

AMENDED IN ASSEMBLY JUNE 30, 1999

AMENDED IN SENATE APRIL 28, 1999

**SENATE BILL**

**No. 526**

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**Introduced by Senator Kelley**

February 19, 1999

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An act to amend Sections 33500, 33501, 33502, 33503, 33601, 33700, and 33702 of the Public Resources Code, relating to conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 526, as amended, Kelley. Coachella Valley Mountain Conservancy.

(1) Existing law establishes the Coachella Valley Mountains Conservancy to acquire and hold, in perpetual open space, mountainous lands surrounding the Coachella Valley, as provided. Existing law provides for the conservancy to be administered by a governing board of 20 voting members, as specified, and authorizes the board to adopt regulations governing the public's use of the conservancy lands. Existing law provides that a violation of those regulations is a misdemeanor.

This bill would provide for the conservancy to additionally acquire and hold, in perpetual open space, natural community conservation lands, defined as all lands within the territory of the conservancy, the preservation of which is necessary to implement a natural community conservation plan, as provided. The bill would increase the number of voting members on the governing board to 21 by making the



Regional Director for the Pacific West Region of the National Park Service an additional member of the board. By expanding the territory of the conservancy and thereby expanding the governing board's authority to create new crimes, the bill would impose a state-mandated local program.

The bill would authorize the conservancy to award grants to cities, counties, resource conservation districts, or nonprofit organizations, as provided, in order to further the conservancy's purposes.

(2) Under existing law, the acquisition of real property or interests in real property by the conservancy is subject to the Property Acquisition Law, except as specified.

~~This bill would exempt from the Property Acquisition Law any acquisition of real property or any interest in real property within the territory of the conservancy that comprises natural community conservation lands and that is approved by the management committee responsible for implementation of the state-approved natural community conservation plan for the area, if the acquisition is approved by the governing board of the conservancy.~~

The bill would require the conservancy, *in addition to complying with that law*, to consult with an advisory committee prior to the acquisition of property or the taking of other actions in furtherance of the Coachella Valley natural community conservation plan, habitat conservation plan, or similar program, as prescribed.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 33500 of the Public Resources
- 2 Code is amended to read:



1 33500. The Legislature hereby finds and declares that  
2 the mountains and natural community conservation  
3 lands of the Coachella Valley in Riverside County contain  
4 unique and important open-space, wildlife, scenic,  
5 environmental, anthropological, cultural, scientific,  
6 educational, and recreational resources that should be  
7 held in trust for the enjoyment of, and appreciation by,  
8 present and future generations.

9 SEC. 2. Section 33501 of the Public Resources Code is  
10 amended to read:

11 33501. The Coachella Valley Mountains Conservancy  
12 is hereby created as a state agency within the Resources  
13 Agency to acquire and hold, in perpetual open space,  
14 mountainous lands surrounding the Coachella Valley and  
15 natural community conservation lands within the  
16 Coachella Valley, and to provide for the protection of  
17 wildlife resources on, and the public's enjoyment of, and  
18 the enhancement of their recreational and educational  
19 experiences on, those lands in a manner consistent with  
20 the protection of the lands and the resource values  
21 specified in Section 33500.

22 SEC. 3. Section 33502 of the Public Resources Code is  
23 amended to read:

24 33502. (a) The territory of the conservancy consists  
25 of that portion of Riverside County bounded by a line  
26 commencing at the intersection of the highest elevation  
27 of the San Jacinto Mountains and the range line common  
28 to Range 2 East and Range 3 East, S.B.M., in the vicinity  
29 of the western limits of the Sonoran Desert; thence north  
30 along that range line to its intersection with the San  
31 Bernardino-Riverside County boundary, thence east  
32 along the San Bernardino-Riverside County boundary to  
33 its intersection with the highest elevation of the Little San  
34 Bernardino Mountains; thence meandering southeast  
35 and east along the points of highest elevation of the Little  
36 San Bernardino Mountains, the Cottonwood Mountains,  
37 and the Eagle Mountains to the point of intersection with  
38 the range line common to Range 12 East and Range 13  
39 East, S.B.M.; thence south along that range line to its  
40 intersection with the township line common to Township



1 5 South and Township 6 South, S.B.M.; thence east along  
2 that township line to its intersection with the range line  
3 common to Range 13 East and Range 14 East, S.B.M.;  
4 thence south along that range line to its intersection with  
5 the boundary of the Chocolate Mountains Aerial  
6 Gunnery Range; thence west and south along the  
7 boundary of the Chocolate Mountains Aerial Gunnery  
8 Range to its intersection with the Imperial-Riverside  
9 County boundary; thence west along the  
10 Imperial-Riverside County boundary to its intersection  
11 with the highest elevation of the Santa Rosa Mountains;  
12 thence meandering northwest and north along the points  
13 of highest elevation of the Santa Rosa and San Jacinto  
14 Mountains to the point of beginning; and as more  
15 specifically set forth in that certain map entitled  
16 “Coachella Valley Mountains Conservancy” and dated  
17 \_\_\_\_\_ 1999, and placed on file with the Secretary of  
18 State, which map is incorporated in this subdivision by  
19 this reference.

20 (b) The governing board of the conservancy may  
21 adjust the boundary delineating the territory of the  
22 conservancy, but not by more than 500 yards from the  
23 boundary as mapped pursuant to subdivision (a), to  
24 embrace within the conservancy adjacent lands that have  
25 any of the resource values specified in Section 33500. Any  
26 adjustment in the boundary shall be reflected in a  
27 revision to the map specified in subdivision (a), which  
28 revision shall be promptly filed with the Secretary of  
29 State.

30 SEC. 4. Section 33503 of the Public Resources Code is  
31 amended to read:

32 33503. (a) The governing board of the conservancy  
33 consists of the following 21 voting members:

34 (1) The mayor or a member of the city council of each  
35 of the Cities of Cathedral City, Desert Hot Springs, Indian  
36 Wells, La Quinta, Palm Desert, Palm Springs, and Rancho  
37 Mirage, appointed by a majority of the membership of the  
38 respective city council of each city.

39 (2) The Chairperson of the Tribal Council of the Agua  
40 Caliente Band of Cahuilla Indians.



1 (3) Two members of the Board of Supervisors of the  
2 County of Riverside, appointed by a majority of the  
3 membership of the board of supervisors.

4 (4) Three members chosen from the general public  
5 who reside within the conservancy's territory, one of  
6 whom shall be appointed by the Governor, one of whom  
7 shall be appointed by the Senate Committee on Rules,  
8 and one of whom shall be appointed by the Speaker of the  
9 Assembly.

10 (5) The Secretary of the Resources Agency.

11 (6) The Director of Fish and Game.

12 (7) The Executive Director of the Wildlife  
13 Conservation Board.

14 (8) The Director of Parks and Recreation.

15 (9) The Vice President, Division of Agriculture and  
16 Natural Resources, of the University of California.

17 (10) The State Director for California of the United  
18 States Bureau of Land Management.

19 (11) The Regional Forester for the Pacific Southwest  
20 Region of the United States Forest Service.

21 (12) The Regional Director for the Pacific West  
22 Region of the National Park Service.

23 (b) Any state or federal official who is a member of the  
24 governing board and whose principal office is not within  
25 the territory of the conservancy may designate a member  
26 of his or her executive staff to vote on his or her behalf and  
27 otherwise discharge the duties of the member when the  
28 member is not in attendance. Notice of any such  
29 designation shall be promptly communicated in writing  
30 to the chairperson of the conservancy.

31 (c) Each city council, the Tribal Council of the Agua  
32 Caliente Band of Cahuilla Indians, and the Board of  
33 Supervisors of the County of Riverside may appoint an  
34 alternate member from its respective entity to attend the  
35 governing board meetings and vote on behalf of the  
36 appointed member and otherwise discharge the duties of  
37 the member when that member is not in attendance.  
38 Notice of the designation shall be promptly  
39 communicated in writing to the chairperson of the  
40 conservancy.



1 SEC. 5. Section 33601 of the Public Resources Code is  
2 amended to read:

3 33601. The conservancy may do all of the following:

4 (a) Sue and be sued.

5 (b) Determine the qualifications of, recommend the  
6 salary of, and appoint, an executive director who shall be  
7 exempt from civil service and serve at the pleasure of the  
8 conservancy. In addition, the conservancy may employ  
9 other staff pursuant to the State Civil Service Act and as  
10 may be authorized in the annual state Budget Act.

11 (c) Enter into contracts pursuant to Article 4  
12 (commencing with Section 19130) of Chapter 5 of Part 2  
13 of Division 5 of Title 2 of the Government Code, for  
14 services requiring knowledge, experience, and ability not  
15 possessed by the conservancy's staff.

16 (d) Enter into other agreements with public agencies,  
17 private entities, and persons necessary for the proper  
18 discharge of the conservancy's duties.

19 (e) In order to further the conservancy's purposes as  
20 set forth in Section 33501, award grants to cities, counties,  
21 resource conservation districts, or nonprofit  
22 organizations *that are described in paragraph (2) of*  
23 *subdivision (f) of Section 33702 and that are qualified as*  
24 *exempt organizations under Section 501(c)(3) of the*  
25 *Internal Revenue Code of 1954 (26 U.S.C.A. Sec.*  
26 *501(c)(3)).*

27 SEC. 6. Section 33700 of the Public Resources Code is  
28 amended to read:

29 33700. (a) As used in this chapter, "mountainous  
30 lands" means all lands, irrespective of their angle of slope  
31 or other natural or manmade terrain features, within the  
32 territory of the conservancy that lie above the floor of the  
33 Coachella Valley, if there is no alluvial fan, or that lie  
34 above any alluvial fan extending onto the valley floor, as  
35 more specifically set forth in that certain map entitled  
36 "Coachella Valley Mountainous Lands Map" and dated  
37 \_\_\_\_\_, 1999, and placed on file with the Secretary  
38 of State, which map is hereby incorporated in this  
39 subdivision by this reference. The map described in this



1 subdivision may be combined with, and made a part of,  
2 the map described in Section 33502.

3 (b) The governing board of the conservancy may  
4 adjust the boundary delineating mountainous lands  
5 within the conservancy's territory, but not by more than  
6 100 yards from the boundary mapped as specified in  
7 subdivision (a), to avoid bisecting any single lot or parcel  
8 in existence on January 1, 1991, or to conform the  
9 boundary to more readily identifiable natural or  
10 manmade features in existence on January 1, 1991, if the  
11 adjustment will not jeopardize any of the resource values  
12 specified in Section 33500. Any adjustment in the  
13 boundary shall be reflected in a revision to the map  
14 specified in subdivision (a), which revision shall be  
15 promptly filed with the Secretary of State.

16 (c) In the event of any inconsistency between the  
17 definition of "mountainous lands," as set forth in this  
18 section, and the map described in this section, the  
19 definition shall control.

20 (d) As used in this chapter, "natural community  
21 conservation lands" means all lands within the territory  
22 of the conservancy, the preservation of which is necessary  
23 to implement a natural community conservation plan  
24 that has been approved by the Department of Fish and  
25 Game pursuant to Chapter 10 (commencing with Section  
26 2800) of Division 3 of the Fish and Game Code.

27 SEC. 7. Section 33702 of the Public Resources Code is  
28 amended to read:

29 33702. (a) Except as provided in subdivisions (b),  
30 *and* (c), ~~and (d)~~, the acquisition of real property or  
31 interests in real property under this division is subject to  
32 the Property Acquisition Law (Part 11 (commencing  
33 with Section 15850) of Division 3 of Title 2 of the  
34 Government Code).

35 (b) Any acquisition of real property or any interest in  
36 real property within the territory of the conservancy that  
37 is located in an area designated as a National Scenic Area  
38 and that has a value of less than two hundred fifty  
39 thousand dollars (\$250,000), is not subject to the Property  
40 Acquisition Law.



1 (c) Any acquisition of real property from the County  
2 of Riverside that was acquired by the county as a result  
3 of the nonpayment of taxes, and that has a value of less  
4 than two hundred fifty thousand dollars (\$250,000), is not  
5 subject to the Property Acquisition Law if the  
6 administrative secretary of the State Public Works Board  
7 has received written notice that the conservancy has  
8 adopted a resolution requesting that the real property be  
9 removed from public sale and the Director of Finance has  
10 not, within 60 days from the date that the written notice  
11 was received, notified the executive director of the  
12 conservancy that the real property must be acquired  
13 under the Property Acquisition Law.

14 ~~(d) Any acquisition of real property or any interest in~~  
15 ~~real property within the territory of the conservancy that~~  
16 ~~comprises natural community conservation lands and~~  
17 ~~that is approved by the management committee~~  
18 ~~responsible for implementation of the state-approved~~  
19 ~~natural community conservation plan for the area is not~~  
20 ~~subject to the Property Acquisition Law, if the acquisition~~  
21 ~~is approved by the governing board of the conservancy.~~

22 (e)

23 (d) The committee that is responsible for developing  
24 the Coachella Valley natural community conservation  
25 plan as of December 31, 1999, or any subsequent  
26 committee that is responsible for overseeing the  
27 implementation of any state-approved Coachella Valley  
28 natural community conservation plan, habitat  
29 conservation plan, or similar program, shall be the  
30 advisory committee to the conservancy in its  
31 implementation of any aspect of the plan or program.  
32 Prior to the acquisition of property or the taking of other  
33 actions in furtherance of the plan or program, the  
34 conservancy shall consult with the advisory committee.

35 (f)

36 (e) Except as provided in Section 33701, and subject to  
37 Section 33507, the conservancy may acquire any  
38 property, and any interest in property, on behalf of itself  
39 or a state agency represented on the governing board,  
40 within its territory if acquisition of the property is in



1 furtherance of the conservancy's purposes, as set forth in  
2 Section 33501. The conservancy may initiate, negotiate,  
3 and participate in agreements with local, state, and  
4 federal public agencies or nonprofit entities for the  
5 management of land under the conservancy's ownership  
6 or control, in furtherance of the conservancy's purposes.  
7 The conservancy may also hold, manage, maintain,  
8 administer, occupy, and care for that property in the  
9 event that no appropriate public or private entity is  
10 available to undertake that responsibility without cost to  
11 the conservancy.

12 ~~(g)~~  
13 *(f)* (1) Except as provided in paragraph (2), the  
14 conservancy shall not sell, exchange, lease, or otherwise  
15 dispose of or encumber, any mountainous lands or natural  
16 community conservation lands unless authorized by a  
17 four-fifths vote of the governing board or a two-thirds  
18 vote of the electors residing within the conservancy.

19 (2) The conservancy may transfer any mountainous  
20 lands or natural community conservation lands to  
21 another public agency or to any nonprofit organization  
22 that has as its primary purpose the preservation,  
23 protection, or enhancement of land in its natural, scenic,  
24 historic, agricultural, forested, or open-space condition or  
25 use, if the transfer is authorized in the presence of a  
26 quorum and upon the recorded votes of a majority of the  
27 voting members of the governing board, and if the  
28 transferee agrees to hold, manage, maintain, administer,  
29 occupy, and care for the property in perpetuity and in  
30 furtherance of the conservancy's purposes, as set forth in  
31 Section 33501.

32 (3) Any lease entered into pursuant to this subdivision  
33 shall not exceed five years and shall include the express  
34 provision that the lease may be terminated at any time  
35 that the governing board determines that the land is  
36 needed for conservancy purposes.

37 ~~(h) Notwithstanding subdivision (f) and the~~  
38 *(g) Notwithstanding subdivision (e) and the*  
39 requirements specified in subdivision ~~(g)~~ *(f)*, the  
40 conservancy may sell, exchange, lease, or otherwise



1 dispose of or encumber, property that is not mountainous  
2 land or natural community conservation land on any  
3 terms that are in the best interests of the conservancy.

4 SEC. 8. No reimbursement is required by this act  
5 pursuant to Section 6 of Article XIII B of the California  
6 Constitution because the only costs that may be incurred  
7 by a local agency or school district will be incurred  
8 because this act creates a new crime or infraction,  
9 eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section  
11 17556 of the Government Code, or changes the definition  
12 of a crime within the meaning of Section 6 of Article  
13 XIII B of the California Constitution.

