

**CVCC VOTING MEMBERS WILL RECEIVE A UNIQUE PANELIST LINK BY EMAIL.  
PLEASE USE THIS LINK TO PARTICIPATE IN THIS MEETING.**



*Pursuant to Assembly Bill 361 and the findings made by the CVCC, this meeting will only be conducted via video/teleconferencing.*

## **COACHELLA VALLEY CONSERVATION COMMISSION MEETING AGENDA**

**THURSDAY, OCTOBER 14, 2021  
10:30 a.m.**

### **INSTRUCTIONS FOR PARTICIPATION**

Members of the public may use the following link:

<https://us02web.zoom.us/j/81476005002?pwd=RktRcHRGc3FBcWNmcURTZXZ0eUcudz09>

**Password: 311133**

**One Tap Mobile: +16699009128,,81476005002# US**

**Dial In: +1 669-900-9128**

**Webinar ID: 814 7600 5002**

**Password: 311133**

***This will provide listening access and ability to address the  
CVCC when called upon.***

**IF YOU ARE UNABLE TO CONNECT VIA DIAL IN OPTION, PLEASE CALL 760-346-1127**

Public comment is encouraged to be emailed to the CVCC prior to the meeting via email to [cvag@cvag.org](mailto:cvag@cvag.org) by 5:00 pm on the day prior to the Commission meeting. Comments intended to be read aloud should be no more than 300 characters in length.

**THIS MEETING IS HANDCAPPED ACCESSIBLE.  
ACTION MAY RESULT ON ANY ITEMS ON THIS AGENDA.**

1. **CALL TO ORDER** – Mayor Linda Evans, Chair

2. **ROLL CALL**

A. **Member Roster**

[P5](#)

3. **PUBLIC COMMENTS ON AGENDA ITEMS**

Any person wishing to address the Coachella Valley Conservation Commission on items appearing on this agenda may do so at this time. At the discretion of the Chair, comments may be taken at the time items are presented. Please limit comments to 3 minutes.

4. **COMMISSION CHAIR / DIRECTOR ANNOUNCEMENTS**

5. **CONSENT CALENDAR**

A. **Approve June 10, 2021 CVCC Meeting Minutes**

[P6](#)

B. **Establish that findings exist, pursuant to Assembly Bill 361, and authorize remote teleconference/virtual meetings of the Coachella Valley Conservation Commission and its committees; and authorize the Chair and/or Executive Director to advocate for Brown Act changes to allow regional agencies to continue utilizing virtual meetings**

[P12](#)

C. **Approve Resolution 21-007, reflecting the adopted CVCC Fiscal Year 2021/2022 Budget**

[P14](#)

D. **Authorize the updating of the signature cards and signatories for CVCC investments and banking**

[P16](#)

E. **Authorize the Chair and/or Executive Director to execute a letter of engagement with Best, Best & Krieger to provide legal services related to implementation of the Coachella Valley Multiple Species Habitat Conservation Plan at a cost not to exceed \$30,000 for October 1, 2021 through June 30, 2022**

[P17](#)

F. **Adopt Resolution 21-008 and authorize the Executive Director to take the necessary steps to accept a Local Assistance Grant from the California Department of Fish and Wildlife in the amount of \$91,040 for *“Using NDVI Data in Models to Determine Habitat Use of Peninsular Bighorn Sheep in Response to Human Presence on Recreational Trails”***

[P26](#)

G. **Adopt Resolution 21-009 and authorize the Executive Director to take the necessary steps to accept a Local Assistance Grant from the**

[P29](#)

California Department of Fish and Wildlife in the amount of \$71,566 for “*Creating climate resiliency in the Coachella Valley Natural Communities Conservation Plan: Assessing climate change vulnerability for Covered Species*”

- H. **Authorize the Executive Director to execute a no-cost amendment for HDR Engineering’s GIS Project contract, extending work through June 30, 2022 and making minor adjustments to the scope of services** [P32](#)

## 6. DISCUSSION / ACTION

- A. **Presentation on Biological Monitoring Program**– Dr. Cameron Barrows & Dr. Lynn Sweet, UC Riverside Center for Conservation Biology

- B. **Acquisition of approximately 1.215 acres in the Thousand Palms Conservation Area** – Jim Karpiak, Coachella Valley Mountains Conservancy [P35](#)

**Recommendation:** Adopt Resolution 21-010 authorizing acquisition of a partial parcel totaling approximately 1.215+/- acres in the Thousand Palms Conservation Area at a cost not to exceed \$50,000 plus closing and transaction related costs not to exceed \$2,000; and authorize the Executive Director to execute all necessary contracts and take such other actions as necessary for the acquisition

- C. **Contract Extension and Additional Funds for In-Lieu Fee Program Restoration Development Plan**– Kathleen Brundige [P40](#)

**Recommendation:** Authorize the Executive Director to execute Amendment #5 to the In-Lieu Fee Program contract with ICF Jones & Stokes, providing for an additional cost of \$81,438.33 and extending the contract through September 30, 2022

- D. **Memorandum of Understanding for Cooperative Land Management and Law Enforcement Activities** – Kathleen Brundige [P50](#)

**Recommendation:** Authorize the Executive Director and/or Chair to sign a Memorandum of Understanding with the Riverside County Sheriff’s Department for cooperative land management and law enforcement services on CVCC lands, for a two-year period ending October 14, 2023, for a not-to-exceed annual amount of \$30,000; and authorize the Executive Director and/or legal counsel to make minor modifications prior to execution

- E. **Election of CVCC Officers** – Tom Kirk [P59](#)

**Recommendation:** Elect a Coachella Valley Conservation Commission Chair and Vice Chair for Fiscal Year 2021/2022

## 7. INFORMATION

- A. Attendance Record [P60](#)
- B. CVCC's Quarterly Unaudited Financial Statement as of June 30, 2021 [P61](#)
- C. CVCC's Investment Report as of June 30, 2021 [P63](#)
- D. Contracts Under \$25,000 [P64](#)
- E. Progress on the La Quinta Peninsular Bighorn Sheep Fence [P65](#)

## 8. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Any member of the public wishing to address the Commission on items of general interest within the purview of this Commission may do so at this time. Please limit comments to 2 minutes.

## 9. ANNOUNCEMENTS

Upcoming Meetings:

The next meeting of the **Coachella Valley Conservation Commission** will be held on Thursday, November 18, 2021, at 10:30 a.m. via Zoom webinar.

## 10. ADJOURN

**Item 2A**

**Coachella Valley Conservation Commission  
Member Roster  
2021 - 2022**



City of Cathedral City	<b>Councilmember Rita Lamb</b> <i>Alternate: Councilmember Nancy Ross</i>
City of Coachella	<b>Mayor Steven Hernandez, Vice Chair</b> <i>Alternate: Mayor Pro Tem Josie Gonzalez</i>
Coachella Valley Water District	<b>Board Member Anthony Bianco</b>
City of Desert Hot Springs	<b>Councilmember Gary Gardner</b> <i>Alternate: Mayor Scott Matas</i>
Imperial Irrigation District	<b>Director Alex Cardenas</b>
City of Indian Wells	<b>Councilmember Donna Griffith</b> <i>Alternate: Mayor Richard Balocco</i>
City of Indio	<b>Mayor Elaine Holmes</b> <i>Alternate: Councilmember Oscar Ortiz</i>
City of La Quinta	<b>Mayor Linda Evans, Chair</b>
Mission Springs Water District	<b>President Nancy Wright</b> <i>Alternate: Vice President Randy Duncan</i>
City of Palm Desert	<b>Mayor Kathleen Kelly</b> <i>Alternate: Councilmember Gina Nestande</i>
City of Palm Springs	<b>Councilmember Dennis Woods</b> <i>Alternate: Mayor Pro Tem Lisa Middleton</i>
City of Rancho Mirage	<b>Councilmember Richard W. Kite</b> <i>Alternate: Councilmember G. Dana Hobart</i>
Riverside County	<b>Supervisor Kevin Jeffries - District 1</b> <i>Alternate: Councilmember Glenn Miller, Indio</i> <b>Supervisor Karen Spiegel – District 2</b> <i>Alternate: Councilmember Kathleen Fitzpatrick, La Quinta</i> <b>Supervisor Chuck Washington – District 3</b> <i>Alternate: Mayor Pro Tem Jan Harnik, Palm Desert</i> <b>Supervisor V. Manuel Perez – District 4</b> <i>Alternate: Mayor Scott Matas, Desert Hot Springs</i> <b>Supervisor Jeff Hewitt – District 5</b> <i>Alternate: Director Russ Martin, Mission Springs Water District</i>

<b>Staff</b>
Tom Kirk, Executive Director
Jodi Ross-Borrego, Director of Environmental Resources
Kathleen D. Brundige, Conservation Program Manager
Peter Satin, Regional Planner
Trisha Stull, Program Assistant II
Elizabeth Paige, Program Assistant



Lynn Sweet  
Stanley Henry  
Mike McDonagh  
Joan Taylor  
Bill Havert  
One individual joined by phone

UCR  
Stanley E. Henry Consulting  
McDonagh Project Management  
Sierra Club  
Retired CVMC Executive Director

### **3. PUBLIC COMMENTS ON AGENDA ITEMS**

Randy Bynder, board member for the Bighorn Institute, spoke in favor of the incorporation of the bighorn sheep fence into the Management & Monitoring budget on Item 6A. He thanked Director of Environmental Resources Katie Barrows for her service, particularly the hard work coordinating the bighorn sheep fence.

Jane Garrison from Oswit Land Trust spoke in favor of Item 6C. Oswit Land Trust also provided a letter of support on Item 6C, which was forwarded to the members of the Commission.

### **4. COMMISSION CHAIR / DIRECTOR COMMENTS –**

Executive Director Tom Kirk announced the retirement of Ms. Barrows. He presented photos and discussed some of her major accomplishments while working for the CVCC. Several CVCC members – including Chair Evans, Councilmember Kite, Councilmember Fitzpatrick and Mayor Hernandez – praised Ms. Barrow’s achievements and thanking her for her service to the CVMSHCP, CVCC, and community.

### **5. CONSENT CALENDAR**

**A. Approve May 13, 2021 CVCC Meeting Minutes**

**B. Approve CVCC’s existing Investment Policy as CVCC Policy #21-02**

**C. Adopt the clarifying memo, *Joint Project Review Requirements of the Coachella Valley Multiple Species Habitat Conservation Plan and the Implementing Agreement as Applied to Programmatic or Phased Projects*, and direct the Executive Director to distribute this guidance to local permittees**

**D. Authorize the Executive Director to negotiate and execute a services agreement with eBizUniverse, Inc. to complete website redesign for CVCC and the Coachella Valley Association of Governments (CVAG), at a cost to CVCC of \$4,825 and a cost to CVAG of \$6,425, for a total project cost not to exceed \$11,250**

**IT WAS MOVED BY MAYOR KELLY AND SECONDED BY COUNCILMEMBER FITZPATRICK TO APPROVE THE CONSENT CALENDAR ITEMS.**

**THE MOTION CARRIED WITH 16 AYES AND 1 MEMBER ABSENT.**

<b>Councilmember Rita Lamb</b>	<b>Aye</b>
<b>Mayor Steven Hernandez</b>	<b>Aye</b>
<b>Councilmember Gary Gardner</b>	<b>Aye</b>
<b>Councilmember Donna Griffith</b>	<b>Aye</b>

Mayor Elaine Holmes	Aye
Mayor Linda Evans	Aye
Mayor Kathleen Kelly	Aye
Councilmember Dennis Woods	Aye
Councilmember Richard W. Kite	Aye
Councilmember Glenn Miller	Aye
Councilmember Kathleen Fitzpatrick	Aye
Mayor Pro Tem Jan Harnik	Aye
Supervisor V. Manuel Perez	Aye
Director Russ Martin	Aye
Board Member Anthony Bianco	Aye
Director Alex Cardenas	Absent
President Nancy Wright	Aye

## 6. DISCUSSION / ACTION

### A. Fiscal Year 2021/2022 Agency-Wide, Programs, and Individual Funds Budget

Claude Kilgore provided the staff report, highlighting the various parts of the budget, including revenues and expenditures.

**IT WAS MOVED BY COUNCILMEMBER GARDNER AND SECONDED BY COUNCILMEMBER GRIFFITH TO ADOPT THE CVCC BUDGET FOR FISCAL YEAR 2021/2022.**

**THE MOTION CARRIED WITH 16 AYES AND 1 MEMBER ABSENT.**

Councilmember Rita Lamb	Aye
Mayor Steven Hernandez	Aye
Councilmember Gary Gardner	Aye
Councilmember Donna Griffith	Aye
Mayor Elaine Holmes	Aye
Mayor Linda Evans	Aye
Mayor Kathleen Kelly	Aye
Councilmember Dennis Woods	Aye
Councilmember Richard W. Kite	Aye
Councilmember Glenn Miller	Aye
Councilmember Kathleen Fitzpatrick	Aye
Mayor Pro Tem Jan Harnik	Aye
Supervisor V. Manuel Perez	Aye
Supervisor Jeff Hewitt	Aye
Board Member Anthony Bianco	Aye
Director Alex Cardenas	Absent
President Nancy Wright	Aye

### B. Donation of approximately 248 acres in connection with the Mountain View Power Partners Wind Repower Project

Peter Satin provided a staff report describing the location and details of the donation agreement. Brief member discussion ensued.

**IT WAS MOVED BY MAYOR HOLMES AND SECONDED BY SUPERVISOR HEWITT TO APPROVE RESOLUTION 21-005, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF A PORTION OF ASSESSOR PARCEL NUMBER 522-070-027, TOTALING APPROXIMATELY 248 ACRES, IN THE WHITEWATER FLOODPLAIN CONSERVATION AREA FROM GABRYCH FAMILY LIMITED PARTNERSHIP; AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE ALL NECESSARY AGREEMENTS AND TAKE SUCH OTHER ACTIONS AS NECESSARY FOR THE ACQUISITION.**

**THE MOTION CARRIED WITH 16 AYES AND 1 MEMBER ABSENT.**

<b>Councilmember Rita Lamb</b>	<b>Aye</b>
<b>Mayor Steven Hernandez</b>	<b>Aye</b>
<b>Councilmember Gary Gardner</b>	<b>Aye</b>
<b>Councilmember Donna Griffith</b>	<b>Aye</b>
<b>Mayor Elaine Holmes</b>	<b>Aye</b>
<b>Mayor Linda Evans</b>	<b>Aye</b>
<b>Mayor Kathleen Kelly</b>	<b>Aye</b>
<b>Councilmember Dennis Woods</b>	<b>Aye</b>
<b>Councilmember Richard W. Kite</b>	<b>Aye</b>
<b>Councilmember Glenn Miller</b>	<b>Aye</b>
<b>Councilmember Kathleen Fitzpatrick</b>	<b>Aye</b>
<b>Mayor Pro Tem Jan Harnik</b>	<b>Aye</b>
<b>Supervisor V. Manuel Perez</b>	<b>Aye</b>
<b>Supervisor Jeff Hewitt</b>	<b>Aye</b>
<b>Board Member Anthony Bianco</b>	<b>Aye</b>
<b>Director Alex Cardenas</b>	<b>Absent</b>
<b>President Nancy Wright</b>	<b>Aye</b>

**C. Acquisition of approximately 42.3+/- acres from the City of Palm Springs in accordance with the Surplus Land Act**

Jim Karpiak of the Coachella Valley Mountains Conservancy provided an overview of the purchase, including the property location and conservation value of the parcel recommended for acquisition. Brief member discussion ensued.

**IT WAS MOVED BY COUNCILMEMBER WOODS AND SECONDED BY SUPERVISOR PEREZ TO APPROVE RESOLUTION 21-006 AUTHORIZING ACQUISITION OF ONE PARCEL TOTALING APPROXIMATELY 42.3+/- ACRES IN THE SANTA ROSA AND SAN JACINTO MOUNTAINS CONSERVATION AREA AT A NOT-TO-EXCEED AMOUNT OF \$460,000, PLUS CLOSING AND TRANSACTION-RELATED COSTS OF \$7,500; AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE ALL NECESSARY CONTRACTS AND TAKE SUCH OTHER ACTIONS AS NECESSARY FOR THE ACQUISITION.**

**THE MOTION CARRIED WITH 16 AYES AND 1 MEMBER ABSENT.**

<b>Councilmember Rita Lamb</b>	<b>Aye</b>
<b>Mayor Steven Hernandez</b>	<b>Aye</b>
<b>Councilmember Gary Gardner</b>	<b>Aye</b>
<b>Councilmember Donna Griffith</b>	<b>Aye</b>

Mayor Elaine Holmes	Aye
Mayor Linda Evans	Aye
Mayor Kathleen Kelly	Aye
Councilmember Dennis Woods	Aye
Councilmember Richard W. Kite	Aye
Councilmember Glenn Miller	Aye
Councilmember Kathleen Fitzpatrick	Aye
Mayor Pro Tem Jan Harnik	Aye
Supervisor V. Manuel Perez	Aye
Supervisor Jeff Hewitt	Aye
Board Member Anthony Bianco	Aye
Director Alex Cardenas	Absent
President Nancy Wright	Aye

**D. Contract with the University of California Riverside, Center for Conservation Biology to Implement Biological Monitoring**

Kathleen Brundige gave a staff report and provided an overview of the contract tasks for the upcoming year including implementing the aeolian sand protocol, monitoring and habitat modeling for species such as the Coachella Valley milk-vetch, little San Bernardino Mountains linanthus, and cylindrical cholla habitat for LeConte's thrasher.

**IT WAS MOVED BY MAYOR KELLY AND SECONDED BY COUNCILMEMBER KITE TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH THE UNIVERSITY OF CALIFORNIA RIVERSIDE'S CENTER FOR CONSERVATION BIOLOGY TO IMPLEMENT BIOLOGICAL MONITORING FOR THE PERIOD FROM JULY 1, 2021 TO JUNE 30, 2022 AT A COST NOT TO EXCEED \$248,054.**

**THE MOTION CARRIED WITH 15 AYES AND 2 MEMBERS ABSENT.**

Councilmember Rita Lamb	Aye
Mayor Steven Hernandez	Absent
Councilmember Gary Gardner	Aye
Councilmember Donna Griffith	Aye
Mayor Elaine Holmes	Aye
Mayor Linda Evans	Aye
Mayor Kathleen Kelly	Aye
Councilmember Dennis Woods	Aye
Councilmember Richard W. Kite	Aye
Councilmember Glenn Miller	Aye
Councilmember Kathleen Fitzpatrick	Aye
Mayor Pro Tem Jan Harnik	Aye
Supervisor V. Manuel Perez	Aye
Supervisor Jeff Hewitt	Aye
Board Member Anthony Bianco	Aye
Director Alex Cardenas	Absent
President Nancy Wright	Aye

## **E. Report on CivicSpark Fellowship Program Activities**

Tory Brewster gave a staff report and update on the CivicSpark Fellowship project for CVCC. She reported on training tools, results and materials she has developed for land management students/volunteers and will be completing the project in July. Member discussion included expressing appreciation for Ms. Brewster's work.

There was no action taken as this was an informational item.

## **7. INFORMATION - The following items were provided in the agenda for information only:**

**A. Attendance Record**

**B. Contracts Under \$25,000**

**C. Member Survey on CVAG Meetings in Post-COVID environment**

**D. Selection of Independent Auditor for CVAG, CVCC and DCE**

**E. Meeting calendar for Fiscal Year 2021/2022**

**F. State and Federal Funding Sources for Habitat Conservation**

**G. CV Link Endowment for Management of Mitigation Sites for Casey's June Beetle**

## **8. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None.

## **9. ANNOUNCEMENTS**

Prior to the end of the meeting, Councilmember Gardner expressed concern about increased illegal dumping around the City of Desert Hot Springs. He requested a future meeting/update on implementing resources and outreach opportunities as it pertains to conservation land.

Upcoming meetings:

- The next meeting of the CVCC will be held Thursday, September 9, 2021, at 10:30 a.m. either via Zoom webinar or in-person.
- The next meeting of the General Assembly will be held on Monday, June 28, 2021 at 6:00 p.m. via Zoom webinar.

## **10. ADJOURN**

The meeting was adjourned at 11:37 a.m.

Respectfully submitted,

*Kathleen Brundige*

## **ITEM 5B**

Coachella Valley Conservation Commission  
October 14, 2021



### **STAFF REPORT**

**Subject:** Findings to Hold Remote Teleconference/Virtual Meetings Pursuant to Assembly Bill 361

**Contact:** Joanna Stueckle, Executive Assistant/Clerk ([jestueckle@cvag.org](mailto:jestueckle@cvag.org))

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**Recommendation:** Establish that findings exist, pursuant to Assembly Bill 361, and authorize remote teleconference/virtual meetings of the Coachella Valley Conservation Commission and its committees; and authorize the Chair and/or Executive Director to advocate for Brown Act changes to allow regional agencies to continue utilizing virtual meetings

**Background:** All meetings of the Coachella Valley Conservation Commission are subject to the Ralph M. Brown Act (Gov. Code §§ 54950 *et seq.*) and must be open and public so that any member of the public may attend and participate in the meetings.

Starting in March 2020, Governor Newsom issued a series of executive orders aimed at preventing the spread of COVID-19, as it was determined that social distancing was an important factor addressing the pandemic. Among these were Executive Orders N-25-20, N-29-20 and N-35-20 (collectively, the “Brown Act Orders”) that waived the teleconferencing requirements of the Brown Act to allow legislative bodies to meet virtually.

On June 11, 2021, the Governor issued Executive Order N-08-21 to begin winding down some of the prior measures that were adopted to respond to COVID-19. Notably, this order rescinds the Brown Act Orders, effective September 30, 2021. On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which effective October 1, 2021, allows legislative bodies to meet virtually provided the legislative body makes specific findings.

#### ***Specific Findings Required under AB 361:***

The CVCC makes the following findings pursuant to AB 361:

1. A statewide state of emergency is currently in place;
2. State or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; and
3. Meeting in person would present imminent risks to the health or safety of attendees.

With this item, CVCC staff is recommending the CVCC make these findings pursuant to AB 361. In addition, CVCC staff is recommending the CVCC authorize the Executive Director to advocate for

changes to the Brown Act that allow agencies to continue utilizing virtual meetings. Such authority would mirror the legislative position approved by the Coachella Valley Association of Governments (CVAG) Executive Committee in September 2021.

Using video/ teleconferencing in place of in-person meetings has proven to be an efficient way to conduct business for both CVCC and CVAG, which cover an expansive geographic area across eastern Riverside County. Meetings have been well attended, leading to thoughtful and robust conversations on policies, projects and programs. The use of both videoconference and telephone access has also fostered public engagement, as people can join the meetings from a convenient location instead of driving to CVAG's Palm Desert conference room. Feedback from a survey of CVAG member agencies, which was conducted over the summer, indicates that members also support the use of continuing with at least some form of videoconferencing.

Staff has been in contact with partner agencies regarding possibly pursuing legislation that would allow for regional agencies to continue with the successful virtual platform as an option for holding meetings beyond January 1, 2024, the sunset date of AB 361. CVAG's Executive Director has been in contact with California Association of Councils of Governments (CALCOG) Executive Director Bill Higgins, to discuss virtual meetings and potential legislative platforms that would allow for more favorable Brown Act updates for both jurisdictions and members of the public. Regional governments cover more expansive areas; often conduct meetings during the workday, making it difficult for members of the public to attend and often conflict with jurisdictional member schedules; and are environmentally focused, promoting alternative ways to attend meetings.

**Fiscal Analysis:** There are no additional costs to CVCC for hosting virtual meetings. Commission members are paid the same stipends as they would in person.

**ITEM 5C**

Coachella Valley Conservation Commission  
October 14, 2021



**STAFF REPORT**

**Subject:** Fiscal Year 2021/2022 Adopted Budget Resolution

**Contact:** Claude T. Kilgore, CVCC Auditor ([ckilgore@cvag.org](mailto:ckilgore@cvag.org))

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**Recommendation:** Approve Resolution 21-007, reflecting the adopted CVCC Fiscal Year 2021/2022 Budget

**Background:** The Fiscal Year 2021/22 budget was unanimously adopted by the Commission at its June 10, 2021 meeting. However, due to staff oversight, a formal resolution to reflect the approved budget was not included in the agenda packet.

Staff is now recommending the CVCC also approve Resolution 21-007. The adopted budget remains unchanged, and this act only applies as a formal resolution to the previously adopted budget. In future years, Staff will ensure the Resolution is presented for signature at the time of budget adoption. Staff thanks the Commission for its support.

**Fiscal Analysis:** No fiscal impact.

**Attachment:** CVCC FY 21/22 Budget Resolution 21-007

**RESOLUTION NO. 21-007**

**A RESOLUTION OF THE  
COACHELLA VALLEY CONSERVATION COMMISSION  
CONFIRMING THE ADOPTION OF THE 2021/2022 FISCAL YEAR ANNUAL  
BUDGET**

**WHEREAS**, the 2021/2022 fiscal year annual budget is a balanced budget; and

**WHEREAS**, the State permit from California Fish and Game for the MSHCP/NCCP has been issued; and

**WHEREAS**, the Federal permit from the United States Fish and Wildlife Service for the MSHCP/NCCP has been issued; and

**WHEREAS**, this budget would cover the fiscal year July 1, 2021 through June 30, 2022.

**NOW THEREFORE BE IT RESOLVED** as follows:

1. The Coachella Valley Conservation Commission on June 10, 2021 adopted the 2021/2022 Fiscal Year Annual Budget.

PASSED AND ADOPTED, by the Coachella Valley Conservation Commission, County of Riverside, State of California on October 14, 2021.

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Linda Evans  
Chair

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Tom Kirk  
Executive Director

**ITEM 5D**

Coachella Valley Conservation Commission  
October 14, 2021



**STAFF REPORT**

**Subject:** Authorization to Update Signature Cards

**Contact:** Claude T. Kilgore, CVCC Auditor ([ckilgore@cvag.org](mailto:ckilgore@cvag.org))

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**Recommendation:** Authorize the updating of the signature cards and signatories for CVCC investments and banking

**Background:** On at least an annual basis, usually due to a change in CVCC's Chair and/or employee turnover, CVCC seeks authorization through CVAG employees to update the appropriate signatories and signature cards for CVCC investments. This request supersedes any prior Commission action related to the matter.

With the Commission's approval of the staff recommendation, the signature cards will be updated as follows:

- 1) Bank Signature Cards, County of Riverside Journal Voucher Requests and Wire Transfer Requests to the following CVAG employees and CVCC Chair:

<b>Name</b>	<b>Title</b>	<b>Type</b>
Linda Evans (or new CVCC chair if elected as Agenda Item 6E)	CVCC Chair	Existing (New if needed)
Tom Kirk	Executive Director	Existing
Erica Felci	Assistant Executive Director	New
Joanna Stueckle	Executive Assistant/Clerk	Existing
Claude T. Kilgore	Director of Finance/Administration	Existing

**Fiscal Analysis:** No fiscal impact.

**Item 5E**

Coachella Valley Conservation Commission  
October 14, 2021



**STAFF REPORT**

**Subject:** Engagement of Best, Best & Krieger for Legal Services

**Contact:** Erica Felci, Assistant Executive Director ([efelci@cvag.org](mailto:efelci@cvag.org))

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**Recommendation:** Authorize the Chair and/or Executive Director to execute a letter of engagement with Best, Best & Krieger to provide legal services related to implementation of the Coachella Valley Multiple Species Habitat Conservation Plan at a cost not to exceed \$30,000 for October 1, 2021 through June 30, 2022

**Background:** Best, Best & Krieger (BB&K) assists the CVCC with various issues related to implementation of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). This includes issues related to the California Environmental Quality Act (CEQA), local development mitigation fee questions and land management matters.

BB&K partners and associates provide legal counsel to CVCC on a variety of issues on an as-needed basis. With the retirement of BB&K partner Michelle Ouellette in July 2020, CVCC matters are primarily handled by Andrew Skanchy and Ward Simmons. Mr. Skanchy also has been assisting staff with legal review and consultation for the La Quinta Peninsular Bighorn Sheep Barrier project for several years, including the certification of the Final Environmental Impact Report and agreements with landowners along the fence route.

Legal services provided by BB&K are authorized by a letter of engagement with CVCC. The Fiscal Year 2020/2021 letter of engagement expired on June 30, 2021 and legal expenses in that fiscal year were higher than usual due to some complicated land transactions and the need to complete multiple easement agreements. In order to avoid a gap in services, and to cover the unanticipated legal expenses, an engagement letter in the amount of \$17,000 was signed under the Executive Director's signing authority to cover services through September 30, 2021.

The attached letter of engagement, dated August 25, 2021, provides for BB&K representation subject to the terms and fee arrangement described in the letter, including a rate increase effective January 1, 2021. Staff is recommending CVCC continue the legal services by signing the new letter of engagement, which would provide for services through June 30, 2022.

**Fiscal Analysis:** The letter of engagement would authorize \$30,000 for legal expenses through June 30, 2022. In addition to a contract with BB&K, some legal costs may be incurred for general counsel services through CVCC's agreement with CVAG. CVCC pays invoices from BB&K on a time and materials basis, so the cost identified is a not-to-exceed amount.

There is funding for these services in the CVCC budget for legal work and related professional services.

**Attachment:** Letter of Engagement with Best, Best & Krieger for Fiscal Year 2021/2022

Indian Wells  
(760) 568-2611  
Irvine  
(949) 263-2600  
Los Angeles  
(213) 617-8100  
Manhattan Beach  
(310) 643-8448  
Ontario  
(909) 989-8584



**BEST BEST & KRIEGER**   
ATTORNEYS AT LAW

500 Capitol Mall, Suite 1700, Sacramento, CA 95814  
Phone: (916) 325-4000 | Fax: (916) 325-4010 | www.bbklaw.com

Riverside  
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Sacramento  
(916) 325-4000  
San Diego  
(619) 525-1300  
Walnut Creek  
(925) 977-3300  
Washington, DC  
(202) 785-0600

**Andrew M. Skanchy**  
(916) 551-2854  
andrew.skanchy@bbklaw.com  
File No. 28501.00001

August 25, 2021

**VIA E-MAIL**

Tom Kirk, Director  
Coachella Valley Conservation Commission  
73-710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260

Re: Renewal of Engagement of Best Best & Krieger LLP

Dear Mr. Kirk:

ABOUT OUR REPRESENTATION

Best Best & Krieger LLP is pleased to continue representation of Coachella Valley Conservation Commission (“CVCC”) in matters pertaining to the Coachella Valley Multiple Species Habitat Conservation Plan (“MSHCP”) and its implementation, as well as any litigation matters arising from the MSHCP. This letter constitutes our agreement setting the terms of our representation.

CONFIDENTIALITY AND ABSENCE OF CONFLICTS

An attorney-client relationship requires mutual trust between the client and the attorney. It is understood that communications exclusively between counsel and the client are confidential and protected by the attorney-client privilege.

To also assure mutuality of trust, we have maintained a conflict of interest index. The California Rules of Professional Conduct defines whether a past or present relationship with any party prevents us from representing CVCC. Similarly, your name will be included in our list of clients to ensure we comply with the Rules of Professional Conduct with respect to CVCC.

We have checked the following names against our client index: Coachella Valley Conservation Commission, Coachella Valley Association of Governments, Mary Justice, County of Riverside, Coachella Valley Water District, Riverside County Regional Park and Open Space District, Riverside County Flood Control and Water Conservation District, Riverside County



**BEST BEST & KRIEGER**  
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Waste Resources Management District, Desert Water Agency, Imperial Irrigation District, Coachella Valley Mountains Conservancy, Coachella Valley Recreation and Parks District, City of Desert Hot Springs, City of Indio, City of Palm Springs, City of Cathedral City, City of Indian Wells, City of Coachella, City of La Quinta, City of Palm Desert, City of Rancho Mirage, Fish and Wildlife Service of U.S. Department of the Interior, California Department of Fish and Game, California Department of Parks and Recreation, California Department of Transportation, Tim Blixeth (aka Tim Blixseth), Edra Blixeth (aka Edra Blixseth), Steven H. Christensen, Deborah L. Duncan as trustee of the Deborah L. Duncan Trust, Frederick W. Noble, DHS Development Inc., DHS Investment Properties, FPL Wind Energy, Lumkes Family Trust, Landmark Properties U.S. Inc., Nott Family Trust, Palm Desert Heights LLC, SCC Acquisitions Inc., Wind Energy Partnership LLP, Wintec Energy Ltd., US Bureau of Land Management, Christopher Sutton, Desert Community Energy and Tanner Altizer. You should note that we also represent the City of Indian Wells, the City of Palm Desert, the County of Riverside and the Coachella Valley Water District in unrelated matters. We have obtained conflict waivers from those entities identified as having a potential conflict. Based on this, we can represent you. Please review the list to see if any other persons or entities should be included. If you do not tell us to the contrary, we will assume that this list is complete and accurate. We request that you update this list for us if there are any changes in the future.

YOUR OBLIGATIONS ABOUT FEES AND BILLINGS

After applying the cost of living increase provided in the engagement letter dated December 12, 2012, we have increased our rates effective January 1, 2021 as follows: partners will be billed at \$319.00 per hour, senior associates will be billed at \$290.00 per hour, junior associates will be billed at \$239.00 per hour and paralegals will be billed at \$170.00 per hour. Thereafter, the rates set forth herein shall be adjusted on January 1st of each calendar year for cost of living as shown by the U.S. Department of Labor in its All Urban Consumers Index as set forth for the Los Angeles-Anaheim-Riverside area.

The billing policies are described in the memorandum attached to this letter, entitled “Best Best & Krieger LLP’s Billing Policies.” You should consider the Billing Policies memorandum part of this agreement as it binds both of us. For that reason, you should read it carefully. CVCC has at this time budgeted not to exceed \$30,000.00 from October 1, 2021 through June 30, 2022 for legal advice and litigation services. In the event of unusual circumstances that would require significantly more time expended, we will seek prior approval from CVCC before the work is performed. Please let me know if I can provide you with any additional information.



**BEST BEST & KRIEGER**  
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INSURANCE

We understand that you are not now insured or have any insurance that may cover potential liability or attorneys' fees in these matters. If you think you may have such insurance, please notify me immediately.

We are also pleased to let you know that Best Best & Krieger LLP carries errors and omissions insurance with Lloyd's of London. After a standard deductible, this insurance provides coverage beyond what is required by the State of California.

NEW MATTERS

When we are engaged by a new client on a particular matter, we are often later asked to work on additional matters. You should know that such new matters will be the subject of a new signed supplement to this agreement. Similarly, this agreement does not cover and is not a commitment by either of us that we will undertake any appeals or collection procedures. Any such future work would also have to be agreed upon in a signed supplement.

CIVILITY IN LITIGATION

In litigation, courtesy is customarily honored with opposing counsel, such as extensions to file pleadings or responses to other deadlines. In our experience, the reciprocal extension of such courtesies saves our clients' time and money. By signing this letter you will be confirming your approval of this practice in your case.

HOW THIS AGREEMENT MAY BE TERMINATED

You, of course, have the right to end our services at any time. If you do so, you will be responsible for the payment of fees and costs accrued but not yet paid, plus reasonable fees and costs in transferring the case to you or your new counsel. By the same token, we reserve the right to terminate our services to you upon written notice, order of the court, or in accordance with our attached Billing Policies memorandum. This could happen if you fail to pay our fees and costs as agreed, fail to cooperate with us in this matter, or if we determine we cannot continue to represent you for ethical or practical concerns.

CLIENT FILE

If you do not request the return of your file, we will retain your file for five years. After five years, we may have your file destroyed. If you would like your file maintained for more than five years or returned, you must make separate arrangements with us.



**BEST BEST & KRIEGER**  
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THANK YOU

On a personal note, we are pleased that you have selected Best Best & Krieger LLP to continue to represent CVCC. We look forward to a long and valued relationship with you and appreciate your confidence in selecting us to represent CVCC in these matters. If you have any questions at any time about our services or billings, please do not hesitate to call me.

If this letter meets with your approval, please sign and date it, and return the original to us.

Sincerely,

Andrew M. Skanchy  
for BEST BEST & KRIEGER LLP

AMS:mmc

AGREED AND ACCEPTED:

COACHELLA VALLEY CONSERVATION  
COMMISSION

By: \_\_\_\_\_  
Coachella Valley Conservation Commission Chair

Dated: \_\_\_\_\_



**BEST BEST & KRIEGER**   
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BEST BEST & KRIEGER LLP'S BILLING POLICIES

Our century of experience has shown that the attorney-client relationship works best when there is mutual understanding about fees, expenses, billing and payment terms. Therefore, this statement is intended to explain our billing policies and procedures. Clients are encouraged to discuss with us any questions they have about these policies and procedures. Clients may direct specific questions about a bill to the attorney with whom the client works or to our Accounts Receivable Department (accounts.receivable@bbklaw.com). Any specific billing arrangements different from those set forth below will be confirmed in a separate written agreement between the client and the firm.

INVOICE AND PAYMENT OPTIONS

Best Best & Krieger strives to meet our clients' needs in terms of providing a wide variety of invoice types, delivery and payment options. Please indicate those needs including the preferred method of invoice delivery (Invoice via Email; or USPS). In addition, accounts.receivable@bbklaw.com can provide a W-9 upon request and discuss various accepted payment methods.

FEES FOR PROFESSIONAL SERVICES

Unless a flat fee is set forth in our engagement letter with a client, our fees for the legal work we will undertake will be based in substantial part on time spent by personnel in our office on that client's behalf. In special circumstances which will be discussed with the client and agreed upon in writing, fees will be based upon the novelty or difficulty of the matter, or the time or other special limitations imposed by the client.

Hourly rates are set to reflect the skill and experience of the attorney or other legal personnel rendering services on the client's behalf. All legal services are billed in one-tenth of an hour (0.10/hour) or six-minute increments. Our attorneys are currently billed at rates from \$220 to \$795 per hour, and our administrative assistants, research assistants, municipal analysts, litigation analysts, paralegals, paraprofessionals and law clerks are billed at rates from \$150 to \$290 per hour for new work. These rates reflect the ranges in both our public and our private rates. These hourly rates are reviewed annually to accommodate rising firm costs and to reflect changes in attorney status as lawyers attain new levels of legal experience. Any increases resulting from such reviews will be instituted automatically and will apply to each affected client, after advance notice.

Non-Attorney Personnel: BBK may employ the services of non-attorney personnel under the supervision of a BBK attorney in order to perform services called for in the legal services



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agreement. The most common non-attorney personnel utilized are paralegals. Other types of non-attorney personnel include, but are not limited to, case clerks, litigation analysts, and specialty consultants. The client agrees that BBK may use such non-attorney personnel to perform its services when it is reasonably necessary in the judgment of the responsible BBK attorney. Hourly fees for non-attorney personnel will be charged at the rate then in effect for such personnel. A copy of BBK's current rates and titles for non-attorney personnel will be provided upon request.

FEES FOR ELECTRONICALLY STORED INFORMATION ("ESI") SUPPORT AND STORAGE

BBK provide Electronically Stored Information ("ESI") services for matters requiring ESI support typically litigation or threatened litigation matters. BBK provides services for basic ESI processing and storage at the following rates per month based on the number of gigabytes of data ("GB") processed and stored:

1GB -250GB: \$10 per GB  
251GB - 550GB: \$8 per GB  
551GB - 750GB: \$6 per GB  
751GB - 1TB: \$4 per GB

The amount BBK charges for basic processing and storage of ESI allows BBK to recover the costs of providing such services, plus a net profit for BBK. BBK believes that the rates it charges for processing and storage are lower than comparable services available from third party vendors in the market. If you wish to contract separately with a third party vendor for processing and storage costs, please notify BBK in writing. [OPTIONAL BBK also provides advanced ESI processing services at hourly rates for personnel in its Litigation Support Group. A copy of BBK's current rates for such services will be provided upon request.] BBK shall not incur costs for ESI support on a particular matter without first confirming by email or written correspondence with the client that the client agrees such services are necessary for the matter at hand.

FEES FOR OTHER SERVICES, COSTS AND EXPENSES

We attempt to serve all our clients with the most effective support systems available. Therefore, in addition to fees for professional legal services, we also charge separately for some other services and expenses to the extent of their use by individual clients. These charges include but are not limited to, mileage at the current IRS approved rate per mile, extraordinary telephone and document delivery charges, copying charges, computerized research, court filing fees and other court-related expenditures including court reporter and transcription fees. No separate charge is made for secretarial or word processing services; those costs are included within the above hourly rates.



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Tom Kirk, Director  
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We may need to advance costs and incur expenses on your behalf on an ongoing basis. These items are separate and apart from attorneys' fees and, as they are out-of-pocket charges, we need to have sufficient funds on hand from you to pay them when due. We will advise the client from time to time when we expect items of significant cost to be incurred, and it is required that the client send us advances to cover those costs before they are due.

ADVANCE DEPOSIT TOWARD FEES AND COSTS

Because new client matters involve both a substantial undertaking by our firm and the establishment of client credit with our accounting office, we require an advance payment from clients. The amount of this advance deposit is determined on a case-by-case basis discussed first with the client, and is specified in our engagement letter.

Upon receipt, the advance deposit will be deposited into the firm's client trust account. Our monthly billings will reflect such applications of the advance deposit to costs and not to attorney's fees (unless otherwise noted in our accompanying engagement letter). At the end of engagement, we will apply any remaining balance first to costs and then to fees. We also reserve the right to require increases or renewals of these advanced deposits.

By signing the initial engagement letter, each client is agreeing that trust account balances may be withdrawn and applied to costs as they are incurred and to our billings, when we issue our invoice to the client. If we succeed in resolving your matter before the amounts deposited are used, any balance will be promptly refunded.

MONTHLY INVOICES AND PAYMENT

Best Best & Krieger LLP provides our clients with monthly invoices for legal services performed and expenses incurred. Invoices are due and payable upon receipt.

Each monthly invoice reflects both professional and other fees for services rendered through the end of the prior month, as well as expenses incurred on the client's behalf that have been processed by the end of the prior month. Processing of some expenses is delayed until the next month and billed thereafter.

Our fees are not contingent upon any aspect of the matter and are due upon receipt. All billings are due and payable within ten days of presentation unless the full amount is covered by the balance of an advance held in our trust account. If a bill is not paid within 30 days, a late charge of one percent per month on the unpaid invoice may be added to the balance owed, commencing with the next statement and continuing until paid.



**BEST BEST & KRIEGER**   
ATTORNEYS AT LAW

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It is our policy to treat every question about a bill promptly and fairly. It is also our policy that if a client does not pay an invoice within 60 days of mailing, we assume the client is, for whatever reason, refusing to pay. We reserve the right to terminate our engagement and withdraw as attorney of record whenever our invoices are not paid. If an invoice is 60 days late, however, we may advise the client by letter that the client must pay the invoice within 14 days or the firm will take appropriate steps to withdraw as attorney of record. If the delay is caused by a problem in the invoice, we must rely upon the client to raise that with us during the 14-day period. This same policy applies to fee arrangements which require the client to replenish fee deposits or make deposits for anticipated costs.

From time to time clients have questions about the format of the bill or description of work performed. If you have any such questions, please ask them when you receive the bill so we may address them on a current basis.

CHANGES IN FEE ARRANGEMENTS AND BUDGETS

It may be necessary under certain circumstances for a client to increase the size of required advances for fees after the commencement of our engagement and depending upon the scope of the work. For example, prior to a protracted trial or hearing, the firm may require a further advance payment to the firm's trust account sufficient to cover expected fees. Any such changes in fee arrangements will be discussed with the client and mutually agreed in writing.

Because of the uncertainties involved, any estimates of anticipated fees that we provide at the request of a client for budgeting purposes, or otherwise, can only be an approximation of potential fees.

BEST BEST & KRIEGER LLP

Coachella Valley Conservation Commission  
October 14, 2021



**STAFF REPORT**

**Subject:** Acceptance of CDFW Local Assistance Grant Funds

**Contact:** Kathleen Brundige, Conservation Program Manager ([kbrundige@cvag.org](mailto:kbrundige@cvag.org))

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**Recommendation:** Adopt Resolution 21-008 and authorize the Executive Director to take the necessary steps to accept a Local Assistance Grant from the California Department of Fish and Wildlife in the amount of \$91,040 for “*Using NDVI Data in Models to Determine Habitat Use of Peninsular Bighorn Sheep in Response to Human Presence on Recreational Trails*”

**Background:** In June 2021, CVCC staff submitted two grant applications to the California Department of Fish and Wildlife (CDFW) through the Local Assistance Grant (LAG) program. On September 27, CVCC staff was notified that both proposals were awarded full funding. The proposal – “Using NDVI Data in Models to Determine Habitat Use of Peninsular Bighorn Sheep in Response to Human Presence on Recreational Trails” – had been approved for in the amount of \$91,040. Staff is recommending that the CVCC approve Resolution 21-008, which is required by the CDFW to confirm approval of the project and take the necessary steps to accept the funding. A description of the second grant project is covered in Item 5G of this agenda.

The grant is part of an ongoing effort to better understand how Peninsular bighorn sheep (PBS) populations are using habitat in relation to the Coachella Valley trail system. In 2017, CVCC was awarded a different Local Assistance Grant for “*Determining Habitat Use of Peninsular Bighorn Sheep in Response to Human Presence on Recreational Trails*”. The project was to examine habitat use by Peninsular bighorn sheep in response to human-related presence on recreational trails in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) area. To assess the influence of recreation trail use on PBS habitat selection, USGS analyzed GPS locations attributed with spatial variables such as slope, ruggedness, and elevation in statistical models. The results from that study are in review and expected to inform conservation and management for Peninsular bighorn sheep. Continued studies will also help to provide data to support a future federal conservation status (remain at endangered, downlisted to threatened, or de-listed completely).

The objective of the new project will be to continue critical work on spatial and temporal movement of Peninsular bighorn sheep in relationship to trails in the Santa Rosa and San Jacinto Mountains National Monument. It will provide for acquisition and analysis of data from critical locations found in the Normalized Difference Vegetation Index (NDVI) to estimate vegetation biomass. USGS were not able to include forage availability in their models, and so the data is critical for understanding how PBS are selecting habitat across the landscape. PBS selected habitat closer to trails than expected by chance during 2018 and were further from trails than expected by chance during 2019. With information about spatial distribution of forage, USGS can better determine whether PBS were responding to recreational trails or to differences in forage availability. NDVI is a satellite-derived measure of standing biomass to quantify plant phenology and primary productivity. NDVI has been a useful indicator of seasonal diet quality of desert

bighorn sheep in the Mojave Desert and has been successfully used to model herbivore-habitat relationships and movements in a number of other systems.

The project is expected to start in spring 2022 and has an end date no later than March 31, 2024. Under the terms of the LAG, the U.S. Geological Survey (USGS) and terraPulse, Inc. will be contracted for acquisition and analysis of the NDVI data. The grant provides funds to terraPulse, Inc. to pay for development of the NDVI satellite data set. The budget includes part-time salary for a USGS GIS specialist/biologist who will assist with spatial analyses and incorporation of the NDVI satellite data into the models, and for Dr Julie Yee, USGS Research Statistician, who will produce the final models.

**Fiscal Analysis:** The CDFW Local Assistance Grant fully funded the CVCC's grant application and provides \$91,040 to contract with USGS through 2024.

The LAG grant does not cover some of the costs, such as overhead. CVCC staff will propose matching funds of \$34,506, split over the 2022/23 and 2023/24 Monitoring and Management Budgets, to assist with USGS overhead for the study.

**Attachment:** Resolution 21-008

**Resolution No: 21-008**

**RESOLUTION OF THE COACHELLA VALLEY CONSERVATION COMMISSION  
AUTHORIZING THE ACCEPTANCE OF LOCAL ASSISTANCE GRANT FUNDS FOR  
USING NDVI DATA IN MODELS TO DETERMINE HABITAT USE OF PENINSULAR  
BIGHORN SHEEP IN RESPONSE TO HUMAN PRESENCE ON  
RECREATIONAL TRAILS**

**WHEREAS**, certain local assistance grant funds are made available annually on a competitive basis by the California Department of Fish and Wildlife for Natural Community Conservation Planning (NCCP) Program highest priority implementation tasks; and

**WHEREAS**, the grants are awarded pursuant to guidelines established by the California Department of Fish and Wildlife for determination of project eligibility for funds; and

**WHEREAS**, said procedures established by the California Department of Fish and Wildlife require the Grantee to certify by resolution the approval to apply for, and accept grant funds and provide authorization to enter into an agreement with the California Department of Fish and Wildlife to implement high priority activities related to the NCCP Program.

**NOW, THEREFORE, BE IT RESOLVED** that the Coachella Valley Conservation Commission approves the acceptance of local assistance grant funds for the project, *Using NDVI Data in Models to Determine Habitat Use of Peninsular Bighorn Sheep in Response to Human Presence on Recreational Trails*, in the amount of \$91,040.

**IT IS FURTHER RESOLVED** that the Coachella Valley Conservation Commission appoints the Executive Director as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, grant agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing Resolution was passed and adopted by the Coachella Valley Conservation Commission this 14th day of October 2021.

APPROVED:

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Linda Evans  
Chair

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Tom Kirk  
Executive Director

Coachella Valley Conservation Commission  
October 14, 2021



**STAFF REPORT**

**Subject:** Acceptance of CDFW Local Assistance Grant Funds for Assessment of Climate Change Vulnerability for Covered Species

**Contact:** Kathleen Brundige, Conservation Program Manager ([kbrundige@cvag.org](mailto:kbrundige@cvag.org))

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**Recommendation:** Adopt Resolution 21-009 and authorize the Executive Director to take the necessary steps to accept a Local Assistance Grant from the California Department of Fish and Wildlife in the amount of \$71,566 for “*Creating climate resiliency in the Coachella Valley Natural Communities Conservation Plan: Assessing climate change vulnerability for Covered Species*”

**Background:** In June 2021, CVCC staff submitted two grant applications to the California Department of Fish and Wildlife (CDFW) through their Local Assistance Grant (LAG) program. On September 27, the CVCC was notified that both proposals were awarded full funding. The proposal – “Creating climate resiliency in the Coachella Valley Natural Communities Conservation Plan: Assessing climate change vulnerability for Covered Species” – had been approved in the amount of \$71,566. Staff is recommending that the CVCC approve Resolution 21-009, which is required by the CDFW to confirm approval of the project and take the necessary steps to accept the funding. A description of the other grant project is covered in Item 5F of this agenda.

The grant is part of an ongoing effort to better understand how climate change is affecting the habitat of some of the most vulnerable species in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The objective is to model current and future habitat suitability for several vulnerable species within the region encompassing the Plan area and determine to what degree the future suitable habitat of these species is and can be protected. This information may inform what type of resources and funding would be necessary to create a climate-resilient habitat management plan for these species. It also addresses critical planning initiatives highlighted in the California State Integrated Climate Adaptation and Resiliency Program by modeling vulnerable species and habitat to better plan for resiliency in the Coachella Valley.

To accomplish predictive models about current and future habitat suitability, both historic and current data about species’ occurrences will be collected, together with climate and other environmental data layers for the species distribution model. Resultant habitat maps will be field verified, and then used to project future habitat areas for the near-term and longer-term within the Coachella Valley. Climate resilience summaries will be created for up to three lower-elevation species, including Orocopia sage and Mecca aster, as well as up to three mid-elevation alluvial fan associated species, including Le Conte’s thrasher and the Little San Bernardino Mountains linanthus. This project will also test this approach for providing concrete, actionable information, and recommendations for use with other species. Future climate information for various climate scenarios that can be used in habitat modeling, is now available at relatively fine spatial scales, and an additional trove of information is available concerning remote sensing of land cover types, phenological characteristics, topography, soils as well as other factors. Newer datasets are also available at a finer-scale, with predictions for roughly 30-year periods from 1950 until the end of

century. This type of information is critical to understand the speed and likely trajectory of changes geographically, both in the near-term (2040-2070) and longer-term (2070-2099).

The project is expected to start in spring 2022 and must end no later than March 31, 2024. Under the terms of the LAG, the University of California, Riverside Center for Conservation Biology (UCR-CCB) will be contracted by CVCC to implement the project. UCR-CCB researchers have consistently been conducting research on long-term trends for species with the CVMSHCP plan area since before the Plan was signed in 2008. Their research has provided critical management information for ecosystems and species across the landscape. UCR-CCB ecologist Dr. Lynn Sweet and her team will lead the modeling efforts on this study. A final report and recommendations will be completed in March 2024.

**Fiscal Analysis:** The CDFW Local Assistance Grant fully funded the CVCC's grant application and provides \$71,566 to contract with UCR-CCB through 2024. The budget includes salaries for three part-time research specialists to complete surveys and modeling. Contract funds will cover UCR-CCB staff time as well as subsequent data analysis and reports for the study.

The LAG grant does not cover some of the costs, such as overhead. The CVCC staff will propose incorporating matching funds \$7,158, split over the 2022/23 and 2023/24 Management and Monitoring budgets, to cover the overhead for the UCR contract. CVCC will also provide at least \$2,600 in matching funds for satellite data during the 2022/23 fiscal year.

**Attachment:** Resolution 21-009

**Resolution No: 21-009**

**RESOLUTION OF THE COACHELLA VALLEY CONSERVATION COMMISSION  
AUTHORIZING THE ACCEPTANCE OF LOCAL ASSISTANCE GRANT FUNDS FOR  
CREATING CLIMATE RESILIENCY IN THE COACHELLA VALLEY NATURAL  
COMMUNITIES CONSERVATION PLAN: ASSESSING CLIMATE CHANGE  
VULNERABILITY FOR COVERED SPECIES**

**WHEREAS**, certain local assistance grant funds are made available annually on a competitive basis by the California Department of Fish and Wildlife for Natural Community Conservation Planning (NCCP) Program highest priority implementation tasks; and

**WHEREAS**, the grants are awarded pursuant to guidelines established by the California Department of Fish and Wildlife for determination of project eligibility for funds; and

**WHEREAS**, said procedures established by the California Department of Fish and Wildlife require the Grantee to certify by resolution the approval to apply for, and accept grant funds and provide authorization to enter into an agreement with the California Department of Fish and Wildlife to implement high priority activities related to the NCCP Program.

**NOW, THEREFORE, BE IT RESOLVED** that the Coachella Valley Conservation Commission approves the acceptance of local assistance grant funds for the project, *Creating climate resiliency in the Coachella Valley Natural Communities Conservation Plan: Assessing climate change vulnerability for Covered Species*, in the amount of \$71,566.

IT IS FURTHER RESOLVED that the Coachella Valley Conservation Commission appoints the Executive Director as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, grant agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing Resolution was passed and adopted by the Coachella Valley Conservation Commission this 14th day of October 2021.

APPROVED:

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Linda Evans  
Chair

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Tom Kirk  
Executive Director

**Coachella Valley Conservation Commission**

October 14, 2021



**STAFF REPORT**

**Subject:** Contract Amendment for CVCC's and CVAG's Joint GIS Project

**Contact:** Peter Satin, Regional Planner ([psatin@cvag.org](mailto:psatin@cvag.org))

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**Recommendation: Authorize the Executive Director to execute a no-cost amendment for HDR Engineering's GIS Project contract, extending work through June 30, 2022 and making minor adjustments to the scope of services**

**Background:** In June 2020, CVCC and the Coachella Valley Association of Governments (CVAG) entered into contracts with HDR Engineering, Inc. (HDR) to update and convert each organization's geospatial information systems (GIS) to an ArcGIS Online database to facilitate improved data collection and sharing. One of the primary tasks included creating an online fee portal through which member jurisdictions could submit data to the CVCC for the regional Local Development Mitigation Fee (LDMF) and to CVAG for the Transportation Uniform Mitigation Fee (TUMF), both of which are vital funding programs for the region. The work also included assembling a land management and monitoring toolkit to assist field staff in tracking infrastructure issues, natural resource conditions, and contractor progress.

HDR completed the build-out of the land management and monitoring toolkit in early summer 2021. Land management staff and volunteers have since been utilizing the various field tools to assess condition of CVCC's fences and signs, and to direct contractors to remote dumpsites for remediation. Likewise, the fee portal has been active since June 2021, and member agencies have been submitting their development project information through it for the current fiscal year. HDR continues to assist staff with refining these tools in response to user feedback and addressing any other issues.

The current contracts are set to expire on December 31, 2021. While work is progressing, there are some tasks remaining and staff is recommending a no-cost contract extension to complete the project.

In addition, staff is recommending a minor adjustment to the contract scope of services. Included in the original scope of work was a fee auditing tool that has since been determined infeasible due to a lack of appropriate data. The funds allocated to this task remain unspent. At the same time, the completed tasks, which include web apps and data viewers in addition to the above, have required more technical assistance than originally anticipated, primarily because the data feeding into these tools needed to be updated or reorganized. Staff recommends utilizing the unspent funds to extend the enhancement and support phases of the existing contract through June 30, 2022 so that HDR may continue providing assistance as the new GIS tools are implemented into everyday workflows.

**Fiscal Analysis:** This is a no-cost extension of the original agreement. HDR's contract with CVAG and CVCC was authorized for a not-to-exceed total of \$149,792. Of that amount, \$70,790 is funded through CVCC and the remaining \$79,002 funded by CVAG.

To date, \$48,579.14 has been spent by the CVCC, with \$22,210.86 remaining.

**Attachments:** Contract Amendment #1 for HDR Engineering, Inc.

**AMENDMENT NUMBER 1  
to the  
SERVICES AGREEMENT  
between  
COACHELLA VALLEY CONSERVATION COMMISSION  
and  
HDR ENGINEERING, INC**

This **AMENDMENT NUMBER 1** is made and entered into this \_\_\_ day of \_\_\_\_\_, 2021, by and between the **Coachella Valley Conservation Commission**, a California joint powers agency (**CVCC**), and **HDR Engineering, Inc (Consultant)**, and is made with reference to the following background facts and circumstances. All other terms and conditions shall remain the same as stated in the original Agreement dated June 11, 2020, for the CVAG/CVCC GIS Project (Project).

This Amendment Number 1 extends the terms of the contract to June 30, 2022. There is no change to the total not-to-exceed amount stated in original agreement. Certain fee auditing tools as described in Exhibit A of the original Agreement are no longer feasible deliverables, and unspent funds will be reallocated to extending the Enhancement phase of the Project to provide continued support refining the CVCC online fee portal and data sharing tools.

**IN WITNESS WHEREOF**, the parties hereto have caused this **Amendment Number 1** to be executed by their duly authorized representatives on this date:

**COACHELLA VALLEY CONSERVATION  
COMMISSION**

**HDR ENGINEERING, INC**

By: \_\_\_\_\_  
Tom Kirk, CVCC Executive Director

By: \_\_\_\_\_  
Art Conti, Vice President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Coachella Valley Conservation Commission  
October 14, 2021



**STAFF REPORT**

**Subject:** Acquisition of approximately 1.215 acres in the Thousand Palms Conservation Area

**Contact:** Jim Karpiak, Coachella Valley Mountains Conservancy ([jkarpiak@cvmc.ca.gov](mailto:jkarpiak@cvmc.ca.gov))

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**Recommendation:** Adopt Resolution 21-010 authorizing acquisition of a partial parcel totaling approximately 1.215+/- acres in the Thousand Palms Conservation Area at a cost not to exceed \$50,000 plus closing and transaction related costs not to exceed \$2,000; and authorize the Executive Director to execute all necessary contracts and take such other actions as necessary for the acquisition

**Background:** APN 648-220-022 is a 2.43-acre property located in the Thousand Palms Conservation Area (TPCA), which is one of CVCC's priority conservation areas. In fall 2020, the landowner contacted CVCC about the potential that a portion of his property could be purchased for conservation. To determine fair market value, an appraisal was completed with a hypothetical scenario that the lot would be split.

A contingent offer was prepared, and the landowner executed an Agreement for the Purchase and Sale of Real Estate with the CVCC for the following land based on the accepted contingent offer that approximately 1.215+/- acres of the parcel (the property) would be acquired for a purchase price of \$50,000 (or \$41,152 per acre), plus closing and transaction related costs totaling approximately \$2,000.

The purchase price of the property is somewhat higher given the current market conditions, but consistent with other recent comparable sale purchases in the TPCA. The Property is located along Via Las Palmas Road in an unincorporated area of Riverside County and within Section 8 of the TPCA containing a critical fluvial sand transport process area that is essential for the long-term viability of the original Coachella Valley fringe-toed lizard preserve. Because this area is at high risk for development and contains a significant amount of the most critical habitat, the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) requires CVCC to purchase land offered by willing sellers at the highest priority and to maintain funding available at all times for acquisitions in Sections 7 and 8 until all vacant land has been acquired or developed consistent with the Conservation Objectives and required measures.

The Property is also near other parcels already owned by CVCC. Should development ever occur on the remainder of the parcel, it would trigger the same review process as other development in the conservation areas as described in contingency (6) below.

The purchase agreement is contingent upon: (1) approval by the CVCC; (2) Sellers' ability to provide CVCC a standard owner's policy of title insurance subject only to exceptions approved in writing by CVCC; (3) a site inspection demonstrating that there are no hazardous materials or hazardous conditions on the property, or, if clean-up is required that Sellers will affect the clean-up;

(4) Seller must complete a Certificate of Compliance (COC) to create a new, separate legal parcel for the Property, and record the COC with the County of Riverside as soon as reasonably possible; (5) Seller agrees to grant CVCC a right of access through the western portion of the property pursuant to its filing of the COC in order to prevent the property from becoming legally landlocked; and (6) Seller's acknowledgement that any development on the remaining 1.215 acres remains subject to Joint Project Review to determine consistency with Site Planning Standards of the Plan; including demonstration by Seller that natural flows onto the parcel shall be conveyed offsite in the natural, pre-disturbance direction of flow.

CVCC staff recommends approval of this property purchase for use as a nature preserve consistent with habitat values in perpetuity to advance the goals and objectives of the CVMSHCP.

**Fiscal Analysis:** The property has a total cost not to exceed \$50,000 plus closing and transaction-related costs not to exceed \$2,000. There is funding available in the CVCC's Land Acquisition Fund for this purchase.

**Attachments:**

1. Resolution 21-010
2. Map Showing Location of the Property

**Resolution No: 21-010**

A RESOLUTION OF THE  
COACHELLA VALLEY CONSERVATION COMMISSION  
AUTHORIZING ACQUISITION OF A PORTION OF  
APN 648-220-022 IN THE THOUSAND PALMS CONSERVATION AREA

WHEREAS, the Coachella Valley Conservation Commission (“Commission”) is a public agency of the State of California formed by a Joint Exercise of Powers Agreement; and

WHEREAS, the Commission implements the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (“Plan”); and

WHEREAS, the primary means of conservation under the Plan is acquisition of land from willing sellers; and

WHEREAS, a portion of APN 648-220-022, comprising approximately 1.215+/- acres, as further described in Exhibit A (“Property”), is within the Thousand Palms Conservation Area of the Plan, containing biological resources such as important plant or wildlife habitat, sand source and hydrologic features, cultural resources, significant scenic attributes, and recreational options consistent with habitat values; and

WHEREAS, the owner has accepted a contingent offer for the Commission to purchase the Property at the fair market value determined by an appraisal; and

WHEREAS, acquisition of the Property would advance the goals and objectives of the Plan; and

NOW, THEREFORE, be it resolved that the Commission approves the purchase of the property using the Land Acquisition Fund at a purchase price of \$50,000, plus closing and transaction related costs estimated not to exceed \$2,000; and

FURTHER, the Commission hereby authorizes the Executive Director to negotiate and execute all necessary contracts and documents and take such other actions as necessary to effect the acquisition of the Property.

The foregoing Resolution was passed by the Coachella Valley Conservation Commission this 14th day of October 2021.

APPROVED:

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Linda Evans  
Chair

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Tom Kirk  
Executive Director

## **Exhibit A**

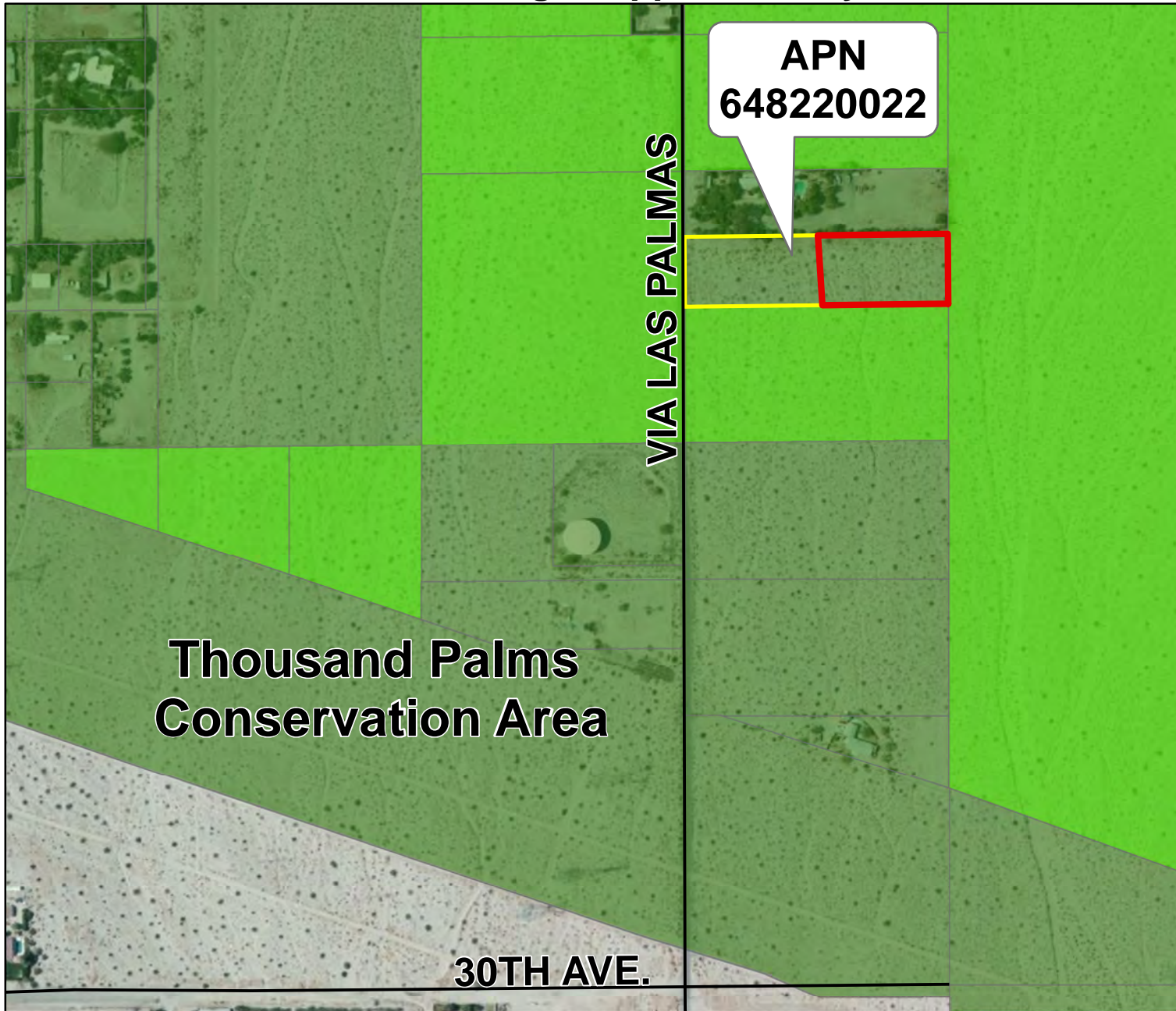
### Legal Description of Real Property to be acquired

The land referred to herein is situated in the State of California, County of Riverside, described as follows.

THE EASTERLY 1.215 ACRE PORTION OF 2.43 ACRES M/L IN POR SE 1/4 OF SECTION 8  
TOWNSHIP 4 SOUTH RANGE 6 EAST

PORTION OF APN 648-220-022

# Acquisition of a partial parcel in the Thousand Palms Conservation Area consisting of approximately 1.215 acres

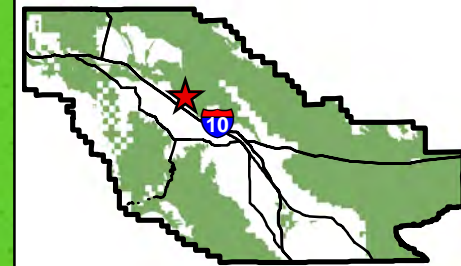


## Legend

- Proposed Acquisitions
- Original Parcel
- Parcels
- Conserved Since 1996
- CVMSHCP Conservation Area
- Highways

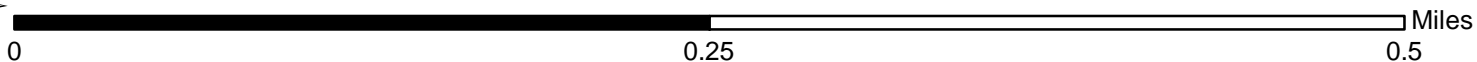


# CVCC



Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. CVAG and the County of Riverside make no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

G:\\_GIS\Maps\Meeting Maps\2021\October\Thousand Palms Conservation Area.mxd  
October 04, 2021



Coachella Valley Conservation Commission  
October 14, 2021



**STAFF REPORT**

**Subject:** Contract Extension and Additional Funds for In-Lieu Fee Program Restoration Development Plan

**Contact:** Kathleen Brundige, Conservation Program Manager ([kbrundige@cvag.org](mailto:kbrundige@cvag.org))

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**Recommendation: Authorize the Executive Director to execute Amendment #5 to the In-Lieu Fee Program contract with ICF Jones & Stokes, providing for an additional cost of \$81,438.33 and extending the contract through September 30, 2022**

**Background:** On November 12, 2015, the CVCC approved a contract with ICF Jones & Stokes (ICF) to identify, design and prepare a Restoration Development Plan for the In-Lieu Fee Program (ILFP). The ILFP allows organizations that need to mitigate for unavoidable Impacts to Waters of the U.S. that result from activities authorized under Section 404 of the Clean Water Act (CWA) and Section 401 of the CWA water quality certifications to do so by paying a fee to CVCC. In the simplest terms, CVCC will perform restoration projects that are pre-approved as mitigation by U.S. Army Corps of Engineers and the cost of these projects, including endowment, contingency, planning, and staff time would be paid from the ILFP. The habitat restoration and enhancement projects performed under the ILFP will support the goals of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). CWA permits under the jurisdiction of the Army Corps can be one of the most difficult aspects of regulatory compliance for both private developers and government projects. The process of determining and completing mitigation requirements can be time-consuming and challenging. Staff has worked with the Army Corps to develop an In-Lieu Fee Program to provide a mechanism for mitigation to be accomplished in a way that is complementary to the CVMSHCP.

CVCC sold the first advanced credit for the ILFP in 2016. This triggered a three-year timeline to complete the Restoration Development Plan, meaning it was expected by the end of the 2019 growing season. That year, 40 acres were purchased for a possible site and ICF developed a concept for restoration on the parcel. Unfortunately, the location was ultimately rejected by the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) after extensive consultation. The 40-acre site is still of considerable conservation value and was a necessary purchase of saltbush and floodplain habitat near the Stormwater Channel. It is now part of the conservation area. Another potential site was identified on a 71.5-acre parcel in the Coachella Valley Stormwater Channel and Delta Conservation Area. The CVCC approved Amendment #2 to the ICF contract for additional funds required for the analyses and preparation of the Plan on the new parcel. In June 2019, CVCC received approval for the new site from CDFW and USFWS, which is identified on the attached map.

In order to continue the work, additional contract amendments were needed. The CVCC approved Amendment #3 to the ICF contract at its June 13, 2019 meeting and augmented the contract by

\$49,600. Amendment #4 was approved at the September 2020 meeting as a no-cost extension that continued the contract through September 30, 2021.

CVCC staff is now recommending another contract amendment. The proposed amendment includes a time extension to September 30, 2022, which is needed in large part due to the multiple, significant delays that occurred in the federal government review due to the COVID-19 pandemic. The amendment also provides additional work to address unforeseen circumstances, including a change in laws to protect from surface runoff from the property. CVCC staff and ICF were notified in 2020 by Coachella Valley Water District that the project would have to redesign a drain connection to contain stormwater runoff in a percolation pond on site.

Due to delays resulting from approval and permitting processes, the Army Corps has granted an extension for submittal of the ILFP Restoration Development Plan, which is currently 80 percent complete and awaiting permitting. It is anticipated to be approved and implemented by summer 2022, but the current contract requires additional funds to carry out the final permitting process. With approval of this amendment, CVCC staff will work with ICF to complete the permitting process and prepare a Request for Proposals to select a contractor for the restoration by September 30, 2022.

**Contract Finalization:** Minor changes/revisions to the contract may be made for clarification purposes by CVCC Executive Director and Legal Counsel prior to execution.

**Fiscal Analysis:** Amendment #5 would include additional funds in the amount of \$81,438.33 associated with the attached scope of work. It also would extend the ICF contract through September 30, 2022. Approval of this amendment will bring the total amount of authorized work to \$480,959.97.

All costs associated with the ILFP, including the creation of the Development Plan, will be paid from the sale of credits. The funding of the ILFP is separate from the CVCC budget.

**Attachments:**

- 1) Contract Amendment #5 for ICF
- 2) Scope of Work and Budget for Amendment #5
- 3) Map of In-Lieu Fee Program Parcels

**COACHELLA VALLEY CONSERVATION COMMISSION**

**AMENDMENT #5  
to  
SERVICES CONTRACT**

**With**

**ICF JONES & STOKES**

The Services Contract was entered into for creation of a Development Plan for the CVCC In-Lieu Fee program, effective November 12, 2015 by and between the Coachella Valley Conservation Commission (CVCC) and ICF Jones & Stokes (Consultant).

This **AMENDMENT** is made and entered into this 14th day of October 2021, and is made with reference to the following background facts and circumstances:

- 1) Extend the contract term to September 30, 2022, with additional funds of \$81,438.33
- 2) All other terms and conditions shall remain the same as stated in the original contract.

**Summary**

Original Contract (approved 11/12/2015)	\$90,971.64
Amendment #1 (added funds for additional tasks)	\$26,280.00
Amendment #2 (added funds for work on new parcel)	\$232,670.00
Amendment #3 (added funds & extended contract)	\$49,600.00
Amendment #4 (contract extension only)	\$0.00
Amendment #5 (added funds & extend contract)	\$81,438.33
<hr/>	
Current Cost for ILF Restoration Development Plan	\$480,959.97

**IN WITNESS WHEREOF**, the parties hereto have caused this **Amendment # 5** to be executed by their duly authorized representatives on this date:

\_\_\_\_\_  
Tom Kirk  
Executive Director  
Coachella Valley Conservation Commission

\_\_\_\_\_  
Trina L. Fisher  
ICF Jones & Stokes



September 23, 2021

Kathleen Brundige  
Coachella Valley Conservation Commission  
73-710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260  
KBrundige@cvag.org

**Subject: Change Order/Amendment #5 - Coachella Valley In-Lieu Fee Program  
MRBL ILF Site**

Dear Ms. Brundige:

ICF Jones & Stokes, Inc. (ICF) is pleased to submit this scope and cost estimate to the Coachella Valley Conservation Commission (CVCC) for additional services associated with the design and permitting of the MRBL In-lieu Fee site under the CVCC In-Lieu Fee Program (ILFP). The scope of work and estimate includes the time and materials to complete the below listed tasks.

## **Scope of Work**

### **Task 1: Project Management**

The ICF Team will regularly attend meetings and conference calls with CVCC staff throughout all tasks. The ICF Team will provide routine communication with the CVCC and members of the Inter-agency Review Team (IRT), submit invoices, and manage biologists for field work. Routine meetings include bi-weekly phone calls with CVCC staff to discuss project status and information needs.

### **Task 1.2a: Jurisdictional Delineation Field Survey and Letter Report**

The jurisdictional delineation and delineation report was been completed for the project site; however, an approved jurisdictional determination (AJD) has not been received from the USACE. This task includes time to prepare the necessary forms, figures, and calculations for an AJD and submit to the USACE for approval.

Assumptions



- This task does not include any engineering or hydrology studies to show connectivity of the site to any aquatic resource, including Johnston Street drain.

Deliverable

- AJD form and associated figures

### **Task 1.2b: Optional Task for Jurisdictional Delineation of Wetlands in South-west Corner of Project Site**

The existing jurisdictional delineation was completed during a time when excess runoff from the property to the west was still flowing into the south-west corner of the project site, creating artificial wetlands. The excess run-off has since been removed and the wetlands in the south-west corner are no longer receiving these flows. This task includes additional field work to document the current condition of the wetland and non-wetlands in this area and determine if they are no longer jurisdictional or if jurisdiction has changed or been reduced. Documentation may include taking on-the-ground photographs of the site as well as the source of run-off, completing wetland datasheets, noting dominant plant species and their wetland indicator status, using current and past aerial photos to document presence or absence of surface water, or digging soil pits to document presence or absence of hydric soils. This task also includes updating the existing jurisdictional delineation letter report with the new results.

Deliverable

- Updated jurisdictional delineation letter report with updated figures and calculations

### **Task 1.3: Jurisdictional Delineation Verification and Agency Coordination**

The regulatory agencies (USACE, CDFW, RWQCB) visited the project site in September 2018 to review the aquatic resources on site; however, both state and federal regulations have changed since that time. The *State Wetland Definition and Procedures for the Discharges of Dredged or Fill Material to Waters of the State* are now in effect and the USACE has altered its definition of waters of the U.S. This task includes 1 site visit with agencies as well as prep time for a site visit, if needed and/or requested by the agencies.

### **Task 2: Agency Coordination**

This task includes agency coordination time necessary for conference calls, emails, coordination, and reviews associated with submittal and approval of the ILF Instrument



Amendment, and associated documents, to the IRT, along with any outside coordination with the regulatory agencies that are not a part of the IRT.

### **Task 3: Development Plan**

This task includes additional funds to complete the Development Plan/Mitigation Plan. Due to site constraints (high soil salinity, low precipitation, lack of connection to Johnston Street drain) additional work is needed to complete the Development Plan. See Amendment/Change Order 2 for a full description of this task.

#### Assumptions

- CVCC will provide a survey and boundary/easement map prepared by a professional land surveyor and complete the Property Assessment Form (Exhibit I of the Instrument)
- CVCC will prepare and record the Real Estate Instrument (Exhibit H of the Instrument)

#### Deliverable

- Draft and Final Development Plan

### **Task 4.1. Grading, Planting and Irrigation Plans and Specifications**

This task includes additional funds to complete the 100% plans and specs for the site as well as modify the existing grading plans to remove the drain connection that was previously proposed to connect to Johnson Street Drain. Due to site constraints (high soil salinity, low precipitation, lack of connection to Johnston Street drain) additional work is needed to complete the final plans and specs. See Amendment/Change Order 2 & 3 for a full description of this task. This task also includes 1 site visit by the restoration engineer.

#### Assumptions

- Site soils and hydrology are suitable for sustaining habitat types desired for the site.
- Planting design will be a graphical depiction of planting areas. Individual plants will not be represented.
- Irrigation type will be on grade PVC with drip emitters. Only mainline layout will be depicted on plans. Laterals and emitters will be laid out in the field by the contractor.
- Construction documents will be prepared using AutoCAD software and ICF title blocks and graphical standards.
- Client will provide all upfront specifications and details consistent with their standards.



#### Deliverable

- 100% construction documents
- Cost estimate for 100% design phases
- Five (5) hard copies (stamped by an ICF International California-licensed landscape architect) and a CD containing all native files (e.g. .doc, .xls, and .dwg)

#### **Task 4.3: Stormwater Pollution Prevention Plan (SWPPP)**

This task includes additional funds to complete the SWPPP. ICF will prepare the SWPPP to guide erosion control measures and protect surface water quality during project construction.

#### Assumptions

- Task only includes development of SWPPP documents for bidding. Procurement and management of the Construction General Permit will be handled by the client.

#### Deliverable

- Final SWPPP

#### **Task 6: Long-term Management Plan (LTMP)**

This task includes additional funds to complete the LTMP. The LTMP identifies specific maintenance and management activities that are required to be performed at the site to ensure its habitat values remain in perpetuity. See the original contract for a full description of this task.

#### Deliverable

- Draft and Final LTMP

#### **Task ODC: Expenses**

The various tasks described herein may require travel and other expenses associated with the effort. This task is intended to cover mileage, car rentals (when needed), postage, and lodging. ICF will determine the most cost effective approach for any expenses and will submit detailed backup with any invoice.

## **Budget**

ICF proposes to complete the tasks outlined above for an estimated fee of \$81,438.33. ICF will invoice monthly, on a time and materials basis. The attached table summarizes the cost by task.



ICF will perform these services under the terms and conditions of its agreement with CVCC date November 12, 2015. If you have any questions about the scope or cost estimate please contact me at (858) 444-3928 or [rj.vansant@icf.com](mailto:rj.vansant@icf.com).

Sincerely,

A handwritten signature in blue ink that reads "Richard J. Van Sant III". The signature is stylized and cursive.

Richard J. Van Sant III  
Senior Habitat Restoration Specialist

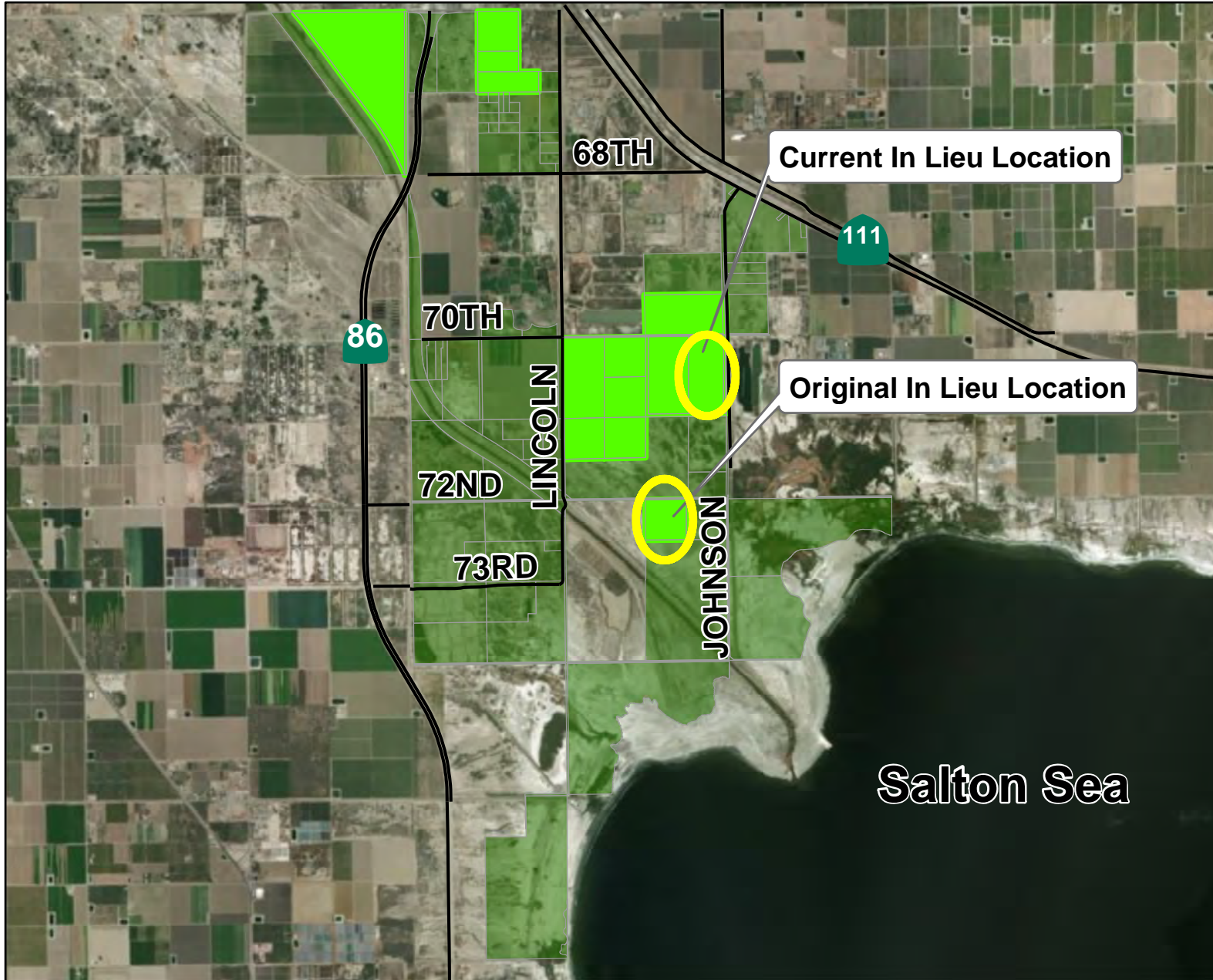
A handwritten signature in black ink that reads "Jodi Young". The signature is cursive.

Jodi Young  
Manager, Contracts





## CVCC: Identify and Design Restoration Site

Employee Name	Consulting Staff						ICF Production Staff		Direct Costs	Total Price
	Van Sant Richard	Guerrero Meris	Rol Dick	Goncalves Marcus	Lantz Kristin	Stein Bradley	Cherry Kenneth			
Project Role	PM	Regulatory	Landscape Architect/Seni or Review	Biologist	Landscape Architect	GIS				
Labor Classification	Mng Consult	Mng Consult	Proj Dir	Assoc Consult II	Sr Consult II	Sr Consult II	Assoc Consult I			
Task							Subtotal	Subtotal		
Task 1: Project Management	35.0	24.0					\$9,440	\$0		\$9,582
Task 1.2a: Jurisdictional Delineation	20.0	4.0				4.0	\$4,400	\$0		\$4,466
Task 1.2b: Optional JD task for wetlands in SW corner	30.0	15.0				5.0	\$7,900	\$0		\$8,019
Task 1.3 JD verification	15.0						\$2,400	\$0		\$2,436
Task 2: Agency Coordination	30.0	10.0					\$6,400	\$0		\$6,496
Task 3: Development Plan	50.0		5.0	10.0	10.0	12.0	\$13,280	15.0 \$1,725		\$15,230
Task 4.1: Planting and Irrigation Plans and Specs	10.0		10.0			90.0	\$16,200	\$0		\$16,443
Task 4.3: SWPPP						14.0	\$2,520	\$0		\$2,558
Task 6: LTMP	16.0		5.0	60.0	5.0	12.0	\$13,140	10.0 \$1,150		\$14,504
Total hours	<b>530.0</b>	206.0	53.0	20.0	70.0	119.0	37.0			
Billing Rates		\$160.00	\$160.00	\$200.00	\$120.00	\$140.00	\$140.00	\$115.00		
Subtotal		\$32,960	\$8,480	\$4,000	\$8,400	\$16,660	\$5,180	\$75,680	\$2,875	\$2,875
Subtotal (including escalation)		\$33,454	\$8,607	\$4,060	\$8,526	\$16,910	\$5,258	\$76,815	\$2,918	\$2,918
521.00 Meals, and Lodging										\$500
522.00 Airfares										\$500
523.05 Travel, Auto, incld. Mileage at current IRS rate (.56/mile)										\$550
Mark-up on Direct Expenses : 10%										\$155.00
Direct expense subtotal										\$1,705.00
<b>Total price</b>										<b>\$81,438.33</b>

# In Lieu Locations in the Coachella Valley Stormwater Channel and Delta Conservation Area



## Legend

-  In Lieu Locations
-  Conserved as of 1996
-  CV Stormwater & Delta Conservation Area
-  Parcels
-  Streets



**CVCC**



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**Coachella Valley Conservation Commission  
October 14, 2021**



**STAFF REPORT**

**Subject: Memorandum of Understanding for Cooperative Land Management and Law Enforcement Activities**

**Contact:** Kathleen Brundige, Conservation Program Manager ([kbrundige@cvaq.org](mailto:kbrundige@cvaq.org))

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**Recommendation: Authorize the Executive Director and/or Chair to sign a Memorandum of Understanding with the Riverside County Sheriff’s Department for cooperative land management and law enforcement services on CVCC lands, for a two-year period ending October 14, 2023, for a not-to-exceed annual amount of \$30,000; and authorize the Executive Director and/or legal counsel to make minor modifications prior to execution**

**Background:** CVCC now owns almost 12,000 acres within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) conservation areas. Many of the lands CVCC has acquired are located in more urbanized areas, either adjacent to or in the vicinity of development. One of the needs to ensure effective management of CVCC lands is to provide law enforcement to address illegal and unauthorized uses. CVCC owns and manages lands that are subject to a variety of impacts including dumping and unauthorized off-highway vehicle use. CVCC installs signage and fencing or other barriers to limit unauthorized access. Regular visits are made to the properties to attempt to control these unauthorized impacts. However, effective management of these impacts will require visits or patrols by trained and certified law enforcement officers who can issue citations to offenders. In some cases, visiting CVCC properties may present safety considerations for staff and the presence of a law enforcement officer is needed.

Since CVCC does not have law enforcement capacity, the intent has been to develop an agreement with one or more of the local agencies that have trained law enforcement personnel. In April 2020, CVCC entered into a services contract with Stanley E. Henry Consulting to assist CVCC with negotiations with local law enforcement agencies to develop such agreements. Staff and Mr. Henry, who is a former police chief, toured some of the CVCC lands where habitat disturbance from unauthorized OHV use, vehicle trespass, and other unauthorized activities is a significant problem. CVCC began seeking agreements with Desert Hot Springs Police and Riverside County Sheriff’s Department to cover some of these problematic areas.

In January 2021, the CVCC authorized a memorandum of understanding (MOU) with the City of Desert Hot Springs for cooperative land management and law enforcement services on conservation land through December 31, 2023. The agreement has proven an efficient and effective way to address concerns on approximately 4,100 acres of land, including the particularly problematic areas that are in the Morongo Wash, Willow Hole, and Long Canyon. The agreement also provided funding for a Polaris “Ranger Crew 570-4 Premium” off-road vehicle and related equipment so officers could access dirt roads and sandy areas in the problem areas. Patrols are now regularly visiting the areas and two full task force operations have been deployed over the spring and summer in partnership with Bureau of Land Management and Riverside County’s Off-road Vehicle Enforcement team, which resulted in several contacts, warnings and violations, including recovery of a couple of stolen vehicles. Desert Hot Springs Police have also documented several cases of vandalism that were not currently in our land management system. A six-month

progress report on this partnership will be presented verbally to the CVCC at the October 14 meeting.

Using the agreement with the City as a model, Mr. Henry has worked with the Riverside County Sheriff's Department (RSO) to identify opportunities for collaboration. Staff is recommending the attached MOU to establish a cooperative and coordinated management of these areas, which will create efficiencies and enhance each entity's management capabilities and effectiveness.

Through cooperation between the RSO and CVCC, this MOU provides for coordination of certain management activities to ensure increased protection of lands within the CVMSHCP Reserve System. The MOU will cover the properties at risk in the conservation areas along with other properties designated jointly in writing by the Riverside County Sheriff's Department and CVCC. The MOU provides for the Sheriff's Department to effectively act in a law enforcement and code enforcement capacity on CVCC lands to:

1. Deter activities on the covered properties that harm species and their habitats through patrols and public contacts.
2. Coordinate with other law enforcement jurisdictions on issues related to the protection of species and their habitats.
3. Coordinate with CVCC on trash removal and overall resource management on the covered properties, consistent with the CVMSHCP.
4. Inform the CVCC regarding issues that require immediate attention, e.g., regulatory signs that require replacement due to vandalism or theft.
5. Provide a report every six months to the CVCC regarding expenditure of the CVCC's contributed funds in accordance with this MOU. The report will be provided in a timely manner relative to the CVCC's annual budget process.

The MOU will provide the ability for the RSO to have dedicated enforcement patrols by their police and code enforcement personnel focusing on CVCC owned and managed lands within the CVMSHCP Conservation Areas that are within unincorporated areas of Riverside County including the Whitewater Floodplain, Upper Mission Creek/Big Morongo Canyon, Willow Hole, Thousand Palms, Stubbe/Cottonwood Canyon, Edom Hill, Long Canyon and other CVMSHCP conservation areas as needed. Additional lands may be included in this agreement by mutual agreement of the County and CVCC staff. The MOU affirms that the Sheriff's Department has the authority to enforce the relevant laws on these properties per California Penal Code Chapter 4.5 sections 830-832.17. The anticipated hours of patrols are approximately 15 to 20 hours per month (but can be adjusted based on OHV activity and need).

Approval of this MOU will allow staff to work with the County Sheriff to identify law enforcement/code enforcement needs for CVCC lands and coordinated efforts to address these concerns. Staff recommends approval of the attached MOU and authorization for the Executive Director to sign the MOU, pending final review by Riverside County Sheriff's and legal counsel.

CVCC staff anticipate the two MOUs – with the City of Desert Hot Springs and Riverside County Sheriff's Department – should give enough law enforcement coverage in areas where CVCC lands have the most issues. CVCC staff is in regular contact with law enforcement officers for the BLM lands as well and will reevaluate the need for any further MOUs after the initial year. Staff expects to bring regular updates to CVCC to document the effectiveness of these agreements.

**Fiscal Analysis:** Under the terms of the MOU, CVCC would provide for funding not to exceed \$30,000 annually to the Riverside County Sheriff's Department for law enforcement and code enforcement activities on lands within the CVMSHCP conservation areas. Riverside County Sheriff's Department will be reimbursed on a time and materials basis for eligible expenditures consistent with the terms of the MOU. Patrols conducted with funds contributed by the CVCC will occur on lands owned or managed by CVCC.

The FY 2021/22 CVCC Management and Monitoring budget includes \$60,000 for law enforcement.

**Contract Finalization:** Minor changes/revisions to the MOU may be made for clarification purposes by CVCC Executive Director and Legal Counsel prior to execution.

**Attachments:**

1. Memorandum of Understanding between County of Riverside Sheriff's Department and CVCC

**MEMORANDUM OF UNDERSTANDING**  
**Between the**  
**County of Riverside**  
**and the**  
**Coachella Valley Conservation Commission**  
**For**  
**Cooperative Land Management and Law Enforcement Activities**  
**Under the Coachella Valley Multiple Species Habitat Conservation Plan**

This Memorandum of Understanding (“MOU”) is entered into by and between the County of Riverside (“County”), a California municipal corporation, and the Coachella Valley Conservation Commission (“CVCC”), a California Joint Powers Authority (collectively the “Parties”) for the implementation of cooperative land management and law enforcement activities.

I. Background/Recitals

A. In October 2008, final permits were approved by state and federal wildlife agencies for implementation of the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (CVMSHCP). In 2008, the County of Riverside approved participation in the CVMSHCP as a local permittee, joining the other nine Coachella Valley cities, local water districts, and other permittees. The purpose of the CVMSHCP is to use a landscape-based approach to provide for the long-term conservation of multiple sensitive species and their habitats throughout the Coachella Valley.

B. The CVMSHCP establishes a Reserve System to be managed under goals and objectives designed to ensure conservation of covered species and natural communities. The Coachella Valley Conservation Commission (CVCC), a joint powers authority of elected representatives, oversees and manages the CVMSHCP and in addition owns certain conservation lands with the CVMSHCP that are adjacent to, or near enough to affect the conservation values of, lands in the county.

C. The County and the CVCC have a mutual interest in efficiently and effectively managing the respective lands in the Conservation Areas of the Coachella Valley Multiple Species Habitat Conservation Plan. The County and CVCC believe that cooperative and coordinated management will create efficiencies and enhance each entity’s management capabilities and effectiveness. Accordingly, the County and CVCC desire to identify ways in which they intend to cooperate in stewardship of certain properties. The County and CVCC also desire to define each of their respective responsibilities for the management of the covered properties identified in Exhibit A (“covered properties”).

D. In particular, lands within the CVMSHCP Conservation Areas, including the Snow Creek/Windy Point, Whitewater Canyon, Whitewater Floodplain, Upper Mission Creek/Big Morongo Canyon, Willow Hole, Edom Hill, Thousand Palms, Santa Rosa and San Jacinto Mountains, Dos Palmas and Coachella Valley Stormwater Channel Conservation Areas, Long Canyon and lands within the County that require occasional law enforcement presence to protect conservation lands, public facilities, private property (e.g., parked vehicles), and public safety, as well as enforce laws and restrictions related to dumping, illegal trespass, and unauthorized OHV use.

E. At its regular meeting of October 14, 2021, the Coachella Valley Conservation Commission authorized the Executive Director and/or the Chair to execute this Memorandum of Understanding between the County and the CVCC for a two-year period from October 14, 2021, ending October 14, 2023, and authorized payment to the County for that same time period in an amount not to exceed \$30,000 per year for County law enforcement patrols and Code Enforcement support with a focus on dumping, illegal trespass and OHV use on CVCC lands. This MOU was approved as to content by CVCC Legal Counsel and by the Riverside County Attorney. In accordance with the MOU, it would terminate two years from the date of its execution unless extended through mutual agreement with the County and the CVCC.

## II. Purpose

Through cooperation between the County and CVCC, this MOU provides for coordination of certain management activities to ensure increased protection of species and their habitat within the Reserve System designated under the CVMSHCP. This MOU shall cover the covered properties identified in Exhibit A attached hereto and incorporated herein by reference, along with other properties designated jointly in writing from time to time by the County and CVCC. This MOU further defines the parameters under which law enforcement protection will be implemented.

## III. Effective Date

This MOU is effective as of October 14, 2021.

## IV. Program Coordination and Responsibilities

### A. Both Parties Agree:

1. This MOU pertains only to the covered properties identified in Exhibit A within the County limits, over which law enforcement and code enforcement have been granted specific law enforcement and code enforcement responsibilities and authority for the lands.
2. Nothing in this MOU will be construed as giving the County or CVCC the right or ability to bind the other beyond their respective authorities or create any joint liability as regards the activities under this MOU s, or to require the parties to obligate or expend funds additional to the funds identified herein.
3. The Parties shall cooperatively develop the overall management strategies to be implemented for the covered properties, consistent with the adopted CVMSHCP Reserve Management Plans applicable to those properties.
4. The Parties shall meet annually, at a minimum, to discuss the effectiveness of this MOU and make any mutually agreed upon changes in furtherance of the objectives and purpose of the MOU.
5. The Parties have identified and agreed upon the location of existing roads to allow access as appropriate for administrative purposes, as identified in Exhibit A. No other vehicle access shall be authorized except pursuant to the mutual written agreement of the County and CVCC.
6. Any new use of the covered properties that would require additional management is subject to review and evaluation by the County and CVCC.

B. County agrees to:

1. Provide law enforcement and code enforcement support for the patrol of the covered properties, commensurate with funds provided by CVCC for this purpose, and the enforcement of applicable laws, regulations, closures, restriction orders and supplementary rules as promulgated or adopted by the County to protect species and habitats. The focus of enforcement relates to OHV use, littering, and firearms. The Law Enforcement and Code Enforcement personnel of the County shall remain under the supervision and control of the Riverside County Sheriff's Department.
2. Coordinate with CVCC to develop a patrol plan and schedule
3. Coordinate with other law enforcement jurisdictions on issues related to the protection of species and their habitats in the County and adjacent lands within the Reserve System, including the covered properties.
4. Deter activities on the covered properties that harm species and their habitats through law enforcement and code enforcement patrols and public contacts.
5. Coordinate with CVCC on trash removal and overall resource management on the covered properties, consistent with the CVMSHCP.
6. Inform the CVCC regarding issues that require immediate attention by the CVCC, e.g., regulatory signs that require replacement due to vandalism or theft.
7. Provide a report every six months to the CVCC regarding expenditure of the CVCC's contributed funds in accordance with this MOU. The report will be provided in a timely manner relative to the CVCC's annual budget process.

C. CVCC agrees to:

1. Provide funding not to exceed \$30,000 annually to the County for the following: (1) law enforcement and code enforcement patrols of roads, trails, trailheads, facilities, and lands within the CVMSHCP Conservation Areas. Patrols conducted with funds contributed by the CVCC will occur on lands owned or managed by CVCC.
2. Undertake and be responsible for all requirements of parcel ownership for the covered properties that it owns relating to property tax exemption and payment of other land tax assessments as required by Riverside County.
3. Undertake and be responsible for management of the covered properties that it owns per CVCC resource management practices and consistent with the CVMSHCP.
4. Coordinate with the County to post and maintain the boundaries of the covered properties that it owns as appropriate with signs based on CVCC's departmental standards and the CVMSHCP.
5. Provide the County with any changes and updates to the CVMSHCP as related to the protection of species and their habitats within the Reserve System.
6. Provide the County with written evidence of CVCC's consent and authorization for the County to perform its obligations under this MOU on the covered properties.
7. Coordinate with the County on trash removal and overall resource management on the covered properties, consistent with the CVMSHCP.

VI. Agency contacts for the purposes of this MOU

A. Chad Bianco, Sheriff

County of Riverside  
4095 Lemon Street 2<sup>nd</sup> Floor  
Riverside, CA 92501

B. Tom Kirk  
Executive Director  
Coachella Valley Conservation Commission  
73710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260

VII. Hold Harmless

The County and the CVCC agree to defend, indemnify, protect, and hold each other and their agents, officers, and employees harmless from and against any and all claims asserted, or liability established, for damages or injuries to any person or property, including injury to County and CVCC employees, agents, or officers, which arise from or are connected with, or are caused or claimed to be caused by, the acts or omission of the County or the CVCC and its agents, officers, or employees in performing the services herein described, and all expenses of investigating and defending against same, provided, however, that the County's and the CVCC's duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the other party, its agents, officers, or employees.

VIII. Term and Modifications

- A. This MOU shall be in effect until October 14, 2023, or until modified or earlier terminated by the Parties in writing, whichever occurs first, and may be renewed on an annual basis upon approval by the County and the CVCC.
- B. Funding provided to the County by the CVCC shall be annually reevaluated for cost of living increases and/or increases in the hourly cost of employees.
- C. Either party may terminate this MOU with or without cause upon thirty (30) days advance written notice by one party to the other.
- D. This MOU does not in any manner affect the CVCC's commitments as a signatory to the Coachella Valley Multiple Species Habitat Conservation Plan.

IX. Binding Effect

This MOU is binding on the Parties in accordance with its terms. The Parties signing below represent and warrant that they have the legal authority to bind the party for whom they are signing.

X. Governing Law

This MOU shall be governed by the laws of the State of California.

XI. Entire Agreement

This MOU represents the entire integrated agreement between the Parties pertaining to the subject matter hereof and supersedes all prior negotiations, representations or agreements, written or oral, regarding the matters described herein. This MOU may be amended only by a written instrument signed by the Parties.

IN WITNESS WHEREOF, the Parties have executed this Memorandum of Understanding effective as of the date and year first written above.

County of Riverside

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chad Bianco  
Sheriff, County of Riverside

COACHELLA VALLEY CONSERVATION COMMISSION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tom Kirk  
Executive Director

## **Exhibit A**

### **Covered Properties**

CVCC owned and managed lands within the CVMSHCP Conservation Areas that are within unincorporated areas of Riverside County including the Whitewater Floodplain, Upper Mission Creek/Big Morongo Canyon, Willow Hole, Thousand Palms, Stubbe/Cottonwood Canyon, Edom Hill, Long Canyon and other CVMSHCP Conservation Areas as needed. Additional lands may be included in this agreement by mutual agreement of the County and CVCC staff.

DRAFT

**Item 6E**

Coachella Valley Conservation Commission  
October 14, 2021



**STAFF REPORT**

**Subject:** Election of CVCC Officers

**Contact:** Tom Kirk, Executive Director ([tkirk@cvag.org](mailto:tkirk@cvag.org))

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**Recommendation: Elect a Coachella Valley Conservation Commission Chair and Vice Chair for Fiscal Year 2021/2022**

**Background:** As described in the Joint Powers Agreement, the CVCC annually elects from its membership a Chair and Vice-Chair to serve for a one-year term. The CVCC does not have a formal officer rotation, or a set policy for how to select the Chair and Vice Chair.

As context, Rancho Mirage Councilmember Richard Kite served as chair from CVCC's inception in 2008 through September 2016, when then-Indio Councilmember Mike Wilson was elected Chair. He was Chair until after the Council elections in 2018, after which the CVCC elected its current chair, La Quinta Mayor Linda Evans. The current CVCC vice chair is Coachella Mayor Steven Hernandez.


Staff recommends that the CVCC provide nominations and elect its officers for this fiscal year.

**Fiscal Analysis:** There is no additional cost for this item. CVCC officers receive the same per diem as other members.

**Item 7A**

**COACHELLA VALLEY CONSERVATION COMMISSION  
FY2020-2021 ATTENDANCE RECORD**

<b>JURISDICTION / AGENCY</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>
City of Cathedral City	-	-	✓	-	✓	-	✓	-	✓	✓	✓	✓
City of Coachella	-	-	✓	-		-	✓	-		✓		✓
Coachella Valley Water District	-	-	✓	-	✓	-	✓	-		✓		✓
City of Desert Hot Springs	-	-	✓	-	✓	-	✓	-	✓	✓	✓	✓
Imperial Irrigation District	-	-	✓	-	✓	-	✓	-	✓	✓	✓	
City of Indian Wells	-	-	✓	-	✓	-	✓	-	✓	✓	✓	✓
City of Indio	-	-	✓	-	✓	-	✓	-		✓	✓	✓
City of La Quinta	-	-	✓	-	✓	-	✓	-	✓	✓	✓	✓
City of Palm Desert	-	-		-	✓	-	✓	-	✓	✓	✓	✓
Mission Springs Water District	-	-	✓	-		-	✓	-	✓	✓	✓	✓
City of Palm Springs	-	-	✓	-	✓	-	✓	-	✓	✓	✓	✓
City of Rancho Mirage	-	-	✓	-	✓	-		-	✓	✓	✓	✓
Riverside County - District 1	-	-	✓	-		-	✓	-	✓	✓	✓	✓
Riverside County - District 2	-	-	✓	-		-	✓	-	✓	✓	✓	✓
Riverside County - District 3	-	-	✓	-	✓	-	✓	-	✓	✓	✓	✓
Riverside County - District 4	-	-		-	✓	-	✓	-	✓	✓	✓	✓
Riverside County - District 5	-	-	✓	-	✓	-	✓	-	✓	✓	✓	✓

Absent   
 No Meeting \*  
 Scheduled Dark Month -

**Coachella Valley Conservation Commission**  
**UNAUDITED STATEMENT OF REVENUES, EXPENDITURES, AND CHANGE IN**  
**TOTAL GOVERNMENTAL FUND BALANCE**

	<u>Jul '20 - Jun 21</u>
<b>Ordinary Revenue/Expenditure</b>	
<b>Revenue</b>	
5011 · County Tipping Fees	418,378.37
6001 · Development Mitigation Fees	2,481,062.15
6005 · Agencies Mitigation Fees	4,313,034.60
7001 · Other Revenue	8,708.83
8001 · Investment Income	82,257.16
8005 · Gain(Loss) in Investments	<u>-82,709.62</u>
<b>Total Revenue</b>	<u>7,220,731.49</u>
<b>Expenditure</b>	
4100 · Administrative Fees	24,810.88
4200 · Accounting/Bank Services	12,170.71
4250 · Payroll Taxes	878.57
4353 · Insurance	13,442.00
4418 · Members Per Diem	8,700.00
4422 · Computer Software	2,900.00
4425 · Legal Services	28,539.00
4431 · Professional Services	31,927.90
4432 · Consultants	1,023,051.29
4441 · Printing	775.80
4510 · Land Improvements	415,764.47
4550 · Utilities	15,887.86
4600 · Miscellaneous	<u>25,000.00</u>
<b>Total Expenditure</b>	<u>1,603,848.48</u>
	5,616,883.01
<b>Capital Outlay</b>	
4820 · Land Acquisitions	1,032,756.96
4821 · Equipment	<u>28,200.00</u>
<b>Total Capital Outlay</b>	<u>1,060,956.96</u>
<b>Excess Revenue Over Expenditures/Change in Fund Balance</b>	<u><u><b>4,555,926.05</b></u></u>

**Coachella Valley Conservation Commission**  
**Unaudited Balance Sheet of Total Governmental Funds**

	<b>Jun 30, 21</b>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
1110 · Cash - County Treasurer	28,453,599.88
1115 · Cash - Union Bank (Main)	44,205.59
1116 · Cash - Union Bank (ILF)	2,030,584.59
1145 · Fair Value Adjustment	5,690.72
<b>Total Checking/Savings</b>	30,534,080.78
<b>Accounts Receivable</b>	935,666.16
<b>Other Current Assets</b>	48,422.97
<b>Total Current Assets</b>	31,518,169.91
<b>Fixed Assets</b>	
1731 · Land	72,769,513.15
<b>Total Fixed Assets</b>	72,769,513.15
<b>TOTAL ASSETS</b>	<b>104,287,683.06</b>
<b>LIABILITIES &amp; FUND BALANCE</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	675,549.99
<b>Total Liabilities</b>	675,549.99
<b>Fund Balance</b>	103,112,133.07
<b>TOTAL LIABILITIES &amp; FUND BALANCE</b>	<b>103,787,683.06</b>

**COACHELLA VALLEY CONSERVATION COMMISSION  
INVESTMENT REPORT  
For June 30, 2021**

**CASH AND INVESTMENTS UNDER THE DIRECTION OF CVCC**

Description	Carrying Amount	% of Total	Fair Market Value		% of Total	Interest Rate Yield	Maturity Date
County of Riverside Treasury	\$ 28,453,600	93.20%	\$ 28,459,291	[a]	93.21%	0.27%	N/A
Union Bank (Checking)	\$ 44,206	0.14%	\$ 44,206		0.14%	0.00%	N/A
Union Bank (In Lieu Fee)	\$ 2,030,585	6.65%	\$ 2,030,585		6.65%	0.01%	N/A
Wells Fargo Bank (Checking)	\$ -	0.00%	\$ -		0.00%	N/A	N/A
Wells Fargo Bank (In-Lieu Fee)	\$ -	0.00%	\$ -		0.00%	N/A	N/A
<b>Total Cash &amp; Investments</b>	<b>\$ 30,528,390</b>	<b>100.00%</b>	<b>\$ 30,534,081</b>		<b>100.00%</b>		


**Note:**

[a] Fair market value does not include accrued interest. Source of Market Values - The June 2021 County of Riverside Treasurer's Pooled Investment Fund Monthly Report (Paper Gain/Loss was 0.020%).

I hereby certify that the investment portfolio of the Coachella Valley Conservation Commission (CVCC) complies with the California Government Sections pertaining to the investment of agency funds and CVCC's written Investment Policy, which was adopted on June 10, 2021.

The investment portfolio provides CVCC the ability to meet its expenditure requirements for the next six months.

Submitted by:

  
 \_\_\_\_\_  
 Claude T. Kilgore, CPA  
 CVCC Auditor

**Item 7D**

Coachella Valley Conservation Commission  
October 14, 2021



**STAFF REPORT**

**Subject:** Contracts Under \$25,000

**Contact:** Trisha Stull, Program Assistant II ([tstull@cvag.org](mailto:tstull@cvag.org))

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**Recommendation: Information**

**Background:** The following contracts were signed by the CVCC Executive Director under his signature authority:

1. An interim summer engagement letter with BB&K for legal services for a not-to-exceed amount of \$17,000.
2. An amendment with Leja Surveying Corporation was signed to extend the services contract from March 1, 2021 to October 31, 2021. No additional funds were added to this contract, which was previously authorized for \$6,250.
3. A services contract with Realty Resources Inc. to appraise six parcels comprising 195.86 acres in the Desert Tortoise and Linkage Conservation Areas for a not-to-exceed amount of \$7,500.
4. A services contract with Capital Realty Analysts to appraise two parcels comprising 73.73 acres in the Upper Mission Creek/Big Morongo Canyon Area for a not-to-exceed amount of \$4,200.

**Fiscal Analysis:** These contract expenses are covered in the CVCC's legal fund and land acquisition fund.

Coachella Valley Conservation Commission  
October 14, 2021



**STAFF REPORT**

**Subject:** Progress on the La Quinta Peninsular Bighorn Sheep Fence

**Contact:** Jodi Ross-Borrego, Director of Environmental Resources ([jrossborrego@cvag.org](mailto:jrossborrego@cvag.org))

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**Recommendation: Information**

**Background:** The installation of a fence to limit access by bighorn sheep to urban areas in La Quinta is a requirement of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The primary objective of the La Quinta Peninsular Bighorn Sheep Fence Project is to protect bighorn sheep by preventing them from accessing and coming to harm from using urban lands, including golf courses and landscaping, artificial water bodies, and roadways. A number of steps have been approved by the CVCC to make progress on this project, including certifying the Environmental Impact Report and awarding a construction contract. But construction of the fence has been largely dependent on cooperation with land owners. In May 2021, the CVCC took another important step forward by authorizing an agreement between CVCC and PGA West which grants CVCC permission to install a portion of fencing on PGA West's property.

With the agreement in place, CVCC staff finalized a contract with MSA Consultants (MSA) to prepare construction plans and issued the Notice to Proceed on October 1, 2021. MSA estimates it will take six-to-eight weeks to finalize and submit construction plans. Once the plans are complete, they will be submitted to Coachella Valley Water District (CVWD) for their review to ensure the plans meets their requirements and the Bureau of Reclamation's requirements. Upon CVWD's acceptance of the plans, construction permits and permanent encroachment permits will be issued. The plan review process is expected to take up to eight weeks. Once the permits have been obtained, construction will begin.

Based on the timeline, construction is anticipated to begin in early January 2022. CVCC staff anticipates bringing items to the Commission at its next meeting related to construction, including extending the timeline on the previously authorized construction contract.

**Fiscal Analysis:** There is no cost associated with this informational update. Funding for the fence construction was incorporated into the CVCC Fiscal Year 2021/2022 budget.