

COACHELLA VALLEY MOUNTAINS CONSERVANCY
RE-SCHEDULED REGULAR MEETING

73-710 Fred Waring Drive, Suite 115

Palm Desert, California

February 25, 2013- 3:00 p.m.

M I N U T E S

MEMBERS PRESENT:

John J. Benoit, Riverside County Supervisor, District IV
Jean Benson, City of Palm Desert
Buford Crites, State Assembly Appointee–(*Vice-Chairman*)
Kathy De Rosa, City of Cathedral City
John Donnelly, Wildlife Conservation Board
Jim Foote, U.S. Forest Service (Non-voting member)
John Kalish, Bureau of Land Management
Patrick Kemp, Natural Resources Agency
Eddy Konno, California Department of Fish and Game
Karin Messaros, National Park Service
Paul Reisman, California State Parks
Mary Roche, City of Indian Wells
Jennifer Rockwell, California State Department of Finance
Ellen Lloyd Trover, Senate Rules Committee Appointee–
(Chairwoman)
Ted Weill, City of Rancho Mirage

MEMBERS ABSENT:

Russell Betts, City of Desert Hot Springs
Larry Olinger, Agua Caliente Band of Cahuilla Indians
Kristy Franklin, City of La Quinta
Chris Mills, City of Palm Springs
Allan Muth, University of California
Joan Taylor, Governor's Appointee

STAFF PRESENT:

Kevin McKernan, Executive Director
Diana Paz, Staff Services Analyst
Baine Kerr, Deputy Attorney General

STAFF ABSENT:

Kerrie Godfrey, Associate Governmental Program Analyst

OTHERS PRESENT:

Pete Dangermond, Friends of the Palm Springs Mountains
Conrad Kramer, Member of the Public
John Purcell, Friends of the Desert Mountains
Gail Sevrens, Colorado Desert District, California State Parks

Ken Waxlax, Member of the Public
Karin Winters, Member of the Public

1.0 Call to Order & Introductions

Chairwoman Trover declared a quorum with 14 voting members present at 3:00 pm.

2.0 Approval of Minutes of January 14, 2013 meeting

A motion was made and seconded (Crites/Weill) to approve the Minutes. The January 2013 Minutes were approved by a roll call vote of the 14 Board Members present with 13 yes votes and 1 abstention.

3.0 Public Comments on Items Not on the Agenda

There were no comments on items not on the agenda.

4.0 Action Items - public hearing Agenda Item

4.1 Establish Search Committee for a replacement of the Executive Director, determine if additional special meetings are required for the selection process and discuss appointment of an Acting Executive Director.

Chairwoman Trover announced that the Conservancy's Executive Director, Kevin McKernan, was resigning at the end of the month to take a position at the San Diego River Conservancy. She noted that this would be a good time for the Board to consider appointing a Search Committee to search for a new Executive Director. Baine Kerr, Deputy Attorney General (DAG), noted the Bagley Keene Act stating that a Search Committee with more than two Board Members must operate under the Act's open meetings requirements.

A motion was made and seconded (Benoit/DeRosa) to elect the Chairwoman and Vice-Chairman as the two Board Members to lead the Search Committee and for them to select a third and/or fourth non-Board Member for the Search Committee.

Chairwoman Trover also suggested an action to appoint an active interim Executive Director until the hiring process is completed. Chairwoman Trover stated that she had already spoken to Kerrie Godfrey regarding the position and that Kerrie had accepted to take on the role with the Board's approval. Baine agreed and said that it was the Board's discretion of determining qualifications of the interim Executive Director.

A motion was made and seconded (Crites/DeRosa) to appoint Kerrie Godfrey as the Acting Executive Director. The motion passed by a unanimous roll call vote of the 14 Board Members present.

4.2 Approve a Memorandum of Understanding (MOU) between the Conservancy, Friends of the Desert Mountains (FODM) and the Coachella Valley Conservation

Commission (CVCC) for the cooperative management of conservation lands and authorize the Executive Director to sign the MOU.

Kevin McKernan presented the MOU as a commitment to each other (CVMC, FODM and CVCC) for cooperative partnership and management of conservation lands that would result in efficiencies and increased effectiveness for all three entities. He stated that prior to 6 months ago, CVCC and FODM could not uphold this commitment due to a lack of capacity to monitor their own properties. CVMC had been monitoring and assisting both entities with the management of the lands; however, the MOU would serve as a non-binding understanding between the three entities.

Jennifer Rockwell, Department of Finance, inquired on item 5.K., Indemnity Clause of the MOU, stating that State entities can not assure an indemnity without an appropriation. Kevin suggested that the indemnity clause be removed from the MOU; however, Mary Roche, City of Indian Wells, felt that the clause should be a part of the MOU in order to hold the Conservancy harmless of any liabilities.

Chairwoman Trover asked the Board Members if they felt comfortable not passing a motion for this item at this time and she recommended having Baine Kerr, DAG, look into rewriting the clause or for him to give further direction to staff as to how the issue should be handled; all Board Members agreed.

A motion was made and seconded (Rockwell/Roche) to continue this item of the agenda for referral to the Attorney General's Office. The motion passed by a unanimous roll call vote of the 14 Board Members present.

4.3 Resolution 2013-03 approving a local assistance grant to the Friends of the Desert Mountains to support the acquisition of approximately 3,054 acres in the Dos Palmas Conservation Area.

Kevin McKernan presented the resolution as one option for FODM to purchase the acquisition of approximately 3,054 acres in the Dos Palmas Conservation Area. He stated that FODM could acquire the large number of parcels held under one-single ownership through the Riverside County Tax Default process or through a traditional purchase from the landowners. Hence, approving this resolution would allow FODM to object to the sale of the properties by submitting an approved FODM Resolution and they could then move forward with the tax default purchase without an appraisal. However, he further explained that if FODM pursued a traditional purchase from the landowners, the properties would need to be appraised and an offer made pursuant to the Conservancy and FODM's normal acquisition process. A total of \$3 Million would be the grant request to cover either scenario.

Chairwoman Trover recommended that it be set forth in the Resolution that the appraisal be approved by the Department of General Services as a contingency to

any purchase. Kevin agreed with Chairwoman Trover and further explained that the Conservancy would only grant FODM the total amount required to close the deal and any unused funds would be un-encumbered and available to use on other projects.

Kathy DeRosa, City of Cathedral City, inquired on the Tax Default process. Kevin explained that the property was already in default and that in order to object to a sale of the property FODM would need to submit a letter including an approved Resolution to the County by March 6th.

A motion was made and seconded (Benoit/Roche) to adopt the motion. The motion passed by a unanimous roll call vote of the 14 Board Members present.

4.4 Resolution 2013-04 approving Board support to provide matching funds for potential Federal Section 6 and Wildlife Conservation Board grants to the Friends of the Palm Springs Mountains (FOPSM) for Chino Cone area acquisitions.

Kevin McKernan referred the Board back to the purchase of the Angel Cove property, 209 acres, also located in the Chino Cone area. He put emphasis on the success of that acquisition and the priority of protecting the Chino Cone area namely, for the Peninsular Bighorn Sheep. He stated that the FOPSM have worked diligently with various landowners in the area for potential acquisitions. Thus, pending DGS approval of an appraisal and an accepted offer by willing sellers, FOPSM requests that the Conservancy commit a matching portion to the Federal Section 6 and Wildlife Conservation Board grants in an amount not to exceed \$3 Million.

Paul Reisman, California State Parks, inquired on the roadway to the area and whether a conservation easement would be included in the purchase of the property. Kevin responded that if the roadway ran through a potential acquisition property it would be purchased with a conservation easement. Pete Dangermond stated that the road was owned by the Tramway. He then thanked the Board for their support.

A motion was made and seconded (Benoit/DeRosa) to adopt the motion. The motion passed by a unanimous roll call vote of the 14 Board Members present.

4.5 Resolution 2013-05 approval of a local assistance grant to the Friends of the Desert Mountains for the acquisition of approximately 51.33 acres in the Willow Hole Conservation Area.

Kevin McKernan stated that the acquisition of approximately 51.33 acres would be one of the last remaining landownership areas located within an important sand transport area for the original Willow Hole/Edom Hill Coachella Valley Fringe-toed Lizard (CVFTL) Preserve. He further stated that CVCC has indicated to the Conservancy that it has exhausted its land acquisition budget for this year and the

near future. However, CVCC and the Conservancy propose that FODM purchase this property with a local assistance grant from the Conservancy and that CVCC prioritize the purchase of parcels from FODM as funds become available. Furthermore, Conservancy grant funds would be returned once CVCC purchases the property from FODM and successfully implements the property to the CVMSHCP.

A motion was made and seconded (DeRosa/Benoit) to adopt the motion. The motion passed by a unanimous roll call vote of the 14 Board Members present.

4.6 Resolution 2013-06 approval of a local assistance grant to the Friends of the Desert Mountains for the acquisition of approximately 39.4 acres in the Upper Mission Creek/Big Morongo Canyon Conservation Area.

Kevin McKernan noted the similarities with this item as with item 4.5 of this agenda in which CVCC is not in a position to purchase previously targeted properties from early 2012. He stated that this property has been appraised and is also within an important sand transport area that ultimately feeds the original Willow Hole/Edom Hill Coachella Valley Fringe-toed Lizard (CVFTL) Preserve downstream. Furthermore, FODM would purchase the property at this time; CVCC would purchase from FODM at a later time and return funds to the Conservancy in the same way that other lands in the National Monument and wilderness areas have purchased from FODM by the Bureau of Land Management (BLM). In the meantime, CVCC will assist FODM manage the property.

A motion was made and seconded (Crites/Roche) to adopt the motion. The motion passed by a unanimous roll call vote of the 14 Board Members present.

5.0 Closed Session – No matters scheduled

Pursuant to Government Code sections 11126 (a)(1), 11126 (e)(1) and 11126.3(a) the Board may hold a closed session to discuss and take possible action on personnel matters and or receive advice of counsel on pending or potential litigation. In addition, pursuant to Government Code section 11126 (c) 7 (A) the Board may meet in closed session with its negotiator prior to the purchase or sale of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase or sale. Confidential memoranda related to these issues may be considered during such closed session discussions.

6.0 Reports

6.1 Written Reports.

Chairwoman Trover asked the Board if they had any questions for staff on the written reports; there being none the Board continued on to the next agenda item.

6.2 Board Member comments and reports from Conservancy member agencies.

Vice Chairman, Buford Crites, welcomed Councilmember Jean Benson back to the Conservancy Board.

Chairwoman Trover presented Kevin McKernan a Certificate of Appreciation for his time and service at the Conservancy.

7.0 Adjourn to a meeting date to be determined by the Board Chairwoman.

Chairwoman Trover proposed to the Board that the meeting be adjourned to a meeting date that would be set by the Chairwoman with a two-week's notice rather than to the regularly scheduled May 11, 2013 meeting; the Board agreed.

The meeting was adjourned without objection at 4:00 p.m.