

**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY
Minutes of January 21, 2011**

MEMBERS PRESENT

Sherri Lightner -
Olga Diaz
Jim Cunningham
Dave Roberts
Pam Slater-Price
Dianne Jacob
Carl DeMaio
Tom Golich
Becky Bartling

REPRESENTING

City of San Diego
City of Escondido
City of Poway
City of Solana Beach
County of San Diego
County of San Diego
City of San Diego
Citizens Advisory Committee
22 District Agricultural Association

VISITORS/STAFF PRESENT

Wayne Brechtel	JPA Counsel
Dick Bobertz	San Dieguito River Park JPA
Susan Carter	San Dieguito River Park JPA
Shawna Anderson	San Dieguito River Park JPA
Jan Lines	San Dieguito River Park JPA
Freda Reid	Del Mar Resident
Jan McMillan	San Dieguito Lagoon Committee
Lee Haydu	City of Del Mar

Introduction and Announcements

Vice-Chair Lightner convened the meeting at 9:30 a.m. in the County Administration Building, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101. Ms. Lightner welcomed everyone to the meeting and asked each Boardmember and staff to introduce themselves.

Chair Lightner asked outgoing 2010 JPA Chair, Richard Earnest to step up to the podium for a presentation. A framed photograph of the Grand Avenue Bridge in Del Mar was presented to Mr. Earnest with gratitude for his service and support to the River Park.

Mr. Earnest thanked the JPA for the gift. Mr. Earnest said that 2010 was a most interesting year for the JPA and even though the board and staff have had a stressful year there were many accomplishments to be proud of. A list of accomplishments were read including grant projects and awards for the David Kreitzer Lake Hodges Bicycle/Pedestrian Bridge.

Boardmembers Roberts and Slater Price thanked Mr. Earnest for all his leadership as chair of the San Dieguito River Park.

Approval of Minutes of September 17th

Boardmember Slater-Price made a motion to approve the minutes of September 17, 2010 and Boardmember Jacob seconded the motion. Boardmember Golich stated that he was not at the meeting and to change the minutes to reflect Phil Pryde was in attendance in his place. Vote 6 Yes 2 abstentions (DeMaio and Mosier)

Executive Director's Report- Director Bobertz reported that State Parks has scheduled a site visit to see the site of our proposed San Dieguito Lagoon Center, for which we applied for the \$7 million State grant. Deputy Director Carter stated that the State grant has funds available of \$93 million with 300 applications totaling almost \$1 billion vying for the available funds. He said we are optimistic that we can show how much this educational facility is needed.

Public Comment- None

ACTION

1. Election of New Board Officers

Recommendation: Approve Nominating committee's Recommendations for JPA Chair and Vice-Chair and Committee Assignments for 2011.

Boardmember Golich said that the Nominating Committee discussed the nominations over the phone. It was recommended that Vice-Chair Sherri Lightner become chair and Olga Diaz become vice chair. Mr. Golich put these names into nomination to the JPA Board along with the sub-committee members and Boardmember Slater-Price seconded. Chair Lightner asked to be removed from the Land Use Committee and replaced with Olga Diaz with Dave Roberts as first alternate. Vote All in favor.

Boardmember Golich turned the meeting over to new Chair Lightner.

2. Workers Compensation Insurance-

Recommendation: Adopt attached resolutions necessary to join the Special District Risk Management Authority for Workers Compensation insurance coverage.

Deputy Director Carter reported that we were informed by the County of San Diego that although they have covered our Workers's Compensation for the last 6 years it is not allowed by law. We were paying the County \$3900 a year for this insurance. She explained that we sought coverage from the company that provides the rest of our insurance and we got a quote from the State Workers Compensation Program, which came in at \$36,000 for the same coverage. She said we did find a Special District Risk Management Authority that quoted \$19,000 a year. The SDRMA requires a resolution and membership in their organization which is an additional \$1573 a year. The unfunded amount for this year will be \$9000 for half a year.

Boardmember Cunningham asked about the deductible stating that some policies have a very high deductible. Boardmember Jacob asked what are the consequences of not providing workers compensation insurance. Counsel Brechtel said that the liability consequences of not having coverage would not be advisable to the River Park. Boardmember Golich noted that the type of work that many of the JPA employees (specifically the rangers) do, justifies the need for workers compensation insurance. Chair Lightner asked about the language in the agreement that states that we are to have a liaison between the

insurance company and a safety officer . Ms. Carter said that there will be training for risk management and the River Park staff will assign someone to attend the meetings and make sure that we comply with the safety regulations.

Boardmember Diaz asked whether we should look for other coverage that might be cheaper. Counsel Brechtel stated that we really looked at most of the coverage options that are out there and he felt that this is a good policy. For the record, Counsel Brechtel read into the minutes: The motion would be to adopt a resolution that the Board of Director of the San Dieguito River Valley Open Space Park Joint Powers Authority approving the form of and authorizing the execution of a 6th amended and restated Joint Powers Agreement authorizing participation in the Special District Risk Management Authority Workers Compensation Program.

Boardmember DeMaio asked if there was a shorter term contract for this coverage and felt that approving this would jeopardize possible changes to the structure of the JPA benefits package that was discussed at last year's budget meetings. Mr. DeMaio proposed that the motion reflect that the Board would authorize a 1 year agreement if possible. Becky Bartling noted that the text of the agreement stated that the 3 year participation was a requirement.

Boardmember Slater-Price made a motion to adopt the staff recommendation which was read into the minutes by Counsel Brechtel. Boardmember Roberts seconded.

Vote Yes 7 Opposed 2 (DeMaio and Lightner)

Chair Lightner requested that staff look into the possibility of any other benefits being cancelled as the workers compensation has so that we have time to plan for changes.

3. Background Check Policy-

Recommendation: Adopt resolution approving the Criminal Background Check Policy.

Deputy Director Carter said that at the previous meeting the Board had given direction regarding the type of information that should be included in the policy regarding obtaining criminal background checks for volunteers. Ms Carter said that the Resolution before the Board today adopts the background policy which is based on the outline provided by the Department of Justice. Section 3a was amended to exclude the one time volunteers that come out to habitat rehabilitation or trail maintenance, CAC or JPA and Ad Hoc members or individuals that provide proof of previous security clearance in the last 2 years and others approved by the Executive Director. This will give some flexibility to our basic policy and exclude people that do not come into contact with children.

Boardmember Diaz asked about the Sikes Market Pony ride employees and if they would be getting a background check. Ms. Diaz asked how long it takes to get the information back from the security company. Ms. Carter said that this would be an appropriate situation to have a check because they do work with children. She added that she did not know how long it takes to get the information back.

Boardmember Roberts stated that he felt that telling our volunteers that we do background checks would be a deterrent to anyone who knew that they would not pass.

Boardmember Golich asked staff to clarify the cost of having the Livescan done. Ms. Carter stated that the cost would be about \$20 for each person.

Counsel Brechtel stated that the Department of Justice only legal requirement in background checks is with respect to individuals that have supervisory or disciplinary authority over minors. Mr. Brechtel said that he looked at many policies and this language was the best for our situation.

Becky Bartling stated that the 22nd District Agricultural Association does background checks and they come back within hours. She offered assistance in looking into their process.

John Degenfelder said that he has had a background check recently at Sheriffs office for \$23.

Boardmember DeMaio would like to add additional categories such as registered sex offender. We also have program partners that might need to have background checks and when would this system be triggered to ask for outside sources to have checks.

Chair Lightner asked about page 42 regarding the security and keeping of the records for an agency and the decision making after the background check has been done. We might make a determination on an employee or volunteer that would later make us liable for that decision. Ms. Lightner also inquired as to the storage of these records and destruction of them.

Counsel Brechtel said that we would be using the information that was provided to make a decision on the security of that individual. Mr. Brechtel said that the misuse of the information is a criminal offence and would not be publicly released.

Boardmember Jacob said that she would like to have more information on costs and other agency policy language before a decision is made. She requested this be brought back to the next meeting with information showing the most cost effective way to do this and how to target this. Ms. Jacob said that this should be limited to employees, contractors, volunteers that work with kids. As a Board we need to revisit the ability for the Executive Director to decide what people do not have to have the background checks. Boardmember Jacob read the County policy which states :

Purpose

To establish a policy that protects the interest and safety of our children and the public through the use of criminal background checks on all volunteers and new employees who are in direct contact with children under the age of 18.

Background

County employees and volunteers interact with children as part of their daily work assignments. They provide an array of services that promote the health and well being of children. Children by their very nature are a vulnerable group and for this reason it is imperative that they not be inadvertently placed in harm's way. Criminal background checks are a key component in determining an applicant's suitability for employment. They ensure the timely identification of any criminal history that is incompatible with the activities and interactions required by the job, especially with those that involve children.

Policy

It is the policy of the Board of Supervisors that for all new hires and volunteers:

- 1. a criminal background check will be conducted as a condition of employment including a check for all sex offenses;*
- 2. the results of a criminal check may be considered disqualifying, depending on the nature of the conviction(s) and any proposed duties having direct contact with children under the age of 18; except for*
- 3. sex related convictions, as defined by California Education Code Section 44010, which are an automatic disqualification for employment either paid or volunteer basis, for positions that involve contact with children under the age of 18; and*
- 4. contract providers that have direct contact with children under the age of 18 are prohibited from using personnel that meet the aforementioned disqualifying criteria.*

Boardmember Roberts suggested that the Sheriffs department or another Public Safety Director should be asked for their opinion on how they assess the people that get checks. He hopes that we do not rush into this policy without full knowledge.

This item will be revised and brought back to the Board in March.

4. Potential Trail Parking/Staging Area in Del Mar-

Recommendation: *Authorize the Chair to send a letter to the City of Del Mar requesting that the City designate the site at the northeast corner of San Dieguito Drive and Jimmy Durante Blvd for a trail parking/staging area.*

Director Bobertz said that the Boardwalk at Jimmy Durante has been popular but has very limited parking in the area. We have been informed by the City of Del Mar that the property at San Dieguito and Jimmy Durante is owned by NCTD and operated by Del Mar that might be available for parking. It has been suggested that the River Park send a letter to the City of Del Mar asking for consideration making this property into a parking/staging area for both the Coast to Crest Trail and Del Mar's Riverwalk.

Boardmember Mosier welcomed the idea of a parking lot on the property formerly used as a recycling center. This property is in the flood plain and has limited development potential but the problem is that the City of Del Mar has the property was sublet to the waste management company under a limited lease and designated for recycling use only. When that lease expires in a few months the property owner NCTD is asking for a lease at market rate which is 12 times what the lease is now.

Boardmember Slater-Price said that a rumor going around indicates that this will be leased to a towing company which would be an appropriate use of commercially zoned property, but inappropriate due to the hazardous nature of the towing company vehicles and the potential spill of oil so close to the lagoon.

Boardmember Mosier said that this use is not good being so close to the lagoon but having a parking /staging area might be just as harmful to the lagoon with the cars parked there.

Chair Lightner suggested that the language say "Authorize the chair to send a letter to the City of Del Mar supporting the use of the site on the north east corner for parking/staging area."

Boardmember Golich suggested that the City of Del Mar rezone the property for open space.

Boardmembers Roberts made a two part motion to send a letter to the City of Del Mar to consider rezoning the property for less intense uses which could be trail or staging area and 2) send a letter to the North County Transit District asking them to consider designating this property as surplus and sell it to the appropriate agency, either JPA, Del Mar or Conservancy. Boardmember Slater-Price seconded.

Vote 7 Yes 1 abstention (Mosier)

5. Palomar Community College District Conservation Easement
Recommendation : Adopt attached resolution accepting a Conservation Easement Deed over approximately 3.27 acres at Bandy Canyon Ranch (former Fenton Ranch) and authorize the Executive Director or Deputy Director to execute all documents necessary to complete the transaction.

Deputy Director Carter recommended that the Board adopt the Resolution accepting a Conservation Easement Deed on 3.27 acres at Bandy Canyon Ranch (formerly Fenton Ranch) and to authorize the Executive or Deputy Director to execute all documents necessary to complete the transaction. Ms. Carter reported that the Board accepted an easement a few years ago of 90 acres from Palomar Community College District and now they have come back wishing to create wetlands on the site. The funds will be put in our endowment for future management. A restoration plan is being created for this site and a contractor will be responsible to implement the restoration plan.

Boardmember Cunningham made a motion to adopt the attached resolution accepting the easement and Boardmember Roberts seconded.

Vote All in favor

6. Escondido Union School District Mitigation Purchase Agreement

Recommendation: Adopt attached resolution authorizing the sale of a conservation easement on a portion of the Sycamore Westridge property to the Escondido Union High School District and authorizing the Executive Director or Deputy Director to take any and all further actions, including the execution of a purchase agreement and approval of further documents, which may be required to complete the Conservation Easement sale.

Deputy Director Carter reported that Escondido Union School District wants to purchase mitigation credits for 16.58 acres of San Dieguito River Park property along with an endowment for long term management. This sale will net \$33,250 an acre with an additional total \$15,290 for start-up costs including management plan and maps. In addition, Ms. Carter said that \$98,000 will be deposited into our endowment fund. Ms. Carter stated that staff is recommending the Board authorize the sale of these mitigation credits on the Sycamore Westridge property and authorize the Executive or Deputy Director to execute all documents necessary to complete the transaction.

Boardmember Slater-Price made a motion to approve staff recommendation and Boardmember Jacob seconded. All in favor.

INFORMATION

7. Coordination Reports (oral)

- a. San Dieguito River Valley Conservancy- Craig Adams thanked the new Chair and Vice-Chair for assuming their responsibilities. Mr. Adams noted all the accomplishments over the last 20 years and said that the River Park needs to be good stewards of the property. The Conservancy is also experiencing hard times and we all face challenges and we need to work together. He noted that the million dollar grant that was announced, was co-written with the River Park and the Conservancy, and that the Conservancy will be managing $\frac{3}{4}$ of the grant that covers the eucalyptus removal in the Del Dios Gorge area.
- b. Friends of the San Dieguito River Valley- no
- c. Volcan Mountain Preserve Foundation-no
- d. San Dieguito Lagoon Committee-no

8. Status Reports(oral)

a. River Park Projects

Deputy Director Carter reported on the lagoon trail which is part of the Coast to Crest trail in the lagoon along with the loop part of the trail that is named the Saltmarsh Birdview Trail. We have completed our part of the trail but Edison's contractor has not completed their removal of rock piles in the area. It is estimated that it might be June or July of 2011.

Shawna Anderson said that the Mesa Loop Trail is being added to the Southern California Edison permit before we can start building this section. We will be constructing the Mesa Loop Trail this year.

The Horsepark Trail has a grant that will allow us to extend the Coast to Crest Trail to El Camino Real. We are working with the operations manager at Horsepark and the 22nd District Agricultural Association to find an alignment that will be acceptable to all parties.

Shawna Anderson said that the funding from the Coastal Conservancy will allow us to complete an environmental study for the Reach the Beach segment which will complete the trail from the Boardwalk to the beach. We are launching a public opportunities and constraints and exploration of different trail routes. A number of agencies will be called on for suggestions and this will come back to the JPA Board in the future with a preferred alignment.

Deputy Director Carter reported that the West Bernardo Bike Path will be completed on approximately February 15th, 2011.

Boardmember Roberts said that the undergrounding of the telephone poles is great news. He thanked Chair Lightner for all her efforts on this project.

9. Jurisdictional Status Reports- Boardmember Diaz encouraged everyone to drive to Escondido and see Lake Hodges full of water. Boardmember Slater-Price commended Chair Lightner's efforts on the Polo Field improvements.

10. Communications-

Letter sent to California Fish and Game Commission 12/8/10 re MLPA

Director Bobertz stated that we have not had a response on the letter we sent.

Chair Lightner adjourned the meeting at 11:35. The next meeting will be on March 18th, 2011.

These minutes approved by Board Action

Date

Executive Director

DRAFT