

NOTICE OF PUBLIC MEETING

Sierra Nevada Conservancy Inaugural Meeting

**Thursday, May 12, 2005
10:00 AM**

Location:

**First Floor California Energy Commission Building
Hearing Room A
1516 Ninth Street
Sacramento, CA 95814**

Agenda

- I. Call to Order
- II. Oath of Office
Oath of Office to be administered to members of the governing board.
- III. Selection of Chairperson and Vice Chairperson
Selection of an interim Chairperson for the first meeting and possible selection of Chairperson and Vice-Chairperson. (Public Resources Code section 33324.)
- IV. Presentation by Assemblyman Laird and Assemblyman Leslie (invited)
Comments from Assembly Members Laird and Leslie, authors of AB 2600 (Chapter 726, Statutes of 2004), which established the Sierra Nevada Conservancy.
- V. Welcome by Governor's Representative
- VI. Information Reports
 - a. Deputy Attorney General's Report
Discussion of compliance with state law, including open meeting and conflict of interest requirements. (Deputy Attorney General Christine Sproul)
 - b. AB 2600 and State Conservancy Programs
Background on state conservancy mandates, roles and programs. (John Gussman, California Tahoe Conservancy)

c. Proposed Outreach Activities

Update on proposed community meetings and other Conservancy outreach activities in the six Sierra Nevada subregions. (Ray Lacey, California Tahoe Conservancy)

d. Initial Organizational activities

Budget, personnel, accounting needs, and possible office locations. *

VII. Consideration and Possible Action to Ratify the Proposed 2005-06 Budget Request for the Conservancy

Discussion of state budget process and possible ratification of FY 2005/06 budget request.*

VIII. Consideration and Possible Action to Initiate a Recruitment and Selection Process for the Executive Officer Position

Discussion of Executive Officer duties and recruitment/selection process; possible direction to Resources Agency staff and/or action to designate a Board committee.*

IX. Consideration and Possible Action to Authorize the Resources Agency to Perform Operational and Administrative Actions

Discussion and possible delegation of authority to the Resources Agency to carry out necessary operational and administrative functions pending hiring of Conservancy staff. *

X. Board Member Comments

XI. Public Comments

XII. Administrative Matters

XIII. Scheduling of the Next Meeting (Date, Time and Place)

XIV. Adjournment

*Presentation by Resources Agency Staff.

In accordance with Title II of the Americans with Disabilities Act of 1990, reasonable accommodations are available. Requests for reasonable accommodations should be made at least five working days in advance of the meeting date. To request reasonable accommodations, including documents in alternative formats, please call: (916) 651-7585

Index to AB 2600-Sierra Nevada Conservancy

Adds Division 23.3 to the Public Resources Code

Section	
Chapter 1	General provisions and Definitions
33301	Legislative findings
33302	Definitions including description and boundaries of region and subregions
Chapter 2	Sierra Nevada Conservancy
33320	Creates Conservancy in the Resources Agency and sets forth its objectives
33321	Sets forth and defines the membership of the Conservancy board (13 voting members and 3 nonvoting liaison members)
33322	Specifies terms of members
33323 (a)	Provides that all voting members not state employees receive, for attending meetings, \$100 per scheduled meeting day
33323 (b)	Provides that all members be reimbursed for necessary expenses, including travel, for attending meetings and other duties
33324	Provides that a chairperson and vice-chairperson shall be elected annually from among voting members
33325 (a)	Establishes 7 members as a quorum and requires 7 affirmative votes for all decisions
33325 (b)	Requires board to adopt rules, regulations and procedures for conduct of Conservancy's business
33325 (c)	Provides that all voting members, including Federal non-voting liaison members, have the right to attend all meetings, including closed sessions
33326	Provides that the Board may establish advisory boards and committees, hold public meetings and engage in other outreach activities, and that members of such boards or committees be reimbursed for expenses
33327	Directs that the board shall establish a headquarters in the region and may rent or own real and personal property and equipment
33328	Provides that the board shall determine qualifications of and appoint an Executive Officer exempt from civil service, and employ other staff as necessary
33329	Provides that the board may contract for services
33330	Provides that the Conservancy's expenses for support and administration be paid from its operating budget and other available sources
33331	Requires that the board conduct business in accordance with the Bagley-Keene Open Meeting Act
33332	Provides that regular board meeting shall be held within or near the region
33333	Provides that as of Jan. 1, 2006, the board agenda be posted on the Internet
Chapter 3	Powers, Duties and Limitations
33340	Limits jurisdiction to the Sierra Nevada Region
33341	Directs the board to carry out projects and activities to further the purposes of this division

throughout the region, and seek to spread its funding and efforts equitably across subregions and among stated goals

- 33342 Provides that the conservancy cooperate and consult with cities, counties and public water systems where a grant or real property acquisition is proposed, and coordinate its efforts with other state agencies.
- 33343 Authorizes the Conservancy to make grants and loans and sets forth conditions for doing so
- 33344 Sets forth conditions for granting funds to non-profit or tribal organizations for the purpose of acquiring real property
- 33345 Requires board to adopt guidelines setting priorities and criteria for projects and programs and requires, as part of the process, a strategic program planning including workshops and meetings in each of the six sub-regions. The strategic program must be updated every 5 years.
- 33346 Provides that Conservancy may expend funds and award grants, loans, and provide technical assistance to eligible grantees for planning and project development
- 33346.5 Provides that the conservancy may apply for and receive grants to carry out this division
- 33347 (a) Allows Conservancy to acquire less-than-fee simple interests in real property from willing sellers
- 33347 (b) Provides that property acquisition under \$250,000 per lot or parcel (to be adjusted for inflation) is exempt from the Property Acquisition Law (i.e. the State Public Works Board)
- 33347 (c) States that the Conservancy does not have the power of eminent domain.
- 33348 Sets forth the Conservancy's authority to carry out other real property transactions
- 33349 (a) Provides that the Conservancy shall manage and maintain lands under its control and may enter into agreements for this purpose
- 33349 (b) Authorizes the Conservancy to improve, restore, or enhance lands for the purposes of protecting the natural environment, for improving public recreational access and for other purposes of this division
- 33349 (c) Authorizes the Conservancy to enter into contracts for the construction, management and maintenance of facilities
- 33350 Requires the Conservancy to provide an annual report regarding costs and expenditures to the Legislature and Secretary for Resources
- 33351 Provides that the Conservancy may expend funds to carry out research and monitoring in connection with its responsibilities
- 33352 Allows the Conservancy to receive a variety of funds from different sources and requires that they be deposited in the Sierra Nevada Conservancy Fund "the Fund"
- 33353 Allows the Conservancy to fix and collect fees for services rendered by it and directs the fees to be deposited in "the Fund"
- 33354 Provides that any income to the Conservancy from rents, sales, etc., shall be deposited in the Fund
- 33355 Creates the Sierra Nevada Conservancy Fund and provides that expenditures can only be made from the fund for purposes of this division upon appropriation of the Legislature
- 33356 States that the Conservancy has no powers of a city or county to regulate land use, no other regulatory power over land except where it owns or otherwise has an interest in the land, and no power over water rights held by others

Assembly Bill No. 2600

CHAPTER 726

An act to add Division 23.3 (commencing with Section 33300) to the Public Resources Code, relating to the Sierra Nevada Conservancy.

[Approved by Governor September 23, 2004. Filed with Secretary of State September 23, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2600, Leslie. Sierra Nevada Conservancy. Existing law authorizes various conservancies to acquire, manage, direct the management of, and conserve public lands in the state.

This bill would establish the Sierra Nevada Conservancy, to undertake various activities related to the Sierra Nevada Region, as defined, and would prescribe the management, powers, and duties of the conservancy. The bill would create the Sierra Nevada Conservancy Fund in the State Treasury. Moneys in the fund would be available, upon appropriation, for the purposes of the conservancy.

The people of the State of California do enact as follows:

SECTION 1. Division 23.3 (commencing with Section 33300) is added to the Public Resources Code, to read:

DIVISION 23.3. SIERRA NEVADA CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

33300. This division shall be known, and may be cited, as the Laird-Leslie Sierra Nevada Conservancy Act.

33301. The Legislature finds and declares all of the following:

(a) The Sierra Nevada Region is a globally significant area, including many national and state parks, the highest peaks in the 48 contiguous states, and large, pristine areas that are open for public use.

(b) The Sierra Nevada Region is an important part of the state's economy, providing substantial agricultural products, timber resources, ranching, mining, tourism, and recreation.

(c) The Sierra Nevada Region provides 65 percent of California's developed water supply and nearly all of the water supply for western Nevada. As California's principal watershed, the region is the critical source of water for urban and rural parts of northern and southern California.

(d) In cooperation with local governments, private business, nonprofit organizations, and the public, a Sierra Nevada Conservancy can help do all of the following:

- (1) Provide increased opportunities for tourism and recreation.
- (2) Protect, conserve, and restore the region's physical, cultural, archaeological, historical, and living resources.
- (3) Aid in the preservation of working landscapes.
- (4) Reduce the risk of natural disasters, such as wildfires.
- (5) Protect and improve water and air quality.
- (6) Assist the regional economy through the operation of the conservancy's program.
- (7) Identify the highest priority projects and initiatives for which funding is needed.
- (8) Undertake efforts to enhance public use and enjoyment of lands owned by the public.
- (9) Support efforts that advance both environmental preservation and the economic well-being of Sierra residents in a complementary manner.

33302. For the purposes of this division, the following terms have the following meanings:

- (a) "Board" means the Governing Board of the Sierra Nevada Conservancy.
- (b) "Conservancy" means the Sierra Nevada Conservancy.
- (c) "Fund" means the Sierra Nevada Conservancy Fund created pursuant to Section 33355.
- (d) "Local public agency" means a city, county, district, or joint powers authority.
- (e) "Nonprofit organization" means a private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of Title 26 of the United States Code, and that has among its principal charitable purposes preservation of land for scientific, educational, recreational, scenic, or open-space opportunities; or, protection of the natural environment, preservation or enhancement of wildlife; or, preservation of cultural and historical resources; or, efforts to provide for the enjoyment of public lands.
- (f) "Region" or "Sierra Nevada Region" means the area lying within the Counties of Alpine, Amador, Butte, Calaveras, El Dorado, Fresno, Inyo, Kern, Lassen, Madera, Mariposa, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Tehama, Tulare, Tuolumne, and Yuba, described as the area bounded as follows:

On the east by the eastern boundary of the State of California; the crest of the White/Inyo ranges; and State Routes 395 and 14 south of Olancho;

on the south by State Route 58, Tehachapi Creek, and Caliente Creek;

on the west by the line of 1,250 feet above sea level from Caliente Creek to the Kern/Tulare County line; the lower level of the western slope's blue oak woodland, from the Kern/Tulare County line to Big Bend above Red Bluff; the Sacramento River from Big Bend north to Cow Creek below Redding; Cow Creek, Little Cow Creek, Dry Creek, and Dry Creek Road, between the Sacramento River and Lake Shasta; the Pit River Arm of Lake Shasta; the northerly boundary of the Pit River watershed;
the southerly and easterly boundaries of Siskiyou County; and within Modoc County, the easterly boundary of the Klamath River watershed;
and

on the north by the northern boundary of the State of California;
excluding both of the following:

- (1) The Lake Tahoe Region, as described in Section 66905.5 of the Government Code, where it is defined as "region."
- (2) The San Joaquin River Parkway, as described in Section 32510.

(g) "Subregions" means the six subregions in which the Sierra Nevada Region is located, described as follows:

- (1) The north Sierra subregion, comprising the Counties of Lassen, Modoc, and Shasta.
- (2) The north central Sierra subregion, comprising the Counties of Butte, Plumas, Sierra, and Tehama.
- (3) The central Sierra subregion, comprising the Counties of El Dorado, Nevada, Placer, and Yuba.
- (4) The south central Sierra subregion, comprising the Counties of Amador, Calaveras, Mariposa, and Tuolumne.
- (5) The east Sierra subregion, comprising the Counties of Alpine, Inyo, and Mono.
- (6) The south Sierra subregion, comprising the Counties of Fresno, Kern, Madera, and Tulare.

(h) "Tribal organization" means an Indian tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and is identified on pages 52829 to 52835, inclusive, of Number 250 of Volume 53 (December 29, 1988) of the Federal Register, as that list may be updated or amended from time to time.

CHAPTER 2. SIERRA NEVADA CONSERVANCY

33320. There is in the Resources Agency the Sierra Nevada Conservancy, which is created as a state agency to do all of the following, working in collaboration and cooperation with local governments and interested parties:

- (a) Provide increased opportunities for tourism and recreation.
- (b) Protect, conserve, and restore the region's physical, cultural, archaeological, historical, and living resources.
- (c) Aid in the preservation of working landscapes.
- (d) Reduce the risk of natural disasters, such as wildfires.
- (e) Protect and improve water and air quality.
- (f) Assist the regional economy through the operation of the conservancy's program.
- (g) Identify the highest priority projects and initiatives for which funding is needed.
- (h) Undertake efforts to enhance public use and enjoyment of lands owned by the public.
- (i) Support efforts that advance both environmental preservation and the economic well-being of Sierra residents in a complementary manner.

33321.

(a) The board shall consist of 13 voting members and three nonvoting liaison advisers, appointed or designated as follows:

- (1) The 13 voting members of the board shall consist of all of the following:
 - (A) The Secretary of the Resources Agency, or his or her designee.
 - (B) The Director of Finance, or his or her designee.
 - (C) Three public members appointed by the Governor, who are not elected officials, to represent statewide interests.
 - (D) One public member appointed by the Speaker of the Assembly, who is not an elected official, to represent statewide interests.
 - (E) One public member appointed by the Senate Committee on Rules, who is not an elected official, to represent statewide interests.
 - (F) One member for each of the six subregions who shall be a member of the board of supervisors of a county located within that subregion, and whose supervisorial district shall be at least partially contained within the Sierra Nevada Region. Each member shall be selected by the counties within that subregion, according to the following procedure:
 - (i) Each county board of supervisors within a subregion shall select a member of their board to determine, with the selected members of the other counties in the subregion, which member of a board of supervisors within the subregion shall be appointed as a member of the conservancy board. An alternate may be appointed. The appointed member and any alternate shall have at least part of his or her supervisorial district within the subregion.

(ii) The initial appointment of a member for each subregion shall be made no later than 60 days after the effective date of this division. A subsequent appointment to a regular term on the board shall be made before the date specified in Section 33322 for the commencement of that term. A vacancy occurring before the end of a term shall be filled for the remainder of the term within 60 days of the vacancy.

(iii) If the boards of supervisors of the subregion do not appoint a member to the board within the timeframe specified in clause (ii), the Governor shall appoint one of the supervisors selected in clause (i) to serve as the board member for the subregion.

- (2) The three nonvoting liaison advisers who are serving in an advisory, nonvoting capacity shall consist of all of the following:
- (A) One representative of the National Park Service, designated by the United States Secretary of the Interior.
 - (B) One representative of the United States Forest Service, designated by the United States Secretary of Agriculture.
 - (C) One representative of the United States Bureau of Land Management, designated by the United States Secretary of the Interior.

(b) Appointing powers shall seek to include individuals from a breadth of backgrounds.

33322. Members and alternates, if any, shall serve terms specified as follows:

(a) The members appointed pursuant to subparagraphs (C) to (E), inclusive, of subdivision (a) of Section 33321 shall serve at the pleasure of the appointing power.

(b) The members and alternates, if any, appointed under subparagraph (F) of paragraph (1) of subdivision (a) of Section 33321 shall serve, as follows:

(1) Members and alternates in the north Sierra subregion, the central Sierra subregion, and the east Sierra subregion shall have terms beginning on January 1 in an odd-numbered year and ending on December 31 of the following even-numbered year. All terms shall be for two years.

(2) Members and alternates in the north central Sierra subregion, the south central Sierra subregion, and the south Sierra subregion shall have terms beginning on January 1 in an even-numbered year and ending on December 31 in the following odd-numbered year. Members and alternates who are initially appointed to the board shall serve for a one-year term for the first year. Subsequent terms shall be for two years.

(c) No member of the board, whose appointment to the board was contingent upon meeting a condition of eligibility under this division, shall serve beyond the time when the member ceases to meet that condition.

33323.

(a) The voting members appointed or designated under paragraph (1) of subdivision (a) of Section 33321 who are not state employees shall be compensated for attending meetings of the conservancy at the rate of one hundred dollars (\$100) per scheduled meeting day.

(b) All members of the board shall be reimbursed for their actual and necessary expenses, including travel expenses, incurred in attending meetings of the conservancy and carrying out the duties of their office.

33324. Annually, the voting members of the board shall elect from among the voting members a chairperson and vice-chairperson, and other officers as necessary. If the office of the chairperson or vice-chairperson becomes vacant, a new chairperson or vice-chairperson shall be elected by the voting members of the board to serve for the remainder of the term.

33325.

(a) Seven members of the voting members shall constitute a quorum for the transaction of the business of the conservancy. The board shall not transact the business of the conservancy if a quorum is not present at the time a vote is taken. A decision of the board requires an affirmative vote of seven of the voting members, and the vote is binding with respect to all matters acted on by the conservancy.

(b) The board shall adopt rules, regulations, and procedures for the conduct of business by the conservancy.

(c) The voting members of the board appointed or designated pursuant to paragraph (1) of subdivision (a) of Section 33321 and the nonvoting advisers selected pursuant to paragraph (2) of subdivision (a) of Section 33321, shall have the right to attend all meetings of the board, including closed sessions.

33326. The board may establish advisory boards or committees, hold community meetings, and engage in public outreach using advanced forms of technology, in order to facilitate the decision making process. Members of advisory boards or committees may be reimbursed for the actual and necessary expenses, including travel expenses, that they incur in attending regular meetings of the advisory board or committee of which they are a member.

33327. The board shall establish and maintain a headquarters office within the region. The conservancy may rent or own real and personal property and equipment pursuant to applicable statutes and regulations.

33328. The board shall determine the qualifications of, and shall appoint, an executive officer of the conservancy, who shall be exempt from civil service. The board shall employ other staff as necessary to execute the powers and functions provided for under this division.

33329. The board may enter into contracts with private entities and public agencies to procure consulting and other services necessary to achieve the purposes of this division.

33330. The conservancy's expenses for support and administration may be paid from the conservancy's operating budget and any other funding sources available to the conservancy.

33331. The board shall conduct business in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

33332. The board shall hold its regular meetings within, or near, the region.

33333. On or after January 1, 2006, the board shall post agendas for each board meeting on the Internet.

CHAPTER 3. POWERS, DUTIES, AND LIMITATIONS

33340. The conservancy's jurisdiction is limited to the Sierra Nevada Region.

33341. The conservancy shall carry out projects and activities to further the purposes of this division throughout the region. The board shall make every effort to ensure that, over time, conservancy funding and other efforts are spread equitably across each of the various sub-regions and among the stated goal areas, with adequate allowance for the variability of costs associated with individual regions and types of projects.

33342. In carrying out this division, the conservancy shall cooperate with and consult with the city or county where a grant is proposed or an interest in real property is proposed to be acquired; and shall, as necessary or appropriate, coordinate its efforts with other state agencies, in cooperation with the Secretary of the Resources Agency. The conservancy shall, as necessary and appropriate, cooperate and consult with a public water system that owns or operates facilities, including lands appurtenant thereto, where a grant is proposed or an interest in land is proposed to be acquired.

33343.

(a) The conservancy may make grants or loans to public agencies, nonprofit organizations, and tribal organizations in order to carry out the purposes of this division, including grants or loans provided to acquire an interest in real property, including a fee interest in that property. Grant or loan funds shall be disbursed to a recipient entity only after the entity has entered into an agreement with the conservancy, on the terms and conditions specified by the conservancy. After approving a grant, the conservancy may assist the grantee in carrying out the purposes of the grant.

(b) When awarding grants or making loans pursuant to this division, the conservancy may require repayment of those funds on the terms and conditions it deems appropriate. Proceeds from the repayment or reimbursement of amounts granted or loaned by the conservancy shall be deposited in the fund.

(c) An entity applying for a grant from the conservancy to acquire an interest in real property shall specify all of the following in the grant application:

- (1) The intended use of the property.
- (2) The manner in which the land will be managed.
- (3) How the cost of ongoing management will be funded.

33344. In the case of a grant of funds to a nonprofit organization or tribal organization to acquire an interest in real property, including, but not limited to, a fee interest, the agreement between the conservancy and the recipient nonprofit organization shall require all of the following:

(a) The purchase price of an interest in real property acquired by the nonprofit organization shall not exceed fair market value as established by an appraisal approved by the conservancy.

(b) The terms under which the interest in real property is acquired shall be subject to the conservancy's approval.

(c) An interest in real property to be acquired under the grant shall not be used as security for a debt unless the conservancy approves the transaction.

(d) The transfer of an interest in the real property shall be subject to approval of the conservancy, and a new agreement sufficient to protect the public interest shall be entered into between the conservancy and the transferee.

(e) A deed or instrument by which the nonprofit organization acquires an interest in real property under the grant shall include a power of termination on the part of the state, subject to the requirements of Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code. The deed or instrument shall provide that the state may

exercise the power of termination by notice in the event of the nonprofit organization's violation of the purpose of the grant through breach of a material term or condition thereof, and that, upon recordation of the notice, full title to the interest in real property identified in the notice shall immediately vest in the state, or in another public agency or a nonprofit organization designated by the conservancy to which the state conveys or has conveyed its interest.

(f) A deed or instrument by which the nonprofit organization acquires an interest in real property under the grant shall provide that the conveyance is subject to a remainder interest vested in the state. If the existence of the nonprofit organization is terminated for any reason, the conservancy may require that the remainder shall become a present interest and that full title to the real property shall vest in the state, or in another public agency or a nonprofit organization designated by the conservancy to which the state conveys or has conveyed its interest.

33345. The conservancy shall adopt guidelines setting priorities and criteria for projects and programs, based upon its assessment of program requirements, institutional capabilities, and funding needs throughout the region, and federal, state, and local plans, including general plans, recreation plans, urban water management plans, and groundwater management plans. As part of the process of developing guidelines for projects and programs, the conservancy shall undertake and facilitate a strategic program planning process involving meetings and workshops within each of the subregions, with the purpose of formulating strategic program objectives and priorities within that subregion. The strategic program shall be updated regularly, at least once every five years.

33346.

(a) The conservancy may expend funds and award grants and loans to facilitate collaborative planning efforts and to develop projects and programs that are designed to further the purposes of this division.

(b) The conservancy may provide and make available technical information, expertise, and other nonfinancial assistance to public agencies, nonprofit organizations, and tribal organizations, to support program and project development and implementation.

(c) The recipient of a grant or loan provided by the conservancy pursuant to this division for the acquisition of real property shall provide for the management of the real property to be acquired as specified in the grant agreement.

33346.5. The conservancy may apply for and receive grants to carry out the purposes of this division.

33347.

(a) The conservancy may acquire from willing sellers or transferors, an interest in any real property, in order to carry out the purposes of this division. However, the conservancy shall not acquire any real property in fee simple.

(b) The acquisition of an interest in real property under this section is not subject to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), unless the value of the interest exceeds two hundred fifty thousand dollars (\$250,000), as adjusted for annual changes to the Consumer

Price Index for the State of California, as calculated by the Department of Finance, per lot or parcel. However, the conservancy may request the Public Works Board to review and approve specific acquisitions.

(c) The conservancy shall not exercise the power of eminent domain. 33348. Notwithstanding Section 11005.2 of the Government Code or any other provision of law, the conservancy may lease, rent, sell, exchange, or otherwise transfer, an interest, option, or contractual right in real property, as well as a vested right severable there from, that has been acquired under this division, to a person or entity, subject to terms and conditions in furtherance of the conservancy's purposes.

33349.

(a) The conservancy shall take whatever actions are reasonably necessary and incidental to the management of lands or interests in lands under its ownership or control, and may initiate, negotiate, and participate in agreements for the management of those lands or interests with public agencies or private individuals or entities.

(b) The conservancy may improve, restore, or enhance lands for the purpose of protecting the natural environment, improving public enjoyment of or public access to public lands, or to otherwise meet the objectives of this division, and may carry out the planning and design of those improvements or other measures.

(c) The conservancy may enter into an agreement with a public agency, nonprofit organization, or private entity, for the construction, management, or maintenance of facilities authorized by the conservancy.

33350. The conservancy shall make an annual report to the Legislature and to the Secretary of the Resources Agency regarding expenditures, land management costs, and administrative costs.

33351. The conservancy may expend funds under this division to conduct research and monitoring in connection with development and implementation of the program administered under this division.

33352. The conservancy may receive gifts, donations, an interest in real property, including an in-fee interest, subventions, grants, rents, royalties, and other assistance and funds from public and private sources. All funds or income received by the conservancy shall be deposited in the fund for expenditure for the purposes of this division.

33353. The conservancy may fix and collect a fee for a direct service it renders, provided the service is rendered at the request of the individual or entity receiving the service. The amount of a fee shall not exceed the conservancy's reasonable costs and expenses of providing the service rendered. All fees received by the conservancy shall be deposited in the fund for expenditure for the purposes of this division.

33354. Proceeds from a lease, rental, sale, exchange, or transfer of an interest or option in real property, and all other income, shall be deposited in the fund for expenditure for the purposes of this division.

33355. The Sierra Nevada Conservancy Fund is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, only for the purposes of this division.

33356. Nothing in this division grants to the conservancy:

(a) Any of the powers of a city or county to regulate land use.

(b) Any powers to regulate any activities on land, except as the owner of an interest in the land, or pursuant to an agreement with, or a license or grant of management authority from, the owner of an interest in the land.

(c) Any powers over water rights held by others.

BILL NUMBER: AB 84 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 11, 2005
AMENDED IN ASSEMBLY FEBRUARY 7, 2005

INTRODUCED BY Assembly Members Leslie and Laird

JANUARY 5, 2005

An act *to amend Section 5060 of, and to add Article 8.6 (commencing with Section 5151) to Chapter 1 of Division 1 of , the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 84, as amended, Leslie. Vehicles: special interest license plates.

Existing law requires the Department of Motor Vehicles to issue certain special interest license plates, including specific special environmental design license plates, in accordance with a specified procedure. *Existing law requires a sponsoring organization to be tax exempt.* Existing law requires, before special interest license plates may be issued, at least 7,500 applications for the special interest license plates to be received by the department.

This bill would refer to a sponsoring person instead of a sponsoring organization, and, for a person applying after January 1, 2006, would eliminate the requirement that a sponsoring person qualify for tax-exempt status.

The bill would create a new specialized license plate program that would require the issuance of those plates to have a design or contain a message that publicizes or promotes a state agency, as defined, or the official policy, mission, or work of a state agency. The bill would subject the issuance of those license plates to other, existing requirements, and limit the disposition of additional fees collected under this program, as specified.

This bill would , *subject to the above requirements,* require the department, in consultation with the Sierra Nevada Conservancy, to design and make available for issuance special environmental design license plates bearing a ~~full-plate~~ graphic design depicting a significant feature of the Sierra Nevada Region, as specified. The bill would require an applicant for these license plates to pay, in addition to regular

fees for an original registration or renewal of registration, specified additional fees. The bill would require the department to deposit the additional fees, less the department's administrative costs and *with* one specified exception, in the Sierra Nevada Conservancy Account, which the bill would create in the California Environmental License Plate Fund. The bill would require, upon appropriation by the Legislature, the Controller to allocate the money in the account to the Sierra Nevada Conservancy for expenditure consistent with the conservancy's objectives. The bill would require the conservancy to annually report to the Legislature on ~~it~~ *its* use and expenditure of the money in the account.

~~—The bill would exempt these special interest license plates from the 7,500 application requirement, if a private party or nonprofit organization provides to the department moneys that are sufficient to cover the initial set-up costs for creating these special interest license plates.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The Sierra Nevada Region is a globally significant area that includes many national and state parks, the highest peaks in the 48 contiguous states, and large, pristine areas that are open for public use.

(b) The Sierra Nevada Region is an important part of the state's economy, and provides substantial agricultural products, timber resources, ranching, mining, tourism, and recreation.

(c) The Sierra Nevada Region provides 65 percent of the state's developed water supply and nearly all of the water supply for western Nevada. As California's principal watershed, the region is the critical source of water for urban and rural parts of northern and southern California.

(d) The Sierra Nevada Conservancy has been created to work in cooperation with local governments, private businesses, nonprofit organizations, and the public, as a lead agency in funding investment in the natural and human resources of the Sierra Nevada Region.

(e) Thus, the state honors the unique importance of the Sierra Nevada Region by creating a Sierra Nevada license plate consistent with the special interest license plate program as described in Section 5060 of the Vehicle Code.

SEC. 2. The Legislature finds and declares all of the following:

(a) The United States District Court for the Eastern District of California in *The Women's Resource Network v. Steven Gourley* (2004) 305 F. Supp. 2d 1145 permanently enjoined the Director of the California Department of Motor Vehicles from issuing any new special interest license plate to private, nonprofit organizations under the current provisions of Section 5060 of the California Vehicle Code, unless the state establishes "neutral criteria to ensure that the plate licensing decision is not based on the content or viewpoint of the speech being considered."

(b) The court did not enjoin the Director of the Department of Motor Vehicles from issuing any special interest license plate that is government speech that promotes California's state policies.

(c) This bill intends to clarify the framework for special interest license plates that contain only government speech, leaving the issue of special interest license plates designed for the benefit of private entities to other legislation.

(d) Revenue generated from special license plate programs provides a positive way to supplement funding for important governmental programs without any cost to the General Fund or an increase in taxes.

SEC. 3. *Section 5060 of the Vehicle Code is amended to read:*

5060. (a) ~~An organization~~ *A person* may apply to the department for participation in a special interest license plate program and the department shall issue special license plates for that program if the issuance of those plates is required by this article, the sponsoring ~~organization~~ *person* complies with the requirements of this section, and the ~~organization~~ *person* meets all of the following criteria:

(1) ~~Qualifies~~ *For any organization applying prior to January 1, 2006, qualifies* for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code and Section 23701d of the Revenue and Taxation Code.

(2) Submits a financial plan describing the purposes for which the revenues described in paragraph (2) of subdivision (e) will be used.

(3) Submits a design of the ~~organization's~~ *person's* proposed special interest license plate that, among other things, provides for the placement of the number and letter characters in a manner that allows for law enforcement to readily identify those characters.

(4) *For any person applying after January 1, 2006, submits a design of the person's proposed special interest license plate that meets the requirements of subdivision (a) of Section 5152.*

(b) Any person described in Section 5101 may apply for special interest license plates, in lieu of the regular license plates.

(c) The design criteria for a special interest license plate are as follows:

(1) The license plate for a passenger vehicle, commercial vehicle, or trailer shall provide a space not larger than 2 inches by 3 inches to the left of the numerical series and a space not larger than five-eighths of an inch in height below the numerical series for a distinctive design, decal, or descriptive message as authorized by this article. The plates shall be issued in sequential numerical order or, pursuant to Section 5103, in a combination of numbers or letters.

(2) Special interest license plates authorized under this article may be issued for use on a motorcycle. That license plate shall contain a five digit configuration issued in sequential numerical order or, pursuant to Section 5103, in a combination of numbers or letters. There shall be a space to the left of the numerical series for a distinctive design or decal and the characters shall contrast sharply with the uniform background color. No motorcycle plate containing a full plate graphic design is authorized. Those particular special interest license plates that were issued prior to the discontinuation provided by this paragraph may continue to be used and attached to the vehicle for which they were issued and may be renewed, retained, or transferred pursuant to this code.

(d) (1) No ~~organization~~ *person* may be included in the program until not less than 7,500 applications for the particular special interest license plates are received. Each ~~organization~~ *person* shall collect and hold applications for the plates. Once the ~~organization~~ *person* has received at least 7,500 applications, it shall submit the applications, along with the necessary fees, to the department. The department shall not issue any special interest license plate until ~~an organization~~ *a person* has received and submitted to the department not less than 7,500 applications for that particular special interest license plate within the time period prescribed in this section. Advanced payment to the department by ~~an organization~~ *a person* representing the department's estimated or actual administrative costs associated with the issuance of a particular special interest license plate shall not constitute compliance with this requirement. The ~~organization~~ *person* shall have 12 months, following the effective date of the enactment of the specific legislation enabling the ~~organization~~ *person* to participate in this program, to receive the required number of applications. If, after that 12 months, 7,500 applications have not been received, the

~~organization~~ *person* shall immediately do either of the following:

(A) Refund to all applicants any fees or deposits that have been collected.

(B) Contact the department to indicate the ~~organization's~~ *person's* intent to undertake collection of additional applications and fees or deposits for an additional period, not to exceed 12 months, in order to obtain the minimum 7,500 applications. If ~~an organization~~ *a person* elects to exercise the option under this paragraph, it shall contact each applicant who has submitted an application with the appropriate fees or deposits to determine if the applicant wishes a refund of fees or deposits or requests the continuance of the holding of the application and fees or deposits until that time that the ~~organization~~ *person* has received 7,500 applications. The ~~organization~~ *person* shall refund the fees or deposits to any applicant so requesting. In no event shall ~~an organization~~ *a person* collect and hold applications for a period exceeding 24 months following the date of authorization as described in paragraph (2) of subdivision (a).

(C) Sequential plate fees shall be paid for the original issuance, renewal, retention, replacement, or transfer of the special interest license plate as determined by the ~~organization~~ *person* and authorized by department's regulations. Those plates containing a personalized message are subject to the fees required pursuant to Sections 5106 and 5108 in addition to any fees required by the special interest license plate program.

(2) (A) If the number of currently outstanding and valid special interest license plates in any particular program provided for in this article is less than 7,500, the department shall notify the sponsoring ~~organization~~ *person* of that fact and shall inform the ~~organization~~ *person* that if that number is less than 7,500 one year from the date of that notification, the department will no longer issue or replace those special interest license plates.

(B) Those particular special interest license plates that were issued prior to the discontinuation provided by subparagraph (A) may continue to be used and attached to the vehicle for which they were issued and may be renewed, retained, or transferred pursuant to this code.

(e) (1) The department shall deduct its costs to develop and administer the special interest license plate program from the revenues collected for the plates.

(2) The department shall deposit the remaining revenues from the original issuance, renewal, retention, replacement, or transfer of

the special interest license plate in a fund which shall be established by the Controller.

(f) When payment of renewal fees is not required as specified in Section 4000, or when a person determines to retain the special interest license plate upon a sale, trade, or other release of the vehicle upon which the plate has been displayed, the person shall notify the department and the person may retain and use the plate as authorized by department regulations.

(g) ~~An organization~~ A person that is eligible to participate in a special interest license plate program pursuant to this article and receives funds from the additional fees collected from the sale of special license plates shall not expend annually more than 25 percent of those funds on administrative costs, marketing, or other promotional activities associated with encouraging application for, or renewal of, the special license plates.

(h) (1) ~~Every organization~~ person authorized under this article to offer special interest license plates shall prepare and submit an annual accounting report to the department by June 30. The report shall include an accounting of all revenues and expenditures associated with the special interest license plate program.

(2) If ~~an organization~~ a person submits a report pursuant to paragraph (1) indicating that the ~~organization~~ person violated the expenditure restriction set forth in subdivision (g), the department shall immediately cease depositing fees in the fund created by the Controller for that ~~organization~~ person under paragraph (2) of subdivision (e) and, instead, shall deposit those fees that would have otherwise been deposited in that fund in a separate fund created by the Controller, which fund is subject to appropriation by the Legislature. The department shall immediately notify the ~~organization~~ person of this course of action. The depositing of funds in the account established pursuant to this paragraph shall continue until the ~~organization~~ person demonstrates to the satisfaction of the department that the ~~organization~~ person is in compliance or will comply with the requirements of subdivision (g). If one year from the date that the ~~organization~~ person receives the notice described in this paragraph, the ~~organization~~ person is still unable to satisfactorily demonstrate to the department that it is in compliance or will comply with the requirements of subdivision (g), the department shall no longer issue or replace those special interest license plates associated with that ~~organization~~ person. Those

particular special interest license plates that were issued prior to the discontinuation provided by this paragraph may continue to be used and attached to the vehicle for which they were issued and may be renewed, retained, or transferred pursuant to this code.

(3) Upon receiving the reports required under paragraph (1), the department shall prepare and transmit an annual consolidated report to the Legislature containing the revenue and expenditure data.

~~SEC. 3.~~

SEC. 4. Article 8.6 (commencing with Section 5151) is added to Chapter 1 of Division 1 of the Vehicle Code , to read:

Article 8.6. Special Interest License Plates

5151. It is the intent of the Legislature that this article contain the ~~authorizations~~ *authority* for specialized license plates for ~~federal, state, and local governmental purposes issued on and after January 1, 2006.~~ *state agencies.*

5152. *Specialized license plates issued under a program provided for in this article shall comply with the following:*

(a) *The license plates shall have a design or contain a message that publicizes or promotes a state agency or the official policy, mission, or work of a state agency.*

(b) *All fees received from the sale of the specialized license plates that are in excess of the regular fees for the original issuance of the license plates, renewal of registration with plates, transfer of license plates to another vehicle, or substitute replacement of the license plates shall be deposited in an account or fund provided for in this article, and the allocation of those funds shall be subject to appropriation by the Legislature.*

(c) *As used in subdivision (a), "state agency" means every state office, officer, department, division, bureau, board, commission, or other state body or agency.*

5171. (a) The department, in consultation with the Sierra Nevada Conservancy, shall design and make available for issuance under this article special environmental design license plates as described in this section. *The special environmental design license plates issued under this section are subject to the initial qualifying and continuing application, accounting, and reporting requirements of Section 5060.* Notwithstanding subdivision (c) of Section 5060, the special environmental design license plates shall bear a ~~full-plate graphic~~ design depicting a significant feature of the Sierra Nevada Region. A person described in Section 5101 may, upon payment of the additional fees set forth in subdivision (b), apply for and be issued a set of special environmental design license plates. Notwithstanding

subdivision (a) of Section 5060, the special environmental design license plates may be issued as environmental license plates, as defined in Section 5103.

(b) In addition to the regular fees for an original registration or renewal of registration, the following additional fees shall be paid for the issuance, renewal, or transfer of the special environmental design license plates authorized pursuant to this section:

(1) For the original issuance of the plates, fifty dollars (\$50).

(2) For a renewal of registration with the plates, forty dollars (\$40).

(3) For transfer of the plates to another vehicle, fifteen dollars (\$15).

(4) For each substitute replacement plate, thirty-five dollars (\$35).

(5) In addition, for the issuance of environmental license plates, as defined in Section 5103, with a ~~full-plate graphic~~ design described in subdivision (a), the additional fees prescribed in Sections 5106 and 5108. The additional fees prescribed in Sections 5106 and 5108 shall be deposited in the California Environmental License Plate Fund.

(c) Except as provided in paragraph (5) of subdivision (b), and after deducting its administrative costs under this section, the department shall deposit the additional revenue derived from the issuance, renewal, transfer, and substitution of special environmental design license plates issued under this section in the Sierra Nevada Conservancy Account, which is hereby created in the California Environmental License Plate Fund. Upon appropriation by the Legislature, the money in the account shall be allocated by the Controller to the Sierra Nevada Conservancy for expenditure consistent with the objectives of the Sierra Nevada Conservancy.

(d) The Sierra Nevada Conservancy shall report to the Legislature on or before June 30 of each year on its use and expenditure of the money in the Sierra Nevada Conservancy Account, beginning one year after the initial issuance of the special interest license plates authorized by this section.

~~(e) Notwithstanding paragraph (1) of subdivision (d) of Section 5060, if a private party or nonprofit organization provides to the department moneys that are sufficient to cover the initial set-up costs for creating the special environmental design license plates described in this section, and that amount of moneys is sufficient that if none of these special interest license plates were actually sold the department would not have incurred outstanding administrative costs related to these special interest license plates, the department shall begin immediately issuing these special~~

~~interest license plates upon their availability, rather than waiting until 7,500 applications have been received for these special interest license plates.~~

BILL NUMBER: AB 1201 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 18, 2005

INTRODUCED BY Assembly Member Laird

FEBRUARY 22, 2005

~~An act to amend Section 10750 of the Water Code, relating to water. An act to amend Sections 33321, 33322, 33347, and 33352 of the Public Resources Code, relating to the Sierra Nevada Conservancy.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1201, as amended, Laird. Groundwater management.

Existing law establishes the Sierra Nevada Conservancy, to undertake various activities related to the Sierra Nevada Region, as defined, and prescribes the management, powers, and duties of the conservancy. Existing law authorizes the conservancy to acquire from willing sellers or transferors an interest in real property, but prohibits the conservancy from acquiring a fee interest in real property. Existing law authorizes the conservancy to receive, among other things, gifts, donations, and a fee interest in real property.

This bill would specify that the conservancy may receive a fee interest in real property only by gift or donation. The bill would also make various technical, nonsubstantive changes in those provisions.

~~Existing law declares that it is the intent of the Legislature to encourage local agencies to work cooperatively to manage groundwater resources. This bill would declare that it is the intent of the Legislature to encourage state and local agencies to work cooperatively to manage groundwater resources.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Section 10750 of the Water Code is amended to read:~~

SECTION 1. *Section 33321 of the Public Resources*

Code is amended to read:

33321. (a) The board shall consist of 13 voting members and three nonvoting liaison advisers, appointed or designated as follows:

(1) The 13 voting members of the board shall consist of all of the following:

(A) The Secretary of the Resources Agency, or his or her designee.

(B) The Director of Finance, or his or her designee.

(C) Three public members appointed by the Governor, who are not elected officials, to represent statewide interests.

(D) One public member appointed by the Speaker of the Assembly, who is not an elected official, to represent statewide interests.

(E) One public member appointed by the Senate Committee on Rules, who is not an elected official, to represent statewide interests.

(F) One member for each of the six subregions who shall be a member of the board of supervisors of a county located within that subregion, and whose supervisorial district shall be at least partially contained within the Sierra Nevada Region. Each member shall be selected by the counties within that subregion, according to the following procedure:

(i) Each county board of supervisors within a subregion shall select a member of their board to determine, with the selected members of the other counties in the subregion, which member of a board of supervisors within the subregion shall be appointed as a member of the conservancy board. An alternate may be appointed. The appointed member and any alternate shall have at least part of his or her supervisorial district within the subregion.

(ii) The initial appointment of a member for each subregion shall be made no later than 60 days after the effective date of this division. A subsequent appointment to a regular term on the board shall be made before the date specified in Section 33322 for the commencement of that term. A vacancy occurring before the end of a term shall be filled for the remainder of the term within 60 days of the vacancy.

(iii) If the boards of supervisors of the subregion do not appoint a member to the board within the timeframe specified in clause (ii), the Governor shall appoint one of the supervisors selected in clause (i) to serve as the board member for the subregion.

(2) The three nonvoting liaison advisers who ~~are serving~~ serve in an advisory, nonvoting capacity shall consist of all of the following:

(A) One representative of the National Park Service, designated by the United States Secretary of the Interior.

(B) One representative of the United States Forest Service, designated by the United States Secretary of Agriculture.

(C) One representative of the United States Bureau of Land Management, designated by the United States Secretary of the Interior.

(b) Appointing powers shall seek to include individuals from a breadth of backgrounds.

SEC. 2. *Section 33322 of the Public Resources Code is amended to read:*

33322. Members and alternates, if any, shall serve terms ~~specified~~ as follows:

(a) The members appointed pursuant to subparagraphs (C) to (E), inclusive, ~~of paragraph (1) of subdivision (a) of Section 33321~~ shall serve at the pleasure of the appointing power.

(b) The members and alternates, if any, appointed under subparagraph (F) of paragraph (1) of subdivision (a) of Section 33321 shall serve, as follows:

(1) Members and alternates in the north Sierra subregion, the central Sierra subregion, and the east Sierra subregion shall have terms beginning on January 1 in an odd-numbered year and ending on December 31 of the following even-numbered year. All terms shall be for two years.

(2) Members and alternates in the north central Sierra subregion, the south central Sierra subregion, and the south Sierra subregion shall have terms beginning on January 1 in an even-numbered year and ending on December 31 in the following odd-numbered year. Members and alternates who are initially appointed to the board shall serve for a one-year term for the first year. Subsequent terms shall be for two years.

(c) No member of the board, whose appointment to the board was contingent upon meeting a condition of eligibility under this division, shall serve beyond the time when the member ceases to meet that condition.

SEC. 3. *Section 33347 of the Public Resources Code is amended to read:*

33347. (a) The conservancy may acquire from willing sellers or transferors, an interest in any real property, in order to carry out the purposes of this division. However, the conservancy shall not acquire ~~any~~ a fee interest in real property ~~in fee simple~~, except as provided in Section 33352.

(b) The acquisition of an interest in real property under this section is not subject to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), unless the value of the interest exceeds two hundred fifty thousand dollars (\$250,000) *per lot or parcel*, as adjusted for annual changes to the Consumer Price Index for the State of California, as calculated by the Department of Finance ~~per lot or parcel~~. However, the conservancy may request the *State* Public Works Board to review and approve specific acquisitions.

(c) The conservancy shall not exercise the power of eminent domain.

SEC. 4. *Section 33352 of the Public Resources Code is amended to read:*

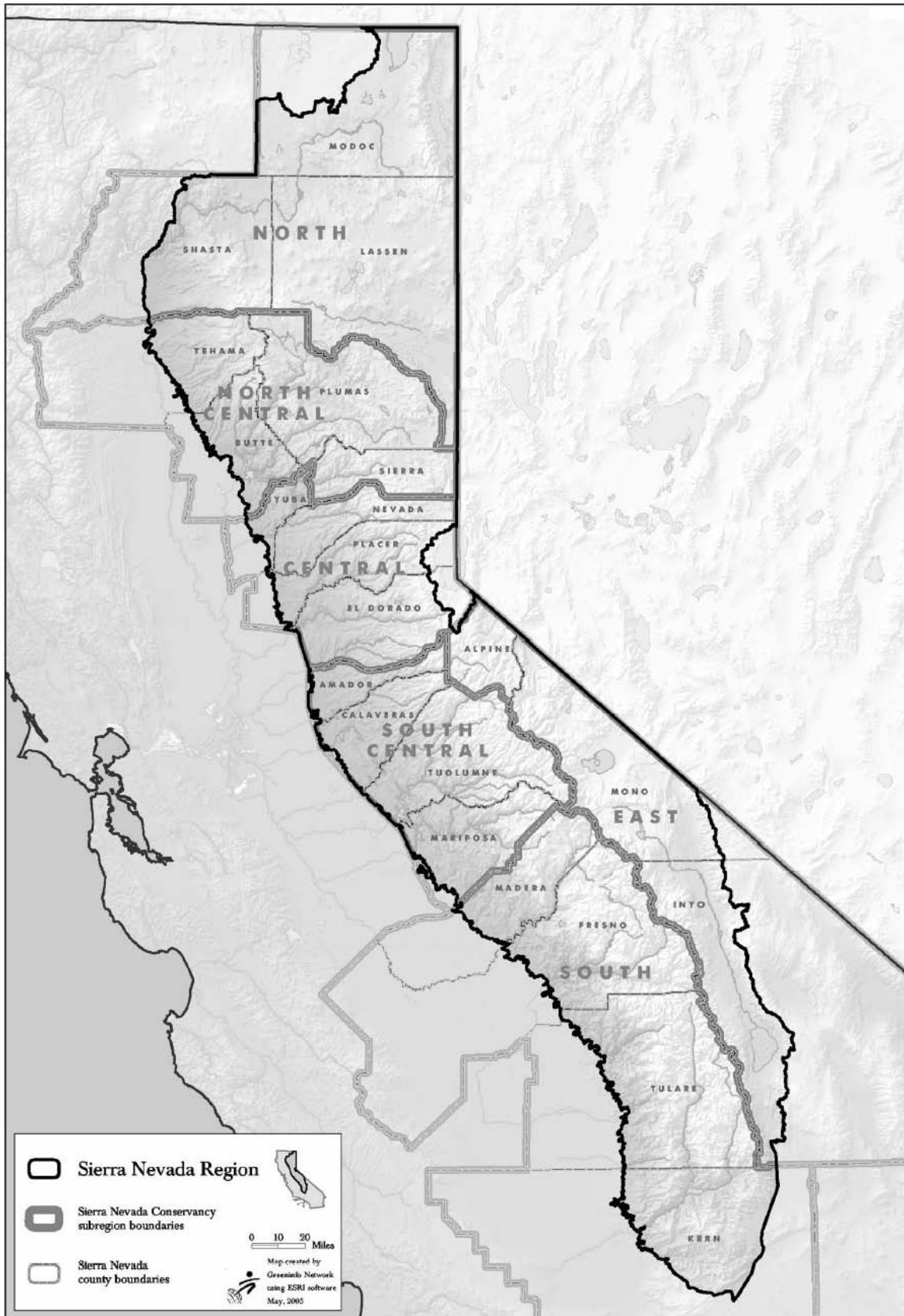
33352. (a) The conservancy may receive gifts, donations, ~~an interest in real property, including an in-fee interest,~~ subventions, grants, rents, royalties, and other assistance and funds from public and private sources. ~~All~~ *The conservancy may receive a fee interest in real property only by gift or donation.*

(b) *All* funds or income received by the conservancy shall be deposited in the fund for expenditure for the purposes of this division.

~~—10750.—(a) The Legislature finds and declares that groundwater is a valuable natural resource in California, and should be managed to ensure both its safe production and its quality. It is the intent of the Legislature to encourage state~~

~~and local agencies to work cooperatively to manage groundwater resources within their jurisdictions.~~

~~—(b) The Legislature also finds and declares that additional study of groundwater resources is necessary to better understand how to manage groundwater effectively to ensure the safe production, quality, and proper storage of groundwater in this state.—~~



Public Outreach

As the board is aware, the Sierra Nevada Conservancy (SNC) will likely become a primary vehicle for directing State resources into the region. It is therefore important that the Conservancy develop a thorough communication network to ensure dialogue, share information and maximize organizational efficiency. Community outreach is a fundamental first step in the development of such a network.

Due to its extraordinary size and topography – comprising 25 million acres, and all or part of 22 counties straddling the Sierra Nevada Mountains – the SNC service area presents challenges to the establishment of effective, ongoing dialogue. Thus development of solid relationships with local communities, counties, special districts, nonprofit organizations, and other stakeholders as quickly as possible is a priority for the SNC to achieve its goals.

Since state funds are not available to the SNC prior to adoption of the FY 2005/06 Budget, representatives from the Sierra Business Council (SBC) and the Sierra Cascade Land Trust Council (SCLTC) secured a grant from the Resources Legacy Fund Foundation (RLFF) to expedite timely outreach. A structured, area-wide program is being developed to initiate outreach efforts and lay the groundwork for ongoing SNC communications.

Initial work has focused on preparation for regional meetings, or forums, which will be scheduled in each of the six sub-regions. These forums are intended to provide a venue for community members to share ideas, concepts, needs and concerns regarding the operation of the new conservancy. It is anticipated that dialogue from the workshops will facilitate development of a more comprehensive program when State funds become available.

The forum process will “put a face on the SNC” and bring that face to each region within the service area. This will build a bridge between State and local interests and fosters ongoing lines of communication. The intent is to create an atmosphere conducive to accomplishing the goals and objectives unique to the Sierra Nevada.

Objectives include:

- providing an overview of what the SNC can and can't do;
- dispelling misconceptions;
- gathering information on how the Conservancy can assist in achievement of community and regional goals; and
- providing information on how community members can be involved in the strategic planning/start-up process as well as future funding and project development opportunities.

Further, the forums will provide the Conservancy with:

- an initial understanding of the public's perceptions of the SNC and its purposes;
- clarification of the information that the Conservancy should highlight for future outreach;
- direction regarding the types of projects community members would like to see the Conservancy undertake;
- an interactive and searchable database of contacts for future outreach and Conservancy assessment and strategic planning processes;
- a summary of demographic, economic, and natural resource information on the six subregions; and
- an understanding of how different interests and entities work together within the subregions.

Utilizing the RLFF grant, the following tasks have been completed:

- collaboration with Regional Council of Rural Counties (RCRC) to discuss coordination of forums;
- identification of potential forum locations;
- identification of potential host committee members;
- preparation of draft forum agendas and structure, including use of photo case studies and interactive input opportunities for participants;
- identification of outreach materials needed for distribution at forums;
- development of outreach and invitation strategies to generate attendance; and
- creation of a network and database of interested parties (regional and statewide) for use in organizing forums (searchable by interest, economic sector, geographic location, SNC interest area and other factors).

The six subregional workshops will be programmed and facilitated, with the intent of discerning the issues, needs and priorities of each subregion and community as well as disseminating information about the SNC. In order to accomplish this task, immediate needs include:

- augmentation of outreach database;
- establishment of the SNC website;
- coordination with local and regional media throughout the Sierra Nevada;
- scheduling of workshop dates;
- establishment of hosting committees;
- invitation/confirmation of workshop presenters/VIPs, including subregional SNC Board members and representatives;
- commencement of outreach/invitation process; and
- research and compilation of information for subregional briefing books (including summary-level demographic information, statistical abstracts, maps, planning status, potential Conservancy benefits, sample projects if known, and more)

Completion of these tasks is expected no later than summer, 2005. Agency staff will continue to work closely with SBC and other partners as these efforts progress.

The Resources Agency also recognizes the need for:

- maintenance of the SNC website to ensure consistent message distribution;
- development of collateral materials, such as newsletters, brochures, etc., for distribution; and
- establishment or designation of a contact(s) for ongoing outreach and communication.

It is expected that existing California Tahoe Conservancy (CTC) staff will also continue to support other partners in development of a transition plan necessary to shift outreach and communication responsibilities to SNC staff.

Scope of Work

The Consultant will collect and organize governmental or other applicable planning documents as a first step in the Sierra Nevada Conservancy's efforts to formulate strategic program objectives and set priorities for each sub-region.

A. Tasks

1. Phase 1 – Feasibility
 - a. Describe the process for identifying, assembling, collecting, and organizing/indexing for future reference all federal, state, regional and local plans that may relate to possible future projects and activities of the Sierra Nevada Conservancy, including but not limited to general plans, recreation plans, urban water management plans, and groundwater management plans.
 - b. Create a timeline for completion of data collection (Phase 2 – Implementation).
 - c. Identify sequence and milestones for data collection (Phase 2 – Implementation).
 - d. Circulate the components of Phase 1, as described above, for comment and review (see Deliverable 1, below).
2. Phase 2 – Implementation. Consultant or subcontractors working under consultant's direction will
 - a. Identify all federal, state, regional and local plans, including but not limited to general plans, recreation plans, urban water management plans, and groundwater management plans.
 - b. Collect all identified plans in sequence as recommended in Phase 1.
 - c. Assemble, organize, and index collected plans by region or sub-region.
 - d. Provide summary of and guide to materials collected.

- e. Identify any documents that were not available or collected.

B. Deliverables

1. A written report that provides a summary of the research to be conducted (including but not limited to: document name, number of volumes and pages, jurisdiction, sub-region, completion date, update schedule/status, contact name, contact telephone/email, location of document, SNC purposes addressed, etc.) including the relevant background information leading to a recommended approach for each task (Phase 1 – Feasibility). Due May 15, 2005.
 2. A written index of all documents assembled under Phase 2 – Implementation including a cross-index of plans showing jurisdictional overlap.
 3. Assembled documents – preferably in electronic form for ease of storage and access - to be stored at specific location to be determined.
 4. A summary of the work conducted and materials collected in Phase 2 – Implementation.
- C. Consultant will seek direction from, and provide regular updates to Maureen Rose, SNC Program Officer, or Mary Scoonover of Resources Law Group, or other staff members as directed by the Resources Legacy Fund Executive Director.
- D. The Resources Legacy Fund will coordinate with the California Resources Agency and Sierra Nevada Conservancy to ensure the work conducted under this contract is coordinated with the State and will be available for the State's use once completed.

**STATE OF CALIFORNIA
BUDGET CHANGE PROPOSAL - COVER SHEET
FOR FISCAL YEAR**

**Department of Finance
915 L Street
Sacramento, CA 95814
IMS Mail Code: A-15**

DF-46 (WORD Version)(REV 3/00)

Please report dollars in thousands.

BCP #	PRIORITY NO. 1	ORG. CODE	DEPARTMENT Sierra Nevada Conservancy
PROGRAM	ELEMENT	COMPONENT	

TITLE OF PROPOSED CHANGE
Establishment of the Sierra Nevada Conservancy

SUMMARY OF PROPOSED CHANGES

AB 2600 (Leslie/Laird) was signed by the Governor in order to establish the Sierra Nevada Conservancy. Resource Agency is requesting \$3,357,000 in State funds and \$200,000 in reimburseable funds to support the activation of the Sierra Nevada Conservancy and initiation of program development and project review activities.

REQUIRES LEGISLATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CODE SECTION(S) TO BE AMENDED/ADDED 	BUDGET IMPACT—PROVIDE LIST AND MARK IF APPLICABLE <input type="checkbox"/> ONE-TIME COST <input type="checkbox"/> FUTURE SAVINGS <input type="checkbox"/> FULL-YEAR COSTS <input type="checkbox"/> REVENUE <input type="checkbox"/> FACILITIES/CAPITAL COSTS	
PREPARED BY DEPARTMENT DIRECTOR	DATE 	REVIEWED BY AGENCY SECRETARY	DATE

IF PROPOSAL AFFECTS ANOTHER DEPARTMENT, DOES OTHER DEPARTMENT CONCUR WITH PROPOSAL

YES NO ATTACH COMMENTS OF AFFECTED DEPARTMENT, SIGNED AND DATED BY THE DEPARTMENT DIRECTOR OR DESIGNEE.

	PERSONNEL YEARS		CURRENT YEAR	BUDGET YEAR
	CY	BY		
TOTAL SALARIES AND WAGES ¹		20.5		\$1,074
SALARY SAVINGS		7.0		\$347
NET TOTAL SALARIES AND WAGES	0.0	13.5	\$0	\$727
STAFF BENEFITS ²			\$	\$221
TOTAL PERSONAL SERVICES	0.0	13.5	\$0	\$948
OPERATING EXPENSES AND EQUIPMENT ³				
GENERAL EXPENSE			\$	90
PRINTING				33
COMMUNICATIONS				41
POSTAGE				11
TRAVEL-IN STATE				81
TRAVEL-OUT OF STATE				15
TRAINING				13
FACILITIES OPERATIONS				250
UTILITIES				15
CONSULTING & PROFESSIONAL: INTERDEPARTMENTAL ³				412
CONSULTING & PROFESSIONAL: EXTERNAL ³				960
CONSOLIDATED DATA CENTERS:				
HEALTH AND WELFARE CENTER				
STEPHEN P. TEAL DATA CENTER				
DATA PROCESSING				45
EQUIPMENT ³				584
DEBT SERVICE				0
OTHER ITEMS OF EXPENSE: (SPECIFY)				35
PRORATA				24
TOTAL OPERATING EXPENSES AND EQUIPMENT			\$0	\$2,609
SPECIAL ITEMS OF EXPENSE ⁴			\$	\$0
TOTAL STATE OPERATIONS EXPENDITURES			\$0	\$3,557
SOURCE OF FUNDS				
			APPROPRIATION	
			ORG REF FUND	
GENERAL FUND			\$	\$
ENVIRONMENTAL LICENSE PLATE FUND			\$	\$3,557
FEDERAL FUNDS			\$	\$
OTHER FUNDS (SPECIFY)			\$	\$
REIMBURSEMENTS			\$	\$200
TOTAL STATE OPERATIONS			\$0	\$3,357

* Included \$14K for Siera Nevada Conservancy Board

ORGANIZATIONAL UNIT	FUNC AREA	NUMBER OF POSITIONS	SALARY RANGE	2005-06 DATE ON BOARD	COST OF POSITIONS
CLASSIFICATION		2005-06			2005-06
SNC BOARD					\$14
Executive Officer	EXEC	1	\$7,448 - \$8,056	JULY 2005 12 MONTHS	\$93
Staff Counsel	EXEC	1	\$3,834-\$7,386	OCTOBER 2005 9 MONTHS	\$59
Executive Secretary	EXEC	1	\$2,822-\$3,431	JULY 2005 12 MONTHS	\$37
SUBTOTAL					\$189
SNC Program Mgr	PROG	2	\$5,493-\$6,057	OCTOBER 2005 9 MONTHS	\$138
SNC Program Analyst II	PROG	4	\$4,111-\$4,997	JANUARY 2006 6 MONTHS	\$218
SNC Program Analyst I	PROG	6	\$3,418-\$4,155	JANUARY 2006 6 MONTHS	\$271
SUBTOTAL					\$627
Assoc Gov Prog Analyst	ADM	1	\$4,111-\$4,997	JULY 2005 12 MONTHS	\$54
Assoc Info Sys Analyst	ADM	1	\$4,316-\$5,247	JANUARY 2006 6 MONTHS	\$57
Mgmt Services Tech	ADM	1	\$2,632-\$3,205	JANUARY 2006 6 MONTHS	\$35
Office Technician	ADM	1	\$2,510-\$3,051	OCTOBER 2005 9 MONTHS	\$34
SUBTOTAL					\$180
Authorized Positions		19			\$996
Temporary Help *		1.5			\$59
Overtime					\$5
Total Authorized Positions		20.5			\$1,060
SNC BOARD					\$14
Total Adjusted Authorized Positions		20.5			\$1,074
Estimated Salary Savings		7.0			\$347
Net Salaries & Wages		13.5			\$727
Staff Benefits @31.2%					\$221
TOTAL PERSONAL SERVICES		13.5			\$948
*Based on 3 half-time p.y.'s					
.5 OT, .5 SSA, .5 PA I					

OPERATING EXPENSES & EQUIPMENT	\$
GENERAL EXPENSE	90
PRINTING	33
COMMUNICATIONS	41
POSTAGE	11
TRAVEL IN STATE	81
TRAVEL OUT OF STATE	15
TRAINING	13
FACILITIES OPERATION	250
UTILITIES	15
CONSULTANT AND PROFESSIONAL SERVICES-INTERDEPARTMENTAL	412
CONSULTANT AND PROFESSIONAL SERVICES-EXTERNAL	960
DATA PROCESSING	45
EQUIPMENT POOL	584
OTHER ITEMS OF EXPENSE VEHICLES	35
PRORATA	24
TOTAL OPERATING EXPENSES & EQUIPMENT & EQUIP	\$2,609

SIERRA NEVADA CONSERVANCY	2005-06 FY				05/09/05	
EXPENDITURE CLASSIFICATION AND ITEM/DESCRIPTION ^{2/}	ACTUAL EXPENDITURES PAST YEAR		ESTIMATED EXPENDITURES CURRENT YEAR		PROPOSED EXPENDITURES BUDGET YEAR	
	EXPENDITURES	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
CONSULTANT & PROFESSIONAL SERVICES INTERNAL:		\$0		\$0		
California Highway Patrol						\$7
DGS-Contracted Fiscal Services						\$100
DGS_Fleet Administration						\$5
DGS-Legal Services						\$5
DGS-Personnel Services						\$8
DGS-Procurement						\$3
DGS-RESD SNC Support Costs						\$25
DGS_RESD Program Costs						\$100
Program Services						\$100
Health & Human Services DC-CALSTARS						\$6
Information Technology						\$50
Legitech						\$3
TOTALS		\$0		\$0		\$412

^{1/} Total must tie to Equipment line on Operating Expenses and Equipment schedule (DF-300).

^{2/} Indicate the standard nomenclature for the item requested such as typewriter, adding machine, automobile, etc.

DEPARTMENT NAME	BUDGET YEAR		STATE OPERATIONS		DATE SUBMITTED	PAGE 1
SIERRA NEVADA CONSERVANCY	2005-06 FY				05/09/05	OF 1
EXPENDITURE CLASSIFICATION AND ITEM/DESCRIPTION ^{2/}	ACTUAL EXPENDITURES PAST YEAR		ESTIMATED EXPENDITURES CURRENT YEAR		PROPOSED EXPENDITURES BUDGET YEAR	
	EXPENDITURES	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
EQUIPMENT:		\$0		\$0		
Computer System -i.e. 18 Laptops, 6 Desktop Units, Security, Backup Systems, Variety of Software						\$297
Support Items-i.e. T1 lines, Server Hdwe, System Backup						\$18
Conference Calling System						\$120
Internet Per Station						\$33
Website						\$38
2 Industrial Copiers						\$50
2 Industrial Printers						\$30
TOTALS		\$0		\$0		\$586

^{1/} Total must tie to Equipment line on Operating Expenses and Equipment schedule (DF-300).

^{2/} Indicate the standard nomenclature for the item requested such as typewriter, adding machine, automobile, etc.

I. Summary

The Resources Agency is requesting, on behalf of the Sierra Nevada Conservancy, a total of \$3,357,000 from Environmental License Plate funds, plus spending authority for up to \$200,000 in reimbursements and 13.5 personnel years for activation of the Sierra Nevada Conservancy and for initiation of program and project development and review activities. The focus of activities will be on development of an initial set of program guidelines utilizing a strategic program planning process throughout the region and to review various project proposals which may be eligible for State funding.

II. Background

Needs

The Sierra Nevada Mountain region, which constitutes about 25% of California's land area, is one of the most significant natural and biologically diverse regions (with related socio-economic benefits) in the world. The region:

1. provides 60% of California's water supply for residential, agricultural and environmental uses in the State; water is a critical resource in California and represents the most valuable commodity produced in the region;
2. supports fully half of all plants found in California (i.e., 3,500 native plant species, including 200 considered rare);
3. supports 66% of the bird and mammal species and about 50% of the reptile and amphibian species in California;
4. supports more than 400 species of terrestrial vertebrates and more than 320 species of aquatic invertebrates (the region contains more endemic aquatic invertebrates than any other ecological region in the world);
5. produces between 33% to 50% of the State's annual timber supply;
6. supports a growing tourism industry involving more than 50 million recreation visit days a year; and
7. supports 212 communities which are dependent upon natural resources for jobs, recreation and community character.

The Sierra Nevada region's significant natural resources and related socio-economic values are under pressure in many parts of the region. There are a number of "drivers" of change that are affecting the region's environments, economy, and communities, as reflected in the following indicators:

1. the Sierra Nevada is the third fastest growing region in California (its population is expected to triple from 1990 to 2040);
2. the Sierra Nevada's economy is changing rapidly from resource-based to one increasingly based on tourism and services (tourism is the single fastest growing sector of the region's economy);
3. a number of significant new water and road infrastructure projects with significant effects are planned for construction in the region; and
4. there is increasing controversy over various land-use decisions in certain portions of the region (e.g., litigation challenging project approvals in Martis Valley) and over regional resource conservation strategies (e.g., the Sierra Nevada Framework).

These "drivers" of change are dramatically affecting the natural resource and community values of the region. They have resulted, or could result, in the following:

1. rapid population growth and larger lot sizes could consume significant amounts of private land in the region, which would further fragment the ecosystem and working landscapes and increase the risk of wild fire along the urban interface;
2. water quality is impaired in all of the Sierra Nevada's rivers, due to the impacts of development;
3. almost two-thirds of the region's 67 aquatic habitat types are declining in quality and/or abundance;
4. 17% of the Sierra Nevada's terrestrial vertebrate species are considered at risk;
5. 18 fish species are formally listed as threatened or endangered or are candidates for listing;
6. more than half of the region's 29 native amphibian species are at risk of extinction; and
7. additional land use conflict and disputes over regulatory policies.

With a spreading recognition that the region's values are being degraded, there has been growing attention to possible institutional and fiscal responses which would address resource protection and management objectives both within and outside the region. Based on various institutional assessments, the following observations have been made:

1. There is a comparative lack of public funding committed to the Sierra Nevada region (excluding Lake Tahoe); it received only 1% of all State acquisition dollars that were designated for conservation purposes between 1996-2001;
2. There is a lack of institutional and funding capacity and technical expertise to deal with the issues within the region. Many local and State agencies are hard pressed to deal with their basic responsibilities because of budgetary shortfalls. Due to the small size of some of the counties, there is a limited capacity to develop and implement programs and projects in those counties. Many local land trusts are in need of technical assistance and funds to develop and implement projects; and
3. There is a lack of cohesive and comprehensive State policy on investment objectives for acquisition, restoration, and resource management activities within the region, due, in part, to the lack of an institutional means to develop and put forth such objectives and to integrate them within State decision-making processes.

It should be noted that institutional progress is being made within the region. During the past decade, there has been a substantial increase in collaborative planning efforts and nonprofit activity within the region. Based on a survey conducted in 2002, within the region there are:

1. more than 170 collaborative planning efforts in various stages of development and implementation;
2. more than 22 operating land trusts and support organizations;
3. 70 active watershed partnerships (involving both the private and public sectors);
4. more than 20 Coordinated Resource Management Planning (CRMP) groups; and
5. 18 active resource conservation districts.

During the past decade, the primary funding mechanisms within the region (with the exception of Lake Tahoe) have been put forth by the private nonprofit sector.

These efforts form the cornerstones of resource conservation efforts within the Sierra Nevada region. They provide the basis for "partnerships" and leveraged funding opportunities. However, the scale, scope, and complexity of resource, funding and institutional needs far exceed the current capacity of the private nonprofit sector and existing public programs to meet these needs.

The Sierra Nevada Conservancy

In order to address the needs within the region, the Governor proposed creation of the Sierra Nevada Conservancy and the Legislature passed AB 2600 (Leslie/Laird) during the past legislative session, which established it as a State agency within the Resources Agency. Upon establishment on January 1, 2005, the Sierra Nevada Conservancy will constitute the ninth State conservancy.

During the 2004-2005 fiscal year, the focus of the Conservancy will be on the formation of the board, election of officers, the hiring of an executive officer, and setting the stage for program development activities.

Jurisdiction - The Conservancy's operating jurisdiction is considerably larger than that of any existing conservancy: it contains the mountains and foothills of the Sierra Nevada range, and certain adjoining areas, including the Mono Basin; the Owens Valley; and a part of the southern Cascade region, including the Pit River watershed. The jurisdiction covers all or portions of 22 counties, from Kern County in the south, to Shasta and Modoc counties in the north.

Governance - The Conservancy is to be governed by a 13-member board. The State is responsible for appointing seven members. The Governor is responsible for appointing three public members who represent statewide interests. The Secretary for Resources and the Director of Finance also represent the Governor as ex-officio voting members. The Speaker of the Assembly and the Senate Rules Committee are each responsible for appointing a public member who also represents statewide interests.

The remaining six members are County Supervisors who will represent the counties in six subregions (groups of three to four counties). Each County Board of Supervisors is to nominate one of its members for participation in a selection process for a subregional representative. The nominees from each County within a subregion will then seek to agree on a representative (and alternate if desirable). If there is no agreement on a representative or a County fails to nominate a member, the Governor is then required to designate a representative from among those who have been nominated.

Additionally, AB 2600 provides for three non-voting Federal liaison advisors from the National Park Service, the U.S. Forest Service, and the U.S Bureau of Land Management. The total size of the board is 16 members.

The Conservancy is authorized to form subcommittees or advisory boards. The non-State voting members of the board are to be compensated for each board meeting day (\$100) and actual and necessary expenses (e.g., travel expenses). Members of advisory boards are to be compensated only for actual and necessary expenses.

Program objectives - Reflecting the needs within the region, AB 2600 stipulates 14 resource program and program support objectives. The program objectives include preservation and restoration of physical, cultural, archaeological, historical, and living resources; preservation of working landscapes; protection and improvement of water and air quality; enhancement of public use and enjoyment of public lands; provision of increased recreation and tourism; and support of environmental preservation and economic well-being activities.

The program support objectives include support of collaborative planning processes; provision of technical assistance; and the conduct of research and monitoring in order to develop and evaluate programs.

These objectives form the basis of the Conservancy's programs or components of programs. There may be a need to develop several programs to achieve an objective based on resource needs, implementation and funding considerations. For example, a combination of soil erosion control local assistance grants, watershed restoration, and acquisition programs may be needed to achieve the water quality objective.

Authorities - AB 2600 gives the Conservancy a broad range of authorities to achieve its objectives. It provides for dual program implementation approaches. It provides authorities to directly undertake acquisition of less-than-fee interests in land (e.g., it can acquire fee by donation); to improve lands (e.g., construction of trails in easement areas); and to manage resource lands.

AB 2600 also provides authorities to award grants or loans to public agencies and nonprofit organizations for planning activities, acquisition of land (all interests), and the construction of site improvements.

AB 2600 requires that the Conservancy adopt guidelines for each program. The purposes of the guidelines are to establish and prioritize program objectives and to establish project evaluation criteria. The guidelines are to be based on assessment of resource needs; institutional capabilities; funding needs; Federal, State, and local plans; and research and monitoring efforts. The guidelines are to be developed pursuant a to strategic program planning process involving meetings and workshops within each subregion with the purpose of formulating strategic program objectives and priorities within that subregion. This information is then to be included in overall program guidelines.

The Conservancy is required to establish a headquarters within the region and to hold its board meetings within or near the region.

III. Proposed Budget Changes

The creation of the Sierra Nevada Conservancy provides an extraordinary opportunity to comprehensively address resource needs within the Sierra Nevada region.

However, the activation of the Conservancy and the development and implementation of program guidelines and project review function will involve a diverse and complex set of considerations and processes. They include:

- 1. The large size of the jurisdiction - The sheer size (approximately 25 million acres) of the Sierra Nevada Conservancy's jurisdiction will require a support capacity to administer programs within the entire region. There will be a need to develop the means to effectively communicate with the public throughout the region.**
- 2. Complex institutional setting - Due to the large size of the Sierra Nevada Conservancy's jurisdiction, it is not surprising that the Conservancy will need to operate in a complex institutional setting. The composition of the board alone includes the Administration (Resources Agency, Department of Finance), the Legislature (Speaker of the Assembly, Senate Rules Committee), 22 counties, and three Federal agencies (the National Park Service, the U.S. Forest Service, and the U.S. Bureau of Land Management). There are over 200 communities (more than 20 incorporated cities) and 30-40 special districts, 19 land trusts, and more than 20 Coordinated Resource Management Planning Groups which could be involved in the Conservancy's programs. As noted earlier, a survey found more than 170 collaborative planning projects underway.**
- 3. Complexity of governance - The governance structure (and programs) is built upon the use of subregional processes (six subregions) for the purposes of designating local government board members and alternates; communicating between counties; and for program development (see later discussion on guidelines). The board itself could require communication with up to 22 individuals (voting members and alternates and Federal liaisons).**

4. **Program diversity** - One of the advantages of the Conservancy model is that it can take a comprehensive and integrated approach in addressing needs within a region (rather than patching together separate agency programs). However, this approach results in program diversity and complexity. As noted earlier, there are 11 separate programmatic resource objectives (ranging from preserving air and water quality to supporting public recreation) and three specified program support functions (i.e., support of collaborative planning processes, provision of technical assistance before and after a grant, and research and monitoring). As noted above, a number of programs may be needed to acquire a resource objective.

The complexity of the Conservancy's programs is exacerbated by rapid change within the region driven, in part, by rapid population growth (the population is expected to triple in the next 30-40 years); changes in the economic structure of the region (transition from commodity based industries to services); and by greater organizational efforts (e.g., collaborative planning efforts) to address regional needs. These processes are resulting in rapid loss of habitat and scenic values, and conversion of "working landscapes" to residential and commercial uses and corresponding "calls for action".

The Conservancy needs to be in a position to be responsive to these processes and to take advantage of opportunities resulting from various planning efforts.

5. **Extraordinary consultation and process requirements** - Generally, a goal of the Sierra Nevada Conservancy is to work collaboratively and cooperatively with local government, private business, and nonprofit organizations in developing and implementing its programs. This goal is augmented by specific requirements to cooperate and consult with the City or County where a real property interest is being acquired, and with public water systems where a project may impact the system. Additionally, there is a need to be in touch with a host of Federal, State and local planning processes. It is also required to coordinate its activities with other State agencies. These requirements require an approach that is very staff intensive and process oriented.
6. **Complexity of program development and implementation** - As also noted above, the Sierra Nevada Conservancy's programs are to be administered through adopted guidelines. These guidelines will be developed over time. The process for adopting guidelines is to involve a strategic program planning process initiated at the subregional level and culminating in a regionwide program. Again, the emphasis is on a staff intensive consultative process. The guidelines are to reflect an assessment of program (resource) requirements at the regional and subregional levels; institutional capacities; funding needs for each program; and an assessment of Federal, State and local plans for each program objective.

The development of the guidelines will also require the development of a wide range of tools including, in part, the ability to acquire easements, grants for acquisitions and site improvements, loans, collaborative planning tools, management guidelines, and research and monitoring protocols.

The scope and complexity of the Conservancy's programs places a premium on having sufficient staff, consultant and administrative capacity at the outset to be in a position to develop and implement its programs.

The Resources Agency is requesting a total \$3,357,000 in Environmental License Plate funds plus authority to expend up to \$200,000 in reimbursements, and a total 13.5 personnel years (PYs) in the support budget for the 2005-06 fiscal year for activation of the agency, initial development of program guidelines, project review, and provision of technical assistance.

The budget request is based on the following overall considerations:

- As noted above, the initial organizational activities related to the appointment of board members, board meetings, the hiring process for an Executive Officer, other staff, and initial scoping of program development activities will be conducted during the remainder of the 2004-05 fiscal year and the costs will be covered by existing State or non-State resources. These activities are needed to establish programs as soon as possible and take advantage of parallel private and local government processes already occurring in the region.**
- The budget request is primarily based on statutory requirements and the probable implications of the requirements based on the experience of existing programs. It also reflects efforts to ensure cost effective operations.**
- The Conservancy's focus during the next two fiscal years will be on the development of program guidelines for a core set of up to 14 program objectives and program support functions; to undertake project review and to make recommendations to the Secretary for Resources on the use of Proposition 50 funds for grant projects within the Conservancy's jurisdiction; and to develop and review other proposals which may be eligible for State, Federal, or other funding.**
- The Conservancy will need sufficient staff (number and level) and resources to develop and analyze regional information related to guideline development; to engage in required consultative and subregional liaison processes; to review Proposition 50 project proposals and other project proposals; and to provide technical assistance to local governments and nonprofit organizations. The use of consultants to perform these functions would result in lack of continuity between program development and in implementation and the need to re-establish communication networks and access to data which serves as a foundation for ongoing program development and implementation. Consultants will still be needed for specialized expertise and for facilitating processes.**

- Due to the vast scale of its jurisdiction, the Conservancy will need highly developed communication and data systems to serve staff, the public within the entire region, and to allow for public participation at board meetings and workshops.

The budget request is also based on the following assumptions:

- The Conservancy will hold quarterly two-day board meetings, and up to two board subcommittees will be formed to guide program development and operational matters. Tours of the region will also be needed to familiarize board members with the region.
- The hiring of staff and the beginning of operations will be phased over the 2005-06 year. It is proposed that some staff (e.g., Executive Officer) be hired for the entire year; senior staff will be hired during the first quarter; and the remainder of the staff will be hired by January 2006. Consequently, the personnel and related operating expenses and equipment costs have been prorated.
- The agency's office and operational systems will be put in place by the end of the first quarter and the office will be fully operational by January 1, 2006.
- Some program development and administrative arrangements will be in place by the end of the first quarter. These arrangements will be negotiated during the current fiscal year.
- The cost estimates are primarily based on the experience of existing programs involving similar functions and activities, and projections based on the scale and scope of the Conservancy's jurisdiction and programs. These estimates will need to be refined based on actual experience.

Personal Services

The Resources Agency is requesting \$ 948,000 for 13.5 PYs during the 2005-06 fiscal year. This request covers both board compensation as well as staff salaries and benefits. The positions are budgeted at mid-range and the salaries are prorated based on projected dates of hire and the opening of an office.

This request reflects the following considerations:

- There will be a need for an Executive Officer in order to address extensive external consultation and interagency coordination and internal program and administration demands.
- The program priorities over the next two fiscal years are to develop program guidelines, conduct project review, and provide technical assistance. The number

and level of program staff (13.5 PY) reflect the need for substantive and guideline development expertise; project review and technical assistance capabilities; consultation activities with local governments; and an ongoing liaison function with all six subregions.

- There is a need for in-house program, administrative, information technology and legal expertise in order to address operational, administrative and clerical needs; to develop guidelines and related tools; and to provide technical assistance to other governmental entities and to private groups. It is anticipated that some administrative services (e.g., fiscal and personnel services) will be provided by other State agencies pursuant to interagency agreements.

Based on these considerations and the timing of the agency start-up, there is a projected 186 months of workload needed to achieve the Conservancy's objectives. It should be noted that there are a number of variables (e.g., staff hours required to review State, Federal or local plans) which could affect this workload estimate. The primary emphasis is organizational and program development. Nevertheless, this workload is functionally distributed in the following manner.

Board Support and Executive Functions	17 work months
Development of Programs	102 work months
Guidelines	
Project review	
Technical assistance	
General Administration and Operations (Start-up and ongoing activities)	67 work months
	<hr/>
	186 work months

The following discussion outlines the duties of the requested positions.

Executive Position - The proposed staffing pattern includes an Executive Officer. This position is being proposed in order to address both external and internal executive responsibilities. These responsibilities could be allocated in the following manner.

The Executive Officer will be responsible for supporting board functions; oversight of staff; supervision of program managers and legal staff; the overall development and implementation of administrative, fiscal, and program policies; the development and implementation of programs and strategic program planning processes; representation of the agency before State, local, and Federal legislative bodies and executive agencies; development of intergovernment arrangements; media relations; and interactions with private groups and citizens.

The Executive Officer will also be responsible for management of administrative (e.g., budgetary, fiscal management, personnel) functions, cross program coordination, and interagency coordination. This position will also supervise administrative, information technology, and clerical staff.

Program Positions - The requested positions are needed to develop and implement programs, including related guidelines, and to develop and implement projects. These positions will also work with legal and administrative staff to develop tools (e.g., grant agreements) to assist in the implementation of the programs.

As noted above, the primary programmatic focus during the next two fiscal years will be on the development of program guidelines, the review of Proposition 50 grant proposals and other project proposals, and the provision of technical assistance to grantees. These responsibilities could be allocated to program staff in the following manner.

The Program Manager would be responsible for the development of program guidelines and strategic program planning processes; procurement of services from specialists, scientists and facilitators for needed assessment activities and workshop activities; development of program and project development policies and procedures; participation in interagency processes; and supervision of program staff.

The Program Analyst II positions would serve as liaisons to the six subregions; coordinate program development (e.g., assessment) activities within the subregions; consult with local governments, other State agencies, Federal agencies, and interested groups on program and project activities; supervise consultants and contractors; provide technical assistance to local governments and nonprofit organizations; provide oversight of collaborative planning processes; and review and develop more complex projects.

The Program Analyst I positions would support program development activities (e.g., review of State, Federal and local plans); review Proposition 50 grant proposals; develop project proposals; and provide technical assistance on individual project proposals (e.g., ensure grant applications contain provisions concerning management of land).

Legal Position - The Staff Counsel position will be responsible for providing legal advice (e.g., Open Meeting Act, and Public Record Acts requirements) to the board and staff; serve as liaison to the Office of the Attorney General on litigation matters; develop the legal component of program guidelines; draft agreements to assist in the implementation of programs (e.g., easement acquisition documents, grant agreements, loan agreements, site improvement and management agreements) and the performance of administrative functions (e.g., interagency agreements); ensure compliance with regulatory requirements (e.g., California Environmental Quality Act); oversight of request for proposal and bid processes for services and construction contracts; provide technical assistance to nonprofit groups in order to ensure compliance with statutory requirements (e.g., determine whether nonprofit organizations are eligible to receive a grant; grant-funded purchase agreements contain specified provisions); conduct legal research and provide advice on the resolution of complex program (e.g., title issues) and administrative (e.g., permitted uses of bond funds) issues; and analyze and recommend positions on legislation.

Administrative Positions - As a State agency, there will be a need for basic administrative services (e.g., fiscal, accounting, business services, personnel services and information technology). Although it is anticipated that some of the services will be provided under contract by the Department of General Services, there will still be a need for administrative positions to perform administrative functions.

These responsibilities could be allocated in the following manner:

The Associate Government Program Analyst (AGPA) position will be responsible for the development and oversight of accounting, fiscal management and personnel systems; the development of administrative policies and procedures; and for the administration of service contracts. This analyst could also provide technical assistance to grantees on administrative and fiscal requirements (e.g., invoicing process). The position could serve as lead for the other administrative staff.

Under the direction of the AGPA, the Management Services Technician (MST) position will assist in accounting and in the preparation of fiscal reports; personnel transactions (e.g., training and processing of leave requests); ordering of equipment and supplies; and the procurement of services. In addition, the MST position will assist the AGPA with records management, the processing and payment of invoices; and data entry.

The Secretary position is needed to provide support for the board meetings (e.g., preparation of minutes and preparation of board meeting materials) and for executive and legal staff (e.g., scheduling, preparation of correspondence and reports, answering requests for information), and to lead the clerical staff.

The Office Technician position is needed to provide clerical support for professional and technical staff including word processing, filing, scheduling of meetings and responding to phone and e-mail inquiries. These positions will also support the Secretary position in preparing board materials and agency reports.

As noted above, the technology to communicate and to analyze data will be a key feature of this Conservancy's operations. The Associate Information Systems Analyst will be responsible for analyzing system needs; system maintenance; fiscal and program data base programming; procuring Geographic Information System capabilities; ordering computer equipment and software and other equipment; development of a conference call/internet system for public participation at board meetings; procuring technology support and maintenance services; preparing the required reports; and the preparation of a disaster recovery plan.

Operating Expenses and Equipment

The Resources Agency is requesting a total of \$2,609,000 for O&E&E. This item covers general expenses, printing, communications, postage, travel in-state and out-of-state, training, facilities operation, utilities, internal and external consultant and professional services, and data processing. For the most part, these items

are based on the costs experienced by existing programs and extrapolations based on the size of the Conservancy's jurisdiction and the scope of its programs.

This request reflects the following key program and operational considerations and assumptions:

1. **Program and Guideline Development** - As noted earlier, it is expected that the Conservancy's key focus will be on program and guideline development. The development of guidelines will involve an assessment of resource needs, institutional capabilities, and funding needs. The development of the guidelines is projected to involve a strategic program planning process. This budget request contains approximately \$960,000 to address this function. This reflects a two-pronged strategy to conduct the assessment in a cost-effective manner. The first prong involves input and analysis from specialists, scientists and professionals of existing data related to the various resource objectives on a regional and subregional basis. The second prong involves gaining input from groups, agencies and the public in subregions through a workshop process. The requested funds anticipate six workshops (one in each subregion) in order to gain information on resource and funding needs and institutional capabilities. These workshops would be facilitated by two private consultants. This information would be incorporated into proposed guidelines. The proposed guidelines would then be the subject of six additional workshops.
2. **Communication and Data Processing** - Due to the large size of the Conservancy's jurisdiction and the scope of its programs, it is important to develop extensive communication and data processing systems. The proposed request includes \$629,000 (data processing and equipment) for:
 - internet access and Geographical Information System (GIS) capability for the agency;
 - conference call and internet capability for remote participation in board meetings; and
 - development of a website.
3. **Operations** - The following are key operational assumptions:
 - a. office (facility operations) - The proposed request reflects a need for a main office and two small offices to serve the six subregions.

- b. travel (travel in-state and out-of-state). The proposed request assumes that a great deal of travel and related expenses will be needed at the initial stages of the Conservancy's operations and during the development of guidelines. It is assumed that several trips to Washington D.C. will be needed to coordinate activities and to develop Federal funding opportunities.

- c. support services (internal consultant and professional services). The proposed request assumes that the Conservancy will procure fiscal support, personnel, procurement, real estate, and fleet administration services from the Department of General Services. The proposed budget does not include funds for the Office of the Attorney General.

Sierra Nevada Conservancy (3855)

The Sierra Nevada Conservancy was established by statute in 2004. The conservancy will undertake projects and make grants and loans for various public purposes in the Sierra Nevada Mountains, including increasing tourism and recreation; protecting cultural, archaeological, and historical resources; reducing the risk of natural disasters; and protecting and improving water and air quality.

The budget proposes total expenditures of \$3.6 million from two sources, the Environmental License Plate Fund (\$3.4 million) and reimbursements (\$200,000), and 20.5 positions (13.5 personnel-years) to activate this conservancy in 2005-06.

Start-Up Expenditures Should Be Made Limited-Term

The budget proposes \$3.6 million to activate the conservancy. We recommend the adoption of budget bill language specifying that the expenditure authority for about \$1.2 million of start-up costs is for a limited term.

Background. Chapter 726, Statutes of 2004 (AB 2600, Leslie), established the Sierra Nevada Conservancy. The mission of the conservancy is to preserve and restore significant natural, cultural, archaeological, recreational, and working landscape resources (farms, ranches, and forests) in the Sierra Nevada Mountains. The conservancy's jurisdiction covers 25 million acres and is divided into six subregions. In the next few months, the conservancy will begin its start-up activities, such as determining a headquarters location and initiating an executive director search.

The conservancy's initial focus (in the next two years) will be undertaking and facilitating a strategic program planning process involving meetings and workshops within each of the subregions, with the purpose of formulating strategic program objectives and priorities within that subregion. Chapter 726 requires these activities in order to encourage local involvement and participation in the conservancy's activities.

Budget Proposal. Of the \$3.6 million proposed to activate the conservancy in 2005-06, \$948,000 is for personal services (salaries, wages, and benefits) and \$2.6 million is for operating expenses and equipment. This proposal assumes a phased-in approach to staffing and operating expenses. Therefore, it is projected that for fiscal year 2006-07, full-year costs for the conservancy will total about \$4 million—\$1.5 million for personal services (31 positions [20.5 PYs]) and \$2.5 million for operating expenses.

Included in the budget-year proposal are two sets of expenditures that are appropriately characterized as "start-up" expenditures. These are (1) \$567,000 for program and guideline development, which includes the statutorily required workshops throughout the subregions and the detailed assessments of local general plans and water plans by external consultants, and (2) \$586,000 for equipment.

Start-Up Expenditure Authority Should Not Be Considered Part of Baseline

Budget. We estimate that it will likely take about two years to develop programs and guidelines. Therefore, we do not think that the \$567,000 proposed for these activities should be included as a baseline expenditure of the conservancy. Similarly, the \$586,000 for equipment, as a one-time cost, should also not be included in the conservancy's baseline budget. For these reasons, we recommend the adoption of the following budget bill language to make this expenditure authority available for a limited term:

Item 3855-001-0140. Of the amount appropriated in this item, \$567,000 for external consulting for program and guideline development and \$586,000 for equipment are limited to terms of two years and one year, respectively.

Coordination of Sierra Nevada Grant Programs

The Secretary for Resources and the conservancy both have the authority to administer grants in the Sierra Nevada region. We recommend the adoption of supplemental report language requiring the agency and the conservancy to report on their plans for coordinating these programs.

Sierra Nevada Grant Programs. Chapter 726 also provides the conservancy with the authority to issue grants to public agencies and nonprofit organizations for planning activities, land acquisition, and site improvement projects. The Secretary for Resources also administers a grant program, the Sierra Nevada Cascade Grant Program, for these purposes. The jurisdiction of the conservancy's and the secretary's programs overlap, but are not identical (the secretary's program jurisdiction is greater than that of the conservancy's).

Recommend Plan for Coordination Be Developed. It is important that these two grant programs coordinate their efforts in order to avoid duplication of administrative efforts and in order to ensure that the grants are consistent with both organizations' priorities in the region. A plan for this coordination is not included in the budget proposal. This is reasonable given that the conservancy has not yet been activated. For this reason, we recommend the adoption of the following supplemental report language, under the budget item of both the Secretary for Resources and the conservancy, directing the agency and the conservancy to report on their coordination plans in regards to administering grants in the Sierra Nevada region.

Item 0540-001-6031 and Item 3855-001-0140. The Secretary for Resources, in consultation with the Sierra Nevada Conservancy, shall submit a plan for the coordination of grant programs in the Sierra Nevada region to the Joint Legislative Budget Committee and the fiscal committees of both houses of the Legislature by December 1, 2005.

Response to LAO Questions-Sierra Nevada Conservancy

- 1. Please provide a status of forming the board, electing officers, hiring an Executive Officer and any other start-up activities that have commenced.**
 - a. The 13 member board is made up of 6 county representatives, 3 gubernatorial appointees, two legislative appointees, the Secretary for Resources and the Director of Finance. To date we have been informed of four county sub-regional appointments: North Central Sierra, Central Sierra, South Central Sierra and South Sierra. In addition the Senate has appoint its representative.
 - b. Officers will most likely be elected at the first meeting, hopefully to take place in mid to late April of this year.
 - c. No decision on the recruitment of an Executive Officer will be made until the Board meets and makes that decision. Preliminary work related to creating the position is now being done.
 - d. The personnel and accounting functions will be provided under contract with DGS once a budget is approved. Preliminary discussions are ongoing with DGS so that the Conservancy will be ready to function once the budget is approved. In addition information packets and presentations are being prepared so that board members and the public can be made aware of the Conservancy purposes and processes.
- 2. How are these activities being funded in the current year?**
 - a. There are no funds available for the Conservancy this fiscal year. Some work, such as budget preparation has been provided by the staff of the Tahoe Conservancy and other services have be provided by DGS and the AG's office. The staff of the Resources Agency, including a retired annuitant hired for this propose, are providing organizational and information activities for the Conservancy.
- 3. Does the administration have any proposals for funding projects within the Sierra Nevada Conservancy?**
 - a. Until such time as the guidelines for projects required by the Conservancy Act are complete there are no plans for funding projects by the conservancy. However the Resources Agency will be funding Proposition 50 projects within the Conservancy area and intends to coordinate the award of such projects with the Conservancy. A list of the projects planned in 2005-06 is attached.

Response to Legislative Questions On SNC Guideline Development

- **Could you provide greater detail on how the administration proposes to spend the \$3.4 million proposed for start-up of the conservancy?**
 - The BCP (attached) is as detailed as we can be about the expenditure of funds pending the organization of the Board, hiring of an Executive Officer and staff and implementation of the program. As the BCP states we have budgeted:
 - \$ 948,000 for partial year Staff costs,
 - \$250,000 for facilities
 - \$586,000 for equipment
 - \$412,000 for interdepartmental contracts, primarily data center and DGS administrative services,
 - \$567,000 for external contracts related to the required development of project guidelines and strategic plan, and
 - \$380,000 for external contracts related to ongoing research and monitoring.
- **Please respond to the LAO's proposal to make part of the appropriation limited-term.**
 - The LAO recommends that the \$586,000 budgeted for mainly startup equipment be limited to the first year appropriation. While it is true that these funds are for original startup and some adjustment needs to be made there are two points to keep in mind relative to this recommendation.
 - First this is only an estimate made by non-conservancy staff of what we think they will need in terms of staffing and operating expenses and equipment. Once the board and its staff are functioning they may have a different take on the exact distribution of these funds.
 - Secondly almost all equipment budgeted in all budgeted are not needed to be budgeted in the next year. However a certain level of funds are needed in the base budget to handle the year to year needs of any department and this is done by developing the equipment schedule for review as part of the baseline budget thereby avoiding having to develop separate equipment BCPs each year.Therefore our response is that the amount to be reduced in the 2006-07 budget is better left to the normal development of that year's baseline budget and associated schedules.

- The LAO also recommends that \$567,000 budgeted in external contracts intended to assist the conservancy in developing program guidelines and the strategic planning process be limited to two years. Given the raft of unknowns relative to this endeavor and the most likely need for ongoing contractual assistance to the board in this area we think that this recommendation is premature and at best is an item that should be revisited next year after the conservancy has developed its own budget and has more experience in this area.

At the March 14 subcommittee hearing the SNC item was held over pending additional detail on the cost and timing of Guideline development as required by the Laird-Leslie Act creating the SNC. Specifically the question of why it would take \$1 Million to develop the guidelines was asked.

The \$1 Million figure comes from the \$960,000 included in the budget for external consultants and, as stated but not clearly spelled out in the BCP, is for both Program development and guideline development. Of the total \$567,000 is for guideline development and \$380,000 is for research and monitoring activities integral to program development. This request is based on the Resources Agency's best judgment of what is required under the Laird-Leslie Sierra Nevada Conservancy Act and was developed utilizing the advice and extensive experience of the late Executive Officer and other staff of the Tahoe Conservancy.

In discussing the development of guidelines and programs important to consider:

- That the Sierra Nevada Conservancy has a much broader and more specific mandate than have other conservancies such as Tahoe and the Costal conservancy. Section 33320 of the act mandates 9 specific objectives for the Conservancy to achieve.
 - (a) Provide increased opportunities for tourism and recreation.
 - (b) Protect, conserve, and restore the region's physical, cultural, archaeological, historical, and living resources.
 - (c) Aid in the preservation of working landscapes.
 - (d) Reduce the risk of natural disasters, such as wildfires.
 - (e) Protect and improve water and air quality.
 - (f) Assist the regional economy through the operation of the conservancy's program.
 - (g) Identify the highest priority projects and initiatives for which funding is needed.
 - (h) Undertake efforts to enhance public use and enjoyment of lands owned by the public.
 - (i) Support efforts that advance both environmental preservation and the economic well being of Sierra residents in a complementary manner.

- That unlike the Coastal Conservancy -- the State conservancy which comes nearest to the SNC in the breadth of its mandate -- the SNC is not being established with its programs already well-defined in the enabling legislation. The Legislature envisioned that the SNC would define these programs for the vast Sierra Nevada region, using a systematic process to solicit local and public input, and reflecting the many separate resource objectives and program support items (e.g., research and monitoring) identified in the Act.

Guideline Development

Section 33345 of the Act requires that the conservancy adopt guidelines setting priorities and criteria for programs and projects for each mandate area listed above. This must be done in a collaborative and cooperative manner with local governments and other interested parties (Section 33320). The result of this process will be the establishment of guidelines that will determine the course of action of the Conservancy in its multiple operation areas for the years to come.

- It requires that these guidelines be based upon its assessment of:
 - program requirements,
 - institutional capabilities, and
 - funding needs throughout the region.
- Moreover, the Act requires that the assessment be based upon a review of federal, state, and local plans, including, but not limited to, general plans, recreation plans, urban water management plans, and groundwater management plans. In order for this review to proceed, there must first be an extensive effort to assemble and index the relevant plans and data, with GIS interface if possible.
- In addition, as part of the process of developing guidelines for programs and projects, the conservancy must undertake and facilitate a strategic program planning process involving meetings and workshops within each of the subregions, with the purpose of formulating strategic program objectives and priorities within that subregion. (The workshops provide a forum for members of the public to describe resource needs, present potential projects and considerations affecting project implementation, propose partnership opportunities, and provide their perspectives on conservancy priorities. The workshops will also help to identify areas where counties need to work together on multi-jurisdictional projects.)

It is important to note that these guidelines will encompass far more activities and concerns than just specific grant awards such as those being awarded under the Sierra-Cascade program. For example section 33346 provides that the conservancy may expend funds and award grants and loans to facilitate collaborative planning efforts and to develop programs and projects that are designed to further the purposes of this

division. In addition the conservancy may provide and make available technical information, expertise, and other nonfinancial assistance to public agencies, nonprofit organizations, and tribal organizations, to support program and project development and implementation.

In order to carry out these specific instructions to guideline development the budget assumes that both conservancy staff and contractors will be working on this major project throughout 2005-06. Nothing of course can be done in this area until the budget is passed, as there are no current year funds for the conservancy.

Once the budget is passed, the Board can hire an Executive Officer and begin the process of creating a civil service list and recruiting and hiring technical and managerial staff. The 2005-06 proposal contemplates that the bulk of the staff will not be hired until the beginning of January 2006, by which time the staff will be fully engaged with the development of guidelines and the many other assignments that they will have in setting up the conservancy and its programs. Before that time, some work can be done by contractors working under the direction of the board and the Executive Officer.

The budget assumes that the guidelines will be developed in the manner mandated in the Act, beginning with an initial assessment of plans and capabilities of all entities in the regions, local, state and federal, and the development of a usable data base of information including GIS land use detail, zoning detail and much other information displayed by sub-region and local jurisdiction.

The budget also assumes that at least two series of workshops will be held next year to garner public input to the guideline development and that there will be at least one and most likely two or more workshops in each sub-regional area per series.

Once the data base is complete, the SNC staff, with assistance as needed from outside contractors and technical experts, will assess the program requirements, institutional capabilities, and funding needs throughout the region as required by the Act, and will develop and propose guidelines for public and Board review and for Board adoption. The budget assumes that staff will concurrently be reviewing project potentials as well as developing cooperative relationships with many entities and individuals at the local, state, and federal levels. The budget also assumes that the completion of this assessment – which, again, is necessary to lay the foundation for development of guidelines in the manner envisioned in the Act -- will continue through most, if not all, of 2005-06, and that considerable further work will be required in 2006-07 to develop and finalize the guidelines.

The specific workload assumptions in the 2005-06 budget relative to guideline development are:

- 4,400 hours of staff time and 1,600 hours of contractor time in 2005-06 to develop the assessment including the review of well over one hundred county, city, local district, state and federal plans. (60 hours per plan X 100 plans)
- Based upon 12 sub-regional workshops 600 hours of staff time (two per meeting) and 600 hours of contractor time (meeting facilitator and staff) to prepare for, travel to and conduct sub-regional workshops and analyze public input.
(For each series of 6 meetings:
 - 80 hours of preparation,
 - 192 hours of meetings,
 - 104 hours of travel and
 - 224 hours of analysis
for staff and contractors.)

The external contract cost estimate for this activity is as follows:

External Contract cost of guideline Preparations 2005-06

Activities	Contract Hours	Costs @ \$200 Hr.
Assessment of Opportunities and Constraints	1,600	\$ 320,000
Sub regional Program guideline Development Public Workshop Series #1	300	\$ 52,500
Sub regional Program guideline Development Public Workshop Series #2	300	\$ 52,500
Subtotal	2,200	\$ 425,000
Direct costs (printing, travel, meals, lodging, etc)		\$ 75,000
Contingency		\$ 67,000
Total		\$ 567,000

Program Development

The legislation expressly recognizes the role of research and monitoring in the development and implementation of the SNC's programs (Pub. Res. Code Section 33351). The importance of research and monitoring arises from:

- The breadth of the SNC's mandate;
- The size and diversity of the Region, and the complexity of its ecology; and
- The lack of complete, up-to-date, region-wide databases, which are sufficient to support major decisions with respect to the allocation of public funds and institutional resources.

There is an immediate need for research to help:

- Identify and prioritize areas of need, both programmatic and financial, within the various parts of the Region,
- Identify opportunities for enhancing the natural and other resources of the Region, as well as constraints and local concerns,
- Specify program goals and objectives which will further the SNC's statutory goals; and
- Develop project selection criteria, and grant and funding guidelines, consistent with the identified priorities.

Over time, monitoring is equally important. Monitoring supports the adoption and updating of program guidelines, by providing the means for measuring progress and change in resource conditions, both across the region and within particular project areas. Through monitoring, resource managers are able first to establish the baseline condition of various resources; and later to assess the results, which have been achieved by a particular program or strategy, relative to the stated goals. The scientists who participated in the Sierra Nevada Ecosystem Project, in their "Final Report to Congress" (1995), laid special stress on the importance of monitoring. Noting the Sierra Nevada Region's changing ecology and dynamic institutional environment, the scientists urged that Sierra resource managers follow the principles of "adaptive management" -- that is, that they design and implement their programs in a highly flexible manner, with continuous monitoring and revision of management strategies (and program guidelines). In this way, the report advised, resource managers can systematically determine whether range-wide goals and strategies are being achieved. Among other things, the report suggested that there be monitoring of changes in areas of concern such as:

- The quantity and distribution of Sierran old-growth forests;
- Status of ozone levels and local air quality problems;
- Amphibians;
- Riparian quality;
- Vertebrates at risk;
- Community well being;
- Restoration of fire and treatment of fuel conditions;
- Trends of native grasses and alien weeds on rangelands; and
- Foothill habitats.

The SNEP report stressed that Sierra-wide monitoring would require an extensive and concerted effort, given the degree of local variation across the range, as well as the fragmented nature of existing data collection: "... [I]nherent in the [resource management] strategies is a need for a central caretaker of information to develop and maintain data pertinent to rangewide monitoring and planning .. [with] responsibility for organizing and synthesizing local databases as part of rangewide systems ..."

(The SNEP references above are drawn from: Sierra Nevada Ecosystem Project, "Final Report to Congress," Vol. I, Chapter 11, "Institutional Integration").

[DRAFT]

DUTY STATEMENT:

EXECUTIVE OFFICER
SIERRA NEVADA CONSERVANCY

The Executive Officer of the Sierra Nevada Conservancy is appointed by, and is directly responsible to, the Conservancy's governing board. The Executive Officer has overall responsibility for:

- Recommending policy and expenditures to the Conservancy board, with respect to all aspects of the operations of the agency, including:
 - program, project, and budget priorities and decisions,
 - program guidelines and project criteria,
 - legislation that may affect the Conservancy, including, amendments to the Conservancy's enabling legislation,
 - administrative regulations and internal operating procedure, and
 - claims and litigation involving the Conservancy.
- Organizing, leading, and directing staff in carrying out the policies, programs, and daily operations of the Conservancy, including:
 - program development,
 - program administration, including grants, contracts, and real property transactions,
 - fiscal administration, including preparation of the Conservancy's annual budget, and accounting oversight,
 - personnel,
 - interagency and intergovernmental liaison,
 - legislative liaison, and
 - media and public relations.
- Budgetary liaison with the Resources Agency, Department of Finance, and Office of the Legislative Analyst
- Testimony to legislative committees regarding the Conservancy's budget and appropriations, and other legislation involving or affecting the Conservancy
- Interagency, intergovernmental, and other outside liaison on behalf of the Conservancy, including:

- establishing consultative and collaborative relationships with the Resources Agency and other departments within the Agency, and with other public agencies - local, State, and federal – whose programs and activities may interface with those of the Conservancy,
 - establishing cooperative and collaborative relationships with nonprofit organizations, other private-sector entities, and Native American tribal organizations, in order to facilitate the implementation of the Conservancy's programs.
- Other duties as may be assigned by the board.



February 9, 2006

Dear _____ :

The following requirements will need to be completed by the Lessor prior to the lease execution by the Real Estate Services Division (RESA), Professional Services Branch. In addition, please note Item #5 which explains Real Estate Services Division's method of calculating usable square footage:

1. **ASBESTOS** - Current state policy dictates that all buildings built before calendar year 1979 must be certified in writing to be "Free from hazards from Asbestos Containing Material (ACM)." The certification must be provided by an Industrial Hygienist certified by the American Board of Industrial Hygiene (ABIH) or an Environmental Protection Agency (EPA) Asbestos Hazard Emergency Response Act (AHERA) Certified Inspector. If the building was constructed subsequent to calendar year 1979, a photocopy of the Occupancy Certificate issued by the city or county building department is all that is required to be provided prior to the execution of the lease.
2. **LEAD** - Current state policy dictates that all buildings built before 1980 must be certified as free of hazard from Lead Containing Materials (LCM). Paint chip samples to be collected by California Department of Health Services (DHS) Lead Certified Project Designer for laboratory analysis to determine lead content. DHS websites to review are:
<http://www.childlead.com/prevent.html>
<http://www.childlead.com/clppb.html>
Or contact 800-597-5323 or (510) 622-5072.
3. **SEISMIC REQUIREMENT** - All facilities the state occupies must be evaluated for the ability to meet a seismic performance objective of substantial life safety. All facilities will be subject to an initial screening. Those facilities not deemed acceptable in the screening process must undergo a structural evaluation performed by an independent licensed structural engineer.
4. **DVBE PARTICIPATION REQUIREMENTS** - State law and policy requires that state lease contracts over \$10,000 must accomplish either of the following two alternatives:

- A. Meet or exceed participation goals of 3% Disabled Business Enterprises (DVBEs) for the proposed lease contract, or
- B. Make a Good Faith Effort to meet the goals.

Included in the lease contract amount for DVBE participation is:

- 1) Tenant improvements,
 - 2) Janitorial services, maintenance and property management during the firm term of the lease,
 - 3) Capital improvements directly related to the state's specifications for space,
 - 4) Architectural/engineering/consulting fees which are directly incurred as a result of the state's specifications.
5. **SQUARE FOOTAGE CALCULATION** - Usable square footage is based on the BOMA USABLE definition, further described in Exhibit B, Division 1 (E).
6. **ADA/TITLE 24** - All leased space including restrooms and parking areas shall meet ADA Title 24 Requirements. **Note that Lessors are now required to provide an Accessibility Survey as described in Division 3 of Exhibit C, a copy of which is attached hereto.**
7. **SUSTAINABLE MEASURES-** All State leased facilities are now subject to review and reporting procedures under Sustainable Measures/Authority sections of Exhibit C, Division 1 and Division 4.
8. **FLOOR CERTIFICATION** - Floors shall be evaluated for conformance to the state specifications for floor level (1/4" in 10'-0").
9. **ARCHITECTURAL SERVICES** – The state may request provision of architectural and design services by lessor. If agreed, lessor shall secure the services of a licensed Architect or Certified Interior Designer who shall prepare, after consultation with the state's Space Planner, a scope of work statement subject to review and approval by the state. A list of general requirements for the services will be provided subsequent to the request.
10. **AS-BUILT PLANS** – Lessor must provide accurate drawings depicting the "as-built" condition of the space considered for lease, including common areas and paths of travel necessary for State tenancy. All drawings received by RESD will be considered as accurate unless noted otherwise. If accurate drawings do not exist, it shall be the lessor's responsibility to commission such and to provide them within a time frame agreed upon by the state. Lessor will be responsible for any rework, design changes, change orders etc., caused by discrepancies in plans provided to RESD for planning and design purposes

In addition, you will find the following documents enclosed:

a sample copy of the State's Standard Lease Form;
a copy of the State's Exhibit "B" Specifications, further detailing the State's requirement for leased space;
a copy of the State's Exhibit "C" Lessor Compliance Procedures, outlining the Lessor's responsibilities relative to State Fire Marshal and State Architect (Access Compliance) approvals.
As a reminder, both of these Exhibits will be attached to the State's Lease along with the Space Plan, Exhibit "A".

If you should have any questions regarding any of these requirements, please contact me at (916) 375-.

Sincerely,

REAL ESTATE OFFICER

cc:

Enclosures

Sierra Nevada Conservancy
Staff Recommendation
5-05-1

2005-06 fiscal Year Budget

REQUESTED ACTION: Ratification of the proposed 2005-06 budget for the Conservancy.

RECOMMENDATION: Staff recommends that the Conservancy adopt the following resolution, pursuant to Public Resources Code sections 33300 et seq., 33330, and 33335:

“The Sierra Nevada Conservancy hereby ratifies the proposed 2005-06 fiscal year budget, as set forth in the materials presented by staff; and authorizes staff to take necessary steps for its adoption.”

Sierra Nevada Conservancy
Staff Recommendation
5-05-2

Recruitment and Selection Process for Executive Officer Position

REQUESTED ACTION: Authorization for an advisory committee of the board, assisted by staff, to carry out recruitment and screening of candidates for the Executive Officer position.

RECOMENDATION: Staff recommends that the Conservancy adopt the following resolution, pursuant to Public Resources Code section 33328:

"The California Sierra Nevada Conservancy hereby authorizes an advisory committee of the board, to be designated by the board concurrently with this resolution ("the Search Committee"), with the assistance of staff, to carry out recruitment and screening of candidates for the position of Executive Officer, with such guidance as the board may hereafter provide.

"The Search Committee shall recommend to the board the desirable criteria for filling the Executive Officer position, together with the recruitment plan and application and interviewing procedures. The Search Committee shall report to the board periodically regarding the progress and results of the recruitment process. The Search Committee shall also make recommendations to the board regarding the desirable salary for the position."

STAFF DISCUSSION:

A. Statutory Background: The Conservancy's authority to appoint and determine the qualifications of an Executive Officer is set forth in the Conservancy's enabling legislation:

"The board shall determine the qualifications of, and shall appoint, an executive officer of the conservancy, who shall be exempt from civil service. The board shall employ other staff as necessary to execute the powers and functions provided for under this division."
(Public Resources
Code section 33328)

B. Recruitment and Hiring Process – General:

Because the Executive Officer position is exempt from civil service, there are no specific State requirements governing whether, or how, a recruitment process is conducted. However, the basic steps in recruitment and hiring for this type of position would typically include:

- (1) adopting a position description, eligibility criteria, and statement of desirable qualifications;
- (2) specifying the form of application or outline of qualifications to be submitted by interested persons;
- (3) announcing and advertising the position;
- (4) assembling background and references for candidates who meet the basic eligibility criteria;
- (5) establishing guidelines for the screening and evaluation of candidates;
- (6) initial screening and evaluation;
- (7) interviewing the leading candidates;
- (8) final evaluation of candidates, and report to the Conservancy board; and
- (9) selection and appointment of an Executive Officer by the Conservancy board.

The board has broad flexibility with regard to dividing up the responsibility for these steps. The early steps in the process can conveniently be carried out by staff (Resources Agency, during the interim period), by consultants or contractors, or by some combination of the two. These include such steps as the initial preparation of a draft position description, eligibility criteria, and statement of desirable qualifications; and advertising of the position.

The screening, interviewing, and evaluation of candidates can also be carried out in various ways. Among State conservancies, boards, and commissions, it is common for these steps to be carried out by a committee or subcommittee of the board; or by an independent screening panel that the board appoints.

Staff is recommending that the Conservancy board designate an advisory committee (“the Search Committee”) to guide the overall recruitment and hiring process, and to supervise the screening and initial interviewing and evaluation of candidates.

The Search Committee would advise the board and operate under its direction, would report periodically to the board on the progress and results of the recruitment process, and would make recommendations to the board with respect to the final selection. The Committee would also make a recommendation to the board regarding the appropriate salary level to be

proposed to the Department of Personnel Administration (which makes the final determination on salary levels).

The Search Committee, assisted by staff, would also oversee the preparation of a position announcement and other documentation, the advertising of the position, and the retention of an executive search firm, if this is warranted.

The Search Committee would consist of two or more members of the board; the number is in the board's discretion. It should be noted, if the committee consists of no more than two persons, its deliberations are exempt from the requirements of the Bagley-Keene State Open Meeting Act (Government Code Section 11120 et seq.).

C. Approaches to Recruitment – As noted above, the nature and extent of recruitment are entirely within the board's discretion.

The more extensive the approach that is embarked upon, the more elaborate the process of advertising, screening, and interviewing candidates. Some of the main variables include: the number and variety of advertising outlets; the extensiveness of the required application; the manner in which applications are evaluated and rated; and the size and breadth of the interviewing panel(s). In staff's view it is probably desirable to utilize the services of an executive search firm for the purpose of publicizing the position, reviewing the applications for eligibility, and initially ranking them.

If the board decides to designate a Search Committee, staff will assist the committee in reviewing the various recruitment approaches, so that a full report and recommendation can be presented to the board at its next meeting.

D. Timeline - The timeline for the recruitment and hiring process largely depends on how extensive a process the Conservancy decides to pursue. By the time of the Conservancy's next scheduled board meeting, it is likely that the Search Committee, assisted by staff, will be able to present the following items: recruitment plan; announcement (including position description, eligibility criteria, and desirable qualifications); screening and eligibility criteria; and details on any executive search firm which may be utilized.

The process of advertising the position and receiving applications could take from five to eight weeks after the May board meeting. Review and screening of applications, and interview of leading candidates, could take an additional one to two months.

Exhibits (attached):

Exhibit 1: "Duty Statement, Executive Officer, Sierra Nevada Conservancy"

EXHIBIT 1

[DRAFT]

DUTY STATEMENT:

EXECUTIVE OFFICER SIERRA NEVADA CONSERVANCY

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 - program, project, and budget priorities and decisions,
 - program guidelines and project criteria,
 - legislation that may affect the Conservancy, including, amendments to the Conservancy's enabling legislation,
 - administrative regulations and internal operating procedure, and
 - claims and litigation involving the Conservancy.
- Organizing, leading, and directing staff in carrying out the policies, programs, and daily operations of the Conservancy, including:
 - program development,
 - program administration, including grants, contracts, and real property transactions,
 - fiscal administration, including preparation of the Conservancy's annual budget, and accounting oversight,
 - personnel,
 - interagency and intergovernmental liaison,
 - legislative liaison, and
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- Budgetary liaison with the Resources Agency, Department of Finance, and Office of the Legislative Analyst
- Testimony to legislative committees regarding the Conservancy's budget and appropriations, and other legislation involving or affecting the Conservancy

- Interagency, intergovernmental, and other outside liaison on behalf of the Conservancy, including:
 - establishing consultative and collaborative relationships with the Resources Agency and other departments within the Agency, and with other public agencies - local, State, and federal – whose programs and activities may interface with those of the Conservancy,
 - establishing cooperative and collaborative relationships with nonprofit organizations, other private-sector entities, and Native American tribal organizations, in order to facilitate the implementation of the Conservancy’s programs.

 - Other duties as may be assigned by the board.
-

Sierra Nevada Conservancy
Staff Recommendation
5-05-3

Authorization for Resources Agency

REQUESTED ACTION: Authorization for the Resources Agency to carry out necessary operational and administrative functions on behalf of the Conservancy on an interim basis.

RECOMMENDATION: Staff recommends that the Conservancy adopt the following resolution, pursuant to Public Resources Code sections 33300 et seq. and 33328:

“The Sierra Nevada Conservancy hereby authorizes the Resources Agency, to carry out necessary operational and administrative functions on behalf of the Conservancy, pending the appointment of an Executive Officer and other staff for the Conservancy.

“The functions to be carried out by the Resources Agency shall include:

- organizing places, dates, and times of Conservancy board meetings, in consultation with the board;
- preparing and disseminating board meeting notices and agendas, in compliance with the Bagley Keene Open Meeting Act (Government Code section 11120 et seq.);
- preparation of minutes of Conservancy board meetings, as well as copies of the board’s official resolutions for certification by the Chair;
- assistance in the recruitment and screening of candidates for the position of Executive Officer;
- initial and preparatory steps for the hiring of other staff, including preparation of duty statements, establishment of hiring lists, and the like;
- legislative budget liaison in connection with the Conservancy’s 2005-06 fiscal year budget;

- organizing public outreach activities within the Conservancy's six subregions, for the purpose of publicizing the inception of the Conservancy and soliciting the public's ideas and comments;
- processing of travel claims and per diem requests; and
- such other activities as may be necessary and incidental to the activation of the Conservancy and do not conflict with the board's decision making prerogatives.

"The Resources Agency shall report to the Conservancy at each meeting of the board on the progress of the above activities."
