In order to conduct the meetings effectively, the Chair has asked the Citizens Advisory Committee appointees to please sit at the front of the room. Alternates (who are not sitting in for the regular appointee) and others present are invited to sit in the rows behind the committee. Discussion during the meeting will be conducted by the appointees. Alternates and others are welcome to address the committee during the public comment period or if recognized by the Chair during the meeting. Speaker slips are available. It is important that CAC members comply with the Chair's Meeting Procedures and maintain decorum and politeness at all times. A quorum is a simple majority of current members. **The Chair cannot start the meeting until a quorum is present. PLEASE ARRIVE BY 10:25 A.M!** The CAC may take action on any item listed on the Consent or Discussion/Action agenda, but only when a quorum is present. If a quorum is temporarily lost during the meeting, no further discussion will take place until the quorum is regained. If the quorum is not regained, the meeting will be adjourned. **Please advise the Chair at the beginning of the meeting if you must leave before 12:15 p.m.**

NOTICE: Agenda packets are distributed by e-mail only. If you do not have an e-mail address, please contact the office at 858 674-2270 to make alternative arrangements.

**Roll Call and Introductions**

Chair

Late arrivals should speak to staff to make sure their attendance is noted.

**Approval of February 5, 2010 Minutes:** There was no quorum at the April 9th meeting.

Chair

**Chair's Report**

Chair

**Executive Director’s Report**

Staff

**Public Comment**

Public
DISCUSSION/ACTION

1. JPA Budget Update (oral)
2. Committee Reports (oral)
   a. Project Review Committee
   b. Trails Committee
3. By-Law Amendments – continued from previous meetings. (page 3)
4. El Camino Real – Portola Expedition Remnant (page 19)
5. San Dieguito Lagoon Center Business Plan (page 30)

INFORMATION

6. Andrews Request for Reduction of Wetland Buffer (page 65)
7. Proposed Backcountry Nature Center at Santa Ysabel (click here to download pdf)
8. Project Status
9. Communications An opportunity for any CAC member or the public to bring to the CAC's attention a project or activity not reviewed by the Project Review Committee in their reports.

Adjournment

If you have any questions, please call Dick Bobertz at (858) 674-2270.
TO: CAC  
FROM: Staff  
SUBJECT: By-Law Amendments  

RECOMMENDATION:
Recommend to the JPA Board to approve the attached CAC By-Law Amendments  

SUMMARY:
Background: At the JPA Board’s April 16 meeting, the Board took action to amend the CAC by-laws to allow the CAC to amend its own by-laws with a vote of 2/3 of members present (instead of the entire membership). This means that now a 2/3 vote of a regular quorum is sufficient to amend the by-laws.  

Attachment 1 contains several additions/deletions that are intended to provide more clarity and consistency with the JPA agreement. Attachment 2 is the full set of by-laws. Attachment 3 is the JPA Agreement.
CAC By-Laws - existing

V. OFFICERS

A. Officers of the CAC shall be the Chair and Vice-Chair. The Chair shall be recommended by the CAC subject to the approval of the JPA Board. The Vice-Chair shall be selected by the CAC. The CAC shall select a Chair and Vice-Chair by secret ballot.¹

B. The terms of the Officers shall be two one years², renewable by appointment in the case of the Chair and election in the case of the Vice-Chair. The term shall begin with the effective date of these by-laws.

C. Nominations for Vice-Chair may be made from the floor by any eligible CAC member. The Vice-Chair must represent an organization or property owners.³

D. A vacancy in the office of the Vice-Chair shall be filled by a majority vote of CAC members present at the meeting following the meeting at which such vacancy is created, provided that such members present constitute a quorum.

¹ Added by JPA Board, April 18, 2003
² Changed by JPA Board, April 18, 2003
³ Added by JPA Board, April 18, 2003

CAC By-Laws, showing proposed changes  (Oct. 2009) [ Additions in bold ]

V. OFFICERS

A. Officers of the CAC shall be the Chair and Vice-Chair. The Chair and Vice-Chair shall be recommended by the CAC subject to the approval of the JPA Board. The Vice-Chair shall be selected by the CAC. The CAC shall select a Chair and Vice-Chair by secret ballot.³

B. The terms of the Officers shall be two one years³, subject to the stipulations in Paragraph G of this section, renewable by appointment in the case of the Chair and election in the case of the Vice-Chair. The term shall begin with the effective date of these by-laws.

C. Nominations for Chair and Vice-Chair may be made by a Nominating Committee or from the floor by any eligible CAC member. The Vice-Chair must represent an organization or property owners.³

D. A vacancy in the office of the Vice-Chair shall be filled by a majority vote of CAC members present at the meeting following the meeting at which such vacancy is created, provided that such members present constitute a quorum, and subject to approval by the JPA Board.
I. NAME AND AREA

A. The name of this organization shall be San Dieguito River Park Citizens Advisory Committee, known hereafter as CAC.

B. The area addressed by the CAC shall be the focused planning area of the San Dieguito River Valley Regional Open Space Park and areas which directly impact the focused planning area.

II. PURPOSE

A. The primary purpose of the CAC shall be to advise the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority in matters relating to the planning, funding, property acquisition, design, improvement, operation and management of the San Dieguito River Park. The CAC is a standing committee of the San Dieguito River Park Joint Powers Authority.

B. Additionally, the purpose of the CAC shall be

1. To provide an open forum for community discussion on park related issues;

2. To organize and implement special community events deemed of interest to persons interested in the San Dieguito River Park;

3. To gather and disseminate park-related information to residents and property owners within and adjacent to the San Dieguito River Valley.

4. To advise the JPA on land use matters within or which directly impact the focused planning area.

III. GENERAL PROVISIONS

A. All CAC activities shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of age, race, color, sex, creed, national origin or sexual preference.

B. The CAC shall not take part, officially or unofficially, in the election of any candidate for public office.
C. A copy of current CAC bylaws shall be available for perusal at any public meeting of the CAC. A copy of the bylaws shall be provided at cost to any individual or organization upon request.

IV. GENERAL MEMBERS

A. Membership shall be open to the following organizations: all community planning groups whose planning area overlaps or directly impacts the focused planning area of the San Dieguito River Park; a selection of homeowner associations; a biologist representing Association of Environmental Professionals; a landscape architect representing American Society of Landscape Architects; Friends of the San Dieguito River Valley; San Dieguito Lagoon Committee; San Dieguito River Valley Conservancy; local governmental entities owning property in the river valley; region-wide environmental organizations with significant interest in the river valley, and selected other special interest organizations with significant interest in the river valley.

B. Member organizations may be recommended by the CAC and approved by the JPA Board.

C. Member organizations will appoint, preferably from among their members, an individual and an alternate who will represent the organization on the CAC.

D. Additionally, the JPA Board shall appoint to the CAC six property owners representing a geographic range of the river valley. Property owners should agree to serve as the conduit for other property owners' interests as well as their own.

E. Organizations or property owners are expected to be represented at the meetings by either the appointed representative or an alternate. If neither the appointed representative nor alternate attends a meeting the organization or property owner is considered absent. Three consecutive absences or four absences within a twelve-month period shall result in the organization or property owner no longer being a member of the CAC. The Executive Director shall keep an up-to-date roster from which shall be determined membership status and each month's quorum. Organizations or property owners who lose their membership status under this paragraph may petition the JPA Board in writing for reinstatement and upon approval thereof shall be reinstated to full membership status after attendance at two consecutive meetings.

F. No person shall represent more than one organization on the CAC.
G. A quorum for the purpose of conducting business will consist of a simple majority of the members of the Citizens Advisory Committee.

H. When an organization or member is added to a newly created position on the CAC, that organization or member shall not have full voting status until after attendance at two consecutive meetings.

I. New CAC members and alternates, and new representatives, are required to obtain an orientation about the River Park and the role of the CAC from River Park staff.

V. OFFICERS

A. Officers of the CAC shall be the Chair and Vice-Chair. The Chair shall be recommended by the CAC subject to the approval of the JPA Board. The Vice-Chair shall be selected by the CAC. The CAC shall select a Chair and Vice-Chair by secret ballot.

B. The terms of the Officers shall be two years, renewable by appointment in the case of the Chair and election in the case of the Vice-Chair. The term shall begin with the effective date of these by-laws.

C. Nominations for Vice-Chair may be made from the floor by any eligible CAC member. The Vice-Chair must represent an organization or property owners.

D. A vacancy in the office of the Vice-Chair shall be filled by a majority vote of CAC members present at the meeting following the meeting at which such vacancy is created, provided that such members present constitute a quorum.

E. The Chair shall be the principal officer and shall preside over all meetings of the CAC. The Chair may or may not represent an organization. Should the Chair be selected from the CAC body, then during the term of office he or she shall no longer be the formal representative of the organization that appointed him or her, and that organization will appoint another representative. The Chair shall vote only in the case of a tie vote.

F. The Vice-Chair shall, in the absence of the Chair, carry out all the duties and responsibilities of the principal officer.
G. The maximum term of office of the Chair shall be 3 (three) two year terms. However, the Chair may be reelected to office and serve a maximum of 2 (two) additional two year terms if he/she has been out of office for at least one full two year term. This clause shall take effect beginning with election of officers in the first election held after its inclusion in the by-laws.\textsuperscript{11}

VI. SUBCOMMITTEES

A. The Chair, with the advice and consent of the CAC, shall establish subcommittees and approve membership in those subcommittees, as necessary or appropriate to carry on the work of the CAC.

1. Each subcommittee shall have a chair, and the chair of each subcommittee shall be a member of the CAC.

2. All members and alternates shall be eligible to serve on subcommittees.

3. The chair of a subcommittee may invite non-members to attend in a non-voting capacity if necessary.

4. The subcommittee shall report its activities to the CAC at each regularly scheduled meeting.

5. A subcommittee shall not represent itself as speaking for the CAC unless the CAC has taken action on the item being represented.

6. All subcommittees shall be comprised of CAC members only who constitute less than a quorum of the CAC, unless inclusion of outside members is approved by the full CAC and/or unless a membership greater than a quorum of the CAC is approved by the CAC. In either such case all meetings of the subcommittee shall be noticed and held in conformance with the Ralph M. Brown Act. Other subcommittee meetings of less than a quorum and containing no outside members need not comply with the Brown Act, but as a
matter of policy shall be open and public attendance and participation shall be encouraged.

B. The Chair may appoint a Steering Subcommittee to coordinate CAC activities with staff, and such other tasks as may be necessary. The Chair or Vice-Chair of the CAC shall be a member of the Steering Subcommittee.

VII. MEETINGS

A. All regular and special meetings of the CAC shall be open to the public.

B. Regular meetings shall be held at least once a month unless otherwise designated by majority vote of the Board or at the discretion of the Chair.

C. Special meetings held to obtain input from the community at large shall be publicized and scheduled at a time and place so as to maximize participation.

D. The Ralph M. Brown Act (Govt Code Sections 54950-54961) shall govern the proceedings, noticing and general activities of this Citizens Advisory Committee.

VIII. AGENDAS

A. The Chair of the CAC shall establish a proposed agenda for each meeting of the CAC, and shall cause staff to mail it one week in advance of the meeting.

B. The agenda will have a place for Consent items, Action items, and Information items. It will also list the names of currently active Subcommittees.

C. At the beginning of each meeting, a supplemental item may be added to the agenda if 2/3 of the total membership agrees to place the item on the agenda, and if the need to place the item on the agenda arose after the publication of the agenda. In addition, if an emergency is found by majority vote, based on specified facts, an item may be added to the agenda. Unless any supplemental items are added as Consent Agenda items, they shall be placed at the end of the Action Agenda and shall be heard at the conclusion of the items on the proposed agenda.
D. At the beginning of any meeting, any CAC member may request a different order of business than that proposed by the Chair. Granting such a request shall be the decision of the Chair.

IX. TESTIMONY AND DISCUSSION

A. All agenda items shall be open for public discussion following discussion by the CAC members prior to making a decision.

B. If necessary, the Chair shall establish appropriate time limits for individuals and group presentations, to maximize the participation of interested parties.

C. Additional public comment will be accepted at the end of the meeting.

X. ACTIONS

A. The CAC staff will record the aye votes, no votes, and abstentions on each action taken, and such will be noted in the meeting notes.

B. Each member organization or property owner representative member will have one vote.

C. Unless they are time-sensitive, CAC actions will be referred to the JPA Board for review and action. Where time does not permit such referral, a letter from the CAC will be directed to the JPA Boardmember(s) in whose jurisdiction the matter lies.

D. If no quorum is present, the CAC may, at the discretion of the Chair, take an informal and non-binding vote that conveys the sense of the attendees and that vote may be conveyed to the JPA Board, provided that the Board is informed of the count of the vote and that there was no quorum present.

XI. PARLIAMENTARY AUTHORITY

A. All matters not covered in these Bylaws shall be governed by the most current edition of Robert's Rules of Order.

XII. AMENDMENTS

A. These Bylaws may be amended at any regular meeting by a two-thirds (2/3) vote of the CAC membership present, provided that the
proposed changes were listed on the agenda mailed out to the CAC members, and are later approved by the JPA Board of Directors.

1 Adopted by JPA Board, November 15, 1990
2 Deleted by JPA Board, April 18, 2003
3 Deleted by JPA Board, April 18, 2003
4 Added by JPA Board, October 20, 1995
5 Added by JPA Board, October 20, 1995
6 Added by JPA Board, April 18, 2003
7 Added by JPA Board, April 18, 2003
8 Changed by JPA Board, April 18, 2003
9 Added by JPA Board, April 18, 2003
10 Added by JPA Board, April 18, 2003
11 Added by JPA Board, April 18, 2003
12 Added by JPA Board, July 18, 1997
13 Deleted by JPA Board, April 18, 2003
14 Added by JPA Board, April 16, 2010
Joint Powers Authority Agreement

JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITIES OF DEL MAR, ESCONDIDO, POWAY, SAN DIEGO AND SOLANA BEACH CREATING THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY

THIS AGREEMENT is hereby made by and between the COUNTY OF SAN DIEGO, a political subdivision of the State of California, and the cities of DEL MAR, ESCONDIDO, POWAY, SAN DIEGO, and SOLANA BEACH, municipal corporations, which shall individually or collectively be referred to as "Public Agencies".

RECITALS

A. Public Agencies are each empowered, pursuant to California Government Code Section 6500, et seq., to exercise their common powers jointly by agreement, including the powers to acquire and hold property, to undertake overall planning for and to plan and design public facilities and appurtenances for park purposes, and to develop, operate and maintain parks.

B. Public Agencies agree that it is their goal to create, preserve and enhance the San Dieguito River Valley Regional Open Space Park (hereinafter referred to as "Park") for the benefit of the public.

C. Public Agencies agree that a local agency shall be created to provide a coordinated program for the acquisition, planning, design, plan implementation, operation and maintenance of the Park and such other activities related thereto as determined by this Joint Powers Authority to be appropriate.

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the Public Agencies as herein expressed, the Public Agencies agree as follows:

1. PURPOSE. This agreement is made pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 of the Government Code of the State of California (commencing with Section 6500), relating to the joint exercise of powers common to public agencies. Public Agencies each possess the powers referred to in the recitals hereof. The purpose of this agreement is to exercise those powers jointly to acquire, plan, design, improve, manage, operate and maintain the San Dieguito River Valley Regional Open Space Park which is described in the SANDAG Focused Planning Area map, Attachment A hereto, as amended in accordance with the terms of this agreement, which is hereby incorporated by reference as if fully set forth herein. Such purposes are to be accomplished and said common power exercised in the manner hereinafter set forth. The goals of the Public Agencies are to exercise such powers in order to:
(a) Preserve land within the focused planning area of the San Dieguito River Valley as a regional open space greenbelt and park system that protects the natural waterways and the natural and cultural resources and sensitive lands, and provides compatible recreational opportunities that do not damage sensitive lands.

(b) Provide a continuous and coordinated system of preserved lands with a connecting corridor of walking, equestrian, and bicycle trails, encompassing the San Dieguito River Valley from the ocean to the river’s source.

2. TERM. This agreement shall become effective immediately upon approval by the last of the Public Agencies, and shall continue in full force and effect so long as any two Public Agencies agree to continue as members or for twenty-five years, which ever occurs first. At the end of the twenty-five year term, Public Agencies may act to continue this agreement in full force and effect for an additional fifty years. Public Agencies shall provide ninety days notice of intent to withdraw from the Joint Powers Authority.

3. CREATION OF INDEPENDENT AGENCY. Pursuant to Section 6507 of the California Government Code, there is hereby created a public entity known as the "San Dieguito River Valley Regional Open Space Park Joint Powers Authority" herein called "Authority" and said Authority shall be an entity separate and apart from the Public Agencies.

4. BOUNDARIES. The boundaries of the territory within which Authority shall exercise its powers shall be those described in Attachment A. Said boundaries may be amended by Authority subject to concurrence by the Public Agencies within whose jurisdiction the proposed boundary change lies.

5. BOARD. Authority shall be governed by a board to be known as the "San Dieguito River Valley Regional Open Space Park Board (hereinafter called "Board"). Each member shall serve in his/her individual capacity as a member of the Board. The membership of the Board shall be as follows:

(a) Two (2) elected members of the governing bodies of the County of San Diego and the City of San Diego appointed by their respective, governmental bodies.

(b) One (1) elected member of the City Councils of the cities of Del Mar, Escondido, Poway and Solana Beach appointed by their respective councils.

(c) The Chairperson of the San Dieguito Citizens Advisory Committee. The elected members shall serve at the pleasure of their appointing authority. Each member shall have an alternate which may act in his/her absence. Alternates shall be chosen in the same manner as regular members except that the alternate to the Chairperson of the San Dieguito Citizens Advisory Committee shall be the Vice Chairperson of that Committee. Any vacancy shall be filled in the same manner as described herein for appointment. The Board shall select its own Chairperson and Vice Chairperson from among the members.
6. MEETINGS OF THE BOARD.

(a) **Regular Meeting.** The Board shall conduct regular meetings at least annually and such other times as the Board shall direct or the bylaws specify.

(b) **Ralph M. Brown Act.** All meetings of the Board, including, without limitation, regular, adjourned regular, and special meetings shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

(c) **Quorum.** A majority of Board members shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time. The affirmative vote of at least a majority of the members available in the quorum shall be required for any act of the Board other than adjournment.

7. RULES OF THE BOARD. The Board may adopt, from time to time, bylaws, rules, and regulations as may be required for the conduct of its meetings and the orderly operation of Authority; and copies and amendments thereto shall be filed with the Public Agencies.

8. STANDING COMMITTEE. The Board shall appoint a standing committee to be known as the San Dieguito Citizens Advisory Committee which shall be advisory to the Board. The Committee shall have a Chairperson selected by the Board and a Vice Chairperson selected by the Committee subject to the concurrence of the Board.

9. OFFICERS AND EMPLOYEES OF AGENCY.

(a) **Staff.** The Public Agencies and the San Diego Association of Governments will staff Authority, until such time as Authority acts to hire or appoint permanent staff.

(b) **Executive Director.** The Board may appoint an Executive Director who shall have such duties as prescribed by the Board.

(c) **Treasurer.** The Treasurer of the Authority shall be the duly appointed and active Treasurer of the County of San Diego serving ex-officio as Treasurer of Authority. The Treasurer shall receive, have the custody of and disburse funds upon the warrant or check-warrant of Auditor pursuant to the accounting procedures set forth in Section 15 hereof, and shall make the disbursements required by this agreement or to carry out any of the provisions or purposes of this agreement. The Treasurer may invest Authority funds in accordance with general law. All interest collected on Authority funds shall be accounted for and posted to the account of such funds.

(d) **Auditor.** The Auditor of the Authority shall be the duly appointed and acting Auditor of the County of San Diego serving ex-officio as Auditor of Authority. The Auditor shall draw warrants or check-warrants against the funds of Authority in the Treasury when the demands are approved by the Board, or such other persons as may be specifically designated for that purpose. Any fees paid to Auditor for
performance of said services shall not be greater than those normally paid by other entities receiving similar services.

(e) **Experts and Other Employees.** Authority may employ such other officers, employees, consultants, advisors, and independent contractors as it may determine necessary.

(f) Authority shall cause such of its officers and employees to be bonded as required by Auditor.

10. **POWERS OF AUTHORITY.** Authority shall have the powers:

(a) To acquire, hold and dispose of property by any legal method for Park purposes, to undertake overall planning for and to plan and design the Park, and to take any and all actions necessary to accomplish these powers. Decisions by Authority to acquire or dispose of real property shall be subject to prior approval of the Public Agencies wherein the property to be acquired or disposed of lies. Prior to acquisition or disposal of real property within the Park by Public Agencies, they shall refer the proposed transaction to Authority for review and recommendation. However, failure of a Public Agency to so refer a transaction shall not affect its validity.

(b) To establish guidelines for and advise Public Agencies on appropriate land uses within the Park.

(c) To review and comment on development proposals submitted to Public Agencies which are within or have an impact on the Park.

(d) To improve, manage, operate and maintain the Park.

(e) To make and enter into contracts and agreements to carry out its activities.

(f) To employ agents and employees.

(g) To sue and be sued in its own name.

(h) Pursuant to California Government Code Section 6509, the powers of Authority shall be subject to those legal restrictions which the County of San Diego has upon the manner of exercising said power.

11. **OPERATION AND MAINTENANCE.** Authority shall provide for operation and maintenance of the Park. For an initial period, as determined by Authority, Authority shall contract with the County of San Diego through its Department of Parks and Recreation to operate and maintain the Park. Authority shall audit and evaluate County's performance after said initial period and as necessary to determine whether the County should continue to perform this function.

12. **CONDITIONAL POWERS.** Subject to unanimous agreement of Public Agencies, Authority shall have the power to issue bonds and levy assessments under any assessment district act or impact fee provisions authorized by State law.

13. **BUDGET.** Authority shall prepare and adopt an annual budget prior to the beginning of each fiscal year. The “fiscal year” for Authority shall
be coterminous with that of the County.

14. FUNDING.

(a) Authority shall fund its activities by and is authorized to expend Satellite Wagering Funds which are available to Authority to carry out its activities.

(b) Authority is empowered to make applications for and receive grants from governmental or private sources for its activities.

(c) Public Agencies may, but shall not be required to contribute money, office space, furnishings, equipment, supplies, or services as may be necessary.

(d) Authority may receive gifts, donations, bequests and devises of all kinds and descriptions, and perform any and all legal acts in regard thereto as may be necessary or advisable to advance the objects and purposes of the Authority and to apply the principal and interest of such gifts, donations, bequests and devises as may be directed by the donor, or as the Board of the Authority may determine in the absence of such direction.

(e) Authority may collect and expend revenues generated from Park operations and activities.

15. FUNDS DEPOSITED IN COUNTY TREASURY. The Treasury of County shall be the depository of the funds of Authority and the Treasurer shall receive and have custody of Authority funds.

16. RECORDS AND ACCOUNTS - CHARGE FOR SERVICES.

(a) Authority shall be strictly accountable for all funds.

(b) Authority shall cause to be kept proper books of records and accounts in which a complete and detailed entry shall be made of all its transactions, including all receipts and disbursements. Accounting systems shall be established and maintained consistent with State laws and rules and regulations of the State Controller as required by Auditor. Said books shall be subject to inspection at any reasonable time by the duly authorized representatives of Public Agencies.

(c) Authority shall cause a single annual audit of the accounts and records of Authority to be performed as provided in Sections 6505, 6505.1 and 6505.5 of the California Government Code. Within eight (8) months after close of each fiscal year, a financial statement for such fiscal year shall be provided to the Public Agencies.

(d) The County of San Diego shall determine the charges, if any, to be made against Authority for the services of the Treasurer, the Auditor and other County officers and employees.

17. LIABILITY OF PARTIES. Pursuant to the Authority of Section 6508.1 of the California Government Code, the debts, liabilities, or obligations, of Authority shall be solely the debts, liabilities and obligations of
Authority and not the Public Agencies.

18. DISPOSITION OF ASSETS. At the termination of this agreement, all property of Authority, both real and personal, including all funds on hand, after payment of all liabilities, costs, expenses, and charges validly incurred under this agreement, shall be returned to the respective Public Agencies as nearly as possible in proportion to the contributions, if any, made by each.

19. NOTICES. Notices hereunder shall be sufficient if delivered to:

COUNTY OF SAN DIEGO (Address)
CITY OF DEL MAR (Address)
CITY OF ESCONDIDO (Address)
CITY OF POWAY (Address)
CITY OF SAN DIEGO (Address)
CITY OF SOLANA BEACH (Address)

20. MISCELLANEOUS. The paragraph headings herein are for convenience only and are not to be construed as modifying or governing the language in the paragraph referred to. This agreement is made in the State of California, under the Constitution and laws of such State and is to be so construed.

21. OPERATING MEMORANDA. To preserve a reasonable degree of flexibility, many parts of this agreement are stated in general terms. It is understood that there will be operating memoranda executed and amended from time to time which may further define the rights and obligations of the parties hereto.

22. SUCCESSORS. This agreement shall be binding upon and shall inure to the benefit of the successors to the Public Agencies.

23. PARTIAL INVALIDITY. If any one or more of the terms, provisions, promises, covenants, or conditions of this agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

24. FILING OF NOTICE OF AGREEMENT. Within 30 days after this agreement becomes effective pursuant to paragraph 2 above, the SANDAG Executive Director shall file with the Secretary of State the Notice of Agreement required by Government Code Section 6503.5.

IN WITNESS WHEREOF, this agreement is executed by the City of Escondido, the City of Poway, and the City of San Diego, acting by and through their City Managers, pursuant to Resolutions No. 89-193, No. 89-072, and No. 273718 respectively, by the City of Del Mar and City of Solana Beach acting by and through their City Managers, pursuant to Minute action of April 10, 1989, Item 9N-1-c (confirmed by Resolution No. 89-49) and Minute action of May 1, 1989, Item 7, respectively, and by the County of San Diego, acting by and through the County Board of Supervisors, pursuant to Minute Order No. 56, authorizing such execution.
TO:      CAC
FROM:    Staff
SUBJECT: Portola Expedition Segment at El Camino Real

RECOMMENDATION:

Discuss and provide recommendation to JPA Board

SUMMARY:

Please see attached report prepared by Jacqueline Winterer that documents the likely route of the original 1769 Portola Expedition, portions of which used what is now called El Camino Real. The Expedition camped in the San Dieguito River Valley and the leader wrote notes about their observations. Her report concludes with the recommendation that the remaining segment of the old El Camino Real should be preserved and protected from further damage.

At today’s meeting, Jacqueline will explain the report’s findings, and propose that the CAC recommend that the JPA request the City of San Diego to "do no harm" to the abandoned section of the El Camino Real when they build the new El Camino Real Bridge.
Is Old El Camino Real the Portolá Route?

The case for the preservation of the historical route crossing the San Dieguito River.

by

Jacqueline Winterer

May 1, 2010

Abstract

The City of San Diego is planning to build a new and wider El Camino Real Bridge. The project puts in peril an abandoned segment of the Old El Camino Real, a possible remnant of the 1789 route followed by the Spanish explorer Gaston de Portolá. The Friends of the San Dieguito River Valley are seeking to save this old trail segment. The case for the preservation of this historical route is discussed in a short essay titled: Is Old El Camino Real the Portola Route?

Introduction

The Portuguese-born navigator Juan Cabrillo, sailing under the Spanish flag, landed at Point Loma in 1542. In 1602 the Spanish navigator, Sebastian Vizcaino named the settlement San Diego. San Diego and other coastal ports-of-call were used by navigators involved in the Manila trade. Few of these ports-of-call became permanent settlements and no significant land incursions took place during that period.

In 1769, José de Galvez, Spanish Inspector General in Mexico, was entrusted with the responsibility to reform the administration of New Spain (now Mexico).

• One of his assignments was to plan an expedition to establish permanent military bases (presidios) in San Diego and Monterey and develop them as safe harbors for the Spanish fleet, which was being harassed by pirates.

• Another of the expedition’s purposes was to expel the Jesuits, who had founded many missions in Baja California. After evicting the Jesuits, the Franciscans were to take over and continue the creation of missions farther north.

• Still another motivation for this expedition was the presence of Russian fur traders, who were then moving down the western coast of the North America. Spain wanted to confirm its sovereignty claims with a military presence.

Thus arose the need for a military force, accompanied by Franciscan friars/chroniclers, to undertake this expedition. Don Gaspar de Portolá, military governor of California, led the land expedition. Their route started in Loreto, Baja California and reached to Monterey, 1000 miles away as the crow flies (Figure 1).
**Figure 1.** North American territorial claims of various nations in the late 1700’s and 1800’s (Dayton, 2004, p 17). The black line approximates the route from Loreto to Monterey.

**Why is this road called El Camino Real?**

The origin of the name El Camino Real is controversial. The most common explanation is that Spain, at that time, had a network of roads that were major commercial links between big towns. Because of the value of the goods being transported, thieves would occasionally attack the travelers. So, these roads received protection from the Central Government (the king) under the form of military patrols, which protected travelers and their cargo from banditry. They were the Caminos Reales.

So, when the road from Baja to Alta California was established by the military expedition, it became a Camino Real. The king of Spain never came here.

**EL Camino Real at the San Dieguito River.**

Junípero Serra, a Franciscan, was the lead cleric of the Portolá expedition. After reaching San Diego on July 1, 1769, Junípero Serra stayed behind to found the San Diego mission. Two weeks
later, Portolá decided to push on to Monterey with a party of 63 people and 200 horses and mules. Besides the Spanish contingent, native Americans participated as guides and porters. The missionary accompanying Portolá northward was Juan Crespi. He was under express orders from Galvez to record everything of importance and he has left a detailed journal from which the route of the expedition can be reconstructed (Pourade, 1960).

Starting north from San Diego, the route generally followed existing native American trails. It entered Rose Canyon, an alignment still used today by the railroad tracks. That path took them onto Miramar Mesa, then down Sorrento Valley, across the mouth of what is now Carmel Valley and up over the mesa East of Del Mar along the route that became the El Camino Real road. They descended the north side of the mesa, and then crossed the San Dieguito River, 2.25 miles east of the Pacific coast. The route followed is at a distance from the ocean and this pattern was repeated at other major river crossings for simple reasons. Most river mouths at the time were salt-water lagoons, impassable for humans on horseback. Furthermore, the travelers needed fresh water for themselves and their animals as well as forage. These conditions only occurred a few miles inland.

The Portolá Expedition made the first known crossing by the Spanish of the San Dieguito River. This event is described in Juan Crespi's journal (Pourade, 1960, p.134 and Brown, 2001, p. 263).

“July 15th [1769] ...Here we changed course to northward, through a small hollow; and on going three hours and a half, most of it over very grass-grown level land, in which we must have made also about three leagues and a half, we came to descry another valley, much better than the last one. We went down to it and made camp close to a large pool of very pure fresh water.

The valley which we have just reached here must be round about a league in length north and south; from east to west its width must be, if not half a league, not under a quarter-league and a half of level, friable very lush soil having a great deal of grass. There are a great many grapevines and many other sorts of plants; whether there are any rose bushes, I did not notice but have no doubt there are. There are three large pools upon the south of this valley, and the scouts informed me that on the north of this same valley here they saw a great many other pools at a very lush stream, some of them quite large ones, so that the spot is a very good one for a mission: which I named The valley of San Jacome de la Marca, Saint James of the March, so that it shall become in time a good-sized mission belonging to this saint, to win all the many heathen folk living throughout these spots over to our holy faith. On a slope close to the aforesaid pools upon the south, is a good-sized heathen village having a good many well-made grass-roofed houses, and at once on our reaching here the entire village came over to the camp. We counted eighteen men; women and children amounted to a good many, I was unable to count them. They are all very friendly and not so unruly as the ones at San Diego. As we saw coming down to it, this spot lies close to the sea. What the spot lacks is trees, there being none in its whole vicinity. Although no one has been stung by them, a great many scorpions have been
seen. The hills surrounding this valley are not very high and are only of sheer soil clad with grasses, but some brush is to be seen here and there.”

Alan Brown (2001), who recently published a new translation of the complete Crespi journals, communicated to me a suggested route for the Portolá expedition (Figure 2). The little tent on Brown’s map shows his estimate of the probable encampment site of the expedition. Because of intense agricultural use and recent urbanization, archeological researchers found only limited debris of the old native American encampments in the area (San Diego City, 2006; Twenty Second DAA DEIR, 2009)

Figure 2. Map drawn by Alan Brown showing the probable route of the expedition.

Latitude and Longitude.

One of Crespi’s most important functions was to make latitude readings with an astrolabe. His abilities to use the instrument were praised by Juan Bautista de Anza in 1774 in a report sent to the king of Spain in 1776 (Brown, 2001). At that time, accurate clocks made it technically possible to measure longitude as well, and James Cook made longitude determinations during his first expedition (1768-1771) by this means. But clocks could not be transported on the backs of mules. Thus longitude was not established with much precision during the Portolá expedition and the location of the crossing of the San Dieguito River could only be estimated using celestial observations of latitude and longitude.
A segment of Old El Camino Real worth preserving.

The name El Camino Real has remained part of the popular imagination, evocative of ancient times and heroic voyages, like the Silk Road of Asia and, nearer us, the Oregon Trail, the Anza Trail and Route 66. Yet, as our region becomes more urbanized, transportation needs require bigger, wider and more efficiently designed roads. Therefore our transportation agencies redesign the road alignments and as a salute to a distant past keep the old name on the new roads. For some of its length, El Camino Real today does NOT follow the Portolá route, but segments of the Old El Camino Real road do remain.

One such Old El Camino Real segment is clearly identified on the terrain view of Google Maps (Figure 3, A). In the mid-1970’s, several housing developments led to a western relocation of El Camino Real but the old alignment was preserved. Called “Old” El Camino Real, it is still in use. North of San Dieguito Road, an even shorter segment of that same road is now totally isolated, devoid of car traffic (Figure 4). It continues to be used by pedestrians and horse riders. A photograph shows a recent view of that Old El Camino real segment (Figure 5).

Figure 3. Map (after Google Maps) showing Old El Camino Real south of the crossing of the San Dieguito River, and the present road, called, simply El Camino Real. A labels the location of the road fragment believed to be a remnant of the Portolá route. B indicates a prominent kink in Old El Camino Real that is useful for aligning historical maps.
Figure 4. Aerial photograph of the abandoned segment (circled) of Old El Camino Real (San Diego City, 2006). This is the same as Location A in Figure 4.

Figure 5. April 2010 photograph of abandoned segment of Old El Camino Real.
Lacking accurate measurements of latitude and longitude from the original travelers, other methods need to be used to try to locate the actual Portolá Route: the study of archeological artifacts dating to that period and the study of old maps.

**Archeological Artifacts.**

The Draft Environmental Report on the El Camino Real Road/Bridge Widening Project (San Diego City, 2006) discusses the issue of the project's impact on historic and pre-historic resources. It states that a records search and field reconnaissance surveys have identified no significant historical resources within the project area, but that because of the possibility of the existence of buried historical materials, monitoring will be required during construction.

The Del Mar Fairgrounds Master Plan Draft Environmental Impact Report (22d DAA, 2009) devotes its whole Section D to a discussion of the possible presence of Native American cultural resources on their Horse Park property adjacent to El Camino Real. They identify two prehistoric archeological sites, but state that due to extensive landform modifications that have occurred in the area they cannot determine whether the cultural deposits (middens/habitation sites) are intact. Twenty-seven Native American tribes were consulted. A typical answer is that of the Spokesman for the Kumeyaay Cultural Repatriation Committee: “we are unaware of the existence of any sacred lands in the project area.” He does request notification in the event of the discovery of cultural materials.

**Map analysis.**

As discussed earlier, in the absence of both accurate measurements of latitude and longitude and archeological artifacts, one has to rely on old maps to determine the trace of the original Portolá Route through today's landscape.

Vestiges of the route linger in old maps, illustrating its persistence since 1769. From these maps we can identify a fragment of the original road adjacent to the intersection of San Dieguito Road with today's (new) El Camino Real (Figures 3 and 4).

**The San Diego County Recorder map of 1854-1874 (Figure 6).**

When California entered the Union in 1850, the entirety of the land was vested in the United States with the exception of some Spanish and Mexican land grants (Dana and Krueger, 1954 and Merry, 2009). Counties started to establish maps recording land ownership and transfers of title. The earliest San Diego County recorder map, dated in the mid 1800’s, shows no trail or road along the coast. It does show that the only way northward were several trails, crossing the river east and west of the Gonzales canyon confluence.
Figure 6. Portion of the 1854-1874 map of the San Dieguito River area. (San Diego County, 1854). [NOTE: New map will be substituted, omitting emphasis of trail and letter A)

The Coast and Geodetic Survey map of 1889 (Figure 7)

Figure 7. 1889 map of San Dieguito River Valley (Coast and Geodetic Survey, 1889). The route of El Camino Real is drawn in red, and the prominent kink labeled D. [NOTE: re-letter so A, B like Fig 3]
This map shows that: [NOTE: change letter references as noted in Fig caption]

- the newly established railroad track crosses the river mouth (A),
- the westernmost road through the San Dieguito lagoon crosses the river at today’s Jimmy Durante bridge (B),
- the San Dieguito River stream bed is much farther north than the present day location (C), and
- two northward inland roads are still operative. The eastern one shows the kink (D) that facilitates the horses’ descent from the upper mesa, down the slope to Gonzales canyon. This kink in the alignment of Old 1889 El Camino Real is still here today, cut in loose sediments, with a steep talus on its east side (Figure 4).

**The 1903 USGS map (Figure 8)**

![Figure 8](Image)

*Figure 8. Extract from US Geological Survey, La Jolla Quadrangle (1903). A: Location of road fragment, B: reference kink in Old El Camino Real.*

This map shows a single El Camino Real, following the 1889 route. The “kink” is well identified and shows the persistence of the road in this location. In 1903, the course of the San Dieguito River still ran a little north of the present location, so that the actual crossing of the San Dieguito River at the time of the Portolá expedition was probably north of the present crossing—very much where the City of San Diego road improvement project plans to develop its roundabouts.
Conclusion

After analyzing these maps, can one conclude that there is a demonstrable congruence between the Portolá Route of 1779 and today’s Old El Camino Real? The answer is no. One cannot know the exact location of the Portolá Route in the absence of coordinates, archeological artifacts or old maps. What can be argued is that, over the last 241 years, a main military and trade route was continuously located in this corridor.

It does appear that since the 1850’s, the first known map of the area shows an alignment of the Old El Camino Real which has remained stable, north and south of San Dieguito Road. Over time a new road has been reconfigured and named El Camino Real but two segments the Old El Camino Real still exist, one south of San Dieguito Road and the orphaned and imperiled segment north of it.

The vagaries of road redesigns have isolated a short segment of the Old El Camino Real, possibly a vestige of the Portolá Route. That orphaned road segment has retained the rural character and the ancient landscape observed by Portolá and his explorers. This report is a plea to do no harm to it, but to preserve it.

References


Coast and Geodetic Survey (1889). Topography, Pacific Coast southward from San Dieguito Valley, California.


Department of the Interior Geological Survey (1903) La Jolla Quadrangle. San Diego County. California.


San Diego City (2006). El Camino Real Road/Bridge widening project, Draft Environmental Impact Report. Project, Number 2982-

San Diego County (1854-1874) Recorder maps.
TO: CAC  
FROM: Staff  
SUBJECT: San Dieguito Lagoon Center Business Plan

RECOMMENDATION:
Discuss and Provide Recommendation to JPA Board

SUMMARY:
At their October 16, 2009 meeting, the JPA Board approved the Scheme B design for the proposed San Dieguito Lagoon Center that was recommended by the CAC. At the same time, the Board directed staff to prepare a Business Plan to address what it will take to operate the Center, how it will be used, and how it will sustain itself financially, and to pursue grant and donor funding for the Center.

Business Plan

The JPA contracted with NP Strategies, a nonprofit firm that specializes in consulting with government and nonprofit agencies. NP Strategies role was to conduct necessary research and analysis, facilitate discussions and decision making for the JPA and write the final plan. The challenge given to NP Strategies was to determine the feasibility of a Business Plan that would make the Lagoon Center self-sufficient. NP Strategies proceeded with the following steps:

Step 1. Capture San Dieguito River Park’s vision for the site and corresponding key success factors, ensuring subsequent research/business planning is focused and effective. For this step, the consultant reviewed internal materials, conducted one-on-one interviews with members of the SDRP team, and held brainstorming sessions with the SDRP team. Key questions included “what types of programs will take place in the center?”; “how will we draw people to the Center to participate in programs and enjoy the space”.

Step 2. Conduct external research to test market feasibility of the Center and inform the business model (e.g., expectations around visitors, pricing, etc.) For this step, the consultant conducted research on other local venues for rental space, created a matrix of selected benchmark nature centers in the region, analyzed the potential for educational and other programming, and researched relevant demographic information. Key questions included “what is the appropriate revenue model (e.g., will we charge visitors or student groups, what will rates be for rental space, are there grants we can apply for to support educational programs?” “Are there partners we should engage to help make the Center a success?”
Step 3. Agree on high level programming plans and business model (i.e., how the space will be used and resource implications such as staffing required and potential revenue sources). For this step, the consultant held working sessions with the SDRP team, framed a variety of operational options, and presented assumptions for the basic business model and pro formas. Key question was “what will it take to operate the Center on an ongoing basis (staff, $$, etc)?”

Step 4. Finalize Business Plan. For this step, the consultant created a 3-year pro forma (that is, a phased in approach to full operational self-sufficiency), developed marketing recommendations and prepared the final plan that documented the research and recommendations developed in steps 1-3.

The consultants’ Business Plan Final Report is attached (Attachment 1). To briefly summarize the report, the consultants concluded that the simplest, most cost-effective operational model would be to staff the center with a hired Center Director, and a hired Education and Outreach Specialist/Volunteer Coordinator. These would be employees of the JPA, under the direction of the JPA Executive Director. Other functions, the bookstore coordinator, the educational program coordinator, the front counter staff, revenue program coordinator and community program coordinator would all be volunteer positions. Revenue to pay for the Center Director, the Education and Outreach Specialist/Volunteer Coordinator, and the actual building maintenance/operation, would come from a combination of sources: Approximately 50% of revenue through the first year of Center operations will be generated by a combination of membership, programming, retail sales, and local business donations. The remainder of our funding will be generated by the writing of proposals to secure grants.

Since membership will be such an important component of our revenues, we will direct a significant amount of resources towards attracting new members. It is intended that the new members will become members of the San Dieguito River Valley Conservancy, an existing 501(c)(3) organization, with the funds from the new SDRVC memberships attributed to the Lagoon Center to be allocated to the Lagoon Center. This will require a new agreement between the JPA and SDRVC. Our public efforts will begin as soon as construction starts, with large vinyl banners posted at the site. Our efforts will continue with press releases throughout the construction, website development, in-person outreach to local environmental and business groups, and personal appeals to potential large donors.

Solicitation of corporations and small businesses will be conducted by the Center director as part of his/her community outreach efforts.

By Year 2, 90% of our revenue will be generated by a combination of membership, programming, retail sales, and local business donations; by Year 3, it will be 100%.

The Business Plan identifies a variety of potential revenue producing activities, among them: room rentals (2 evenings a month), weddings (10 per year, starting in Year 2 when amphitheater is completed), art exhibits, adult education lecture series, children’s birthday parties, annual native plant sale and community concerts (2 per month in summer at
amphitheater). Income would also be produced from donations at the door, new SDRVC memberships as mentioned above, bookstore sales and donations from local businesses.

Construction Funding

The JPA Board directed staff to pursue grant and donor funding for the Center. The first and very important milestone is on July 1st, which is the application deadline for the State of California Nature Education Facility grant, administered by the State Parks Department. $93 million is available statewide for nature education facilities. The maximum amount that can be awarded per grant application is $7 million. JPA staff will be taking a resolution of application to the JPA Board at their June 18th meeting. The JPA will also be offering “naming rights” to key parts of the Center (such as the Marine Wildlife Conservation Research Lab, or exhibit space or amphitheater) to potential donors, either corporate or private.

Click here to download the San Dieguito Lagoon Center Business Plan.

Click here to download the Architect's Final Concept Plan
Agenda Item 6

San Dieguito River Valley
Regional Open Space Park
14103 Highland Valley Road
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May 26, 2010

Lee McEachern
California Coastal Commission
7575 Metropolitan Drive, Ste 103
San Diego, CA 92108

Subject: Andrews Amendment Request
#6-85-283-A1; APN 299-192-22

Dear Mr. McEachern:

At their meeting of May 21, 2010 the JPA Board of Directors considered the issues concerning the Andrews Amendment Request to remove a portion of the open space deed restriction to build a single-family home on a second parcel. The JPA is concerned about the loss of open space on the site and that the structure will be visible from the newly restored Grand Avenue Bridge Lagoon Overlook. Although we prefer that the site remain in open space, the JPA feels that conditions proposed by the City of Del Mar and the applicant will adequately protect the nearby wetlands.

Therefore, the JPA does not object to removing a portion of the open space deed restriction provided that a 100-foot wide wetland buffer is maintained along the northeastern side of the property and that the construction plan be reviewed by the City’s design review board specifically with the intent of minimizing visual impacts to the Grand Avenue Lagoon Overlook. No development or disturbance of any kind should be allowed within the wetland buffer and the JPA supports the City of Del Mar’s proposed condition that the applicant replace all non-native vegetation within the buffer area with native species appropriate for the area. In addition, the applicant should be encouraged to replace the remaining ice plant on the slope with native vegetation. The JPA understands that the decision to remove any or all of the open space deed restriction rests with the Coastal Commission (at a public hearing).

It is our understanding based on information presented by the project applicant that they will accommodate a 100-foot buffer; however, they are proposing a driveway within the buffer area. The JPA Board does not support the driveway encroachment into the buffer area because room exists elsewhere on the property for such a driveway.

Please do not hesitate to contact me or our Environmental Planner Shawna Anderson if you have any questions concerning the JPA’s position. We thank you again for considering our input.

Sincerely,

Dick Bobertz
Executive Director