

**RESOLUTION No.: 2024-06**

**A RESOLUTION OF THE  
COACHELLA VALLEY CONSERVATION COMMISSION  
AUTHORIZING THE IMPLEMENTATION OF  
ADMINISTRATIVE FEES FOR PROJECT REVIEW**

WHEREAS, the Coachella Valley Conservation Commission (CVCC) is a public agency of the State of California formed by a Joint Exercise of Powers Agreement (JPA); and

WHEREAS, pursuant to Article 6 of the JPA, the CVCC has the power to adopt such rules and regulations as may be necessary for the conduct of the CVCC's affairs; and

WHEREAS, in order to facilitate and monitor implementation of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), section 6.6.1.1 of the CVMSHCP requires the CVCC to review any application for development proposed to take place within a Conservation Area (as defined in the CVMSHCP), in conjunction with the appropriate Permittee and the Wildlife Agencies, through a process known as Joint Project Review (JPR); and

WHEREAS, the CVMSHCP provides a method for development proponents (Applicants) to request a formal consultation ahead of initiating the JPR process; and

WHEREAS, the CVMSHCP provides a method for Permittees to request adjustments to Conservation Area boundaries (Like Exchange) and to propose modifications to the CVMSHCP of a minor or technical nature (Minor Amendment); and

WHEREAS, the CVCC will be required to utilize staff and consultants in connection with the JPR process, Like Exchange process, Minor Amendment process, and any pre-application consultation, which will result in the CVCC incurring substantial costs; and

WHEREAS, the Applicant should bear any and all reasonable staff and consultant costs in connection with the JPR process, Like Exchange process, Minor Amendment process, or pre-application consultation; and

WHEREAS, the CVCC has already instituted an administrative fee for Participating Special Entities in accordance with the CVMSHCP Implementing Agreement section 11.7.

NOW, THEREFORE, be it resolved by the CVCC that:

1. **FINANCIAL RESPONSIBILITY OF DEVELOPMENT APPLICANTS.** Each person or entity which submits a request for a JPR, Like Exchange, Minor Amendment, or pre-application consultation (Submittal) shall reimburse the CVCC one hundred percent (100%) of the fully burdened staff costs and direct expenditures (collectively, Review Costs) incurred by the CVCC for reviewing and processing such Submittal. These Review Costs shall include, but not be limited to (i) fees and expenses of environmental, land use, legal, and other consultants; (ii) costs of services provided by CVCC staff (including CVCC

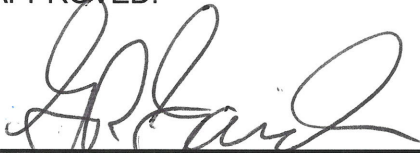
overhead); and (iii) costs associated with any meeting and conference obligated by the JPR, Like Exchange, and Minor Amendment processes.

CVCC shall pass through the actual cost incurred for providing such services, without markup or alteration, directly to the Applicant. For purposes of calculating the cost of CVCC staff, CVCC shall rely on the calculated fully burdened staff rate described in Exhibit A, attached hereto, and subject to the adjustments described in Section 3 below. The rate for CVCC staff is calculated as a part of the annual budgeting process.

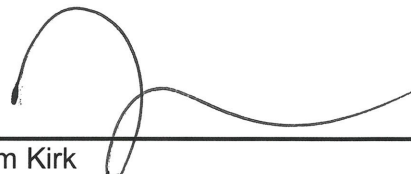
2. DEPOSIT. An applicant shall tender a deposit in the amount shown on Exhibit A (Deposit) prior to a Submittal being deemed complete.
3. AUTOMATIC ADJUSTMENTS. Fully burdened staff rates shall be adjusted annually based on the Cost of Living Adjustment (COLA) calculated each year as a part of the annual budgeting process.
4. ACCOUNTING. Upon completion of the JPR, Like Exchange, or Minor Amendment process, the CVCC shall prepare an accounting of the Review Costs. If the Review Costs exceed the Deposit, the Applicant will be billed for the difference and shall remit such fund within thirty (30) days of invoice. Final documents prepared as part of the JPR, Like Exchange, or Minor Amendment process will not be provided to the Permittee or Applicant until such remittance has been received by the CVCC. If the Review Costs are less than the Deposit, the difference shall be refunded to the Applicant within thirty (30) days of CVCC providing final documentation to the Permittee and Applicant. All reimbursements hereunder shall be made without interest.
5. APPEALS. To appeal the Review Costs, the Applicant must first pay the assessed costs and then file an appeal letter with CVCC within 90 days. There is an administrative fee of \$500 that must be submitted with the appeal. The Applicant shall submit to CVCC a letter stating the reason of the appeal, after which a hearing will be scheduled at a meeting of the CVCC. CVCC shall hear the appeal within 90 days from the receipt of the appeal letter and administrative fee, or soon thereafter. The decision of CVCC shall be final. If the decision is in the Applicant's favor, the administrative fee will be refunded.

The foregoing Resolution was passed by the Coachella Valley Conservation Commission on this 13<sup>th</sup> day of June 2024.

APPROVED:



Gary Gardner  
Chair



Tom Kirk  
Executive Director

## EXHIBIT A

<i>Activity</i>	<i>Initial Deposit</i>
<b>Pre-application review</b> <i>Preliminary document review and single consultation with CVCC, CDFW, and USFWS ahead of formal JPR application.</i>	\$1,000
<b>Joint Project Review</b> <i>Formal project review as described in CVMSHCP section 6.6.1.1 resulting in a final consistency determination.</i>	\$2,500
<b>Like Exchange</b> <i>Formal project coordination and review as described in CVMSHCP section 6.12.2.</i>	\$5,000
<b>Minor Amendment</b> <i>Project coordination and review as described in CVMSHCP section 6.12.3.</i>	\$5,000
<b>Participating Special Entity</b> <i>As established by CVCC policy no. 13-03.</i>	\$10,000 + 0.1% of project capital costs
<b>Fully Burdened Staff Rate</b>	
<i>Department Director</i>	\$215/hr
<i>Program Manager</i>	\$166/hr
<i>Management Analyst II</i>	\$119/hr