

**Minutes of a Regular Meeting of the Board of Directors of
Bear Yuba Land Trust
Tuesday, August 23, 2016 5:00 p.m.
Nevada County Consolidated Fire District Conference Room,
Hwy 49 & Coyote St, Nevada City, California**

Call to Order: A regular meeting of the Board of Directors of Bear Yuba Land Trust (“BYLT”) was held on Tuesday, August 23, 2016 at 5:00 p.m. PST. President Terry Hundemer called the meeting to order at 5:05 p.m. and verified the presence of a quorum.

1. **Roll Call:** The first item of business was the roll call of board members. Present and participating in the meeting were the following: Terry Hundemer, President; Fran Cole, Vice President; Art Thielen, Treasurer; Michael Smiley, Secretary; Andy Cassano; Brent Fraser; Letty Litchfield; and Bill Trabucco. Board members absent included: Rebecca Coffman and Bill Stewart. Guests present included: None. Also present were the following staff members: Marty Coleman-Hunt, Executive Director; Erin Tarr, Director of Land Stewardship; Jean Gilbert, Operations Manager; Melony Vance, Development and Programs Manager; Shaun Clarke, Trails Coordinator; Laura Peterson, Outreach Coordinator; Mariah Simpson, Administrative Assistant and Official Clerk of the Board; Elias Grant, Stewardship Assistant; Lisa Hooper, Bookkeeper; Annette Glabe, Outreach Assistant.
2. **Approval of Consent Agenda:**
Consent Agenda - The next item of business was the approval of the Consent Agenda, which consisted of the approval of the March, April, and June minutes. **Upon motions duly made and seconded, the list of items in the consent agenda and the consent agenda were approved.**
3. **Strategic Discussion:**
Strategic Plan: Determine Vision & Focus – Marty presented the Strategic Plan, including past accomplishments, current issues, financial trend-lines, and contractual obligations versus dedicated funds.

Michael stated that the operating budget is \$750,000, but large sums of money pass through the organization. With the Rice’s Crossing Preserve acquisition, \$3.2 million passed through and should be considered part of the annual operating revenues of the organization. Over a period of five years, the operating revenues of the organization average closer to \$1.8 million annually, most of which comes from public grants. Public grant acquisition costs, on average, are approximately ten cents on the dollar, whereas raising funds through local public outreach costs approximately fifty-five cents on the dollar, making public grant funding much more efficient financially. Michael also stated that resource agencies which fund properties like Rice’s Crossing are looking for state-wide and regional benefits and therefore, if this approach were to be taken, the Land

Trust would need to shift its emphasis away from focusing primarily on serving the local community. Fran stated that public support creates goodwill in the community and is valuable. Michael stated that public grants often don't provide adequate funds to support administrative expenses of the organization. Some form of additional support would likely be needed, but the organization may not be as locally-dependent as it is currently.

Marty stated that BYLT runs programs which the local community wants. The programs that appeal to regional funders are drastically different, such as climate change, the Pines-to-Mines Trail project, and wildfire prevention. BYLT would have to consider and deliver benefits to larger demographics, which would change the mission of the organization.

Meeting attendees were presented with three potential choices for the future direction of BYLT:

Choice One - Should BYLT continue to do just what it is doing now?

Choice Two - Should BYLT reduce programs and stay local?

Choice Three - Should BYLT revise its mission to include programs with state-wide and regional benefits?

In response to a question from Letty, Marty responded that other land trusts have a variety of focuses in regards to pursuing local, state, or regional funding. Michael stated that if BYLT was to pursue choice three, the organization could focus on projects of state or regional importance, as well as hugely significant local projects. Erin stated that many land trusts focus solely on their lands, where they build trails and have outings. Letty stated that all of BYLT's projects are hugely significant to the local community. In response to a question from Letty, Marty responded that if BYLT were to be more selective in its involvement in local projects, another group may form to take on local projects that BYLT may turn down.

Melony stated that the organization's idea of "local" should shift to include the Smartsville, Yuba City, and Marysville area. In response to a question from Andy, Melony responded that fundraising currently includes appeals, events, tabling, trail signage, and treks. Marty stated that she, Erin, and Jean focus on grant writing. Bill Trabucco stated that the organization cannot stay the same, as suggested in choice one. Terry suggested surveying major donors to see what direction they would like the organization to take.

In response to a question from Brent, Jean responded that most grant funding is project restricted and doesn't cover the cost of operations. Brent stated that local demographics have changed and competition for funding has increased due to the large number of nonprofits in the area. He stated that memberships may be more difficult to maintain, but that trails are a tangible thing donors can support.

Erin stated that the organization's local significance will not diminish as it is already a

regional organization, with grants and properties benefiting the regional community. The biggest change would be a shift in the organization's message to the public. In response to a question from Annette, Michael responded that the vision for BYLT could be up to 25 years but changes would likely need to be implemented in phases over the next five to ten years.

After an informal, non-binding vote, thirteen members of Board and staff voted to pursue Choice Three and five members of Board and staff voted "don't know", requesting additional information as to how Choice Three would function.

4. **Staff Report:**

Fundraising Update -

- a. Donor Dashboard: YTD Status – Marty referred to the fundraising update handout.
- b. Gala Update – Marty reported that ticket sales for the Gala on September 10th are going well and the event is likely to sell out.

Administration Update -

- a. Office space expansion – Marty reported that she is working with Jean on a proposal to present to PG&E to fund the office expansion.
- b. BYLT Safety Preparedness Procedure – **Upon motion duly made and seconded, the following resolution was adopted by the Board:**

RESOLVED THAT, the BYLT Safety Preparedness Procedure is accepted.

Land and Trails Update –

- a. Robinson Ranch Conservation Easement (CE) – Marty stated that the staff would like to begin due diligence on this project and that Monty Short will appraise the property. Marty stated that the CE could be valued at around \$3 million as the property is high-value development land adjacent to Penn Valley and that she will keep the Board informed as work progresses. In response to a question from Andy, Marty responded that the Robinson family will pay for the appraisal.
- b. Dover III CE – Marty stated that the Peaceful Valley CE for the Dover family consisted of two phases, totaling approximately ninety acres. The remaining forty acres are part of the proposed Dover III CE. The Dover family has signed a letter of intent to move forward on the project. The family will pay for the appraisal and will fund the endowment.

Upon motion duly made and seconded, the following resolution was adopted by the Board:

RESOLVED THAT, BYLT staff may proceed with the Dover III CE.

- c. Burton Homestead Proposal from 4EEE – Erin presented 4 Elements Earth Education’s (4EEE) proposal to take ownership of Burton Homestead. The current caretakers of the property, Rick Berry, Director of 4EEE, and his wife Lisa, would like to make improvements to the land in alignment with BYLT’s intended improvements. The 4EEE programs already taking place on the property are well established and the organization is very connected to the land. The current programs being run by 4EEE on the property fulfill the donor’s original intent, which was for the property to be used as gardens for children to work and learn about nature, as well as for hiking and walking, and wildlife habitat. BYLT had recently considered converting the property to a nature center, but costs are quite high. The caretakers’ house alone will need \$15,000 in repairs within the next year. BYLT would hold a CE and a trail easement on the property. 4EEE also intends to purchase the yurt and would agree to uphold the leases currently in place with Sierra Harvest, the Tsi-Akim Maidu, and Sierra Streams Institute.

Marty stated that the transfer process would be similar to the transfer of the North Star House property to the North Star Historic Conservancy. Brent suggested that 4EEE acquire a county-approved land use permit. In response to a question from Brent, Marty stated that at least five major donors contribute to BYLT, and have included BYLT in their estate planning, specifically because of the current programs at Burton. In response to a question from Michael, Marty stated that she would prefer the property go to the school district as a place for nature education, but the school district does not have the resources to accept such a transfer in the foreseeable future. Marty stated that 4EEE is a good organization to take ownership of the property because they have a great reputation in the community, have had no liability issues, and are currently working to build capacity. In response to a question from Bill, Marty responded that 4EEE is a subsidiary of a group from the east coast, which was founded by Tom Brown, and Rick Berry follows the same curriculum. Terry stated that he and Erin discussed offering 4EEE a long-term lease so that they feel comfortable making improvements to the property. In response to a question from Michael, Marty responded that 4EEE can make a presentation to the board during one of the informational meetings or tours, between the regular quarterly meetings. **It was generally agreed that BYLT will continue to do due diligence in considering the property transfer proposal.**

- d. Independence Trail Ramp – Shaun gave a presentation on the current condition of the Independence Trail ramp. Shaun reported that the ramp has been partially torn away by Rush Creek and has become a public safety concern. Shaun stated that during the next major storm event, the ramp may be washed away entirely.

In response to a question from Andy, Shaun stated that the Independence Trail crosses over seven parcels, some of which are owned by California State Parks (State Parks) and some which are owned by BYLT. The ramp is located on a BYLT parcel and is popular with community members with limited mobility, allowing them to access to Rush Creek. In response to a question from Michael, Shaun responded that the trail does not meet the standards set by the Americans with Disabilities Act (ADA), since it was built before the standards existed but that historically the trail has been considered “accessible”. Shaun stated that maintenance and repairs do not require a building permit, if BYLT decides to fix the ramp with the intention of eventually transferring the parcel to State Parks. Shaun reported that State Parks agreed to temporarily close the ramp due to liability concerns. In response to a question from Michael, Shaun responded that State Parks would like to remove the entire ramp. Brent stated that there is no California Environmental Quality Act (CEQA) process which would allow supports to be built below the high-water mark.

Laura stated that community members are emotionally attached to the ramp. Bill Trabucco stated that the community may understand that it is not safe for any structure to be built in a waterway. Shaun reported that BYLT and State Parks collaborated to temporarily close the ramp but that the cost to remove the ramp is high. Shaun reported that he met with Ana Acton, Executive Director of the FREED Center for Independent Living, who said there may be some funding sources to help improve the trail to ADA standards. Shaun stated that the start of the trail is not ADA, which would need to be addressed before pursuing funding. The start of the trail goes through a non-ADA-compliant tunnel underneath Highway 49. Upgrading the trail to ADA standards would be an extensive project, which would involve Caltrans. In response to a question from Michael, Erin responded that there may be other ways to access the trail. Brent stated that crossing Highway 49 safely in a wheelchair would not be possible.

Marty stated that the Board must decide either to remove or repair the ramp. Marty stated that BYLT will need to obtain a cost analysis and community feedback before making a decision. In response to a question from Brent, Marty stated that repairing the ramp is almost as costly as removing it. In response to a question from Andy, Marty stated that funding would have to come from community support or grants. Brent stated that the project would be a huge commitment of labor and materials. **After further discussion, it was generally agreed that BYLT will leave the ramp temporarily closed and continue to pursue an alternative solution.**

- e. Wolf Creek Schwab Lot – Marty reported that the City of Grass Valley would like assistance to develop a network of trails within the community. Currently, there is some leadership behind making Grass Valley a walkable community, with trails between neighborhoods and into town. Marty reported that Erin mapped parcel

ownership data along Wolf Creek, between Highway 20 and Berriman Ranch which shows the following ten parcels: the City of Grass Valley; BYLT holds the Wolf Creek at North Star CE, which has a section of trail constructed; Newmont Mine parcel; Blakemore parcel, private property; Wolf Creek Lodge Cohousing, which includes a parcel with a trail easement; the Carriage House neighborhood; the Schwab parcel; Berriman Ranch parcel. Schwab is interested in donating a ten to twelve acre portion of their property to BYLT for use as a nature preserve and trail. Using GPS data for the proposed alignment of the trail, BYLT has determined that the section is over two miles. The city will pay for the construction of the trail and provide an endowment for maintenance of the entire trail system, as well as for maintenance of the Schwab property. In response to a question from Andy, Marty stated that the city would like to eventually take ownership of the Schwab property when they have established a parks and recreation department. BYLT would hold the property until that time. In response to a question from Michael, Marty stated that maintaining the trail is fairly inexpensive. Terry stated that the city intends for a portion of the trail to be paved, in which case BYLT may ask them to maintain the paved portion. Andy commented that it would be best if the city took responsibility for the entire project, but if they are unwilling to do so, then it is appropriate for BYLT to participate. **Upon motion duly made and seconded, the following resolution was adopted by the Board:**

RESOLVED THAT, staff may continue to do due diligence on acquiring a portion of the Schwab parcel and assisting in the maintenance of a future trail along Wolf Creek.

- f. McCarthy Purchase and Sales Offer – Marty stated that the parcel was appraised much lower than the sale price. She reported that the buildable portion of the property is currently inaccessible. The city and the community would love to see this property as a trail hub for numerous trails. Marty stated that she has prepared a Purchase and Sale Agreement and would like to present it to realtor Lock Richards. The proposal includes a stipulation to allow BYLT twelve months to secure funding for the project. The proposal also includes a request for a stewardship fund to be donated by the current property owner to BYLT after the sale is complete. In response to a question from Andy, Terry stated that the discussion with Lock Richards will be an informal discussion regarding the value of the property. **Upon motion duly made and seconded, the following resolution was adopted by the Board:**

RESOLVED THAT, the Purchase and Sales Agreement may be presented to the seller.

5. President's Report:

Executive Session - Upon motion duly made and seconded, the Board entered into

executive session at 7:59 p.m. to discuss the Woodpecker Lawsuit. Upon motion duly made and seconded, the Board exited executive session and returned to the general meeting at 8:35 p.m.

6. Other Business:

Notice of Special Meeting of the Board on August 30th, 2016 at 5:00pm. This meeting will be call-in only.

7. Adjournment: There being no further business, the meeting was adjourned at 8:35 p.m. PST.

Respectfully submitted,

Michael Smiley, Secretary and Mariah Simpson, Official Clerk of the Board