

**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK  
JOINT POWERS AUTHORITY  
Minutes of May 21, 2010**

**MEMBERS PRESENT**

Richard Earnest -Chair  
Sherri Lightner -Vice Chair  
Olga Diaz  
Jim Cunningham  
Dave Roberts  
Dianne Jacob  
Carl DeMaio  
Tom Golich  
Becky Bartling

**REPRESENTING**

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

**VISITORS/STAFF PRESENT**

Ken Cariffe	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
Anne Cooper	San Dieguito River Park JPA
Freda Reid	Del Mar resident
Jacqueline Winterer	Friends of the San Dieguito River Valley
John Degenfelder	Ramona Trails Association
Bill Proffer	San Dieguito River Valley Conservancy
Kathy Andrews	Del Mar Resident
Craig Adams	San Dieguito River Valley Conservancy

**Introduction and Announcements**

Chair Earnest convened the meeting at 9:35 a.m. in the County Administration Building, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101

Boardmember Golich introduced the CAC members in attendance as Jacqueline Winterer, Freda Reid, and John Degenfelder.

**Approval of Minutes of April 16<sup>th</sup>, 2010**

Boardmember Golich made a motion to approve the minutes of April 16, Boardmember Cunningham seconded the motion. Yes 7 2 absent (De Maio and Slater-Price))

**Executive Director's Report:** Director Bobertz discussed the Earth Week event that the River Park participated in at the wetlands this year. There were 8 schools in attendance with 600 children learning about the environment and making seed balls to spread wild flowers into their gardens. A display was presented for the board to look at, showing the day's event. Mr. Bobertz showed the board a copy of the Riverscape, our monthly email newsletter, with the events and activities coming up. Another event this month was the annual Volunteer Appreciation event presented at the Bandy Canyon Ranch which is a wonderful setting and a chance for the River Park to thank their volunteers.

**Public Comment- None**

**CONSENT AGENDA**

1. Amend FY 09/10 Budget

**Recommendation: Amend FY09/10 Budget**

Director Bobertz said that the Consent item is asking the board to amend the 09/10 budget to equalize the funds. Chair Earnest suggested that any future amendments should be round numbers and not look so much like an exact amount, if in fact they are estimates.

Boardmember Roberts made a motion to amend the FY 09/10 budget per staff recommendation and Boardmember Golich seconded. Vote YES 7 2 absent ( DeMaio and Slater-Price)

Boardmember DeMaio arrived at 9:50 a.m.

**ACTION AGENDA**

2. Andrews Request for Reduction of Wetland Buffer

**Recommendation: Discuss and support the preservation of the existing open space deed restriction.**

**Amended Recommendation: Staff is recommending a 100 ft. buffer from the wetlands with no encroachments (no driveway in the buffer) , and with only native plants**

Shawna Anderson stated that this project is located in the City of Del Mar and that the applicant is present today to answer questions if necessary. This item was presented to the City Council of Del Mar and a decision is pending the review of the Coastal Commission. The project is located on San Dieguito Drive across the street from the Grand Ave Bridge. This property has had a open space deed restriction on it since 1985 which was a condition of the Coastal Commission. The applicant is asking for a permit to build a second home on the property and lift the deed restriction and reduce the 100 foot wetland buffer restriction to 50 feet. The River Park has sent a comment letter to the Coastal Commission asking to keep the 100 ft wetland buffer in place due to the fact that the wetlands need more protection, not less, after the wetlands were recently restored. Ms. Anderson said that the River Park and Project Review Committee usually do not comment on single family homes but since this is so close to the wetlands it was imperative that we protect this project. The applicant met with Ms. Anderson at the site and was willing to make adjustments on this project to allow for the 100 ft buffer.

Ms. Anderson said that if they keep the 100 ft buffer and plant all native plants the River Park staff felt that this would be acceptable. One other consideration on this project is a long driveway through the buffer

which she had just learned is being proposed. She said she recommends that the Board find the driveway encroachment not consistent with the purpose of the buffer.

A few boardmembers asked questions, one of which was concerns about the reason that the deed restrictions were put into place by the Coastal Commission in 1985. Ms. Anderson said that reason was to keep the natural open space preserved.

Boardmember Diaz voiced her concerns about the driveway and how much native vegetation would be displaced. Ms. Anderson said that the 15 foot driveway is a requirement of the fire department and it does take out a substantial amount of native plants.

Boardmember Jacob asked what the JPA's primary responsibility is and how do we protect the River Park. Ms. Anderson said that the River Park does not oppose all development in the FPA because this is private property but we try to provide input into the design to minimize the impacts to the environment.

Boardmember Cunningham made a motion to approve the staff amended recommendation for a 100 ft. buffer from the wetlands with no encroachments (no driveway), and with only native plants .

Boardmember Diaz seconded.

Vote: Yes 7 , Abstain 1 (Chair Earnest recused himself.) Absent 1.

Report from Budget Committee

**Recommendation: Review and provide direction to staff**

Director Bobertz said that the budget committee met on April 30<sup>th</sup> and brought forth 5 alternatives for the Board to consider.

1. Budget Alternatives
2. Board Meeting schedule
3. Vacation approval policy
4. Establishing a reserve unfunded liability
5. Resolution on Member Agency Contributions

Mr. Bobertz said that he had informed the Chair that he has filed for retirement effective July 1<sup>st</sup>. If the Board is willing, it is his intention to continue serving as Executive Director in a volunteer capacity for the next two or three years. With this decision, it would give the Board some time so that in the next few years the City of San Diego will be back on track with their member assessment and if not, we will find other funding to replace it. He said that the alternatives in the agenda package that include a salary for the Executive Director would no longer apply, and he directed the Board's attention to the Tan alternative, which is his recommendation. It would eliminate the half-time Sikes Museum Manager position and reduce the Environmental Planner position from  $\frac{3}{4}$  time to  $\frac{1}{2}$  time. He noted that the Budget Committee identified other significant cost cutting measures which are elimination of the bookkeeper ( \$6K), cut the volunteer budget by \$4K, eliminated the uniform budget (\$3K), mileage allowance (\$800), and training and conferences budget (\$2250). Another cost cutting measure will be to change cell phone coverage to combine the land line with the cell phone billing. With all the savings presented, we still have about \$8K to make up for in next year's budget. Mr. Bobertz said that the mitigation credits that we expect to sell in the next fiscal year would cover this shortfall but noted that in the event that the mitigation credits are not sold, the Board could borrow endowment funds and pay them back.

Mr. Bobertz stated that the Board might want to choose an alternative listed in Table 1 which breaks out the employee benefits and how much it would save to eliminate certain benefits, such as impose more furlough days or reduce the offset contribution.

Mr. Bobertz noted that since the agenda went out, a letter with various proposals has been received from Boardmembers Lightner and DeMaio for consideration.

Boardmember DeMaio stated that even though the problem was partially caused by the City of San Diego decision not to fund the River Park at this time we must look at the long term ramifications of not having a paid Director. We must look at all the factors to sustain the River Park and part of the problem is that the employee package as it stands today is not acceptable for balancing a budget. Although Mr. DeMaio commends Director Bobertz sacrifice in retiring to save funds, he also feels that we need to look at the long term costs which include a paid Director position. Mr. DeMaio said that he and Boardmember Lightner are committed to working with the City of San Diego to restore the assessment in the future. Mr. DeMaio gave his word that they will work diligently to get back on track with the funding.

Boardmember Lightner stated that neither the general fund or the Parks and Recreation fund of the City of San Diego is able to fund the River Park at this time.

Chair Earnest agreed that the structural financial stability is imperative. Mr. Earnest said the JPA does need to reduce the pension costs and suggested that instead of borrowing the \$8K from the endowment to reduce the expenses he suggests that we reduce the 7% offset contribution to 5%.

Boardmember Roberts asked Boardmember Lightner if the City of San Diego is still funding similar regional parks in the City.

Boardmember Lightner stated that the other parks that are being funded are dedicated park lands for the City of San Diego and that's the difference.

Boardmember Roberts said that he is in agreement with Boardmember DeMaio that funding the employees share of retirement is not something that can continue.

Boardmember Golich said that the CAC felt strongly that the Environmental Planner position should be retained as a  $\frac{3}{4}$  time position, and therefore he could not support reducing the position to half-time.

Speaker Craig Adams said that the Conservancy is supportive in general of the Tan alternative but doesn't support reducing the Environmental Planner position or elimination of the Sikes Adobe Museum manager. He said both are key components to a successful River Park. The Sikes Adobe Farmhouse is an icon of the Park, and a way to get the recognition that the River Park needs. The Conservancy is in favor of using the endowment reserve monies as that is what they are set up for. Mr. Adams said that this is the time to use those funds for the shortfall to keep the Environmental planner at  $\frac{3}{4}$  and some staffing for the critical Sikes Adobe Farmstead.

Speaker Bill Proffer, President of the San Dieguito River Valley Conservancy, but speaking today as a citizen, stated that he is very disturbed by the current situation since he has come to love the open space park. He is concerned that the pension is not sustainable. He said that the voluntary contribution status of

each agency in the JPA needs to be addressed. Mr. Proffer suggested that the Board look into funding alternatives such as naming rights and private funding

Speaker Dave Kreitzer from the Conservancy said that since this is a very small shortfall he hoped that the representatives from the City of San Diego could go back to the Mayor and request these funds to close the gap in funding.

Boardmember DeMaio stated that he would not be able to go back to the City of San Diego and ask for funding unless the JPA showed that it is willing to restructure its finances.

Mr. DeMaio offered a motion to:

1. Adopt the tan scenario, but with the restoration of the Principal Planner to  $\frac{3}{4}$  time as well to allocate \$17,139 for a museum docent, either hourly or under contract;
2. Ask the JPA employees to consider leaving the SDCERA if the JPA establishes a 401K plan for them with 3% annual contribution by the JPA instead;
3. His office (and Councilmember Lightner's office) will pay for the \$15,000 actuarial study from their office budgets, so the full savings of the pension plan withdrawal can be obtained in the first year;
4. To sweeten the offer to the employees and get things started, to make a 5% contribution to the 401K in the first year (thereafter 3%).

Boardmember Lightner seconded.

Boardmember Jacob thanked Boardmembers DeMaio and Lightner for their suggestions for a solution to this problem that their city has brought on the River Park. Ms. Jacob said that she could not support the motion as given but did recognize that the new budget needs to be in place by July 1, 2010. Regarding the \$15,000 that was offered by Boardmembers DeMaio and Lightner to pay for the actuarial study, Ms. Jacob felt that those funds would be better used by the River Park for the endowment fund as she felt that the employees would not vote to withdraw from the system. Ms. Jacob said that between the environmental planner and the museum manager positions, the River Park would need funding of about \$60K. Ms. Jacob asked the question of the representative from the 22<sup>nd</sup> District Agricultural Association, Becky Bartling, if the district would be interested in becoming a permanent partner of the River Park.

Becky Bartling said that she has appreciated sitting on the JPA Board and working with the River Park to solve some of the issues in their area. She felt that the district might not be as open to the idea of becoming a permanent partner due to the fact that the River Park has not been supportive of the district in a number of issues.

Mr. Cunningham said that he knows that the Sikes Adobe Farmstead is an avenue for the public to know the River Park but feels that the Sikes Adobe should be its own foundation run by a non-profit. Mr. Cunningham stated that the River Park should take some of the endowment funds and get the Sikes Foundation started and let them be self sufficient. He also said that this is the time to take the "rainy day funds" and help the park through these tough times as this is more than a rainy day situation. He fully supports the tan alternative but he did not support the total withdrawal from the retirement system but he hopes that we can move forward on balancing the budget. (Mr. Cunningham left the meeting at this time).

Chair Earnest asked Mr. Bobertz if there were any conditions to returning as a volunteer after he retires from the River Park. Mr. Bobertz said there were no conditions. Chair Earnest stated that he was concerned that the City of San Diego is putting conditions on the River Park to cut costs or they will not return as a member agency.

Boardmember DeMaio stated that he is reporting from the Mayor's office and there needs to be a significant reduction made by the River Park before further discussion will be made by the City of San Diego as to their participation in the JPA.

Mr. DeMaio strongly suggested that the Board members support his motion. He also offered that the employees could meet with City labor management and discuss the proposed exit from SDCERA on a voluntary basis and the ramifications if the employees were not agreeable to the suggestion. If the employees do not agree commensurate cost cutting measures will be put into place by the Board at its discretion.

Boardmember Diaz suggested that the funding offered by Boardmembers DeMaio and Lightner could be used for the River Park instead and she felt that the City of San Diego's proposed motion is not giving the employees a choice. Ms. Diaz felt that the City of San Diego has not been able to solve its own financial problems so she suggested a less aggressive approach from their representative would be appreciated regarding fixing the JPA's problems.

Counsel Cariffe stated that there are two points on the volunteer vote to exit the County's retirement system: 1) this statute requires that the JPA employees petition to leave the retirement plan, 2) Any inducement to sign this petition would need to be completely voluntary.

Vote on the Motion: Yes 4 (DeMaio, Lightner, Golich, Roberts) opposed 3 (Earnest, Jacob, Diaz)

Boardmember Jacob made a motion to support the Budget Committee recommendation on items 2 (Board meeting schedule), 3 (vacation accrual policy), 4 (unfunded liability reserve) and 6 (resolution re member agency contributions) with the modification that 1 ½ years of vacation accrual (not two years) be the limit on the vacation accrual policy. Boardmember Roberts seconded.

All in favor, except a NO vote was noted on item 6 by Boardmember Lightner and a NO vote was noted on items 3 & 6 for Boardmember DeMaio.

Board member DeMaio said that the JPA should consider looking into multi-year contracts with the member agencies for funding.

### 3. Fill Vacant Ranger Position

**Recommendation: Authorize the Executive Director to fill the vacant ranger position.**

Executive Director Bobertz stated that we had a ranger leave the River Park employment for a Federal Ranger position and we need to fill the position. Due to the current budget situation, Mr. Bobertz felt it necessary to bring the filling of this position to the Board for approval.

Boardmember Roberts said that he appreciates being given the opportunity to make that decision and supports the motion to hire a ranger. Boardmember Golich seconded

Boardmembers DeMaio and Lightner felt that the River Park should wait until the budget was balanced to hire a ranger.

Boardmember Jacob noted that the Tan alternative that the majority had just voted for included this ranger position.

Vote 5 Yes 2 No (DeMaio and Lightner)

4. Coordination Reports (oral)
  - a. San Dieguito River Valley Conservancy- Craig Adams stated that this Saturday there will be a tour of Volcan Mountain behind closed gates. The Conservancy will be having a Supporter Appreciation event on June 6<sup>th</sup>.
  - b. Friends of the San Dieguito River Valley
  - c. Volcan Mountain preserve Foundation
  - d. San Dieguito Lagoon Committee

Anne Cooper invited all the Board members to the June 26<sup>th</sup> grand reopening of the Sikes Adobe Farmstead.

5. Status Reports (Oral)
  - a. River Park Projects-

Director Bobertz said that the reconstruction of our office is progressing nicely and we are on schedule to open on the 3 yr anniversary of the 2007 fires. We are looking forward to the bike path continuation from the Bridge along West Bernardo to the Piedras Pintadas Trail. This project will continue in September 2010.

6. Jurisdictional status Reports- Becky Bartling stated that the San Diego County Fair will be opening on June 11 and continue through to July 5th. This year the theme is "Taste of Fun" and the new fried food is "Fried Butter". Boardmember Roberts said that he picked up the bridge award in Washington DC and had an opportunity to meet representatives from TY Lin International.

7. Communication - None

Chair Earnest adjourned the meeting at 11.45 a.m.

These minutes approved by Board Action

\_\_\_\_\_  
Date

\_\_\_\_\_  
Executive Director