

COACHELLA VALLEY CONSERVATION COMMISSION
Meeting Minutes
April 9, 2009

1. CALL TO ORDER

The meeting of the Coachella Valley Conservation Commission ("CVCC") was called to order by Chair Richard W. Kite at 11:03 a.m. on April 9, 2009.

2. PLEDGE OF ALLEGIANCE

Chair Richard W. Kite led in the Pledge of Allegiance.

3. ROLL CALL

Roll call was taken and it was determined that a quorum was present.

Members Present

Mayor Kathy De Rosa
Mayor Eduardo Garcia
Councilmember Ben Godfrey
Councilmember Stanley Sniff
Councilmember Cindy Finerty
Mayor Pro Tem Chris Mills
Councilmember Richard W. Kite, Chair
Supervisor Marion Ashley
Board Member Corky Larson
Board Member Anthony Sanchez

Agency

City of Cathedral City
City of Coachella
City of Indio
City of La Quinta
City of Palm Desert
City of Palm Springs
City of Rancho Mirage
County of Riverside, 5th District
Coachella Valley Water District
Imperial Irrigation District

Members Absent

Councilmember Bill Powers
Councilmember Terry Henderson
Supervisor Roy Wilson

City of Indian Wells
County of Riverside, 2nd District
County of Riverside, 4th District

Others Present

Buford Crites
Steven Hernandez
Bill Havert
John McFadden
Vikki Dee Bradshaw
Joe Lim
Ken Waxlax
John Brown
Marilyn McKay

County of Riverside
County of Riverside
Coachella Valley Mountains Conservancy
Coachella Valley Water District
Imperial Irrigation District
City of Indio
Peter Murray & Associates
Mission Springs Water District
Mission Springs Water District

CVAG Staff

Larry Parrish, Interim Executive Director
Katie Barrows, Director of Environmental Resources
Jim Sullivan, GIS Program Director
Gary Leong, Director of Administrative Services
Linda Rogers, Program Assistant II

4. **FINALIZATION OF AGENDA & ADDITIONS AND REVISIONS**

It was moved by Councilmember Sniff and seconded by Supervisor Ashley to approve finalization of the agenda. The motion carried.

5. **PUBLIC COMMENTS**

None.

6. **CVCC MEMBER/EXECUTIVE DIRECTOR COMMENTS**

Jim Sullivan announced that a site visit would be made to the Coachella Valley Fringe-toed Lizard Preserve on Saturday, April 11, 2009. Members of the CVCC were invited to participate.

7. **CORRESPONDENCE**

None.

8. **CONSIDER RECOGNIZING SERVICE OF PAUL CLARK, AICP**

Jim Sullivan indicated that Paul Clark, who has just retired, has been a County Planner for 30 years and has done a lot of work on and been very supportive of the CVMSHCP. Staff added that Mr. Clark's vigilance prevented a number of land use conflicts that could have compromised the CVMSHCP. Jim Sullivan stated that Mr. Clark's willingness to take time to assist with the CVMSHCP richly deserves the appreciation of the CVCC. Supervisor Ashley also commented that Paul Clark has been a very good planner with Riverside County. The CVCC directed staff to invite Mr. Clark to the May 14th meeting of the CVCC.

It was moved by Supervisor Ashley and seconded by Board Member Larson that the CVCC approve a plaque recognizing Paul Clark, AICP for his service and invite Mr. Clark to receive the plaque at the CVCC meeting on May 14, 2009.

The motion carried.

9. **REVIEW AND ACCEPT THE FIRST ANNUAL REPORT ON THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVTION PLAN AND PROVIDE FOR PUBLIC INPUT**

A copy of the CVMSHCP 2008 Annual Report for the period October 1, 2008 to December 31, 2008 was presented to the CVCC. Staff went over the report and discussed the baseline tables which account for conservation and disturbance since 1996. Jim Sullivan added that the Annual Report will be sent out to all permittees. Presentations regarding the Annual Report can be made to city councils. One enforcement issue that came up was extensive unauthorized grading in the Sky Valley area. In May 2008, Sky Valley Citizens on Patrol reported to CVCC that extensive grading was in progress on BLM land and land then owned by the Friends of the Desert Mountains. Significant areas were graded and a number of streambeds impacted without permits. CVCC staff immediately notified the County of Riverside, California Department of Fish and Game, U.S. Fish and Wildlife Service and BLM. These agencies quickly ended the grading activity and cooperated to prosecute the alleged perpetrator. The

County has recorded a deed restriction that prohibits any County development authorizations on the property for five years. The alleged perpetrator is currently facing four misdemeanor counts related to vandalism and illegal streambed alteration. Board Member Larson recommended that the CVCC send a letter of appreciation to the Sky Valley Citizens on Patrol. Staff will prepare a letter of appreciation to the Sky Valley Citizens on Patrol.

Mayor De Rosa asked staff whether culverts which serve as biological corridors were in the same location as the proposed county jail site. Discussion ensued and it was determined that the proposed county jail site is located outside the conservation area.

It was moved and seconded that this item be received and filed by the CVCC.

10. CONSIDER APPLICATIONS FOR AT-LARGE MEMBERSHIP OF RESERVE MANAGEMENT OVERSIGHT COMMITTEE

Jim Sullivan reported that the Reserve Management Oversight Committee (RMOC) established by the CVCC on January 8, 2009 had their first meeting on March 17, 2009. Staff indicated that the RMOC, under the direction of the CVCC, is the inter-agency group that will coordinate implementation of the MSHCP Reserve System Management and Monitoring Programs. He indicated that applications for at-large membership in the RMOC which were received for consideration by the CVCC include Friends of the Desert Mountains, Mission Springs Water District (MSWD) and the Desert Tortoise Preserve Committee. Staff indicated that MSWD does not currently have conserved land within a Conservation Area that qualifies them for RMOC membership. However, MSWD is willing to place a conservation easement on land it owns within a Conservation Area to meet the Plan requirements for RMOC membership. Board Member Larson recommended that this item be continued to the May 14, 2009 CVCC meeting.

It was moved by Board Member Larson and seconded by Supervisor Ashley that this item be continued to the May 14 meeting.

The motion carried.

11. ESTABLISH FINANCE COMMITTEE FOR THE COACHELLA VALLEY CONSERVATION COMMISSION

As a part of the duties and responsibilities of the CVCC, staff recommends that the CVCC establish a Finance Committee to review the annual budget, provide recommendations to CVCC on an investment policy, review the annual audit and other related financial matters. Katie Barrows indicated that one item for the Finance Committee will be how to invest the Fringe-toed Lizard endowment funds which will be transferred to CVCC. The Finance Committee could include two CVCC members, CVCC Auditor Gary Leong, the CVCC Executive Director of other CVCC staff, and a finance director from among the CVCC member agencies. Board Member Larson recommended Amy Ammons, Finance Director with the Coachella Valley Water District, to serve on the Finance Committee as well.

It was moved by Supervisor Ashley and seconded by Councilmember Sniff that the CVCC establish the Finance Committee and recommended that the CVCC Chair, Vice Chair, CVCC Auditor (Gary Leong), the CVCC Executive Director and

Amy Ammons with Coachella Valley Water District be appointed to serve as members of the Finance Committee.

The motion carried.

12. CONSIDER ACCEPTANCE OF OBLIGATIONS UNDER A JULY 2007 REIMBURSEMENT AGREEMENT FOR \$800,000 BETWEEN CVAG AND RIVERSIDE COUNTY AND AUTHORIZE ASSIGNMENT FROM CVAG TO CVCC

Katie Barrows reported that the County of Riverside has requested that CVAG evaluate the potential for repayment of the loan provided through a reimbursement agreement for the recirculation of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). A letter dated March 24, 2009 from Gary Christmas, Chief Deputy County Executive Officer, was referenced and included in the agenda packet. There is an agreement with the County that provided for a total of \$800,000. The agreement specifies that the loan would be due in two years following permit issuance; the loan would be due on September 30, 2010. The agreement with the County of Riverside provides the option for CVAG to transfer or assign the obligation of this loan to the CVCC. Since the CVCC is now the implementing agency, it would make sense for the CVCC to assume this responsibility. CVAG's Executive Committee considered and approved this transfer at their meeting on March 30, 2009. Staff recommended that CVCC accept the obligation and in the budget process identify potential options to perhaps pay back some portion of that loan prior to the actual due date. This would need to be brought back to the committee and included in the 2009/2010 budget process. Upon approval by the CVCC, Toni Eggebraaten would be asked to draft an Assignment Agreement and have it executed by the CVCC Chair or Executive Director. Chair Kite inquired if the recommendation was that the funds be transferred this year. Katie Barrows stated that we would need to discuss with County staff and take a look at what our ability is to provide some funds toward reimbursement of the loan. Staff indicated that we would like to explore the option of looking at the budget to see what funds are available. Board Member Larson concurred that it seemed appropriate to move the burden from CVAG to the CVCC.

It was moved by Board Member Larson and seconded by Councilmember Sniff that the CVCC authorize the Executive Director or Chair to execute an assignment from CVAG to CVCC of the July 32, 2007 Reimbursement Agreement for \$800,000 with Riverside County in a form acceptable to General Counsel and direct staff to work with Riverside County on repayment options as part of the 2009/2010 and 2010/2011 CVCC budget.

The motion carried.

13. RESOLUTION 09-003: ACQUISITION OF PARCEL FROM RHETT AND ERIN FERRELL

It was moved by Councilmember Godfrey and seconded by Board Member Larson that the CVCC approve Resolution 09-003 authorizing acquisition of APN 660-093-005 for a total cost not to exceed \$70,000. The actual purchase price is \$68,850. CVCC's share of closing costs should not exceed \$750, but to be safe, the maximum total cost has been rounded to \$70,000. The final statement of costs will be approved by the Acquisitions Manager before the request for CVCC funds to be deposited in escrow is made. The motion carried.

14. **RESOLUTION 09-004: ACQUISITION OF PARCEL FROM RONALD AND CARMEN MARCIONE**

It was moved by Councilmember Sniff and seconded by Board Member Larson that the CVCC approve Resolution 09-004 authorizing acquisition of APN 660-091-010 for a total cost not to exceed \$19,000. The actual price is \$18,000. CVCC's share of closing costs should not exceed \$600, but to be safe, the maximum total cost has been rounded to \$19,000. The final statement of costs will be approved by the Acquisitions Manager before the request for CVCC funds to be deposited in escrow is made. The motion carried.

15. **RESOLUTION 09-005: ACQUISTION OF PARCEL FROM HYUN S. SHINN**

It was moved by Councilmember Sniff and seconded by Mayor De Rosa that the CVCC approve Resolution 09-005 authorizing acquisition of APN 660-093-005 for a total cost not to exceed \$236,000. The actual purchase price is \$235,000. CVCC's share of closing costs should not exceed \$1,000, but to be safe, the maximum total cost has been rounded to \$236,000. The final statement of costs will be approved by the Acquisitions Manager before the request for CVCC funds to be deposited in escrow is made. The motion carried.

16. **CONSENT CALENDAR**

Approval

16A Approve Minutes of the March 12, 2009 Coachella Valley Conservation Commission.

It was moved by Councilmember Sniff and seconded by Board Member Larson to approve the Minutes of March 12, 2009.

The motion carried.

Information

16B CVCC 2009 Attendance Roster

This item was received by the CVCC as an information item.

17. **ANNOUNCEMENTS**

The next meeting of the Coachella Valley Conservation Commission is scheduled for May 14, 2009 at 11:00 a.m.

The next meeting of the Reserve Management Oversight Committee (RMOC) has been scheduled for April 29, 2:00 p.m. at CVAG, Suite 200.

The next meeting of the Trails Management Subcommittee has been scheduled for May 20, 2009, 1:30 p.m. at CVAG, conference room 115.

18. ADJOURNMENT

The meeting adjourned at 11:40 a.m.

Respectfully submitted,

Linda Rogers
Program Assistant II