


Memorandum

To: Salton Sea Authority Board of Directors
From: G. Patrick O'Dowd, Executive Director/GM
Date: June 22, 2023
Re: **SB583 Padilla – Oppose Unless Amend**

Last week this board met in special session to consider certain amendments to the subject bill which, if accepted by the author, would substantially mitigate the risks associated with the legislation in its current form, and in addition create a new entity solely for the purpose of addressing operations and maintenance of completed projects. The State has acknowledged that the costs associated with these completed projects – including the Species Conservation Habitat Project and others as they come online – will be in the tens of millions of dollars annually and there is at present no clear plan for funding, managing, and operating those investments. The language also provides certain protections that the important, ongoing work does not languish and efforts to secure future funding, including the [Imperial Streams Salton Sea and Tributaries Feasibility Study](#), secured by the Authority and which could be foundational to securing hundreds of millions if not billions of federal dollars to complete the restoration efforts at the Sea is not impaired or altogether lost.

Good faith discussions to address our concerns have been taking place, and constructive ideas have been exchanged back and forth. We understand that the bill language is perhaps being amended, and we are hopeful that our concerns can be adequately address thereby. However, we have not seen any final language which the author would accept, nor had the opportunity to fully evaluate that proposed new language to assess its impacts. We have requested in the past and have renewed our request that the Senator hold an open public hearing on the bill, so that both the benefits and concerns can be vetted by the community prior to its consideration and passage. We have offered to host such a gathering, and hope that the Senator will take us up on that offer. Should those thresholds be met, staff would so advise this Board and consider an alternate position, perhaps not in opposition (or even support if our amendments are fully and responsibly integrated). However, because we continue to have concerns about the unintended consequences of the bill if passed in its present version, and further strongly believe it should be vetted in an open public forum, we do not recommend changing the Authority's position of "OPPOSE unless Amended" at this time.

Respectfully submitted,



G. Patrick O'Dowd
Executive Director/GM



June 19, 2023

The Honorable Stephen Padilla
California State Senate
1021 O Street, Suite 6640
Sacramento, CA 95814

RE: SB 583 (Padilla), Salton Sea Conservancy-- Oppose Unless Amended.

Dear Senator Padilla,

On behalf of the Salton Sea Authority, we write to thank you for amending SB 583 to remove implementation of the Salton Sea Management Program (SSMP) from the scope of the proposed conservancy. While this amendment is a step in the right direction, we remain concerned the proposed conservancy would duplicate the role the Authority plays in restoration, and respectfully request that you further amend the bill to 1.) limit the conservancy's scope to operations and maintenance of completed projects; 2.) add representation of Authority member agencies to the conservancy's board; 3.) require the conservancy to develop a strategic plan outlining how it will meet its mission while avoiding duplication and 4.) limit tribal representation on the board to tribes that have historically resided in the Salton Sea region.

The Salton Sea Authority ("Authority") was formed in 1993 as a joint powers authority and consists of the Coachella Valley Water District, the Imperial Irrigation District, the County of Riverside, the County of Imperial and the Torres Martinez Desert Cahuilla Indians. The Authority was created out of a "need for a local agency to work with the state of California, the federal government, and the Republic of Mexico in the development of programs to ensure the continued beneficial uses of the Salton Sea," including enhancing the "recreational and economic development potential of the Salton Sea." The Authority was intentionally created as a "public agency separate and apart from any party" to coordinate and harmonize Salton Sea activities across the member agencies "relating to improvement of water quality and stabilization of water elevation and to enhance recreational and economic potential of the Salton Sea and other beneficial uses."

As outlined in Article II ("Powers of the Authority") of the "Joint Powers Agreement Creating the Salton Sea Authority" (a copy of which can be found online at <http://saltonsea.com/jpa>), the Authority was empowered, on behalf of its member agencies, to enter legally binding contracts, leases and other agreements with both private and government entities. In addition, the Authority was authorized to raise revenue, incur debt, acquire land (consensually or through eminent domain if necessary), and undertake project development related to fish and wildlife, salinity,

protection, and enhancement of water quality, the “reduction or elimination of threats to public health, safety and welfare” or the establishment of on-going maintenance and operations programs.

As amended on May 23, 2023, the proposed Salton Sea Conservancy is now limited to “support[ing] implementation of the Salton Sea Management Program Phase I: 10-Year Plan (SSMP) and the Long-Range Plan,” a role the Authority currently fills. For example, under AB 71 (Chapter 402, Statutes of 2013), the Authority was authorized to lead development of a financially feasible restoration plan for the Salton Sea and was allocated \$2 million through the state budget to complete that work. The plan, which was incorporated into the SSMP, called for the construction of a North Lake, an approximate 4,030-acre horseshoe-shaped lake at the north end of the Sea to control dust and create habitat for fish and birds. In 2021, the California Department of Water Resources signed a \$19.25 million grant funding agreement with the Salton Sea Authority for construction of the North Lake Demonstration Project, a 156-acre lake in the Whitewater Area identified in the SSMP, to serve as a first phase of the larger North Lake project.

Further, and similar to the Authority, the conservancy is empowered to enhance fish and wildlife, protect and improve public health, enhance recreation etc. While the conservancy will have the power to provide grants for acquisitions, easements, restoration, et cetera, the entities receiving those grants would still have to coordinate with our member agencies to obtain entitlements pertaining thereto.

Rather than duplicating the Authority’s role supporting implementation of the SSMP, we respectfully request that you further refine the conservancy’s scope to the operation and maintenance of projects completed under the SSMP, the Long-Range Plan and the ongoing Imperial Streams Salton Sea and Tributaries Feasibility Study the U.S. Army Corps of Engineers is conducting in partnership with the State and the Authority.

As outlined in the December 2022 Draft Long Range Plan, ongoing operations, maintenance, energy and replacement (“OMER”) expenses are estimated at \$64.6 million a year at full SSMP implementation. This is a particularly significant ongoing cost that to date no agency, local or state, has been assigned to lead. The operations and maintenance costs of projects completed pursuant to the U.S. Army Corp study will also be significant. While the state will already have ongoing liability for these completed projects, the conservancy would be well positioned to coordinate efforts to secure operations and maintenance funds for these and the state projects, including accessing federal, state, and philanthropic funding streams. To this end, we request that you consider an amendment directing the conservancy develop a strategic plan outlining how it will carry on its mission, inclusive of securing the funding and personal it will need to complete its work. The Salton Sea Authority is well positioned to assist the conservancy in pursuing resources to address these ongoing financial commitments.

The Honorable Stephen Padilla
June 19, 2023
Page 3 of 3

Finally, we would like to see the language relating to tribal participation adjusted to ensure only federally recognized tribes can serve on the board as there are no non-federally recognized tribes in the Salton Sea region.

We thank you for consideration of these amendments. In the event you incorporate these amendments into your legislation, the Authority will gladly remove its opposition to this measure.

Sincerely,



Luis A. Plancarte
Salton Sea Authority President
Supervisor, Imperial County



Altrena Santillanes
Salton Sea Authority Vice President
Tribal Secretary, Torrez Martinez
Desert Cahuilla Indians

cc: Assemblymember Edwardo Garcia
Secretary Wade Crowfoot, California Natural
Resources Agency
Grant Mack, Deputy Legislative Secretary, Office of
the Governor
Joe Stephenshaw, Director, Department of Finance
Members, Assembly Natural Resources Committee

SECTION 1.

Division 23.6 (commencing with Section 33810) is added to the Public Resources Code, to read:

DIVISION 23.6. Salton Sea Conservancy

CHAPTER 1. General Provisions

33810.

This division shall be known, and may be cited, as the Salton Sea Conservancy Act.

CHAPTER 2. Definitions

33811.

For purposes of this division, the following definitions apply:

- (a) "Board" means the board of directors governing the Salton Sea Conservancy.
- (b) "Conservancy" means the Salton Sea Conservancy established pursuant to Section 33812.
- (c) "Fund" means the Salton Sea Conservancy Fund established pursuant to Section 33825.
- (d) "Local public agency" includes, but is not limited to, a city, county, city and county, district, association of governments, or joint powers authority.
- (e) "Long-Range Plan" means the plan prepared by the Salton Sea Management Program to comply with State Water Resources Control Board Order (revised) WR 2017-01342002-0013. The plan must be consistent with the requirements of the order and the Salton Sea Restoration Act established pursuant to Chapter 13 (commencing with Section 2930) of Division 3 of the Fish and Game Code, including the objectives set forth in subdivision (c) of Section 2931 of the Fish and Game Code.
- (f) "Nonprofit organization" means a private, nonprofit organization that qualifies for tax exempt status under Section 501(c)(3) of Title 26 of the Internal Revenue Code.
- (g) "Region" or "Salton Sea region" means the geographic boundaries of the Salton Sea ecosystem, as described in subdivision (d) of Section 2931 of the Fish and Game Code.
- (h) "Salton Sea Management Program Phase I: 10-Year Plan" means the plan for action over the 10-year period from 2018 to 2028. The plan's goal is to improve conditions around the Salton Sea by constructing projects that create habitat and reduce dust from exposed lakebed on 30,000 acres.
- (i) "Tribe" means any federally recognized Native American tribe or a nonfederally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.
- (j) [The Imperial Streams Salton Sea and Tributaries Feasibility Study means the study being conducted by the United States Army Corp of Engineers in partnership with the State of California and the Salton Sea Authority together as joint local sponsors, pursuant to a Resolution of the U.S. Senate Committee on Environment and Public Works, 114th Congress, 2nd Session \(April 28, 2016\).](#)

CHAPTER 3. Salton Sea Conservancy

33812.

(a) The Salton Sea Conservancy is hereby created as a state agency within the Natural Resources Agency to ~~support implementation of~~[operate, maintain, and manage projects completed pursuant to the Salton Sea Management Program Phase I: 10-Year Plan](#) ~~and~~, the Long-Range Plan ~~and~~ [The Imperial Streams Salton Sea and Tributaries Feasibility Study](#).

(b) The conservancy's jurisdiction is limited to the Salton Sea region.

33813.

The conservancy shall carry out programs, projects, and activities to further the conservancy's purposes specified in Section 33812. This may include any, any combination, or all of the following:

- (a) Expending funds and awarding grants and loans to develop and implement programs and projects that are designed to further the conservancy's purposes specified in Section 33812.
- (b) Engaging community members and stakeholders through education, outreach, opportunities to provide input, and volunteering on programs and projects.

(c) Coordinating, collaborating, and partnering with federal, tribal, state, regional, and local jurisdictions and stakeholders to develop and implement programs ~~and that enhance beneficial uses and improve the operational efficiency of the completed~~ projects.

~~(d) Identifying and working to resolve any barriers or impediments to progress, including capacity or organizational deficiencies.~~

CHAPTER 4. Governing Board

33814.

(a) The conservancy shall be governed by a board of directors.

(1) The board shall consist of ~~eight~~nine voting members appointed as follows:

(A) One public member appointed by the Governor subject to confirmation by the Senate, who is not an elected official and who resides within the conservancy's territory.

(B) One public member appointed by the Speaker of the Assembly, who is not an elected official and who resides within the conservancy's territory.

(C) One public member appointed by the Senate Committee on Rules, who is not an elected official and who resides within the conservancy's territory.

~~(D) Five members~~One member of the board or a designee who is appointed ~~from local governments surrounding~~by the Riverside County Board of Supervisors, who is a resident of that county.

(E) One member of the board or a designee who is appointed by the Imperial County Board of Supervisors, who is a resident of that county.

(F) One member of the board or a designee who is appointed by the Coachella Valley Water District, who is a resident of the District.

(G) One member of the board or a designee who is appointed by the Imperial Irrigation District, who resides within the District's boundaries.

(H) One member of the board or a designee who is appointed by the Torres Martinez Desert Cahuilla,

(I) One member of a non-governmental organization focused on Environmental Justice work in the Salton Sea, area tribes, local environmental justice organizations, and others. Region appointed by the Secretary of Natural Resources

(2) The board shall also consist of five ex officio, nonvoting members designated as follows:

(A) The Director of Finance, or the director's designee.

(B) The Secretary of the Natural Resources Agency, or the secretary's designee.

(C) The Director of Fish and Wildlife, or the director's designee.

(D) The Director of Water Resources, or the director's designee.

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

(b) Each member of the board appointed pursuant to paragraph (1) of subdivision (a) shall serve a four-year term.

33815.

Annually, the voting members of the board shall elect from among the voting members of the board 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.

33816.

A majority 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 five of the voting membership, and the vote is binding with respect to all matters acted on by the conservancy.

33817.

The board shall adopt rules and procedures for the conduct of business by the conservancy.

33818.

The board may establish advisory boards or committees, hold community meetings, and engage in public outreach.

33819.

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

33820.

-(a) 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 in this division.

(b). Within two years of hiring an executive officer, the board shall prepare and adopt a strategic plan to achieve the goals of the conservancy. The plan shall describe its interaction with local, regional, state, and federal agencies. The strategic plan shall establish priorities and criteria for operations, maintenance, and management of projects based upon an assessment of project requirements, institutional capabilities, and funding needs throughout the Salton Sea region. The strategic plan shall be consistent with the Salton Sea Management Plan, the Long-Range Plan, the Imperial Streams Salton Sea and Tributaries Feasibility Study, and shall outline a plan that avoids any duplication of roles between the Conservancy, the Salton Sea Management Program, and the Salton Sea Authority.

33821.

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.

33822.

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.

33823.

The board shall conduct business in accordance with 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).

33824.

The board shall hold its regular meetings within the Salton Sea region.

CHAPTER 5. Powers, Duties, and Limitations

33825.

The Salton Sea 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.

33826.

The conservancy may engage in partnerships with nonprofit organizations, local public agencies including the Salton Sea Authority, and landowners.

33827.

In implementing this division, the conservancy shall cooperate and consult with the city or county in which a grant is proposed to be expended or an interest in real property is proposed to be acquired, and shall, as necessary or appropriate, coordinate its efforts with the Salton Sea Authority and other state agencies, in cooperation with the Secretary of the Natural Resources Agency.

33828.

(a) The conservancy may require a grantee to enter into an agreement with the conservancy on terms and conditions specified by the conservancy.

(b) The conservancy may require a cost-share or local funding requirement for a grant. The conservancy may make that cost-share or local funding requirement contingent upon the total amount of funding available, the fiscal resources of the applicant, or the urgency of the project. The conservancy may waive cost-share requirements.

(c) The conservancy may fund or award grants for plans and feasibility studies consistent with its plans.

(d) The conservancy may seek repayment or reimbursement of funds granted on terms and conditions it deems appropriate. The proceeds of repayment shall be deposited in the fund.

(e) The conservancy may require any funds [advanced](#) that exceed the costs of eligible or approved projects or of acquisition to be returned to the conservancy, ~~to be available for expenditure when appropriated by the Legislature.~~

33829.

(a) The conservancy may provide grants and loans to state agencies, local public agencies, tribes, and nonprofit organizations to further the purposes of this division.

(b) 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 operations, maintenance, and management will be provided, including an analysis of the maintaining entity's financial capacity to support those ongoing costs.

33830.

The conservancy may sue and be sued.

33831.

The conservancy may acquire from willing sellers or transferors interests in real property and improve, lease, or transfer interests in real property, in order to carry out the purposes of this division.

33832.

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.

33833.

The conservancy shall not exercise the power of eminent domain.

33834.

(a) The conservancy may pursue and accept funds from various sources, including, but not limited to, federal, state, and local funds or grants, gifts, donations, bequests, devises, subventions, grants, rents, royalties, or other assistance and funds from public and private sources.

(b) The conservancy may accept fees levied by others.

(c) The conservancy may create and manage endowments.

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

33835.

Notwithstanding Section 10231.5 of the Government Code, on or before January 1, 2025, and annually thereafter, the conservancy shall prepare and submit a report to the Governor and the Legislature, pursuant to Section 9795 of the Government Code, on its [implementationsupport of the operations, maintenance, and management of projects completed under the](#) Salton Sea Management Program Phase I: 10-Year Plan ~~and~~ the Long-Range Plan, [or projects completed pursuant to the Imperial Streams Salton Sea and Tributaries Feasibility Study](#) that includes all of the following:

(a) A schedule of projects undertaken by the conservancy and a schedule of grants and loans made by the conservancy.

(b) The program or goal specified by the 10-Year Plan~~or~~, the Long-Range Plan or the Imperial Streams Salton Sea and Tributaries Feasibility Study under which each project, grant, or loan was carried out and the manner and extent to which the goals of the project, grant, or loan, and the goals of this division, were achieved and the actual cost thereof, including an accounting.

(c) A schedule of grants awarded to the conservancy and the disposition of the funds granted.

(d) The disposition of the funds appropriated to the conservancy in the fiscal year preceding the year in which the report is made.

~~(e) A review of local, state, and federal government actions taken to implement the 10-Year Plan or the Long-Range Plan.~~

~~(f)~~

~~(e)~~ (e) A detailed workplan for the upcoming year that identifies projects for delivery, objectives, major tasks, and expected completion dates.

~~(g)~~ (g) An identification of additional funding, legislation, or other resources required that would more effectively enable the conservancy or local governments to carry out the purposes of this division.

33836.

(a) The conservancy may expend funds and award grants and loans 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.

33837.

(a) Nothing in this chapter shall limit or alter (1) The state's obligations to the Salton Sea as identified in any state plan or contractual commitment related to the management of the Salton Sea, including the Salton Sea Management Plan, the Long-Range Plan or an applicable State Water Resources Control Board order, including Orders WRO 2002-0013 and WRO 2017-0134 and orders issued on or after January 1, 2023.(2) The State's required consultation and coordination of restoration projects with the Salton Sea Authority pursuant to Chapter 402, Statutes of 2013.

338XX (Salton Sea Authority governance balancing and State appropriations - TBD)

AMENDED IN ASSEMBLY JUNE 8, 2023

AMENDED IN SENATE MAY 23, 2023

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 583

Introduced by Senator Padilla

(~~Coauthor~~: ~~Coauthors~~: Assembly Member *Members Cervantes and Garcia*)

February 15, 2023

An act to add Division 23.6 (commencing with Section 33810) to the Public Resources Code, relating to conservancies.

LEGISLATIVE COUNSEL'S DIGEST

SB 583, as amended, Padilla. Salton Sea Conservancy.

Existing law authorizes various conservancies to acquire, manage, direct the management of, and conserve lands in the state.

This bill would establish the Salton Sea Conservancy within the Natural Resources Agency to undertake various activities related to the Salton Sea region. The bill would require the conservancy to be governed by a board of directors and would set forth the powers, duties, and limitations of the board of directors and the conservancy, as provided. The bill would create the Salton Sea Conservancy Fund and would make moneys in the fund available, upon appropriation by the Legislature, for purposes of the conservancy.

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

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

1 SECTION 1. Division 23.6 (commencing with Section 33810)
2 is added to the Public Resources Code, to read:

3

4 DIVISION 23.6. SALTON SEA CONSERVANCY

5

6 CHAPTER 1. GENERAL PROVISIONS

7

8 33810. This division shall be known, and may be cited, as the
9 Salton Sea Conservancy Act.

10

11 CHAPTER 2. DEFINITIONS

12

13 33811. For purposes of this division, the following definitions
14 apply:

15 (a) "Board" means the board of directors governing the Salton
16 Sea Conservancy.

17 (b) "Conservancy" means the Salton Sea Conservancy
18 established pursuant to Section 33812.

19 (c) "Fund" means the Salton Sea Conservancy Fund established
20 pursuant to Section 33825.

21 (d) "Local public agency" includes, but is not limited to, a city,
22 county, city and county, district, association of governments, or
23 joint powers authority.

24 (e) "Long-Range Plan" means the plan prepared by the Salton
25 Sea Management Program to comply with State Water Resources
26 Control Board Order (revised) WR 2017-01342002-0013. The
27 plan must be consistent with the requirements of the order and the
28 Salton Sea Restoration Act established pursuant to Chapter 13
29 (commencing with Section 2930) of Division 3 of the Fish and
30 Game Code, including the objectives set forth in subdivision (c)
31 of Section 2931 of the Fish and Game Code.

32 (f) "Nonprofit organization" means a private, nonprofit
33 organization that qualifies for tax exempt status under Section
34 501(c)(3) of Title 26 of the Internal Revenue Code.

35 (g) "Region" or "Salton Sea region" means the geographic
36 boundaries of the Salton Sea ecosystem, as described in subdivision
37 (d) of Section 2931 of the Fish and Game Code.

1 (h) “Salton Sea Management Program Phase I: 10-Year Plan”
2 means the plan for action over the 10-year period from 2018 to
3 2028. The plan’s goal is to improve conditions around the Salton
4 Sea by constructing projects that create habitat and reduce dust
5 from exposed lakebed on 30,000 acres.

6 (i) “Tribe” means any federally recognized Native American
7 tribe or a nonfederally recognized Native American tribe listed on
8 the California Tribal Consultation List maintained by the Native
9 American Heritage Commission.

10
11 CHAPTER 3. SALTON SEA CONSERVANCY
12

13 33812. (a) The Salton Sea Conservancy is hereby created as
14 a state agency within the Natural Resources Agency to support
15 implementation of the Salton Sea Management Program Phase I:
16 10-Year Plan and the Long-Range Plan.

17 (b) The conservancy’s jurisdiction is limited to the Salton Sea
18 region.

19 33813. The conservancy shall carry out programs, projects,
20 and activities to further the conservancy’s purposes specified in
21 Section 33812. This may include ~~any~~, *any one*, any combination,
22 or all of the following:

23 (a) Expending funds and awarding grants and loans to develop
24 and implement programs and projects that are designed to further
25 the conservancy’s purposes specified in Section 33812.

26 (b) Engaging community members and stakeholders through
27 education, outreach, opportunities to provide input, and
28 volunteering on programs and projects.

29 (c) Coordinating, collaborating, and partnering with federal,
30 tribal, state, regional, and local jurisdictions and stakeholders to
31 develop and implement programs and projects.

32 (d) Identifying and working to resolve any barriers or
33 impediments to progress, including capacity or organizational
34 deficiencies.

35
36 CHAPTER 4. GOVERNING BOARD
37

38 33814. (a) The conservancy shall be governed by a board of
39 directors.

1 (1) The board shall consist of eight voting members appointed
2 as follows:

3 (A) One public member appointed by the Governor subject to
4 confirmation by the Senate, who is not an elected official and who
5 resides within the conservancy’s territory.

6 (B) One public member appointed by the Speaker of the
7 Assembly, who is not an elected official and who resides within
8 the conservancy’s territory.

9 (C) One public member appointed by the Senate Committee on
10 Rules, who is not an elected official and who resides within the
11 conservancy’s territory.

12 (D) Five members appointed from local governments
13 surrounding the Salton Sea, area tribes, local environmental justice
14 organizations, and others.

15 (2) The board shall also consist of five ex officio, nonvoting
16 members designated as follows:

17 (A) The Director of Finance, or the director’s designee.

18 (B) The Secretary of the Natural Resources Agency, or the
19 secretary’s designee.

20 (C) The Director of Fish and Wildlife, or the director’s designee.

21 (D) The Director of Water Resources, or the director’s designee.

22 (E) One representative of the United States Bureau of Land
23 Management, designated by the United States Secretary of the
24 Interior.

25 (b) Each member of the board appointed pursuant to paragraph
26 (1) of subdivision (a) shall serve a four-year term.

27 33815. Annually, the voting members of the board shall elect
28 from among the voting members of the board a chairperson and
29 vice chairperson, and other officers, as necessary. If the office of
30 the chairperson or vice chairperson becomes vacant, a new
31 chairperson or vice chairperson shall be elected by the voting
32 members of the board to serve for the remainder of the term.

33 33816. A majority of the voting members shall constitute a
34 quorum for the transaction of the business of the conservancy. The
35 board shall not transact the business of the conservancy if a quorum
36 is not present at the time a vote is taken. A decision of the board
37 requires an affirmative vote of five of the voting membership, and
38 the vote is binding with respect to all matters acted on by the
39 conservancy.

1 33817. The board shall adopt rules and procedures for the
2 conduct of business by the conservancy.

3 33818. The board may establish advisory boards or committees,
4 hold community meetings, and engage in public outreach.

5 33819. The board shall maintain a headquarters office within
6 the Salton Sea region. The conservancy may rent or own real and
7 personal property and equipment pursuant to applicable statutes
8 and regulations.

9 33820. The board shall determine the qualifications of, and
10 shall appoint, an executive officer of the conservancy, who shall
11 be exempt from civil service. The board shall employ other staff
12 as necessary to execute the powers and functions provided for in
13 this division.

14 33821. The board may enter into contracts with private entities
15 and public agencies to procure consulting and other services
16 necessary to achieve the purposes of this division.

17 33822. The conservancy's expenses for support and
18 administration may be paid from the conservancy's operating
19 budget and any other funding sources available to the conservancy.

20 33823. The board shall conduct business in accordance with
21 the Bagley-Keene Open Meeting Act (Article 9 (commencing with
22 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
23 the Government Code).

24 33824. The board shall hold its regular meetings within the
25 Salton Sea region.

26

27 CHAPTER 5. POWERS, DUTIES, AND LIMITATIONS

28

29 33825. The Salton Sea Conservancy Fund is hereby created in
30 the State Treasury. Moneys in the fund shall be available, upon
31 appropriation by the Legislature, only for the purposes of this
32 division.

33 33826. The conservancy may engage in partnerships with
34 nonprofit organizations, local public agencies, and landowners.

35 33827. In implementing this division, the conservancy shall
36 cooperate and consult with the city or county in which a grant is
37 proposed to be expended or an interest in real property is proposed
38 to be acquired, and shall, as necessary or appropriate, coordinate
39 its efforts with other state agencies, in cooperation with the
40 Secretary of the Natural Resources Agency.

1 33828. (a) The conservancy may require a grantee to enter
2 into an agreement with the conservancy on terms and conditions
3 specified by the conservancy.

4 (b) The conservancy may require a cost-share or local funding
5 requirement for a grant. The conservancy may make that cost-share
6 or local funding requirement contingent upon the total amount of
7 funding available, the fiscal resources of the applicant, or the
8 urgency of the project. The conservancy may waive cost-share
9 requirements.

10 (c) The conservancy may fund or award grants for plans and
11 feasibility studies consistent with its plans.

12 (d) The conservancy may seek repayment or reimbursement of
13 funds granted on terms and conditions it deems appropriate. The
14 proceeds of repayment shall be deposited in the fund.

15 (e) The conservancy may require any funds that exceed the costs
16 of eligible or approved projects or of acquisition to be returned to
17 the conservancy, to be available for expenditure when appropriated
18 by the Legislature.

19 33829. (a) The conservancy may provide grants and loans to
20 state agencies, local public agencies, tribes, and nonprofit
21 organizations to further the purposes of this division.

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

25 (1) The intended use of the property.

26 (2) The manner in which the land will be managed.

27 (3) How the cost of ongoing operations, maintenance, and
28 management will be provided, including an analysis of the
29 maintaining entity's financial capacity to support those ongoing
30 costs.

31 33830. The conservancy may sue and be sued.

32 33831. The conservancy may acquire from willing sellers or
33 transferors interests in real property and improve, lease, or transfer
34 interests in real property, in order to carry out the purposes of this
35 division.

36 33832. The conservancy may enter into an agreement with a
37 public agency, nonprofit organization, or private entity for the
38 construction, management, or maintenance of facilities authorized
39 by the conservancy.

1 33833. The conservancy shall not exercise the power of eminent
2 domain.

3 33834. (a) The conservancy may pursue and accept funds from
4 various sources, including, but not limited to, federal, state, and
5 local funds or grants, gifts, donations, bequests, devises,
6 subventions, grants, rents, royalties, or other assistance and funds
7 from public and private sources.

8 (b) The conservancy may accept fees levied by others.

9 (c) The conservancy may create and manage endowments.

10 (d) All funds received by the conservancy shall be deposited in
11 the fund for expenditure for the purposes of this division.

12 33835. Notwithstanding Section 10231.5 of the Government
13 Code, on or before January 1, 2025, and annually thereafter, the
14 conservancy shall prepare and submit a report to the Governor and
15 the Legislature, pursuant to Section 9795 of the Government Code,
16 on its implementation of the Salton Sea Management Program
17 Phase I: 10-Year Plan and the Long-Range Plan that includes all
18 of the following:

19 (a) A schedule of projects undertaken by the conservancy and
20 a schedule of grants and loans made by the conservancy.

21 (b) The program or goal specified by the 10-Year Plan or the
22 Long-Range Plan under which each project, grant, or loan was
23 carried out and the manner and extent to which the goals of the
24 project, grant, or loan, and the goals of this division, were achieved
25 and the actual cost thereof, including an accounting.

26 (c) A schedule of grants awarded to the conservancy and the
27 disposition of the funds granted.

28 (d) The disposition of the funds appropriated to the conservancy
29 in the fiscal year preceding the year in which the report is made.

30 (e) A review of local, state, and federal government actions
31 taken to implement the 10-Year Plan or the Long-Range Plan.

32 (f) A detailed workplan for the upcoming year that identifies
33 projects for delivery, objectives, major tasks, and expected
34 completion dates.

35 (g) An identification of additional funding, legislation, or other
36 resources required that would more effectively enable the
37 conservancy or local governments to carry out the purposes of this
38 division.

1 33836. (a) The conservancy may expend funds and award
2 grants and loans to develop projects and programs that are designed
3 to further the purposes of this division.

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

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