

**SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
Minutes of February 17, 2023**

MEMBERS PRESENT

Joe LaCava – Chair
Brian Pepin
Greg Kazmer Alternate for Joel Anderson
Chris Khoury - Vice Chair
Dwight Worden
Christian Garcia
Dustin Fuller

REPRESENTING

City of San Diego District 1
City of Poway
County of San Diego Dist. 2
Citizens Advisory Committee
City of Del Mar
City of Escondido
22nd Agricultural District

MEMBERS ABSENT

Jill MacDonald (Alt. Kristi Becker)
Terra Lawson-Remer
Marni von Wilpert

REPRESENTING

City of Solana Beach
County of San Diego Dist. 3
City of San Diego Dist. 5

VISITORS/STAFF PRESENT

Shawna Anderson
Christal Ames
Wayne Brechtel
Jeff Barnouw
Kim Rogers
Eric Jones
Brian Elliott
Maggie Brown
Candice Bowman
Bill Farrell
Sharon Fogg

San Dieguito River Park JPA
San Dieguito River Park JPA
JPA Counsel
Citizens Advisory Committee
San Dieguito River Valley Conservancy
Volcan Mountain Foundation
City of San Diego Dist 1
Friends of San Dieguito River Valley
Friends of San Dieguito River Valley
Friends of San Dieguito River Valley
San Dieguito Planning Group

Introduction and Announcements:

Joe LaCava convened the meeting at 11:02 a.m. A roll call was taken, all members gave a summary and introduction for their respective organizations. A quorum of six Board Members were present to begin the meeting.

1. **Approval of Resolution 23-13 Authorizing Remote Teleconference Meetings per AB 361**

Recommendation: Adopt Resolution 23-13, Authorizing Remote Teleconference Meetings

Motion to approve Resolution 23-13 was made by Board Member Kazmer and was seconded by Board Member Worden.

Public Comment – no comments

Yes votes: LaCava, Garcia, Kazmer, Khoury, Pepin, Worden

Absent: MacDonald, Lawson-Remer, von Wilpert

Abstain: none

Approval of Minutes of December

Board Member Kazmer made the motion to approve the Minutes of December 9, 2022. Board Member Worden seconded the motion.

Public Comment – no public comments

Yes votes: LaCava, Kazmer, Khoury, Pepin, Worden

Absent: MacDonald, Lawson-Remer, von Wilpert

Abstain: Garcia

Executive Directors Report – Director Anderson shared a presentation, beginning with the announcement of the Volunteer Appreciation Party to be held on May 21, 2023 at the San Dieguito Lagoon Ranger Station, and other fundraisers to be held in the upcoming months. Director Anderson also reviewed the 2023 outlook, welcoming the new board members, status on the Reach the Beach Trail and Hubbell gateway project, among others. The expansion and training of new volunteers continues, one scheduled this upcoming weekend with over 15 new volunteers registered to attend.

Director Anderson clarified the in-person meeting specifics for the upcoming March 17th JPA Board Meeting, which will be held at the County Administration Center, Room 302. Free parking is available under the building, 11:00am. The CAC Meetings will be held at San Rafael Parish in Rancho Bernardo.

Public Comment – no public comments

DISCUSSION/ACTION AGENDA

2. Elect a Chair and Vice-Chair and Appointments:

Board Member Worden made the nomination of Joe LaCava for Chair, seconded by Board Member Pepin.

Yes votes: LaCava, Kazmer, Khoury, Pepin, Worden

Absent: MacDonald, Lawson-Remer, von Wilpert

Abstain: Garcia

Chair LaCava expressed gratitude for the honor of being Chair for the JPA Board.

Vice Chair Appointment: Board Member Worden nominated Board Member Khoury for the position of Vice Chair. Khoury verified with JPA Counsel Wayne Brechtel that being the Chair of the CAC, he is still able to serve as Vice Chair for the JPA Board and that the Vice-Chair may be a non-elected position. Wayne Brechtel verified that there is no preclusion that the position of JPA Vice Chair be a non-elected representative. The motion was seconded by Board Member Pepin.

Yes votes: LaCava, Kazmer, Khoury, Pepin, Worden

Absent: MacDonald, Lawson-Remer, von Wilpert

Abstain: Garcia

Appointment for Ad Hoc Budget Committee: Chair LaCava expressed an interest in remaining on the Committee for the current year and verified that Board Members Worden and Fuller are willing to remain on the Committee as well. Board Member Kazmer volunteered to be on the Committee. Vote was taken to approve the appointments.

Yes votes: LaCava, Kazmer, Khoury, Pepin, Worden

Absent: MacDonald, Lawson-Remer, von Wilpert

Abstain: Garcia

Public Comment – no public comment

3. Appoint CAC Eastern Property Owner Neil Meyer: Board Member Khoury expressed his support and admiration for Neil Meyer to be appointed the CAC Eastern Property Owner representative. Motion was made by Board Member Worden and was seconded by Board Member Kazmer.

Yes votes: LaCava, Kazmer, Khoury, Pepin, Worden

Absent: MacDonald, Lawson-Remer, von Wilpert

Abstain: Garcia

4. **2022 Accomplishments and 2023 Outlook:** List of accomplishments was presented by Director Anderson.
5. **Status of CTC Get-to71 Campaign.** Director Anderson presented a status report on the two long gaps of CTC Trail that needed attention and funding to proceed with planning. Director Anderson reported that the goal of reaching \$2 Million Dollars was accomplished! Private donor reception will be held on March 23rd at Viewpoint Brewery to celebrate and thank donors.
6. **Status of Surf Cup Activities:** Chair LaCava summarized the Surf Cup activities for the new JPA Members, mentioning that Surf Cup has been cited by the City of San Diego for several violations. Surf Cup has been parking cars, doing illegal grading and has an obligation to fix the trail that runs along the property. Dustin Fuller commented on situation.

Public Comment: As a resident of the area, Sharon Fogg commented on lack of enforcement for Surf Cup and reviewed many infractions and annoyances that the organization creates for the neighborhood.

Chair LaCava stated that the City Attorney is evaluating the situation and preparing a written report on the matter and that he will share the report when available.

INFORMATION

7. Project Status Updates –

Director Anderson reported that she has been working with Board Member Fuller regarding a complaint received by the 22nd District Ag Association from a citizen complaining of golf balls on the trail, Fuller reported that he discussed the issue with the Golf Driving Range operator and is working on a potential fencing plan and signage options. He mentioned that fencing would require approval from the Coastal Commission. Board Member Fuller stated he will keep the JPA Board apprised of his progress.

- a. **Osuna Segment of CTC Trail -** Still in site development permit process with the City of San Diego, Grant timeline has been extended to 2027. Director Anderson is looking at additional grant opportunities to fund rising costs due to inflation. and is obtaining a revised construction cost estimate.
- b. **Reach the Beach Fairgrounds Trail –** Director Anderson reported that she is obtaining a cost estimate for design and construction and looking for funding opportunities.
- c. **San Dieguito Lagoon Phase II Restoration (aka W-19) –** JPA Staff tour has been rescheduled to mid-March. Tours for interested JPA Board Members will be scheduled in the near future.

Public Comment – no comments

8. Coordination Reports (oral)

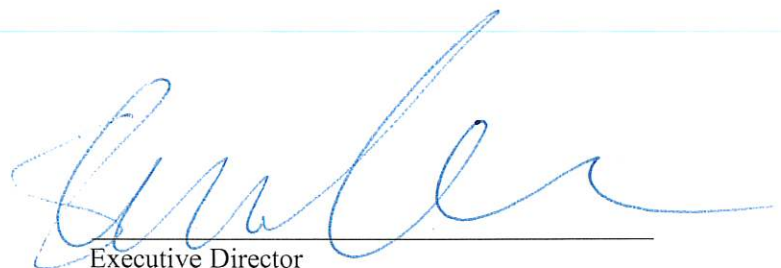
- a. San Dieguito River Valley Conservancy- Kim Rogers, community outreach coordinator, gave an overview of the organization's events and projects.
- b. Friends of the San Dieguito River Valley- Maggie Brown introduced the new JPA Board Members to the Friends of the San Dieguito River Valley, outlining their purpose and explaining their mission of advocacy to the park. Maggie also updated the Board on the status of the Surf Cup violations and reported that Surf Cup has not done any corrections. The Friends of the San Dieguito River Valley submitted a report outlining the Surf Cup activities. (Report is attached to Minutes).
- c. Volcan Mountain Foundation – No report.
- d. San Dieguito Lagoon Committee- no report

9. Jurisdictional Status Reports – Board Member Worden reported that the City of Del Mar received a \$750,000. Environmental Enhancement Grant, which will be used for a Living Levee design, as well as for Phase III of the River Path Trail. The much-awaited sand replenishment project will moving forward in the cities of Encinitas and Solana Beach. Chair LaCava commented that the Lake Hodges Dam repairs are continuing. Based on the nature of those ongoing repairs, and the assessment by the State, determination will be made as to a safe lake level after repairs.

Chair LaCava adjourned the meeting at 12:18

These minutes approved by Board action.

Date: 3/31/23



Executive Director

JPA report February 17, 2023

Submitted by the Friends of the San Dieguito River Valley.

Certain segments of this report may be redundant, given the earlier oral report of the Executive Director regarding the status of Surf Cup activities.

In September of 2022, the JPA Board of Directors voted unanimously to request the City to resolve the long-standing delay by the City's lessee, Surf Cup Sports, to restore the Coast to Crest Trail and adjacent habitat on City-owned property. The JPA letter also commented on recent grading and zoning violations by Surf Cup, which included the filling and tournament parking on protected wetlands located on an immediately adjacent parcel, known as the former Milan property. The Milan parcel was purchased by Surf Cup in April of 2022 for \$6.6 million dollars.

In early January 2023, during the Atmospheric River rain events, Surf Cup employed two large commercial pumps on both ends of the 23-acre Milan Parcel, which is directly adjacent to the north of their leasehold. The Milan parcel is bordered by Via de la Valle to the north, and El Camino Real to the west.

Surf pumped 24 hours a day for multiple days. This action sent millions of gallons of stormwater runoff into the 22nd AG District swale that runs north/south along El Camino Real, and directly into the San Dieguito River.

Surf also dug a trench at the west end of the fields to increase the water flow into the swale, and thence into the river.

The Friends of the San Dieguito River Valley alerted both the San Diego Regional Water Quality Control Board, as well as San Diego Code Enforcement Investigators. Surf Cup has been under a Civil Penalty Notice from City Code enforcement since May 2022 for multiple violations on the Milan parcel, none of which they have addressed or corrected. Those penalties continue to accrue.

Both teams immediately made site visits on the 5th of January, and Surf was told by the Waterboard officials to immediately cease all pumping action and remove the pumps. They did so. The Waterboard team made several additional visits and issued two detailed Violation reports, with multiple photos of the violations.

The Waterboard teams also met with Dustin Fuller, the 22nd Ag District Senior Environmental Planner. Together they alerted the California Attorney General, who immediately issued a Cease and Desist to Surf Cup. Surf Cup was issued the same Cease and Desist from the Attorney General in late 2019, for pumping stormwater into the San Dieguito River directly from their leasehold.

Meanwhile San Diego Code Enforcement attempted to trace ownership of the Milan parcel, which Surf has denied owning. Code Enforcement discovered a string of at least four successive shell companies, behind which they hid their ownership, enabling them to claim to Code Enforcement that they did not own the property. The Waterboard and Code Enforcement shared information which resulted in the Waterboard's ultimate reports of violation to the latest shell company, and Surf Cup personnel.

The Friends of the San Dieguito River Valley presented a similar report to the CAC on February sent copies of the Waterboard and Code Enforcement reports to Executive Director Shawna Anderson, CAC members Dwight Worden, Phil Pryde, Peter Shapiro, and CAC Chair Chris Khoury. Council Member Joe LaCava has also received copies of these reports.

