



San Dieguito River Valley
 Regional Open Space Park
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**JOINT POWERS AUTHORITY
 BOARD OF DIRECTORS**

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Dick Bobertz
 Executive Director

AGENDA

**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
 CITIZENS ADVISORY COMMITTEE**

10:30 a.m. to 12:15 p.m.

Friday, January 7, 2005

Rancho Bernardo Library, Large Community Room
 17110 Bernardo Center Drive
 Rancho Bernardo

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 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.

<u>Roll Call and Introductions</u>	Chair
<i>Late arrivals should speak to staff to make sure their attendance is noted.</i>	
<u>Approval of the Minutes of 10/01/04</u>	
<u>Chair's Report</u>	Chair
<u>Executive Director's Report</u>	Staff
<u>Public Comment</u>	Public

DISCUSSION/ACTION

1. CAC By-Laws
2. Attendance
3. Selection of Items for CAC Review
4. Project Review Committee Discussion Regarding Project Negotiation
5. Discussion of Potential Use of Dorn Property for Escondido High School Site

INFORMATION

6. Progress Reports on Ongoing Projects (Oral Reports)
 - a. Wetland Restoration Project/Coastal Trail
 - b. Lake Hodges Bicycle/Pedestrian Bridge
 - c. Del Dios Gorge Trail
 - d. Sikes Adobe Historic Farmhouse
 - e. Property Acquisition
7. 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

Chair

If you have any questions, please call Dick Bobertz at (858) 674-2270.

****Due to the high cost of printing and mailing the JPA and CAC agendas, **in the future the full packets will be distributed by e-mail to JPA and CAC members.** If you do not have an e-mail address, staff will mail your agenda at no cost. For interested parties who are not JPA or CAC members, the cost of the full agenda, with backup material, is \$45 per year, and the cost of the agenda without backup material is \$10 per year. **The agenda and minutes are available at no cost on the San Dieguito River Park website, www.sdrp.org.**

Agenda Item 1
January 7, 2005

TO: CAC
FROM: Staff
SUBJECT: CAC By-Laws

RECOMMENDATION:

Consider amendment to existing CAC By-Laws

SITUATION:

A. Summary

At a previous meeting there was confusion over how to interpret the following section of the CAC By-Laws:

“VIII 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.”

The issue was whether the clause referred to 2/3 of the members present at the meeting or 2/3 of the total membership, including those not present. In the latter case it would be very likely that even though a quorum is present, there would not be enough people in attendance to satisfy the requirement to add a new item.

Please see the attached excerpt from the Government Code related to the Ralph Brown Act. As you can see, the wording of it is also difficult to interpret. However, it appears to mean that if 2/3 of the total membership is not present, then a unanimous vote of the members who are present is required to add an item to the agenda.

Staff suggests consideration of the following revised language:

“VIII 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. If less than 2/3 of the total membership is present at the meeting, then a unanimous vote of those members present is required to add an item to the agenda. However, if an emergency is found by majority vote of

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the members present, 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.”

The method of amending the CAC By-Laws is described in the final Section:

“XIIA. These Bylaws may be amended at any regular meeting by a two-thirds (2/3) vote of the CAC membership, 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. “

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Government Code

54954.2. (a) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section **54954.3**. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

Agenda Item 2
January 7, 2005

TO: CAC
FROM: Staff
SUBJECT: Attendance

RECOMMENDATION:

Discuss and Make Recommendations

SITUATION:

Section IV.E. of the CAC By-Laws state that

“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.”

The attendance rules have not been strictly enforced in the recent past because of the desire to have representation from the member organizations. However, recently concerns have been raised that absences and late arrivals are causing quorum problems. The Chairs of the member organizations have been put on the mailing list in addition to the representatives. The issue for discussion is how strictly should the attendance rules be enforced, and how can we obtain better representation from the member organizations.

Agenda Item 3
January 7, 2005

TO: CAC
FROM: Staff
SUBJECT: Selection of Items for CAC Review

RECOMMENDATION:

Discuss

SITUATION:

A CAC member raised a question last month about why the farm lease extension on the recently acquired Boudreau property was not brought to the CAC before going to the JPA Board. It has been the River Park staff's policy to take administrative items (relating to budgetary matters in particular) directly to the JPA. Staff viewed the farm lease extension as a budgetary matter as continuation of the existing farming use there until the restoration of the property was initiated would bring in revenue. However, the CAC member who took issue with this interpretation viewed it as a land use issue instead.

This item is on the agenda today for discussion as to how the determination should be made on which items are brought to the CAC and which items go directly to the JPA.

The CAC By-Laws are very general in their description of the CAC's duties with respect to advising the JPA Board. Below is an excerpt from the By-Laws relating to that subject:

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
 - To provide an open forum for community discussion on park related issues;
 - To organize and implement special community events deemed of interest to persons interested in the San Dieguito River Park;
 - To gather and disseminate park-related information to residents and property owners within and adjacent to the San Dieguito River Valley.
 - To advise the JPA on land use matters within or which directly impact the focused planning area.

Agenda Item 4
January 7, 2005

TO: CAC

FROM: Staff

SUBJECT: Discussion of Potential Use of Dorn Property for Escondido High School Site

RECOMMENDATION:

Discuss and make recommendation to the JPA Board.

SITUATION:

As reported at several previous CAC meetings, the Escondido Union High School District is looking at several potential sites for a new high school. One of the potential sites is the Dorn property, which is located just north of Del Dios Highway at Via Rancho Parkway.

The District commissioned further study of seven initial sites and then narrowed their choice to the top three: Dorn, Mesa Rock and Avenida del Diablo. On December 14, the District's consultant presented a report on the feasibility of each site as a potential school location. The costs to develop each site ranged from \$16.6 million to \$37.4 million, largely associated with grading. The pros associated with Dorn were that it is vacant and utilities are available. The cons were a lack of sidewalks along Via Rancho Parkway, heavy traffic on Del Dios and the need to relocate existing electrical transmission lines. The District expects to make its selection at their January 18 meeting.

Several CAC members have raised concerns about the use of this site for a high school, and would like to present these concerns to the School District. Speakers at the school board meeting raised concerns about impacts of putting a school there on plans to utilize the adjacent Derbas property for habitat and trail use. The CAC's discussion today should center only on potential impacts to Park goals and objectives.

The JPA Board's action cannot take place until their next meeting, January 21, which comes after the School District meeting. No official communication can be sent from the CAC to the School District, nor can a CAC member speak on behalf of the CAC. However, CAC members who wish to can attend the School District meeting on their own behalf and describe the composition of the CAC and describe the issues and concerns that various CAC members bring up at today's meeting.

Agenda Item 5
January 7, 2005

TO: CAC

FROM: Staff

SUBJECT: Project Review Committee Discussion regarding Project Negotiations

RECOMMENDATION:

Discuss and make recommendation to the JPA Board, if appropriate.

SITUATION:

The PRC recently reviewed a development proposal brought to them by a project proponent. The proposed project is still in the design phase and no formal application had been made to the land use jurisdiction (in this case the City of San Diego). The project proponent was soliciting feedback from the PRC about their project and its potential impacts on the River Park. During the course of the review the project proponent asked if they could contribute something beneficial to the River Park to reduce potential negative impacts from the project. Some members of the PRC encouraged such an offer. Some members of the PRC felt that it is in good faith and appropriate to discuss and consider financial or property offers from a project proponent to mitigate impacts and get a “better deal” for the River Park. Others felt that the PRC does not have the authority to negotiate on behalf of the River Park or even to entertain such offers.

The CAC Bylaws do not directly discuss the PRC. However, Section VI.A.5 states that “a subcommittee shall not represent itself as speaking for the CAC unless the CAC has taken action on the item being represented”. The JPA’s Policy No. P90-1 (Attachment 1) addresses project review and comment and limits comments to those related to “implementing the goals and objectives of the Park”, and the “relationship of the project to the Park and any impacts it may have on park plans, goals and objectives”.

Issue: Is the PRC authorized or should they be authorized to negotiate offers from a developer or to bring offers to the CAC for their consideration?

Policy P90-1 also states that projects are to be reviewed by the CAC and PRC “only after the project has been submitted to the jurisdiction within which it lies, or after a permit has been applied for from a permitting agency”. In fact, the PRC has reviewed projects before they are formally submitted if asked by a project proponent. This allows the project applicant to learn more about the River Park’s goals and objectives and amend their project design, if desired, to respond to the PRC’s feedback before they formally submit a plan and conduct environmental analysis.

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Issue: Should Policy P90-1 be amended to allow the PRC and CAC to review projects before they are formally submitted to the permitting agency?

Attachment: Board Policy P90-1

POLICY NO. P90 - 1
ADOPTION DATE: 5/18/90

**POLICY OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER
VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY**

PROJECT REVIEW AND COMMENT

PURPOSE

The San Dieguito River Park Joint Powers Authority (JPA) was formed to create, preserve and enhance the San Dieguito River Valley Regional Open Space Park (Park). The purpose of this policy is to provide direction to the JPA and the Citizens Advisory Committee (CAC) regarding their review and comments on projects.

POLICY

It is the policy of the JPA that the focus of JPA and CAC efforts should be limited to implementing the goals and objectives of the Park. The JPA and the CAC will review and comment, when appropriate on only those projects which are within the focused planning area, contiguous or immediately adjacent to the focused planning area and/or have a direct impact on the Park. Comments will be confined to the relationship of the project to the Park and any impacts it may have on park plans, goals and objectives.

Members of the JPA and the CAC may comment on projects outside of the park which do not directly impact the park as individuals only or as representatives of other organizations. In no case are they to represent themselves as speaking for the JPA or the CAC.

When a project has no significant impact on the park it may be handled administratively or at the committee level and not taken to the JPA Board.¹ A project need not be referred to the Board where staff or the JPA PRC committee determines the project does not impact the focused planning area, or where staff or the JPA PRC committee determines the project clearly falls within policies the Board has previously adopted or policy statements the Board has previously issued. Any member of the CAC or JPA who believes that the project needs further review may appeal to the JPA PRC which will determine if further review is merited.²

Projects shall be reviewed by the CAC and JPA Project Review Committees only after the project has been submitted to the jurisdiction within which it lies, or after a permit has been applied for from a permitting agency.³

¹ Included by amendment approved 1/18/91.

² Included by amendment approved 4/19/91.

³ Included by amendment approved 3/15/91.