



SIERRA NEVADA CONSERVANCY

Board Meeting Agenda July 25 and 26 2007

Town of Truckee
10183 Truckee Airport Road
Truckee, CA 96161

I. Call to Order

Vice Chairman Dahle called the meeting to order at 9:07 AM

II. Roll Call

Present: Louis Boitano, Brian Dahle, Byng Hunt, Allen Ishida, Bob Kirkwood, John Lloyd, BJ Kirwan, Byron Sher, Robert Weygandt, Carol Whiteside, Rose Comstock (alternate, North Central), Beth Pendleton, Bill Haigh, and Steve Schackelton

Absent: John Brissenden and Mike Chrisman

III. Approval of May 3, 2007 Meeting Minutes

There were no changes to the Meeting Minutes

Action: Boardmember Kirkwood moved and Boardmember Weygandt seconded a motion to approve the May 3, 2007 Board Meeting Minutes. The motion passed unanimously.

IV. Public Comments

Mayor Richard Anderson presented the Board with the key to the town and welcomed everyone to Truckee.

V. Chairman's Report

Vice Chairman Dahle thanked everyone who participated in the tour the previous day. In particular, he thanked Truckee Donner Land Trust, The Trust for Public Land, Truckee River Watershed Council, Holliday Development and the Sierra Business Council for their assistance in arranging the various stops on the field tour.

Beth Pendleton, USFS, reported on the recent Sierra Nevada fires indicating that as of this time there are no significant fires in the Sierra Nevada. She indicated that fire agencies have been at their highest level of activity of the season with 70 fires to date. With extremely dry conditions at lower elevations, fire agencies face a challenging season ahead.

VI. Executive Officer's Report

Staff and Budget Update

Executive Officer Branham reported the hiring of Joan Keegan, Assistant Executive Officer. She will start on August 9th, Kerri Timmer was promoted to Mt. Lassen Area Manager. SNC is interviewing for the Mt. Whitney Area Manager, who will be based in Mariposa. The SNC has three positions currently posted for area office staff.

Branham welcomed Julie Griffith-Flatter to the Auburn program staff and noted the permanent hiring of Brittany Juergenson. On behalf of the SNC he also thanked Ken Jones for his contributions to SNC over the past year and a half, with the selection and establishment of the area offices, hiring of staff and in creating various organizational procedures. Branham recognized Bob Kingman for his efforts in collecting much-needed items for victims of the Angora Fire, as SNC's sister agency, the California Tahoe Conservancy, had several employees affected by the fire.

Branham noted that the SNC is still waiting for passage of the State budget, noting that without a budget, no formal actions on the Proposition 84 grants can be taken. Branham noted that the issues in the budget process for SNC had been resolved favorably, and he thanked Assemblymember John Laird and all of the SNC partners who supported the SNC budget. Branham recognized Vickie Key and Dennis Hutcheson for their efforts in securing SNC's authority to conduct its own procurement.

Annual Symposium Update

Branham reported that staff continues to work on details for the first annual symposium. The symposium, which will focus on climate change in the Sierra, was originally to have been held in September, however has been postponed until December. Staff is working with the symposium committee consisting of Boardmembers Kirwan and Brissenden on planning for the event.

Board Meeting Schedule

Branham proposed to the Board either postponing or cancelling the September meeting until further notice. Boardmember Kirkwood asked if Sub-Region rotation would change if the meeting is cancelled, EO Branham stated it could be considered. Boardmembers Comstock and Dahle noted they are not available the first week in March 2008. The Board agreed to postpone the September meeting until further notice.

Response to Request for Task Force on Clearcutting

Branham reviewed the request made by members of the public at the Jackson Board Meeting, to establish a clearcutting task force. Branham indicated that he spoke to relevant parties as to whether the involvement of the SNC would be beneficial. He stated that most parties did not believe SNC's involvement would be

useful, most citing the fact that clearcutting is dealt with regularly by numerous other agencies. Given SNC's principle of bringing together willing partners, Branham indicated this issue did not seem to meet that criterion. Boardmember Sher thanked Branham for putting the request on the agenda, noting that it is the first public request made to the Board for an agenda item. Sher suggested that the fact that other agencies are dealing with an issue should not preclude the SNC from addressing it. The Board discussed the issue of public requests for items to be placed on the agenda, concluding that Branham should continue to work with the Chairman on agenda development. However, Board members should communicate their interest in items being placed on the agenda to Branham as well. The Board concurred with the recommendation that no task force on clearcutting be formed at this time.

Public Comment:

Barry Bolton, stated that he was one of those who requested the creation of a clearcutting task force at the Jackson Board Meeting. He said he appreciated the consideration that had been given to the request, and believes the issue of clearcutting in the Sierra Nevada cannot continue to be ignored.

2006-07 Action Plan Update

Bob Kingman notified the Board that the tasks in the 2006-07 Action Plan were substantially complete, with three items to be carried over to the 2007-08 Action Plan. Mr. Kingman said that at the next Board Meeting, there would be reports from the information technology rapids needs assessment that was part this year's Action Plan.

Education Communication Plan

Kingman noted the Education Communication Plan is in the 2006-07 Action Plan and it is critical to complete. Staff and consultants are working on the final draft. Steve Shackelton, NPS, stated that Yosemite National Park would be interested in assisting the SNC with the Education Communication Plan.

Partnership Activities

Branham stated that the SNC is working with Department of Water Resources on the California Water Plan Update 2009 – Regional Outreach Workshop on August 10th, in El Dorado Hills. The goal is to provide an overview of the California Water Plan from 2005-09 and share information on the regional focus and management strategies. He also reported that SNC will have a presence at the California State Fair this year; the SNC display will be a part of the Department of Boating and Waterways presentation.

Branham introduced Nancy Jo Riekse, head of the Placer Grown effort. Ms. Riekse thanked the Board for the opportunity and gave an overview of the programs available through Placer Grown. The program is aimed at promoting produce grown by smaller Placer County growers, through a wide range of activities.

Branham introduced David Mattocks, President of the Sierra Business Council (SBC). Mr. Mattocks noted that the State of the Sierra Report was an effort conducted through a partnership between the Sierra Nevada Conservancy and SBC. The report represents the third edition of the SBC's "indicator project" trending the social, natural, and financial capital of the Sierra Nevada. The report provides an understanding of the region's wealth by highlighting assets, recognizing issues that affect our quality of life, and offer sustainable opportunities to enhance and improve the Sierra Nevada.

VII. Deputy Attorney General's Report

Deputy Attorney General Christine Sproul said she had no report.

VIII. Central Sub-Region Counties Reports

Supervisor Weygandt said he had no report.

IX. Overview of the Sierra Nevada Adaptive Management Update

Boardmember Beth Pendleton (USFS) and Crawford Tuttle (CalFIRE), presented a summary of the Sierra Nevada Adaptive Management Project (SNAMP) overview. The effort is designed to address a wide variety of issues facing the management of National Forests across the Sierra Nevada, including substantial research efforts relating to habitat, fire and other issues. There was discussion by board members relative to the need for activity to be taken during the time that the research is being conducted. Pendleton assured the Board that this would be the case.

X. Program Guidelines

Branham noted that the Program Guidelines before the Board reflected public comments and previous Board direction. He indicated that staff was recommending that the Board create a Sub-Regional committee consisting of the Sub-Regional representative and a statewide member, to assist staff in addressing priorities. Boardmember Kirkwood noted the importance of keeping the Sub-regional alternates informed of the committee conversations.

Branham explained the proposed process for notification of city and counties with the Strategic Opportunity Grants (SOGs). After board discussion, it was recommended that for SOG II grants a 10-day comment period be created and for all other grants, the comment period is 15-days.

Action: Boardmember Kirkwood moved and Boardmember Ishida seconded a motion to approve the proposed Program Guidelines with noted changes to the local government notification process. The motion passed unanimously.

XI. Grants Guidelines

Branham outlined changes that made to the Grants Guidelines, including the following:

- The SOG 1 maximum changed from \$50,000 to \$100,000.
- The Competitive Grants minimum changed from \$50,000 to \$100,000.
- Use of grant funds to pay off certain loans obtained for purposes consistent with the Guidelines is explicitly allowed.
- Funding on a one-time basis is now allowed for staff resources tied to a tangible outcome under the SOG 2 category.

Boardmember Sher commented that we should be careful with the use of bond funds for staffing purposes. Boardmember Lloyd concurred and asked that these expenditures be carefully tracked and identified to the Board.

Boardmember Comstock asked if a water agency could apply and Branham replied that any public agency and certain non-profits are eligible.

Boardmember Kirkwood suggested clarification of the language relating to capacity building to indicate that certain “pre-project” activities and seed money is what is intended.

Boardmember Dahle asked if the SNC could acquire water rights and if so would SNC hold the rights? Branham stated that SNC could acquire the rights, but like with other rights the desired outcome would be for some other entity to ultimately hold the rights.

Boardmember Kirkwood also asked that greater clarity be provided on pages 10 and 17 relative to a proposal being considered in the context of the surrounding land. Branham indicated that the recommendation includes providing staff with some editorial flexibility to deal with issues such as this.

Boardmember Comstock wondered why flood control is not specifically mentioned as a potential activity. Branham indicated that other portions of Proposition 84 specifically address flood control and that the section that provides SNC’s funding does not include that language. However, he indicated that flood control could be one of the benefits of a project that was otherwise consistent with guiding authority in Proposition 84 that affects the SNC.

Action: Boardmember Pendleton moved and Boardmember Kirkwood seconded a motion to approve Proposition 84 Grants Guidelines without modification. The motion passed unanimously.

XII. 2007-08 Action Plan

SNC Staff introduced the 07-08 Action Plan distributed in the Board packet. Some of the action items in the approved Strategic Plan are duplicated across a few of the program areas and are combined for the purpose of this Action Plan.

Action: Boardmember Kirkwood moved and Boardmember Hunt seconded a motion to approve the 2007-08 Action Plan as presented by staff. The motion passed unanimously.

XIII. Environmental, Economic and Social Indices and Performance Measurements

Branham indicated that this issue is specifically addressed as part of the Strategic Plan and staff has spent a great deal of time thinking about and learning how to develop a set of performance measures. Branham and Bob Kingman presented a slide show to the Board, outlining a process to use for creating indices and performance measures that will allow the SNC to measure progress in carrying out our goals. Staff will provide the Board with a set of interim measures at the December meeting and an update on the overall project at that time.

XIV. SNC License Plate

Branham gave an overview of the process and the current status of the license plate and the legal issues surrounding the issuance of a plate needing DMV and CHP approvals. Staff has worked with Boardmembers Yamaguchi and Sher on the proposed design. Boardmember Ishida suggested adding Sierra Nevada Conservancy under the picture, to tie it back to SNC. Board discussed and agreed that the use of the term "California's watershed" was appropriate. Branham stated the final memorandum of agreement between SNC and The Sierra Fund for purposes of marketing the license plate is awaiting board action from the Sierra Fund.

Action: Boardmember Sher moved and Boardmember Hunt seconded a motion to approve the final license plate design, allowing staff to make minor changes to design as necessary. The motion passed unanimously.

XV. Executive Officer's Delegated Authority

Legal Counsel John Gussman reviewed changes to the Executive Officer's Delegated Authority. Gussman noted that some of the changes had been presented to the Board at the time of the original delegation of authority to the Executive Officer; however, the Board had decided to table these until the SNC was ready to inaugurate its grants program. With the SNC about to receive and act on grant applications, staff is recommending that the proposed changes to the existing delegation be made.

Boardmember Kirkwood moved and Boardmember Boitano seconded a motion to approve the revised Executive Officer's Delegated Authority, as proposed.

Boardmember Sher expressed a concern regarding the provision allowing the EO to award grants, relating to the total amount of SNC funds that might be disbursed under that authority. Following Board discussion, it was suggested that the EO's authority be limited to \$50,000 grants, not to exceed a total grant award authority of \$150,000 between Board Meetings.

Action: Boardmember Sher amended the previous motion and Boardmember Kirkwood seconded, to approve the Executive Officers Delegated Authority with the limitation of no more than \$150,000 being awarded by the Executive Officer between Board meetings. The motion passed unanimously.

XVI. Review of the Board Agenda Development Process and Meeting Structure

Branham briefly reviewed the process used for agenda development and board meeting structure. Generally, the board felt that the current process was working well. Boardmember Kirkwood indicated that the field tours were particularly useful for focusing on Sub-Regional issues.

Boardmember Sher raised the issue of the Board taking positions on state legislation. Branham indicated that the SNC was expected to follow the process of other state departments, which includes review by the Resources Agency and the Governor's Office, prior to taking a position. Boardmembers Sher and Ishida expressed the view that the Board should be able to take positions independently. Branham indicated he would follow up with the issue and the matter would be discussed at the next Board meeting with Secretary Chrisman in attendance.

XVII. Board Members' Comments

There were no additional Board comments.

XVIII. Public Comments

There were no additional public comments

XIX. Adjournment

Action: Boardmember Ishida moved and Boardmember Hunt seconded a motion to adjourn the meeting.

Vice chair adjourned the meeting at 1:30 PM.

**Sierra Nevada Conservancy
RESOLUTION 2007-001
As Adopted
July 26, 2007**

**Revised Delegation of Authority
to the Executive Officer
July 26, 2007**

“The Sierra Nevada Conservancy hereby delegates to the Executive Officer the authority to administer the regular and day-to-day affairs and responsibilities of the Conservancy, including the functions and powers specified below, as necessary or appropriate for the sound management of the agency. The authority delegated herein shall be carried out in a manner consistent with applicable laws and regulations, State procedures, and Conservancy policies.

“The Executive Officer may delegate to other staff any part of his or her functions, powers, or authority, but the Executive Officer shall at all times be responsible for assuring that the affairs of the Conservancy are fully and faithfully discharged.

“The foregoing delegation to the Executive Officer includes the authority:

1. To appoint other Conservancy staff; to assign duties and functions to staff; to establish procedures governing staff operations; and to administer all Conservancy personnel matters.
2. To administer and oversee the Conservancy’s budgetary and fiscal affairs, subject to the right of the Conservancy board to review and **provide direction on** the proposed annual budget.
3. To execute contracts and other instruments or documents on the Conservancy’s behalf, as necessary in order to carry out the

resolutions of the Conservancy board, or any other authority delegated herein.

4. To administer and manage all real and personal property within the Conservancy's ownership or control; and to enter into agreements for the management of property owned or controlled by the Conservancy, including construction or maintenance of Conservancy facilities, *provided that*, prior to the execution of such agreements, the Conservancy shall have authorized the expenditure of funds for the purpose.
5. To lease and sub-let office space, to purchase or lease equipment, and to procure other materials, supplies, and technical services, **and to enter into contracts for such purposes, in such amounts as may be** necessary or appropriate to meet the ongoing needs of administration.
6. To enter into contracts for technical or other services, as needed for the purpose of program and project development or **planning:**
 - a. **in such amounts as may be necessary to carry out the Conservancy's Strategic Plan, Action Plan, or other adopted plan or policy resolution of the Conservancy board; and**
 - b. **in amounts not to exceed \$50,000 per contract, including extensions and amendments (or such other amount as may hereafter be authorized by the Conservancy), for program and project development or planning other than under (a) above.**
7. To apply for funds for the support of the Conservancy's programs and projects; to negotiate and enter into agreements to accept funds, to make representations in support of such applications or agreements,

to assign or accept the assignment of grant funds and applications, and to meet agreed conditions; *provided*, that (a) all expenditures not previously authorized by the Conservancy, or within the Executive Officer's delegated authority, shall remain subject to Conservancy authorization; and (b) any agreement which, at the time it is executed, requires further Conservancy authorization before it can be implemented, shall be rescindable in the Conservancy's sole discretion and without liability to the Conservancy.

8. To prepare and issue public notices of Conservancy board meeting, and meeting agendas.
9. To place on the Conservancy's consent calendar (if any) matters which the Executive Officer believes to be non-controversial, subject to the right of any Conservancy board member to remove any item from the consent calendar, and subject to such other direction as the Conservancy may provide from time to time.
10. To reimburse members of the Conservancy board and members of advisory boards or committees established by the Conservancy, for their actual and necessary expenses, including travel expenses, incurred in attending board or committee meetings or in carrying out the other duties of their office; and to arrange for compensation to be paid, in the statutory amount, to members of the Conservancy who are entitled to compensation for attending meetings of the board.
11. To make determinations regarding the applicability of exemptions from the requirements of the California Environmental Quality Act (CEQA); and to prepare, circulate and file all documents which are necessary to comply with CEQA, *provided*, that the Conservancy reserves the authority to review, certify and adopt necessary findings in connection with

environmental impact reports and negative declarations.

12. To provide and make available technical information, expertise, and other non-financial assistance to public agencies, nonprofit organizations, and tribal organizations to support program and project development and implementation.
13. **To award grants and enter into grant agreements, for purposes other than the acquisition or improvement of land, consistent with the Conservancy's enabling legislation and the grant and program guidelines adopted by the Conservancy board; *provided*, that (1) the total amount granted under any such grant or grants to any grantee, for a specific purpose or project, shall not exceed \$50,000; (2) the Conservancy board shall be notified of each such grant by the next Conservancy board meeting; and (3) the aggregate amount of such grants awarded between one Board Meeting and the next shall not exceed \$150,000.**
14. **With respect to any grant previously authorized by the Conservancy, in order to carry out the purposes of the board authorization:**
 - a. **to amend and modify the terms of any such grant, including increases in grant awards of up to 10 percent; *provided*, that funds are available, within the budgeted appropriation, to cover any such increase; and *provided further*, that the original stated purpose of the grant remains unchanged;**
 - b. **to authorize Conservancy grantees to accept from or convey to other appropriate entities or parties, on appropriate terms, leases, licenses, easements, options, and similar instruments or interests;**

- c. to exercise a power of termination, pursuant to Public Resources Code section 33344(e), on account of a grantee's breach of a material term or condition in a Conservancy grant for acquisition of real property; or to trigger the re-vesting of title to real property acquired through a Conservancy grant for acquisition of real property, pursuant to Public Resources Code section 33344(f), on account of the grantee organization going out of existence;**
- d. to designate the entity which will receive an interest in real property, pursuant to the exercise of a power of termination under Public Resources Code section 33344(e) or the re-vesting of title to property under Public Resources Code section 33344(f).**

15. To prepare, certify, and file documents pertaining to the adoption, amendment or repeal of regulations, and to conduct public hearings to receive comments on proposed rulemaking, as necessary to support the rulemaking activities and actions of the Conservancy.

16. To oversee the management of the Conservancy's records and to respond to requests for inspection or copies of Conservancy records under the California Public Records Act.

17. To represent the adopted positions of the Conservancy or, in the absence of such adopted positions, the views of the Conservancy staff, in communications with the Legislature, other public entities, and the public.

18. In coordination with the Office of the Attorney General, or other duly approved counsel:

- a. to defend against any legal actions brought against the Conservancy;

- b. as necessary in order to protect Conservancy property or other interests against damage or loss, and with prior notification to the Conservancy, to file and prosecute legal actions on the Conservancy's behalf; and
- c. to settle small claims court actions on the Conservancy's behalf, *provided*, that the Conservancy shall be notified of any such settlement no later than the following Conservancy board meeting.

19. With respect to monetary or non-monetary claims arising outside of litigation: to grant, deny, settle or compromise such claims if they are brought against the Conservancy; and to pursue, settle, or compromise such claims if they are brought on the Conservancy's behalf; subject to such dollar limits as the Conservancy may, by resolution, require for specific categories of claims; and *provided*, that the Conservancy shall be notified of any such settlement no later than the following Conservancy board meeting.

20. To designate a member of the staff to serve as Acting Executive Officer, or one or more members of the staff to perform specified functions of the Executive Officer, in the event that the Executive Officer is absent or becomes unable to perform his or her regular duties. In the event of the death or incapacity of the Executive Officer, any such designation shall survive, unless it expires by its own terms, or is rescinded or modified by the Conservancy board."
