

# Agenda

**Regular Meeting  
of the Board of Directors of  
Upper San Luis Rey Resource Conservation District  
Thursday, October 12, 2023 1:00 P.M.  
Meeting Held at Yuima Municipal Water District  
34928 Valley Center Road, Pauma Valley, CA 92061**

Andy Lyall, President  
Michael Perricone, Secretary/Treasurer  
Amy Reeh, Director

Greg Kamin, Vice-President

## AGENDA TOPICS

1:00 p.m.

1. **Roll Call** - Determination of Quorum
2. **Pledge of Allegiance**
3. **Approval of Agenda** – At its option, the Board may approve the agenda, delete an item, reorder items and add an item to the agenda per the provisions of Government Code §54954.2.
4. **Public Comment** – This is an opportunity for members of the public to address the Board on matters of interest within the Board's jurisdiction that are not listed on the agenda. The Brown Act does not allow any discussion by the Board or staff on matters raised during public comment except; 1) to briefly respond to statements made or questions posed; 2) ask questions for clarification; 3) receive and file the matter; 4) if it is within staff's authority, refer it to them for a reply; or 5) direct that it be placed on a future board agenda for a report or action. Inquiries pertaining to an item on the agenda will be received during deliberation on that agenda item. No action can be taken unless specifically listed on the agenda (Government Code §54954.3)

### I. CONSENT CALENDAR

Consent Calendar items will be voted on together by a single motion unless separate action is requested by a Board Member, staff or member of the audience.

1. Approve minutes of the Special Meeting of August 17, 2023.
2. Approval of Accounts Payables for August and September 2023.
3. Acceptance of Monthly Financial Reports - August and September 2023.

### II. SPECIAL REPORTS

1. NRCD
2. USLRGMA
3. Presidents Report

Celine Moral  
Perricone  
Lyll

### III. ACTION DISCUSSION

1. Approval of Agreement for Recordkeeping and Secretarial Services with Yuima

Lyll

*Background:* This is a renewal of an existing contract with Yuima to perform recordkeeping and secretarial services from July 2023 through June 2024.

*Recommendation:* That the Board review and approve the contract if they so desire.

### IV. OTHER BUSINESS

1. Next Regular Meeting - Thursday, November 9, 2023 at 1:00 p.m.

### V. ADJOURNMENT

*NOTE: In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in the Board meeting, please contact the General Manager at (760) 742-3704 at least 48 hours before the meeting to enable the District to make reasonable accommodations. The meeting begins at 1:00 p.m. The time listed for individual agenda items is an estimate only. Any writings or documents provided to a majority of the members of the Upper San Luis Rey Resource Conservation District Board of Directors regarding any item on this agenda will be made available for public inspection during normal business hours in the office of the General Manager located at 34928 Valley Center Road, Pauma Valley.*

**MINUTES OF THE REGULAR MEETING**  
**OF THE BOARD OF DIRECTORS OF**  
**UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT**  
**July 17, 2023**

The Special Meeting of the Board of Directors of the Upper San Luis Rey Resource Conservation District was held at the office Yuima Municipal Water District, 34928 Valley Center Road, Pauma Valley, California on Thursday, the 17<sup>th</sup> day of July 2023.

**1. ROLL CALL – DETERMINATION OF QUORUM**

President Lyall called the meeting to order at 1:02 p.m.

Directors Present:

Andy Lyall, President  
Greg Kamin, Vice-President  
Amy Reeh, Director

President Lyall declared that a quorum of the Board was present.

Directors Absent:

Michael Perricone, Director

Others Present: Celine Morales - NRC

**2. PLEDGE OF ALLEGIANCE**

President Lyall led the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

Director Lyall motioned to add Action Discussion Item 6 to the agenda: Board direction on support or oppose AB399; seconded by Director Kamin. The motion was approved unanimously by the following roll-call vote, to wit:

AYES: Lyall, Kamin, Reeh  
NOES: None  
ABSTAIN: None  
ABSENT: Perricone

Director Kamin motioned to approve the revised agenda; seconded by Director Lyall. The motion was approved unanimously by the following roll-call vote, to wit:

AYES: Lyall, Kamin, Reeh  
NOES: None  
ABSTAIN: None  
ABSENT: Perricone

#### **4. PUBLIC COMMENT**

No speaker requests were received and no other indication to speak was offered by members of the public present.

#### **I. CONSENT CALENDAR**

Upon motion being offered by Director Kamin seconded by Director Reeh, the Minutes of the Regular Meeting of April 13, 2023; the Accounts Payable for May, June and July, 2023 and the Monthly Financials for April, May, June and July 2023 were approved by the following roll-call vote, to wit:

AYES: Reeh, Kamin, Lyall  
NOES: None  
ABSTAIN: None  
ABSENT: Perricone

#### **II. SPECIAL REPORTS**

##### **1. NRCS**

Celine Morales from NRCS provided a report about funding opportunities that are coming in the near future.

2. USLRGMA

Director Reeh gave a brief summary of the GMA activities. GMA is waiting for the determination of GSP and final grant award so that the group can move forward with planned projects.

**III. ACTION/DISCUSSION**

1. Proposed Resolution Adopting the Operating Budget for Fiscal Year 2023-24.

Following a motion by Director Kamin and seconded by Director Lyall, Resolution No. 51-23, adopting the 2023-24 Fiscal Year Operating Budget was approved by the following roll-call vote to wit:

AYES: Reeh, Kamin, Lyall  
NOES: None  
ABSTAIN: None  
ABSENT: Perricone

2. San Luis Rey Arroyo Toad Conservation Area / Sycamore Ranch Annual Budget

Following a motion by Director Kamin and seconded by Director Lyall, the 2023-24 Fiscal Year Arroyo Toad Conservation Easement Budget was approved by the following roll-call vote to wit:

AYES: Reeh, Kamin, Lyall  
NOES: None  
ABSTAIN: None  
ABSENT: Perricone

3. Approval of Agreement for Recordkeeping and Secretarial Services with Yuima Municipal Water District for 2023-24.

This item was table due to the necessity of Director Reeh to recuse herself.

4. Proposed Resolution Establishing the Appropriation Limit for Fiscal Year 2023/24 Pursuant to Article XIII B of the California Constitution.

Following a motion by Director Kamin and seconded by Director Lyall, Resolution No. 52-23 adopting the 2023/24 Appropriation Limit was approved by the following roll-call vote to wit:

AYES: Reeh, Kamin, Lyall  
NOES: None  
ABSTAIN: None  
ABSENT: Perricone

5. Acceptance of the San Luis Rey RV Park Arroyo Toad Conservation Easement Report.

Following a motion by Director Reeh and seconded by Director Lyall, Resolution No. 52-23 adopting the 2023/24 Appropriation Limit was approved by the following roll-call vote to wit:

AYES: Reeh, Kamin, Lyall  
NOES: None  
ABSTAIN: None  
ABSENT: Perricone

6. Discussion and Possible Action regarding adopting a position on AB399 regarding the County Water Authority Act.

Following a brief discussion as to how this act may apply to the RCD in relation to taking away local control, the Board directed staff to draft a letter of opposition to AB399.

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**

There being no further business to come before the Board the meeting was adjourned at 1:44 p.m.

\_\_\_\_\_  
Greg Kamin, Vice President

\_\_\_\_\_  
Andy Lyall, President

**UPPER SAN LUIS REY RCD**  
**Check Detail**  
 July through September 2023

Type	Num	Date	Name	Account	Paid Amount
Check	1124	08/01/2023	Tierra Verde Enviro...	USLRRCD Arroyo Toad Ch... Consulting	-400.00
TOTAL					-400.00
Check	2282	08/01/2023	Pauma Valley Wate...	USLRRCD General Checkin... Water	-60.00
TOTAL					-60.00
Check	2283	08/01/2023	Yuima Municipal W...	USLRRCD General Checkin...	
TOTAL					0.00
Check	2284	08/01/2023	County of San Diego	USLRRCD General Checkin... Dues and Subscriptions	-19.95
TOTAL					-19.95
Check	2285	08/01/2023	Rutan & Tucker, LLP	USLRRCD General Checkin... Legal Fees	-787.44
TOTAL					-787.44
Check	2286	08/01/2023	Yuima Municipal W...	USLRRCD General Checkin... Office & Other Admin	-1,182.22
TOTAL					-1,182.22
Check	2287	08/08/2023	SDRMA	USLRRCD General Checkin... Pre-paid Insurance	-5,002.98
TOTAL					-5,002.98
Check	2289	08/08/2023	Rutan & Tucker, LLP	USLRRCD General Checkin... Legal Fees	-7,878.50
TOTAL					-7,878.50

## UPPER SAN LUIS REY RCD

## Balance Sheet

As of September 30, 2023

	Sep 30, 23
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
PV Country Club Easement CB&T	5,019.74
<b>Restricted Funds</b>	
SD Cty - Rancho Corrido Conserv	4,576.52
SDCCU - Arroyo Toad #5622	150,000.00
USLRRCD Arroyo Toad Chkng-CB&T	6,950.15
Restricted Funds - Other	-23,616.39
<b>Total Restricted Funds</b>	137,910.28
<b>Unrestricted Funds</b>	
RCD Savings #0023048259	30,683.25
SD Cty - USLRRCD	10,869.38
SDCCU - USLRRCD #5524	86,406.14
USLRRCD General Checking - CB&T	71,487.44
<b>Total Unrestricted Funds</b>	199,446.21
<b>Total Checking/Savings</b>	342,376.23
<b>Accounts Receivable</b>	
Accounts Receivable	10,182.44
<b>Total Accounts Receivable</b>	10,182.44
<b>Other Current Assets</b>	
Pre-paid Insurance	19,418.93
<b>Total Other Current Assets</b>	19,418.93
<b>Total Current Assets</b>	371,977.60
<b>Fixed Assets</b>	
Accumulated Depreciation	-12,015.60
Building	9,184.00
Improvements	4,130.00
Land	1,049.00
USLR RCD Signs	3,364.90
<b>Total Fixed Assets</b>	5,712.30
<b>TOTAL ASSETS</b>	<b>377,689.90</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
FEMA Funds	5,841.14
<b>Total Accounts Payable</b>	5,841.14
<b>Total Current Liabilities</b>	5,841.14
<b>Total Liabilities</b>	5,841.14
<b>Equity</b>	
Beginning Fun Balance	248.29
<b>Net Position</b>	
<b>Restricted</b>	
Pauma Valley Easement	4,939.32
Rancho Corrido	155,834.51
<b>Total Restricted</b>	160,773.83
<b>Total Net Position</b>	160,773.83



5:00 PM

10/05/23

Accrual Basis

UPPER SAN LUIS REY RCD

**Balance Sheet**

As of September 30, 2023

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	<u>Sep 30, 23</u>
Retained Earnings	227,191.31
Unrestricted Equity	-2,687.56
Net Income	-13,677.11
Total Equity	<u>371,848.76</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>377,689.90</u></b>

**UPPER SAN LUIS REY RCD**  
**Check Detail**  
 July through September 2023

Type	Num	Date	Name	Account	Paid Amount
Check	1124	08/01/2023	Tierra Verde Enviro...	USLRRCD Arroyo Toad Ch... Consulting	-400.00
TOTAL					-400.00
Check	2282	08/01/2023	Pauma Valley Wate...	USLRRCD General Checkin... Water	-60.00
TOTAL					-60.00
Check	2283	08/01/2023	Yuima Municipal W...	USLRRCD General Checkin...	
TOTAL					0.00
Check	2284	08/01/2023	County of San Diego	USLRRCD General Checkin... Dues and Subscriptions	-19.95
TOTAL					-19.95
Check	2285	08/01/2023	Rutan & Tucker, LLP	USLRRCD General Checkin... Legal Fees	-787.44
TOTAL					-787.44
Check	2286	08/01/2023	Yuima Municipal W...	USLRRCD General Checkin... Office & Other Admin	-1,182.22
TOTAL					-1,182.22
Check	2287	08/08/2023	SDRMA	USLRRCD General Checkin... Pre-paid Insurance	-5,002.98
TOTAL					-5,002.98
Check	2289	08/08/2023	Rutan & Tucker, LLP	USLRRCD General Checkin... Legal Fees	-7,878.50
TOTAL					-7,878.50

## UPPER SAN LUIS REY RCD

## Deposit Detail

July through September 2023

Type	Num	Date	Name	Account	Amount
Deposit		07/26/2023		RCD Savings #002...	1.26
				Interest Income	-1.26
TOTAL					-1.26
Deposit		08/23/2023		RCD Savings #002...	1.17
				Interest Income	-1.17
TOTAL					-1.17
Deposit		09/26/2023		RCD Savings #002...	1.42
				Interest Income	-1.42
TOTAL					-1.42
Deposit		07/26/2023		RCD Savings #002...	1.26
				Interest Income	-1.26
TOTAL					-1.26
Deposit		08/23/2023		RCD Savings #002...	1.17
				Interest Income	-1.17
TOTAL					-1.17
Deposit		09/26/2023		RCD Savings #002...	1.42
				Interest Income	-1.42
TOTAL					-1.42
Deposit		07/08/2023		SD Cty - Rancho C...	13.86
				Interest	-13.86
TOTAL					-13.86
Deposit		09/08/2023		SD Cty - Rancho C...	22.86
				Interest	-22.86
TOTAL					-22.86
Deposit		07/21/2023	Deposit	SD Cty - USLRRCD	60.62
				Taxes Revenue	-60.62
TOTAL					-60.62
Deposit		07/31/2023		SD Cty - USLRRCD	28.88
				Interest Income	-28.88
TOTAL					-28.88

**UPPER SAN LUIS REY RCD**

**Deposit Detail**

July through September 2023

Type	Num	Date	Name	Account	Amount
Deposit		08/08/2023	Deposit	SD Cty - USLRRCD	160.78
				Taxes Revenue	-160.78
TOTAL					-160.78
Deposit		08/05/2023	Deposit	SD Cty - USLRRCD	58.69
				Taxes Revenue	-58.69
TOTAL					-58.69
Deposit		09/30/2023		SD Cty - USLRRCD	47.64
				Interest Income	-47.64
TOTAL					-47.64
Deposit		08/01/2023		USLRRCD General...	1,500.00
				Rental Income (2)	-1,500.00
TOTAL					-1,500.00

## UPPER SAN LUIS REY RCD

## Profit &amp; Loss

10/05/23

July through September 2023

Accrual Basis

	<u>Jul - Sep 23</u>
Ordinary Income/Expense	
Income	
Conservation Easements	
Rancho Corrido	
Interest	36.72
Total Rancho Corrido	<u>36.72</u>
Total Conservation Easements	36.72
Interest Income	84.22
Rental Income (2)	1,500.00
Taxes Revenue	<u>280.09</u>
Total Income	1,901.03
Expense	
Dues and Subscriptions	169.95
Office & Other Admin	3,097.63
Professional Fees	
Consulting	400.00
Legal Fees	11,678.56
Web Site	<u>132.00</u>
Total Professional Fees	12,210.56
Utilities	
Water	<u>100.00</u>
Total Utilities	100.00
Total Expense	<u>15,578.14</u>
Net Ordinary Income	<u>-13,677.11</u>
Net Income	<u><u>-13,677.11</u></u>

## UPPER SAN LUIS REY RCD

## Trial Balance

10/05/23

As of September 30, 2023

Accrual Basis

	Sep 30, 23	
	Debit	Credit
PV Country Club Easement CB&T	5,019.74	
Restricted Funds		23,616.39
Restricted Funds:RCD Arroyo Toad Chkg 0020095482	0.00	
Restricted Funds:SD Cty - Rancho Corrido Conserv	4,576.52	
Restricted Funds:SDCCU - Arroyo Toad #5622	150,000.00	
Restricted Funds:USLRRCD Arroyo Toad Chkng-CB&T	6,950.15	
Restricted Funds:USLRRCD Arroyo Toad Svngs-CB&T	0.00	
Union CD/Rancho Corrido Arroyo	0.00	
UnionCD/Rancho Corriod Arroyo T	0.00	
Unrestricted Funds:PV Country Club Eas #0051167823	0.00	
Unrestricted Funds:RCD Checking #0810466545	0.00	
Unrestricted Funds:RCD Savings #0023048259	30,683.25	
Unrestricted Funds:SD Cty - USLRRCD	10,869.38	
Unrestricted Funds:SDCCU - USLRRCD #5524	86,406.14	
Unrestricted Funds:USLRRCD General Checking - CB&T	71,487.44	
Unrestricted Funds:USLRRCD General Savings - CB&T	0.00	
Accounts Receivable	10,182.44	
Accounts Receivable:State Control	0.00	
Pala-Temecula Grade Grant	0.00	
Pre-paid Insurance	19,418.93	
Undeposited Funds	0.00	
Accounts Receivable - Rent	0.00	
Accumulated Depreciation		12,015.60
Building	9,184.00	
Improvements	4,130.00	
Land	1,049.00	
Property Tax Receivable	0.00	
USLR RCD Signs	3,364.90	
Other Assets	0.00	
Upper San Luis Rey RCD .	0.00	
FEMA Funds		5,841.14
Accounts Payable	0.00	
Accrued property taxes due	0.00	
County Treasury	0.00	
Lilac Rd. Clean Up	0.00	
Pala-Temecula Grade Cleanup Gra	0.00	
Rancho Corrido Payable	0.00	
Rincon Ranch clean up	0.00	
Beginning Fun Balance		248.29
Net Position	0.00	
Net Position:Restricted:Pauma Valley Easement		4,939.32
Net Position:Restricted:Rancho Corrido		155,834.51
Opening Bal Equity	0.00	
Retained Earnings		227,191.31
Unrestricted Equity	2,687.56	
Conservation Easements:Rancho Corrido:Interest		36.72
Interest Income		84.22
Rental Income (2)		1,500.00
Taxes Revenue		280.09
Dues and Subscriptions	169.95	
Office & Other Admin	3,097.63	
Professional Fees:Consulting	400.00	
Professional Fees:Legal Fees	11,678.56	
Professional Fees:Web Site	132.00	
Utilities:Water	100.00	
<b>TOTAL</b>	<b>431,587.59</b>	<b>431,587.59</b>

## **AGREEMENT FOR RECORD KEEPING AND SECRETARIAL SERVICES UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT**

THIS AGREEMENT is made July 1, 2023 between YUIMA MUNICIPAL WATER DISTRICT ("YUIMA") and UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT ("RCD") in view of the following facts:

- (a) YUIMA maintains an office and administrative personnel suitable for handling bank deposits, record keeping and secretarial services.
- (b) RCD has a need for such services and does not have the necessary personnel to provide such services for itself.
- (c) The purpose of this Agreement is to establish conditions under which YUIMA will perform certain services for RCD.

IT IS, THEREFORE, AGREED as follows:

1. Commencing July 1, 2023 YUIMA agrees to perform the following services for RCD:
  - (a) Collect such sums as may be paid to RCD and deposit all such collections to RCD'S name in the bank account or accounts regularly maintained by RCD.
  - (b) Report monthly to RCD the amounts so collected and deposited.
  - (c) Post cash receipts and disbursements to the general ledger of RCD.
  - (d) Provide financial reports at monthly Board meetings.
2. YUIMA consents that its Finance Manager or other personnel may, if desired by RCD, serve as RCD's assistant secretary and perform all the usual duties of such office.
3. YUIMA, under this Agreement, shall furnish and provide the necessary office facilities including telephone, business machines, supplies and postage as might be reasonably required and may provide a meeting place for RCD's board of directors. RCD agrees to pay YUIMA for its services **for the period covering July 1, 2023 to June 30, 2024** the sum of **Five Hundred Ninety-one Dollars and Thirty-Two cents (\$591.32)**, per month in advance.

If additional record keeping or secretarial services beyond those described in the attached schedule are requested by RCD, YUIMA to the extent that YUIMA has personnel available may provide such services at the rate of \$60.62 per hour during YUIMA's normal working hours and at the rate of \$98.47 per hour for services performed outside of YUIMA's normal working hours.

If the amounts provided for in this section are, in the opinion of YUIMA, insufficient or, in the opinion of RCD, excessive, either party may, on thirty days' notice to the other, propose

adjustments to YUIMA's compensation. In no event shall the amount paid YUIMA under this paragraph be so reduced that YUIMA's duties hereunder result in a burden on YUIMA's general funds which is not reimbursed by RCD.

4. This Agreement may be terminated by either party upon giving at least three (3) months' written notice of such termination to the other.

5. (a) To the fullest extent permitted by law, YUIMA, its directors, officers, agents and employees shall not be held liable for any claims, liabilities or damages to any property of any person including that of RCD, nor for personal injury to or death to any person caused by or resulting from any acts or omissions (active, passive or comparative, negligence included) of YUIMA or its directors, officers, employees or agents arising out of, or alleged to have arisen out of, the performance or the failure to perform any of its obligations under this Agreement. RCD agrees to indemnify and hold free and harmless YUIMA and its directors' officers, employees, agents and volunteers against any such claims, liabilities and damages and any cost and expense incurred by them on account thereof. It is agreed that this indemnity is not limited in any way by the extent of any policy of insurance held by either party or by any limitation on the types of damages, compensation or benefits payable under worker's compensation insurance, worker's compensation acts, disability acts, or other employee acts. The foregoing limitation on liability and indemnity shall not apply to physical damage to the property of third parties or to personal injury or death that is determined to have been caused or resulted solely and exclusively by the fault or negligence of a party indemnified.

(b) To the fullest extent permitted by law the parties mutually agree to indemnify, defend and hold harmless each other from any claims, demands, costs, penalties, fines or damages (including reasonable attorney's fees and costs of investigation), arising out of this Agreement, and attributable to the fault of the other party. Following a determination of a percentage of fault or liability by agreement of the Parties or a court of competent jurisdiction, the Party responsible for liability to the other will indemnify the other Party to this Agreement for the percentage of liability determined.

(c) RCD agrees that the provisions of California Civil Code Section 1668 do not apply to this Agreement. Civil Code Section 1668 provides:

"All contracts which have for their object, directly or indirectly, to exempt anyone from the responsibility for his own fraud, or willful injury to the person or property of another, or violation of law, whether willful or negligent, are against the policy of the law."

All acts of YUIMA under this Agreement will be performed with the express understanding that YUIMA makes no warranties, expressed or implied, with respect thereto.

(d) RCD agrees that a number of factors make the forgoing indemnity and liability limitations reasonable, necessary, valid, enforceable and not contrary to public policy.

These factors include, but are not limited to the following:



- (I) The nature and extent of the services.
- (II) The services are not suitable for public regulation.
- (III) The services are not of great public importance.
- (IV) The services could be performed by employees of RCD or by persons engaged in the business of providing such services for profit.
- (V) YUIMA is performing the services at its cost as an accommodation to RCD and is not seeking to perform the services.
- (VI) RCD and YUIMA are equal in bargaining strength and RCD is free to obtain the services elsewhere.
- (VII) RCD is able to obtain insurance with respect to its property and its indemnity.
- (VIII) The amount of compensation to be paid.
- (IX) The control retained by RCD.
- (X) The condition of RCD'S property.
- (XI) YUIMA is a public agency with limited personnel and financial resources.
- (XII) The potential liability to YUIMA without the limitations and liability could impede the public purposes for which YUIMA exists and adversely affect its taxpayers and other water users.

IN WITNESS WHEREOF, this Agreement has been executed on behalf of the parties by their duly authorized officer.

UPPER SAN LUIS REY RESOURCE  
CONSERVATION DISTRICT

YUIMA MUNICIPAL WATER DISTRICT

By \_\_\_\_\_  
Andy Lyall, President

By \_\_\_\_\_  
Roland Simpson, President