

**SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
Minutes of January 16, 2015**

MEMBERS PRESENT

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

REPRESENTING

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

VISITORS/STAFF PRESENT

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| Wayne Brechtel | JPA Counsel |
| Mark Ochendusko | San Dieguito River Park JPA |
| Shawna Anderson | San Dieguito River Park JPA |
| Brenda Miller | San Dieguito River Park JPA |
| Jacqueline Winterer | Friends of the San Dieguito River Valley |
| Terry Kopanski | Del Mar Lagoon Committee |
| Jeff Barnouw | Friends of the San Dieguito River Valley |
| Phil Pryde | Resident |
| Tiffany Vinson | Councilmember Kersey's Staff |
| Allison Don | Councilmember Lightner's Staff |
| Bill Michalsky | Sierra Club |
| Trish Boaz | San Dieguito River Valley Conservancy |
| Peter Shapiro | San Dieguito River Valley Conservancy |
| Anne Cooper | Sikes Adobe Museum Manager |
| Adam Kaye | Supervisor Dave Robert's office |
| Jeff Pasek | City of San Diego |
| Randall Sjoblow | City of Solana Beach |
| David Richards | City of Poway |
| Adam Wilson | Supervisor Dianne Jacob's office |

Introduction and Announcements

Chair Roberts convened the meeting at 11:00 am in the County Administration Building, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101

Chair Roberts welcomed the newest Boardmember Dave Grosch, representative from the City of Poway.

Approval of Minutes of November 21, 2014

Boardmember Golich moved to approve the minutes of November 21, 2014. Boardmember Zito seconded the motion. Yes votes: Roberts, Mosier, Jacob, Golich, Grosch, Zito Kersey Abstain: Diaz. Absent: Lightner

Executive Director's Report

Interim Executive Director Ochendusko reported that the temporary Ranger Station at the San Dieguito Lagoon is operating, the SDRP rangers did a great job preparing the trails before the rains and making repairs after the rains, the River Park has received two Neighborhood Reinvestment grants; \$25,000 from Supervisor Jacob for repairs to the Santa Ysabel farmhouse and \$46,025 from Supervisor Roberts for repairs and improvements at the Sikes Adobe Historic Farmstead. Interim Director Ochendusko stated that the River Park staff and volunteers have completed planting 3600 native plants throughout the park. Since 2009 the River Park has planted over 50,000 native plants. Thank you to Supervisors Roberts and Jacob for the grant funding provided. The River Park staff has installed signs, closed short cut trails, created an education component for these trails and are performing more Ranger patrols at Bernardo Bay. Interim Director Ochendusko announced the Connecting People with Nature program that has been developed to supplement high school learning and AP Environmental Studies. The program includes upcoming student site visits to the park and has been well received. Sikes Adobe is hosting Valentine's Day Teas on February 7, 14 and 21 at 1:00 and 3:00.

Public Comment- None.

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 the Coastal Ranger Station Project Account.

RECOMMENDATION:

Authorize the subject appropriations as noted.

Vice –Chair Mosier made the motion to accept the appropriations as stated. Boardmember Zito seconded the motion. Yes votes: Roberts, Mosier, Jacob, Golich, Diaz, Grosch, Zito and Kersey. Absent: Lightner.

ACTION

2. Presentation of 2014 San Dieguito River Park Accomplishments

Chair Roberts acknowledged the JPA staff changes made this year and recognized all of the hard work that staff members have done. Chair Roberts highlighted the following accomplishments: the grand opening of the Birdwing, the Sikes Adobe and the outstanding work Anne Cooper has been doing. He also acknowledged the work of Becky Bartling and the 22nd DAA Board, and thanked all JPA Board colleagues. Chair Roberts stated that the San Dieguito River Park is truly the Yosemite of Southern California and thanked all of the supporters, staff, the San Dieguito River Valley Conservancy and the Friends of the San Dieguito River Valley.

3. Approval of Revised Joint Exercise 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 February, 2015

Interim Executive Director Ochenduszko reported that the agreement before the Board is the culmination of a great deal of work for several months by the JPA Board, Ad-Hoc Subcommittee members, staff and attorneys of all the member agencies. This issue was last reviewed by Board November 21, 2014. Since then there have been two working group meetings, numerous calls and emails. The report today is to focus on the recommended changes to the Agreement in the areas of the Weighted Vote, Board Membership and Member Agency Withdrawal as follows:

1. Weighted Vote – A weighted vote may be called for by a boardmember if an issue has a financial impact to the JPA. Financial impact is defined as affecting the costs, expenditures, revenues, staffing, facilities and spaces of the JPA. A boardmember calling for the weighted vote must notify all boardmembers and JPA staff at least 24 hours in advance of 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.
2. Board Membership will be made up of an elected official selected by each governing body. The boardmember could also be a designee selected by the governing body of the member agency.
3. A member agency wishing to withdraw would not be relieved of debts, liabilities or other financial obligations incurred as a member agency and that an accounting would be provided within a reasonable time by the JPA. The Member Agency would be responsible for paying any amounts owed within 90 days of receiving an accounting from the JPA.

The next steps are that the agreement is to be referred to each member agency for consideration and approval. Following member agency approval, a proposed set of by-laws, trail maintenance plan and Public Policy P-90 will be written and agendized for Board approval. The budget and financial accounting process will be modified to accommodate the new reporting requirements of the new agreement.

Interim Director Ochenduszko recommended the Board authorize this JEPA agreement be forwarded to each member agency for their consideration and adoption by the end of February.

Boardmember Kersey asked that the issue be discussed, but that approval be continued to a later date as San Diego needs more time for its review.

The JPA Board discussed the matter and asked that Executive Director take three proposed modifications to the Working Group for further review and consideration as follows:

1. That only the City and County of San Diego be permitted a single legislative body determined “designee” (rather than a member of the legislative body) to serve on the JPA Board;
2. That the weighted votes of the City and County of San Diego be revised so that if only one member of either agency is present when a weighted vote is invoked, that the single member only be permitted to exercise the weight of his/her single vote; and

3. "That the last following language be stricken from Section 19, Liability of Parties: "...except upon termination or withdrawal of any Public Agency as provided in Sections 20 and 21 of this Agreement."

Public Comment:

Speaker Phil Pryde stated that the board membership description on staff report should say "The Board membership shall be made up of elected officials of the member agencies and the chair of the CAC".

Speaker Trish Boaz had a question regarding the weighted voting authority of the designee. Ms. Boaz stated she has a concern giving someone other than elected official a vote.

Speaker Jacqueline Winterer commented that she hopes the Board adopts the agreement today stating that the JPA cannot operate without an agreement.

The Board directed by consensus, that the Interim Executive Director review the Board's suggested changes with the Working Group. The item was continued as requested by Boardmember Kersey.

4. Election of JPA Board Officers and Committee Appointments
RECOMMENDATION:
Approve Nominating Committee's Recommendations for JPA Chair, Vice-Chair and Committee Assignments for 2015.

Boardmember Golich reported that Olga Diaz and Jim Cunningham and he serve on the Nominating Committee. Boardmember Golich stated the committee's recommendation and made the motion to nominate Vice-Chair Mosier as the Chair and Boardmember Jacob as Vice-Chair. The Board Subcommittees were recommended to remain unchanged, except that former Boardmember Jim Cunningham's assignments would be filled by new Boardmember Dave Grosch. Chair Roberts seconded the motion.

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

Chair Roberts then turned the meeting over to new Chair Mosier.

Chair Mosier presented outgoing Chair Roberts with a plaque as a thank you from the JPA Board.

5. Discussion of Alternate JPA Meeting Day and Time
RECOMMENDATION:
Consider alternative days and times for future regular JPA Board meetings.

Interim Executive Director Ochendusko reported that the current day and time (third Friday at 11:00 AM) does not work for all boardmembers and suggests changing the meeting to the first Thursday of the month at

9:30 AM. Interim Director Ochendusko continued to say that once the JEPA agreement is finalized there may only be a need to meet every other month. Boardmember Golich commented that there is enough going on in the River Park that the JPA Board should meet every month at this time.

Several days and times were discussed and none were found to be better than the third Friday of the month at 11:00 AM.

Public Comment:

Bill Michalsky said parking at the time of 11:00 AM is not good in the parking garage.

The Board took no action to change the meeting dates and times.

6. Appointment of Ad Hoc Board Subcommittee to Work with Interim Executive Director in Preparing Process and initiating Search for 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.

Chair Mosier made the motion to appoint Chair Mosier, Boardmember Kersey and appoint Boardmembers Diaz and Golich to the Ad Hoc Subcommittee to work with Interim Executive Director Ochendusko to search for an Executive Director. Boardmember Zito seconded the motion.

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

7. Consideration of JPA Position Regarding South Overflow Lot Boardwalk

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.**

Boardmember Diaz abstained stating she is an alternate for Supervisor Greg Cox on the Coastal Commission Board and because it was not yet known if she would need to attend the Coastal Commission Meeting when this issue is considered, she recused herself. Boardmember Diaz left the room during the discussion.

Shawna Anderson reported that JPA staff requested a continuance from the January Coastal Commission meeting to the March meeting, being held in San Diego. The continuance was granted in late December. The JPA staff is asking for an amendment to the original permit removing the permit language regarding the boardwalk trail status as interim use, allowing the boardwalk to remain in its current location. The Coastal Commission staff report has been published and recommends that the boardwalk be removed, stating that the boardwalk removal would provide an additional 1.5 acres of wetlands and a better connection between

the northern end of the South Overflow Lot and the river. Ms. Anderson further reported that the JPA Board has already taken a strong position to keep the boardwalk in place. She noted that the 22nd Agriculture District submitted a conceptual plan with the boardwalk, and that the South Overflow Lot could be restored with or without the boardwalk. The reason this is being heard again by the JPA Board is in case the Coastal Commission denies our request to keep the boardwalk. A secondary position may be to remove a section of the boardwalk. The Coastal Commission has used the term “relocating the boardwalk”. Ms. Anderson points out that this is a misconception. The boardwalk is not the Coast to Crest Trail. They are two separate locations. The Coastal Commission staff’s plan is to remove most of the Boardwalk, keeping the viewing platform at the very east end and the new bridge on the west end. All of the donation planks would be removed. Ms. Anderson asked for discussion and direction from the JPA Board on how to proceed at the Coastal Committee meeting in March. Interim Executive Director Ochenduszko added that JPA staff is not asking the Board to change their position regarding the boardwalk, only to allow our representative to respond to an offer by the Coastal Commission if made, that a portion of the boardwalk be retained. Becky Bartling stated that the 22nd Agricultural District does support keeping the boardwalk or the idea of a truncated boardwalk. Boardmember Golich reported from the CAC meeting, that the members are in favor of the boardwalk staying.

Chair Mosier opened the issue up for public comment. Public comments were as follows:

Phil Pryde said that the discussion at the Citizen’s Advisory Committee meeting was to preserve the boardwalk with the name planks.

Trish Boaz stated the Conservancy position that the boardwalk is separate from and not part of the Coast to Crest trail. There are many people on the boardwalk; moms & strollers, hiking, bird watching, walking dogs on leash. The boardwalk takes you to the Del Mar River Path. The San Dieguito River Valley Conservancy Board voted to keep boardwalk in its entirety.

Jacqueline Winterer asked that the Board does not authorize staff to negotiate a compromise.

After public comment, Boardmember Roberts indicated he supported the recommendation of the Interim Executive Director and asked CAC members to attend the Coastal Commission meeting. The JPA staff will let the members and public know the days and approximate time of when this will be heard at the Coastal Commission meeting. Chair Mosier stated that he believes the science is wrong on the Coastal Commission report and encourages people with knowledge to attend the meeting to speak to the errors in the Coastal Commission reports. Chair Mosier continued that errors in the report are that the boardwalk is not the Coast to Crest trail, the impacts on tidal flow and wildlife statements seem wrong and asked that Dr. Pryde and members of the Conservancy to speak to this. Boardmember Golich commented on the document that Dr. Pryde wrote with photos from boardwalks all over the country regarding the benefits of boardwalks for the safety of birds and thinks it is important to bring this up.

After discussion the Board did not take any action to change its position to retain the Boardwalk.

INFORMATION

8. Park Project Status (oral) – Item was not presented

- 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

Trish Boaz reported that there is an Exec Trek January 22 at the Highland Valley staging area. She encouraged interested members of the public to join the Conservancy team for the 10/20 race, of which a portion of the proceeds will be donated to the Conservancy. She further noted that March 21 is the date for the opening gala at the California Center for the Arts in Escondido for the Plein Air Art Expo. The expo will run from March 22 to May 3.

- 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 a public workshop was held at the City of Del Mar regarding the River Path. The committee is in process of planning a Lagoon Day event, April 19 at the Powerhouse .

10. Jurisdictional Status Reports (oral)

None.

11. Communications

No communications.

Chair Mosier adjourned the regular meeting to closed session at 12:28 PM.

12. ADJOURN TO CLOSED SESSION

a) Closed session pursuant to California Government Code Section. 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 Ochendusko and D. Wayne Brechtel

b) Closed session pursuant to Government Code Section 54957(b)(1) to evaluate the performance of Interim Executive Director

After conducting the closed sessions, Counsel Brechtel announced that the Board met and there was no reportable action taken.

These minutes approved by Board Action

Date

Interim Executive Director