

COACHELLA VALLEY MOUNTAINS CONSERVANCY
REGULAR MEETING
73-710 Fred Waring Drive, Suite 115
Palm Desert, California
July 8, 2013 - 3:03 p.m.

FINAL M I N U T E S

MEMBERS PRESENT:

John J. Benoit, Riverside County Supervisor, District IV
Jean Benson, City of Palm Desert
Russell Betts, City of Desert Hot Springs
Buford Crites, State Assembly Appointee–(*Vice-Chairman*)
Arturo Delgado, U.S. Forest Service (Non-voting Member)
John Donnelly, Wildlife Conservation Board
Jim Foote, Bureau of Land Management
Stan Henry, City of Cathedral City
Patrick Kemp, Natural Resources Agency
Eddy Konno, California Department of Fish and Game
Karin Messaros, National Park Service
Chris Mills, City of Palm Springs
Allan Muth, University of California
Joan Taylor, Governor’s Appointee
Ellen Lloyd Trover, Senate Rules Committee Appointee–(*Chairwoman*)
Ted Weill, City of Rancho Mirage

MEMBERS ABSENT:

Karin Finn, California State Department of Finance
Kathy Dice, California State Parks
Kristy Franklin, City of La Quinta
Larry Olinger, Agua Caliente Band of Cahuilla Indians
Mary Roche, City of Indian Wells

STAFF PRESENT:

Jim Karpiak, Executive Director
Kerrie Godfrey, Associate Governmental Program Analyst
Diana Rosas, Staff Services Analyst

OTHERS PRESENT:

John Purcell, Friends of the Desert Mountains
Britt Wilson, City of Rancho Mirage

1.0 Call to Order & Introductions

Chairwoman Trover declared a quorum with 15 voting members present at 3:03 pm.

1.1 Introduction of the Conservancy's new Executive Director and Executive Director report.

Chairwoman Trover introduced the Conservancy's new Executive Director, Jim R. Karpiak, and asked everyone to introduce themselves and their representing agency.

Jim introduced himself and briefly outlined future tasks that he has set such as obtaining new/more funding opportunities, improve public image of the conservancy and work with legislators for additional support. He also acknowledged staff for their work and training during his first month on the job.

2.0 Approval of Minutes of April 8, 2013 Meeting

A motion was made and seconded (Crites/Muth) to approve the April 8, 2013 Board meeting minutes. The motion was approved by a unanimous roll call vote of the Board Members present.

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 Items

4.1 Resolution 2013-07 approving the acceptance of the Conservation Easement donated by the Coachella Valley Conservation Commission (CVCC) to the Coachella Valley Mountains Conservancy (Conservancy); located in the Thousand Palms and Willow Hole Conservation Areas and authorizing the Executive Director to negotiate the terms and costs of the Conservation Easement.

Jim Karpiak explained that CVCC is currently working on an agreement with Southern California Edison (SCE) to purchase CVCC owned parcels for Fringe-Toed Lizard mitigation credits. In exchange for the designated mitigation parcels, SCE would essentially reimburse CVCC for the purchase price of the parcels and CVCC would maintain title to the property. However, prior to SCE transferring funds for mitigation lands, SCE requires CVCC to identify a holder of the Conservation Easement. Hence, CVCC approached the Conservancy as a possible holder of the easement that is located in the Thousand Palms and Willow Hole Conservation Areas. Since the Conservancy is not currently authorized to hold endowments, the easement would be managed and maintained under a service contract with CVCC should the resolution be approved.

Allan Muth, University of California, questioned whether the relationship between CVCC and the Conservancy would be suitable as a third-party holder for the easement and if the Conservancy had the staff support to monitor the easement.

Jim stated that the Conservancy qualifies under the law as an entity who can hold such easements and said he did not see a conflict of interest; Kerrie Godfrey concurred and added that the Conservancy would record the easement with a deed to assure conservation in perpetuity and would also work closely with partnering agencies to monitor the easement.

John Donnelly, Wildlife Conservation Board, and Joan Taylor, Governor's Appointee, inquired on funds for monitoring the easement. Jim and Kerrie clarified that SCE would pay for the monitoring of the easement through the mitigation agreement with CVCC and CVCC would then hire the Conservancy through a separate contract for monitoring of the easement. John followed up with a question on third party beneficiary. Jim supported the third party beneficiary but did note that the subject had not been discussed with CVCC. Kerrie pointed out that Katie Barrows from CVCC was not able to attend this meeting but she was going to discuss the requirements of the Multiple Species Plan with regard to conservation easements and deed restrictions.

A motion was made and seconded (Taylor/Crites) to adopt Resolution 2013-07 and approve the acceptance of the Conservation Easement donated by the Coachella Valley Conservation Commission to the Coachella Valley Mountains Conservancy and authorized the Executive Director to negotiate the terms and costs of the Conservation Easement. The motion was approved by a unanimous roll call vote of the Board Members present.

4.2 Approval of the 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.

Jim Karpiak presented the proposed revisions to the indemnification provisions in section 5K of the MOU, which initially imposed reciprocal indemnification obligations on each of the parties. Deputy Attorney General, Baine Kerr has advised that state law precludes the Conservancy from indemnifying other agencies in the absence of appropriation authority to support potential legal expenses. Jim noted that previous MOU's between the Conservancy, CVCC or FODM have not included indemnity provisions and that CVCC's attorney and Mr. Kerr agreed to remove the clause from this MOU. Jim also noted that the MOU was intended to document the current ongoing cooperative activities and does not contemplate new risks, and he underscored the positive benefits of the MOU in terms of partnerships, funders and furthering press recognition.

A motion was made and seconded (Muth/Konno) to approve the Memorandum of Understanding between the Conservancy, Friends of the Desert Mountains and the Coachella Valley Conservation Commission for the cooperative management of conservation lands and authorize the Executive Director to sign the MOU. The motion was approved with three abstentions and twelve votes in favor.

4.3 Approval of a negotiated settlement with the Mirada Residential Community Owners Association (HOA) regarding a dispute over payment of an annual trail maintenance assessment to the Conservancy.

Jim Karpiak informed the Board of staff's meetings with the representative of the HOA and representatives of the City of Rancho Mirage (City) including Board Member Ted Weill and City Manager Randy Bynder. He summarized the HOA's concerns and reasons for non-payment of the Annual Trails Monitoring and Maintenance Assessment as well as the HOA, City and the Conservancy's tentative agreement subject to Board approval. The proposed agreement includes the following: the Conservancy would provide an annual written report to the HOA on maintenance activities; the Conservancy would allow a one-time credit to the HOA for the cost of directional trail signage; the HOA would promptly pay the 2013 Maintenance Assessment minus the approved credit; the HOA and the Conservancy would direct law enforcement requests to the City when appropriate situations arise (e.g., trespassing, camping, etc.); and the parties would agree to enhance their ongoing future communication regarding maintenance questions or issues.

Chairwoman Trover reaffirmed that the tentative agreement was made subject to the Board's approval and Ted Weill asserted that the City was pleased with the tentative agreement.

A motion was made and seconded (Mills/Crites) to approve the proposed settlement, and authorize staff to deposit the check and send a letter to the HOA documenting the payment in full of the 2013 Maintenance Assessment and the settlement conditions. The motion was approved by a unanimous roll call vote of the Board Members present.

5.0 Closed Session – One Matter Scheduled

The matter was resolved in action item 4.3 so the Board did not adjourn to closed session and instead moved forward to the next agenda item.

6.0 Reports

6.1 Written Reports.

There were no questions or comments on the written reports.

6.2 Board Member comments and reports from Conservancy member agencies.

John J. Benoit, Riverside County, commented on the positive potential for renegotiating the Water Bond and said he would support adding the Conservancy to the Bond.

Russell Betts, City of Desert Hot Springs, welcomed Jim Karpiak and said he looked forward to working with him on future projects.

7.0 Adjourn to the September 9, 2013 meeting
The meeting was adjourned without objection at 3:45 p.m.