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

Welcome New Board Member Dave Grosch from the City of Poway

Approval of the Minutes of November 21, 2014

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. Amend FY 14/15 Budget to Appropriate Neighborhood Reinvestment Program Grant Funds for $25,000.00 to Santa Ysabel Farmhouse Project Account and $46,025.00 to the Sikes Adobe Historic Farmstead Project Account and to Transfer $32,729.00 from the Reserve Account to Coastal Ranger Station Project Account. (Page 4)

DISCUSSION/ACTION

2. Presentation of 2014 San Dieguito River Park Accomplishments (Page 8)

3. Approval of Revised Joint Exercise Powers of Authority Agreement (Page 11)

4. Election of JPA Board Officers and Committee Appointments (Page 45)
5. Discussion of Alternate JPA Meeting Day and Time (Page 50)

6. Appointment of Ad Hoc Board Subcommittee to Work with Interim Executive Director in Preparing Process and Initiating Search for Executive Director (Page 52)

7. Consideration of JPA Position Regarding South Overflow Lot Boardwalk (Page 54)

INFORMATION

8. Park Project Status (oral)
   a. Lagoon Ranger Station
   b. Pamo Valley Trail
   c. Santa Ysabel Interpretive Center
   d. Sikes Adobe

9. 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

10. Jurisdictional Status Reports (oral)
    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.

11. Communications

12. ADJOURN TO CLOSED SESSION
    a) Closed session pursuant to California Government Code Sec. 54956.8 to confer with Real Property Negotiators regarding potential terms for acquisition of property: Property Location - 14333 San Dieguito Road, San Diego, CA; Agency Negotiators – Mark Ochenduszko and D. Wayne Brechtel
    b) Closed session pursuant to Government Code Section 54957(b)(1) to evaluate the performance of Interim Executive Director
THE NEXT REGULARLY SCHEDULED JPA MEETING WILL BE February 20, 2015.

If you have any questions, please call Mark Ochenduszko 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](http://www.sdrp.org).
DATE: January 16, 2015

TO: JPA Board of Directors

FROM: Staff

SUBJECT: Amend FY 2014-15 Budget to Appropriate $46,025 from Neighborhood Reinvestment Program Funds to the Sikes Adobe Historic Farmstead Project Account, appropriate $25,000 from Neighborhood Reinvestment Program Funds to the Santa Ysabel Farmhouse Project Account, and $32,729 from the Reserve Fund to the Coastal Ranger Station Project Account

RECOMMENDATION:

Authorize the subject appropriations as noted.

BACKGROUND:

On September 16, 2014, the County of San Diego, at the initiation of Supervisor Roberts, granted SDRP $46,025 for the repair of the existing well, expanding the irrigation system, installing a signature entryway, constructing a wooden pedestrian footbridge, and installing directional signage at Sikes Adobe Historical Farmstead. On December 2, 2014, the County of San Diego, at the initiation of Supervisor Jacob, granted SDRP $25,000 for the installation of a new roof and sprinkler system, repair and replacement of damaged drywall, and construction of a retaining wall to prevent potential flood damage to the structure at the Santa Ysabel Farmhouse. The recommended Fund appropriations for the Coast Ranger Station are for expenses anticipated for the remainder of the fiscal year for the design, engineering, and permits needed to prepare for the construction of the planned permanent Ranger Station at San Dieguito Lagoon.

Respectfully submitted,

Mark J. Ochenduszko
Interim Executive Director

2.) FY 2014-15 Trail and Land Management Fund Budget
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ATTACHMENT 2
San Dieguito River Park Accomplishments in 2014

Awards/Grants

- $227,431 for the Santa Ysabel Gorge pond rehabilitation, Englemann oak restoration, Bernardo Mountain habitat restoration and Arundo removal funded by the Natural Resources Conservation Service (NRCS).
- $155,000 for the “Birdwing” shade structure on the Lagoon Open Air Classroom and interpretive panels at the Painted Rocks Trail funded by the San Diego County Neighborhood Reinvestment Act at the recommendation of Supervisor Dave Roberts.
- $45,000 awarded by the San Diego County Neighborhood Reinvestment Act at the recommendation of Supervisor Dave Roberts for improvements at Sikes Adobe including restoration of a well, construction of an entryway and footbridge.
- $25,000 awarded by the San Diego County Neighborhood Reinvestment Act at the recommendation of Supervisor Dianne Jacob for repairs and reroofing of a ranch house on River Park Property in the East County.
- $6,090 contributed by twelve individual private donors. (As of 9/10/14).
- $4,000 contributed by the Environmental Systems Research Institute (ESRI) for ArcGIS desktop software licenses.
- $2000 awarded by the Eco Ambassador for Connecting People with Nature Program.

Lagoon Wetland Restoration

- “Birdwing” Lagoon Outdoor Classroom construction completed and received San Diego American Institute of Architects (AIA) “Urban Solutions Award”.
- Received City of San Diego permit for Coastal Ranger Station and submitted permit application to the California Coastal Commission.
- Continued participation in W19 wetland restoration planning with SANDAG and initiated CEQA process.
- Coordinated with the 22nd Agricultural District project to complete the first restoration phase of the South Overflow Parking Lot.
Trails

- Operated a volunteer bicycle trail patrol organization which received recognition at the California Trails and Greenways Conference with a merit award.
- Completed a Del Dios Gorge project that included trail restoration, invasive plant removal, shade structure construction, and aquatic species management.
- Submitted permit application to City of San Diego for Pamo Trail link of the Coast to Crest Trail.
- Initiated trail bridge feasibility study for river crossing east of Polo Field with SDRVC.
- Completed and began implementation of a Piedras Pintadas and Bernardo Bay Trail Management Plan including directional signage, habitat management, trail maintenance and education.
- Opened the San Dieguito Lagoon Staging Area.
- Coordinated with the SDRVC and the City of Del Mar to establish a trail along the lagoon from Jimmy Durante Blvd. to the Grand Avenue Overlook.

Habitat Conservation and Restoration

- Completed 5-year monitoring requirement for Cloverdale Creek and Heritage Restoration projects.
- Planted over 3,400 native plants and 110 pounds of seed on eleven habitat management projects.
- Monitored over 120 acres of native habitat and treated 20 acres for invasive weeds on fourteen project sites.

Community Outreach and Education

- Initiated: Connecting People with Nature Program
  Citizen Science Program
  Watershed Explorer Program
- Hosted: 19 public educational programs at the Birdwing Open Air Classroom
  Lagoon Days for 700 3rd graders from local schools
  Apple Computers Event for 300 educators from 32 countries
  High Tech Elementary Family Days with over 100 attendees
  On-site and in-classroom education programs for several local schools
- Managed over 20 habitat restoration projects for Scout groups, Kids Korps, Teen Volunteers In Action, Muir Environment Corps, UC San Diego Alumni, and Teradata.
- Directed over 200 volunteers in the California Coastal Cleanup Day, removing over 2,500 pounds of trash.
- Presented at the California Trails & Greenways Conference and Watershed Summit.
- Developed web films and interpretive panels highlighting the River Park.
- Increased the River Park Volunteer Program by 35% and completed six internships.
- Continued the monthly bird count program, volunteer water quality testing program, monthly ranger-led hikes, and trail maintenance.

**Institutional**

- Celebrated the 25th year of the San Dieguito River Park Joint Powers Authority and renewed the Joint Powers Authority agreement for the next 50 years.

**Sikes Adobe**

- Hosted fifteen events and group/individual visits totaling over 2,000 visitors including the Halloween “Sikes Spooktacular” with participation of over 200 families.
- Celebrated completion of the replicated adobe creamery.
- Completed landscaping of first phase of the Sikes Adobe Farmstead Vision Plan.
- Continued participation with a weekly on-site Farmers’ Market.
DATE: January 16, 2015

TO: JPA Board

FROM: Staff

SUBJECT: Approval of Joint Exercise of Powers Agreement (JEPA)

RECOMMENDATION:

It is recommended that the Board of Directors review the proposed revised Joint Exercise of Powers Agreement, approve it, and ask that members place the item on their respective governing board agendas for consideration and approval by the end of February, 2015.

BACKGROUND:

The Joint Exercise of Powers Agreement (JEPA) between the six member agencies of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) became effective in 1989, had a 25 year term, and was scheduled to expire on June 14, 2014. In early 2014, an extension was executed with a 50 year term limit and other modifications to conditions of the agreement. Approval of five of the six member agencies was reached and the new JEPA became effective. The City of San Diego did not enter into the agreement as it had unresolved concerns regarding some of the conditions of the original and new agreement and certain JPA operations. San Diego requested renewal of its membership for a limited six month period pending resolution of the issues. The six month extension request was assented to by the other member agencies and was to expire on December 31, 2014.

In response to the City of San Diego’s concerns expressed in a letter of May 2, 2014 from Mayor Kevin Faulconer, the Board of Directors determined that an effort be undertaken to review and revise the JEPA. The Board empaneled an Ad Hoc Subcommittee to provide leadership to the process and appointed Chair Roberts, Vice Chair Mosier, and Directors Lightner and Kersey to serve. Subsequently, a Working Staff Group representing each of the member agencies was formed to perform the administrative work on the development of a revised JEPA.

The attached Working Group Recommendations Paper was drafted (Attachment 2), and the staff group reached consensus on its provisions in early October. The Recommendations Paper was reviewed by the Ad Hoc Subcommittee on October 22nd and the Subcommittee reached consensus on its terms. The Board of Directors reviewed the matter on November 21, 2014 (the staff report is included as Attachment 1) and directed that a revised Joint Exercise of Powers Agreement be prepared (consistent with the terms of the Recommendations Paper) and returned for approval.
Since the Board meeting, the entire working group has met on two occasions, and I have met with County and City of San Diego staff representatives several additional times to transfer the terms of the working group recommendations document into a draft revised agreement. A draft JEPA was developed and circulated, numerous revisions were made, and additional revisions were requested by individual JPA board members. In late December, the working group verbally reached consensus on the additional recommended changes and a draft revised JEPA (Attachment 3) has been prepared.

The significant changes that are being proposed since the November Board of Directors review are as follows:

1. **Weighted Vote:** A weighted vote may be called for by a Board member if an issue has a financial impact on the JPA. Financial impact is defined as affecting the costs, expenditures, revenues, staffing, facilities and spaces of the JPA. A board member interested in calling a weighted vote must notify all other Board members and JPA staff at least 24 hours in advance of the meeting (so that all Board members may be notified and make necessary plans to attend the meeting.) When a weighted vote is invoked, both a tally vote (including the CAC chair) and a weighted vote (excluding the CAC chair) will be conducted. The weighted vote will be based on each member agency's current year contribution, as determined by the contribution formula. A motion regarding the issue in question must be approved by a majority following both voting methodologies where a weighted vote is employed.

2. **Board Membership:** Board membership shall be made up of elected officials of the member agencies. The City and County of San Diego governmental bodies may appoint designees, rather than elected officials, to serve on the board.

3. **Review of Development Proposals:** The JPA may only take positions on development proposals that are within the Focused Planning Area.

4. **Member Agency Withdrawal:** Notification of intent to withdraw will not relieve a withdrawing member agency of its proportionate share of any debts, liabilities, or other financial obligations incurred prior to notice of withdrawal. Any amounts owing shall be due and payable within 30 days following the effective date of withdrawal. (This condition was added because the previous JEPA and draft revisions only contemplated the distribution of assets, not proportionate responsibility for financial obligations.)

The terms of the original working group paper, as modified by the above noted changes have been incorporated in the proposed JEPA (Attachment C).
SUBSEQUENT ACTIONS:

If the JPA Board approves the revised JEPA, it will be forwarded to the member agencies for governing board review and approval. Once the process is completed, a proposed set of by-laws and trail maintenance plan will soon be agendized for Board approval. Public Policy P-90, relating to taking positions on legislative and development proposals, will be agendized for review by the JPA Board within sixty days of the execution of the new JPA Agreement (execution is triggered on the day the last member agency approves the agreement.) In addition, the budget and financial accounting process will be modified to accommodate the new reporting requirements of the JEPA.

FISCAL IMPACT:

If one or more agencies choose not to participate in updating or extending the term of the JEPA and withdraws, a member assessment loss equal to the size of the discontinuing member agency(ies) proportionate contribution would result.

ALTERNATIVES:

1. Do not approve the revised JEPA and provide staff with further direction on modifications.

Respectfully submitted,

Mark J. Ochenduszko
Interim Executive Director

Attachments:

1. Staff Report to JPA Board of November 21, 2014 regarding proposed revisions to JEPA
2. Working Group Recommendations Paper
3. Proposed Revised Joint Exercise of Powers Agreement
TO: JPA Board  
FROM: Staff  
SUBJECT: Status of Revision of Joint Exercise of Powers Agreement (JEPA)

RECOMMENDATION:

It is recommended that the Board of Directors review the Working Group Recommendations Paper and Project Completion Schedule for the Joint Exercise of Powers Agreement, provide conceptual approval of the recommended revisions, and direct that a revised Joint Exercise of Powers Agreement consistent with the noted recommendations be placed on the December 2014 Board of Directors Meeting Agenda for consideration of approval.

BACKGROUND:

The Joint Exercise of Powers Agreement (JEPA) between the six member agencies of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) became effective in 1989, had a 25 year term, and was scheduled to expire on June 14, 2014. In early 2014, an extension was executed with a 50 year term limit and other modifications to conditions of the agreement. Approval of five of the six member agencies was reached and the new JEPA became effective. The City of San Diego did not enter into the agreement as it had unresolved concerns regarding some of the conditions of the original and new agreement, and certain JPA operations. San Diego requested renewal of its membership for a limited six month period pending resolution of the issues. The six month extension request was assented to by the other member agencies and expires on December 31, 2014.

In response to the City of San Diego’s concerns expressed in a letter of May 2, 2014 from Mayor Kevin Faulconer, the Board of Directors determined that an effort be undertaken to review and revise the JEPA. The Board empaneled an Ad Hoc Subcommittee to provide leadership to the process and appointed Chair Roberts, Vice Chair Mosier, and Directors Lightner and Kersey to serve. Subsequently, a Working Staff Group representing each of the member agencies was formed to perform the administrative work on the development of a revised JEPA.

The attached Working Group Recommendations Paper was drafted, and the staff group reached consensus on its provisions in early October. The Recommendations Paper was reviewed by the Ad Hoc Subcommittee on October 22nd. The Subcommittee reached consensus on the terms as provided in the attached document.

The major recommended changes to the JEPA and other operational matters (to be
addressed in forthcoming By-Laws and Operational Guidelines documents) are as follows:

Term of JEPA: 50 years from execution. The JEPA shall be reviewed every five years by the member agencies, and if changes are determined to be necessary, a process to revise or amend the JEPA will be implemented subject to the approval of the Board and legislative bodies of the respective member agencies.

Weighted Vote: The JPA will continue using the existing tally vote system, however, a member may request a weighted vote on any matter if it has a fiscal impact on the JPA (i.e. expenditures, revenues, staffing, and/or facilities/space implications.) A weighted vote would be based on each actual member agency’s percentage financial contribution for the immediate prior fiscal year. In instances where a weighted vote is employed, the Citizen’s Advisory Committee Chair (who serves as a voting member of the nine member Governing Board) would become an ex-officio member for the purposes of the vote, and therefore, abstain. (Note that a current Board member, an executive staff member from the 22nd Agricultural District, serves as an ex-officio member and does not vote on matters presented to the Board).

Land Use and Management Authority: The JEPA should include a section that acknowledges that each member agency retains land use and management authority over property it owns within the park boundary. Further, By-Laws and Operating Guidelines are to be developed and implemented within one year of execution of the new JEPA.

Member Agency Contribution Formula: Member agency contributions are based on a formula that considers each agency’s total population and acreage within the Focused Planning Area. The contribution formula shall be included in the JEPA and may be reviewed every five years along with the review of the entire agreement. In the meantime, the Working Group Recommendations Paper acknowledges that the City of Poway may request a review of current contribution levels based on variance between population used for the purposes of the formula and the most recent U.S. Census data.

Maintenance/Service Levels: The JPA shall adopt trail maintenance standards that would be memorialized in either the pending By-Laws or Operational Guidelines.

Public Policy Positions: Presently, Board Policy P90-1 provides direction for JPA response to development proposals, environmental documents, and other public policy matters potentially impacting the park. The Board shall review the policy and how it is implemented by the JPA staff and Project Review Committee (a subcommittee of the Citizen’s Advisory Committee.) Specific changes recommended are that the JPA comments be consistent with the member agency’s land use plans within which the proposed development is sited, any comment letters sent by JPA staff shall be reviewed by the Board, and future comment letters sent out by staff shall reference specific Board policies relied upon for each comment. Finally, the recommendations prescribe that a member agency shall receive a copy of any comment letter addressing a project within its jurisdiction.
Purpose and Powers of JPA: The purpose section of the JEPA shall have an additional sentence noting that the JPA is to “coordinate” efforts for the river park; “Public Agencies” shall be defined as two or more members; and the JPA may only dispose of property it owns. This section will also be revised to indicate that the JPA will exercise its powers consistent with the land use plans of the public agencies that have ownership of the land. It will also delete the section acknowledging that the JPA may sue or be sued by others in its own name (notwithstanding that this power is provided for in the California Government Code, and therefore the JPA will retain this power.)

Financial Reporting: The proposed By-Laws or Operational Guidelines shall specify that the JPA will report on how and where (within member agencies boundaries) member agency contributions and the operating budget are spent.

Annual Performance Review of Executive Director: The JEPA shall include a provision that the Executive Director will receive an annual performance evaluation by the Board.

Litigation: The JPA Board shall approve of, prior to the initiation of or participation in, any litigation. Additionally, the JPA shall provide defense and indemnification to member agencies as separate entities.

Voting Rights of Member Agencies Electing Not To Provide Its Contribution: The voting rights of a member agency that has determined not to provide its agency contribution shall be suspended and thereafter not reinstated until such agency pays its current fiscal year plus six months of its previous year unpaid contribution.

Member Agency Withdrawal and JPA Dissolution: If a member agency decides to withdraw, it shall be provided with an accounting of the JPA’s assets and liabilities as of the withdrawal date; however, all assets and liabilities shall remain with the JPA until its dissolution. An updated report of assets and liabilities shall be prepared annually. If the JPA is dissolved, real property shall be distributed to each agency based on the boundaries within which the property is located. Non-real property assets and liabilities shall be apportioned based on the total proportionate contributions made by each member agency dating back to the JPA’s inception.

Public Access Agreements: The JEPA shall be amended to state that a Public Access Agreement will be obtained from each member agency for each trail segment maintained or operated by the JPA that is on land owned by such member agency.

SUBSEQUENT ACTIONS:

If the JPA Board conceptually approves the recommended changes to the JEPA and the organization’s operations, the attached schedule will be followed to complete the process of revising and approving the JEPA document, By-Laws, and Operating Guidelines. The City of San Diego will be required to extend its limited term membership to March 1, 2014, and member agencies will need to consent to the extension.
**FISCAL IMPACT:**

If one or more agencies choose not to participate in updating or extending the term of the JEPA and withdraws, a member assessment loss equal to the size of the discontinuing member agency(ies) proportionate contribution would result.

**ALTERNATIVES:**

1. Do not provide conceptual approval to the recommended changes to the JEPA and associated documents. Provide staff with further direction on modifications.

Respectfully submitted,

Mark J. Ochenduszko  
Interim Executive Director

Attachments:

1. San Dieguito River Park Member Agency Working Group Recommendations Paper With Attachment A (October 22, 2014)  
2. May 2, 2014 Letter from San Diego Mayor Kevin Faulconer  
3. Fast Track Action Plan and Project Schedule to Approve San Dieguito River Park Revised JEPA
BACKGROUND:

The original 1989 Joint Exercise of Powers Agreement (JEPA) between the County of San Diego and Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach, created the San Dieguito River Park Joint Powers Authority (JPA). The JEPA had a term of 25 years and expired on June 12, 2014.

In 2013, in anticipation of the JEPA expiration date, the JPA Board of Directors approved an amended JEPA which extended the term indefinitely. The amended JEPA was distributed to member agencies for consideration. In order to fully execute the amended JEPA, all six member agencies had to approve it. The County and the cities of Del Mar, Escondido, Poway and Solana Beach approved the amended JEPA in fall 2013. The City of San Diego did not approve it, therefore it was not executed.

In early 2014, to avoid JPA dissolution, the JPA Board proposed a 50-year extension of the 1989 JEPA. Dissolution would have resulted in the distribution of JPA assets and open space management. The extension agreement was written so that only two member agency signatures were required to execute the extension. Five of the six member agencies approved the extension agreement in May 2014, therefore the extension is in effect. Member agencies that approved the extension included the County and the cities of Del Mar, Escondido, Poway and Solana Beach. The City of San Diego did not approve the extension as written, however, the extension agreement allowed member agencies to retain membership pursuant to an alternative agreement approved by all members.

The City of San Diego did not approve the 50-year extension due to unresolved concerns with the 1989 JEPA terms that need to be addressed before the City can agree to a long-term extension. Instead, the City of San Diego opted to renew its membership for six months only, during which time the member agencies will negotiate a new long-term JEPA. All member agencies have approved the City's six-month extension request. The City's extension will have taken effect on June 13, 2014 and will last through December 31, 2014, unless otherwise extended in writing by the City of San Diego.

The City of San Diego’s concerns regarding the JPA and JEPA were outlined in a letter from Mayor Kevin Faulconer addressed to JPA Board Chair Dave Roberts dated May 2, 2014. The County also identified concerns via Board of Supervisors letters brought forward through hearings related to the proposed 2013 amended JEPA (not executed) and the 2014 JEPA 50-year extension. To address these items, a JPA Board Subcommittee and a Working Group of member agency staff was created to assess the current JEPA and identify opportunities for improvements.
JPA BOARD SUBCOMMITTEE MEMBERS:

Dave Roberts, JPA Board Chair
Don Mosier, JPA Board Vice-chair
Sherry Lightner, Board member
Mark Kersey, Board member

WORKING GROUP REPRESENTATIVES:

County of San Diego
Brian Albright, Director of Parks and Recreation (DPR)
Cheryl Goddard, Land Use Environmental Planner, DPR

City of Del Mar
Jon Terwilliger, Assistant City Manager

City of Escondido
Loretta McKinney, Director of Library and Community Services

City of Poway
Robin Bettin, Director of Community Services
David Richards, Management Assistant, City Manager’s Office

City of San Diego
Halla Razak, Director of Public Utilities
Marie Wright-Travis, Assistant Director of Public Utilities
Jeff Pasek, Watershed Manager, Public Utilities

City of Solana Beach
Wende Protzman, Deputy City Manager

GOAL OF THE WORKING GROUP:

The goal of the Working Group is to discuss the concerns identified by member agencies and to reach consensus on recommendations that will provide guidance for a new long-term JEPA. The Working Group has reached consensus on the recommendations summarized below.
DISCUSSION ITEMS AND WORKING GROUP RECOMMENDATIONS:

I. Weighted/Non-Weighted Voting

The JPA Board consists of nine members. The two largest member agencies, the City of San Diego and the County, each have two representatives on the JPA Board while the remaining member agencies have one representative. The San Dieguito River Park Citizens Advisory Committee (CAC) chair is also a voting JPA Board member. Currently, the JPA Board has non-weighted voting.

The City and County collectively contribute 62% of member agency contribution (JPA funding) but only represent 44% or 4/9ths of the vote. The City of San Diego proposed weighted votes to reflect an agency’s percentage of financial contribution. This item must consider the vote of the CAC chair as the CAC does not contribute financially but in volunteer hours.

The Working Group discussed following the SANDAG Board voting method. All actions of the SANDAG Board must be approved by a majority of the tally and weighted votes. For SANDAG, the tally vote is compiled by counting the votes of each city and the county and the weighted vote reflects the population in each jurisdiction or the unincorporated area in the case of the County of San Diego. The County and City of San Diego each have two SANDAG Boardmembers. There is a Member A and a Member B for these two jurisdictions. For tally votes, Member A receives the tally vote. If Member A is absent, Member B receives the tally vote. For weighted votes, the County of San Diego receives 16 votes which are split evenly between Members A and B (8 votes each). The City of San Diego receives 40 votes which are also split evenly between Members A and B (20 votes each). If either Member A or B is absent, the other Member receives the full weighted vote.

Recommendation:

The Working Group recommends the JPA continue with non-weighted voting unless a JPA Board member calls for weighted voting. Weighted voting may only be called if there is a fiscal impact of the vote to the JPA: expenditure, revenue, staffing, and facilities/space consequences of implementing recommendations submitted for Board action. If weighted voting is called for, the CAC chair becomes an ex officio member who abstains from the vote.

While SANDAG’s weighted vote reflects the population in each jurisdiction, the Working Group recommends the JPA Board weighted vote reflect actual member agency contribution for the current fiscal year. Member agency contribution considers population and area in each jurisdiction.

The County and City of San Diego each have two JPA Board members. Like SANDAG, the County and City of San Diego’s weighted vote will be split evenly between their Board members. In the event that one of its Board members is absent, the full weighted vote will go to the Board member present.
II. Land Use and Management Authority and Obtainment of Necessary Permits

The JPA manages and maintains trails on some lands owned by member agencies. The land owner retains full land use and management authority over the land including trails.

There have been past trail events and construction projects held on City of San Diego owned lands where City of San Diego staff stated they were not notified of the event.

Recommendations:

The Working Group agrees each member agency retains land use and management authority on lands it owns within the park boundary and recommends the JEPA acknowledge this authority.

Additionally, the Working Group recommends the JEPA require the JPA to develop by-laws and operating guidelines by a certain date, e.g. within 1 year of executing a new long-term JEPA. Such document should direct JPA staff and/or trail event/project organizers to notify member agencies of events as early as possible. The trail event/project organizers would be required to obtain permits from the member agencies in advance of the event/ construction. Member agencies would provide a streamlined review process for trail events/projects within the park boundary.

III. JEPA Expiration Date

The proposed 2013 amended JEPA (not executed) did not include an expiration date. JPA staff and counsel recommended that the amended agreement have no specific expiration date because the JPA enters into conservation easements and agreements that do not have expiration dates and have ongoing obligations.

The executed 2014 JEPA extension has a term of 50 years. The City of San Diego believes the JEPA legally requires an expiration date due to the rule of perpetuities.

Recommendations:

The Working Group recommends keeping the 50 year term per the executed 2014 JEPA extension.

Additionally, the Working Group recommends the JEPA require member agencies to review the JEPA every 5 years. If no changes are proposed, no additional action is needed. If changes are proposed, the member agencies will coordinate with JPA staff on the proposed amendments. The amendments will need to be presented to the JPA Board for their consideration and ultimately to the member agencies’ respective boards and councils for their consideration and approval. At the end of 50 years, the JEPA will need to be extended or amended in order to prevent dissolution of the JPA.
IV. Review of Data Used for Member Agency Contribution Formula

Member agency contributions are based upon the total population of each member agency and the amount of acreage each has within the San Dieguito River Park Focused Planning Area.

At the time the current member agency contribution formula was approved by the JPA, January 2010 projected population numbers were used to determine member agency contributions as census data was not yet available. The projected 2010 population for the City of Poway was 52,000. The release of census data shows the City of Poway actually has a population of 48,000.

The population ranges and associated assigned percentages used in the member agency contribution formula are as follows:

- 0-10,000: 5%
- 10-50,000: 8%
- 50-250,000: 11%
- 250-500,000: 22%
- 500,000+: 32%

As is the case with the City of Poway, the projected and actual population data used for the formula may impact contribution amounts for a member agency.

This discussion item involves how the approved contribution formula is currently being implemented as well as how the formula will be reviewed and adjusted moving forward.

Recommendations:

The City of Poway may request the JPA Board to review current contribution amounts based on actual (vs. projected) census data. Changes to the contribution percentages will need to be approved by the JPA Board and ultimately the member agencies’ respective boards and councils.

The Working Group recommends the member agency contribution formula be included in the JEPA. The original JEPA is silent on the contribution formula.

The Working Group also recommends member agencies review the JEPA every 5 years (as discussed in Item III. above) including review of the data used to implement the contribution formula. Adjustments to member agency contribution amounts may be required based on this review. Changes to the contribution percentages will need to be approved by the JPA Board and ultimately the member agencies’ respective boards and councils.
V. Service Levels for Maintenance Functions

Per discussions with JPA staff, the JPA does not have formal trail maintenance standards or best management practices for the river park but operates using trail maintenance standards per State Park guidelines and a Ranger Trail Patrol Protocol.

Recommendation:

The Working Group recommends the JPA approve formal trail maintenance standards or best management practices specific to the river park and should incorporate existing practices. These standards/practices should be documented in by-laws or in an operating guidelines document (as discussed in the recommendations for Item II. above)

VI. JPA Board Approval of JPA Public Positions and Outreach

It has been the practice of JPA staff to send comment letters on environmental documents at the administrative level when necessary to meet public review deadlines. This includes sending comments on JPA letterhead even though the item may not have been presented to the JPA Board for consideration. JPA staff has followed this practice per their interpretation of JPA Board Policy No. P90-1 adopted on May 18, 1990. Policy No. P90-1 states a project need not be referred to the Board where staff or the Project Review Committee (PRC), a subcommittee of the Citizen’s Advisory Committee, determines the project does not impact the focused planning area, or where staff or the Project Review Committee determines the project clearly falls within the policies the Board has previously adopted or policy statements the Board has previously issued.

To address the concern that JPA staff was sending comments on official JPA Board letterhead when comments had not been presented to the Board, the JPA Board adopted a Communication Policy (Policy No. P14-01) on June 20, 2014. The purpose of this policy is to establish procedures for sending communications that may convey individual Board member actions or approvals. The policy requires all communications commenting on private or public projects that are sent out by JPA staff but have not been approved by the JPA Board will be sent on letterhead that does not include Board member names in the masthead. Communications commenting on private or public projects that are approved by the JPA Board will be sent on letterhead that includes Board member names in the masthead, and the communication will list specifically how each Board member voted. If an individual Board member was absent, or voted no, or abstained, that information will be included in the communication.

The Communication Policy does not address the City of San Diego’s concern regarding JPA public positions and outreach. The City’s position is that the JPA Board should not delegate to staff its authority to take a position on a development project that the JPA Board has not considered.
Recommendations:

The Working Group recommends the JPA Board revisit and review Board Policy P90-1 and how it is being implemented.

The Working Group recommends the JPA Board review the policies and policy statements that JPA staff and the PRC are using to base their comments. These documents must be consistent with member agencies’ land use plans including but not limited to master plans, specific plans, and habitat conservation plans.

The Working Group also recommends the JPA Board review sample comment letters prepared by JPA staff. The samples should be representative of comment letters presented to the JPA Board and those sent by JPA staff without JPA Board input. The letters must be evaluated to ensure comments are consistent with the intent of Board Policy P90-1.

Additionally, the Working Group recommends future comment letters sent by JPA staff without JPA Board input reference specific Board Policies as they relate to each comment and that the member agency whose jurisdiction a project is located be copied on the comment letter.

VII. Purpose and Powers of the JPA

The City proposes amendments to Sections 1 (Purpose), 3 (Creation of Independent Agency) and 10 (Powers of Authority) of the JEPA which address the purpose and powers of the JPA.

Recommendation:

The Working Group reviewed language proposed by the City of San Diego relating to purpose and powers of the JPA and has reached consensus on proposed language which is shown in Attachment A.

The proposed changes clarify 1) that the JPA is to coordinate efforts for the river park; 2) JPA actions related to the river park should be consistent with member agency land use plans; 3) “Public Agencies” means two or more member agencies; and 4) the JPA can only dispose of property it owns. The proposed language also deletes reference to the JPA’s ability to sue and be sued in its own name as this power is stated in Government Code Section 6508 and Government State Code commencing at Section 6500 is referenced in Section 1 - Purpose of the Agreement.

The Working Group recommends the language shown in Attachment A be incorporated in the new JEPA.
VIII. **Requested Financial Documents**

JPA staff prepares annual line item budgets for JPA Board consideration. The current budget format does not identify how member agency contributions are distributed/represented geographically throughout the park boundary.

Per discussions with JPA staff, an estimated 85% of member agency contribution is spent on lands owned by the City of San Diego while the remaining 15% is spent on lands owned by the County of San Diego.

**Recommendation:**

The Working Group recommends the JEPA include language regarding financial reporting requirements. The specific requirement to report on how and where member agency contributions and the operating budget are spent should be documented in by-laws or an operating guidelines document (as discussed in the recommendations for Item II. above).

IX. **JPA Staff Management Structure**

Per discussion with JPA staff, the JPA Executive Director has not been receiving performance reviews for many years.

**Recommendation:**

The Working Group recommends the JEPA include language requiring the Executive Director receive annual performance review from the JPA Board.

X. **Litigation by the JPA**

The City of San Diego is concerned that JPA staff may have initiated and/or commented on potential litigation without direction from the JPA Board.

**Recommendations:**

The Working Group recommends the JEPA include language requiring JPA staff to present items to the JPA Board regarding the intention to bring suit, be involved in a suit, or weigh in on something related to a lawsuit prior to taking any actions or providing comments on the lawsuit.

Additionally, the Working Group recommends the JEPA include language providing defense and indemnification to member agencies as separate entities from the JPA.
XI. Voting Rights if a Member Agency Elects Not to Pay its Member Agency Contribution

The 2013 amended JEPA (not executed) included a new provision that suspends the voting rights of any non-paying member agency until the outstanding annual contributions are paid. The City of San Diego proposed that voting rights be reinstated if a member agency contributes to the current fiscal year.

Multiple member agencies are concerned that in some circumstances, suspension of voting rights may not provide sufficient incentive for a non-paying agency to meet its membership dues obligations.

The Working Group acknowledged that requiring a non-paying member agency to repay all outstanding annual contributions may be financially infeasible and may prevent agencies from re-establishing their membership into the JEPA.

Recommendation:

The Working Group recommends the JEPA include a provision that member agencies that elect not to pay its member agency contribution must pay current year plus six months of past unpaid contributions in order to be in good standing and to reinstate its JPA Board member’s voting rights.

XII. Member Agency Withdrawal and JPA Dissolution Process

The original JEPA is silent and does not include a process if a member agency decides to withdraw from the JPA. Section 18 (Disposition of Assets) of the JEPA includes general language regarding the distribution of assets should the JPA no longer exist. The language states at the termination of the JEPA, all property of the JPA, after all liabilities validly incurred under the JEPA are paid, will be returned to the member agencies as nearly as possible in proportion to the contributions.

It should be noted that all land acquisitions and capital projects were implemented using grants or donations. Annual member agency contributions are used for operations (staff, administration, etc.).

Recommendations:

The Working Group recommends the JEPA include specific language clarifying the distribution of assets and liabilities if a member agency elects to withdraw from the JPA or if the JPA ceases to exist.

The Working Group recommends assets should stay with the JPA as long as it is in existence and an inventory of assets and liabilities should be kept and updated annually.
In the event a Public Agency withdraws from the JPA, the Working Group recommends the JPA provide the withdrawing member agency with an accounting of the JPA’s assets and liabilities as of the withdrawal date.

In the event the JPA is later dissolved, the Working Group recommends real property be distributed to the jurisdiction on which the land, including any structures or other improvements, is located. The Working Group recommends other properties and assets (non-real property) as well as liabilities be divided among the member agencies as nearly as possible in proportion to the contributions made since the execution of the original 1989 JEPA. The baseline for a withdrawn member agency’s proportionate share of any assets and liabilities should be based on the accounting as of the date of withdrawal.

XIII. Coast to Crest Trail Public Access Agreements

One of the San Dieguito River Park’s goals is to create a multi-use trail system for hikers, bicyclists and horseback riders that will extend from the ocean at Del Mar to the San Dieguito River's source on Volcan Mountain, just north of Julian. This is a distance of approximately 55 miles. This linear trail system has been named the Coast to Crest Trail.

Member agencies own lands and continue to acquire lands within the park boundary that include Coast to Crest Trail segments. While the member agencies manage these lands, the JPA manages and maintains the majority of the trails located on member agency lands. Additionally, the JPA has pursued grant funding to improve these trails including construction of bridges and other amenities. Public access agreements have not been secured by the JPA for the Coast to Crest Trail and connector trails. To ensure the Coast to Crest Trail is open for public recreational use in the future, the JPA should pursue public access agreements, e.g. trail easements, right of access permits, leases, license agreements.

Recommendations:

The Working Group recommends the JEPA include language requiring the JPA to pursue public access agreements for the Coast to Crest Trail and connector trails within the park boundary. This includes agreements on lands currently owned by member agencies as well as lands that are acquired by member agencies in the future.

Member agencies will work cooperatively and in good faith with JPA staff to draft public access agreements acceptable to their agency as it applies to their property.
NEXT STEPS:

The recommendations above were presented to the JPA Board Subcommittee on October 22, 2014 and were received favorably. The Subcommittee reported on these recommendations to the full JPA Board of Directors at the November 21, 2014 JPA Board meeting. While the JPA Board agreed with the majority of the recommendations, there was discussion regarding the Working Group’s recommendation of how assets and liabilities should be distributed in the event that the JPA dissolves. The Working Group anticipates that the JPA Board will continue discussion regarding this item at its December meeting.

In preparation of the December JPA Board meeting, the Working Group will draft a new long-term JEPA based on this Recommendations Paper. Upon reaching consensus on the proposed long-term agreement, the agreement will be presented to the JPA Board for their consideration. If a new long-term agreement is approved by the JPA Board it will be brought before member agencies’ governing boards for their consideration. If approved, the new long-term agreement will replace the 2014 JEPA extension currently in place.
AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT
BETWEEN THE COUNTY OF SAN DIEGO AND THE CITIES OF
DEL MAR, ESCONDIDO, POWAY, SAN DIEGO AND SOLANA BEACH
CREATING THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY

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

RECITALS

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

B. Public Agencies agree that it is their goal to continue to create, preserve, and enhance
the San Dieguito River Valley Regional Open Space Park (“Park”) for the benefit of the public.
The Focused Planning Area (“FPA”), the regional park planning area for the Park, is the area
where planning and acquisition efforts for the Park are to be directed. A map of the FPA is
attached as Exhibit A, and incorporated herein by this reference.

C. A 1989 Joint Exercise of Powers Agreement (“1989 JEPA”) between the County of
San Diego and Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach, created the
San Dieguito River Valley Regional Open Space Park Joint Powers Authority (“JPA” or
“Authority”), which has as its governing body, representatives of each of the Public Agencies.
The 1989 JEPA had a term of 25 years and was set to expire on June 12, 2014.

D. Public Agencies agree that a local agency shall continue to exist to provide a
coordinated program for the acquisition, planning, design, plan implementation, operation and
maintenance of the Park and such other activities related thereto as determined by this JPA (as
hereinafter defined) to be appropriate.

E. Effective May 14, 2014, five Public Agencies executed an extension of the 1989
JEPA for 50 years (Exhibit B); effective on June 13, 2014 all Public Agencies executed an
extension of the City of San Diego’s membership to the 1989 JEPA through December 31, 2014
(Exhibit C). The purpose of this Agreement is to amend and restate the 1989 JEPA and the
extension agreements attached as Exhibits B through C as of its Effective Date (as hereinafter defined).

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the Public Agencies as herein expressed, the Public Agencies agree that the recitals are incorporated herein by this reference and further agree as follows:

1. PURPOSE. This Agreement is made pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 of the Government Code of the State of California (commencing with Section 6500), relating to the joint exercise of powers common to public agencies. Public Agencies each possess the powers referred to in the recitals hereof. The purpose of this Agreement is to exercise those powers jointly to coordinate, to acquire, plan, design, improve, manage, operate and maintain the Park as shown in Exhibit A, and as may be increased or decreased in area from time to time, in a manner consistent with the land use plans of those Public Agencies who own the land, or if the land is not owned by any of the Public Agencies, then in a manner consistent with the land use plans of those Public Agencies that have jurisdiction over the land. Such purposes are to be accomplished and said common power exercised in the manner hereinafter set forth. The goals of the Public Agencies are to exercise such powers in order to:

   a) Preserve land within the FPA as a regional open space greenbelt and park system that protects the natural waterways and the natural and cultural resources and sensitive lands, and provides compatible recreational opportunities that do not damage sensitive lands.

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

2. CREATION OF INDEPENDENT AGENCY. Pursuant to Section 6507 of the California Government Code, there is hereby a public entity known as the “San Dieguito River Valley Regional Open Space Park Joint Powers Authority” (“JPA”) and said JPA shall be an entity separate and apart from the Public Agencies, but shall be comprised of two or more member Public Agencies.

3. TERM.

   a) This Agreement shall become effective immediately upon approval by the last of the Public Agencies (“Effective Date”), and shall continue in full force and effect so long as any two (2) Public Agencies agree to continue as members or for 50 years, whichever occurs first.

   b) Every five (5) years from the Effective Date of this Agreement, Public Agencies shall meet and confer in good faith to review the terms of this Agreement. If no changes are proposed,
no additional action is needed. If changes are proposed, the Public Agencies shall coordinate with JPA staff on the proposed amendments. The proposed amendments shall be presented to the Board, as defined in Section 6 of this Agreement, for the Board’s consideration and ultimately to the Public Agencies’ respective legislative bodies for their consideration and approval. At the end of the 50-year term, Public Agencies may act to continue this Agreement in full force and effect for an additional 50 years.

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

5. **PUBLIC AGENCY CONTRIBUTION FORMULA.** The Public Agency Contribution Formula shall be based upon each Public Agency’s total population as determined by the most recent U.S. Census and the Public Agency jurisdictional acreage within the FPA, according to the weighted percentage ranges as follows:

<table>
<thead>
<tr>
<th>Population Weighted Percentages</th>
<th>Jurisdictional Acreage Weighted Percentages</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10,000 = 5%</td>
<td>0 = 0%</td>
</tr>
<tr>
<td>10,001-50,000 = 8%</td>
<td>1-500 = 2%</td>
</tr>
<tr>
<td>50,001-250,000 = 11%</td>
<td>above 500 = 4%</td>
</tr>
<tr>
<td>250,001-500,000 = 22%</td>
<td></td>
</tr>
<tr>
<td>500,001 and above = 32%</td>
<td></td>
</tr>
</tbody>
</table>

To calculate the Public Agency contribution percentage, each Public Agency’s population weighted percentage is added to the jurisdictional acreage weighted percentage, as follows:

Population Weighted % + Jurisdictional Acreage Weighted % = Public Agency Contribution % (raw)

Thereafter, each Public Agency Contribution percentage (raw) shall be rounded to the nearest whole percentage and then divided by the total of all Public Agency Contribution percentages (raw), to calculate each normalized Public Agency Contribution percentage as follows:

Each Public Agency Contribution % (raw) ÷ Total of all Public Agency Contribution percentages (raw) = Public Agency Contribution % (normalized)
Lastly, each Public Agency Contribution percentage (normalized) shall be rounded to the nearest whole percentage such that the sum of all Public Agency Contribution percentages (normalized) shall total 100%. The FY2014-15 Public Agency Contributions are provided in Exhibit D as an example of the application of the formula.

6. BOARD. The JPA shall be governed by a board to be known as the “San Dieguito River Valley Regional Open Space Park Board” ("Board") consisting of nine voting Board Members, unless a weighted vote is invoked. Each Board Member shall serve in his or her individual capacity as a member of the Board. The selection of the members of the Board shall be as follows:

   a) Two (2) Board Members each from among the elected officials of the governing bodies of the County of San Diego and the City of San Diego or two (2) designees appointed by their respective governmental bodies.

   b) One (1) Board Member each from among the elected officials of the City Councils of the cities of Del Mar, Escondido, Poway, and Solana Beach or one (1) designee appointed by their respective governmental bodies.

   c) One (1) Board Member holding the position of Chairperson of the San Dieguito Citizens Advisory Committee ("CAC"). The CAC is described in Section 9.

   d) In addition, one (1) non-voting ex officio advisory representative shall be appointed by the Board.

   e) The Board Members serve at the pleasure of their appointing authority. Each Board Member shall have an alternate which may act in his or her absence. Alternates shall be chosen in the same manner as Board Members except that the alternate to the Chairperson of the CAC shall be the Vice Chairperson of the CAC. Any vacancy shall be filled in the same manner as described herein for appointment.

   f) The Board shall select its own Chairperson and Vice Chairperson from among the Board Members.

7. MEETINGS OF THE BOARD.

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

   b) Ralph M. Brown Act. All meetings of the Board, including, without limitation, regular, adjourned regular, and special meetings shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).
c) **Quorum.** A majority of Board Members shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time. In order to take final action on any item, there must be a majority vote of the Board Members present on the basis of one vote per Board Member. The CAC Chairperson is also a voting Board Member unless weighted voting is called for in which case both a tally vote and weighted vote is required to pass an act and the CAC Chairperson may vote during the tally vote but not the weighted vote. The Board shall continue with non-weighted voting unless a Board Member calls for weighted voting.

d) **Weighted Voting.** A Board Member may call for a weighted vote if there is a fiscal impact to the JPA. For the purposes of this agreement, fiscal impact includes costs, expenditures, revenues, staffing, facilities, and spaces.

If a Board Member intends to call for a weighted vote, the Board Member shall notify the other Board Members and JPA staff of their intention at least 24 hours prior to the meeting. If weighted voting is called for, both a tally and weighted vote shall be required. In order to take final action on any item, the following voting formula shall apply: 1) A majority vote of the Board Members present on the basis of one vote per Board Member; and 2) A majority of the weighted vote of the Public Agencies present.

The CAC Chairperson becomes an ex-officio Board Member for the weighted vote and shall abstain during the weighted vote. Board Members’ weighted votes shall reflect the Public Agency contribution for the current fiscal year as calculated by the Public Agency Contribution Formula. As the County of San Diego and the City of San Diego each have two (2) Board Members, their assigned weighted votes shall be evenly split between their Board Members. In the case that one (1) of the County of San Diego or the City of San Diego’s Board Members is absent their assigned weighted vote shall be assigned to the Board Member present. The FY2014-15 Weighted Vote Percentages are provided in Exhibit E as an example of weighted vote distribution.

e) **Voting Rights in the event of Non-Payment of Full Contribution Amount.** The voting rights (both non-weighted and weighted) of a Public Agency that elects not to pay its full contribution amount shall be suspended. In this case, the percentage of weighted votes for the remaining Board Members in good standing shall be rounded and normalized such that the sum of the weighted votes total 100%. In order to reinstate its Board Members’ voting rights, Public Agencies must pay the full current year contribution amount and six (6) months of past unpaid contributions for the immediate preceding year the Public Agency took a leave of absence.

8. **RULES OF THE BOARD.** The Board shall adopt written by laws, rules, and regulations as may be required for the conduct of its meetings and the orderly operation of JPA within one (1) year of the execution of this Agreement. The written by laws, rules, and regulations shall be subject to periodic revision and amendment by the Board.
regulations may be amended from time to time. Copies and amendments thereto shall be filed with the Public Agencies. If there is a conflict between the bylaws, rules, or regulations established by the Board and this Agreement, the Agreement shall prevail.

9. **STANDING COMMITTEE.** The Board shall appoint a standing committee to be known as the Citizen’s Advisory Committee (“CAC”) which shall only be advisory to the Board. The CAC shall have a Chairperson selected by the Board and a Vice Chairperson selected by the Committee subject to the concurrence of the Board.

10. **OFFICERS AND EMPLOYEES OF THE JPA.**

   a) **Executive Director.** The Board may appoint an Executive Director who shall have such duties as prescribed by the Board. The Executive Director shall receive an annual performance review from the Board.

   b) **Treasurer.** The Treasurer of the JPA shall be the duly appointed and active Treasurer of the County of San Diego serving ex-officio as Treasurer of the JPA. The Treasurer shall receive, have the custody of and disburse funds upon the warrant or check-warrant of Auditor pursuant to the accounting procedures set forth in Section 18 hereof, and shall make the disbursements required by this Agreement or to carry out any of the provisions or purposes of this Agreement. The Treasurer may invest the JPA funds in accordance with general law. All interest collected on the JPA funds shall be accounted for and posted to the account of such funds.

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

   d) **Experts and Other Employees.** The JPA may employ such other officers, employees, consultants, advisors, and independent contractors as it may determine necessary.

   e) **Bonds.** The JPA shall cause such of its officers and employees to be bonded as required by Auditor.
11. **PUBLIC POSITIONS.**

   a) Neither the CAC nor the officers or employees of the JPA shall take a public position on items related to the Park without a prior documented action or the written consent of the Board.

   b) The Board shall review and revisit the Board Policy No. P90-1 adopted on May 18, 1990 and Communication Policy No. P14-01, adopted June 20, 2014 within 60 days of the Effective Date of this Agreement.

12. **POWERS OF THE JPA.** The JPA shall have the powers:

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

   b) To review and comment on development proposals submitted to Public Agencies which are within the FPA.

   c) To coordinate, improve, manage, operate and maintain the Park.

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

   e) To employ agents and employees.

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

13. **OPERATION AND MAINTENANCE.**

   a) The JPA shall provide for operation and maintenance of the Park. The JPA may contract with the County of San Diego through its Department of Parks and Recreation to operate and maintain the Park, in which event the JPA shall audit and evaluate County’s performance as necessary to determine whether the County should continue to perform this function. The JPA may maintain trails on some lands owned by Public Agencies. The land
owner retains full land use and management authority over the land including trails subject to the jurisdictional land use authority of the Public Agency in which the land is located.

b) The Board shall adopt trails maintenance and management standards specific to the Park within 60 days from the Effective Date of this Agreement. The JPA shall maintain trails in accordance with these standards.

c) Coast to Crest Trail Public Access Permits. One of the JPA’s goals is to create a multi-use trail system for hikers, bicyclists and horseback riders that will extend a distance of approximately 55 miles from the ocean at Del Mar to the San Dieguito River's source on Volcan Mountain, just north of Julian (Coast to Crest Trail). Public Agencies own lands and continue to acquire lands within the park boundary that include Coast to Crest Trail segments. While the Public Agencies manage these lands, the JPA may pursue grant funding to procure access permits, manage and maintain the trails located on Public Agencies’ lands. Public access permits (trail permits, right of access permits, leases, and license agreements) shall be secured by the JPA for the Coast to Crest Trail and connector trails to ensure the Coast to Crest Trail is open for public recreational use in the future. Public Agencies shall work cooperatively and in good faith with the JPA staff to issue public access permits acceptable to the Public Agencies as it applies to their property.

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

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

16. FUNDING.

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

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

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

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

e) The JPA may collect and expend revenues generated from Park operations and
activities.

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

18. RECORDS AND ACCOUNTS – CHARGE FOR SERVICE.

a) The JPA shall be strictly accountable for all funds.

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

c) The JPA shall cause a single annual audit of the accounts and records of the JPA to be
performed as provided in Sections 6505, 6505.1 and 6505.5 of the California Government code.
Within eight (8) months after close of each fiscal year, a financial statement for such fiscal year
shall be provided to the Public Agencies. The financial statement shall include how and where
Public Agency contributions and the operating budget are spent. A Public Agency may request
an accounting and/or a “for cause” audit. A “for cause” audit is a non-routine non-scheduled
audit which allows Public Agencies the opportunity to review the financial documentation of the
JPA. The JPA shall respond promptly to the request for an accounting or “for cause” audit.

d) The County of San Diego shall determine the charges, if any, to be made against the
JPA for the services of the Treasurer, Auditor and other County officers and employees.
19. LIABILITY OF PARTIES. Pursuant to the authority of Section 6508.1 of the California Government Code, the debts, liabilities, or obligations, of the JPA shall be solely the debts, liabilities and obligations of the JPA and not the Public Agencies, except upon termination or withdrawal of any Public Agency as provided in Sections 20 and 21 of this Agreement. As more particularly set forth below, the JPA shall provide a defense and indemnification to Public Agencies as separate entities from the JPA.

   a) Indemnification. The JPA shall defend, indemnify, and hold harmless Public Agencies, their elected officials or designees, appointed officials, officers, representatives, agents, and employees, except in the case of a Public Agency’s non-payment of the full contribution amount, from and against any and all claims asserted or liability established for damages or injuries to any person or property, including injury to the JPA’s officers, employees, agents, contractors, invitees and guests, which arise out of or are in any manner directly or indirectly connected with this Agreement or the operation of the Authority, and all expenses of investigating and defending against same, including without limitation reasonable attorney fees and costs; provided, however, that the JPA’s duty to defend, indemnify and hold harmless shall not include any established liability arising from the established gross negligence or intentional misconduct of Public Agencies, their elected officials, officers, representatives, agents and employees. A Public Agency may, at its election, conduct its own defense or participate in its own defense of any claim related in any way to this indemnification. If a Public Agency chooses at its own election to conduct its own defense or participate in its own defense in defense of any claim related to this indemnification, the JPA shall pay all reasonable costs related thereto, including without limitation reasonable attorney fees and costs. The JPA’s duty to defend, indemnify, and hold harmless shall not include any claims asserted or liability established by the JPA against a Public Agency, or by a Public Agency against the JPA.

20. WITHDRAWAL AND DISPOSITION OF ASSETS. At the termination of this Agreement or if the JPA ceases to exist, all real property owned by the JPA shall be distributed to the jurisdiction on which the land, including any structures or other improvements, is located, together with the endowment funds, if any, specific to operating and maintaining such land, structures, or improvements. All other properties and assets (non-real property) as well as liabilities shall be divided among the Public Agencies proportionately based on the formula for calculating the Public Agency’s contribution as set forth in Section 5.

Any Public Agency may withdraw from this Agreement upon 90 days’ written notice of such action of withdrawal being filed with the Board. The written notice to withdraw shall be filed with each party to this Agreement. A Public Agency’s withdrawal from this Agreement shall not relieve the withdrawing Public Agency of its proportionate share of any debts, liabilities, or other financial obligations that are in existence or incurred by the JPA prior to the effective date of the withdrawal. If a Public Agency withdraws from the JPA, all real property and assets owned by the JPA will stay with the JPA as long as it is in existence and an inventory of assets and

ATTACHMENT 3
liabilities shall be kept and updated annually. The JPA shall provide the withdrawing Public Agency with an accounting of the JPA’s assets and liabilities as of the withdrawal date. The baseline for a withdrawn Public Agency’s proportionate share of any assets and liabilities shall be based on the accounting as of the date of withdrawal. The proportionate share of the Public Agency’s assets and liabilities shall be determined based on the formula for calculating the Public Agency’s contribution pursuant to Section 5. A withdrawing agency shall provide any and all payments owing within 90 days of receiving an accounting from the JPA.

21. **NOTICES.** Any notices referenced or required hereunder shall be sufficient if delivered by certified mail to:

COUNTY OF SAN DIEGO
Director of the Department of Parks and Recreation
5500 Overland Avenue, Suite 410
San Diego, CA 92123

CITY OF DEL MAR
Office of the City Manager
1050 Camino Del Mar
Del Mar, CA 92014

CITY OF ESCONDIDO
Office of the City Manager
201 North Broadway
Escondido, CA 92025

CITY OF POWAY
City Manager’s Office
13325 Civic Center Drive
Poway, CA 92064

CITY OF SAN DIEGO
Director of Public Utilities
Department of Public Utilities
202 C. Street, Suite
San Diego, CA 92101

CITY OF SOLANA BEACH
Office of the City Manager
635 South Highway 101
Solana Beach, CA 92075

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

23. **AMENDMENT.** This Agreement can only be modified or amended in writing upon agreement by all participating Public Agencies who have not withdrawn from the JPA under Section 20.

24. **SUCCESSORS.** This Agreement shall be binding upon and shall inure to the benefit of the successors to the Public Agencies.

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

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

IN WITNESS WHEREOF, this Agreement is executed by the City of Escondido, the City of Poway, the City of San Diego, the City of Del Mar, the City of Solana Beach, and by the County of San Diego.

Dated this ____ day of __________, 2015

CITY OF SAN DIEGO

By: _________________________
   (Title)

CITY OF SOLANA BEACH

By: _________________________
   (Title)
CITY OF DEL MAR

By: ______________________
    (Title)

CITY OF POWAY

By: ______________________
    (Title)

CITY OF ESCONDIDO

By: ______________________
    (Title)

COUNTY OF SAN DIEGO

By: ______________________
    (Title)
EXHIBIT D

Public Agency Contribution Formula for Fiscal Year 2014-15

The FY2014-15 Public Agency Contribution Formula is based upon the following calculations, using the most recent U.S. Census data as of 2010, and current jurisdictional acreage within the JPA jurisdiction:

<table>
<thead>
<tr>
<th>Public Agency</th>
<th>Population</th>
<th>Population Weighted Percentage(^1)</th>
<th>Jurisdictional Acreage</th>
<th>Jurisdictional Acreage Weighted Percentage(^2)</th>
<th>Total (Population% + Acreage%)</th>
<th>Public Agency Contribution (^3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Del Mar</td>
<td>4,660</td>
<td>5%</td>
<td>459.77</td>
<td>2%</td>
<td>7%</td>
<td>6%</td>
</tr>
<tr>
<td>Solana Beach</td>
<td>12,867</td>
<td>8%</td>
<td>0</td>
<td>0%</td>
<td>8%</td>
<td>7%</td>
</tr>
<tr>
<td>Poway</td>
<td>47,811</td>
<td>8%</td>
<td>666.33</td>
<td>4%</td>
<td>12%</td>
<td>10%</td>
</tr>
<tr>
<td>Escondido</td>
<td>147,514</td>
<td>11%</td>
<td>850.35</td>
<td>4%</td>
<td>15%</td>
<td>13%</td>
</tr>
<tr>
<td>Unincorporated County</td>
<td>503,320</td>
<td>32%</td>
<td>55,885.91</td>
<td>4%</td>
<td>36%</td>
<td>32%</td>
</tr>
<tr>
<td>San Diego</td>
<td>1,376,173</td>
<td>32%</td>
<td>16,325.93</td>
<td>4%</td>
<td>36%</td>
<td>32%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>114%</td>
<td>100%</td>
</tr>
</tbody>
</table>

\(^1\)Population Weighted Percentage

0-10,000 = 5%
10,001-50,000 = 8%
50,001-250,000 = 11%
250,001-500,000 = 22%
500,001 and above = 32%

\(^2\)Jurisdictional Acreage Weighted Percentage

0 = 0%
1-500 = 2%
above 500 = 4%

\(^3\)Rounded and Normalized
EXHIBIT E

Board Member Weighted Vote Percentages for Fiscal Year 2014-15

Board member weighted vote percentages reflect the Public Agency contribution for the current fiscal year as calculated by the Public Agency Contribution Formula.

<table>
<thead>
<tr>
<th>Public Agency</th>
<th>FY 2014-15 Public Agency Contribution</th>
<th>Board Member Weighted Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Del Mar</td>
<td>6%</td>
<td>6%</td>
</tr>
<tr>
<td>Solana Beach</td>
<td>7%</td>
<td>7%</td>
</tr>
<tr>
<td>Poway</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Escondido</td>
<td>13%</td>
<td>13%</td>
</tr>
<tr>
<td>Unincorporated County</td>
<td>32%</td>
<td>Board member 1: 16%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Board member 2: 16%</td>
</tr>
<tr>
<td>San Diego</td>
<td>32%</td>
<td>Board member 1: 16%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Board member 2: 16%</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>
DATE: January 16, 2015

TO: JPA Board

FROM: Staff

SUBJECT: Election of JPA Chair, Vice-Chair and Board of Directors Subcommittees for 2015

RECOMMENDATION:

Approve Nominating Committee’s Recommendations for JPA Chair, Vice-Chair, and Committee Assignments for 2015.

BACKGROUND:

In accordance with JPA Board Rule #1, Election of JPA Board Officers, a nominating committee comprised of Board members Tom Golich, Olga Diaz and Jim Cunningham was appointed by Chair Roberts with Board member Golich named as Chair of the committee. The nominating committee charge was to present a proposed slate to the Board of Directors which includes nominations for the two officers (Chair and Vice-Chair) and proposed Board subcommittee assignments for Calendar Year 2015.

The recommended slate of officers that the nominating committee is presenting for the Board’s review and approval is Chair Don Mosier, City of Del Mar, and Vice-Chair Dianne Jacob, County of San Diego.

In addition, the Board appoints members annually to serve on the Ad Hoc Land Use Committee, Acquisition & Financing Strategies Committee, Budget, Administration and Policy Committee, and Wetland Advisory Committee. The proposed list of committee assignments for 2015 is attached. Board members are requested to review the proposed subcommittee assignments and provide input regarding their availability to serve in the suggested roles.

ALTERNATIVE ACTIONS:

Do not approve the Nominating Committee’s slate and elect a slate using an alternate procedure.
Respectfully submitted,

Mark J. Ochenduszko
Interim Executive Director

Attachment:
1. Board Policy # P95 - 1
2. Draft Ad Hoc Committee Roster
POLICY OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY

ELECTION OF JPA BOARD OFFICERS

PURPOSE

The San Dieguito River Park Joint Powers Authority (JPA) was formed to create, preserve and enhance the San Dieguito River Valley Regional Open Space Park (Park). The Joint Powers Agreement provides for the Board to select its officers from among the members. The purpose of this policy is to provide direction on the selection of officers.

POLICY

The success of the JPA in fulfilling its functions as authorized by its member agencies and in carrying out its programs to serve the people of San Diego County is in the hands of its Boardmembers and most importantly its officers. Therefore, it is the policy of this Board to select officers who are enthusiastically supportive, willing and able to promote the San Dieguito River Park and its goals and objectives, and to implement the will of the Board.

OFFICERS/TERMS

The Joint Powers Authority officers shall consist of a Chair and a Vice-Chair who will serve one year terms. In January of each year, customarily the Vice-Chair from the previous year will assume the Chair’s office. At any time during the year should the Chair resign or be unable to serve in the function of Chair, the Vice-Chair will assume the Chairmanship. An effort shall be made to rotate the Chair and Vice-Chair positions among the various jurisdictions.

NOMINATING COMMITTEE

A nominating committee will be appointed by the Chair in October of each calendar year. The nominating committee shall present to the Board of Directors for their consideration at the next JPA meeting a proposed slate which includes nominations for the two officers and membership on the Land Use Committee, Acquisition and Financing Strategies Committee and the Budget/Administration/Policy Committee. These committees will meet as needed to accomplish the business of the JPA. The Board may accept the recommendations of the nominating committee or amend them by a majority vote.

REMOVAL FROM OFFICE

An officer of the San Dieguito River Park JPA may be removed by a majority vote of the Board of Directors.
Land Use Committee
Don Mosier
Dave Roberts
Dave Grosch
Olga Diaz
1st Alternate: David Zito
2nd Alternate:

Duties:
1) Review CAC and staff recommendations on pending projects, when warranted. Make project recommendations to JPA Board.
2) Consider planning and environmental issues that relate to the San Dieguito River Park.

Acquisition and Financing Strategies Committee
David Zito
Dave Roberts
Tom Golich
Dave Grosch
1st Alternate: Don Mosier
2nd Alternate: Dianne Jacob

Duties:
1) Review staff recommendations and advise staff on property negotiation. Make acquisition recommendations to JPA Board.
2) Serve as “Investment Committee.” Responsibilities as Investment Committee include review of internal and external endowment funds, preparation of annual analysis and report to the Board, and rebalancing of assets in internal fund as appropriate.

Budget/Administration/Policy Committee
Sherri Lightner
Olga Diaz
Don Mosier
David Zito
1st Alternate: Dave Grosch
2nd Alternate: Mark Kersey

Duties:
1) Review draft budget and work program and present recommendations to JPA Board.
2) Executive Director Performance Review.
3) Make recommendations regarding standing policies.
Wetlands Advisory Committee
David Roberts
Don Mosier
David Zito
Tom Golich
Jacqueline Winterer, Public Member

Duties:
Review and recommend policies and plans relating to the restoration of the San Dieguito Lagoon.
DATE: January 16, 2015

TO: JPA Board of Directors

FROM: Staff

SUBJECT: Day and Time of Regular JPA Board Meetings

RECOMMENDATION:

Consider alternative days and times for future regular JPA Board meetings.

BACKGROUND:

It has come to staff’s attention that the Board’s recently determined regular meeting time, 11:00 a.m., on the 3rd Friday of the month creates an ongoing conflict for at least one Board member. Board Chair Dave Roberts has requested that the Board consider an alternative date or time for the meetings. It is important to note that the regular schedule for the Board has been to meet every other month (i.e. January, March, May etc.) Recently, the Board has been meeting monthly to address a heavy workload, including revising the Joint Exercise of Powers Agreement (JEPA). It is anticipated that the Board will be able to return to a meeting schedule of every other month by mid-year (July) or earlier once the JEPA is completed, subsequent related action items are completed and approved, and the Executive Director recruitment is underway.

Over the years, there have been conflicts with SANDAG Board meetings, which are held on the 2nd and 4th Friday of the month, except in November and December, when SANDAG Board meetings are held on the 1st and 3rd Friday. SANDAG Transportation Committee Meetings are held on the 3rd Friday of the month and begin at 9:00 a.m.

The River Park JPA Citizen’s Advisory Committee currently meets on the 1st Friday of the month. If the Board chooses to change its meetings to the 1st Friday of the month, the CAC meetings may be moved to an alternate day.

It is requested that Board members check their schedules/calendars in advance of the meeting in order to prepare to discuss alternative meeting days/times.

ALTERNATIVES:

Potential options for consideration include:

a.) Moving to the 1st Friday of the month. Adjust the start time of the meeting as necessary.

b.) Moving to the 2nd or 4th Friday of the month. This would conflict with SANDAG Board meetings.
c.) Keep the meeting on the 3rd Friday, but move the start time.

d.) Chose a day other than Friday to hold the meetings. The Board will need to be cautious to avoid conflicting with the days and times of the Board members meetings on their member agency governing bodies.

Respectfully submitted,

Mark J. Ochenduszko
Interim Executive Director
DATE: January 16, 2015
TO: JPA Board of Directors
FROM: Staff
SUBJECT: Appointment of Ad Hoc Subcommittee of Board of Directors to Work with Interim Executive Director in Executive Search Process for Long Term Executive Director

RECOMMENDATION:

Appoint three members of the Board of Directors to serve as an Ad Hoc Subcommittee to provide assistance and guidance to the Interim Executive Director in the development of a selection process, recruitment and initial screening of applicants for Executive Director.

BACKGROUND:

An executive recruitment for a public agency executive position can take up to six months from the start of the process to the first day of employment for the new manager. A selection process must be developed, a recruitment strategy must be prepared and implemented, a recruitment period must be set (in consideration of search publications deadlines to be used for providing notice to interested and qualified candidates), and a recruitment brochure must be prepared. Once a recruitment period is concluded and following an application deadline, applications/resumes must be screened to ensure that the most highly qualified candidates who possess the skills, knowledge, and abilities sought are invited to continue in the selection process.

Given the lead time necessary to carry out this process, and the lag time between Board meetings, it is important to identify an Ad Hoc Committee to represent the Board and provide guidance/approval to the Interim Executive Director as the process is developed and implemented. The tasks performed will culminate in selection interviews of the most highly qualified candidates by the entire Board of Directors. A subcommittee of three members is recommended.

The Board will be kept informed of the process selected, deadlines, and will be involved in the final selection process.
FISCAL IMPACT:

Unknown at this time. One of the tasks of the subcommittee will be to review the compensation requirements of the position. If a change is proposed, the item will be agendized for Board consideration.

ALTERNATIVES:

Do not appoint a Board Subcommittee and provide direction regarding an alternative process.

Respectfully submitted,

Mark J. Ochenduszko
Interim Executive Director
TO: JPA Board

FROM: Staff

SUBJECT: Coastal Commission meeting regarding San Dieguito Lagoon Boardwalk

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RECOMMENDATION:

1. Discuss issue and provide staff with direction regarding a potential "back up" position.
2. Oppose requirement that JPA fund removal of boardwalk if Coastal Commission determines boardwalk is to be removed.

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SITUATION/BACKGROUND:

At the September 2, 2014 JPA meeting your Board authorized the JPA Chair to send a letter to the Coastal Commission re-stating the JPA position opposing removal of the lagoon boardwalk trail and denoting that the Commission had sufficient information to schedule a hearing in March 2015 to amend the JPA’s permit to remove the permit language regarding the boardwalk trail status as an “interim use” thereby allowing the boardwalk to remain in its current location on the Fairgrounds South Overflow Lot.

San Diego Coastal Commission staff informed the JPA staff on November 21, 2014 that they planned to schedule the boardwalk issue for the January 2015 Commission meeting in order to meet certain deadlines for the restoration of the South Overflow Lot specified in the 22nd DAA consent order. The item was subsequently scheduled for the January 2015 meeting in Santa Monica. As previously authorized by your Board, the JPA submitted a letter requesting that the item be continued to the March meeting in San Diego (Attachment 1) to be heard at a local venue. That request was granted by Coastal staff on December 30, 2014 and, at the writing of this staff report, the agenda item has been postponed. It is anticipated that the issue will be scheduled for the Commission’s March meeting in San Diego.

The Coastal staff report recommendation is that the Commission deny the JPA’s Coastal Development Permit amendment and to require removal of the boardwalk trail when the remaining Fairgrounds South Overflow Lot is restored by the 22nd DAA (Attachment 2).

ISSUES:

The Coastal Commission staff report argues that the boardwalk trail should be “relocated” to the north edge of the SOL, allowing for an additional 1.5 acres of wetlands to be restored and improving the hydrologic connection between the SOL wetlands and the main river. While it is true that removing the boardwalk trail would allow room for additional wetlands, the trail would not be “relocated” but would be almost entirely removed as proposed by the
Coastal staff. The proposed SOL restoration plan (Attachment 3) shows that the viewing platform that exists at the east end of the boardwalk would remain as well as the new bridge that was installed by the 22nd DAA when they restored Phase I of the SOL. But, the majority of the boardwalk would be removed. Because the boardwalk is a unique pedestrian-only “trail” and not part of the multi-use Coast to Crest Trail, it provides a quieter, educational experience for trail users next to the wetlands as an alternative to the multi-use trail that will be located closer to Jimmy Durante and the bus lane for the Fairgrounds. Removal of the boardwalk trail would eliminate this unique experience.

Another issue is the subject of the responsible party required to pay for any removal of the boardwalk (or “realignment” as phrased in the Coastal staff report). When the Coastal Commission adopted the conditions of approval in November 2012 for the SOL restoration they included a statement that changes to the conceptual Phase II restoration plan as submitted by the 22nd DAA may be required. Approval of the conceptual Phase II wetland restoration plan required that the 22nd DAA submit a detailed restoration plan including potential removal of the boardwalk. In addition, coastal permit conditions for the SOL Phase II restoration included the condition: “Realignment, reconstruction and/or removal of the boardwalk in the future shall be the responsibility of Southern California Edison and the San Dieguito River Park Joint Powers Authority”. Although the JPA has taken a strong position opposing removal of the boardwalk, its position has not included a statement regarding payment for any removal. Thus, this issue should also be addressed by the JPA at the Commission hearing.

Secondary Position

The JPA staff is concerned that the Commission may support their staff’s recommendation to remove the boardwalk. In September 2014, your Board rejected a scenario suggested by JPA staff to remove only a section of the boardwalk in an attempt to compromise (Attachment 4 shows a potential truncated version). However, it may still be advantageous for the JPA to have a “backup plan” to offer the Commissioners regarding the boardwalk configuration if it becomes apparent that a majority of Commissioners support their staff recommendation to require its removal. In that case, JPA staff is not currently authorized to offer a secondary compromise position.

To create tidal marsh wetlands, the SOL will be excavated to lower the elevation allowing for tidal inundation. However, in order to protect the boardwalk piers from scour, the area under and immediately surrounding the boardwalk would not be excavated, which essentially creates a berm along the boardwalk that separates the wetlands on both sides except where two channels are created (one channel already exists from the Phase I restoration and another would be added during Phase II restoration). That is the conceptual design submitted initially in September 2012 to the Coastal Commission staff by the 22nd DAA (Attachment 5). Although tidal flow would still occur, the hydrologic connection between the two wetland areas (on both sides of the boardwalk) would be restricted to the two channels (as opposed to one wetland area). Therefore, two versions of the SOL Phase II restoration currently exist, one with and one without the lagoon boardwalk. Both versions would restore the SOL to functioning wetlands.
The JPA has long advocated for the restoration of the SOL (as well as a portion of the East Overflow Lot, which was not supported by the Coastal Commission). A suggestion from the JPA to remove a middle portion of the boardwalk, while still retaining a substantial section of the boardwalk, could be offered as a compromise for the Commission’s consideration if the Commission is disinclined to retain the entire Boardwalk. Attachment 4 shows that a truncated version of the boardwalk trail differs from what the Coastal staff is recommending in that it would extend into the marsh and exposed mudflats at the east end and further into the upland and high marsh at the west end.

If a portion of the boardwalk was removed, it would no longer function as a through trail and would potentially improve nature study and hydrologic connectivity for the new wetlands. Although the boardwalk trail was designed for pedestrians only, it has been difficult to keep cyclists off the trail because it is a through trail that connects the CTC Trail to Jimmy Durante and there is no other alternative route. While cyclists may use the boardwalk to a lesser extent once the CTC trail is extended along the northern edge of the SOL, the boardwalk trail would still connect through to Jimmy Durante. Truncating the boardwalk would eliminate its configuration as a through trail.

**CAC RECOMMENDATION:**

At their June 2014 meeting, the CAC supported the JPA’s application to remove the CDP condition, which would retain the boardwalk as is. In light of the Coastal Commission staff’s position, the CAC is scheduled to consider this issue again at their next meeting on January 9, 2015 and JPA staff will provide your Board with the results of that meeting.

**RECOMMENDATION:**

1. Discuss issue and provide staff with direction regarding a potential "back up" position.
2. Oppose requirement that JPA fund removal of boardwalk if Coastal Commission determines boardwalk is to be removed.

**ALTERNATIVES**

1. Provide staff with authority to offer compromise plan.
2. Do not give staff authority to offer compromise plan.
3. Give staff other direction.
Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:
1. JPA letter to Commission dated 12/29/14
2. Coastal Commission staff report
3. Proposed SOL restoration plan without boardwalk
4. Sketch of alternative boardwalk configuration
5. Conceptual SOL Phase II plan with existing boardwalk
San Dieguito River Park
Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025
(858) 674-2270 Fax (858) 674-2280
www.sdrp.org

JOINT POWERS AUTHORITY
BOARD OF DIRECTORS
Chair Dave Roberts
Supervisor, County of San Diego
Vice-Chair Don Moser
Del Mar City Council
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San Diego City Council
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Supervisor, County of San Diego
Tom Golich
Citizens Advisory Committee
Becky Bertrang, Es Officio
22nd District Agricultural Assoc.
Dick Roberts
Executive Director

December 29, 2014

Commissioners and Staff
California Coastal Commission
San Diego Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Dear Commissioners and Staff:

The San Dieguito River Park Joint Powers Authority urges you to continue this agenda item, to consider the JPA’s proposed permit amendment, to your March meeting in San Diego so that those that wish to voice their opinions and concerns are properly represented at a local venue. However, in the event a continuance is not granted, the JPA asks that you support the San Dieguito River Park and retain the boardwalk trail in its current configuration to allow the restoration of the South Overflow Lot and save this important community asset.

The JPA has worked tirelessly for 25 years to bring the coastal lagoon back to functioning tidal wetlands and are strong proponents of restoring the Fairgrounds South Overflow Lot to wetlands. However, the boardwalk trail provides a unique public asset that should be retained – built in 2006 with public grant funds and volunteer labor, the boardwalk trail provides a beneficial use for nature study and pedestrian access to public land. We urge the Commission to support our request to allow the boardwalk trail to remain in its current form as an educational resource.

The Coastal staff report for this item incorrectly states that the boardwalk trail would be “relocated” or “realigned” to the northern edge of the South Overflow Lot. In fact, the boardwalk trail would be removed if the Commission accepts the staff’s recommendation. The boardwalk trail is not part of the Coast to Crest Trail, but a separate pedestrian trail to provide nature study and a quiet up-close educational experience with the adjacent wetlands. The Coast to Crest Trail is a separate multi-use trail (cyclists, hikers) that is required to be extended along the northern edge of the SOL from its current terminus. The Coastal Commission’s Consent Order (CCC-12-CD-02) requires the 22nd DAA to construct this section of trail. The boardwalk is a separate trail that provides a vital educational experience for local trail users.

The coastal staff report points out that our original CDP requires the location of the boardwalk “be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot and the boardwalk may be relocated at that time”. That SOL hearing occurred in November 2013 (CDP 6-12-067) and at no point was the relocation of the boardwalk mentioned. If you recall, at that time the JPA advocated for wetland restoration of the lower third of the EOL (in support of your staff’s recommendation), which would have provided for additional wetlands without removing a community trail asset. However,
Coastal Commission and Staff
Application 6-04-088-A12
Page 2

that motion failed, and now the boardwalk would be sacrificed to provide additional wetlands.

State Coastal Conservancy and Federal Transportation Enhancement Activities program grant funds were used to construct the boardwalk and the boardwalk planks were installed by local volunteers including the Del Mar Rotary. Ongoing maintenance is provided through donations made by selling name plates on the boardwalk planks. Approximately 545 name plates have been installed along the edge of the boardwalk – all of which would have to be removed if the boardwalk was removed as proposed.

For the reasons stated above, the JPA strongly opposes the coastal staff's recommendation to deny Application 6-04-088-A12 and urges the Commission to support the San Dieguito River Park and retain the boardwalk trail.

We appreciate your continuing efforts to protect our vital coastal resources for the betterment of the wildlife that depends on it and for the public to learn and enjoy.

Sincerely,

Dave Roberts
JPA Board Chair

Cc: JPA Board and CAC members
San Dieguito River Valley Conservancy
Del Mar City Council and Staff
Solana Beach City Council and Staff
Del Mar Lagoon Committee
Friends of the San Dieguito River Valley

Passed September 2, 2014 JPA Board Meeting:

AYES: 5 (ROBERTS, GOLICH, KERSEY, MOSIER, ZITO)
NOES: 0
ABSTAIN: 1 (DIAZ)
ABSENT: 3 (CUNNINGHAM, JACOB, LIGHTNER)
STAFF REPORT: AMENDMENT

Application No.: 6-04-088-A12

Applicant: San Dieguito River Park Joint Powers Authority

Agent: Shawna Anderson

Location: 2260 Jimmy Durante Blvd, Del Mar, San Diego County (APN: APN No. 299-042-01, 299-042-02, 299-003-04)

Original Project Description: Application from Southern California Edison and San Dieguito River Park Joint Powers Authority for implementation of the San Dieguito Wetland Restoration Plan and construction of a portion of the Coast to Crest Trail.

Proposed Amendment: Delete Special Condition No. 6(d) that identifies the boardwalk segment of the Coast to Crest Trail as an interim until such time as the South Overflow Lot is restored to functional wetland habitat; this would retain the boardwalk in its current alignment at the river’s edge through the South Overflow Parking Lot wetland restoration site.

Staff Recommendation: Denial
SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to amend Coastal Development Permit No. 6-04-088 in order to delete Special Condition No. 6(d) of the original permit. This special condition originally identified the existing 1,200-foot wooden boardwalk located in the South Overflow Lot as an interim use until the South Overflow Lot is restored to functional wetland habitat, and then at that time required relocation of this trail segment be coordinated with the final restoration plans as addressed in that permit. The proposed deletion of Special Condition No. 6(d) would allow the wooden boardwalk to remain in its current alignment within the wetland restoration area and occupy space that would otherwise facilitate further restoration and ecological connectivity within the site. The subject site is adjacent to the San Dieguito River within the Del Mar Fairgrounds, at 2260 Jimmy Durante Boulevard, in the City of Del Mar.

The primary Coastal Act issues that are associated with this project include public access and habitat protection. The trail section considered by this amendment is part of the larger Coast to Crest Trail, a public trail system that, when finished, will extend from the Pacific Ocean to Volcan Mountain near Julian, 70 miles away. Currently, the boardwalk runs along the San Dieguito River and provides public access through this lower section of the river valley while providing educational opportunities to the public. The question is whether the boardwalk segment should be allowed to remain in its current alignment or be relocated along the inland edge of the newly restored wetland. Relocation of the boardwalk from its current orientation at the river’s edge to an area along the inland perimeter of the restoration site could affect the physical and visual access currently afforded by the boardwalk in this location; however, similar benefits at the wetland’s edge would still be available if the boardwalk were to be relocated. Habitat protection issues arise because the existing alignment of the boardwalk trail through the South Overflow Lot currently occupies space within the restoration site that could become additional wetland habitat as well as enhance the hydrologic connectivity from the restoration site to the larger estuarine system. Also, if allowed to remain in its current location, the boardwalk section would not only bisect the restoration site, but would also introduce significant human interaction that could further degrade the biological productivity within the restoration site.

In light of the requirement to restore the South Overflow Lot to wetland habitat and the adjacent location available to relocate the boardwalk that would preserve the existing public access and educational benefits provided by the trail, the proposed amendment that would maintain the boardwalk in its current alignment fails as the least environmentally damaging alternative, and contradicts the intent of the Commission’s action in the underlying permit and subsequent actions. The boardwalk currently occupies space that could be converted into approximately 1.5 acres of wetland habitat. Furthermore, the boardwalk would still run adjacent to the restored wetland habitat and be at an elevation where views of both the wetlands and the larger river valley would not be impeded. The original Commission approval of Special Condition No. 6(d) in the underlying CDP balanced the interest of protecting natural resources on the subject site while still accommodating public access and educational opportunities. Past Commission action both in the underlying CDP and in related CDPs regarding this site have explicitly
addressed the presence of the boardwalk and reiterated that it was approved as an interim fixture and that the ultimate location would be addressed in connection with the larger wetland restoration design for the South Overflow Lot. Thus, the proposed amendment is inconsistent with Chapter 3 of the Coastal Act, as well as the record and intent of the Commission’s past actions, and denial is recommended.

Commission staff recommends denial of coastal development permit amendment 6-04-088-A12.
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APPENDICES
Appendix A – Substantive File Documents

EXHIBITS
Exhibit 1 – Vicinity Map
Exhibit 2 – Existing Trail Map
Exhibit 3 – Restoration and Trail Relocation Plan
I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit Application No. 6-04-088-A12 subject to the conditions set forth in the staff recommendation.

Staff recommends a NO vote on the foregoing motion. Failure of this motion will result in denial of the permit amendment and adoption of the following resolution or findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby denies coastal development permit amendment 6-04-088-A12 and adopts the findings set forth below on grounds that the development as amended will not be in conformity with the policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have not been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS

A. AMENDMENT PROJECT DESCRIPTION

The proposed amendment is to modify Coastal Development Permit No. 6-04-088 by deleting Special Condition No. 6(d), which identified the existing wooden boardwalk within the South Overflow Lot as an interim use, and that relocation of the trail would be addressed through the permit for restoration of the South Overflow Lot to wetland habitat. Specifically, the Special Condition states, in relevant part:

6. Final Coast to Crest Trail Plans. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE TRAILS AND WITHIN 18 MONTHS OF COMMISSION ACTION ON THE PERMIT, the applicants shall submit final plans for construction of the coastal segment of the Coast to Crest Trail commencing at Jimmy Durante boulevard and ending at the proposed weir or inland extent of the restoration work. Said plans shall be in substantial conformance with the trail alignment shown in the Wetland Delineation for the Proposed San Dieguito River Park Coast to Crest Trail San Diego, California prepared by Tierra Environmental Services, Inc. and revised July 14, 2005, and City of Del Mar Sheets 36-46 dated 6/17/05 and City of San Diego Sheets 73-89.
dated 5/26/05, and shall include the following revisions. Upon written approval by the Executive Director of trail plans for segments 1 through 8, the JPA may commence construction of segments 1 through 3 in accordance with the approved plans and written authorization by the Executive Director.

a. The trail segment including the boardwalk (Segment 1a-1b) shall be designated pedestrian only.

[…]

d. A note indicating the following: the boardwalk (segment 1b) is an interim use in the approved alignment within non-vegetated wetlands in the South Overflow Lot until such time as the South Overflow Lot is restored to functional wetland habitat. The location of the boardwalk shall be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot and the boardwalk may be relocated at that time.

[…]

Currently, the boardwalk is located along the southern rim of the South Overflow Lot, adjacent to the San Dieguito River [Exhibit 2], which is slated to be restored to functioning wetland habitat by the property owner – 22nd District Agricultural Association (22nd DAA) – pursuant to separate a Commission permit (CDP No. 6-12-067). Upon working with 22nd DAA to finalize the restoration plans through condition compliance, at the recommendation of the staff ecologist, Commission staff has required that the boardwalk segment be realigned northward of the existing alignment so as to run along the inland perimeter of the restored wetlands, as opposed to directly through the restoration site [Exhibit 3]. This alternative trail alignment will increase wetland acreage by approximately 20% (additional 1.51 acres of restored habitat) compared to retaining the boardwalk in its current alignment, while still maintaining a public access path through the South Overflow Low that preserves existing educational and viewing experiences.

The JPA as applicant for the trail permit requests that the boardwalk be retained in its current alignment because relocation to the northern boundary of the restoration area, as opposed to its current location along the southern boundary, would diminish current educational benefits afforded by the existing trail alignment. The applicant alleges these public access benefits outweigh the significant habitat benefits gained from the additional wetland acreage that would arise from the realignment of this trail segment.

B. DESCRIPTION OF ORIGINAL PROJECT AND SUBSEQUENT AMENDMENTS

The San Dieguito Wetland Restoration Plan was proposed primarily to meet the requirements of Coastal Development Permit No. 6-81-330 to mitigate adverse impacts to the marine environment occurring through operation of the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3. Southern California Edison (SCE), the
The principal owner of SONGS, was required to provide approximately 150 acres of new, or significantly restored, wetland habitat. Maintenance of the lagoon tidal inlet was considered a key component of the restoration plan and SCE was therefore granted 35 acres of wetland mitigation credit for agreeing to maintain the inlet in an open condition in perpetuity. Coastal Development Permit No. 6-04-88 for the construction of the wetland restoration project included these requirements. Additional components of the restoration project included the construction of three berms adjacent to the San Dieguito River to confine existing flows and maintain sediment transport to the ocean, bank protection for portions of the berms, culverts in the berms to help balance water levels and a weir to eliminate any backwater effect on the upstream river channel, the creation of four new nesting sites and rehabilitation of an existing site for the California Least Tern and Western Snowy Plover, the creation of treatment ponds to filter freshwater runoff and reduce freshwater flows into the restored tidal wetlands, the construction of a public access trail, including interpretive signage, and improvements to beach access, the upland and beach disposal of excavated material, and maintenance and monitoring programs. The San Dieguito Wetland Restoration Plan encompasses almost the entire San Dieguito River Valley west of El Camino Real, although SCE is only responsible for restoring a portion of that area. Other portions of the restoration plan will be implemented by the San Dieguito River Park Joint Powers Authority (JPA). The permit was originally approved by the Commission on October 12, 2005. Since that time, there have been several amendments as follows:

6-04-088-A1: Immaterial amendment to modify the language of Special Condition No. 4 related to the timing of berm construction. Approved August 10, 2006.

6-04-088-A2: Material amendment to remove approximately 4,000-5,000 cubic yards of material along an 800' long, 60' wide road and berm. Approved July 7, 2007.


6-04-088-A4: Material amendment for the replacement of restoration module W45 with restoration module W16, modification of the timing for the construction of public beach accessways, and modifications to the special condition regarding a riverbank revetment. Approved June 9, 2010.

6-04-088-A5: Immaterial amendment to modify the language of Special Condition #8 regarding coastal sage scrub mitigation for the trail and treatment ponds. Approved October 11, 2007.

6-04-088-A6: Immaterial amendment to allow the use of 40-foot long, 20-foot wide bridges to cross the drainage channels on both sides of I-5 for the continuation of the Coast-to-Crest Trail instead of the use of open bottom concrete culverts, resulting in a reduction of permanent wetland and upland impacts. Approved February 5, 2008.
6-04-088-A7: Immaterial amendment to establish a pedestrian-only trail along an existing slope stability bench on the engineered slope of Disposal Site 32 (DS32) located directly south of Via De La Valle. Approved October 9, 2009.

6-04-088-A8: Immaterial amendment to modify the location of coastal sage scrub mitigation sites required in Special Condition #8 as mitigation for impacts associated with the Coast to Crest Trail and Freshwater Treatment Ponds. Approved November 17, 2010.

6-04-088-A9: Immaterial amendment to modify the timing restriction placed upon the staging or storage of construction equipment on North Beach in association with dredging activities associated with the San Dieguito Wetland Restoration Project. Approved July 14, 2010.

6-04-088-A10: Material amendment to modify the location of wetland mitigation required in Special Condition No. 8 as mitigation for impacts associated with the Coast to Crest Trail and Freshwater Treatment Ponds, while adding the Mesa Loop Trail to the final plans. Approved September, 2011.

6-04-088-A11: Immaterial amendment to modify the approved location of permanent access roads within the San Dieguito Wetland Restoration Project used for maintenance and monitoring responsibilities. Approved September, 2012.

C. **PUBLIC ACCESS**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212 of the Coastal Act states, in part:
(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

[...]

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

[...]

Section 30604 of the Coastal Act states, in part:

[...]

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The Del Mar Fairgrounds, the property owned by the 22nd District Agricultural Association on which the subject boardwalk is sited, is located near the mouth of the San Dieguito River, west of Interstate 5 and east of Camino del Mar (Old Highway 101). It is between the river to the south and Via de la Valle, which is the first public east-west road north of the river. El Camino Real (east of the I-5) is currently the first continuous north-south public road east of the site. Thus, the entire Fairgrounds complex, including the project site, is located between the sea and first public roadway. As the 22nd DAA is another state agency, the property is in public ownership, and for the most part, the public can freely access various portions of the grounds, including the riverfront, particularly when no formal events are taking place. The portion of the Del Mar Fairgrounds on
which the boardwalk is located is called the South Overflow Lot (SOL). The SOL portion of
the restoration is located south of the Del Mar Fairgrounds racetrack complex and is
bounded by the San Dieguito River on the south and Jimmy Durante Boulevard on the
north [Exhibit 1].

A portion of the Coast to Crest Trail is sited on Fairgrounds property, which enhances
public access in this area [Exhibit 2]. The portion of the Coast to Crest trail within the
SOL is built as a slightly elevated boardwalk. In this current location the trail provides
access through and allows views of the river and the existing and restored wetlands. The
coastal portion of the trail begins at the westernmost point of the SOL at Jimmy Durante
Boulevard and continues east along the San Dieguito River, crosses underneath I-5, and
continues to El Camino Real.

The original permit (CDP No. 6-04-088) for the San Dieguito Lagoon restoration project
included the installation of the Del Mar segment of the Coast to Crest Trail, located along
the northern perimeter of the lagoon and river channel. Special Condition No. 6 of the
permit detailed the location of the trail and contained specific direction regarding trail
construction and maintenance. The Commission’s approval of the original CDP did
recognize that the proposed Coast to Crest Trail created the benefit of formalizing
pedestrians’ access along a pre-determined path and eliminated the uncontrolled access
across the yet-to-be restored wetlands, as well as providing viewing and nature study
benefits. However, wetland surveys did indicate that the proposed trail alignment would
have direct and indirect impacts to existing wetland resources.

At the October, 2005, hearing wherein CDP No. 6-04-088 was brought before the
Commission, the Commission’s staff ecologist stated on the record that having a public
access trail through restoration areas, with impacts to wetlands, is not an ideal
development, and that the alignment approved in CDP No. 6-04-088 was simply the least
impactful of the alignments being considered at the time. This sentiment was echoed by
various Commissioners during the motion to approve CDP No. 6-04-088. However, at
the time of that original hearing, plans for restoration of the SOL were yet to be realized,
and so the original permit included Special Condition No. 6(d) that allowed for the
boardwalk section of the Coast to Crest Trail to be constructed in its current location as
an interim use, with the provision that at the time that future restoration plans for the SOL
were developed the ultimate location of the trail would be determined in concert with the
final restoration design.

The Commission typically does not endorse public access through restoration sites.
Public access paths are typically placed at the perimeter of restoration projects in order to
facilitate maximum wetland habitat restoration and tidal circulation. In addition, a public
access path traversing through the middle of a sensitive habitat area also has the potential
to disturb wetland species and may increase the amount of refuse that enters the
restoration area.

Pursuant to Section 30233 of the Coastal Act, the Commission acknowledged that
proposed trail improvements, if sited appropriately, were permitted uses in wetlands at
the time of CDP No. 6-04-088’s approval. It should be noted that although the SOL
periodically ponds water and is technically a wetland, it has been routinely scraped to remove vegetation and facilitate its use as a parking lot. As a result of this frequent disturbance, it provided few habitat functions at the time of the Commission’s original action. The Commission found that the impacts to existing wetlands associated with the construction of a public access trail system were a permitted use within wetlands. However, for any use allowed within existing wetlands, the Commission must find the impacts to be the least environmentally damaging feasible alternative and that such impacts are unavoidable. In 2005, during the approval of the original permit, that finding could be made because the boardwalk was located along the periphery of the greater 150-acre San Dieguito wetland restoration, and studies indicated that the trail alignment would not occupy areas containing high quality wetland vegetation or where it would be subject to tidal influence. However, the Commission’s approval also noted that the South Overflow Lot was historic wetland that, while “atypical” due to periodic disturbance arising from operation of the Del Mar Fairgrounds, was fully capable of being restored to viable functioning salt marsh.

It is no longer the case today that the boardwalk is in the least environmentally damaging feasible alternative, alignment which was foreseen when the original Special Condition No. 6 was drafted and approved by the Commission. Indeed, the Commission’s report at the hearing approving CDP No. 6-04-088 stated that “due to the possibility that the south overflow lot may be restored to functional salt marsh habitat in the future, Special Condition #6d acknowledges the boardwalk to be a temporary interim use that may be relocated in the future in association with any future wetland restoration of the south overflow lot.” [emphasis added]. Now that the 22nd DAA is coordinating with Commission staff to develop the final plan for that restoration, the Commission’s staff ecologist has directed that the boardwalk can and should be relocated to the northern periphery of the SOL restoration area to allow for greater habitat benefits from the proposed restoration.

At the March 8, 2012, hearing, the Coastal Commission approved Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Order”), which, among other requirements, mandated the restoration of the SOL to functional wetland habitat. Specifically, Section 3.2.H, which addresses restoration of the SOL, states in relevant part:

Within (six) 6 months of the effective date of these Consent Orders, DAA shall submit, for the review and approval of the Commission’s Executive Director, a Removal, Restoration, Revegetation, and Monitoring Plan (“SOL Restoration Plan”) for the restoration of the SOL to a fully tidal salt marsh within thirty (30) months of Commission approval of a CDP for development or use on the EOL... This SOL Restoration Plan shall be harmonious with the San Dieguito Restoration Plan detailed in CDP 6-04-088...

The Commission once again foresaw the benefit of a related northern alignment for public access along the restored South Overflow Lot, and included in the approved Consent order Section 3.6.A, addressing mitigation, which further states, in relevant part:
DAA shall include the alignment of the Trail, from its terminus at the existing Boardwalk through the northern portion of the SOL, in the CDP application identified in Section 3.2.B of these Consent Orders. DAA will be responsible for construction of the trail, which shall be completed within thirty (30) days of completion of revegetation of the SOL pursuant to Section 4.4 of these Consent Orders...

The current wetland restoration being undertaken by 22nd DAA is actually the second of two phases for the full restoration of the SOL into wetland habitat [Exhibit 3]. At the November, 2012, hearing, the Commission approved CDP No. 6-12-040, which authorized Phase I of the SOL restoration – and resulted in restoration of approximately 3.5 acres of salt marsh and related upland habitat. Phase I was handled in a separate CDP action from Phase II due to Phase I being partly driven by enforcement action of the Army Core of Engineers (ACOE). Because the Commission understood that Phase I would be soon followed by the adjacent – and much greater – Phase II restoration, the Commission’s approval for Phase I restoration contained Special Condition No. 9, which stated:

9. Compatibility with South Overflow Lot (SOL) Phase II Restoration. Changes to the SOL Phase I Restoration may be required in order to implement the SOL Phase II Restoration including, but not limited to, the following:

   a. Widening and/or deepening the three proposed spillover locations (Exhibit 7)

   b. Grading of the entire berm that will separate the Phase I restoration from the remaining parking lot (and future Phase II restoration area) to wetland elevations consistent with the surrounding wetland topography

   c. Realignment of the existing San Dieguito River Park Joint Powers Authority (JPA) public access trail within the entire SOL

Prior to issuance of the Coastal Development Permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above.

Thus, the Commission once again reiterated that the boardwalk trail segment located within the SOL restoration area would possibly require realignment pursuant to the final restoration plan for the whole of the SOL to wetland habitat. The realignment did not occur with the approval of Phase I because Phase I only contained approximately 300 feet of the 1,200 foot boardwalk, and the exact parameters of the Phase II restoration were yet to be detailed between 22nd DAA and Commission staff, and therefore a final, environmentally acceptable realignment was not available at that time. Commission staff was aware that once Phase II restoration was finalized, a full realignment of the boardwalk segment of the Coast to Crest Trail could be determined.
When the preliminary SOL Phase II restoration plan was submitted to the Commission pursuant to CDP No. 6-12-067 (which approved the SOL restoration in accompaniment to year-round use of the East Overflow Lot and Golf Driving Range by the 22nd DAA) the plan depicted two trail alignment alternatives through the SOL – the current boardwalk alignment along the southern boundary of the restoration area and an alternate alignment along the northern boundary. Because the submitted plan depicted both possible alignments of the boardwalk, as well as information on the plant pallets and monitoring methods to be used in the restoration, the Commission was able to approve CDP No. 6-12-067 with a condition that a final plan be submitted as condition compliance that would include details regarding the ultimate trail location. The findings for CDP No. 6-12-067 further emphasized that proposed restoration plans should not adversely impact wetlands and should result in major habitat enhancement through the creation of additional native habitat and through increased wetland connectivity to the larger estuarine system. To this end, the staff ecologist has identified the northern alignment of the boardwalk as the biologically superior alternative that would maximize wetland restoration efforts at the SOL site.

The applicant contends that the alternative trail alignment depicted on 22nd DAA’s submitted plans represent the final location of the actual Coast to Crest Trail, and presents that the boardwalk is a distinct public access resource that, while connected to the trail, is unrelated to Commission action governing the Coast to Crest Trail, and thus is not subject to a realignment as described in Special Condition No. 6(d) of the original CDP. Analysis of the original staff report and the record from the October, 2005, hearing approving the original permit, as well as findings from subsequent Commission actions clearly demonstrates that this depiction is counter to the position taken by the Commission consistently through the permit history for the subject trail segment. The Commission has never represented the boardwalk segment of the Coast to Crest Trail as distinct from the trail itself, and indeed, all 8 segments in the original permit were all treated and addressed as smaller components of the larger Coast to Crest Trail at the hearing approving the trail along with the greater San Dieguito Wetland Restoration Project.

The portion of the trail crossing the SOL was conditioned for pedestrians only as part of the Commission’s approval of the San Dieguito Wetlands Restoration (CDP No. 6-04-088), conducted by Southern California Edison and approved by the Commission as mitigation for the San Onofre Nuclear Generating Station’s impacts on fish populations. The raised boardwalk minimizes impacts to the delineated, but non-vegetated, wetlands currently existing on the project site by channeling traffic across the site and minimizing the potential for people to wander through the wetland vegetation adjacent to the river. The elevated boardwalk provides views of the river without the necessity to walk through habitat to get close enough to see the water, and, in combination with the presence of informational kiosks, plays an important role in public education of the local ecology.

However, in previously approving the boardwalk in its current location, it was noted on the approved plans that “…[t]he location of the boardwalk shall be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot [SOL] and the boardwalk may be relocated at that time.” Throughout the San Dieguito River
Valley, trail segments of the Coast to Crest Trail were constructed with a buffer of 100 feet between the trails and wetland habitat areas except where constraints limited the distance that the trail could be constructed away from sensitive habitats. This buffer was implemented in order to allow for valuable public access and visual interaction with the natural environment while minimizing disturbance to the sensitive ecological systems present within the restoration site. If the boardwalk were permitted to persist in its current location, this would be counter to these efforts that were implemented as a part of the larger restoration efforts, and instead would create a situation where a public accessway would directly bisect sensitive habitat restoration. By moving the boardwalk section north along the perimeter of the restoration site, as was accepted by the Commission staff as a part of the condition compliance for CDP No. 6-12-067, this conflict between public access and biological resources would be minimized in a manner consistent with the other Commission approvals for the surrounding area.

The applicant suggests that relocating the boardwalk from its current location to an alignment along the northern boundary of the SOL restoration site would substantially impact the educational value of the boardwalk. The boardwalk in its realigned location would still border the restoration area of the SOL and would be at an elevation below the adjacent roadway and Fairgrounds complex in order to buffer the natural experience from the surrounding uses. Furthermore, due to the low, flat grade of the SOL (which will actually become lower in parts once the tidal channels are dug) and the higher elevation of the transitional upland in which the realigned trail would be located, views of the San Dieguito River and the river valley beyond will still be available. The applicant’s position does not recognize the fact that the alternative alignment recommended by the Commission would still retain viewing platforms at the eastern and western terminus of the existing boardwalk alignment, providing pedestrians with additional visual access to observe the river valley [Exhibit 3]. These areas provide space for informational kiosks and allow for additional river-side views of the wetlands while still directing the majority of through traffic to the border of the restoration site.

Thus, for the reasons stated above, the applicant’s proposed amendment is contrary to the intent of past Commission action and is not in conformance with the public access policies of Chapter 3 of the Coastal Act, and must be denied.

D. WETLANDS

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.
Section 30233 of the Coastal Act states in relevant part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities;

2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basin, vessel berthing and mooring areas, ad boat launching ramps;

3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities;

4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;

6) Restoration purposes;

7) Nature study, aquaculture, or similar resource dependent activities

(b) Dredging and spoils shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

[...]

Virtually the entire Fairgrounds property was created by filling tidelands back in the 1930’s. Although most of the site is now developed, there are several areas which still contain seasonal wetland resources, including the SOL, which comprises approximately 12 acres in total area (both Phase I and Phase II combined). In addition, all of the
Fairgrounds is within the 100-year floodplain of the adjacent San Dieguito River and experiences periodic inundation during average winter rainy seasons.

Historically, the SOL was used by the 22nd DAA as public parking during the annual summer county fair and races. According to historical and more recent photographs of the site, when the SOL has not been used for parking, sparse wetland vegetation returned, and the area was used for resting and feeding by shorebirds and migratory species. Depending on the specific species, some nesting may also occur, although most species’ nesting seasons continue into the summer months when the lot was historically used for parking.

As mentioned in earlier findings, the restoration of the SOL is being undertaken in two phases. The size and location of the SOL Phase I restoration was a result of discussions between the 22nd DAA and the ACOE, and was found acceptable by ACOE to satisfy its enforcement action. The majority of the Phase I restoration project was intended to resolve a long-standing ACOE enforcement action, and was proposed in accordance with a restoration order from the ACOE (the SOL Phase II restoration is not a part of the ACOE enforcement action). The ACOE enforcement action was a result of unpermitted grading and stockpiling of soil on the SOL in June of 1990. The ACOE enforcement action requires the 22nd DAA to restore 2.14 acres of salt marsh habitat and additional areas of upland in the SOL in addition to restoring wetlands in other parts of the Fairgrounds. The Commission, in approving the CDP for the Phase I restoration, concurred with its siting. The location of the Phase II restoration was designed to restore the balance of the SOL that remained available for restoration.

The SOL Phase II restoration plan that calls for the realignment of the boardwalk has been reviewed by the Commission’s staff ecologist, who has found that restoration will greatly enhance the habitat value of the subject site. Habitat restoration is an allowable use in wetlands under Section 30233. The proposed grading is necessary to lower existing elevations to historic levels in order to introduce tidal influences, which are necessary for the re-establishment of salt marsh habitat in the restoration area. The proposed wetland impacts are associated solely with actions necessary to remove sediments and re-contour the area for restoration of coastal salt marsh. Impacts have been minimized to the maximum extent feasible, and only grading that is necessary to restore habitat is proposed.

The portion of the SOL proposed to be restored currently functions as a disturbed wetland during parts of the year. However, the proposed project will significantly improve the functionality of the wetland habitat to a significantly enhanced capacity. Existing vegetation on the SOL restoration area consists of some incidental nonnative species such as ice plant and grasses, although the majority of the site is bare compacted dirt. The restoration of Phase II of the SOL that leaves the existing boardwalk in place would result in 9.55 acres of sub tidal, salt marsh, and upland transitional habitat. These 9.55 acres would be composed of approximately 0.42 acres of frequently flooded mudflat, 0.83 acres of frequently exposed mudflat, 1.46 acres of low salt marsh, 2.73 acres of mid salt-marsh, 2.19 acres of high salt marsh, and 1.92 acres of upland transitional habitat. The upland transitional habitat does not meet the criteria of “wetland,” and thus the SOL
Phase II restoration that retains the boardwalk in its current location would result in 7.63 acres of wetland habitat.

By realigning the boardwalk to the northern boundary of the restoration area, an additional 1.51 acres of prime wetland habitat will be gained (for an approximate total of 9.17 acres of wetland). Relocating the boardwalk to upland habitat would reduce the amount of non-wetland upland habitat by 0.74 acres. The Commission’s staff ecologist further believes that the conversion of the current area of the boardwalk alignment into lower and mid-salt marsh will improve the hydrological connection between the restoration area and the adjacent river, by allowing for sheet flow rather than constraining the tidal connection to a single channel under a boardwalk bridge. Furthermore, by realigning the boardwalk through the transitional upland, potential adverse impacts to wetland species from pedestrian activity will be largely eliminated.

At the November, 2013, hearing to approve CDP No. 6-12-067, which authorized year-round activity on the East Overflow Lot and Golf Driving Range portions of the Del Mar Fairgrounds and the impacts to the unvegetated wetlands contained therein, many stakeholders and members of the public – including the San Dieguito River Park JPA – stated on the record that the wetlands gained in compensation for permitting such year-round activity were inadequate when compared to historical mitigation ratios utilized by the Commission. Commission staff also recognized this, and by realigning the boardwalk to the northern boundary of the restoration area, additional acreage for this important wetland restoration can be achieved that would result in increasing the wetland acreage within Phase II of the SOL by approximately 20%.

The Commission typically does not endorse public access paths through restoration sites. Public access paths are typically placed at the perimeter of restoration projects in order to facilitate maximum wetland habitat restoration and tidal circulation and to minimize disturbance. A path through the middle of a wetland habitat will result in human disturbance to sensitive wetland species, increase the risk of weed invasion, and increase the amount of refuse in the habitat.

The Commission’s staff ecologist has reviewed the proposed restoration plan for Phase II of the SOL [Exhibit 3] and concurs that the proposed restoration project will not adversely impact any existing wetland habitat if the existing boardwalk segment is relocated to the northern perimeter of the restoration site. Further, the proposed restoration project with the relocated trail would result in major habitat enhancement through the creation of additional native habitat and through increased wetland connectivity between the restoration area and the larger San Dieguito River system.

Although there is existing functioning wetland habitat immediately adjacent to both Phase I and Phase II of the SOL, none of the existing sensitive habitat will be impacted or removed. In most cases, the first 100 feet upland from a wetland is reserved as a buffer to provide transitional habitat between the actual wetland and permitted development. Although the size of an individual buffer can vary depending on site-specific circumstances, 100 feet is generally accepted as a minimum. A buffer provides a distance barrier and a percolating medium, and reduces the chance that any adverse
impact associated with development will find its way into the wetlands. In addition, buffers provide upland habitat that acts as a refuge area for birds and other species that use the various wetlands throughout the river valley.

In approving the Coast to Crest Trail and the San Dieguito Wetland Restoration, the Commission approved trail alignments further inland from wetland resources and separated from restoration areas by a buffer of 100 feet whenever feasible. Commission staff is recommending that the replacement for the boardwalk segment in the SOL be located within an area of transitional habitat at the base of a slope below Jimmy Durante Boulevard [Exhibit 3]. Within the subject site, it is not feasible to provide for a 100 foot buffer from wetland habitats for a trail while still maximizing restoration potential across the site, so a compromise was reached that would place the trail proximate to the restoration site but still provided some separation from the wetlands within. The final location allows for close exposure to the wetland habitats for trail users, while still affording separation from the adjacent roadway and Fairgrounds development. This was done in recognition that the primary goal of the San Dieguito Wetland Restoration Project was to maximize habitat restoration and to minimize direct and indirect impacts arising from public access in the river valley, but also to acknowledge that providing a valuable public access experience to these sensitive coastal environments also is an important resource.

The realignment of the boardwalk segment of the Coast to Crest Trail currently recommended by the Commission properly balances the public access benefits of the boardwalk with the habitat restoration goals of the Commission’s underlying action by realigning the boardwalk in a nearby location that retains public views while expanding potential habitat area. Thus, the applicant’s proposed permit amendment is not in conformance with the intent of past Commission action nor the resource protection policies of Chapter 3 of the Coastal Act, and must be denied.

E. LOCAL COASTAL PLANNING

The Cities of Del Mar and San Diego have fully certified Local Coastal Programs (LCPs) and issue their own coastal development permits (CDPs) throughout most of their coastal zone areas. However, the subject site is an area of filled tidelands within wetlands; this area remains under the Coastal Commission’s jurisdiction, and Chapter 3 of the Coastal Act is the legal standard of review. Parts of the restoration project are located in the Torrey Pines Community Plan for North City in the San Diego LCP, with the rest located in the City of Del Mar’s LCP jurisdiction. Both LCPs call for protection and enhancement of natural resource areas, and the overall restoration plan was found consistent with both LCPs. The proposed project serves to protect the resource value of the area, and is thus consistent with both LCPs. Therefore, the Commission finds that the proposal, as conditioned, will not prejudice either City’s ability to continue implementation of its certified LCP.
F. **California Environmental Quality Act**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080(b)(5) of CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal resources that would occur if the amendment were approved. Accordingly, the Commission’s denial of this project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, do not apply.

Even if CEQA did apply, Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. As discussed above, the proposed removal of Special Condition No. 6d in order to retain the existing boardwalk is inconsistent with the policies of Chapter 3 of the Coastal Act. The proposed amendment would pose risks to the integrity of the surrounding environmentally sensitive areas and future restoration efforts. In addition, there are feasible alternatives to the proposed amendment available which would substantially lessen any significant adverse impact which the activity may have on the environment.
APPENDIX A

- Coastal Development Permit No. 6-04-088
- Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02
- Coastal Development Permit No. 6-12-040
- Coastal Development Permit No. 6-12-067
Figure 3. Conceptual Phase 2 Alternative SOL Trail Design Exhibit

2012-062 Del Mar Restoration

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<tr>
<th>Habitat</th>
<th>Elevation NGVD (feet)</th>
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<tr>
<td>Upland Transition</td>
<td>Above 4.5</td>
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Map Features:
- Phase 1 Restoration Footprint
- SOL Phase 2 Restoration Area
- South Overflow Lot Project Location
- Alternative SOL Trail Design
- Existing Trail
- Proposed Access Road
- Potential Future High Marsh
- Proposed Wetland Habitat - 9.17 acres
- Subtidal
- Frequently Flooded Mudflats
- Frequently Exposed Mudflats
- Low Marsh
- Mid Marsh
- High Marsh
- Proposed Upland Habitat - 1.17 acres
- Upland Transition
Figure 3. Conceptual Phase 2 Alternative SOL Trail Design Exhibit

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Source: USGS/EarthExplorer - Aerial 2012
Figure 3. Conceptual Phase 2 Alternative SOL Trail Design Exhibit

2012-062 Del Mar Restoration

Habitat Elevation NGVD (feet)
Subtidal less than -1.5
Frequently Flooded Mudflat -1.5 to 0.4
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- Existing Trail
- Potential Future Trail by Others
- Proposed Access Road
- Potential Future High Marsh
- Proposed Wetland Habitat - 9.17 acres
- Proposed Upland Habitat - 1.17 acres

White Dashed Line Depicts Possible Compromise Boardwalk

Source: USGS/EarthExplorer - Aerial 2012
Figure 4. South Overflow Lot Phase II Planting Plan

Map Features
- Phase 1 Restoration Footprint
- SOL Phase 2 Restoration Areas
- South Overflow Lot Project Location
- Existing JPA Trail
- Proposed JPA Trail

Proposed Planting Plan
- Subtidal
- Frequently flooded mudflats
- Frequently exposed mudflats
- Low marsh
- Mid marsh
- High marsh
- Upland Transition

Source: USGS/EarthExplorer - Aerial 2008
Map Date: 8/24/2012