

SIERRA NEVADA CONSERVANCY

Board Packet

For

September 29, 2005

Meeting

NOTICE OF PUBLIC MEETING

Sierra Nevada Conservancy

**Thursday, Sept. 29, 2005
8:00 AM**

Location:

**Resources Building
Auditorium
1416 Ninth Street - 1st floor
Sacramento, CA 95814**

September Agenda

- I. Call to order
- II. Swearing in of new board member(s)
- III. Roll call
- IV. Approval of the minutes of the June 30, 2005 meeting
- V. Deputy Attorney General's report
- VI. Administrative report. General update by Resources Agency on administrative activities:
 - a. Administrative staffing update
 - b. Staff update on preparation for office space search
 - c. Staff update on outreach activities
 - i. report on sub-region workshops
 - ii. calendar for future regional workshops

- VII. Proposed delegation of authority to Chairman.
Consideration and possible action to delegate authority to the Chairman, for an interim period and with limitations, to enter into interagency agreements and other contracts on behalf of the Conservancy
- VIII. Proposed conflict-of-interest code. Consideration of, and possible approval to commence rulemaking proceeding to adopt, a proposed conflict-of-interest code
- IX. Executive Officer Search. General update from the Executive Officer Search Committee.

X. CLOSED SESSION:

Consideration of the appointment of an Executive Officer, and interviews of candidates for the position of Executive Officer. (Government Code section 11126(a)(1).)

[Following the closed session, the board will reconvene in open session.]

XI. Board member comments

XII. Public comments

XIII. Administrative matters

a. Date for next board meeting—December 2, 2005

XIV. Adjournment

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

Draft Minutes
for
Public Meeting of the
Board
of the
Sierra Nevada Conservancy

Thursday, June 30, 2005

Resources Building
First Floor Auditorium
1416 Ninth Street
Sacramento, California

- I. **Call to Order** – Chairman Mike Chrisman called the meeting to order at 10:15 a.m. He announced that the National Park Service had appointed a nonvoting representative to the board, Mike Tollefson (Superintendent of Yosemite National Park), represented at this meeting by Deputy Superintendent Kevin Cann.
- II. **Roll Call** – All board members (or board members designees) were present. Designees in attendance included: Kevin Cann for the National Park Service; Fred Klass for Tom Campbell, Director of the Department of Finance.
- III. **Approval of Minutes from May 12, 2005 meeting.** The Chair took note of several grammatical and technical corrections.

**Approval of minutes moved by Carol Whiteside, seconded by Lee Stetson.
Motion passed unanimously.**

IV. Search Committee Report on the Executive Officer Recruitment Process.

Search Committee members Linda Arcularius and Bob Kirkwood presented A progress report on the Executive Officer search. Ms. Arcularius referred the board to the committee report in the board packet and invited comment on the report from members of the Board.

- A. **Search Procedure and Timeline; Review Process:** The search procedure envisions that the Conservancy will place a notice of the position in various electronic and print media, not limited to media targeted at managers in state and local government. The notice will also be posted on the Sierra Nevada Conservancy web site. As resumes are received, they will be reviewed by the Search Committee, who will select the most qualified candidates for interview by the full board at the next meeting in September.

In response to questions from the board, the Committee confirmed that all board members would have the opportunity to review resumes that are received; and that any board member could add a candidate (or candidates) to the list for board interview.

Staff reported that the pay range for the position would be \$7,800 – 8,459 per month (\$93,600 - \$101,508 per annum).

- B. Description of the position:** Board members suggested several clarifications to the write-up on the position. With respect to the statement of Conservancy objectives, the board felt that the statement should precisely follow the nine objectives which are specified in the Conservancy’s enabling legislation. The language was also changed to make clear that the Executive Officer is expected to “support” the activities of the Board rather than “manage” the Board.
- C. “Ideal candidate”:** Bob Kirkwood discussed a description of the qualities of the “ideal candidate,” which the Committee had drawn up. He said this presented the first opportunity for the board to talk philosophically about what its various concerns might be.

Carol Whiteside stated that the main task of the position is balancing priorities; and, in a broad sense, understanding the Conservancy’s long-term strategy. These are the specific qualities we want in an Executive Officer. A broad statement of those qualities would be useful.

Mr. Kirkwood recommended that the material under the heading “ideal candidate” will become a stand-alone document. We might want to add another short paragraph regarding balancing priorities, perspectives and strategic vision.

- D. Evaluation process:** Bob Kirkwood recommended that each of the final candidates be required to come in 20 minutes ahead of the formal interview and write out a response to specific questions. This would provide a glimpse of their extemporaneous writing skills. There was discussion of the format of the interview questions and concern that members have the flexibility to expand areas of discussion. Mr. Chrisman suggested that, after members have had time to consider, they should call Crawford Tuttle with any suggestions for improving the process for candidate evaluation.

V. Update on Legislation

- A. **Jedd Medefind, Chief of Staff to Assemblyman Tim Leslie**, gave an update of the SNC license plate bill, AB 84.
- B. **Clyde MacDonald, Legislative Director for Assemblyman John Laird**, gave an update on the SNC technical cleanup bill. The bill corrects two ambiguities in the boundary of the Sierra Nevada Region, and clarifies that the Conservancy can acquire land by gift, in fee simple (outright title). The bill is moving forward.

VI. Deputy Attorney Generals' Report

Deputy Attorney General Christine Sproul advised members that at the next meeting there will be proposed conflict-of-interest regulations for the Board to consider.

VII. General update on administrative activities

- A. **Budget.** Dave Willis reported that the 2005-06 budget, as it went to conference, had one uncertainty affecting the Conservancy. Unlike the Assembly version (Governor's version), the Senate version would have reduced the budget by \$ 400,000 on the assumption that the Conservancy would not hire staff as quickly as projected. The Assembly version prevailed and the conference committee approved the Governor's request of 20 positions with 13.5 person-years, 10 of which will not be hired until January. The Conservancy has been appropriated \$ 3.5 million from the Environmental License Plate Fund (ELPF) and \$ 200,000 in anticipated reimbursements, approximately \$1 million for contractual services in getting guidelines developed (strategic plan and guidelines).
- B. **Outreach activities.** Ray Lacey reported on the first outreach meeting in Bishop, June 28th. He reviewed the format, which will carry through to future outreach meetings. After welcoming remarks by Secretary Chrisman and others, John Gussman had summarized the whys and hows of the Sierra Nevada Conservancy – why the Conservancy was established, the make-up of the board, how the board votes, etc.; followed by Mr. Lacey's own summary of the program objectives. The bulk of the meeting was Q&A; for those hosting the meeting, this was the most educational part.

Mr. Lacey said it is clear that there is a lot of passion and interest with respect to the Conservancy. There is also a great deal of confusion: people are not clear what "this" is. There was some concern about "property rights" issues; the presenters were able to calm these concerns to some extent, though not entirely. The dialogue needs to continue: a single meeting can't accomplish everything. There were also questions about how news and information about the Conservancy will be disseminated. Some suggested postings in local libraries and local media, on the

Internet, etc. The attendees were encouraged that they could contact anyone on the board or the staff for more information.

The Chairman thanked all those who had participated in mounting the event. Several board members who had attended commented on their impressions of the meeting.

VIII. Reports on Program Development Activities

- A. **Ruth Coleman, Director, California Department of Parks & Recreation**, reported on the work that Parks and Recreation is doing in the Sierra Nevada region, the challenges facing all agencies, and her department's desire to work closely with the Conservancy board in this area.
- B. **Dave Campbell, Director of the California Communities Program in the Department of Human and Community Development at U.C. Davis**, discussed his work there in collaboration with Professor Ted Bradshaw. He explained that U.C. has a cooperative extension program with important activities in the area of rural development. He stated that the Sierra is unique, but, in its main dynamics, similar to other areas throughout California – population growth, demographic diversity, etc. Small communities are more concerned with the impact of diversity. There has been a historic shift from a resource-based economy to a new economy much more dependent on retirement income, recreation, tourism, and so forth. There is a struggle to preserve working landscapes. This board cannot solve the problems by itself: the local level is where it will happen. In the past, the Employment Development Department (EDD) worked with local grantees in a new way, stressing technical assistance, nurturing local, nonprofits, and mentoring.

Mr. Campbell made four suggestions:

1. Figure out what really matters to this board – how to know if you have succeeded – what kind of local community institutions need to be in place and thriving if it is to work well, with innovative partnerships. Focus is important.
2. Be curious about what is happening locally. Find out the thinking of local people, what brought this audience before you today. If you talk to people about their work for 30 minutes to an hour, they talk more extensively and you get a more nuanced view than in most public settings. The individual interview method works best; even if it is staff-intensive (UC Davis may be able to help on this front). Creating a safe space for people to reflect on what they are doing – people are hungry for that kind of forum.
3. Creation of settings where that complex thinking can be made public. The three “T” s are Time, Thinking and Together. This will create a learning cohort out of these projects. Learning from one another is vital.

4. Informational products – what is really needed is a different sort of approach, drawing information from local stakeholders, including their sense of what is working well and what is not, and not imposing a pre-set agenda.

Mr. Campbell mentioned several ongoing programs at U.C. Davis, which might be of assistance to the Conservancy:

- * **California Communities Program.** This program has a graduate student intern program. It gives small grants and gets a lot of results. Young people in community colleges could be brought into various Conservancy activities, and could help in various ways to support local efforts.
- * **Center for the Study of Regional Change.** The Center's mission is to look at a variety of economic and government issues in California, focused on people thinking and acting on a regional level.
- * **Public education on wildland fire issue.** Researchers at U.C. Davis have had the opportunity to work with stakeholders from around California, and prepared a booklet, "How can we live with wildland fire," which was designed to invite public discussion of this important issue.

C. **Bill Stewart, Chief of the Fire and Resource Assessment Program (FRAP), California Department of Forestry and Fire Protection,** gave background on wildfire risk throughout the Sierra, pointing out that the Sierra Nevada Conservancy has a unique chance to address various goals at once, in a new way.

IX. MOU with Department of General Services, for fiscal services:

Dave Willis presented a proposed Memorandum of Understanding with the Department of General Services (DGS), under which DGS would provide fiscal services to the Conservancy. In response to a question about flexibility to change providers he responded that we could, with qualifications. A State agency is constrained by all manner of complex rules and guidelines in the areas of accounting, budgeting, personnel, contracting, procurement, etc. The State has found that, for small agencies, it is difficult to hire staff at a level of experience which allows them to deal with all these rules and guidelines, and that there are not really any outside groups or firms which are qualified to provide these services.

Bob Kirkwood moved, and Fred Klass seconded, to approve the Memorandum of Understanding with DGS for fiscal services. Motion passed unanimously.

IX. MOU with Department of General Services, for personnel services

Dave Willis presented a proposed Memorandum of Understanding with the Department of General Services (DGS) under which DGS would provide personnel services to the Conservancy.

Linda Arcularius moved, and Brian Dahle seconded, to approve the Memorandum of Understanding with DGS for personnel services. Motion passed unanimously.

X. Search for office space.

Dave Willis explained that staff needs to submit a Form 9, which is used to initiate a search by a State agency for new or expanded office space. The form goes first to the Department of Finance, then to the Department of General Services (DGS) for approval. DGS has the statutory mandate to handle all aspects of office space search for State agencies. In order not to pre-judge future decision making on the location of the headquarters, staff has discussed with DGS the possibility of advertising for needed space throughout the entire Conservancy service area. The ads will specify State requirements (access for the disabled, no lead or asbestos, etc.). Working from the responses to the advertisements, the Board would have the ability to choose what it wants, knowing what is available. Mr. Willis stated that Patrick Foster from the Real Estate Services Division of DGS was present and could answer any questions from the board.

There was discussion about the scope of the search area, with broad agreement among board members that it should not include the whole Sierra Nevada Region, but should be limited to the more central and accessible part of the Region.

It was moved by Bob Kirkwood, seconded by Carol Whiteside, to locate the SNC headquarters office in a central location within the Conservancy's service area, with reasonable year-round access to and from Sacramento. Motion passed.

In response to a question about next steps, Dave Willis stated that staff would amend Form 9 to reflect the motion just adopted, and forward it to the DGS Real Estate Services Division, which will be putting out the advertisement. After the details have been worked out, the advertising and search plan will be brought back to the board for final review; then we will place the ads. At the same time, DGS will be asked to look for temporary office space.

XI. Board member comments

A. **Helen Baumann** commented on the difficulty of finding parking near the meeting site. Dave Willis promised to get out maps with parking garages for the next meeting.

B. **Linda Arcularius** requested name tags for all participants at future meetings.

XII. Public Comments

- A. **Dick McCleery (USDA Natural Resource Conservation Service;** project coordinator for the Central Sierra Resource Conservation and Development area – grass roots connection) stated that the Resources Conservation Development Council welcomes the opportunity to work with the Sierra Nevada Conservancy.
- B. **Kevin Hanley (Auburn City Council)** – advocated locating the Conservancy's headquarters in Auburn.
- C. **Valerie Zintner (El Dorado County Farm Bureau)** – stated that while her organization did not support AB 2600, they believe it is important to stay engaged with the SNC. She stated that this offers a unique opportunity to act creatively. It is essential to maintain private working landscapes and allow existing business to flourish, while we manage our land. The Farm Bureau wishes to be part of the solution.
- D. **Conley Weaver (Mayor, City of Nevada City)** – stated that Nevada City is working hard to support creation of a Sierra Nevada Conservancy License Plate fund.

XIII. Administrative

Chairman Chrisman announced that the next Conservancy board meeting is tentatively set for Thursday, September 29th, in the same location. Staff will check on the feasibility of this date and then inform the entire board.

XIV. Adjournment

The meeting was adjourned at 12:58 p.m.

Sierra Nevada Conservancy
Staff Recommendation
9-05-1

Interim Delegation of Contracting Authority

REQUESTED ACTION: Authorization for the Chairman, for an interim period and with limitations, to enter into interagency agreements and other contracts on behalf of the Conservancy.

RECOMMENDATION: Staff recommends that the Conservancy adopt the following resolution, pursuant to Public Resources Code sections 33300 et seq. and 33329:

“The Sierra Nevada Conservancy hereby authorizes the Chairman, acting in the name of and on behalf of the Conservancy, to enter into interagency agreements for amounts not to exceed \$50,000 per agreement, and to enter into other contracts for services and procurement, in amounts not to exceed \$30,000 per contract, in order to facilitate the start-up of Conservancy operations.

“The foregoing authorization shall remain in effect until the Conservancy makes a general delegation of contracting authority to the Executive Officer of the Conservancy.”

DISCUSSION:

Staff is recommending that the board make a temporary delegation of contracting authority to the Chairman, in order to assure the smooth startup and operations of the Conservancy during an interim period of approximately two months.

The types of contracts and interagency agreements that may be needed during this period of time include, but are not limited to: contracts for procurement of temporary office space or supplies; contracts for technical support in areas such as information technology, GIS, mapping, etc; interagency agreements for specialized services from other agencies, such as the Tahoe Conservancy; and other miscellaneous contracting needs of a short-term nature.

It is expected that the board will make a general delegation of authority, including contracting authority, to the Executive Officer, after the Executive Officer has

been appointed. This general delegation of authority would most likely occur at the next Conservancy board meeting, which is tentatively scheduled for the first week of December. Upon the granting of the delegation of authority to the Executive Officer, the above interim delegation of authority to the Chairman would lapse.

Sierra Nevada Conservancy
Staff Recommendation
9-05-2

Authorization to Initiate the Rulemaking Process for Conflict of Interest Code

REQUESTED ACTION:

RECOMMENDATION: Staff recommends that the Conservancy Board adopt the following resolution pursuant to subdivision (b) of Public Resources Code section 33325:

“The Sierra Nevada Conservancy hereby authorizes and directs staff to initiate the rulemaking process pursuant to the Administrative Procedure Act for adopting a conflict of interest code for the Conservancy in order to meet the requirements of the Political Reform Act. “