

**COACHELLA VALLEY MOUNTAINS CONSERVANCY
REGULAR MEETING
73-710 Fred Waring Drive, Suite 115
Palm Desert, California
November 8, 2010 - 3:00 p.m.**

M I N U T E S

MEMBERS PRESENT:

Karl Baker, City of Desert Hot Springs
Buford Crites, State Assembly Appointee
Kathy Dice, California State Parks
John Donnelly, Wildlife Conservation Board
Jim Ferguson, City of Palm Desert–*Chairman*
Kristy Franklin, City of La Quinta
Patrick Kemp, Natural Resources Agency
Paul Marchand, City of Cathedral City
Karin Messaros, National Park Service
Chris Mills, City of Palm Springs
Gordon Moller, City of Rancho Mirage
Holly Roberts, Bureau of Land Management
Jennifer Rockwell, California Department of Finance
Larry Spicer, City of Indian Wells
Joan Taylor, Governor’s Appointee
Ellen Lloyd Trover, Senate Rules Committee Appointee–Vice-Chairwoman

MEMBERS ABSENT:

John Benoit, Riverside County Supervisor, District IV
Jim Foote, U.S. Forest Service (non-voting)
Eddy Konno, California Department of Fish and Game
Richard Milanovich, Agua Caliente Band of Cahuilla Indians
Al Muth, University of California

STAFF PRESENT:

Bill Havert, Executive Director
Kerrie Godfrey, Staff Services Analyst

OTHERS PRESENT:

None

VACANT POSITIONS:

Vacant, Staff Environmental Scientist

1.0 Call to Order & Introductions

Chairman Ferguson declared a quorum with 13 members present at 3:05 pm. Karl Baker and Gordon Moller arrived at 3:10 and were not present to vote on the Minutes. Kathy Dice arrived at 3:20 and was not present to vote on the Minutes or Resolution 2010-03.

2.0 Approval of Minutes of July 12, 2010 meeting

Chairman Ferguson asked if there were any additions or changes to the July 12, 2010 Minutes. There were none. A motion was made and seconded (Marchand/Crites) to approve the Minutes as distributed. The motion was adopted by 11 members saying

“Aye” in a unanimous vote with Joan Taylor and Holly Roberts abstaining from the vote.

3.0 Public Comments on Items Not on the Agenda

Chairman Ferguson asked if there were any comments on any items not on the agenda. There were none.

4.0 Closed Session – No matter is scheduled

Chairman Ferguson asked if there were any closed session items. There were none.

5.0 Information items

Ethics Training Reminder for State Employees, including CVMC Board Members.

Bill Havert explained that Board Members are due to complete the required bi-annual FPPC Ethics Training. He noted that there are three alternatives available.

- 1) Online, interactive program, available at <http://caag.state.ca.us/ethics/index.htm>.
- 2) Non-interactive program that can be downloaded to a CD or your computer hard drive.
- 3) Check out the paper copy of the ethics training course from the Conservancy office.

Once the Ethics Training has been completed, a certificate must be signed to that effect. A copy of the certificate has been provided to each Board Member and after completion should be forwarded back to the Conservancy office by Friday, December 31, 2010.

6.0 Action Items - public hearing

6.1 Resolution 2010-03 approving local assistance grant to the Friends of the Desert Mountains for acquisition of land on the alluvial fan of the Santa Rosa Mountains.

Joan Taylor noted that she may have a conflict of interest and requested to leave the meeting while the Board discussed this item. Bill noted that it was up to her if she wanted to leave but, if she does not have a financial conflict then she is welcome to stay. Paul Marchand noted that it would be common law conflict. Joan left the meeting during the discussion.

Bill Havert explained that Sections 7 and 8, Township 8 South, Range 8 East, located south of Martinez Canyon and west of the community of Oasis on the lower slope and alluvial fan of the Santa Rosa Mountains are acquisitions in progress. The Friends, which entered into the original Purchase and Sale Agreement with the land owner, assigned the right to purchase the north half of Section 7 and all of Section 8 to WCB as provided for in the Agreement. The Friends also intends to assign the right to purchase the south half of Section 7 to the Bureau of Land Management (BLM) because that portion of the property is in the Santa Rosa and San Jacinto Mountains National Monument.

Previously, the Governing Board approved \$542,619 as matching funds for a federal Cooperative Endangered Species Conservation Fund grant to the Department of Fish and Game (DFG) towards the acquisition of the north half of Section 7 and all of Section 8. Use of that federal grant money for purchase of the property with the Conservancy funds as the required 30% match is on the Wildlife Conservation Board's (WCB) November agenda (WCB acquires land on behalf of DFG). DFG will take title and manage the property. BLM, however, is experiencing delays because

the Federal Budget has not passed yet and may not be able to take the necessary steps to complete its part of the transaction before the end of the year, a condition of the Purchase and Sale Agreement. As a result, the Friends has requested a grant from the Conservancy to enable the Friends to purchase the south half of Section 7 in case BLM cannot complete the transaction on time. Please note that a condition of the Purchase and Sale Agreement is that the land owner will only sell the entire two sections if both transactions (the 1.5 sections and the 0.5 sections) close escrow simultaneously before the end of 2010. Thus, not completing the purchase of the south half of Section 7 would negate WCB's ability to acquire the north half of Section 7 and all of Section 8.

The purchase price for the south half of Section 7 is \$225,000. This is much less per acre than the purchase price of the property being purchased by WCB because the south half of Section 7 is mountainous while the land being purchased by WCB is flat, adjacent to existing agriculture, and accessible by road. The appraisal for the south half of Section 7 has been approved by the federal Office of Evaluation Services (the federal equivalent of the Department of General Services). The estimated closing costs for the south half of Section 7 are a not to exceed amount of \$2,500; thus, the total grant amount requested by the Friends is a not to exceed amount of \$227,500. This grant is a contingency grant and the Conservancy will only disburse the funds if it becomes clear that BLM cannot complete the transaction in time. If Friends does purchase the property with these grant funds, it is likely that they will be able to complete a sale to BLM sometime thereafter and return the funds to the Conservancy. The funds would then be abated and available for future use by the Conservancy. It cannot be guaranteed that BLM will acquire the land, but there is a reasonable likelihood of it.

Karl Baker asked if the grant has already been approved. Bill responded that CVMC has a standard grant agreement and this is what will be used and whether CVMC will actually disburse the funds will be contingent on whether BLM can get their funding disbursed. Karl noted that the Friends will be requesting the funds. Bill concurred that the Board is approving the grant to the Friends.

Chairman Ferguson asked for any additional discussion on the item and there was none. He asked for a motion to approve Resolution 2010-03. A motion was made and seconded (Marchand/Baker) to adopt the resolution. The motion passed by the unanimous vote of 14 members and with Joan Taylor abstaining from the vote.

6.2 Adoption of 2011 meeting schedule.

Bill Havert explained that traditionally the Conservancy Governing Board approves the meetings for the calendar year and assuming we continue to follow the traditional schedule, the proposed schedule of meetings for 2011 is January 10, March 14, May 9, July 11, September 12, and November 14.

Chairman Ferguson asked if there were any additional discussion. Since there was none, he called for a motion to approve the meeting schedule for 2011. A motion was made and seconded (Marchand/Taylor) to adopt the meeting schedule. The motion was adopted by 16 members saying "Aye" in a unanimous vote.

7.0 **Reports**

7.1 Written Reports. Chairman Ferguson asked if there were any additional discussion. Since there was no additional discussion, he called for an omnibus motion to receive and file written report item 7.1. A motion was made and seconded

(Marchand/Franklin) to receive and file written report 7.1. The motion was adopted by 16 members saying "Aye" in a unanimous vote.

7.2 Board Member Comments. Paul Marchand noted that he will no longer be serving on the Board as of December and noted that it has been a pleasure and a privilege working with the Board.

8.0 Adjourn to the January 10, 2011 meeting.

A motion was made and seconded (Marchand/Taylor) to adjourn the meeting. The meeting was adjourned without objection at 3:30 p.m.