called to order by Chair Crystal Ruiz at 2:01 p.m. on October 3, 2022, at the Riverside County Administrative Center, 4080 Lemon Street, 1st Floor Board Chambers, Riverside.

### 2. PLEDGE OF ALLEGIANCE

Committee member Ben Benoit 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 - Russ Brown
- City of Jurupa Valley - Chris Barajas
- City of Lake Elsinore - Brian Tisdale
- City of Menifee - Matt Liesemeyer
- City of Moreno Valley - Edward Delgado
- City of Murrieta - Lori Stone
- City of Norco - Kevin Bash
- City of Perris - Marisela Nava
- City of Riverside - Ronaldo Fierro
- City of San Jacinto - Crystal Ruiz (Chair)
- City of Temecula - James Stewart
- City of Wildomar - Ben Benoit
- 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\*
- WRCOG Executive Director - Dr. Kurt Wilson

\*Arrived after Roll Call

### 4. PUBLIC COMMENTS

Arnold San Miguel, SCAG, announced that on December 1, 2022, SCAG will host its 13th edition of its celebrated Southern California Economic Summit in downtown Los Angeles at the Sheraton Grand. This year's theme is "Resourcing the Region." Early bird registration is \$125 per person until October 28th. Elected officials and city managers may attend for free. At Thursday's Regional Council meeting, SCAG staff will be requesting authorization to release a Notice of Preparation for the draft program Environmental Impact Report for Connect SoCal 2024-2050. Lastly, October 5, 2022, is California Clean Air Day.

## **5. CONSENT CALENDAR**

**RESULT: APPROVED AS RECOMMENDED**

**MOVER:** District 5

**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

### **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 September 12, 2022, Executive Committee Meeting**

**Action:**

1. Approved the Summary Minutes from the September 12, 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. Housing Legislative Activities Update**

**Action:**

1. Received and filed.

**G. Cal Cities Activities Update**

**Action:**

1. Received and filed.

**H. Approval of One TUMF Reimbursement Agreement Amendment**

**Action:**

1. Authorized the Executive Director to execute Amendment Number 2 to a TUMF Reimbursement Agreement with the City of Corona for the Planning, Design, Right-Of-Way, and Construction Phases of the Auto Center Drive BNSF Railroad Grade Separation in an amount not to exceed \$2,120,000.

**I. Approval of Amendment No. 1 to the Professional Services Agreement with AECOM for the Western Riverside County Energy Resilience Plan**

**Action:**

1. Approved Amendment No. 1 to the Professional Services Agreement with AECOM authorizing an increase to the contract amount and extra work related to the Western Riverside County Energy Resilience Plan.

**6. REPORTS / DISCUSSION**

**A. Environmental Department Activities Update**

Olivia Sanchez, WRCOG Program Manager, reported that at its recent meeting, WRCOG's Solid Waste Committee received presentations and information on SB 1383, Capacity Planning for Organic Waste and Food Recovery, and current and pending legislation.

The Capacity Planning for Organic Waste and Food Recovery project started in April 2022 with MSW consultants to assist member cities that expressed interest. MSW worked with member jurisdictions, local franchise haulers, and edible food recovery facilities to determine tonnages and gaps in capacity. MSW determined that Riverside County as a whole, needs 66,314 tons of organic waste capacity and 21,211 tons of edible food recovery capacity. MSW continues to work with cities on completing an implementation plan.

Used oil / filter collection events have continued virtually over the past year, with 634 participants and 345 used oil filters exchanged. Grant funding from the Household Hazardous Waste Program was used to increase used oil capacity at certified collection centers, from 1,850 gallons to 3,700 gallons, in 10 WRCOG member cities.

The Love Your Neighborhood initiative will be deploying a new website in a few weeks to support cleanup efforts and to address illegal dumping. Cities interested in participating in this Program can contact WRCOG staff.

**Action:**

1. Received and filed.

**B. 4th Quarter Draft Budget Amendment for Fiscal Year 2021/2022**

Andrew Ruiz, WRCOG Chief Financial Officer, reported that for the fourth quarter of Fiscal Year 2021/2022, there will be a net increase in revenues of approximately \$29M. This is primarily due to an increase in collections in the TUMF Program. There has been a significant increase in development activity, specifically in housing.

The other major amendment is to the Inland Regional Energy Network, or I-REN, budget. While I-REN has launched, it has not incurred as much in revenues and expenditures as originally anticipated since the Program is still ramping up. This does not change the total amounts allocated by the California Public Utilities Commission, as I-REN has a six-year period to expend the funds and 2022 was its first year.

Committee member Jeff Hewitt expressed concern with some of the details in the budget amendment in that the resolution used to adopt the budget provides the Executive Director the authority to approve budget amendments as long as the amendments are in a technical nature.

Committee member Wendy Hewitt expressed concern with the large variance in numbers and believes that any numbers over 10% should require an explanation.

Mr. Ruiz responded that the item being presented today is for the 4th Quarter of Fiscal Year (FY) 2021/2022, and the resolution referred to is for the FY 2022/2023 Budget. Regarding an explanation when numbers change by over 10%, there is no language to that affect in the resolution for the current fiscal year, only that the Executive Director can approve if the change is of a technical nature.

Dr. Kurt Wilson, WRCOG Executive Director, added that any variances will be identified and explained within the staff report, even if it is below 10%.

Committee member Kevin Jeffries asked how transfers, not authorized by this Committee, to Western Community Energy (WCE) are being managed.

Mr. Ruiz responded that in the FY 2022/2023 Budget, any write-offs are reflected.

Dr. Wilson added that any losses related to WCE only became final upon adoption of the WCE plan of adjustment which happens in the current fiscal year rather than the previous fiscal year.

**Action:**

1. Approved the 4th Quarter draft Budget Amendment for Fiscal Year 2021/2022.

**RESULT: APPROVED AS RECOMMENDED**

**MOVER:** Menifee

**SECONDER:** Wildomar

**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, EMWD, WMWD

**ABSTAIN:** District 5

### **C. PACE Programs: Adoption of Unclaimed Refund Policy and Procedure**

Casey Dailey, WRCOG Director of Energy & Environmental Programs, reported that PACE refunds occur when a property owner prepays their PACE assessment line item prior to paying their property tax bill. These refunds are processed by WRCOG staff and multiple attempts are made to return refunds to the property owner. Occasionally, these checks remain unclaimed by property owners.

A number of checks were issued in 2019, and absent a WRCOG policy, those funds would automatically be returned to the State of California. State law requires all unclaimed property to be returned to the State after three years, unless a resolution and policy are adopted by the Agency that would allow the unclaimed property to remain with WRCOG.

Dr. Kurt Wilson added that the Administration & Finance Committee expressed concern with protecting the consumer rights and wanted to ensure that the property owners or their heirs have perpetual availability to the funds. Following the conversation at the Administration & Finance Committee meeting, staff revisited the options. Staff determined that one option could be that WRCOG maintains the funds in perpetuity, which would allow WRCOG to collect interest on those funds. If the funds were escheated to the State, then the State would collect the interest.

If this Committee determines that any unclaimed funds are to be escheated to the State, no action is required. Having said that, if this Committee wants to take a specific action to reinforce that, or any other action, staff would bring this item back on the Consent Calendar in November in order to have time to prepare a resolution.

Committee members discussed the matter of confusion between the discussion and recommendation from the Administration & Finance Committee and today's presentation.

#### **Action:**

1. Affirmed the recommendation from the Administration & Finance Committee to permit funds from unclaimed PACE refunds to revert to the State of California where valid claims can be honored in perpetuity, and directed staff to return with a resolution solidifying the policy.

**RESULT: APPROVED AS RECOMMENDED**

**MOVER:** Wildomar

**SECONDER:** Moreno Valley

**AYES:** Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Wildomar, District 1, District 2, District 3, District 5, EMWD, WMWD  
The City of Temecula representative did not respond.

### **7. REPORT FROM THE TECHNICAL ADVISORY COMMITTEE CHAIR**

Technical Advisory Committee (TAC) Chair Rob Johnson reported that at its last meeting, the TAC received updates and information on local housing activities and assistance, the 4th Quarter draft

Budget Amendment, grant writing assistance, and environmental department activities.

## **8. REPORT FROM COMMITTEE REPRESENTATIVES**

Committee member Brian Tisdale, CALCOG representative, reported that March 6 - 8, 2023, CALCOG will be holding its strategic retreat at the Riverside Convention Center. The Board of Directors will be holding its next meeting in person on October 29, 2022. At this meeting, new officers will be elected, and Committee member Tisdale is slated to be the President. Additional details are provided in the agenda packet.

Chair Crystal Ruiz, SANDAG Borders Committee representative, reported that SANDAG is now holding its meetings in person. Additional details are provided in the agenda packet.

Committee member Ted Hoffman, SAWPA OWOW representative, reported that 24 projects were submitted for Prop 1, Round 2 funding; of that, 13 projects were approved to move forward for final approval and funding by the Department of Water Resources. Four of the projects are located within Riverside County; if approved, funding will be provided in 2023.

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

Chair Ruiz announced that the Cities of San Jacinto and Hemet, and the Soboba Band of Luiseno Indians recently hosted the Mayor's Ball and everyone had an opportunity to learn to ballroom dance. The City of San Jacinto has implemented a new initiative, Move with the Mayor, to help communities get healthy, and challenged other jurisdictions to do something similar. October 13, 2022, is San Jacinto's State of the City.

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

Dr. Kurt Wilson reported that the bulk of his update can be found in the Agenda packet. A number of bills were recently signed that could have an impact of local jurisdictions. CALPERS has a proposed rule change which will have a significant impact on how many local jurisdictions do business.

## **11. ITEMS FOR FUTURE AGENDAS**

Committee member Dale Welty indicated that it would be helpful if WRCOG could do the research and gather data on developers, they types of projects they do, and their financing mechanisms.

Committee member Jeff Hewitt asked for a future discussion on the Agency budget resolution.

## **12. GENERAL ANNOUNCEMENTS**

Committee member Kevin Bash thanked Dr. Wilson for attending events in the City of Norco.

Committee member Russ Brown announced that the Ramona play next year will be the centennial performance. Ramona's equestrian unit was approved for participation in the Rose Parade.

## **13. NEXT MEETING**

The next Executive Committee meeting is scheduled for Monday, November 7, 2022, at 2:00 p.m., in the Riverside County Administrative Center, 4080 Lemon Street, 1st Floor Board Chambers, Riverside.

#### **14. CLOSED SESSION**

Steve DeBaun, WRCOG Legal Counsel, announced that there are several Closed Session items as listed on the agenda.

##### CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

1. Significant exposure to litigation pursuant to Section 54956.9(2)(d): One potential case
2. Potential initiation of litigation pursuant to Section 54956.9(4)(d): Four potential cases

##### CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Section 54956.9(d)(1): One case

1. Western Riverside Council of Governments v. National Union Fire Insurance Company of Pittsburgh, PA, U.S. District Court, C.D. Cal., Case No. 5:20-cv-02164-GW (KKx)

There were no reportable actions.

#### **15. ADJOURNMENT**

The meeting was adjourned at 3:37 p.m.