

1923

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

706  
(1923)



SUBMITTAL DATE:  
AUG 18 2016

FROM: Don Kent, Treasurer-Tax Collector.

SUBJECT: Proposed Sale of Tax-Defaulted Land to the California Desert Land Conservancy by Agreement to Purchase Tax-Defaulted Property Number 4432. District(s) 4. [\$0].

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the sale of tax-defaulted parcel(s) 701140018-4 to the California Desert Land Conservancy.
2. Authorize the Chairman of the Board to sign both Agreements and have them returned along with the supporting documentation (exhibits "A" through "E") to the Treasurer-Tax Collector for transmittal to the State Controller.

BACKGROUND:

Summary

Sales to public agencies of this type of property, subject to a recorded Notice of Power to Sell for non-payment of property taxes as required by law, are provided for pursuant to Chapter 8 of the California Revenue and Taxation Code, Section 3771 et. seq. The Agreement to Purchase Tax-Defaulted Property, including exhibit "A" through exhibit "E", are attached. These exhibits include Resolution January 28, 2016 from the California Desert Land Conservancy.

  
Don Kent  
Treasurer-Tax Collector

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS:	Budget Adjustment: N/A
	For Fiscal Year: 2016-2017

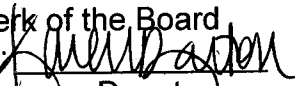
C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature   
Stephanie Persi

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley  
Nays: None  
Absent: None  
Date: September 27, 2016  
xc: Treasurer

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: District: 4 Agenda Number:

3-16

FOR APPROVED COUNTY COUNSEL  
BY:   
KARIN L. WATTS-BAZAN  
DATE: 8/18/16  
Departmental Concurrence

- A-30
- 4/5 Vote
- Positions Added
- Change Order

1923

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FORM 11:** Proposed Sale of Tax-Defaulted Land to the California Desert Land Conservancy by Agreement to Purchase Tax-Defaulted Property Number 4432. District(s) 4. [\$0].

**DATE: AUG 18 2016**

**PAGE: 2 of 2**

**BACKGROUND:**

**Summary (continued)**

Parcel number 701140018-4 is located outside the City in District #4.

The purchase price of \$1,804.55 was determined pursuant to Section 3793.1 of the California Revenue and Taxation Code, State of California, which represents the full redemption amount. The purchase price includes the cost of advertising, pursuant to Section 3793.1 (a) of the California Revenue and Taxation Code.

Please note that even after approval by the Board of Supervisors and authorization by the State Controller, the right of redemption on this property remains until the effective date of the Agreement.

**Impact on Citizens and Businesses**

California Desert Land Conservancy is purchasing this property for the purpose of preserving open space habitat to protect ecosystems for public benefit.

**ATTACHMENTS (if needed, in this order):**

A copy of the Assessor's maps numbered 701-14 pertaining to the parcels listed above is attached for reference.

Two (2) Agreements both numbered 4432 being executed in counterparts, each of which constitutes an original and one (1) copy of the supporting documentation labeled exhibits "A" through "E".

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSORS PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

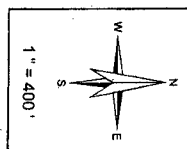
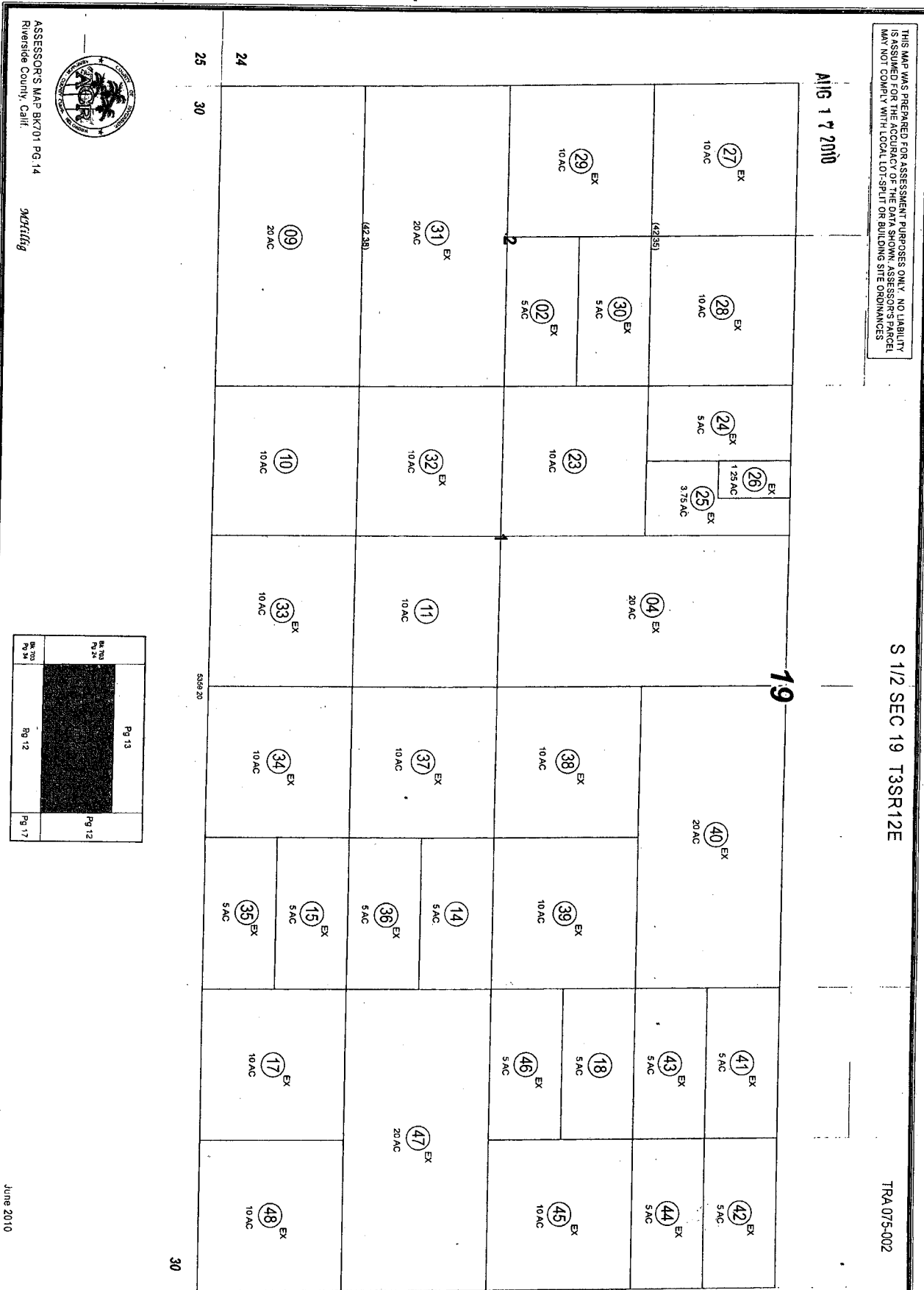
S 1/2 SEC 19 T3SR12E

TRA 075-002

26-26-5

701-14

Aug 17 2010



**Legend**

- Lot Lines
- Right-Of-Way
- Other Lot Lines
- - - - - Reference R O W
- ..... Other Easements
- Lease Area
- Subdivision Tie Mark

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ASSESSOR'S MAP BK701 PG. 14  
Riverside County, Calif.

3/20/10

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June 2010

1923

**AGREEMENT TO PURCHASE TAX-DEFAULTED PROPERTY**

This Agreement **4432** by and between the Board of Supervisors of the County of Riverside, State of California, and the **California Desert Land Conservancy** ("Purchaser"), pursuant to the provisions of Division 1, Part 6, Chapter 8, of the California Revenue & Taxation Code, a nonprofit Corporation organized in accordance with the provisions of California Law, as identified in (Exhibit "A") of this Agreement, for the purpose of preserving wilderness open space for recreational use by the general public is made on this 27<sup>th</sup> day of September, 2016.

On July 6, 2015, the **California Desert Land Conservancy** objected to the tax sale of the subject property (Exhibit "B").

The County of Riverside (hereinafter "COUNTY"), subject to the State Controller's approval, does hereby agree to sell to the nonprofit corporation, **California Desert Land Conservancy** (hereinafter "PURCHASER") that real property described in Exhibit "C" of this Agreement, which was tax-defaulted for nonpayment of taxes and is now subject to the Tax Collector's Power of Sale (Exhibit "D").

**Payment Conditions:**

PURCHASER agrees to pay the sum of **\$1,804.55** for the real property described in Exhibit "C" within fourteen (14) days after the written request of the Tax Collector. Additionally, PURCHASER agrees to pay the cost of sale, as provided in Section 3793.1 (a)(3) of the California Revenue and Taxation Code. Upon payment in full to the Tax Collector, the Tax Collector shall execute and record the Tax Deed to Purchaser of Tax-Defaulted Property. PURCHASER agrees that the deed to be issued by the Tax Collector to PURCHASER shall contain certain conditions deemed necessary to effect compliance with this Agreement, including a condition that the real property be used for the public use specified in this Agreement.

It is mutually agreed as follows:

1. PURCHASER shall utilize the land described in Exhibit "E" for the purpose of preserving open space habitat to protect ecosystems for public benefit.
2. PURCHASER agrees to comply with the provisions of Section 3791.4 of the California Revenue and Taxation Code.
3. PURCHASER, upon request, will promptly provide proof of progress toward compliance in accordance with regulations established by the COUNTY and/or the State Controller, whether such regulation is now in effect or later enacted or amended.
4. PURCHASER agrees that upon recordation of the deed, PURCHASER will be responsible for the real property described in Exhibit "C".
5. PURCHASER certifies that they are a non-profit organization incorporated pursuant to Part 2 commencing with Section 5110 of Division 2 Title 1 of the Corporation Code and that certified copies of their Articles of Incorporation are attached as Exhibit "A" and certified copies of the Resolution authorizing purchase of the property by PURCHASER, are attached as Exhibit "E" and made a part of this Agreement.
6. PURCHASER agrees to and shall indemnify and hold the COUNTY its officers, agents and employees, free and harmless from all claims, actions, damages and liabilities of whatsoever kind and nature arising from any cause asserted or based upon, or relating to, or in any way connected with the sale and purchase of the real property described in this Agreement of sale or any attachment thereto or with the exercise of control over such property.
7. PURCHASER further agrees to protect, indemnify and defend at its expense including attorney's fees, the COUNTY its officers, agents and employees in a legal action(s) or claim(s) based upon such sale and purchase of the subject property whether the subject action(s) are well-founded, properly filed and pleaded or not commenced in a court of competent jurisdiction.
8. PURCHASER is currently incorporated in the State of California and that its most current articles of incorporation are on file with the Secretary of State and include a statement of purpose as specified in subdivision (b) of Section 3772.5 of the Revenue and Taxation Code.

If all or any portion of any individual parcel described in this agreement is redeemed prior to the effective date of this agreement, this agreement shall be null and void as to that individual parcel. This Agreement shall also become null and void and the right of redemption restored upon the PURCHASER'S failure to comply with the terms and condition of this Agreement.

SEP 27 2016 3-16

AGREEMENT 4432  
CALIFORNIA DESERT LAND CONSERVANCY

2017-7-136300

In witness to this Agreement, the PURCHASER and COUNTY have subscribed the signature of their officers who are duly authorized to complete such document.

This document is being executed in counterpart, each of which constitutes an original.

ATTEST:

BOARD OF SUPERVISORS:

KECIA HARPER-IHEM  
Clerk to the Board of Supervisors

JOHN J. BENOIT

By Karen Harper-Ihem, Deputy  
Clerk of the Board

By John J. Benoit  
Chairman of the Board

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 8/18/16  
DALE A. GARDNER DATE

CALIFORNIA DESERT LAND CONSERVANCY  
A California Nonprofit Corporation

CALIFORNIA DESERT LAND CONSERVANCY  
A California Nonprofit Corporation

By [Signature]  
Secretary

By [Signature]  
President

Pursuant to the provisions of Revenue and Taxation Code section 3775, the State Controller agrees to the selling price herein before set forth and, pursuant to the provisions of section 3795, approves the foregoing Agreement this 28<sup>th</sup> day of November,

BETTY T. YEE, CALIFORNIA STATE CONTROLLER

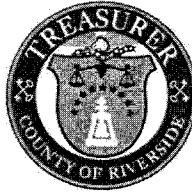
By Karen Garcia

**JON CHRISTENSEN**  
ASSISTANT TREASURER-TAX COLLECTOR

**DEBBIE BASHE**  
INFORMATION TECHNOLOGY OFFICER

**GIOVANE PIZANO**  
INVESTMENT MANAGER

**KIEU NGO**  
FISCAL MANAGER



**DON KENT**  
TREASURER

**MATT JENNINGS**  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

**MELISSA JOHNSON**  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

**ADRIANNA GOMEZ**  
ADMINISTRATIVE SERVICES MANAGER I

**Re: Agreement 4432**

**The parcel listed in the above Agreement is not part of a Chapter 7 public tax sale. The purchasing entity used the word "objection" while expressing in their Resolution that they did not want the parcel they are interested in purchasing to be selected for a Chapter 7 public tax sale.**

**COUNTY OF RIVERSIDE, TREASURER-TAX COLLECTOR**

\*\*\*\*\*

4080 LEMON STREET, 4TH FLOOR \* P.O. BOX 12005 \* RIVERSIDE, CALIFORNIA 92502  
WWW.COUNTYTREASURER.ORG \* (951) 955-3900 \* 1 (877) 748-2689 \* FAX (951) 955-3923

**EXHIBIT "A"**

**ARTICLES OF INCORPORATION**

**AGREEMENT 4432  
CALIFORNIA DESERT LAND CONSERVANCY**

JUN 29 2005



**ARTICLES OF INCORPORATION**  
**OF**  
**THE CALIFORNIA DESERT LAND CONSERVANCY**

I.

The name of the corporation is THE CALIFORNIA DESERT LAND CONSERVANCY.

II.

A. This corporation is a nonprofit PUBLIC BENEFIT CORPORATION and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes.

B. The specific purpose of this corporation is to: the conservation of land for scientific, historic, educational, ecological and public benefit purposes.

III.

The name and address in the State of California of this corporation's initial agent for service of process is:

Name: Paul F. Smith

Address: 6847 Adobe Road, Twentynine Palms, CA 92277

IV.

A. This corporation is organized and operated exclusively for **charitable** purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.



V.

The property of this corporation is irrevocably dedicated to **charitable** purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for **charitable** purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

**IN WITNESS WHEREOF**, the undersigned incorporator has executed these Articles of Incorporation on the date below.

Date: June 16, 2005

**LegalZoom.com, Inc., Incorporator**

By:   
Cindy Ly, Assistant Secretary



I hereby certify that the foregoing transcript of 2 page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.

FEB 10 2016

Date: \_\_\_\_\_ 04

*Alex Padilla*

ALEX PADILLA, Secretary of State



**State of California  
Secretary of State**

**N**

**Statement of Information**

(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see Instructions.  
**IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

**F664107**

**FILED**

In the office of the Secretary of State  
of the State of California

**JUN-15 2015**

This Space for Filing Use Only

**1. CORPORATE NAME**

THE CALIFORNIA DESERT LAND CONSERVANCY

**2. CALIFORNIA CORPORATE NUMBER**

C2781509

**Complete Principal Office Address** (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

<b>3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
60124 29 PALMS HWY, JOSHUA TREE, CA 92252			

<b>4. MAILING ADDRESS OF THE CORPORATION</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
DANIELLE SEGURA P.O. BOX 1544, JOSHUA TREE, CA 92252			

**Names and Complete Addresses of the Following Officers** (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

<b>5. CHIEF EXECUTIVE OFFICER/</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
CURTIS SAUER	HCR1 BOX 1182, JOSHUA TREE, CA 92252			

<b>6. SECRETARY</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
BONNIE KOPP	P.O. BOX 824, JOSHUA TREE, CA 92252			

<b>7. CHIEF FINANCIAL OFFICER/</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
JOHN SIMPSON	61711 29 PALMS HIGHWAY, JOSHUA TREE, CA 92252			

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and item 9 must be left blank.

**8. NAME OF AGENT FOR SERVICE OF PROCESS** [Note: The person designated as the corporation's agent MUST have agreed to act in that capacity prior to the designation.]  
ERNESTO FRIAS

<b>9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
60124 29 PALMS HWY, JOSHUA TREE, CA 92252			

**Common Interest Developments**

10.  Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

06/15/2015	ERNESTO FRIAS	BOOKKEEPER	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

SI-100 (REV 01/2014) APPROVED BY SECRETARY OF STATE

2781509

State of California  
Secretary of State



I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

JUN 20 2005

BRUCE McPHERSON  
Secretary of State

2781509

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

JUN 20 2005

**ARTICLES OF INCORPORATION**  
**OF**  
**THE CALIFORNIA DESERT LAND CONSERVANCY**

I.

The name of the corporation is THE CALIFORNIA DESERT LAND CONSERVANCY.

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A. This corporation is a nonprofit PUBLIC BENEFIT CORPORATION and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes.

B. The specific purpose of this corporation is to: the conservation of land for scientific, historic, educational, ecological and public benefit purposes.

III.

The name and address in the State of California of this corporation's initial agent for service of process is:

Name: Paul F. Smith

Address: 6847 Adobe Road, Twentynine Palms, CA 92277

IV.

A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

V.

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

IN WITNESS WHEREOF, the undersigned incorporator has executed these Articles of Incorporation on the date below.

Date: June 16, 2005

LegalZoom.com, Inc., Incorporator

By: Cindy Ly  
Cindy Ly, Assistant Secretary



BYLAWS OF  
 THE CALIFORNIA DESERT LAND CONSERVANCY  
 (Doing Business as MOJAVE DESERT LAND TRUST  
 (a California Nonprofit Public Benefit Corporation))

ARTICLE 1. OFFICES

1.1 Principal Office:

The principal office of the corporation for the transaction of its business is located in San Bernardino County, California.

1.2 Change of Address:

The county of the corporation's principal office can be changed only by the Board of Directors.

1.3 Other Offices:

The corporation may also have offices at such other places, within or without the State of California, as its business may require and as the Board of Directors may, from time to time, designate.

ARTICLE 2. PURPOSES

2.1 General Purpose:

The general purpose for which this corporation is organized is to engage in any lawful activity for which a corporation may be organized under the Nonprofit Public Benefit Corporation Law of California; provided, however, nothing in this Article 2 shall be construed to authorize this corporation to carry on any activity for the profit of its officers, directors or other persons, or to distribute any gains, profits or dividends to any of its officers, directors, or other persons. In addition, nothing in this Article shall be construed as allowing the corporation to engage in any activity which is forbidden under Section 501(c)(3) of the Internal Revenue Code.

2.2 Specific Purpose:

The specific purpose of this corporation shall include, without limitation, educational, scientific, and charitable purposes which would qualify it for tax exempt status under Section 501(c)(3) of the Internal Revenue Code and Section 23701d of the California Revenue and Taxation Code. The corporation is organized

as a public benefit corporation under the Nonprofit Public Benefit Corporation Law of California. The specific mission of the corporation is to protect the natural, scenic, and historic lands of the Mojave Desert through stewardship, restoration, and education. The corporation may operate and manage lands, and rights in land, including without limitation, fee interests, easements and management agreements and covenants pertaining to land, in accordance with the aforementioned purposes.

### ARTICLE 3. NONPARTISAN ACTIVITIES

This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. No substantial part of the activities of the corporation shall consist of carrying on propoganda or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publication or distribution of statements) on behalf of (or in opposition to) any candidate for public office. This corporation shall not, except in an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes described above.

### ARTICLE 4. DEDICATION OF ASSETS, PROHIBITION AGAINST SHARING CORPORATE PROFITS AND ASSETS

The property of this corporation is irrevocably dedicated to charitable, scientific, and educational purposes. No part of the net earnings or assets of this corporation shall ever inure to the benefit of any director, officer, or member of this corporation or to the benefit of any private individual whatsoever, except that reasonable compensation may be paid for services rendered to or for the corporation affecting any one or more of its above indicated purposes. Upon the winding up and dissolution of this corporation, after paying or adequately providing for the debts and obligations of the corporation, the remaining assets shall be distributed to one or more nonprofit funds, foundations, or corporations which are organized and operated exclusively for charitable purposes and which qualify as tax-exempt organizations under Section 501(c)(3) of the Internal Revenue Code.

### ARTICLE 5. MEMBERS

Pursuant to Corporations Code Section 5310 this corporation shall have no voting members. Any action which would otherwise be subject to approval by the members shall instead require the approval of the Board of Directors. The corporation may have non-voting members who shall have no right to control or direct the activities of the corporation or its officers and directors, but



who may otherwise support the purposes of the corporation.

## ARTICLE 6. DIRECTORS

### 6.1 Number:

The corporation shall have a minimum of 5 directors, and a maximum of 11 directors, and collectively they shall be known as the Board of Directors. The number may be changed by amendment of this Bylaw, or by repeal of this Bylaw and adoption of a new Bylaw, as provided in these Bylaws.

### 6.2 Powers:

Subject to the provisions of the California Nonprofit Public Benefit Corporation law and any limitations in the Articles of Incorporation and Bylaws relating to action required or permitted to be taken, the activities and affairs of this corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board of Directors.

### 6.3 Duties:

It shall be the duty of the Directors to:

(a) Perform any and all duties imposed on them collectively or individually by law, by the Articles of Incorporation of this corporation, or by these Bylaws.

(b) Appoint and remove, employ and discharge, and, except as otherwise provided in these Bylaws, prescribe the duties and fix the compensation, if any, of all officers, agents and employees of the corporation.

(c) Supervise all officers, agents and employees of the corporation to assure that their duties are performed properly.

(d) Meet at such times and places as required by these Bylaws:

(e) Register their addresses, including their email addresses if any, with the Secretary of the corporation, and notices of meetings mailed, sent by facsimile or email, or telegraphed to them at such addresses shall be valid notices thereof.

### 6.4 Terms of Office:

Each Director shall hold office until the next annual meeting for election of the Board of Directors as specified in these Bylaws, and until his or her successor is elected and qualifies.

#### 6.5 Compensation:

Directors shall serve without compensation except that they shall be allowed and paid their actual and necessary expenses incurred in attending Directors meetings. In addition, they shall be allowed reasonable advancement or reimbursement for expenses incurred in the performance of their regular duties.

#### 6.6 Place Of Meeting:

Meetings shall be held at the principal office of the corporation unless otherwise provided by the Board or at such place within or without the State of California which has been designated from time to time by resolution of the Board of Directors. In the absence of such designation, any meeting not held at the principal office of the corporation shall be valid only if held on the written consent of all Directors given either before or after the meeting and filed with the Secretary of the Corporation or after all Board members have been given written notice of the meetings as hereinafter provided for special meetings of the Board. Any meeting, regular or special, may be held by conference telephone or similar communications equipment, so long as all Directors participating in such meeting can hear one another.

#### 6.7 Regular And Annual Meetings:

Regular and meetings of Directors shall be held at such time as the Board of Directors shall determine by resolution.

#### 6.8 Special Meetings:

Special meetings of the Board of Directors may be called by the Chairman of the Board, the President, the Vice-President, the Secretary, or by any two Directors, and such meetings shall be held at the place, within or without the State of California, designated by the person or persons calling the meeting, and in the absence of such designation, at the principal office of the corporation.

#### 6.9 Notice of Meetings:

Regular meetings of the Board may be held without notice. Special meetings of the Board shall be held upon four (4) days' notice by first-class mail or forty-eight (48) hours' notice delivered personally or by telephone, telegraph, facsimile, or email. If sent by mail or telegram, the notice shall be deemed to be delivered on its deposit in the mails or on its delivery to the telegraph company. Such notices shall be addressed to each Director at his or her address as shown on the books of the corporation. Notice of the time and place of holding an adjourned meeting need not be given to absent Directors if the time and place

of the adjourned meeting are fixed at the meeting adjourned and if such adjourned meeting is held no more than twenty-four (24) hours from the time of the original meeting. Notice shall be given of any adjourned regular or special meeting to Directors absent from the original meeting if the adjourned meeting is held more than twenty-four (24) hours from the time of the original meeting.

#### 6.10 Contents of Notice:

Notice of meetings not herein dispensed with shall specify the place, day and hour of the meeting. The purpose of any Board meeting need not be specified in the notice.

#### 6.11 Waiver Of Notice And Consent To Holding Meetings:

The transactions of any meeting of the Board, however called and noticed or wherever held, are as valid as though the meeting has been duly held after proper call and notice, provided a quorum, as hereinafter defined, is present and provided that either before or after the meeting each Director not present signs a waiver of notice, a consent to holding the meeting, or an approval of the minutes thereof. All such waivers, consents, or approvals, shall be filed with the corporate records or made a part of the minutes of the meeting.

#### 6.12 Quorum For Meetings:

A quorum shall consist of three (3) Directors.

Except as otherwise provided in these Bylaws or in the Articles of Incorporation of this corporation, or by law, no business shall be considered by the Board at any meeting at which a quorum, as herein defined, is not present, and the only motion which the Chair shall entertain at such meeting is a motion to adjourn. However, a majority of the Directors present at such meeting may adjourn from time to time until the time fixed for the next regular meeting of the Board.

When a meeting is adjourned for lack of a quorum, it shall not be necessary to give any notice of the time and place of the adjourned meeting or of the business to be transacted at such meeting, other than by announcement at the meeting at which the adjournment is taken, except as provided in Section 10 of this Article.

The Directors present at a duly called and held meeting at which a quorum is initially present may continue to do business notwithstanding the loss of a quorum at the meeting due to a withdrawal of Directors from the meeting, provided that any action thereafter taken must be approved by at least a majority of the required quorum for such meeting or such greater percentage as may

be required by law, or the Articles of Incorporation or Bylaws of this corporation.

#### 6.13 Majority Action As Board Action:

Every act or decision done or made by a majority of the Directors present at a meeting duly held at which a quorum is present is the act of the Board of Directors, unless the Articles of Incorporation or Bylaws of this corporation, or provisions of the California Nonprofit Public Benefit Corporation Law, particularly those provisions relating to appointment of committees (Section 5212), approval of contracts or transactions in which a Director has a material financial interest (Section 5233) and indemnification of Directors (Section 5238e), require a greater percentage or different voting rules for approval of a matter by the Board.

#### 6.14 Conduct Of Meetings:

Meetings of the Board of Directors shall be presided over by the Chairman of the Board, or, if no such person has been so designated or, in his or her absence, the President of the corporation or, in his or her absence, by the Vice-President of the corporation or, in the absence of each of these persons, by a Chairman chosen by a majority of the Directors present at the meeting. The Secretary of the corporation shall act as Secretary of all meetings of the Board, provided that in his or her absence, the presiding officer shall appoint another person to act as Secretary of the meeting.

Meetings shall be governed by Roberts' Rules of Order, as such rules may be revised from time to time, insofar as such rules are not inconsistent with or in conflict with these Bylaws, with the Articles of Incorporation of this corporation, or with provisions of law.

#### 6.15 Action By Unanimous Written Consent Without Meeting:

Any action required or permitted to be taken by the Board of Directors under any provisions of law may be taken without a meeting, if all members of the Board shall individually or collectively consent in writing to such action. For the purposes of this section only, "all members of the Board" shall not include any "interested Director" as defined in Section 5233 of the California Nonprofit Public Benefit Corporation Law. Such written consent or consents shall be filed with the minutes of the proceedings of the Board. Such action by written consent shall have the same force and effect as the unanimous vote of the Directors. Any certificate or other document filed under any provision of law which relates to action so taken shall state that the action was taken by unanimous written consent of the Board of

Directors without a meeting and that the Bylaws of this corporation authorize the Directors to so act, and such statement shall be prima facie evidence of such authority.

#### 6.16 Vacancies:

Vacancies on the Board of Directors shall exist (1) on the death, resignation or removal of any Director, and (2) whenever the number of authorized Directors is increased.

The Board of Directors may declare vacant the office of a Director who has been declared of unsound mind by a final order of court, or convicted of a felony, or been found by a final order or judgment of any court to have breached any duty under Section 5230 and following of the California Nonprofit Public Benefit Corporation Law. Directors may be removed without cause by a majority of the Directors then in office.

Any Director may resign effective upon giving written notice to the Chairman of the Board, the President, the Secretary or the Board of Directors, unless the notice specifies a later time for the effectiveness of such resignation. No Director may resign if the corporation would then be left without a duly elected Director or Directors in charge of its affairs, except upon notice to the Attorney General.

Vacancies on the Board may be filled by approval of the Board or, if the number of Directors then in office is less than a quorum, by (1) the unanimous written consent of the Directors then in office, (2) the affirmative vote of a majority of the Directors then in office at a meeting held pursuant to notice or waivers of notice complying with this Article of these Bylaws, or (3) a sole remaining Director.

A person elected to fill a vacancy as provided in this Section shall hold office until the next annual election of the Board of Directors or until his or her death, resignation or removal from office.

#### 6.17 Non-Liability Of Directors:

The Directors shall not be personally liable for the debts, liabilities, or other obligations of the corporation.

#### 6.18 Indemnification By Corporation Of Directors, Officers, Employees And Other Agents:

To the extent permitted under California law, the corporation may indemnify and hold harmless any director, officer, or employee against any cost, expense, judgment or claim against such person by reason of the fact that he or she is, or was, an agent of the

corporation, including expenses actually and reasonably incurred by any such person in connection with such proceeding.

## ARTICLE 7. OFFICERS

### 7.1 Number of Officers:

The officers of this corporation shall be a President, a Secretary and a chief financial officer who shall be designated the Treasurer. The corporation may also have, as determined by the Board of Directors, a Chairman of the Board, one or more Vice-Presidents, Assistant Secretaries, Assistant Treasurers, or other officers. Any number of offices may be held by the same person except that neither the Secretary nor the Treasurer may serve as the President or Chairman of the Board.

### 7.2 Qualification, Election, and Term of Office:

Any person may serve as officer of this corporation. Officers shall be elected by the Board of Directors, at any time, and each officer shall hold office until he or she resigns or is removed or is otherwise disqualified to serve, or until his or her successor shall be elected and qualified, whichever occurs first.

### 7.3 Subordinate Officers:

The Board of Directors may appoint such other officers or agents as it may deem desirable, and such officers shall serve such terms, have such authority, and perform such duties as may be prescribed from time to time by the Board of Directors.

### 7.4 Removal and Resignation:

Any officer may be removed, either with or without cause, by the Board of Directors, at any time. Any officer may resign at any time by giving written notice to the Board of Directors or to the President or Secretary of the corporation. Any such resignation shall take effect at the date of the receipt of such notice or at any later date specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. The above provisions of this Section shall be superseded by any conflicting terms of a contract which has been approved or ratified by the Board of Directors relating to the employment of any officer of the corporation.

### 7.5 Vacancies:

Any vacancy caused by the death, resignation, removal, disqualification, or otherwise, of any officer shall be filled by

the Board of Directors. In the event of the vacancy in any office other than that of President, such vacancy may be filled temporarily by appointment by the President until such time as the Board shall fill the vacancy. Vacancies occurring in offices of officers appointed at the discretion of the Board may or may not be filled as the Board shall determine.

#### 7.6 Duties of President:

The President shall be the chief executive officer of the corporation and shall, subject to the control of the Board of Directors, supervise and control the affairs of the corporation and the activities of the officers. He or she shall perform all duties incident to his or her office and such other duties as may be required by law, by the Articles of Incorporation of this corporation, or by these Bylaws, or which may be prescribed from time to time by the Board of Directors. Unless another person is specifically appointed as Chairman of the Board of Directors, he or she shall preside at all meetings of the Board of Directors and shall otherwise act as Chairman of the Board of Directors.

#### 7.7 Duties of Vice-President:

In the absence of the President, or in the event of his or her inability or refusal to act, the Vice-President shall perform all the duties of the President, and when so acting shall have all the powers of, and be subject to all the restrictions on, the President. The Vice-President shall have other powers and perform such other duties as may be prescribed by law, by the Articles of Incorporation, or by these Bylaws, or as may be prescribed by the Board of Directors.

#### 7.8 Duties of Secretary:

The Secretary shall:

Certify and keep at the principal office of the corporation the original, or a copy of these Bylaws as amended or otherwise altered to date.

Keep at the principal office of the corporation or at such other place as the Board may determine, a book of minutes of all meetings of the Directors, and, if applicable, meetings of committees of Directors, recording therein the time and place of holding, whether regular or special, how called, how notice thereof was given, the names of those present or represented at the meeting, and the proceedings thereof.

See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law.

Be custodian of the records and of the seal of the corporation and see that the seal is affixed to all duly executed documents, the execution of which on behalf of the corporation under its seal is authorized by law or by these Bylaws.

Exhibit at all reasonable times to any Director of the corporation, or to his or her agent or attorney, on request therefor, the Bylaws, and the minutes of the proceedings of the Directors of the corporation.

In general, perform all duties incident to the office of Secretary and such other duties as may be required by law, by the Articles of Incorporation of this corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the Board of Directors.

#### 7.9 Duties of Treasurer (Chief Financial Officer):

The Treasurer shall:

Have charge and custody of, and be responsible for, all funds and securities of the corporation, and deposit all such funds and in the name of the corporation in such banks, trust companies, or other depositories as shall be selected by the Board of Directors.

Receive, and give receipt for, monies due and payable to the corporation from any source whatsoever.

Disburse or cause to be disbursed the funds of the corporation as may be directed by the Board of Directors, taking proper vouchers for such disbursements.

Keep and maintain adequate and correct accounts of the corporation's properties and business transactions, including accounts of its assets, liabilities, receipts, disbursements, gains and losses.

Exhibit at all reasonable times the books of account and financial records to any Director of the corporation, or to his or her agent or attorney, on request therefor.

Render to the President and Directors, whenever requested, an account of any or all of his or transactions as Treasurer and of the financial condition of the corporation.

Prepare, or cause to be prepared, and certify, or caused to be certified, the financial statements to be included in any required reports.

In general, perform all duties incident to the office of Treasurer (Chief Financial Officer) and such other duties as may be



required by law, by the Articles of Incorporation of the corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the Board of Directors.

7.10 Compensation:

The salaries of the officers, if any, shall be fixed from time to time by resolution of the Board of Directors.

ARTICLE 8. COMMITTEES

8.1 Executive Committee:

The Board of Directors may, by a majority vote of Directors then in office, designate two (2) or more of its members (who may also be serving as officers of this corporation) to constitute an Executive Committee and delegate to such Committee any of the powers and authority of the Board in the management of the business and affairs of the corporation, except with respect to:

(a) The approval of any action which, under law or the provisions of these Bylaws, requires the approval of the members or of a majority of all of the members.

(b) The filling of vacancies on the Board or on any committee which has the authority of the Board.

(c) The fixing of compensation of the Directors for serving on the Board or on any committee.

(d) The amendment or repeal of Bylaws or the adoption of new Bylaws.

(e) The amendment or repeal of any resolution of the Board which by its express terms is not so amendable or repealable.

(f) The appointment of committees of the Board.

(g) The expenditure of corporate funds to support a nominee for Director after there are more people nominated for Director than can be elected.

(h) The approval of any transaction to which this corporation is a party and in which one or more of the Directors has a material financial interest, except as expressly provided in Section 5233 (d) (3) of the California Nonprofit Public Benefit Corporation Law.

By a majority vote of its members then in office, the Board may at any time revoke or modify any or all of the authority so delegated, increase or decrease but not below two (2) the number of

its members, and fill vacancies therein from the members of the Board. The Committee shall keep regular minutes of its proceedings, cause them to be filed with the corporate records, and report the same to the Board from time to time as the Board may require.

#### 8.2 Other Committees:

The corporation shall have such other committees as may from time to time be designed by resolution of the Board of Directors. Such other committees may consist of persons who are not also members of the Board. These additional committees shall act in an advisory capacity only to the Board and shall be clearly titled as "advisory" committees.

#### 8.3 Meetings And Action Of Committees:

Meetings and action of committees shall be governed by, noticed, held and taken in accordance with the provisions of these Bylaws concerning meetings of the Board of Directors, with such changes in the context of such Bylaw provisions as are necessary to substitute the committee and its members for the Board of Directors and its members, except that the time for regular meetings of committees may be fixed by resolution of the Board of Directors or by the committee. The time for special meetings of committees may also be fixed by the Board of Directors. The Board of Directors may also adopt rules and regulations pertaining to the conduct of meeting of committees to the extent that such rules and regulations are not inconsistent with the provisions of these Bylaws.

### ARTICLE 9. EXECUTION OF INSTRUMENTS, DEPOSITS AND FUNDS

#### 9.1 Execution of Instruments:

The Board of Directors, except as otherwise provided in these Bylaws, may by resolution authorize any officer or agent of the corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances. Unless so authorized, no officer, agent, or employee shall have any power or authority to bind the corporation by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount.

#### 9.2 Checks And Notes:

The Board of Directors shall establish the signatory authority required for the due execution of notes, drafts, fund disbursement instructions, and checks of the corporation.

### 9.3 Deposits:

All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

### 9.4 Gifts:

The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest, or devise for the charitable or public purposes of this corporation.

## ARTICLE 10. CORPORATE RECORDS, REPORTS AND SEAL

### 10.1 Maintenance Of Corporate Records:

The corporation shall keep at its principal office in the State of California:

(a) Minutes of all meetings of Directors and committees of the Board indicating the time and place of holding such meetings, whether regular or special, how called, the notice given, and the names of those present and the proceedings thereof.

(b) Adequate and correct books and records of account, including accounts of its properties and business transactions and accounts of its assets, liabilities, receipts, disbursements, gains and losses.

(c) A copy of the corporation's Articles of Incorporation and Bylaws as amended to date, which shall be open to inspection at all reasonable times during office hours.

### 10.2 Corporate Seal:

The Board of Directors may adopt, use, and at will alter, a corporation seal. Such seal shall be kept at the principal office of the corporation. Failure to affix the seal to corporate instruments, however, shall not affect the validity of any such instrument.

### 10.3 Directors' Inspection Rights:

Every Director shall have the absolute right at any reasonable time to inspect and copy all books, records, and documents of every kind and to inspect the physical properties of the corporation.

### 10.4 Right To Copy And Make Extracts:

Any inspection under the provisions of this Article may be made in person or by agent or attorney and the right to inspection includes the right to copy and make extracts.

#### 10.5 Annual Report:

The Board shall cause an annual report to be furnished not later than one hundred and twenty (120) days after the close of the corporation's fiscal year to all Directors of the corporation which report shall contain the following information in appropriate detail:

(a) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year.

(b) The principal changes in assets and liabilities, including trust funds, during the fiscal year.

(c) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes, for the fiscal year.

(d) The expenses or disbursements of the corporation, for both general and restricted purposes, during the fiscal year.

#### ARTICLE 11. FISCAL YEAR

The fiscal year of the corporation shall begin on the first day of January and end on the last day of December in each year.

#### ARTICLE 12. BYLAWS

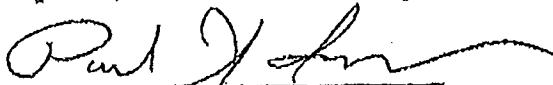
Subject to any provisions of law applicable to the amendment of Bylaws of public benefit nonprofit corporations, these Bylaws, or any of them, may be altered, amended, or repealed and new Bylaws adopted, by approval of the Board of Directors.

#### ARTICLE 13. AMENDMENT OF ARTICLES

Any amendment of the Articles of Incorporation may be adopted pursuant to the provisions of the Nonprofit Corporation Law.

CERTIFICATION: The foregoing bylaws were duly adopted at a meeting of the Board of directors on July 11, 2005, at Twentynine Palms, CA.

July 11, 2005

  
Paul F. Smith, President

**FINAL**

**JOB DESCRIPTION**

**VICE PRESIDENT OF THE BOARD OF DIRECTORS**

Adopted by the Board of Directors: September 7, 2011

**7.6 Duties of President:**

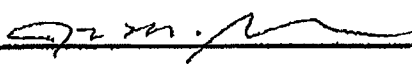
The President shall be the chief executive officer of the corporation and shall, subject to the control of the Board of Directors, supervise and control the affairs of the corporation and the activities of the officers. He or she shall perform all duties incident to his or her office and such other duties as may be required by law, by the Articles of Incorporation of this corporation, or by these Bylaws, or which may be prescribed from time to time by the Board of Directors. Unless another person is specifically appointed as Chairman of the Board of Directors, he or she shall preside at all meetings of the Board of Directors and shall otherwise act as Chairman of the Board of Directors.

**7.7 Duties of Vice-President:**

In the absence of the President, or in the event of his or her inability or refusal to act, the Vice-President shall perform all the duties of the President, and when so acting shall have all the powers of, and be subject to all the restrictions on, the President. The Vice-President shall have other powers and perform such other duties as may be prescribed by law, by the Articles of Incorporation, or by these Bylaws, or as may be prescribed by the Board of Directors.

Other duties as outlined in the Bylaws for the conduct and responsibility of an officer and board member of the Land Trust apply.

The Vice President shall be an authorized signer of financial and legal documents for the land trust.

 10/19/2011  
\_\_\_\_\_  
John Simpson, Secretary for the Board of Directors

AMENDMENT TO THE BYLAWS of MOJAVE DESERT LAND TRUST

Adopted by the Board of Directors: October 19, 2011

BYLAWS OF  
THE CALIFORNIA DESERT LAND CONSERVANCY  
(Doing Business as MOJAVE DESERT LAND TRUST  
(a California Nonprofit Public Benefit Corporation))

*Amendment to the Bylaws of Mojave Desert Land Trust, Section 7.2, dated July 11, 2005,  
approves the revision to the existing language of Section 7.2 as listed below:*

**ORIGINAL VERSION:**

7.2 Qualification, Election, and Term of Office:

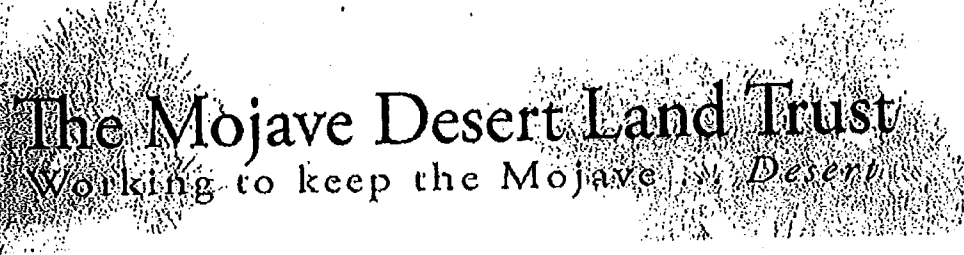
Any person may serve as officer of this corporation. Officers shall be elected by the Board of Directors, at any time, and each officer shall hold office until he or she resigns or is removed or is otherwise disqualified to serve, or until his or her successor shall be elected and qualified, whichever occurs first.

REVISED 10.19.11

Section 7.2 Qualification, Election and Term of Office:

Any Director may serve as officer of this corporation. Directors serve for three-year terms on the Board. Officers shall be elected by written ballot each year by a majority vote of the Board. Any Board member may be removed at the discretion of a majority of the Board at any time.

 10/19/2011  
FOR THE BOARD OF DIRECTORS: John Simpson, Secretary



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## Mojave Desert Land Trust Mission

The Mojave Desert Land Trust protects the Mojave Desert ecosystem and its scenic and cultural resource values.

## Mojave Desert Vision

It is the year 2030. The California Desert is a vital ecosystem of interconnected, permanently protected scenic and natural areas that host a diversity of native plants and wildlife. Views and vistas are broad. The air is clear, the water clean, and the night skies dark. Cities and military facilities are compact and separated by large natural areas.

Local residents, visitors, land managers, and political leaders value the unique environment in which they live and work. They understand the natural processes and cultural resources of the California Desert as well the impacts of global climate change upon the Desert ecosystem and collaborate on land use and management activities that allow for adaptation under changing climactic conditions and protect the California Desert for future generations.



MEMORANDUM

TO: NANCY KARL, MOJAVE DESERT LAND TRUST
FROM: ELLEN A. FRED, ESQ.
SUBJECT: ELIGIBILITY OF MOJAVE DESERT LAND TRUST AS HOLDER OF MITIGATION FUNDS UNDER SENATE BILL 1094
DATE: 1/17/2013

I. Introduction

Developers are often required to mitigate for the loss of wildlife habitat or agricultural land caused by their projects by securing protection of suitable habitat or agricultural properties in nearby areas. As part of these mitigation measures, the developer is typically required to convey an endowment to fund the long-term protection and stewardship of the mitigation property. Mojave Desert Land Trust is in the process of being approved to acquire, hold, and ensure the perpetual protection of mitigation property. This memorandum is intended to provide assurances that Mojave Desert Land Trust is qualified to hold the mitigation endowment associated with the mitigation property under applicable law, and, in particular, under newly enacted Senate Bill ("SB") 1094.

Short Question: Is Mojave Desert Land Trust qualified to acquire, hold, and manage mitigation endowments under SB 1094?

Short Answer: Yes. Mojave Desert Land Trust meets the requirements of SB 1094 and is therefore qualified to acquire, hold, and manage mitigation endowments in California.

II. Analysis

SB 1094, which was enacted in early 2012 and signed by the Governor on September 28, 2012, with an immediate effective date, amended certain provisions of the California Government Code related to who may hold and manage endowment funds that are associated with mitigation projects and how such funds should be held and managed. In particular, SB 1094 expands the types of entities that may hold endowment funds, modifies the requirements that an entity holding endowment funds must meet, and provides certain investment requirements vis-à-vis the endowment funds. In order to qualify to hold mitigation endowments under SB 1094, therefore, Mojave Desert Land Trust must demonstrate that it meets the requirements of the new law.

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Ellen A. Fred
efred@conservationpartners.com
principal



## 1. Statutory Framework

### a. Who may hold mitigation endowments under SB 1094?

Generally, the amended California Government Code<sup>1</sup> provides that any agency that requires a project proponent to convey property to mitigate for the loss of habitat or other natural resources may also require the conveyance of an endowment to provide for the long-term stewardship of the mitigation property and, further, that such endowment may be held by the same entity that holds the property.

First, Section 65967 states that if a state or local agency requires a project proponent to transfer property to mitigate any adverse impact upon natural resources caused by permitting the development of a project or facility, the agency may authorize a nonprofit organization to hold title to and manage that property.<sup>2</sup> Section 65966(b) then provides that any local or state agency that requires property to be protected pursuant to Section 65967 may identify how the funding needs of the long-term stewardship of the property will be met, and Section 65968 goes on to state that, if an endowment is conveyed pursuant to Section 65966 for property conveyed pursuant to Section 65967, the endowment may be held by the same nonprofit organization that holds the property. Finally, Section 65968(b) requires that the endowment must be held by one of a list of potential entities, including, "[t]he nonprofit organization that either holds the property, or holds an interest in the property, for conservation purposes."

For purposes of SB 1094, "nonprofit organization" is defined as any nonprofit organization that meets all of the following requirements:

- (1) Is exempt from taxation as an organization described in Section 501(c)(3) of the Internal Revenue Code.
- (2) Is qualified to do business in California.
- (3) Is a "qualified organization" as defined in Section 170(h)(3) of the Internal Revenue Code.
- (4) Is registered with the Registry of Charitable Trusts maintained by the Attorney General pursuant to Section 12584.
- (5) Has as its principal purpose and activity the direct protection or stewardship of land, water, or natural resources, including, but not limited to, agricultural lands, wildlife habitat, wetlands, endangered species habitat, open-space areas, and outdoor recreational areas. [Section 65965(h).]

To qualify under Internal Revenue Code ("IRC") section 501(c)(3), an organization must satisfy the following criteria:

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<sup>1</sup> All references to "Code" or "Section" shall refer to the California Government Code unless otherwise specified.  
<sup>2</sup> Mojave Desert Land Trust has applied and has been recommended for approved by the California Department of Fish and Game as an organization qualified to hold mitigation fee property and conservation easements under Section 65967(c). It is awaiting notification of the Department's formal approval and will provide the approval letter when it is received.

Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

In addition, IRC section 170(h)(3) enumerates the types of nonprofit organizations that are qualified to accept and hold federally tax-deductible conservation easements. Under that provision, an eligible organization is one that:

- (A) is described in clause (v) or (vi) of subsection (b)(1)(A), or
- (B) is described in section 501(c)(3) and—
  - (i) meets the requirements of section 509(a)(2), or
  - (ii) meets the requirements of section 509(a)(3) and is controlled by an organization described in subparagraph (A) or in clause (i) of this subparagraph.

In order to qualify to do business in California, an entity must have submitted the proper forms and related fees with the State of California depending on its entity type, and its status as an active business entity must be approved by the State and must remain in effect at the time the mitigation property and associated endowment are transferred. Similarly, an organization must be currently registered with the Registry of Charitable Trusts maintained by the Attorney General pursuant to Section 12584. Finally, the entity must have as its principal purpose and activity the direct protection or stewardship of land, water, or natural resources, including, but not limited to, agricultural lands, wildlife habitat, wetlands, endangered species habitat, open-space areas, and outdoor recreational areas.

**b. How must mitigation endowments be managed under SB 1094?**

Once it is established that a particular entity is qualified to hold the mitigation endowment, SB 1094 provides certain requirements for the management of such mitigation funds. First, under SB 1094, the definition of "endowment" provides a general set of guidelines for the management of a mitigation endowment:

"Endowment" means the funds that are conveyed solely for the long-term stewardship of a mitigation property. Endowment funds are held as charitable trusts that are permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside. Endowments shall be governed by the underlying laws, regulations, and specific

governmental approvals under those laws and regulations pursuant to which the endowments were exacted, consistent with subdivision (b) of Section 65966 and with the Uniform Prudent Management of Institutional Funds Act (Part 7 (commencing with Section 18501) of Division 9 of the Probate Code). Endowments do not include funds conveyed for meeting short-term performance objectives of a project. [Section 65965(a).]

Section 65966(b) provides that if an endowment is conveyed or secured at the time the property is protected, all of the following shall apply:

- (1) The endowment shall be held, managed, invested, and disbursed solely for, and permanently restricted to, the long-term stewardship of the specific property for which the funds were set aside.
- (2) The endowment shall be calculated to include a principal amount that, when managed and invested, is reasonably anticipated to cover the annual stewardship costs of the property in perpetuity.
- (3) The endowment shall be held, managed, invested, disbursed, and governed as described in subdivision (a) of Section 65965 consistent with the Uniform Prudent Management of Institutional Funds Act (Part 7 (commencing with Section 18501) of Division 9 of the Probate Code). [Note that Section 65965(a) is the definition of "endowment" recited above.]

Section 65966(c) then provides that if a nonprofit corporation holds the endowment, the nonprofit shall utilize generally accepted accounting practices that are promulgated by the Financial Accounting Standards Board or any successor entity. Section 65968(d) reiterates that any entity that holds an endowment shall hold, manage, invest, and disburse the funds in furtherance of the long-term stewardship of the property in accordance with subdivision (a) of Section 65965 (again, the guidelines provided in the definition of "endowment" above).

#### **c. Certification and designation of an endowment holder under SB 1094**

A holder of a mitigation endowment must certify to the project proponent and the local or state agency that required the endowment that it meets certain requirements. Namely, pursuant to Section 65968(e), the holder of an endowment must certify that it meets all of the following requirements:

- (1) The holder has the capacity to effectively manage the mitigation funds.
- (2) The holder has the capacity to achieve reasonable rates of return on the investment of those funds similar to those of other prudent investors for endowment funds and shall manage and invest the endowment in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances, consistent with the Uniform Prudent Management of

Institutional Funds Act (Part 7 (commencing with Section 18501) of Division 9 of the Probate Code).

(3) The holder utilizes generally accepted accounting practices as promulgated by either of the following:

(A) The Financial Accounting Standards Board or any successor entity for nonprofit organizations.

(B) The Governmental Accounting Standards Board or any successor entity for public agencies, to the extent those practices do not conflict with any requirement for special districts in Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5.

(4) The holder will be able to ensure that funds are accounted for, and tied to, a specific property.

(5) If the holder is a nonprofit organization . . . , it has an investment policy that is consistent with the Uniform Prudent Management of Institutional Funds Act (Part 7 (commencing with Section 18501) of Division 9 of the Probate Code).

Finally, Section 65968(f) concludes that if a nonprofit organization meets the requirements of SB 1094, it is qualified to be a holder of the endowment for the purpose of obtaining any permit, clearance, or mitigation approval from a state or local agency, and subsection (h) confirms that nothing in this section shall prohibit a state or local agency from determining that a nonprofit organization meets the requirements of this section and is qualified to hold the endowment.

### III. Discussion

#### 1. Mojave Desert Land Trust qualifies as a "nonprofit organization" under SB 1094.

Mojave Desert Land Trust is a California nonprofit public benefit corporation in good standing, qualified to do business in California, and organized and operated for charitable purposes. Its Articles of Incorporation, which were filed on June 20, 2005, and which are attached to this memorandum as Exhibit A, provide that its specific organizational purpose is "the conservation of land for scientific, historic, educational, ecological and public benefit purposes." As provided in its Articles, Mojave Desert Land Trust originally incorporated under the name, "The California Desert Land Conservancy"; however, on July 13, 2010, Mojave Desert Land Trust filed a Fictitious Business Name Statement, attached hereto as Exhibit B, formally adopting the fictitious business name of Mojave Desert Land Trust, which business name remains current and in effect.

Mojave Desert Land Trust received its federal tax-exemption determination on August 17, 2006, and is therefore federally tax-exempt under IRC section 501(c)(3). Moreover, as stated in the determination letter, it is an organization that meets the requirements of IRC section 170(b)(1)(A)(vi). (Please see IRS Determination Letter attached hereto as Exhibit C.) Therefore, not only does Mojave Desert Land Trust qualify as federally tax-exempt under IRC section 501(c)(3), it

p.o. box 47, traverse city, mi 49685 P (510) 290-0165 F (231) 228-2371 www.conservationpartners.com

Ellen A. Fred  
efred@conservationpartners.com  
principal

also is a "qualified organization" as defined in IRC section 170(h)(3)(A) (i.e., as it is described in clause (vi) of subsection (b)(1)(A)).

Mojave Desert Land Trust is currently registered with the Registry of Charitable Trusts maintained by the Attorney General pursuant to Section 12584. (Please see Mojave Desert Land Trust's registration data taken from the California Attorney General's website attached hereto as Exhibit D.) And, as stated above, Mojave Desert Land Trust has as its principal purpose and activity the direct protection or stewardship of land, water, or natural resources, including, but not limited to, agricultural lands, wildlife habitat, wetlands, endangered species habitat, open-space areas, and outdoor recreational areas.

Therefore, Mojave Desert Land Trust is a "nonprofit organization" under Section 65965(h).

**2. Mojave Desert Land Trust commits to manage its mitigation endowments pursuant to SB 1094.**

As stated above, SB 1094 provides specific guidelines and requirements for the management of mitigation endowments, which Mojave Desert Land Trust commits to upholding. Mojave Desert Land Trust's professional investment consultants are well versed in these requirements and will guide Mojave Desert Land Trust in its proper and lawful investment and management of these funds. (Please see Mojave Desert Land Trust's investment policy at Exhibit E for an example of how it currently manages its endowment funds.)

**3. Mojave Desert Land Trust certifies that it meets the requirements of Section 65968(e).**

Mojave Desert Land Trust hereby certifies that:

- (1) It has the capacity to effectively manage the mitigation funds.
- (2) It has the capacity to achieve reasonable rates of return on the investment of those funds similar to those of other prudent investors for endowment funds and shall manage and invest the endowment in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances, consistent with the Uniform Prudent Management of Institutional Funds Act (Part 7 (commencing with Section 18501) of Division 9 of the Probate Code).
- (3) It utilizes generally accepted accounting practices as promulgated by either of the following:
  - (A) The Financial Accounting Standards Board or any successor entity for nonprofit organizations.
  - (B) The Governmental Accounting Standards Board or any successor entity for public agencies, to the extent those practices do not conflict with any

requirement for special districts in Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5.

(4) It will be able to ensure that funds are accounted for, and tied to, a specific property.

(5) It has an investment policy that is consistent with the Uniform Prudent Management of Institutional Funds Act (Part 7 (commencing with Section 18501) of Division 9 of the Probate Code). (Please see Exhibit E for Mojave Desert Land Trust's investment policy, which is consistent with the Uniform Prudent Management of Institutional Funds Act.)

#### IV. Conclusion

Mojave Desert Land Trust is a "nonprofit organization" as defined under SB 1094, who is committed to managing its mitigation endowments pursuant to the various legislative requirements of SB 1094 and who hereby certifies that it meets the requirements of Section 65968(e). Therefore, it is qualified to acquire, hold, and manage mitigation endowments under SB 1094.

K-40  
6-17

Mojave Desert Land Trust

MONITORING (Stewardship)  
POLICY & PROCEDURES

Adopted by the Board of Directors: 9/22/10

Guiding Policies and Principles

The Mojave Desert Land Trust (MDLT) is dedicated to upholding its legal and community obligation to preserve the lands and interest in land it acquires. Regular monitoring by staff, contractors and volunteers is required to ensure the conservation values that are intended to be protected are being protected. Monitoring involves not just the physical act of inspecting a property, it is a process that includes contact with landowners and users (public land managers, etc.), education, baseline documentation, record keeping and follow-up on issues identified. This process requires focus and a long-term commitment to the land that is being preserved.

MDLT's primary monitoring responsibility stems from the acceptance of grants from the Resources Legacy Fund (formerly known as the Resources Legacy Fund Foundation). These grants involved the purchase by MDLT of privately owned inholdings within national parks and wilderness areas and the conveyance of these lands to the U.S.A. for long-term management. A condition of these transfers is that MDLT and the U.S.A. enter into an Agreement Restricting Use of Real Property (Agreement) that restricts certain land uses and gives MDLT the right and responsibility to enforce compliance with these Agreements. These Agreements are perpetual in duration and are best classified as a conservation easement in that they are recorded on the property's title, limit certain land uses, and require regular monitoring and enforcement.

The Land Trust Alliance (a national association of land trusts, MDLT being a member) has established standards and generally-accepted practices for land trusts. Annual monitoring of each conservation easement is strongly recommended in order to develop a relationship with the landowner, help discover changes in land ownership, enable the land trust to see if the easement is effective, help uncover violation, save time and money on enforcement actions, and establish a record in case of court action. Currently due to the fact that properties encumbered by the Agreements are located within national parks and wilderness areas, are managed by public conservation agencies (National Park Service - NPS - and Bureau of Land Management - BLM - and referred herein as the "Agency") and are generally remote, MDLT has chosen to monitor these properties on a tri-annual basis. However, properties with particular sensitive conditions, or where a potential violation was detected, will be monitored more frequently.

In addition MDLT shall monitor lands it owns in fee on a tri-annual basis in order to assure that the conservation attributes of the land are intact and that the use of the land is in accordance with the grant agreements and good land stewardship principals. In certain circumstances such

as when a property has solid waste on-site, evidence of livestock grazing, active roads, structures, and other improvements, monitoring should be more frequent and the MDLT Stewardship Coordinator will coordinate necessary clean-up and restoration of the property prior to transferring the property to a public agency if funds, and/or volunteer resources are available.

The MDLT Stewardship Coordinator shall abide by this Policy as amended from time-to-time by MDLT's Board of Trustees. As part of MDLT's on-going property management procedures, the Stewardship Coordinator shall adhere to procedures for baseline documentation, monitoring, report preparation and monitoring follow-up. The Stewardship Coordinator shall revisit this Policy and its implementation procedures on an annual basis to determine whether the Policy should be amended to reflect changing Land Trust Alliance standards or to otherwise upgrade its contents, and shall make recommendations to the Executive Director accordingly.

### Procedures

**Frequency of Monitoring:** Each property shall be monitored at least tri-annually to ascertain whether the use of the property is in accordance with the restrictions applicable to the land and the conservation values intended to be protected are being conserved. In certain circumstances, monitoring should be done more frequently (example includes properties with past and current violation) in order to identify any land uses that may violate the terms of the restrictions (or impair conservation values) as soon as practicable, and thus reduce the organization's chances of significant time and expense in correcting a violation.

**Monitors:** MDLT's policy (and other land trusts on a national level), is to utilize well trained and supervised volunteers to monitor and restore the property providing necessary land stewardship commitment, community involvement, and long-term organizational accountability. MDLT recognizes that it shall use trained volunteers to monitor the properties as much as possible, except in extraordinary circumstances. Prior to commencing monitoring, all volunteers shall receive adequate training in monitoring methods and the importance of the monitoring process, its relation to MDLT's overall land management program and how to conduct the monitoring in a safe and professional manner. In addition, the volunteers are encouraged to attend an annual monitoring training school (Land Steward's School) to refresh their memory on monitoring policy and procedures. Staff and/or consultants will be used to supervise volunteers and perform monitoring in cases where there is active use of the property and/or access is significantly limited (remote properties requiring over four miles of hiking to access).

**Method of Monitoring:** MDLT believes that either inspecting the property from the ground or air is critical for meeting the organization's obligation to ensure compliance with Agreement. Aerial monitoring is useful for viewing remote areas with limited access (wilderness) but the higher cost requires careful pre-planning. Properties with active land uses such as roads and campsites require on-the-ground inspection. MDLT's Stewardship Coordinator shall adhere to the following procedures:



1. Prior to conducting tri-annual monitoring inspections, the Stewardship Coordinator shall send the Agreement Restricting Use Monitoring Questionnaire to the appropriate Park Superintendent or Field Office Manager to determine if any new land uses have been or will be authorized for the property. These land uses may include large scale biological diversity enhancement projects in addition to more traditional park and wilderness projects such as trail construction and park facility construction.

2. Baseline documentation shall consist of an NPS or BLM Environmental Site Assessment Report and MDLT Pre-Acquisition Liability Survey Report with detailed maps, GPS coordinates (property boundaries and features), photographs and discussion of vegetation types (basic plant communities present), condition of vegetation (disturbed, recovering from fire, etc.), current and past land uses including roads, structures, dumps and landscape alterations.

3. Monitoring will consist of visually inspecting the property by aircraft or by foot using GPS to locate property corners. Based on the Permitted Uses and Specific Restrictions sections of the Agreement, Monitors shall *observe and document* the absence or presence of any land use or the change in any pre-existing land use on the property. During regular monitoring inspections, monitoring of biological diversity shall be limited to general observations of the status and composition of plant communities. If land uses are proposed or authorized by NPS or BLM, the Stewardship Coordinator shall request from the public agency more intensive site-specific inventories of the biological diversity of the property and a thorough analysis of the impacts of the proposed action on the biological diversity of the property in an effort to minimize the impacts of the proposed action.

4. The paid and volunteer monitors shall receive basic monitoring training prior to performing site inspections and receive annual updates during the MDLT Land Steward's School (safety, lessons learned, etc).

**Monitoring Process:** MDLT's Stewardship Coordinator shall send the questionnaire to the appropriate Park Superintendent prior to monitoring and review a recent aerial photograph on Google Earth. Building, structures, solid waste, and any impacts will be identified. The Stewardship Coordinator will coordinate monitoring assignments with the monitors depending upon their available dates and preferred region of travel. The monitoring volunteers will not be asked to monitor particularly difficult or troublesome properties (including those requiring extended times to access).

1. The monitors shall be provided with an Agreement Restricting Use Monitoring Survey Form (Monitoring Report) that includes a site inspection checklist, vicinity map, site map with GPS coordinates for corners of the property, and site photographs from previous site visit. MDLT will provide a GPS unit and digital camera for the monitoring inspection.

2. A minimum of two photographs will be taken of the property. The absence or presence of any land use will be noted in a Monitoring Report, comparing current conditions to baseline

conditions,

3. For safety purposes, a minimum of two persons shall be used for monitoring. While using aircraft, one person shall be the observer/photographer while the second shall serve as the recorder of field observations.

**Monitoring Follow-up:** The Stewardship Coordinator shall adhere to procedures to assure that any potential violations of the Agreement that are observed during a monitoring visit are addressed in a timely and professional manner, and to assure that MDLT preserve the right to enforce the Agreement if it becomes necessary. All such actions shall be documented in writing and reported to the Executive Director. The Executive Director shall report all violations to the President of MDLT's Board of Directors in a timely manner. Each monitoring visit shall be represented by a written report that is signed by the individual who performed the monitoring visit. All monitoring reports and any follow-up actions shall be archived in accordance with MDLT's Record-keeping Policy.

1. In most cases when no change in land use is observed, the Monitoring Report will be completed by the Stewardship Coordinator within 48 hours of the inspection.

2. The Monitoring Report shall be reviewed and recommended by the Stewardship Chair or Executive Director, then signed by the President of the Board.

3. Completed original Monitoring Reports and Chain of Custody Form shall be archived in the fireproof cabinet kept in MDLT's office by the MDLT Custodian of Records.

4. A duplicate copy of the completed Monitoring Report and Chain of Custody Form shall be kept by the Stewardship Coordinator in an on-going monitoring file.

5. When a change in land use is detected from aircraft, the property shall be inspected on the ground, noting the location of the land use using GPS (UTMs), documenting the nature of the impact (i.e. width and length of new roads) and photographing the impact.

6. Once land use and impacts are documented and if the land use is *authorized* by the Agency, the Stewardship Coordinator shall request written documentation from the Agency stating how the land use is consistent with the Agreement and is "essential to meet public health and safety and public use needs consistent with the Purpose of the Donation and is accomplished in a manner that minimizes any adverse impacts on the natural biological diversity of the Park and the Property". The Stewardship Coordinator shall provide this documentation to MDLT's Executive Director and President of the Board with a complete copy of the Monitoring Report to determine that the land use is not a violation of the Agreement.

7. If the Agency has *not authorized* the land use, the Stewardship Coordinator shall complete the Monitoring Report noting the unauthorized land use and call a meeting within one week of the date the report is completed with the Executive Director to discuss ways of resolving the

potential violation.

8. If a violation is determined, the Executive Director shall contact the Park Superintendent or Field Manager at the agency immediately in writing requesting the Agency to take actions to address the violation in a manner that halts further impacts to the conservation values intended to be protected. The following steps shall be taken by MDLT:

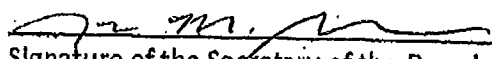
- Request the Agency acknowledge receipt of the violation notice within 10 business days.
- In the violation notice to the Agency, MDLT requests the Agency to respond with proposed actions to address the violation within 30 days (corrective action) of receipt of the violation notice from MDLT.
- The Agency response should include a timeline for implementation of proposed corrective actions that will reasonably limit continued impacts to the conservation values.
- MDLT shall monitor property conditions regularly while the implementation of corrective actions is underway to determine if further resource damage is occurring. MDLT may take legal action to halt further resource damage during the implementation of corrective actions if immediate action is deemed necessary to protect the conservation values.

10. Once the Agency has taken action to halt the unauthorized land use and complete any necessary restoration activities, the Stewardship Coordinator will re-inspect the property and prepare an up-to-date Monitoring Report documenting the corrective action.

**Legal Review:** Annually at a minimum, the policies and procedures shall be reviewed by legal counsel to ensure conformance with standard business and legal principles.

#### Certification

This policy and procedure has been approved by the Board of Directors of the Mojave Desert Land Trust at a regularly scheduled meeting on September 22, 2010 and certified by the Secretary of the Board on September 22, 2010.

  
Signature of the Secretary of the Board of Directors

9/22/10  
Date

JUN 20 2005 ✓

**ARTICLES OF INCORPORATION**  
**OF**  
**THE CALIFORNIA DESERT LAND CONSERVANCY**

I.

The name of the corporation is THE CALIFORNIA DESERT LAND CONSERVANCY.

II.

A. This corporation is a nonprofit PUBLIC BENEFIT CORPORATION and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes.

B. The specific purpose of this corporation is to: the conservation of land for scientific, historic, educational, ecological and public benefit purposes.

III.

The name and address in the State of California of this corporation's initial agent for service of process is:

Name: Paul F. Smith

Address: 6847 Adobe Road, Twentynine Palms, CA 92277

IV.

A. This corporation is organized and operated exclusively for **charitable** purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

V.

The property of this corporation is irrevocably dedicated to **charitable** purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for **charitable** purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

**IN WITNESS WHEREOF**, the undersigned incorporator has executed these Articles of Incorporation on the date below.

Date: June 16, 2005

**LegalZoom.com, Inc., Incorporator**

By:   
Cindy Ly, Assistant Secretary



I hereby certify that the foregoing transcript of 2 page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.

FEB 10 2016

Date: \_\_\_\_\_ <sup>DU</sup>

*Alex Padilla*

ALEX PADILLA, Secretary of State

**EXHIBIT "B"**

**PURCHASE APPLICATION**

**CHAPTER 7 FORM 11 (N/A)**

**CHAPTER 7 PUBLICATION (N/A)**

**PUBLICATION LETTER**

Recommendation

### Application to Purchase Tax-Defaulted Property from County

This application must be completed by eligible purchasing entity to commence purchase of tax-defaulted property by Agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Complete the following sections and supply supporting documentation. Completion of this application does not guarantee purchase approval.

#### A. Purchaser Information

- 1. Name of Organization: California Desert Land Conservancy dba Mojave Desert Land Trust
- 2. Mailing Address: PO BOX 1544 Joshua Tree, CA 92252
- 3. Contact Person: Chatel McKettrick, Program Coordinator Phone: (760) 366-5440 ext 228
- 4. Corporate Structure – check the appropriate box below and provide the corresponding information:
  - Nonprofit Organization– provide Articles of Incorporation (if more than ten years old an update is required)
  - Public Agency-- provide Mission Statement on Letterhead. If Redevelopment Agency or Special District, provide Jurisdiction Map
- 5. Vesting Name : California Desert Land Conservancy

#### B. Purchasing Information

Determine which category the parcel falls under and then check the appropriate box as it relates to the purchasing entity's corporate structure and the intended use of the parcel: (Note: From the six choices, check only one)

Category A: Parcel is currently scheduled for a Chapter 7 tax sale (Attach a separate letter objecting to the sale of the parcel)

- Purchase by Tax Agency/Revenue District to preserve its lien (circle one)
- Purchase by Tax Agency, State, County, Revenue District, Special District, or Redevelopment Agency for public purpose (circle one)
- Purchase by Nonprofit to use parcel(s) for low-income housing purpose or to preserve open space

Category B: Parcel is not currently scheduled for a Chapter 7 tax sale

- Purchase by Taxing Agency for public purpose
- Purchase by State, County, Revenue District, Special District, or Redevelopment Agency for public purpose (circle one)
- Purchase by Nonprofit to use parcel(s) for low-income housing purpose or to preserve open space

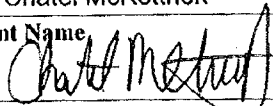
#### C. Property Detail

Provide the following information. If there is more than one parcel or you need more space for any of the criteria, consolidate the information into a separate "Exhibit" document and attach it to this application:

- 1. County where the Parcel is located: Riverside County
- 2. Assessor's Parcel Number (if only one, list here): See Attached List
- 3. State the purpose and intended use for the Parcel: Preserving wilderness open space for recreational use by the general public.

#### D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer

<u>Chatel McKettrick</u>	<u>760-366-5440 ext 228</u>
Print Name	Contact Number
	<u>Program Coordinator</u>
Authorizing Signature	Title
	<u>7/6/15</u>
	Date

AGF-2 (SCO 8-16)



Exhibit A

1. County:
  - a. Riverside
  - b. Riverside
2. Assessor's Parcel Number:
  - a. 701140018-4
  - b. ~~701220013-6~~ *not available at this time*
3. Purpose and intended use:
  - a. Preserving wilderness open space habitat and for general public recreational use.
  - b. Preserving wilderness open space habitat and for general public recreational use.

# The Mojave Desert Land Trust

Working to keep the Mojave Desert

- Home
- About Land Trusts
- MDLT
  - Mission
  - California Desert Vision
  - Strategic Plan
  - Board of Directors
  - Advisory Board
- Events
- Newsletters
- Projects
  - Nolina Peak
  - National Park Inholdings
  - Conservation Comments
- Stewardship Program
- Support the Trust
  - Volunteering
- Links
- Contact Us

## Mojave Desert Land Trust Mission

The Mojave Desert Land Trust protects the Mojave Desert ecosystem and its scenic and cultural resource values.

## Mojave Desert Vision

It is the year 2030. The California Desert is a vital ecosystem of interconnected, permanently protected scenic and natural areas that host a diversity of native plants and wildlife. Views and vistas are broad. The air is clear, the water clean, and the night skies dark. Cities and military facilities are compact and separated by large natural areas.

Local residents, visitors, land managers, and political leaders value the unique environment in which they live and work. They understand the natural processes and cultural resources of the California Desert as well the impacts of global climate change upon the Desert ecosystem and collaborate on land use and management activities that allow for adaptation under changing climactic conditions and protect the California Desert for future generations.

**JON CHRISTENSEN**  
ASSISTANT TREASURER-TAX COLLECTOR

**DEBBIE BASHE**  
INFORMATION TECHNOLOGY OFFICER

**GIOVANE PIZANO**  
INVESTMENT MANAGER

**KIEU NGO**  
FISCAL MANAGER



**DON KENT**  
TREASURER

**MATT JENNINGS**  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

**MELISSA JOHNSON**  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

**ADRIANNA GOMEZ**  
ADMINISTRATIVE SERVICES MANAGER I

**RE: California Desert Land Conservancy  
Agreement Number: 4432**

**Parcel number 701140018-4 is not part of a publication because it has not been on a tax sale.**

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES

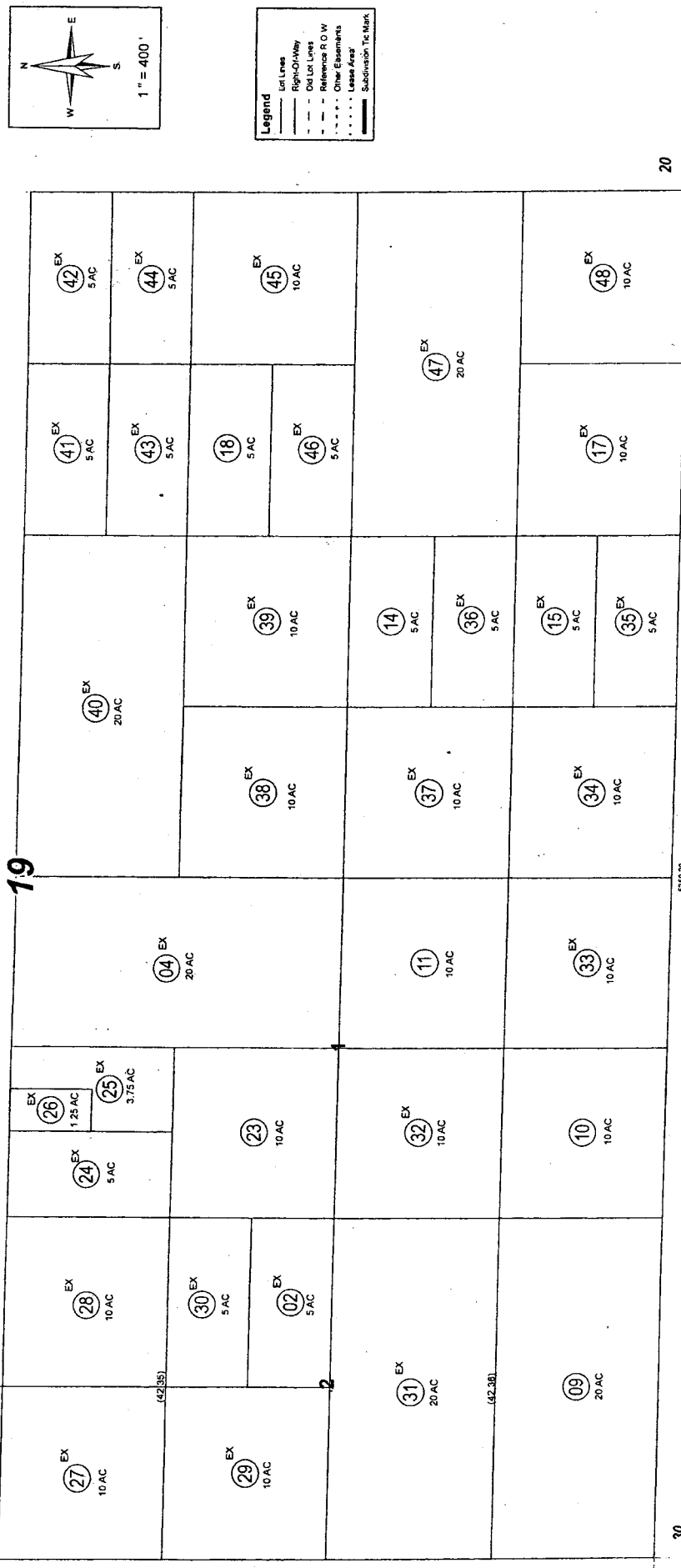
S 1/2 SEC 19 T3SR12E

TRA 075-002

701-14

26-26-5

AUG 17 2010



EX 100 Pg 14	Pg 13	Pg 12	EX 100 Pg 14	Pg 17
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Date	Old Number	New Number
8/1/1970	3	22-24
8/1/1971	32	25, 26
7/1/1972	14, 15	674, 615
11/1/1972	5	619
11/1/1972	7	620
12/1/1972	14	621
12/1/1976	6689	27-48



ASSESSOR'S MAP BK701 PG 14  
Riverside County, Calif

Manning

June 2010

**EXHIBIT "C"**

**LEGAL DESCRIPTIONS**

**MAPS**

**PARCEL 1**

**Parcel Number:** 701140018-4  
**First Year Delinquent:** 2009-2010  
**Purchase Price** \$1,804.55

**Situs Address:** NONE  
**Last Assessed to:** TITLE INS & TR CO

**Legal Description.....**

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 12 EAST, SAN BERNARDINO BASE AND MERIDIAN, RIVERSIDE COUNTY, CALIFORNIA.

**OUTSIDE CITY**

**Assessment Number:** 701140018-4  
**Default Number:** 2010-701140018-0000  
**TRA** 075-002

**Parcel 701220013-6 is not available at this time**

**AGREEMENT 4432**  
**CALIFORNIA DESERT LAND CONSERVANCY**

JON CHRISTENSEN  
ASSISTANT TREASURER-TAX COLLECTOR

DEBBIE BASHE  
INFORMATION TECHNOLOGY OFFICER

GIOVANE PIZANO  
INVESTMENT MANAGER

KIEU NGO  
FISCAL MANAGER



DON KENT  
TREASURER

MATT JENNINGS  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

MELISSA JOHNSON  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

ADRIANNA GOMEZ  
ADMINISTRATIVE SERVICES MANAGER I

October 21, 2016

California State Controller's Office  
c/o Division of Accounting and Reporting  
Attn: Property Tax Standards Unit  
3301 C Street, Suite 740  
Sacramento, CA 95819

Re: Agreement of Sale Number 4432  
Parcel Number(s) 701140018-4

Dear Property Tax Standards Unit:

Enclosed you will find two (2) Chapter 8 Agreement to Purchase Tax-Defaulted Property numbered 4432, one copy of the supporting documentation for them and the submittal to the Board of Supervisors approving the Chapter 8 sale (Form 11).

This parcel was not previously scheduled for a Chapter 7 sale.

Please review and approve the Agreement to Purchase Tax-Defaulted Property and its counterpart, both which constitute as an original. Tabs have been placed where your signature goes.

Please return all enclosed documentation to me at the address below.

Return Agreement to: RIVERSIDE COUNTY TREASURER  
TAX SALE OPERATIONS  
ATTN: M BRYANT AUGUST  
PO BOX 12005  
RIVERSIDE CA 92502

Should you have any questions, I can be reached at the number listed below.

Yours truly,

A handwritten signature in cursive script that reads "Michelle Bryant August".

Michelle Bryant August  
Tax Sale Operations  
(951) 955-3948  
[mbryant-august@RivcoTTC.org](mailto:mbryant-august@RivcoTTC.org)

Enclosures

COUNTY OF RIVERSIDE, TREASURER-TAX COLLECTOR

\*\*\*\*\*

4080 LEMON STREET, 4TH FLOOR ★ P.O. BOX 12005 ★ RIVERSIDE, CALIFORNIA 92502  
WWW.COUNTYTREASURER.ORG ★ (951) 955-3900 ★ 1 (877) 748-2689 ★ FAX (951) 955-3923

TREASURER-TAX COLLECTOR  
STOP 1110

DON KENT  
TAX COLLECTOR  
4080 LEMON ST - 4TH FLOOR  
RIVERSIDE, CALIFORNIA 92501

2015-0360070

08/13/2015 09:44 AM Fee: \$ 0.00

Page 1 of 2

Recorded in Official Records  
County of Riverside  
Peter Aldana  
Assessor-County Clerk-Recorder



					R	A	Exam:		
Page	DA	PCOR	Misc	Long	RFD	1st Pg	Adtl Pg	Cert	CC
SIZE	NCOR	SMF	NCHG	T:					

411

02881 DESERT SUN

**NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY**

Which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2010 for the nonpayment of delinquent taxes in the amount of \$32.64 for the fiscal year 2009-2010, Default Number 2010-701140018-0000.

Notice is hereby given by the Tax Collector of RIVERSIDE County that pursuant to Revenue and Taxation Code §3691 the property described herein is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Tax Collector of said County before sale. The real property subject to this notice is assessed to: TITLE INS & TR CO and is situated in said county, State of California, described as follows:

Assessor's Parcel Number 701140018-4

SEE PAGE 2 ENTITLED LEGAL DESCRIPTION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California Executed on  
RIVERSIDE County JULY 1, 2015 By Don Kent  
Tax Collector

On 07/27/2015, before me, Peter Aldana, Assessor, Clerk-Recorder, personally appeared Don Kent, Treasurer and Tax Collector for Riverside County, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.  
Peter Aldana, Assessor, Clerk Recorder

By: [Signature] Seal  
Deputy



§§3691, 3691.1, 3691.2 R&T Code

TDL 7-01 (1-98)



Page 2

701140018-4

LEGAL DESCRIPTION

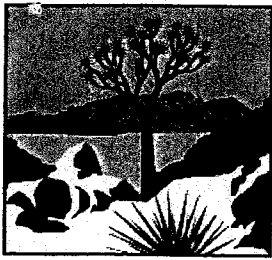
OUTSIDE CITY

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 12 EAST, SAN BERNARDINO BASE AND MERIDIAN, RIVERSIDE COUNTY, CALIFORNIA.

**EXHIBIT "E"**

**RESOLUTION JANUARY 28, 2016**

**MISSION STATEMENT**



# Mojave Desert Land Trust

Preserving land to enjoy forever

P.O. Box 1544 • 60124 29 Palms Hwy • Joshua Tree, CA 92252  
Ph (760) 366-5440 Fax (888) 869-4981 www.mojavedesertlandtrust.org

## Resolution of the Board of Directors Of California Desert Land Conservancy DBA Mojave Desert Land Trust Acquisition of Tax Defaulted Parcels: 701140018-4

January 28, 2016

### Recitals:

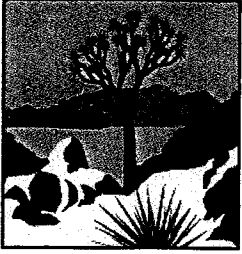
1. The California Desert Land Conservancy (“CDLC”) is a nonprofit land conservation organization whose mission is to “Protect the Mojave Desert ecosystem, and its scenic and cultural resources.” CDLC actively acquires undeveloped land in Wilderness areas and National Parks to protect its open space and habitat values. Currently, CDLC has an approved acquisition program in these two areas of interest.
2. In accordance with California Revenue and Taxation Code Section 3791.4, tax defaulted properties may be purchased by a nonprofit organization if it will be dedicated to public use, with the approval of the board of supervisors of the county in which it is located.
3. Riverside County Parcel # 701140018-4 is currently tax-defaulted and will be placed on upcoming sealed bid auction on March 30, 2016 unless the completed Chapter 8 application is received prior to the auction.

### Resolutions:

1. The Board of Directors of the California Desert Land Conservancy, dba Mojave Desert Land Trust, resolves to approve the purchase of the following tax sale property located in Pinto Mountain Wilderness in the Joshua Tree National Park:

Parcel No.	Legal Description/Purpose	Purchase Price
701140018-4	5.00 ACRES IN N ½ SW ¼ NE ¼ SE ¼ OF SEC 19 T3S R12E  Purpose: preserving open space habitat to protect ecosystems for public benefit	\$1,804.55

The costs of giving notice shall be paid by the California Desert Land Conservancy.



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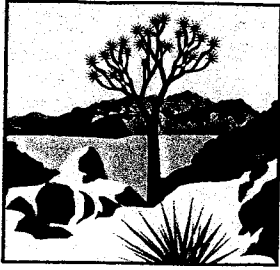
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Re: Corporate Signatory Authority

I, Bonnie Kopp, duly elected Secretary of the Corporation, hereby certify that the attached is a true and correct copy of a resolution adopted by the Board of Directors of the Corporation on 2/17/16. This resolution has not been revoked, altered or amended since the date of its adoption and approval, and remains in full force and effect.

Signature: 

Date: 2/22/16



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## **California Desert Land Conservancy DBA Mojave Desert Land Trust**

### **Mission Statement**

Our mission is to protect the Mojave Desert ecosystem and its scenic and cultural resource values through programs for land conservation, volunteer stewardship, restoration, education and outreach, as well as collaboration with federal, state, and local agencies and organizations.

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