

**SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
Minutes of March 20, 2015**

MEMBERS PRESENT

Don Mosier - Chair
Dianne Jacob – Vice Chair
Olga Diaz
Dave Grosch
Mark Kersey
Sherri Lightner
Dave Zito
Tom Golich
Becky Bartling

REPRESENTING

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

VISITORS/STAFF PRESENT

Wayne Brechtel
Mark Ochendusko
Shawna Anderson
Brenda Miller
Jacqueline Winterer
Jeff Barnouw
John Gillies
Dwight Worden
Allison Don
Tiffany Vinson
Jeff Pasek
Mara Laws
Terry Kopanski
Alice Brown
Bill Michalsky
Joseph Smith
Adam Wilson
Kevin Mc Kernan
Lance Cottington

JPA Counsel
San Dieguito River Park JPA
San Dieguito River Park JPA
San Dieguito River Park JPA
Friends of the San Dieguito River Valley
Friends of the San Dieguito River Valley
Citizen
City of Del Mar
Council President Lightner's staff
Council Member Kersey's staff
City of San Diego
Citizen
Del Mar Lagoon Committee
Del Mar Lagoon Committee
Sierra Club
City of Del Mar Planning Department
Supervisor Jacob's staff
San Diego River Conservancy
Del Dios Concerned Citizens

Introduction and Announcements

Chair Mosier convened the meeting at 11:05 a.m. in the County Administration Building, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101

Approval of Minutes of January 16, 2015

Boardmember Golich made a motion to approve the minutes of January 16, 2015. Boardmember Zito seconded the motion. Yes votes: Mosier, Jacob, Golich, Diaz, Grosch, Zito and Kersey. Abstain: Lightner. Absent: Roberts.

Executive Director's Report – No Report

Public Comment-

Lance Cottington from the Del Dios Concerned Citizens group spoke on the Oak Woodland Fire Fuel Reduction Project at Lake Hodges. This project is not under the jurisdiction of the San Dieguito River Park therefore no comment was made by the board.

Chair Mosier used the Chair's prerogative to hear agenda item 4 first.

4. Approval of Revised Joint Exercise of Powers of Authority Agreement.

Recommendation: 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 April, 2015.

Interim Director Ochenduszkowski stated that the proposed revisions to the Joint Exercise of Powers Agreement are in the agenda materials. The topic was reviewed at the January Board of Directors meeting and it was continued. Three items were asked to be reviewed; 1) the methodology for the weighted vote. The change was made that if only one Board member of the City or County of San Diego is present, that single Board member may only vote using their assigned percentage of their respective agency's weighted vote, not the total weighted vote of the entire agency. 2) Board Membership. The change was made that only the City and County of San Diego be permitted to have one legislative body designee (rather than elected official) serve on the JPA Board. 3) Section 19, LIABILITY OF PARTIES paragraph was changed to remove "...except upon the termination or withdrawal of any Public Agency as provided in Sections 20 and 21 of this agreement". This sentence was removed; however the wording in Section 20 remained unchanged. Interim Director Ochenduszkowski concluded by saying staff recommends approval of this revised agreement.

Boardmember Kersey acknowledged the hard work that the working group has done and thanked Interim Director Ochenduszkowski. Board member Kersey commented on the need for clarity and consistency of the wording in Sections 19 and 20 of the JPA Agreement.

Boardmember Kersey made the motion to approve the Revised Joint Exercise Powers of Authority Agreement with amendments, presented as written handouts. Section 20 would be changed to read

20. WITHDRAWAL OR TERMINATION 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 contributions 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. 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. The JPA shall provide the withdrawing Public Agency with an accounting of the JPA's assets and liabilities as of the withdrawal date.

Board member Kersey further proposed that Exhibit D include a sentence stating: Beginning in the FY 2017 Budget, Public Agency Contribution increases will not exceed 5% of prior year's required contributions. This does not preclude any Public Agency from contributing funds in addition to the required contribution.

Boardmember Lightner seconded the motion.

After a lengthy discussion Boardmember Kersey withdrew the motion and made a new motion to form a subcommittee of Chair Mosier, Vice-Chair Jacob, Boardmembers Zito and Kersey to work with Interim Director Ochendusko to address and resolve the concerns the City of San Diego has brought up at this meeting. The motion was seconded by Boardmember Zito.

Yes votes: Mosier, Jacob, Golich, Diaz, Grosch, Zito, Kersey, Lightner. Absent: Roberts

Vice-Chair Jacob left the meeting at 12: 17 p.m.

CONSENT

1. Approve Resolution No. R15-1 of the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers of Authority Approving Participation in the County Deferred Compensation Program.

Recommendation: Approve attached Resolution No. R15-1 to participate in the County Deferred Compensation Program.

Boardmember Lightner asked that item 1, Approval of Resolution No. R15-1, be removed from the Consent Agenda until the details have been heard.

Interim Director Ochendusko explained Consent Agenda item 1, stating that the San Dieguito River Park JPA has been a member of the County deferred compensation plan since 1989. This action is a formality requested by the County of San Diego. The River Park does not contribute to this plan. The plan is available as a County benefit to the River Park employees and employees may choose to contribute to the plan. Interim Director Ochendusko stated for the record that there is no cost the employer San Dieguito River Valley Regional Open Space Park Joint Powers Authority or to any member agency.

Boardmember Zito made the motion to approve Resolution R15-1. Boardmember Grosch seconded the motion. Yes votes: Mosier, Golich, Diaz, Grosch, Zito, Kersey and Lightner. Absent Jacob and Roberts.

2. Approve Support Letter to City of Del Mar in Support of SANDAG Active Transportation Grant.

Recommendation: Approve sending letter of support to SANDAG for City of Del Mar's TransNet Active Transportation Grant application for design of a Coast to Crest Trail underpass at the San Dieguito Double Track railroad bridge and Special Events Platform.

Boardmember Golich made the motion to approve item 2 of the Consent Agenda. Boardmember Zito seconded the motion. Yes votes: Mosier, Golich, Diaz, Grosch, Zito, Kersey and Lightner. Absent: Jacob and Roberts.

ACTION AGENDA

3. City of Del Mar Staff Presenting the Del Mar River Path Expansion Project.

Recommendation: Send letter of support to the City of Del Mar for the River Path Del Mar Extension Project.

Shawna Anderson introduced Joseph Smith from the City of Del Mar Planning Department presenting the project. The project is a proposed path along the San Dieguito River from Jimmy Durante Blvd east to the Grand Avenue Bridge Overlook. The project is in the planning and environmental stage and being done in partnership with the San Dieguito River Valley Conservancy. Funding for the project design and environmental review is from a grant provided by the County of San Diego and Supervisor Dave Roberts. The San Dieguito River Valley Conservancy is conducting a fundraising campaign to match JPA County Supervisor Dave Robert's grant. The construction costs will be paid for by funds from the City of Del Mar, San Dieguito River Valley Conservancy, grants, mitigation funds and private donations. Mr. Smith stated that the project has been funded 50% at this time. The path is approximately 3000 linear feet. Ideally the path could be extended to Crest Canyon. The emphasis of the pathway will be the views, the history of the lagoon and attention to the sea level rise. An end of year ribbon cutting is planned. Mr. Smith is asking for the support of the JPA Board.

Public Speaker John Gillies stated that he supports the timely use of the grant money, has concerns over the mitigation for the Coastal Sage Scrub and feels that the property should remain a wetland.

Public Speaker Trish Boaz stated that the San Dieguito River Valley Conservancy supports the Del Mar River Path.

The CAC reviewed this project and is in favor of it. Boardmember Golich made the motion that the JPA send the draft letter of support. Boardmember Zito seconded the motion. Yes votes: Mosier, Golich, Diaz, Grosch, Zito, Kersey and Lightner. Absent: Jacob and Roberts.

5. Report on California Coastal Commission Action Regarding Removing the San Dieguito Lagoon Boardwalk and Seek Approval to Pursue Options That Would Result in a Reconsideration of the Matter.

Olga Diaz left the room for the discussion of this item as she is an alternate for Supervisor Greg Cox on the California Coastal Commission.

The JPA staff asked the California Coastal Commission to remove a clause in the original permit that would allow the boardwalk to remain in its present location. The original permit stated that the boardwalk was temporary and may be removed in the future. The California Coastal Commission staff stated that the boardwalk would restrict tidal flow, that if the boardwalk was removed one acre more of wetland could be restored and that pedestrian traffic would disturb the birds. After the 5-5 tied vote at the California Coastal Commission hearing the California Coastal Commission staff recommendation to remove the boardwalk was upheld. The JPA has the right to ask for reconsideration of this issue in limited circumstances.

Dwight Worden explained that a request for reconsideration is the only option for appeal and must be filed within 30 days of March 11. The process for request for reconsideration is that the JPA files a request for reconsideration, California Coastal Commission staff puts the request on the California Coastal Commission agenda and makes a recommendation to grant or not grant the request, the Coastal Commission votes, if the Commission votes to grant the request for reconsideration the issue is then put on the agenda for a California Coastal Commission hearing at a future date. The request for reconsideration should be based on the addition of new information, to offer mitigation.

Speaker Jacqueline Winterer said that she feels the footprint of the boardwalk is less than an acre and she will provide funds to pay for the cost of a survey if necessary.

Speaker Trish Boaz said that the San Dieguito River Valley Conservancy is in support of attempting reconsideration of the boardwalk decision with the California Coastal Commission. Ms. Boaz further announced a rally and public walk at the boardwalk March 21.

The Board discussed the issue including the potential cost to remove the boardwalk in the amount of \$75,000 - \$100,000. If the boardwalk has to be removed, the grant received to build it, may have to be paid back also.

Boardmember Zito made the motion to authorize staff to work with Dwight Worden to bring the boardwalk issue for reconsideration with the California Coastal Commission. Boardmember Grosch seconded the motion.

Yes votes: Mosier, Golich, Grosch, Zito and Kersey. No vote: Lightner. Absent: Jacob and Roberts.

Boardmembers Lightner and Bartling left the meeting at 1:05 p.m. Boardmember Diaz returned to the meeting at 1:05 p.m.

INFORMATION

6. Park Project Status (oral)

- a. Ranger Station - Shawna Anderson reported that the Ranger Station project is tentatively scheduled to be heard by the California Coastal Commission in May.

7. Coordination Reports (oral)

- a. San Dieguito River Valley Conservancy – Executive Director Boaz invited everyone to attend the rally and hike to Save the Boardwalk, Saturday, March 21
- b. Friends of the San Dieguito River Valley- No Report
- c. Volcan Mountain Preserve Foundation- No Report
- d. San Dieguito Lagoon Committee – Terry Kopanski reported that Lagoon Day is planned for April 19 and will include a walk on the boardwalk at 10:00 a.m.

8. Jurisdictional Status Reports- No Reports

9. Communications- No Communications

10. ADJOURN TO CLOSED SESSION at 1:10 p.m.

- a) Closed Session Pursuant to Government Code Section 54957(b)(1) to Evaluate the Performance of Interim Executive Director.

These minutes approved by Board Action

Date

Executive Director