Speaker slips will be available. Please fill out a slip and give it to the Chair prior to the meeting if you wish to speak to an item on the agenda. The Board may take action on any item listed on the Consent or Action agenda.

Introductions and Announcements

Approval of the Minutes of February 17, 2012

Executive Directors Report

Public Comment

This portion of the agenda provides an opportunity for members of the public to address the Board on items of interest within the jurisdiction of the Board and not appearing on today's agenda. Comments relating to items on today's agenda are to be taken at the time the item is heard. Pursuant to the Brown Act, no action shall be taken by the Board on public comment items.

CONSENT

1. Adopt Resolution Applying for Community Enhancement Program Funds (Page 3)

ACTION

2. Rancho Del Mar (former Hu property) (Page 6)

3. Budget Committee Report and Recommendation: (Page 36)
   a. Fiscal Year 2012-13 Budget and Salary/Staffing Schedule

INFORMATION

4. Coordination Reports (oral)
   a. San Dieguito River Valley Conservancy
b. Friends of the San Dieguito River Valley

c. Volcan Mountain Preserve Foundation

d. San Dieguito Lagoon Committee

5. Status Reports (Oral)

a. River Park Projects

6. Jurisdictional Status Reports

An opportunity for the Board members to report on actions taken within their jurisdictions to further the park planning process, or on problems which have arisen.

7. Communications

a. Response from County re Rancho Guejito Grading Violations (page 48)

8. Closed Session

a. Conference with Legal Counsel pursuant to Government Code Sec. 54956.9(a) regarding pending litigation: City of Solana Beach et al. v. 22nd District Agricultural Association.

b. Conference with Legal Counsel to discuss liability claim pursuant to California Government Code Sec. 54956.9(b)(1) and (3): Tri-Group Construction Delay Damages Claim.


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, the JPA has converted to an email distribution of both agendas. Please advise the office at 858 674-2270 if you do not have an e-mail address and want other arrangements to be made. The agenda and minutes are available at no cost on the San Dieguito River Park web site at www.sdrp.org.
TO: JPA Board

FROM: Staff

SUBJECT: County Community Enhancement Program Grant

RECOMMENDATION:

Adopt the attached draft resolution approving the filing of an application for County of San Diego Community Enhancement Program funding for the County’s 2012-13 Fiscal Year.

A. Background

The purpose of the County’s Community Enhancement Program funding is to encourage organizations and activities that promote and generate tourism and/or economic development within San Diego County. Funding for the Community Enhancement Program is from the County General Fund based on revenue projections forwarded to the Board as part of the proposed Program Budget. Currently funded are cultural activities, museums, visitor and convention bureaus, economic development councils, and other similar institutions/organizations, including County programs and projects, which promote tourism and/or economic development within San Diego County. The majority of the available funding is allocated among the five supervisorial districts. The San Dieguito River Park has received funding from this program numerous times in the past. This funding has been used in a variety of ways, including to provide materials and supervision to Scouts (boys and girls) and members of other youth organizations to construct projects (i.e., kiosks, signs and benches) to be located in the San Dieguito River Park as public amenities. In past years, funds from this program were used to prepare and print the Lake Hodges Bird Brochure, repair interpretive signage, prepare interpretive signs for the Boardwalk, and the Del Dios Gorge Trail, prepare teacher guides for the Ruth Merrill Children’s Interpretive Walk, partially restore the adobe creamery at the Sikes Adobe Historic Farmstead, and furnish the Farmhouse. In 2010-11, funds were received from the County at the recommendation of Supervisors Slater-Price and Jacob for interior and exterior exhibits at the Sikes Adobe Historic Farmhouse. In 2011-12, funds were received from the County at the recommendation of Supervisor Slater-Price for three Entry Monuments for various locations in the River Park.

B. Summary and Recommendation

The application deadline for Fiscal Year 12-13 was March 1, 2012. Your staff submitted an application requesting $22,034. If received, the funds would be used as follows:

1. Purchase four Philips HeartStart OnSite Defibrillators to be kept in each of the four Ranger trucks where they could be used immediately if needed in a medical emergency for a member of the public. These are external defibrillators that are used in conjunction
Agenda Item 1
April 20, 2012

with CPR. ($5,338)

2. Create an App for smartphones that show each of the various trails in the River Park and many pictures and features about each of them, with detailed written and audio information. This will give trail users and park visitors instant info about what their recreational options are, and provide interpretive value. ($12,000)

3. Reprint 3,000 copies of the Birds of Lake Hodges brochure and 1,000 copies of the “Painted Rocks” booklet about Native American pictographs. ($4,696)

All three of the above requests have benefit to tourism by providing safety benefits and by providing tools and materials that help make information about natural resources and the River Park more readily available and accessible.

Staff recommends adoption of the attached draft resolution approving the filing of an application for County of San Diego Community Enhancement Program funding for the County’s 2012-13 Fiscal Year.

CAC RECOMMENDATION: This item has not been reviewed by the CAC.

ALTERNATIVES:
1. Adopt the attached draft resolution approving the filing of an application for County of San Diego Community Enhancement Program funding for the County’s 2012-13 Fiscal Year.
2. Direct staff to withdraw the application.

RECOMMENDATION:

Adopt the attached draft resolution approving the filing of an application for County of San Diego Community Enhancement Program funding for the County’s 2012-13 Fiscal Year.

Respectfully submitted,

Susan A. Carter
Deputy Director
WHEREAS, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority is a legally constituted public/governmental entity, under the laws of the State of California, and is in complete control of its affairs through its own officers and members,

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority hereby approves the filing of an application for the County of San Diego Community Enhancement Program funding for the County’s 2012/13 Fiscal Year.

Adopted on the 20th day of April, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

______________________________
Olga Diaz, Chair

______________________________
ATTEST: Jan Lines, Clerk
TO: JPA Board

FROM: Staff

SUBJECT: Rancho Del Mar Decision

RECOMMENDATION:

Send letter requesting that the City of San Diego Land Use & Housing Council Committee docket this issue for an upcoming meeting to investigate the applicability of Prop A on the Rancho Del Mar property/project and consider a moratorium on processing this and any other development proposals in the NCFUA until a joint LU&H/Planning Commission public workshop is held to review the status and procedures on remaining undeveloped Prop A lands.

SITUATION:

At your previous meeting of February 17 2012, your Board directed staff to send the attached letter to the City of San Diego regarding a recent Planning Commission decision for the proposed Rancho Del Mar project (Attachment 1). No response was received from the City although they did send a response letter to the Carmel Valley Community Planning Board who had sent a similar letter (Attachment 2). The City’s response letter left many questions unanswered and did not appear to address this particular situation. Controversy and concern has continued regarding this project, the decision and its potentially precedent-setting impact on remaining undeveloped Prop A lands. Therefore, the CAC is recommending that further action be taken.

BACKGROUND:

The subject property is a 23.88-acre parcel on the south side of Via de la Valle directly adjacent to the Polo Fields within City of San Diego’s Subarea II of the North City Future Urbanizing Area (NCFUA) and in the San Dieguito River Park’s Focused Planning Area (Attachments 3 and 4). The JPA had at one time identified the parcel (formerly known as the Hu property) for potential acquisition because it is undeveloped, within the FPA and floodplain, contains wetlands, and is adjacent to City-owned open space (Polo Fields) in the river valley. The property Since then the property was sold and is now proposed for a high-density continuing care retirement community (residential care facility) called Rancho Del Mar (Attachment 5). The recommendations in this report are not based on any intent to acquire the property from its current owner. The property is no longer identified for potential acquisition by the JPA. Nonetheless, development of the property is an important JPA issue because it has a direct connection to the river and sits at an elevation equal to or lower than the Polo Fields property (Attachment 6).
Agenda Item #2
April 20, 2012

The property is located on Prop A land; however, the applicability of Prop A on this property, and what it means for this use, is now in contention between the current property owner, City of San Diego, and members of the community. Proposition A was passed by the voters in 1985 and requires a vote of the people before any land in the FUA can be changed to a more-intensive land use designation. Prop A lands are identified by the City municipal code as “lands characterized by very low density, residential, open space, natural resource based parks or agricultural uses, have the same meaning as the former future urbanizing land designation, and are subject to Proposition A.” The proposed project is controversial because of its high-density (224 units at 10 units/acre) and location in the river valley floodplain and on wetlands. The parcel is zoned agriculture (AR-1-1), which would permit a maximum of two dwelling units under that zoning and is designated as Open Space in the City’s General Plan.

Prior to submitting a project application to the City, the subject applicant had a series of meetings and correspondence with City staff regarding the interpretation of Proposition A on this property with respect to the proposed use as a continuing care facility and the zoning code. The applicant disputed the City staff’s original opinion that the project would require a Proposition A vote of the people to increase intensity of use on the property beyond what is allowed in the zone (i.e., 2 units). The applicant asserted that the proposed project qualified as an “intermediate care facility”, which was allowed in an agricultural zone prior to Prop A with a Conditional Use Permit (CUP). Note that the code was changed after the passage of Prop A to not allow intermediate care facilities in the zone on Prop A lands. Nevertheless, because an “intermediate care facility” is not defined in the current City code, City staff determined that the applicant qualified for a “classification of use” determination, which is made by the Planning Commission at a public hearing.

That hearing was held on December 15, 2011 and the Planning Commission determined that “a continuing care retirement community is consistent with the intensity of use of an "intermediate care facility” in the 1984 Municipal Code”. The City staff report concluded that if the uses are similar then the project, although not currently allowed on the parcel, could be allowed with a CUP and without a vote of the people if the applicant was able to amend the code to allow such a use. The Planning Commission did not appear to recognize that the Municipal Code had been specifically amended by the City in 1990 after the passage of Prop A to expressly prohibit high intensity uses (hospitals, intermediate care facilities, and nursing facilities) in the agricultural zone on Prop A lands that had previously been allowed with a conditional use permit. Members of the Carmel Valley Community Planning Board attended the December hearing and testified that the project is subject to Prop A and the proposed project cannot be allowed without a vote of the people because it is an intensification of use on the property not allowed under Prop A.

**ISSUES:**

**Inconsistency with the San Dieguito River Park Concept Plan**

The San Dieguito River Park’s Concept Plan (1994) does not specifically address this parcel in the San Dieguito River floodplain within Landscape Unit B: Gonzales and La Zanja Canyons. Rather, the Design and Development Standards in Appendix B of the Concept Plan would apply.
which address several design standards. The PRC identified several conflicts with respect to the proposed project and these standards including filling in the floodplain and wetlands as well as intrusive development in the River Valley that was assumed to be regulated under Prop A as agricultural open space. Additional conflicts with the Concept Plan include excessive use of retaining walls, high profile structures over 30 feet from “natural existing grade”, and altering natural runoff patterns and water velocities. The project would also be inconsistent with all four Recommended Findings of Approval:

1. The development or use is found to be in conformance with the goals and objectives outlined in the San Dieguito River Park Concept Plan;

2. The intensity and character of the proposed development or use is compatible with the natural, cultural, scenic and open space resources of the site;

3. All grading associated with the proposal has been kept to a minimum and the location and design of the proposed development respects and preserves the natural landform, geologic features, existing streambeds, vegetation, significant tree cover and wildlife areas; and

4. The development is located and designed in a manner that will maintain the existing character of the area as viewed from the FPA.

Proposition A Lands

Initially, City staff’s position was that the proposed use was classified as an intermediate care and nursing facility, which is not permitted in the agricultural zone on Prop A lands and represents an increase in density not allowed under Prop A without a vote of the people. Proposition A was a managed growth initiative that requires a vote of the people before any land in the FUA can be changed to another more-intensive land use designation and requires that “the provisions restricting development in the future urbanizing area shall not be amended except by a majority vote of the people except amendments which are neutral or make the designation more restrictive in terms of permitting development”. The City’s General Plan Land Use and Community Planning Element also addresses Prop A lands and specifies the requirement of a phase shift vote for any intensification of use on Prop A lands that is inconsistent with uses allowed under the existing zone (Attachment 7).

Proposition A did not freeze allowable uses on August 1, 1984. The City was able to make modifications to its land use regulations, as long as the modifications were deemed more restrictive in terms of intensity and density of development. After Proposition A was passed and as directed in the proposition language, the City modified the zoning to be more restrictive and prohibit certain conditional uses which were relatively urban in nature. One of those municipal code changes was to amend Section 141.0413 of the zoning code (that addresses uses allowed with a CUP) to prohibit hospitals, intermediate care facilities and nursing facilities in the agricultural zone on Prop A lands. Prior to the passage of Prop A those uses were allowed in the agricultural zone with a CUP. Such modifications are consistent with Prop A because of making
Agenda Item #2
April 20, 2012

the regulations more restrictive. Modifying the zoning ordinance to go back to allowing those uses does not appear consistent with Prop A. Other existing undeveloped Prop A lands in the FPA could be affected by this recent interpretation possibly leading to other more-intensive land use proposals. At least four other undeveloped parcels on Prop A land exist in the FPA.

In addition to concerns voiced by the JPA and Carmel Valley Community Planning Board, other members of the community and organizations (Sierra Club, C-3, and Friends of the SDRV) have become concerned about this outcome because of its potentially precedent setting impact and some have already voiced their concerns to the Planning Commission directly. Representatives of some of the organizations have formed a committee to oppose the decisions made on this project regarding application of Prop A. Mr. Jay Powell, a founding member of San Diegans for Managed Growth that sponsored Proposition A, submitted a letter of support to your Board for the CAC’s recommended action (Attachment 8).

Proposed Use as a Continuing Care Retirement Community

Much of the controversy surrounding this project relates to the definition (or classification) of use as defined by the City code. No such definition in the municipal code existed in 1984 (before Prop A was passed) for a “continuing care” facility, nor does one exist today. Instead the code uses the term “intermediate care facility”. Regardless, Prop A and its implementing ordinances clearly intended to restrict intensification of uses on Prop A lands without a vote of the people, and it appears that intent was violated by a decision that will allow the applicant to process their project under a code amendment rather than the requirements of Prop A.

Correspondence from the Project Representative

The project representative, James Dawe, submitted a letter to the CAC objecting to the PRC’s recommendation (Attachment 9). In response, JPA staff and counsel have carefully reviewed the information available to them. The Planning Commission decision on December 15, 2012 is advisory to the Mayor regarding a land use classification pursuant to City Municipal Code 131.0110 (Determination of a Use Category and Subcategory) and is not a decision on the project itself, nor is there a procedure for reconsideration or appeal. The City’s letter to the Carmel Valley Planning Board cites a 1995 Report to the Planning Commission to explain the applicability of Prop A. In that report it states that Prop A “prohibits amending zoning restrictions to make them less restrictive without a majority vote of the electorate.” This statement supports the opinion that the City may not then reverse a 1990 zoning decision to prohibit intermediate care facilities in the floodplain on Prop A lands without a vote of the people since that zone change was expressly to implement Proposition A. The JPA staff and counsel believe the PRC’s opinion on this matter is consistent with the information contained in the City Attorney’s documentation, Prop A language, and the City’s General Plan, but is contrary to the City Development Services Department’s December 15th staff report to the Planning Commission that states if the two uses are determined similar then the code could simply be amended to allow that use on the parcel (with a CUP) without a vote of the people. Prop A specifically prohibits the Council from amending provisions affecting land designated as future urbanizing unless the amendment is more restrictive. But, we do not believe that the City
Council has the power under Prop A to reverse the more restrictive zoning.

Finally, regarding the JPA affecting property values, the JPA has no land use authority over the property, and therefore its actions do not affect the value of the property such that a claim of a “pre-acquisition action” could be made.

Summary of why further JPA action is recommended:

- The proposed 224-unit retirement facility is an urban use on an agriculturally-zoned property on Prop A land zoned for two units. This represents a 1,000 percent increase in density over the existing zone.
- The project is inconsistent with the San Dieguito River Park Concept Plan.
- The municipal code was modified in 1990 consistent with Prop A to prohibit residential care facilities, such as the proposed use, on Prop A lands and in floodplains. Prop A allowed zoning modifications to be more restrictive, not less.
- Because the site is on Prop A land, uses more intensive than what is allowed in the zone cannot be approved without a vote of the people as specified in Prop A and in other city documentation.
- The property has an open space designation under the City’s General Plan and is recognized as open space or low-density as part of the North City Future Urbanization Area Framework Plan.
- The project would require 14 feet of fill across the property and in the floodplain to support the level of intensity proposed.
- The issues raised by this project are complicated and controversial and have implications for other Prop A lands in the FPA and, therefore, deserve a comprehensive evaluation by the City Council.

CAC RECOMMENDATION:

The CAC considered these issues at their April 6, 2012 meeting and voted unanimously in support of the PRC’s recommendation reflected in this report (21 - yes, 0 – no).

RECOMMENDATION:

Send letter requesting that the City of San Diego Land Use & Housing Council Committee docket this issue for an upcoming meeting to investigate the applicability of Prop A on the Rancho Del Mar property/project and consider a moratorium on processing this and any other development proposals in the NCFUA until a joint LU&H/Planning Commission public workshop is held to review the status and procedures on remaining undeveloped Prop A lands.
Respectfully submitted,

Shawna Anderson  
Principal Environmental Planner

Attachments:
1. JPA letter to City dated February 17, 2012  
2. Letter to Carmel Valley from City Attorney  
3. Project Location Map  
4. SDRP FPA map  
5. Rancho Del Mar site plan  
6. Site photo  
7. Pages from City General Plan  
8. Letter to JPA from Jay Powell  
9. Letter to CAC from Project Representative  
10. Draft letter to San Diego City Council Land Use & Housing Committee
February 17, 2012

Kelly Broughton, Director
Development Services Department
City of San Diego
1222 First Avenue, MS 301
San Diego, CA 92101

Mary Jo Lanzafame, Assistant City Attorney
City of San Diego
1200 Third Avenue, Ste. 1620
San Diego, CA 02101

Subject: Classification of the Rancho Del Mar Project in the North County Future Urbanizing Area as a Continuing Care Retirement Community not subject to a Proposition “A” vote.

Dear Mr. Broughton and Ms. Lanzafame:

The JPA Board has been alerted to a December 8, 2011 City of San Diego Planning Commission decision regarding the above-mentioned project, which is proposed at the southeast corner of Via de la Valle and El Camino Real within the North City Future Urbanizing Area (NCFUA) Prop “A” lands and the San Dieguito River Park’s focused planning area. The JPA Board considered points raised in a February 9, 2012 letter from the Carmel Valley Community Planning Board as well as issues voiced by community members regarding the outcome of the Planning Commission hearing regarding this project. Information contained in City planning documents and related material raised concerns regarding the appropriateness of this decision considering that the project site is located on Prop “A” lands within the NCFUA, is within the 100-year floodplain, and is currently designated for agriculture use. Due to these concerns, the JPA would greatly appreciate the City Attorney’s office taking a closer examination of this decision and consider the points outlined below.

The decision to allow the project applicant to process a code amendment for a “continuing care retirement community” without a public vote appears contrary to both Prop A and the current General Plan for the following reasons:

- Proposition A, an initiative approved by San Diego voters in 1985, amended the City’s General Plan and requires a vote of the people before
any land in the FUA can be changed to another more-intensive land use designation and requires that “the provisions restricting development in the future urbanizing area shall not be amended except by a majority vote of the people”.

- Furthermore, Prop A language states that “provisions restricting development in the Future Urbanizing Area shall not be amended except by majority vote of the people, and except for amendments which are neutral or make the designation more restrictive in terms of permitting development”.

- The NCFUA Framework Plan (1992) states in Policy 2.6b “Rezoning and other changes to the provisions restricting development necessary to implement the subarea plans is subject to the requirement for a phase shift and majority voter approval”. The NCFUA Framework Plan was adopted as an amendment to the General Plan, and as such, it has the same force and effect as the General Plan. Thus, irrespective of what was allowed prior to Prop A, the current General Plan for the project site requires a public vote for the proposed change.

- The City’s General Plan and Progress Guide identify the site as Prop A lands “characterized by very low-density, residential, open space, natural resource-based park, and agricultural uses”.

- The vast majority of the proposed project is consistent with a residential care home for the aged as that use existed in 1984 and is not consistent with “intermediate care”. Residential care homes for the aged were not allowed in agriculturally zoned land prior to Prop A. Thus, the change represents an intensification of use that triggers a Prop A vote. Although portions of the proposed “Rancho Del Mar continuing care retirement community” project appear to be a use that may be defined as “intermediate care” (i.e., skilled nursing component), the primary use of the project is high-density residential in nature and appears inconsistent with the NCFUA and Prop “A” lands designation and regulations.

The JPA is concerned that the proposed project may not meet the intent under Policy 2.6B of the community plan that would require a vote of the people under Proposition A, as articulated in the Carmel Valley Community Planning Board letter. Therefore, we are requesting clarification from the City Attorney’s office on the decisions made regarding this project and its relation to Prop A and the current General Plan.

Sincerely,

Olga Díaz, Escondido Councilmember
JPA Board Chair
February 23, 2012

Mr. Frisco White
Chair, Carmel Valley Community Planning Board
6025 Edgewood Bend Court
San Diego, CA 92130

Re: Planning Commission Hearing of December 15, 2011 Item 13, Classification of Use for Continuing Care Retirement Communities in the Prop “A” Lands of the North City Future Urbanizing Area

Dear Mr. White:

This letter is in response to your letter of February 9, 2012, in which you requested an interpretation of Proposition A, the Managed Growth Initiative of 1985 (Prop A), and the ability for the Planning Commission to make a recommendation on the appropriate use category for the Rancho Del Mar project. While this Office is prohibited from providing legal advice to private parties such as planning groups, we can provide a public Report that was issued to the Planning Commission explaining the application of Prop A. See RC-95-6, attached. The Report is consistent with this Office’s current interpretation.

With respect to the Planning Commission’s recommendation on the appropriate use category, the Staff Report for the above referenced item indicates that the request for the Planning Commission interpretation of the appropriate zoning use category was made pursuant to Land Development Code section 131.0110(b). See Report No. PC-11-107. Staff’s request for the Planning Commission’s interpretation of use was not improper under the Municipal Code or Prop A. In accordance with Council Policy 600-24, the Development Services Planning Division Staff is available to advise your planning group on issues relating to its operations and implementation of Prop A. Thus, please contact Planning Division Staff, Bernard Turgeon, at 533-6575 for more guidance, if needed.

JAN I. GOLDSMITH, City Attorney

By
Nina M. Fain
Deputy City Attorney

NMF:js
cc: Kelly Broughton, Director, Development Services
    Eric Naslund, Chair, Planning Commission
REPORT TO PLANNING COMMISSION

NORTH CITY FUTURE URBANIZING AREA - PROPOSED AUTHORIZATION TO USE SPECIFIC PLAN

At the December 8, 1994, Planning Commission meeting, the Commission reviewed a proposed amendment to the North City Future Urbanizing Area ("NCFUA") framework plan. The amendment would add the option of preparing a "specific plan" as an alternative to preparing a "subarea plan."

After some discussion, the Commission requested the City Attorney to report back as to whether specific plans can be used in the Future Urbanizing Area ("FUA") without violating the terms of Proposition A, a 1985 initiative, which basically limits development in the FUA. The Commission also requested our comments as to whether making the specific plan option available in only one portion of the FUA would violate the legal concept of "equal protection."

Our conclusions, as noted below, are that specific plans can be used in the FUA without violating Proposition A; and that the use of specific plans can be limited to one or more parts of the FUA without violating the right of equal protection.

"Specific plans" are authorized under California Government Code section 65450 et seq.

Under Proposition A, a specific plan could be implemented without voter approval only if the uses and density do not exceed the authorized uses and density which existed in 1984, the Proposition A date. Proposition A basically froze uses and density in the future urbanizing area and requires a majority vote of the electorate to increase uses and density.

Under the Government Code, a specific plan must include text and diagrams which specify all of the following in detail:
1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2) and (3) above.

The specific plan must include a statement of the relationship of the specific plan to the general plan. Government Code section 65451.

The specific plan may address any other subjects which, in the judgment of the planning agency, are necessary or desirable for implementation of the general plan. Government Code section 65452.

The basic legal issue is whether a specific plan process is allowed under the terms of Proposition A. Proposition A, as noted above, basically froze density at the 1984 level. A copy of Proposition A is attached for reference as Attachment 1.

Section 1 of Proposition A prevents changing the land designation in the general plan from future urbanizing to planned urbanizing without a majority vote of the electorate, and further prohibits amending zoning restrictions to make them less restrictive without a majority vote of the electorate.

Section 3 provides for implementation and requires the City to take actions necessary to carry out the intent of the initiative.
Section 4 is the key section for the purpose of this report. Section 4 reads as follows:

Section 4. Guidelines. "The City Council may adopt reasonable guidelines to implement this initiative measure following notice and public hearing, provided that any such guidelines shall be consistent with the intent and purpose of this measure."

The City Council in 1992, by adopting the framework plan, created guidelines to implement the initiative. The proposal before you, to allow a specific plan to be proposed, is merely a further modification of the guidelines to implement the initiative.

Government Code provisions relating to specific plans have been in effect since prior to 1984 and were, therefore, part of the total regulations applicable to the NCFUA property at the time the initiative was passed. My conclusion is, therefore, that the specific plan concept is not legally inappropriate and is not inconsistent with the provisions of Proposition A.

Another issue which arose at the December 8, 1994, commission hearing is the City Manager’s proposal to limit the availability of the specific plan process to less than all of the subareas in the NCFUA. A legal representative of one property owner indicated that he felt that limiting the availability of the precise plan tool to one subarea would violate the legal doctrine of "equal protection." I do not agree. The City Council does not have to officially approve the use of specific plans in all areas of the City, or all parts of the NCFUA, if it determines to allow the utilization in one area of the City. In addition, it is my understanding that there are in fact significant distinctions between subarea 5, which the Manager has now proposed be the sole subarea presently allowed to utilize the precise plan process, and the adjacent subareas.

However, it does seem important, from a legal standpoint, to make it clear in the framework plan amendment, that the limitation regarding precise plans to one or more specific areas is subject to change at any time and is merely a "guideline." Owners of property in other subareas will continue to have the right to request additional amendments to the guideline to allow potential future use of precise plans in other subareas.
In summary, since specific plans could have been utilized with regard to development of the future urbanizing area at and prior to the effective date of Proposition A, the City Council may continue to utilize specific plans in the area. With regard to "equal protection," it is legally permissible for the City Council to indicate a willingness to consider specific plans in one or more portions of the City or in one or more portions of the FUA. Such action would not violate the legal concept of "equal protection."

Respectfully submitted,

JOHN W. WITT
City Attorney

HOV:ps:600
Attachment 1
RC-95-6
A CITY OF SAN DIEGO INITIATIVE MEASURE. AMENDS THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN. Shall the City of San Diego Progress Guide and General Plan be amended by adding restrictions requiring that land areas which are designated as "future urbanizing" not be redesignated without voter approval?

This proposition requires a majority vote.

Add to the Progress Guide and General Plan for the City of San Diego, Document Number 764986, at page 35 immediately following the caption "Future Urbanizing Areas" the language of the proposed initiative measure which is underlined.

**Future Urbanizing Areas**

Land within the future Urbanizing designation which is zoned agricultural or low density residential-recreational use for extended periods of time should be given tax relief through preferential tax assessments. This can be accomplished through the use of the Williamson Act which requires the designation of land as an "agricultural preserve" or as open space pursuant to the General Plan or specific plans based on the overall program to guide growth. The designation of land in this category is not permanent, it is an interim or urban reserve designation. Its purpose is to preclude premature development and to guide urbanization.

**Section 1.** "No property shall be changed from the "future urbanizing" land use designation in the Progress Guide and General Plan to any other land use designation and the provisions restricting development in the future urbanizing area shall not be amended except by majority vote of the people voting on the change or amendment at a City wide election thereon."

**Section 2. Definitions.** "For purposes of this Initiative measure, the following words and phrases shall have the following meanings:

(a) "Progress Guide and General Plan shall mean the Progress Guide and General Plan of the City of San Diego, including text and maps, as the same existed on August 1, 1984."

(b) "Change in Designation" or "changed from Future Urbanizing" shall mean the removal of any area of land from the future urbanizing designation."

(c) "Amendment" or "amended" as used in Section 1 shall mean any proposal to amend the text or maps of the Progress Guide and General Plan affecting the future urbanizing designation as the same existed in the Progress Guide and General Plan on August 1, 1984 or the land subject to said designation on August 1, 1984, except amendments which are neutral or make the designation more restrictive in terms of permitting development."

**ARGUMENT IN FAVOR OF PROPOSITION A**

**SUPPORT THE CITIZEN'S RIGHT TO DECIDE**

San Diego is at a crossroads: a shining city by the sea or a city with runaway growth, traffic jams, overcrowded schools and parks. Influenced by narrow special interests a City Council majority has consistently violated our adopted Growth Management Plan. Unable to say "no" to powerful development interests, the Council has allowed the exception to become the rule. Our current Growth Management Plan sets aside thousands of acres to provide job opportunities and housing as they are needed - both now and in the future. Yet, since 1979 the City Council has squandered more than half of this precious resource.
These irresponsible actions will result in:
- RUNAWAY GROWTH
- TRAFFIC JAMS
- POLLUTED AIR
- OVERCROWDED SCHOOLS
- HIGHER SERVICE COSTS

The citizens must regain control of San Diego's future!

PROPOSITION A provides needed checks on the influence of special interests and assures accountability of our elected representatives. Just as government was unwilling to curb spending prior to Proposition 13, government is now unwilling to prevent the "Los Angelization" of San Diego.

Don't be misled by the expensive media campaign waged by our opponents who seek to bulldoze precious canyons and increase traffic congestion. The fact is, San Diego's current community plans provide for a surplus of housing beyond the year 2000, and the Chamber of Commerce confirms that thousands of acres of land for job producing industry are currently available in our city.

PROPOSITION A does not change the existing public review process. The City Council could still say "no" to requests to violate our Growth Management Plan but if they say "yes", YOU WILL HAVE THE FINAL VOTE. The undersigned represent a bipartisan citizen's effort to save our neighborhoods and prevent urban sprawl.

To maintain our quality of life, support the citizen's right to decide!

IT'S YOUR CHOICE!
NO "L.A."
1 VOTE YES ON A!

MIKE GOTCH, Councilman, City of San Diego
JULIA ZALOKAR, President, San Diego League of Women Voters
DAVID KREITZER, Past Chairman, Rancho Bernardo Planning Board;
Chairman, San Diegans for Managed Growth
SHERLIE MILLER, President, Friends of Tecolote Canyon
MARK D. ZERBE, Coordinator, San Diego Common Cause

ARGUMENT AGAINST PROPOSITION A
----- DANGER -----
Don't Let Them "Los Angelize" Our Neighborhoods
Vote No on 'A'. It's the wrong way!

Proposition 'A' Will Force Growth Into Our Neighborhoods
With 'A', new growth isn't stopped.
Instead, it's jammed into our existing neighborhoods.
It will force unwanted development of vacant lots, canyons and open spaces.

We'll Pay Higher Taxes
New houses mean higher taxes.
Overcrowded neighborhoods mean we must pay for more parks, streets, sewers, traffic lights, police and fire protection.
The Mayor's own Task Force Report on Growth Management says San Diego will get 100,000 new homes over the next 15 years. If 'A' passes, almost all new housing will be forced into existing neighborhoods.
That means overburdened streets, crowded schools and more people in our neighborhoods than anyone ever planned on.
'A' will create the very 'Los Angelization' it was supposed to stop.

There's a Better Way Than 'A'
Proposition A tries to offer solutions, but in the process it causes far bigger problems, problems its supporters never even thought about.

Says the TRIBUNE: "It goes too far. It is not reasonable and responsible. It may not be constitutional. It will certainly lead to a court battle and could be nullified."

The TIMES' San Diego edition, in opposing 'A', calls it "cumbersome" and suggests other solutions for managing growth.

In response to the Mayor's Growth Management Task Force Report, our City Council already is drafting tough, new controls on growth that take into account many of the concerns raised by 'A'.

More than 25 citizen-planning leaders -- ordinary citizens from throughout San Diego who help the city in the planning of their neighborhoods -- urge "No on 'A'."

Don't be confused.

Unfortunately, Proposition 'A' does exactly what it says it won't -- it puts San Diego on the road to 'Los Angelization'.

VOTE NO on 'A'. It's the wrong way!

UVALDO MARTINEZ, San Diego City Councilman
DOROTHY LEONARD, Former Chair, San Diego Planning Commission;
Former Chair, Navajo Community Planners
LEE GRISSOM, Mayor's 1984 Growth Management Review Task Force Member
ERNEST W. HAHN, Steering Committee, Citizens for Community Planning
BILL LOWERY, United States Congressman, San Diego
San Dieguito River Park
Focused Planning Area
Landscape Units A, B & C

LEGEND

- Project Boundary
- Landscape Unit Match Line
- Primary Roads
- Political Boundary
- Lakes / Water Bodies
- Stream Channels

Landscape Unit C.
Osuna Valley

Project Site

Landscape Unit B.
Gonzales and La Zanja Canyons

Landscape Unit A.
Del Mar Coastal Lagoon

Figure No. 4A
c. Promote environmental education including principles and issues of environmental justice (see also Conservation Element, Section N).

d. Use sustainable development practices (see also Conservation Element, Section A).

LU-I.14. As part of community plan updates or amendments that involve land use or intensity changes, evaluate public health risks associated with identified sources of hazardous substances and toxic air emissions (see also Conservation Element, Section F). Create adequate distance separation, based on documents such as those recommended by the California Air Resources Board and site specific analysis, between sensitive receptor land use designations and potential identified sources of hazardous substances such as freeways, industrial operations or areas such as warehouses, train depots, port facilities, etc. (See also Appendix C, EP-2)

LU-I.15. Plan for the equal distribution of potentially hazardous and/or undesirable, yet necessary, land uses, public facilities and services, and businesses to avoid over concentration in any one geographic area, community, or neighborhood.

LU-I.16. Ensure the provision of noise abatement and control policies that do not disenfranchise, or provide special treatment of, any particular group, location of concern, or economic status.


Goal

♦ Future growth and development that is consistent with current land use intensity or that is subject to a “phase shift” process to approve increased intensity.

Discussion

The Managed Growth Initiative

In 1985, the electorate approved Proposition A, an initiative amending the Progress Guide and General Plan (1979 General Plan) to require approval of a majority vote of the people for shifting land from the Future Urbanizing to the Planned Urbanizing Area phase of growth or development. The ballot measure further provided that the “provision restricting development in the Future Urbanizing Area shall not be amended except by majority vote of the people, and except for amendments which are neutral or make the designation more restrictive in terms of permitting development.” The full text is included in Appendix B, LU-3.

By 2005, phase shifts, per Proposition A and the 1979 General Plan, have occurred for the land determined to be appropriate for more urban levels of development within the planning horizon of this General Plan. The City also completed planning efforts to address land use in the remainder of the Future Urbanizing Area subject to its jurisdiction. The City Council adopted a
comprehensive update to the San Pasqual Valley Plan that requires the preservation of the San Pasqual Valley for agricultural use, open space, and Multi-Habitat Planning Area (MHPA) (see Conservation Element for more detail). Additionally, the City adopted a specific plan for Del Mar Mesa that severely limits residential development to rural densities and sets aside over half of the plan area as MHPA. Furthermore, federal, state, county, and other jurisdictions have participated with the City in planning for open space and habitat preservation in the San Dieguito and Tijuana River Valley. Proposition A lands also include military and other lands not subject to the City’s jurisdiction. In the past, the City Council has chosen to follow the development intensity restrictions and the requirement for a vote of the people to approve an amendment to shift the area from Future to Planned Urbanizing Area as specified in Proposition A, upon receipt of jurisdiction over former military installations.

As described, the phased development areas system has, for the most part, become an outdated system to address future growth and development. The City has grown into a jurisdiction with primarily two tiers, see Figure LU-4, Proposition A Lands Map:

- Proposition A Lands – (as previously defined) characterized by very low-density, residential, open space, natural resource-based park, and agricultural uses; and

- Urbanized Lands – characterized by older, recently developed, and developing communities at urban and suburban levels of density and intensity.

As of 2006, communities formerly known as Planned Urbanizing were largely completed according to the adopted community plan, and of that group, the oldest were beginning to experience limited redevelopment on smaller sites. For information on how the tier system was linked to public facilities financing, see the Public Facilities Element Introduction and Section A.

**Policies**

LU-J.1. Identify non-phase shifted lands as Proposition A lands and no longer refer to them as Future Urbanizing Area.

LU-J.2. Follow a public planning and voter approval process consistent with the provisions of this Land Use Element for reuse planning of additional military lands identified as Proposition A lands, and other areas if and when they become subject to the City’s jurisdiction.
HC Jay Powell

April 12, 2012

Olga Diaz, Chairperson and Members
San Dieguito River Valley Regional Open Space Park Joint Powers Authority
18372 Sycamore Creek Road
Escondido, California 92025

RE: Support of Citizen Advisory Committee Recommendation for City of San Diego Land Use and Housing Committee Action on Proposition A Lands

Dear Chairperson Diaz and Members of the Joint Powers Authority:

I am writing as a founding member of San Diegans for Managed Growth, the coalition which sponsored the 1985 citizen’s Managed Growth Initiative known as Proposition A, to support the Joint Powers Agency Citizen Advisory Committee recommendation for the City of San Diego City Council to conduct a hearing and workshop on the status of policies and procedures for protection of lands designated in the City’s General Plan as “Proposition A Lands.” I have conferred with representatives of organizations who sponsored Proposition A and other concerned citizens and they have expressed their support for this action as well.

This action is necessary to provide clarification of procedures policies and ordinances that should be followed by City staff, the Planning Commission and the City Council in the consideration of applications for development such as Rancho Del Mar that exceed those uses permitted by agricultural zoning on properties that are designated as Proposition A Lands.

Rancho Del Mar is currently being processed for entitlements along with amendments to the land development code which would facilitate such urban development without the vote of the electorate stipulated in Proposition A. A current ordinance related to the type of facility proposed which was enacted to carry out the intent and purposes of Proposition A specifically prohibits the type of development proposed by Rancho Del Mar in Proposition A Lands.

This request from the JPA is justified by provisions of the JPA Agreement which specify the Purposes and Powers of the Authority with the primary purpose to preserve land within the Focused Planning Area (FPA) as a regional open space greenbelt and park system. The site of this proposed development and some several thousand other acres of land designated as Proposition A Lands are located within the FPA of the River Park.
The JPA has included among its Powers of Authority the power at item (C) "to review and comment on development proposals submitted to Public Agencies which are within or have an impact on the Park." The Rancho Del Mar proposed project is located in the JPA FPA and its development along with proposed road modifications in that area will certainly have an impact on the Park.

It is apparent that the City Development Services Department (DSD) believes it has the authority and is moving forward to make land use consistency determinations and process amendments to existing ordinances that will facilitate the entitlements for the Rancho Del Mar project without a vote of the electorate as specified by Proposition A. Citizens and organizations which sponsored Proposition A and worked on implementing policies in subsequent years believe such a procedure is a circumvention of the intent and purpose of the citizen's Managed Growth Initiative, Proposition A as incorporated in the current City General Plan.

The JPA is not being asked to render an opinion on this matter but to encourage and participate in a workshop with the City Council and Planning Commission and all stakeholders on the proper procedures and policies to be followed with regard to carrying out the intent and purpose of Proposition A Lands element of the General Plan.

It is important to convene this workshop, not only to assert the proper and necessary procedures for consideration of the Rancho Del Mar project but to provide all stakeholders and the JPA with a current status of lands with such designation. Further, it is also important that the JPA and citizens are properly notified of proposals for development within Proposition A Lands and that there be certainty of what procedures the JPA and citizens of San Diego can depend upon for review of applications in Proposition A Lands areas.

Another objective of this workshop should be to assess whether there is a need for more land to be in an urbanized category and to assess the need to complete planning in sub areas of what has been referred to as the North City FUA. The General Plan in describing the Managed Growth Initiative (at page LU-40) indicates that as of 2005 shifts of land into what had been previously known as “Planned Urbanizing” designation have already “occurred for land determined to be appropriate for more urban levels of development within the planning horizon of this General Plan” (emphasis added).
This Discussion section further states that “the City also completed planning efforts to address land use in the remainder of the FUA subject to its jurisdiction.” It is important to review the status of these “planning efforts”, since this statement does not appear to be accurate with respect to Sub Area II, the area of the NCFUA Framework Plan that includes the Rancho Del Mar project site, (ie, the Sub Area II Plan has not been undertaken or completed). The combination of realignment of El Camino Real and expansion of Via de la Valle roads in conjunction with the proposed Rancho Del Mar development and the potential for intensification of uses on the adjacent City owned open space lands currently being proposed for lease call out for completion of proper planning to assess cumulative impacts.

The JPA Citizens Advisory Committee represents a wide spectrum of interests and it is significant that their recommendation was made by unanimous vote of representatives in attendance. It is important to achieve the purposes of the San Dieguito River Park Joint Powers Authority that the policies and procedures followed by the City of San Diego for those areas designated as Proposition A Lands be clarified and followed in accord with the intent and purposes of the citizen’s Managed Growth Initiative, and I urge you to adopt the unanimous recommendation of the JPA Citizens Advisory Committee.

Sincerely,

s/ HCJ Powell

HC “Jay” Powell

3191 North Mountain View Drive,  
San Diego, California 92116  
heipowell@cox.net  
(619) 813-8485

cc SOS Prop A Lands Committee  
Friends of San Dieguito River Valley  
San Diego Chapter Sierra Club  
Citizens Coordinate for Century Three  
League of Women Voters, San Diego County  
San Diego Chapter Common Cause  
Carmel Valley Community Planning Board
April 5, 2012

Via Electronic Mail

San Dieguito River Valley
Regional Open Space Park
Citizens Advisory Committee
c/o Ms. Susan Carter
18372 Sycamore Creek Road
Escondido, California 92025

Re: Agenda Item 1.a.i Rancho Del Mar
April 6, 2012

Honorable Chair and Members of the Board:

Our firm represents Polo View, LLC, the applicant for the Continuing Care Retirement Facility proposed for the southeast quadrant of El Camino Real and Via de la Valle.

Requested Action

We respectfully request that the Citizen Advisory Committee (and the Joint Powers Authority Board) not accept the Project Review Committee recommendation including the request for a moratorium.

Reasons for the recommendation

1) The Project Review Committee recommendation is inconsistent with the action by the Planning Commission on December 15, 2011, to “determine that a continuing care facility is consistent with the intensity of use as defined in 1984 for an intermediate care facility”.

The Planning Commission did not approve the continuing care facility. Such an action only can be taken after consideration by appropriate advisory committees, the Planning Commission and City Council. The opponents to the action of the Planning Commission were at the Commission meeting and did not prevail. Nor was there a timely motion to reconsider the action of the Planning Commission.
2) The City Attorney has expressly opined (in its letter dated February 23, 2012, to the Chair of the Carmel Valley Community Planning Board) that the staff report to the Planning Commission is consistent with the Office of the City Attorney’s interpretation of the application of Proposition A.

3) The Project Review Committee report to the Citizen Advisory Committee contains a number of misstatements and mischaracterizations of the law (especially as consistently stated by the Office of the City Attorney) and the facts.

For example, it characterizes the continuing care facility currently subject to an application before the City as a “high density... (residential care facility)” and describes the project as “224 units”. That is not what the Planning Commission determined. Under the rules in effect on August 1, 1984, the property may be developed as stated:

“Open spaces are located throughout the urbanized, planned urbanized, and future urbanizing areas. Open space that is not publicly owned will be preserved through regulatory devices and these areas will be permitted to develop in a manner consistent with the zoning that is applied to them.” (See, Progress Guide and General Plan “Land Use Map”.)

We do not disagree that the City Council has the power and authority (subject to certain constitutional and statutory rights) to modify the allowable uses in a way more restrictive than allowed under the Progress Guide and General Plan of the City of San Diego as the same existed on August 1, 1984. Since the City has authority to impose more restrictive regulations it necessarily has the authority to reverse the more restrictive zoning.

It has been noted in the staff report for the Citizens Advisory Committee that the Joint Powers Authority had identified the property for potential acquisition. A long line of cases, including Klopping v. City of Whittier, however prohibit pre-acquisition actions to reduce the value of the property. The actions proposed by the Project Review Committee clearly are such actions.

Our client is committed to work with all advisory groups including the Joint Powers Authority when the application is duly presented.
Thank you for your consideration of the foregoing.

Very truly yours,

[Signature]

James R. Dawe
Seltzer Caplan McMahon Vitek
A Law Corporation

cc: Ms. Susan Carter (via electronic mail)
    Mr. Wayne Brechtel (via electronic mail)
April 20, 2012

Chair Lorie Zapf
City Council Committee on Land Use and Housing
City of San Diego
202 C Street, 3rd Floor
San Diego, CA 92101

Dear Councilmember Zapf and members of the LU&H Committee:

The Board of Directors of the San Dieguito River Park Joint Powers Authority is concerned about a recent action taken by the City Planning Commission and Development Services Department that directly impacts Prop A lands in the City. The action concerns a 23-acre parcel at the southeast corner of Via de la Valle and El Camino Real within the North City Future Urbanizing Area (NCFUA) Prop A lands and the San Dieguito River Park’s Focused Planning Area (FPA). A December 15, 2011 “classification of use” decision was made by the Planning Commission for the proposed Rancho Del Mar Continuing Care Retirement Community project, which consists of a proposed 224-unit residential care facility on agriculturally-zoned Prop A land in the floodplain of the San Dieguito River. The JPA Board sent a letter to the City on February 17, 2012 requesting a closer examination of this decision to allow a proposed project that represents an increase in land use intensity on Prop A lands to be processed through the City without a vote of the people as required by Proposition A; however our letter was not answered (see attached letter). The JPA Board respectfully requests that the Land Use & Housing Committee docket this issue for an upcoming meeting to investigate the applicability of Prop A on the Rancho Del Mar property/project and consider a moratorium on processing this and any other development proposals in the NCFUA until a joint LU&H/Planning Commission public workshop is held to review the status and procedures on remaining undeveloped Prop A lands.

The reasons for the JPA’s request are the following:

- The proposed 224-unit retirement facility is an urban use on an agriculturally-zoned property on Prop A land zoned for two units. This represents a 1,000 percent increase in density over the existing zone.
- The project is inconsistent with the San Dieguito River Park Concept Plan.
- The municipal code was modified in 1990 consistent with Prop A to prohibit residential care facilities, such as the proposed use, on Prop A lands and in floodplains. Prop A allowed zoning modifications to be more restrictive, not less.
- Because the site is on Prop A land, uses more intensive than what is allowed in the zone cannot be approved without a vote of the people as specified in Prop A and in other city documentation.
- The property has an open space designation under the City’s General Plan and is recognized as open space or low-density as part of the North City Future Urbanization Area Framework Plan.
- The project would require 14 feet of fill across the property and in the floodplain to support the level of intensity proposed.
The issues raised by the City’s recent decisions are complicated and controversial and have implications for other Prop A lands in the FPA and, therefore, deserve a comprehensive evaluation by the City Council.

We urge you to look into this matter and schedule a discussion for an upcoming meeting. Thank you for your consideration.

Sincerely,

Olga Diaz, Escondido Councilmember
JPA Board Chair
TO: JPA Board
FROM: Budget Committee
SUBJECT: Report and Recommendations

RECOMMENDATION:

Adopt FY 12/13 Budget and Salary/Staffing Schedule

On April 3rd, the Budget Committee of your Board (Olga Diaz, Don Mosier and Lesa Heebner) met to discuss a proposed budget for the coming fiscal year. A subsequent meeting with the Committee (Sherri Lightner, Jim Cunningham, Olga Diaz and Lesa Heebner) was held on April 13th. The Committee reviewed and discussed the following items and has prepared the attached budget for your Board’s approval.

1. STEPS THE JPA BOARD HAS INSTITUTED TO REDUCE EMPLOYEE BENEFITS.
   The Committee began by reviewing the steps that the JPA Board has taken since FY 07/08 to reduce staff benefits (Attachment 1). As indicated in Attachment 1, over the four year period that includes FY 08/09 to FY 11/12, employee pay has been reduced by 25%. Annual personnel cost savings to the JPA in FY 2011/12 compared to FY 2008/09 is $110,038. This amount was computed by taking this year’s permanent employee payroll of $494,108 and calculating 7% that represents the offset contribution, 10% that represents the flex credit allowance that was not increased, and 5.27% cost of living increase that was not given to employees. This is bona fide, because if the JPA Board did not take the steps that it did to cut and cap costs, these increases would have been given per the County Employee negotiated contract. JPA employees are not represented by any employee union or covered by any contract.

2. MEMBER AGENCY CONTRIBUTION FORMULA. The Budget Committee discussed the Member Agency Contribution Formula at length. At issue was whether to implement the updated formula adopted by your Board last December in the FY 2012/13 budget, or whether to transition to that formula over a multi-year period. After reviewing numerous alternative assessment scenarios, it is the Budget Committee’s recommendation to use the Assessment amounts as shown in Attachment 2 for FY 2012/13, recognizing that it is a transitional assessment, with the desired intention to implement the updated formula as adopted by the Board in December in the FY 2013/14 budget. The assessments shown in Attachment 2 are based on an anticipated contribution of $15,000 from Board member Lightner from her Council office budget.

3. FY 2012/13 DRAFT BUDGET. The attached budget (Attachment 3) proposes to revert to the FY 08/09 contribution level as discussed at the Board’s February 17 meeting. This
would enable the Board to give the JPA employees a 4% salary increase as an exchange for the continued cap on health insurance plan benefits, the costs of which have gone up significantly as shown in Attachment 1, and are expected to increase 5% in 2012/13. It would also enable the Board to convert an existing temporary ranger to permanent Ranger I status at $16.07 per hour salary. This is important because restoring the number of rangers back to the level they used to be before 2.5 rangers were moved to the coast is one of the priorities the Board approved last year when the FY 11/12 budget was adopted. The other change proposed in this budget is to restore a $1000 uniform allowance. Eliminating the uniform allowance (which provides $200 per ranger for replacement of worn work boots and jackets and pants) was hard for the rangers who work outdoors daily and put a lot of wear and tear on these items.

4. CITY OF SAN DIEGO CONTRIBUTION. Board member Lightner has proposed that the City assign a new or existing City park ranger to the San Dieguito River Park as the City’s contribution for FY 12/13. The Committee discussed how this could be done to help the River Park meet its dire need for more park rangers. It is unknown at this time whether this proposal will be approved as part of the City of San Diego budget.
STEPS THAT THE SAN DIEGUITO RIVER PARK JOINT POWERS AUTHORITY HAS INSTITUTED TO CAP OR REDUCE EMPLOYEE BENEFITS

PENSION
Off-Set: The JPA Board eliminated the off-set contribution it was making to the employee’s share of his/her retirement. The off-set was phased out over two years from 7 percent to 0. The employees now pay that 7 percent in full. This represents a huge cut in take-home pay for employees: for example, the take-home pay of a ranger with an annual gross salary $40,000 was reduced by $2,800 in a two-year period just by eliminating the off-set.

Pension Benefit: In 1992, the JPA entered into an agreement with the County Employees Retirement Association to provide retirement benefits for JPA employees. In 2010 the JPA Board asked its employees to consider withdrawing from the County Employees Retirement Association in exchange for a 401 K plan that the JPA would establish. The JPA employees unanimously rejected the proposal. However, in 2009 the Board of Supervisors created a reduced benefit tier for new employees, and this applies to new JPA employees. Of the JPA’s 10 paid employees, the two newest hires are receiving the reduced benefits of Retirement Tier B. Here is the difference between the older Retirement Tier A and the new Retirement Tier B.

<table>
<thead>
<tr>
<th>Tier A</th>
<th>Tier B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement Age for Full Benefits</td>
<td>60</td>
</tr>
<tr>
<td>Retirement Age Factor</td>
<td>3%</td>
</tr>
<tr>
<td>Example: Monthly retirement pay for Employee with 25 years of service making $4,000 per month at retirement</td>
<td>$2,912</td>
</tr>
</tbody>
</table>

MEDICAL BENEFITS
The JPA Board capped its medical insurance benefit plan (flex credit) in July 2010. The employees pay for the increased cost of insurance above the capped level. During the time that the JPA’s plan has been capped, the County has increased the benefit plan by 5% in January 2011 and another 5% in January 2012, and is raising it 5% again in January 2013 to cover projected increased insurance plan costs. JPA employees have not received those increases in their flex credit allowance and have absorbed those increased costs, which will amount to $6,000 for the average employee in FY 2012/13.

SALARIES
The JPA Board has not given its employees any raises of any kind (merit, step or cost of living) since FY 2007/2008. Over the 3 3/4 years since July 2008 the cumulative cost of living (per the Consumer Price Index) has increased 3.5% and is estimated to reach a cumulative increase of 5.27% by June 30, 2012. The employees have had to absorb this higher cost of living without cost of living increases in their pay, which has effectively reduced the value of a $40,000 annual salary to $36,549 by FY 2012/13.

OTHER
- The JPA Board eliminated the Rangers’ annual uniform allowance (a combined total of $1000) and general employee annual mileage reimbursement in 2010 ($650). The Rangers have to pay for their new and replacement uniforms/boots themselves and all employees for their own gas & wear & tear on their vehicles when they drive to meetings since then.
- The JPA Board adopted a policy in 2010 that reduced the accrual of vacation leave from 2 ½ years to 1 ½ years. The purpose was to reduce the JPA’s exposure to high vacation payouts when employees leave the JPA’s employ.
- JPA employees were put on furlough one day a month from April-June, 2010 to save personnel costs when the City of San Diego eliminated its assessment payment to the JPA in mid-year.
<table>
<thead>
<tr>
<th>EFFECT OF JPA BENEFIT FREEZES/CUTS ON STAFF SALARIES</th>
<th>FY 07/08</th>
<th>FY 08/09</th>
<th>FY 09/10</th>
<th>FY 10/11</th>
<th>FY 11/12</th>
<th>FY 12/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Example (Based on Average Ranger salary of $40,000)</td>
<td>40,000</td>
<td>40,000</td>
<td>40,000</td>
<td>40,000</td>
<td>40,000</td>
<td>40,000</td>
</tr>
<tr>
<td>2 Annual Income Restated to 2008 Dollars, per CPI</td>
<td></td>
<td>40,392</td>
<td>39,895</td>
<td>38,447</td>
<td>37,486*</td>
<td>36,549*</td>
</tr>
<tr>
<td>3 Furloughs Feb - June 2010</td>
<td></td>
<td></td>
<td>- (830.00)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Offset (3.5% elim FY1011, remaining 3.5% elim FY 1112)</td>
<td></td>
<td></td>
<td></td>
<td>(1,400.00)</td>
<td>(2,800.00)</td>
<td>(2,800.00)</td>
</tr>
<tr>
<td>5 Medical Insurance Increases 5% 2011, 5% 2012, 5%, 2013</td>
<td></td>
<td></td>
<td></td>
<td>(2,000.00)</td>
<td>(4,000.00)</td>
<td>(6,000.00)</td>
</tr>
<tr>
<td>6 Total Deductions</td>
<td></td>
<td></td>
<td>- (830.00)</td>
<td>(3,400.00)</td>
<td>(6,800.00)</td>
<td>(8,800.00)</td>
</tr>
<tr>
<td>7 Net Pay</td>
<td></td>
<td>$ 40,392</td>
<td>$ 39,065</td>
<td>$ 35,047</td>
<td>$ 30,686</td>
<td>$ 27,749</td>
</tr>
</tbody>
</table>

* Estimated

**Cumulative Effect of Reduction of Personnel Benefits**

Over the four year period that includes FY 08/09 to FY 11/12, employee net pay has been reduced by 25%. Annual personnel cost savings to the JPA in FY 2011/12 compared to FY 2008/09 is $110,038. This amount was computed by taking this year’s permanent employee payroll of $494,108 and calculating 7% that represents the offset contribution, 10% that represents the flex credit allowance that was not increased, and 5.27% cost of living increase that was not given to employees.
<table>
<thead>
<tr>
<th></th>
<th>Adopted</th>
<th>Adopted</th>
<th>Adopted</th>
<th>Adopted</th>
<th>Updated</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FY 08/09</td>
<td>FY 09/10</td>
<td>FY 10/11</td>
<td>FY 11/12</td>
<td>Formula</td>
<td>FY 12/13</td>
</tr>
<tr>
<td>Total Assessment</td>
<td>819,679</td>
<td>707,711</td>
<td>452,935</td>
<td>452,935</td>
<td>% 819,679</td>
<td></td>
</tr>
<tr>
<td>Del Mar</td>
<td>7%</td>
<td>57,378</td>
<td>49,540</td>
<td>49,540</td>
<td>57,378</td>
<td>0.06</td>
</tr>
<tr>
<td>Solana Beach</td>
<td>8%</td>
<td>65,574</td>
<td>56,617</td>
<td>56,617</td>
<td>56,617</td>
<td>0.06</td>
</tr>
<tr>
<td>Poway</td>
<td>10%</td>
<td>81,968</td>
<td>70,771</td>
<td>70,771</td>
<td>70,771</td>
<td>0.13</td>
</tr>
<tr>
<td>Escondido</td>
<td>13%</td>
<td>106,558</td>
<td>92,002</td>
<td>92,002</td>
<td>106,558</td>
<td>0.13</td>
</tr>
<tr>
<td>County</td>
<td>26%</td>
<td>213,117</td>
<td>184,005</td>
<td>184,005</td>
<td>184,005</td>
<td>0.31</td>
</tr>
<tr>
<td>San Diego</td>
<td>36%</td>
<td>295,085</td>
<td>254,776</td>
<td>0</td>
<td>0</td>
<td>0.31</td>
</tr>
<tr>
<td>Actual Contribution</td>
<td>100%</td>
<td>819,679</td>
<td>644,017</td>
<td>452,935</td>
<td>475,329</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>Adopted FY 11/12</td>
<td>Proposed FY 12/13</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>------------------</td>
<td>-------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>San Dieguito River Valley Regional Open Space Park</td>
<td>FY 11/12</td>
<td>FY 12/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Joint Powers Authority Fiscal Year 2012-13 Operating Budget</td>
<td>6/15/11</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>ORG 91160 FUND 44625</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Appropriations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Salaries and Benefits</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1000 Object Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>51110 Permanent Wages</td>
<td>494,108</td>
<td>543,357</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>51115 Temporary Wages</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>51410 Retirement - CERS</td>
<td>119,129</td>
<td>150,999</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>51415 Retire Other Post Retirement (Health Supplement)</td>
<td>9,190</td>
<td>10,378</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>51421 Pension Obligation Bond Repayment</td>
<td>33,550</td>
<td>39,285</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>51430 Retirement- CERS - County Offset</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>51450 Retirement - OASDI &amp; Medicare</td>
<td>37,799</td>
<td>41,567</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>51510 Employee Group Life Ins., Disability Ins.,</td>
<td>1,235</td>
<td>1,358</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>51530 Worker’s Compensation Insurance</td>
<td>20,346</td>
<td>18,662</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>51550 Flex Credit (Cafeteria Health Plan)</td>
<td>54,352</td>
<td>59,769</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>51560 Unemployment Insurance</td>
<td>1,235</td>
<td>1,358</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td><strong>Subtotal</strong></td>
<td><strong>770,945</strong></td>
<td><strong>866,733</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Services and Supplies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>2000 Object Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>52062 Telephone/Cell/Fax/Satellite Service (non-coastal)</td>
<td>6,088</td>
<td>8,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Office Telephone ($3900) and Cell Service for Rangers ($2,640)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>(Satellite for Internet Service) ($1560)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>52130 Insurance - General and Property Liability, incl Auto</td>
<td>13,743</td>
<td>14,430</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>52134 Insurance - Medical/Liability for Volunteers</td>
<td>630</td>
<td>660</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>52182 Vehicles - non-coastal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>52182 Fuel</td>
<td>6,000</td>
<td>7,800</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>52220 Maintenance/Repair/Tires for Vehicles</td>
<td>5,800</td>
<td>6,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>52220 Office Operation/Maintenance</td>
<td>6,500</td>
<td>4,740</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>52220 Recycle ($60)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>52220 Dumpster Rental ($900)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>52220 Janitorial Service ($1380)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>52220 SDGE ($2400)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>52220 Uniform Allowance</td>
<td>-</td>
<td>1,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>52186 Equipment Service Contracts ($2500)</td>
<td>2,500</td>
<td>2,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>52220 Lake Hodges Bike/Ped Bridge Lease</td>
<td>3,201</td>
<td>3,257</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>52220 Lake Hodges Bike/Ped Bridge Elec. Reimb.</td>
<td>-</td>
<td>335</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>52220 Dept. of Health Services Permit, Hodges Bridge</td>
<td>525</td>
<td>525</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>52220 Sikes Adobe Historic Farmhouse</td>
<td>7,224</td>
<td>7,240</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>52270 Memberships</td>
<td>200</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>52304 Miscellaneous, petty cash</td>
<td>800</td>
<td>700</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>52330 Office Supplies</td>
<td>3,200</td>
<td>3,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>52332 Postage</td>
<td>1,000</td>
<td>1,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>52334 Printing (Stationery, maps)</td>
<td>1,500</td>
<td>1,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>52370 Professional Services</td>
<td>34,150</td>
<td>35,150</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>52370 Attorney Services ($21,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>52370 Auditor Services ($8,300)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>52370 County Services ($4,350)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>52370 Computer/Website Consulting Services ($1,500)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>52394 Maps, photos</td>
<td>250</td>
<td>250</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>52304 Legal Notices</td>
<td>300</td>
<td>300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>52550 Volunteer/Event Programming</td>
<td>6,575</td>
<td>6,650</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>52550 Water/Ice/Refreshments ($1100)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>52550 Volunteer Recognition Event ($1,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>52550 Scout Plaques/Volunteer Awards ($650)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>52550 Other Events (e.g., Earth Day) ($775)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>San Dieguito River Valley Regional Open Space Park</td>
<td>FY 11/12</td>
<td>FY 12/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------</td>
<td>----------</td>
<td>----------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Joint Powers Authority Fiscal Year 2012-13 Operating Budget</td>
<td>6/15/11</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Docent Training/Volunteer Patrol Training ($1000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Intern Stipends/Education/Outreach ($1,900)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Kiosk Displays ($200)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Books/Publications/Subscriptions</td>
<td>200</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Minor Equipment</td>
<td>200</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>Utilities (at Undercrossing)</td>
<td>1,200</td>
<td>600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>Training (incl Seminars, Trails Conf., Herbicide Applicator license</td>
<td>500</td>
<td>500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>Computer Software (Quickbooks, Antivirus renew, etc)</td>
<td>600</td>
<td>600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>69</td>
<td>Email distribution service</td>
<td>400</td>
<td>420</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>Total Services and Supplies</td>
<td>103,286</td>
<td>107,857</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Other Charges</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Lease/purchase copier equipment</td>
<td>2,800</td>
<td>2,850</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Amortization Reserve (for future truck replacement)</td>
<td>8,000</td>
<td>8,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>Loan Payments for Work Truck</td>
<td>5,800</td>
<td>5,800</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>Total Other Charges</td>
<td>16,600</td>
<td>16,650</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>Total Appropriations</td>
<td>890,831</td>
<td>991,240</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>78</td>
<td>Transfer from Amortization Reserve</td>
<td>5,800</td>
<td>5,800</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>79</td>
<td>Transfer from Trails/Land Mgmt fund for Admin Costs</td>
<td>273,332</td>
<td>295,593</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>Transfer from Project fund for Admin Costs</td>
<td>65,000</td>
<td>57,904</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>81</td>
<td>Transfer from Land Trust Fund</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>82</td>
<td>Transfer from Other Funds</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>Sikes Adobe Historic Farmhouse Events</td>
<td>7,800</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>84</td>
<td>Interest</td>
<td>5,000</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>85</td>
<td>Offtrack Betting</td>
<td>35,000</td>
<td>35,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>86</td>
<td>22nd Ag District (from Consent Decree)</td>
<td>-</td>
<td>20,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>Member agency assessments</td>
<td>475,329</td>
<td>564,818</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>Loan from Endowment Reserve Fund</td>
<td>27,046</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>89</td>
<td>Donations transferred from SDRVC</td>
<td>3,000</td>
<td>3,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>90</td>
<td>Nontaxable Sales</td>
<td>125</td>
<td>125</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>91</td>
<td>Taxable sales (t-shirts/videos/books)</td>
<td>1,200</td>
<td>1,200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>92</td>
<td>Total Revenues</td>
<td>890,832</td>
<td>991,240</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item #</td>
<td>Appropriations</td>
<td>Adopted FY 11/12</td>
<td>Amended FY 11/12</td>
<td>Proposed FY 12/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>---------------------------------------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Services and Supplies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>2000 Object Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>6310 56311 Transfer to Operating Fund for Admin. Costs</td>
<td>273,322</td>
<td>273,322</td>
<td>295,593</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>2290 52220 Open Space Mgmt General - materials</td>
<td>7,687</td>
<td>7,687</td>
<td>7,687</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>2290 52220 Trails Management - materials</td>
<td>5,200</td>
<td>5,200</td>
<td>5,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>52220 Habitat Lands Management - materials</td>
<td>5,183</td>
<td>5,183</td>
<td>5,183</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>52396 Habitat Lands Management - consultants</td>
<td>7,057</td>
<td>7,057</td>
<td>7,057</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>52396 Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Mesa Loop Trail Construction</td>
<td>142,000</td>
<td>142,000</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Lagoon Segment 8 Trail Construction</td>
<td>70,000</td>
<td>70,000</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>West Bernardo Bike Path/Cantilever Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Reach the Beach Alternatives Study</td>
<td>102,250</td>
<td>102,250</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Horsepark Trail Construction</td>
<td>343,000</td>
<td>343,000</td>
<td>20,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Heritage Trail Link Biomonitoring/Water</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>West Bernardo Bike Path/Cantilever Biomonitoring/Water</td>
<td>6,120</td>
<td>6,120</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Cloverdale Creek Mitigation Site Biomonitoring/Water</td>
<td>4,400</td>
<td>4,400</td>
<td>4,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Lagoon Mitigation Sites construction/biomonitoring/water (see Project Fund)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>River Parkway Del Dios Euc Restoration &amp; Rec Grant Project</td>
<td>1,009,787</td>
<td>1,009,787</td>
<td>631,614</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Exotic Species removal, monitoring, mapping (4th year of grant)</td>
<td>40,000</td>
<td>40,000</td>
<td>50,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Interpretive Panels - research, design, fabrication, installation</td>
<td>27,218</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Scout Projects</td>
<td>4,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Pamo Valley Trail Design/CEQA</td>
<td></td>
<td></td>
<td>53,545</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Trailside Classroom (at Lagoon) Design/CEQA</td>
<td></td>
<td></td>
<td>36,805</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Esco Restoration at Fenton North</td>
<td>9,604</td>
<td>9,604</td>
<td>3,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Trailhead Portapotties (2 ADA at $193/mo, 3 regular at $81/mo)</td>
<td>7,548</td>
<td>7,548</td>
<td>7,548</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Coastal Trail Expenses - other than staff (reimbursed)</td>
<td>40,334</td>
<td>40,334</td>
<td>41,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Tools, Equipment, Signage, Educational Materials</td>
<td>6,948</td>
<td>6,948</td>
<td>7,110</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Portapotties (3 ADA at $193/mo)</td>
<td>800</td>
<td>800</td>
<td>800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Intern</td>
<td></td>
<td></td>
<td>1,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Cell phones</td>
<td>1,980</td>
<td>1,980</td>
<td>1,980</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Vehicle fuel and maintenance</td>
<td>3,640</td>
<td>3,640</td>
<td>3,640</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Total Services and Supplies</td>
<td>2,088,860</td>
<td>2,120,078</td>
<td>1,185,562</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Total Appropriations</td>
<td>2,088,860</td>
<td>2,120,078</td>
<td>1,185,562</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>9190 44105 Interest</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>9742 47535 Land Management Income:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Caltrans Bernardo Mtn Endowment</td>
<td>8,850</td>
<td>8,850</td>
<td>8,850</td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Homeowner Association Fees (Golem)</td>
<td>26,000</td>
<td>26,000</td>
<td>26,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Esco</td>
<td>10,295</td>
<td>10,295</td>
<td>10,295</td>
<td></td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Bandy Cyn 90</td>
<td>16,587</td>
<td>16,587</td>
<td>16,587</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Bandy Cyn 3.27</td>
<td>3,374</td>
<td>3,374</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Maderas Westridge 16.58</td>
<td>3,946</td>
<td>3,946</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Maderas Westridge 8.9</td>
<td>2,648</td>
<td>2,648</td>
<td>2,648</td>
<td></td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>SDRVC Bernardo Mtn Endowment</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Trails Management Income (SCE)</td>
<td>221,795</td>
<td>221,795</td>
<td>224,023</td>
<td></td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>SDRVC for Pamo Valley Trail Design/CEQA</td>
<td>63,545</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>SDRVC for Trailside Classroom (at Lagoon) Design/CEQA</td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>SANDAG EMP grant for invasive species removal</td>
<td>55,000</td>
<td>55,000</td>
<td>62,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>SANDAG Transnet grant for West Bernardo Bike Path</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Community Enhancement Program and NRP Grant</td>
<td>31,218</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>State EEMP grant for Horsepark Trail</td>
<td>350,000</td>
<td>350,000</td>
<td>25,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Mesa Loop Trail - Sempra via SDRVC</td>
<td>30,000</td>
<td>30,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Lagoon Segment 8 Trail - SCE via SDRVC</td>
<td>20,000</td>
<td>20,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>State Coastal Conservancy for Lagoon Trail, Reach the Beach, Mesa Loop</td>
<td>289,000</td>
<td>289,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>River Parkway Del Dios Euc Restoration &amp; Rec Grant</td>
<td>1,020,742</td>
<td>1,020,742</td>
<td>681,614</td>
<td></td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Fund Balance - Esco Restoration</td>
<td>15,623</td>
<td>15,623</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Total Revenues</td>
<td>2,088,860</td>
<td>2,120,078</td>
<td>1,185,562</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## San Dieguito River Valley Regional Open Space Park
### Joint Powers Authority FY 12/13 Project Budget Fund

<table>
<thead>
<tr>
<th>Item</th>
<th>Appropriations FUND 44655</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Services and Supplies</td>
</tr>
<tr>
<td></td>
<td>2000 Object Account</td>
</tr>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Transfer to Operating Fund for Admin. Costs</td>
</tr>
<tr>
<td>3</td>
<td>(Includes $30K SANDAG, $28K WQ,)</td>
</tr>
<tr>
<td>4</td>
<td>Water Quality Monitoring and Reporting</td>
</tr>
<tr>
<td>5</td>
<td>Water Quality Treatment Ponds Landscaping, Irrigation</td>
</tr>
<tr>
<td>6</td>
<td>Entry Monuments - Design, Fabrication, Installation</td>
</tr>
<tr>
<td>7</td>
<td>Lagoon Mitigation Sites, Planting, Watering, Monitoring</td>
</tr>
<tr>
<td>8</td>
<td>Sikes Adobe Interpretive and Display Exhibits</td>
</tr>
<tr>
<td>9</td>
<td>Total Services and Supplies</td>
</tr>
<tr>
<td>10</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Total Appropriations</td>
</tr>
<tr>
<td>12</td>
<td>Revenues</td>
</tr>
<tr>
<td>14</td>
<td>Southern California Edison</td>
</tr>
<tr>
<td>15</td>
<td>San Diego Association of Governments per MOU WQ</td>
</tr>
<tr>
<td>16</td>
<td>San Diego Association of Governments W19 Reimb</td>
</tr>
<tr>
<td>17</td>
<td>Community Enhancement Program and NRP Grant</td>
</tr>
<tr>
<td>18</td>
<td>Fund Balance</td>
</tr>
<tr>
<td>19</td>
<td>Total Revenues</td>
</tr>
</tbody>
</table>
## RESERVE FUND BUDGET

<table>
<thead>
<tr>
<th>Item #</th>
<th>Appropriations FUND 44656</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Services and Supplies</td>
</tr>
<tr>
<td>2000 Object Account</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Transfer to Operating Fund for Truck Payments</td>
</tr>
<tr>
<td>2</td>
<td>Reserve</td>
</tr>
<tr>
<td>3</td>
<td>Total Services and Supplies</td>
</tr>
<tr>
<td>4</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Total Appropriations</td>
</tr>
<tr>
<td>7</td>
<td>Revenues</td>
</tr>
<tr>
<td>8</td>
<td>Fund Balance</td>
</tr>
<tr>
<td>9</td>
<td>Transfer from Operating Fund for Amortization</td>
</tr>
<tr>
<td>10</td>
<td>Total Revenues</td>
</tr>
</tbody>
</table>

San Dieguito River Valley Regional Open Space Park
Joint Powers Authority FY 12/13 Reserve Fund

<table>
<thead>
<tr>
<th>Item #</th>
<th>Appropriations FUND 44656</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Services and Supplies</td>
</tr>
<tr>
<td>2000 Object Account</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Transfer to Operating Fund for Truck Payments</td>
</tr>
<tr>
<td>2</td>
<td>Reserve</td>
</tr>
<tr>
<td>3</td>
<td>Total Services and Supplies</td>
</tr>
<tr>
<td>4</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Total Appropriations</td>
</tr>
<tr>
<td>7</td>
<td>Revenues</td>
</tr>
<tr>
<td>8</td>
<td>Fund Balance</td>
</tr>
<tr>
<td>9</td>
<td>Transfer from Operating Fund for Amortization</td>
</tr>
<tr>
<td>10</td>
<td>Total Revenues</td>
</tr>
</tbody>
</table>
## Staffing Schedule

<table>
<thead>
<tr>
<th>Title</th>
<th>FY 10/11</th>
<th>Amended 7/16/10</th>
<th>FY 11/12</th>
<th>FY 12/13</th>
<th>FY 10/11</th>
<th>Amended 7/16/10</th>
<th>FY 11/12</th>
<th>FY 12/13</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Positions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive Director</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Director</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Planner</td>
<td>1</td>
<td>0.5</td>
<td>1</td>
<td>0.8</td>
<td>1</td>
<td>0.8</td>
<td>1</td>
<td>0.8</td>
</tr>
<tr>
<td>Secretary/Office Manager</td>
<td>1</td>
<td>0.8</td>
<td>1</td>
<td>0.8</td>
<td>1</td>
<td>0.8</td>
<td>1</td>
<td>0.8</td>
</tr>
<tr>
<td>Outreach Specialist</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Interpretive Ranger</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Interpretive Specialist (Museum M)</td>
<td>1</td>
<td>0.5</td>
<td>1</td>
<td>0.5</td>
<td>1</td>
<td>0.5</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td>Ranger I</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ranger II</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Ranger</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Trails and Resources Manager</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>8.8</td>
<td>11</td>
<td>9.1</td>
<td>10</td>
<td>9.1</td>
<td>11</td>
<td>10.1</td>
</tr>
</tbody>
</table>

## Staff Salaries

<table>
<thead>
<tr>
<th>Title</th>
<th>FY 10/11 Hours Worked</th>
<th>Hourly Each Year</th>
<th>FY 10/11 Hours Worked</th>
<th>Hourly Each Year</th>
<th>FY 11/12 Hours Worked</th>
<th>Hourly Each Year</th>
<th>FY 12/13 Hours Worked</th>
<th>Hourly Each Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td>47.70</td>
<td>19,080</td>
<td>47.70</td>
<td>19,080</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Deputy Director</td>
<td>46.08</td>
<td>95,846</td>
<td>46.08</td>
<td>95,846</td>
<td>46.08</td>
<td>95,846</td>
<td>47.92</td>
<td>99,680</td>
</tr>
<tr>
<td>Principal Planner</td>
<td>43.88</td>
<td>45,635</td>
<td>43.88</td>
<td>59,325</td>
<td>43.88</td>
<td>73,016</td>
<td>45.64</td>
<td>75,937</td>
</tr>
<tr>
<td>Secretary/Office Manager</td>
<td>25.41</td>
<td>65,541</td>
<td>25.41</td>
<td>65,541</td>
<td>25.41</td>
<td>65,541</td>
<td>26.43</td>
<td>68,162</td>
</tr>
<tr>
<td>Museum Manager/Interp. Spec.</td>
<td>16.48</td>
<td>17,139</td>
<td>16.48</td>
<td>17,139</td>
<td>16.48</td>
<td>17,139</td>
<td>17.14</td>
<td>17,825</td>
</tr>
<tr>
<td>Outreach Specialist</td>
<td>20.63</td>
<td>42,910</td>
<td>20.63</td>
<td>42,910</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interpretive Ranger</td>
<td>18.81</td>
<td>39,125</td>
<td>18.81</td>
<td>39,125</td>
<td>18.81</td>
<td>39,125</td>
<td>19.56</td>
<td>40,690</td>
</tr>
<tr>
<td>Trails and Resources Manager</td>
<td>31.51</td>
<td>65,541</td>
<td>31.51</td>
<td>65,541</td>
<td>31.51</td>
<td>65,541</td>
<td>32.77</td>
<td>68,162</td>
</tr>
<tr>
<td>Senior Ranger</td>
<td>22.59</td>
<td>46,987</td>
<td>22.59</td>
<td>46,987</td>
<td>22.59</td>
<td>46,987</td>
<td>23.49</td>
<td>48,867</td>
</tr>
<tr>
<td>Ranger II</td>
<td>18.81</td>
<td>39,125</td>
<td>18.81</td>
<td>39,125</td>
<td>18.81</td>
<td>39,125</td>
<td>19.56</td>
<td>40,690</td>
</tr>
<tr>
<td>Ranger I</td>
<td>18.81</td>
<td>39,125</td>
<td>18.81</td>
<td>39,125</td>
<td>18.81</td>
<td>39,125</td>
<td>19.56</td>
<td>40,690</td>
</tr>
<tr>
<td>Ranger I</td>
<td>15.45</td>
<td>39,125</td>
<td>15.45</td>
<td>39,125</td>
<td>15.45</td>
<td>39,125</td>
<td>16.07</td>
<td>33,421</td>
</tr>
<tr>
<td>Ranger I</td>
<td>15.45</td>
<td>32,136</td>
<td>15.45</td>
<td>32,136</td>
<td>15.45</td>
<td>32,136</td>
<td>16.07</td>
<td>33,421</td>
</tr>
<tr>
<td>Total</td>
<td>485,807</td>
<td>499,497</td>
<td>490,323</td>
<td>543,357</td>
<td>485,807</td>
<td>499,497</td>
<td>490,323</td>
<td>543,357</td>
</tr>
</tbody>
</table>
April 5, 2012

Olga Diaz, Chairwoman
San Dieguito River Valley Park Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025

Dear Chairwoman Diaz:

RANCHO GUEJITO CORPORATION VIOLATIONS

At the request of County Chief Administrative Officer Walt Ekard, Department of Public Works (DPW) staff reviewed your letter dated March 22, 2012, regarding concerns with illegal activities on the Rancho Guejito properties. DPW has actively pursued this case. In addition, DPW has closely coordinated our efforts with multiple State and Federal Resource Agencies which includes the Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game, and U.S. Fish and Wildlife Service.

As seen in the attachments, County, State, and Federal agencies have issued notices of violations to Rancho Guejito Corporation for illegal work they performed. DPW issued a Notice of Violation to Rancho Guejito Corporation on March 26, 2012. DPW is seeking monetary civil penalties and is requiring the site to be restored. DPW will continue to coordinate with State and Federal agencies, as well as Rancho Guejito, to resolve these illegal activities in a timely manner.

If you have additional questions or concerns, please contact Derek Gade, Public Works Manager, at (858) 514-4673, or via e-mail at Derek.Gade@sdcounty.ca.gov.

Sincerely,

[Signature]

RICHARD E. CROMPTON
Director

Attachments:
1) Army Corp of Engineer Notice of Violation dated April 2, 2012
2) County Notice of Violation dated March 26, 2012
3) RWQCB Notice of Violation dated March 22, 2012
4) CA F&G Notice of Violation dated February 8, 2012

cc: Derek Gade - Department of Public Works
April 2, 2012

Rancho Guejito Corporation
Attention: Mr. Henry Rupp
17224 San Pasqual Valley Road
Escondido, California 92027

Dear Mr. Rupp:

This letter concerns Rancho Guejito Corporation’s unauthorized discharge of fill material into waters of the United States (U.S.) located on Rancho Guejito, 17224 San Pasqual Valley Road, Escondido, California (33.11477°N, -116.95266°W). The unauthorized fill involved the placement of cut fill material into five unnamed tributaries of Guejito Creek resulting in approximately 0.04 acre (367 linear feet) of unauthorized impacts to waters of the U.S.

The U.S. Army Corps of Engineers (Corps) was notified of the unauthorized activity on December 21, 2011. On January 24, 2012, Corps Regulatory Project Manager, Meris Bantilan-Smith, conducted an initial site investigation and found that the construction of a new farm road, 1.2 miles in length, resulted in the discharge of fill material into five unnamed tributaries to Guejito Creek. The five road crossings
associated with the new farm road obstruct expected flood flows due to the absence of bridges, culverts, or other means of conveying normal flow or circulation patterns.

You should recognize that under Sections 301 [33 U.S.C. 1311] and 404 [33 U.S.C. 1344] of the Clean Water Act and Corps regulations promulgated pursuant thereto, the discharge of dredged and/or fill material into waters of the U.S. is unlawful unless such discharge has been specifically authorized pursuant to Section 404 by the Secretary of the Army. The potential penalties for violation of this Section include a maximum criminal fine of $50,000 per day and imprisonment for up to three years, and a maximum civil penalty of $25,000 per day of violation [33 U.S.C. 1319].

As a result of the Corps' initial investigation, coordination, and preliminary evaluation, and to ensure adverse impacts to the aquatic environment are minimized the Corps hereby orders Rancho Guejito Corporation undertake the following initial corrective measures:

1. Restore expected flood flows by removing unauthorized fill material from the five unnamed tributaries to Guejito Creek, as shown on the enclosed figures, to pre-construction conditions including elevations, contours, and vegetation.
2. Implement best management practices to assure that flow and circulation patterns and chemical and biological characteristics of waters of the U.S. are not impaired. This may include the installation of biodegradable fabric, hydroseeding, or other means.

These initial corrective measures are required to protect and offset any adverse impacts to the aquatic resources associated with Rancho Guejito Corporation's unauthorized activities and are in consideration of public interest and environmental protection. The initial corrective measures must be completed by June 2, 2012. Changes to or modifications to the initial corrective measures requires prior written approval by the Corps.

Fourteen days prior to implementation of initial corrective measures please submit to this office for review and approval a conceptual plan describing how Corrective Measures 1 and 2 will be implemented and achieved.
In addition, within 45 calendar days of completing the initial corrective measures, Rancho Gujito Corporation is required to submit to the Corps a memo including the following:

a. Date(s) the initial corrective measures were initiated and completed; and
b. Color photographs taken at the project site before and after implementation of the initial corrective measures.

Failure to comply with this order may result in my recommendation to the U.S. Attorney to institute appropriate legal proceedings to enforce this order. Additionally, compliance with this order does not foreclose the Government's options to initiate appropriate legal action or to require the submittal of a permit application.

If you have any questions regarding this matter, please contact Meris Bantilan-Smith at 760-602-4836 or via e-mail at Meris.Bantilan-Smith@usace.army.mil.

Sincerely,

Michelle Lee Mattson
Senior Project Manager
South Coast Branch

Enclosure
Copy Furnished (mail):

U.S. Environmental Protection Agency, Attention: Mr. Tim Vendlinski, Chief, Wetlands Regulatory Office (WTR-8), 75 Hawthorne Street, San Francisco, California 94105

U.S. Department of Justice, U.S. Attorney’s Office, Attention: Mr. Tom Stahl, Chief, Civil Division, 880 Front Street, Room 6293, San Diego, California 92101-889

Copy Furnished (electronic):

Keith Garner, AICP, Sheppard Mullin Richter & Hampton LLP
KGarn@sheppardmullin.com

Darren Bradford, California Regional Water Quality Control Board
DBradford@waterboards.ca.gov

Randy Rodriguez, California Department of Fish and Game
rfrodriguez@dfg.ca.gov

Derek Gade, San Diego County of Public Works
Derek.gade@sdcouny.ca.gov

Michelle Moreno, U.S. Fish and Wildlife
Michelle_Moreno@fws.gov
March 26, 2012

RFS 11-0073500

Rancho Guejito Corporation
Attention: Hank Rupp
17224 San Pasqual Valley Rd.
Escondido, CA. 92027

Corporation Service Company Which Will Do Business In California As CSC –
Lawyers Incorporating Service
2730 Gateway Oaks Dr Ste 100
Sacramento, CA 95833

Dear Rancho Guejito Corporation:

NOTICES OF VIOLATION AND INSPECTION REQUEST

The Department of Public Works (DPW) and the Department of Planning and Land Use (DPLU) appreciate your willingness to allow us to visit the Rancho Guejito property to further investigate the initial complaints we received and your openness to provide information about the work that has been completed so far. In addition, we appreciate the additional work to begin implementation of Best Management Stormwater devices in the field to stabilize the site from erosion as much as possible.

As a result of our investigation, we found multiple significant violations on the Rancho Guejito properties. As a result we were forced to take the following action:

1) A Civil Penalty Notice and Order has been issued (see attached) with monetary penalties for the following violations of the San Diego County Code of Regulatory Ordinances (SDCCRO) by DPW:
   a. Impairing or impeding the flow of water in a watercourse without a permit.
      Violation of SDCCRO Section 87.603(a).
   b. Grading without a grading permit.
      Violation of SDCCRO Sections 87.201(a).
   c. Failure to provide and maintain adequate erosion control measures.
      Violation of SDCCRO Sections 67.806(a) and 67.811
2) An administrative warning has been issued (see attached) for the following violation of the SDCCRO by DPLU:
   a. Clearing without a clearing permit.
      Violation of SDCCRO Section 87.501.

The required corrective action is noted on each violation notice, and County staff is available to meet with you to discuss the required submittals.

The County has received a new complaint alleging additional unpermitted clearing and grading/improvements on the following parcels:

   240-280-07-00, 243-020-07-00, 243-020-05-00, 243-020-10-00

We do hereby request access to your property pursuant to Civil Code section 1822.50 et. seq. to allow us to complete our investigation. Please provide approval for County staff to access your property within ten days of the date of this letter. After we complete an inspection of your property, we would request a follow up meeting with your professional team to review our concerns and initiate corrective action. If you choose not to grant us access to your property within 10 days, that would be deemed a refusal pursuant to Civil Code section 1822.51 and we would be forced to obtain an inspection warrant.

If you have additional questions, please feel free to contact me directly at (858) 514-4673, derek.gade@sdcounty.ca.gov, or via FAX (858) 694-2354.

Sincerely,

[Signature]
Derek R. Gade, P.E.
Public Works Manager
Private Development Construction Inspection

Attachments: 1) DPW Civil Penalty Notice and Order
              2) DPLU Administrative Warning

cc: Bryan Ziegler – County Counsel, Pam Elias – DPLU, Keith Garner, Esq - Sheppard Mullin, Four Embarcadero Center, 17th Floor, San Francisco, CA 94111
CIVIL PENALTY NOTICE AND ORDER

DATE OF NOTICE: March 26, 2012

LOCATION OF VIOLATION: Guejito Creek, Escondido, CA

APN: 240-280-08-00, 242-030-02-00, 242-030-03-00, 242-031-01-00

PROPERTY OWNER: Rancho Guejito Corporation
Corporation Service Company Which Will Do Business In California As CSC – Lawyers Incorporating Service
2730 Gateway Oaks Dr Ste 100
Sacramento, CA 95833

RESPONSIBLE PERSON: Rancho Guejito Corporation – Attn. Hank Rupp
17224 San Pasqual Valley Road
Escondido, CA 92027

You are hereby notified that your properties at 240-280-08-00, 242-030-02-00, 242-030-03-00 and 242-031-01-00 in Escondido, CA are in violation of the San Diego County Code of Regulatory Ordinances (SDCCRO). You are subject to civil penalties pursuant to SDCCRO section 18.201 through 18.214.

Civil Penalties for violations of the County Codes may be assessed at a daily rate not to exceed $1,000 per day per violation; not to exceed a total maximum of $50,000 on any one violation against a responsible person in any 12 month period. State Code violations may be assessed at a daily rate not to exceed $2,500 per day per violation;
not to exceed a total maximum of $125,000 for any one violation against a responsible person in any 12 month period.

Penalties may be assessed for each individual code section violated. These penalties may accrue daily for as long as the violations exist.

**SECTION VIOLATED** | **DESCRIPTION**
---|---
1. SDCCRO Section 87.603(a) | Impairing or impeding the flow of water in a watercourse without a permit.
2. SDCCRO Section 87.201(a) | Grading without a permit.
3. SDCCRO Section 67.806(a), 67.811 | Failure to provide and maintain adequate erosion control measures.

**REQUIRED CORRECTIVE MEASURES:**

1. Apply for, obtain, and implement a restoration grading permit pursuant to SDCCRO Section 87.110(b).

2. Implement Best Management Practices for erosion control as required by the County's Watershed Protection Ordinance.

**AMOUNT OF PENALTIES ASSESSED**
Pursuant to Section 18.203 of the San Diego County Code of Regulatory Ordinance the Director of the Department of Public Works has assessed civil penalties against you as follows:

**Violation #1:** For impairing or impeding the flow of water in a watercourse without a permit is in violation of the SDCCRO, and the Director has assessed civil penalties against you in the amount of $1,000 per day from November 7, 2011 to March 26, 2012 (140 days) for a total of **$50,000 (maximum)**. The Director considered that the violation has occurred every day since November 7, 2011 and is continuing, that the violation is severe, that you have damaged environmentally sensitive land, native habitat and negatively impacted a watercourse and that the violation has an adverse impact on the community for whose protection the ordinance was adopted.

**Violation #2:** For failure to obtain a grading permit is in violation of the SDCCRO, and the Director has assessed civil penalties against you in the amount of $1,000 per day from November 7, 2011 to March 26, 2012 (140 days) for a total of **$50,000 (maximum)**. The Director considered that the violation has occurred every day since November 7, 2011 and is continuing, that the violation is severe, that you have damaged environmentally sensitive land and native habitat and that the violation has an adverse impact on the community for whose protection the ordinance was adopted.
Violation #3: For failure to provide and maintain adequate erosion control devices is in violation of the SDCCRO, and the Director has assessed civil penalties against you in the amount of $1,000 per day from November 7, 2011 to March 26, 2012 (140 days) for a total of $50,000 (maximum). The Director considered that the violation has occurred every day since November 7, 2011 and is continuing, that the violation is severe, that you have damaged environmentally sensitive land, native habitat and created sediment discharges into a jurisdictional creek and that the violation has an adverse impact on the community for whose protection the ordinance was adopted.

PROCESS FOR PAYMENT OF CIVIL PENALTIES
Civil penalties exceed the maximum allowable. Accordingly, full payment of civil penalties in the amount of $150,000 are due in full within 45 days from the date of service of the Notice and Order unless you have filed a timely appeal. (If the Director has assessed a continuing violation against you in this Notice and Order, you are required to make an initial payment within 45 days of the date of service. Subsequent payments shall be made within 45 days of perversus payments until the violation is corrected to the satisfaction of the department Director.)

Payments should be made by cashier’s check or money order payable to the San Diego County Treasurer, at the address below. Please include a copy of the Notice and Order with your payment and write the violation address on the check:

County of San Diego
Department of Public Works
5201 Ruffin Road, Suite D
San Diego, CA 92123
Attn: Fiscal

Civil penalties paid to the County of San Diego before an appeal hearing will be refunded in full or part if the hearing officer determines if the violation did not occur, if you are not the responsible person or the penalty amount is unreasonable.

COMPLIANCE PROCESS
If the violator acknowledges the violations identified, the County would offer for the violator to enter into a negotiated Administrative Enforcement Order which specifies the corrective action process and timing to resolve these violations.

RIGHT OF APPEAL
You have the right to appeal this Notice and Order within 14 days after the Notice is served. Service occurs when you have received this Notice and Order by personal delivery or when the notice was deposited into the U.S. Mail and mailed to your mailing address as it appears in public records. The postmark on the envelope indicates the date the notice was mailed. An appeal must be made on a Request for Hearing form at the office of the department that issued the Notice or by completing the enclosed Request for Hearing form by U.S. Mail. If you request a hearing by mail your request must be postmarked no later than 14 days after the date of service. Failure to properly
file a written appeal within 14 days shall constitute a waiver of your right to appeal whether the violation occurred, whether you are responsible for the violation, the dates of the violations (whether the violations are continuing) and whether the amount assessed is reasonable.

**WAIVER**

If you fail, neglect or refuse to obey an order to pay civil penalties, the unpaid amount shall constitute a personal obligation and/or a lien upon the real property. Failure to pay a personal obligation will cause the Director to refer the obligation to County Counsel to file a court action to recover these costs. Failure to pay a lien will cause the Director to refer the lien to the County Auditor for collection in the same manner that ordinary municipal taxes are collected.

Richard Crompton, Director
Department of Public Works

Issued by:

Derek Gade, Public Works Manager

Address: 5201 Ruffin Road, Suite D, San Diego CA 92123

Telephone: (858) 514-4673

Attachment: County Code Section 87.110

Cc: Keith Garner, Esq.
Sheppard Mullin
Four Embarcadero Center, 17th Floor
San Francisco, CA 94111
SEC. 87.110. VIOLATIONS - SITE RESTORATION.

(a) Whenever the County Official determines that grading or clearing has been done in violation of the requirements of this Division, including grading or clearing without obtaining the required permit or grading or clearing in excess of that permitted by an approved permit, the County Official may order that the site be restored to the condition it was in previous to the unlawful grading or clearing. Restoration ordered may include revegetation of the site with species of plants identical to or serving biological resource values as close as possible to those of the vegetation which existed on the site prior to the illegal grading or clearing.

(b) If the County Official determines that restoration to such previous condition would result in a condition which is unsafe or does not conform to this Division or other applicable laws, or is otherwise impractical, then the County Official may order restoration to such other condition as he or she determines to be as close as practical to the site's previous condition; provided however, that the County Official shall require that any adverse environmental impacts which resulted from the illegal grading or clearing be mitigated (such as through the creation and/or preservation of onsite or offsite substitute habitat or other resources) to at least the same extent as would have been required if the impacts occurred as a result of a development project application which was required to comply with the California Environmental Quality Act, the Resource Protection Ordinance, the Biological Mitigation Ordinance and other County resource protection regulations.

(c) Such an order for restoration may require that the restoration work be performed pursuant to plans which the permittee, owner or other responsible person(s) is directed to prepare and submit for the County Official's approval. Failure to submit such plans within the time specified in the order for restoration shall constitute a violation of this Division. The order may require that permits required by this Division or other laws or regulations be obtained for the restoration work, including compliance with all requirements for obtaining such permits. The order for restoration may require that adequate security be provided to the County Official, to assure completion of the restoration work. The order for restoration may impose time deadlines for performance of certain acts. Failure to timely implement or otherwise comply with an order for restoration shall constitute a violation of this Division.

(Added by Ord. No. 9547 (N.S.), effective 5-9-03)
DEPARTMENT OF PLANNING & LAND USE
ADMINISTRATIVE WARNING

Issuance Date: MARCH 26, 2012  Case Number: 12-74463

Conditions or activities have been observed on your property which may be in violation of County Ordinances. If you have questions about this notice or you have additional information which may lead to a different conclusion please contact the Code Enforcement Officer listed below.

Correction(s) indicated below must be completed by: Date: APRIL 25, 2012  Time: 8:00 AM

| Person Warned: Last First Middle | Property Owner  Tenants  | Business Owner  Other |
|----------------------------------|--------------------------|
| RANCHO GUEJITO CORPORATION        |                          |                        |
| C/O CSC - LAWYERS INCORPORATING SERVICE (AGENT FOR SERVICE) |                          |                        |

Mailing Address: Street  City  State  Zip Code  Business Name (If Applicable)

2730 GATEWAY OAKS DRIVE, SUITE 100  SACRAMENTO, CA  95833

Violation Address:  City  Phone #:  Assessor’s Parcel Number:

<table>
<thead>
<tr>
<th>NO ASSIGNED ADDRESS - VACANT PARCEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>240-280-08-00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Date First Observed</th>
<th>Description of Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>87.501 SDCCRO</td>
<td>01-24-12</td>
<td>CLEARING WITHOUT PERMIT</td>
</tr>
</tbody>
</table>

Corrections Required:

SUBMIT PLANS TO THE DEPARTMENT OF PLANNING AND LAND USE TO OBTAIN A

RESTORATION PLAN PERMIT. CALL JARRETT RAMAIYA AT (916) 694-3059 FOR INFORMATION ON HOW TO SUBMIT THE PLAN.

CODE ENFORCEMENT OFFICER: CALL FOR AN APPOINTMENT  Phone: (916) 694-3059

Name (Print): S. MURRAY  Signature:  Date: 3-26-12

PERSON WARNED:

Name (Print):

Warning Served:  In Person  (To:  )  Posted on Property  By Mail

By:  Other:

The Building Official may suspend or refuse to issue any building permits until all violations are corrected per Section 91.1.113.5 of the County Code. If you don’t respond to this notice or make the required corrections by the deadline above, the Department may take additional enforcement which may include citations and administrative fines pursuant to Sections 18.103 and 18.104 of the County Code.

CE-164 July 09  Original: CE File Copy  Green: Person Warned
March 22, 2012

Hank Rupp
Rancho Guejito Corporation
17224 San Pasqual Valley Road
Escondido, CA 92027

Certified Mail:
7010 1060 0000 4952 7686

In reply refer to:
777579: dbradford

To Hank Rupp:

Subject: Notice of Violation No. R9-2012-0040; Rancho Guejito Corporation

Enclosed is Notice of Violation (NOV) No. R9-2012-0040 issued to Rancho Guejito Corporation (Discharger), as represented by Hank Rupp, for violations of California Water Code (CWC) Sections 13260 for failure to file a Report of Waste Discharge (ROWD). You are also in violation of CWC Section 13050 for failure to comply with San Diego Basin Plan, Waste Discharge Prohibitions Nos. 1 & 14, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response by April 30, 2012 that either confirms the violations have been corrected or identifies a date by which the violations will be corrected.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

For questions pertaining to the subject matter, please contact Darren Bradford at (858) 637-7137 or DBradford@waterboards.ca.gov.

PLEASE INCLUDE "777579: dbradford" IN THE SUBJECT LINE OF FUTURE CORRESPONDENCES.

California Environmental Protection Agency

Recycled Paper

61
Respectfully,

David Barker
Supervising WRCE

Enclosures: Notice of Violation No. R9-2012-0040

cc w/o enclosures: (next page)
cc (electronic copy):

Meris Bantilan-Smith
U.S. Army Corps of Engineers
Regulatory Division
Meris.Bantilan-Smith@usace.army.mil

Randy Rodriguez
California Department of Fish and Game
rfrodriguez@dfg.ca.gov

David Smith
U.S. Environmental Protection Agency
Wetlands Regulatory Office
R9-WTR8-Mailbox@epa.gov

Bill Orme
State Water Resources Control Board
Division of Water Quality
Stateboard401@waterboards.ca.gov

Keith Garner, AICP
Sheppard Mullin Richter & Hampton LLP
KGarner@sheppardmullin.com

Derek Gade
San Diego County Public Works
derek.gade@sdcounty.ca.gov

Michelle Moreno
U.S. Fish and Wildlife
Michelle_Moreno@fws.gov

CIWQS:

<table>
<thead>
<tr>
<th>Tech Staff Info &amp; Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
</tr>
<tr>
<td>WDIS</td>
</tr>
<tr>
<td>Reg. Measure ID</td>
</tr>
<tr>
<td>Place ID</td>
</tr>
<tr>
<td>Party ID</td>
</tr>
<tr>
<td>Inspection ID</td>
</tr>
</tbody>
</table>

California Environmental Protection Agency

Recycled Paper
IN THE MATTER OF:  
Hank Rupp  
Rancho Guejito Corporation  
17224 San Pasqual Valley Road  
Escondido, CA 92027  

NOTICE OF VIOLATION  
NO. R9-2012-0040  

In reply refer to:  
777579: dbradford

California Water Code Sections 13260 & 13050  
Water Quality Control Plan for the San Diego Basin  
Waste Discharge Prohibition Nos. 1 & 14

Subject Site(s): Rancho Guejito, 17224 San Pasqual Valley Road, Escondido, CA  
(APNs: 240-280-08-00, 242-030-02-00, 242-030-03-00, and 242-031-01-00)

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of California Water Code (CWC) Section 13260 for failure to file a Report of Waste Discharge (ROWD). You are also in violation of CWC Section 13050 for failure to comply with the Water Quality Control Plan for the San Diego Basin (Basin Plan), Waste Discharge Prohibitions Nos. 1 & 14. Such violations subject you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to $5,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

During an inspection on January 24, 2012, the San Diego Water Board, represented by Darren Bradford, Jody Ebsen, and Alan Monji, found that road grading had resulted in the direct fill of at least 5 unnamed tributaries to Guejito Creek (waters of United States and/or State), hereafter referred to as “Unnamed Drainages.” The natural flow of all five Unnamed Drainages has been obstructed by the placement of fill within the stream channels. In addition, along the 1.2 miles of newly graded road, side casting of road material was observed to enter the bed and banks of Guejilo Creek and associated unnamed drainages. The road construction occurred at 17224 San Pasqual Valley Road, Escondido, CA, 92027. A copy of the Facility Inspection Report is attached hereto as Exhibit A.
Summary of Violations:

I. FAILURE TO FILE A ROWD FOR WASTE DISCHARGE REQUIREMENTS
   ➢ Pursuant to CWC Section 13260:

   • Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state shall file with the appropriate regional board a report of the discharge, containing the information required by the regional board.

   Observation: The San Diego Water Board did not receive a ROWD for the discharge of waste to Guejito Creek and the five Unnamed Drainages associated with road grading activities. Dredging, filling, or excavation within waters constitutes a discharge of waste to waters of the State, and prospective dischargers are required to submit a report of waste discharge to the appropriate Regional Water Quality Control Board. The Discharger did not file a ROWD or pay the appropriate fee.

II. FAILURE TO COMPLY WITH SAN DIEGO BASIN PLAN, WASTE DISCHARGE PROHIBITION NO. 1
   ➢ Pursuant to Waste Discharge Prohibition No.1 of the Water Quality Control Plan for the San Diego Basin:

   • The discharge of waste into waters of the State in a manner causing, or threatening to cause, a condition of pollution, contamination or nuisance as defined in CWC Section 13050, is prohibited.

   Observation: The discharge of fill to streams has the potential to result in alteration or elimination of the Beneficial Uses associated with the water body. The Unnamed Drainages are tributaries to Guejito Creek. Beneficial Uses assigned to Guejito Creek and its tributaries include MUN, AGR, IND, PROC, REC2, WARM and WILD. Construction of the Project in and over the "Unnamed Drainages" has eliminated the Beneficial Uses of the "Unnamed Drainages" in that location. Alteration of hydrologic characteristics results in diminished quality of in-stream and riparian habitat for flora and fauna in the "Unnamed Drainages" and downstream. Furthermore, construction of the Project has the potential to result in the discharge of pollutants to the remaining portion of the "Unnamed Drainages" and Guejito Creek, resulting in the degradation of downstream Beneficial Uses.
III. FAILURE TO COMPLY WITH SAN DIEGO BASIN PLAN, WASTE DISCHARGE PROHIBITION NO. 14

- Pursuant to Waste Discharge Prohibition No. 14 of the Water Quality Control Plan for the San Diego Basin:

- The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom depositions, turbidity or discoloration in waters of the State or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

Observation: A discharge of waste including earthen materials has occurred within waters of the State. The discharged material remains in waters of the State. Additionally, the steep road cut and un-compacted side-cast material perched on the stream banks threaten further sediment and debris delivery to waters of the state through erosion or catastrophic slope failure.

Questions pertaining to the issuance of this Notice of Violation should be directed to Darren Bradford at (858) 637-7137 (DBradford@waterboards.ca.gov). Written correspondence pertaining to this Notice of Violation should be directed to the following address:

David Barker, Supervising Engineer
Attn: Darren Bradford
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340

[Signature]
David Barker
Supervising WRCE

DATE 3/22/12

Attachment:

California Environmental Protection Agency

Recycled Paper
February 8, 2012

Rancho Guejito Corporation
Attention: Hank Rupp
17224 San Pasqual Valley Road
Escondido, CA 92027

Subject: Notice of Violation of Fish and Game Code Section 1602

Dear Ranch Guejito Corporation:

On January 24, 2012, Department of Fish and Game (Department), represented by Randy F. Rodriguez (Staff Environmental Scientist), visited the Rancho Guejito property located at 17224 San Pasqual Valley Road, Escondido, CA, 92027 along with representatives of the County of San Diego, U.S. Fish and Wildlife Service, and others. During this visit, a recently graded road approximately 6,000 feet long was observed north of Rockwood Canyon adjacent to Guejito Creek. The road appeared to have several at-grade crossings that filled smaller tributaries that drain into Guejito Creek. In addition, there was substantial evidence that the graded road had caused construction debris/rocks to enter into the streamcourse and/or bank area of Guejito Creek. The graded road, crossing, and related debris/fill entering Guejito Creek is an activity subject to Fish and Game Code section 1602."

Fish and Game Code section 1602 requires a person to notify the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. A violation of Fish and Game Code section 1602 may result in civil or criminal prosecution.

In this case, the Department has determined that notification was required because the activities obstructed the flow of several smaller tributaries that drain into Guejito Creek and substantially altered the bank and/or flow of Guejito Creek. In order to address this violation, you will need to immediately stop all construction, grading, filling, or other activities associated with this road, except that which is necessary to control erosion, if you have not done so already.

In the meantime, the Department will be referring the matter to the District Attorney's Office for further action.

Conserving California's Wildlife Since 1870
Rancho Guejito Corporation
February 8, 2012
Page 2 of 3

If you have any questions regarding this letter, please contact Stephen Juarez at (858) 467-4212 or by email at SJuarez@dfg.ca.gov.

Sincerely,

[Signature]

Edmund Pert
Regional Manager
South Coast Region

Attachment: January 24, 2012 Site Visit Photos

cc: Steve Juarez, Environmental Program Manager, South Coast Region, CDFG
    Randy F. Rodriguez, Staff Environmental Scientist, South Coast Region, CDFG
    John Pritting, Warden, CDFG
    Kelly Fisher, Environmental Scientist, 1600 Program, South Coast Region, CDFG
    Tom Duffy, County of San Diego, Department of Public Works
    Doreen Stadlander, US Fish and Wildlife Service, Carlsbad