



San Dieguito River Park
Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025
(858) 674-2270 Fax (858) 674-2280
www.sdrp.org

**JOINT POWERS
AUTHORITY BOARD OF
DIRECTORS**

Chair Dwight Worden
Del Mar City Council

Vice-Chair Dave Grosch
Poway City Council

Tina Inscoe
Escondido City Council

Joe LaCava
San Diego City Council

Marni von Wilpert
San Diego City Council

Joel Anderson
Supervisor, County of San Diego

Terra Lawson-Remer
Supervisor, County of San Diego

Kelly Harless
Solana Beach City Council

Jeff Barnouw
Citizens Advisory Committee

Dustin Fuller, Ex Officio
22nd District Agricultural
Association

Shawna Anderson
Executive Director

**AGENDA
SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
VIA TELECONFERENCE ONLY
Friday, October 15, 2021 - 11:00 A.M.**

Pursuant to the State of California Executive Order N-29-20, and in the interest of public health, San Dieguito River Park is temporarily taking actions to reduce the spread of the COVID-19 pandemic by holding the Board Meeting via teleconference. All Board members and staff will be participating remotely.

To Join Zoom Meeting

<https://zoom.us/j/99988232354?pwd=SmRIQ1BPRWZBbVhVVnhXRvprMTJlUT09>

To join this meeting via Teleconference

Please dial: 1-669-900-9128

Meeting ID: 999 8823 2354

Passcode: 440149

Public Participation/Comment: It is highly recommended to call in to the meeting or log in to the waiting room **at least 15 minutes** prior to the commencement of the meeting. Persons wishing to address the Board on matters not on the agenda may do so under Public Comment. Those wishing to speak on items on the agenda may do so when the item is being considered. To make a comment, please use the raise hand feature of Zoom or let the moderator know by using the chat function. You may also participate in the meeting by emailing comments to Christal@sdrp.org by 3:00 p.m. the day prior to the meeting. The subject of your e-mail should clearly state the item number you are commenting on. All comments will be e-mailed to the Board of Directors prior to the start of the meeting. If you desire to have your comment read into the record during the meeting, please note that in the e-mail subject line. Comments may be mailed to the Board, but to be considered, must be received on or before the meeting date. Written comments should be mailed to: San Dieguito River Park, 18372 Sycamore Creek Road, Escondido, CA. 92025.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Christal Ames at 858-674-2270. Please notify Christal at least 48 hours prior to the Board meeting.

Approval of the Minutes of September 17, 2021 (Page 3)

Executive Director's Report

Public Comment

This portion of the agenda provides an opportunity for members of the public to address the Board on items of interest within the jurisdiction of the Board and not appearing on today's agenda. Comments relating to items on today's agenda are to be taken at the time the item is heard. Pursuant to the Brown Act, no action shall be taken by the Board on public comment items.

DISCUSSION/ACTION

1. Approval of Resolution 21-3 Authorizing Remote Teleconference Meetings per AB 361 (Page 7)
2. Resolution in Appreciation for Outstanding Public Service – Brenda Miller
3. Coast to Crest Trail gap status (oral)

INFORMATION

5. Project Status Updates
 - a. Osuna Segment of CTC Trail
 - b. San Dieguito Lagoon W-19 Restoration
6. Coordination Reports (oral)
 - a. San Dieguito River Valley Conservancy
 - b. Friends of the San Dieguito River Valley
 - c. Volcan Mountain Foundation
 - d. San Dieguito Lagoon Committee
 - e. Friends of Sikes Adobe
7. Jurisdictional Status Reports (oral)

An opportunity for the Board members to report on actions taken within their jurisdictions to further the park planning process.

THE NEXT REGULAR JPA MEETING WILL BE November 19, 2021. If you have any questions, please contact Shawna Anderson at shawna@sdrp.org or (858) 674-2270 Ext. 13

**SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
Minutes of September 17, 2021**

MEMBERS PRESENT

Dwight Worden – Chair
Dave Grosch – Vice-Chair
Tina Inscoe
Joe LaCava
Marni vonWilpert
Kelly Harless
Jeff Barnouw
Dustin Fuller

MEMBERS ABSENT

Joel Anderson
Terra Lawson-Remer

VISITORS/STAFF PRESENT

Shawna Anderson
Ayden Zielke
Brenda Miller
Christal Ames
Wayne Brechtel
Ricky Flahive
Maggie Brown
Kim Wehinger
Carol Kerridge
Phil Pryde
Rebecca Smith
Madeline Shute
Quinton Grounds
Emily Kochert
Mariko Nakawatase

REPRESENTING

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

REPRESENTING

County of San Diego
County of San Diego

San Dieguito River Park JPA
San Dieguito River Park JPA
San Dieguito River Park JPA
San Dieguito River Park JPA
JPA Counsel
San Diego City Council District 1
Friends of San Dieguito River Valley
City of San Diego
San Dieguito Lagoon Committee
Audubon Society
County of San Diego District 3
County of San Diego District 2
City of San Diego District 5
San Dieguito River Valley Conservancy
County of San Diego District 2

Introduction and Announcements

Chair Worden convened the meeting at 11:00 a.m. A roll call was taken and a quorum of 7 boardmembers were present to begin the meeting.

Approval of Minutes of August 20, 2021

Boardmember Barnouw made the motion to approve the minutes of August 20, 2021. Boardmember Inscoe seconded the motion. There was no public comment. A roll call vote was taken.

Yes votes: Barnouw, Harless, Inscoe, LaCava, von Wilpert, Worden, Grosch

Absent: Anderson, Lawson-Remer

Executive Directors Report - Executive Director Shawna Anderson reported that JPA staff met with Surf Cup Sports to organize a work party to start the trail improvements for the Surf Cup segment of Coast to Crest Trail. Also attending the meeting was Boardmember LaCava and his staff. Anderson reported that progress was made but that details regarding the work scope need to be determined for a tentative work party of Saturday, November 6th. SDRP's Volunteer Recruitment and Training Day will be held on October 10th. Ms. Anderson reported that the JPA's Trails Management Plan and Standards Report has been updated with the Pama Valley Trail and new Ranger Station. Ms. Anderson announced that Brenda Miller, JPA Office Manager for over seven years is retiring and that staff held a retirement party in September. Director Anderson reported that the Sunday, September 12th Open House for the new Ranger station was an overwhelming success. Approximately 200 guests attended throughout the day, enjoying many booths, tours, the interactive Watershed Model, entertainment and refreshments. The Open House was sponsored by many organizations. Ms. Anderson gave special recognition to the dedicated and hard-working members of BSA Scout Troops 713 and 685 for helping to set-up, take-down, and help all day at the event. Representatives from SDG&E presented a \$20,000. check to the Conservancy and JPA, a donation that is funding the monument sign at the Ranger Station. Also presented at the event was a County of San Diego congratulatory proclamation, which will be displayed at the Ranger Station. Jacqueline Winterer was recognized at the event for her longtime dedication to the River Park and valley. Several board members complimented JPA staff and others on the successful open house event.

Public Comment—No public comment.

DISCUSSION/ACTION AGENDA

1. Approval of JPA Records Retention Policy & Schedule

Recommendation: Approve the JPA Records Retention Policy

Counsel Brechtel reported that the proposed comprehensive policy for retention was based on State guidelines, tailored to JPA for retention standardized system, and thanked Shawna and Brenda Miller for their assistance. Boardmember Kelly Harless requested clarification on how documents would be organized for destruction. Counsel Brechtel explained that staff would be trained on standardized framework and mechanics for procedure retention for digital emails and documents as well as paper and commented that records could be kept longer than their scheduled destruction, if deemed necessary. Reiterated that texts should not be used for important information, only use emails so they can be saved for Public Records Act Requests and other business issues. Informal emails can be deleted immediately. Vice-Chair Grosch cautioned all that any information electronic or written, could possibly be needed for Public Records Act Requests. Executive Director Anderson commented on progress of saving current records digitally, and also for recovered records and the rebuilding of digital records from the 2007 Witch Creek fire. Boardmember Harless motioned to approve the records retention policy and Vice-Chair Grosch seconded the motion.

Public Comment - No Public Comments

Yes votes: Barnouw, Grosch, Harless, Inscoe, LaCava, Worden

Absent: Anderson, Lawson-Remer, Von Wilpert

2. Approval of Outdoor Equity Grant Authorizing Resolution R21-2

Recommendation: Approve the Outdoor Equity grant authorizing resolution, which authorizes the Executive Director to submit a grant application and sign all related grant documents if awarded.

Executive Director Shawna Anderson explained background and objective of the State Outdoor Equity Grant, due on 10/8/21. The existing SDRP Watershed Explorers Program will be used as the foundation for the grant application because the programming meets many of the grant criteria. She explained that the Escondido Library was chosen by the WEP committee as the focused community home base for the grant application as it meets the grant criteria for an underserved area and is working with library staff on the details. WEP outdoor nature trips would be organized and targeted to populations in the community Boardmember Inscoe expressed her enthusiasm for the grant proposal and that underserved residents in Escondido would benefit. Motion to approve by Vice-Chair Grosch and seconded by Boardmember Inscoe.

Public Comment - No Public Comments

Yes votes: Barnouw, Grosch, Harless, Inscoe, LaCava, Worden

Absent: Anderson, Lawson-Remer, Von Wilpert

3. Approve Purchase of Tractor

Recommendation: Authorize Executive Director to purchase Kubota tractor in accordance with the JPA's procurement policy.

Executive Director Shawna Anderson explained that the JPA's procurement policy requires approval from the Board for equipment purchases exceeding \$25,000. She stated that the JPA's tractor needs replacing after 13 years of use and staff obtained cost estimates for a new tractor and is recommending purchase of a Kubota tractor at \$26,869. Most of the funds would come from the JPA's equipment reserve fund. . Boardmember Inscoe asked about resale of the existing tractor and Director Anderson stated that Staff is pursuing salvage or resale of the existing Kubota tractor. . No further questions on purchase. Motion to approve by Vice-Chair Grosch, seconded by Boardmember Barnouw seconded the motion.

Public Comment - No Public Comments

Yes votes: Barnouw, Grosch, Harless, Inscoe, LaCava, Worden

Absent: Anderson, Lawson-Remer, Von Wilpert

4. **Future JPA Meeting Procedures**

Executive Director Shawna Anderson summarized the COVID policy for Zoom meetings, and about alternates for the County Boardmembers. Director Anderson reminded the Board that JEPA states alternates must be approved by the member jurisdiction's governing body, and that only one Boardmember Alternate may be appointed for either county member, not both. Chair Worden suggested a change in the date of the meetings to accommodate the County boardmembers that have conflicts, if needed. County staff stated that both County board members are reviewing applicants for alternates. Counsel Brechtel summarized the changing options and Brown Act rules for continuing virtual meetings in the future. Discussion followed and Chair Worden stated that meetings will likely continue on zoom for the immediate future.

Public Comment – No Public Comment

INFORMATION

5. **Coordination Reports**

a. San Dieguito River Valley Conservancy- Conservation Manager Emily Kochert reported on recent Conservancy events and volunteer participation which is rapidly growing.

b. Friends of the San Dieguito River Valley- Maggie Brown thanked JPA staff for an amazing event for the Ranger Station Open House.

c. Volcan Mountain Preserve Foundation – no update

d. San Dieguito Lagoon Committee- Carol Kerridge also expressed gratitude for the Ranger Open House, and hopes for another similar event in the future.

e. Friends of Sikes Adobe- No Report

6. **Jurisdictional Status Reports** – Boardmember Fuller reported that the 22nd DAA recently issued an RFP for their Horse Park property for continuation of existing uses. Proposals due 10/15/21. He also reported a successful year for Least Tern nesting sites with a confirmed 24 fledglings. Coastal Clean-up Day is 9/18/21. Discussion regarding the status of the Via de la Valle roadway widening with Boardmember LaCava confirming that the project is a developer mitigation project and still planned to occur, timeline not known.

Chair Worden adjourned the meeting at 12:17 pm.

These minutes approved by Board action.

Date

Executive Director

TO: JPA Board

FROM: Staff

SUBJECT: Resolution regarding Virtual Teleconference Meetings

RECOMMENDATION:

Adopt Resolution 21-3 and provide direction for the process to be used to consider adoption of new AB 361 resolutions during the pendency of the proclaimed state of emergency.

SITUATION:

On September 30, 2021 the State's Executive Orders that authorized virtual or teleconference meetings without full compliance with the Brown Act expired. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which took effect immediately, and amends provisions of the Ralph M. Brown Act (Cal. Gov. Code 54950 et seq.) to provide local agencies with authority to continue virtual meetings during a state of emergency proclaimed by the Governor.

The authority provided by AB 361 is not automatic. For local public agencies including the JPA to continue virtual meetings two conditions must be met:

- There must be a proclaimed state of emergency pursuant to section 8625 of the California Emergency Services Act (Cal. Gov. Code, § 52953(e)(4).); and
- The JPA Board of Directors must hold a meeting and adopt a resolution finding, by a majority vote, that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees (Cal. Gov. Code, § 52953(e)(1)).

Resolutions approving virtual meetings pursuant to AB 361 automatically expire after 30 days unless renewed. (Cal. Gov. Code, § 52953(e)(3).)

AB 361 also authorizes virtual meetings if “state or local officials have imposed or recommended measures to promote social distancing” (Cal. Gov. Code, § 52953(e)(2)). It is not clear to Staff if this exception applies, particularly in light of the expiration of the Executive Orders authorizing virtual meetings. Thus, it is not presented to the Board as an option.

Agenda Item 1

October 15, 2021

DISCUSSION:

On March 4, 2020, Governor Newsom proclaimed a state of emergency due to the COVID-19 pandemic pursuant to Section 8625 of the California Emergency Services Act, and it remains in place today. Thus, the JPA Board has authority to adopt an AB 361 resolution extending virtual meetings.

AB 361 requirements present a unique challenge for the JPA Board because it only meets once a month. Because authorizations for virtual meetings must be renewed every 30 days, authorizations adopted by the JPA Board will, with few exceptions, expire before the next scheduled meeting. AB 361 allows a virtual meeting to determine if an extension should be granted, but otherwise does not permit virtual meetings until a renewed authorization is approved. This leaves the Board with two options:

1. Hold a special virtual meeting at the beginning of each month to determine if the regular meeting later in the month should be virtual; or
2. Start each regularly scheduled meeting as a virtual meeting and have adoption of a new AB 361 resolution as the first item of business. If the resolution is approved, the virtual meeting would continue. If the resolution is not approved, the Board would set a new date for an in-person meeting and adjourn.

Staff believes option two is the most practical because of the logistical difficulty of scheduling special meetings each month considering the already busy schedules of all Board members. Option 1 would provide more certainty regarding the meeting process, but in staff's estimation, the benefit of this option would not outweigh the logistical difficulties it would present.

For purposes of this meeting, there was simply not enough time to schedule a special meeting, so the Board is being presented with Option 2 only.

CAC RECOMMENDATION

The CAC is also impacted by this situation because it is considered a legislative body of the JPA that must comply with the same Brown Act rules as the JPA Board regarding virtual meetings. The CAC meetings have been held virtually since April 2020. The October CAC meeting was cancelled because there was insufficient time for the JPA Board to consider the subject resolution in compliance with AB 361 prior to the October 1 CAC meeting. The November CAC meeting can be held virtually if the JPA Board adopts the subject resolution. If the JPA Board does not adopt the resolution, then the CAC would have the option to either hold the November CAC meeting in person or cancel the meeting.

FISCAL IMPACT

This situation would not pose a fiscal impact to the JPA.

ALTERNATIVES

1. Adopt Resolution 21-3 approving continuation of virtual meetings based upon a finding that as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees;
2. Do not adopt Resolution 21-3, and instead, set a date for an in-person meeting and adjourn.

RECOMMENDATION

Adopt Resolution 21-3 and provide direction for the process to be used to consider adoption of new AB 361 resolutions during the pendency of the proclaimed state of emergency.

Respectfully submitted,

Shawna Anderson
Executive Director

Attachments:

1. Draft Resolution 21-3

RESOLUTION NO. 21-3

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER
VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY
AUTHORIZING REMOTE TELECONFERENCE MEETINGS DUE TO THE
DECLARED STATE EMERGENCY RESULTING FROM THE COVID-19 PANDEMIC**

WHEREAS, the San Dieguito River Valley Regional Open Space Joint Powers Authority (JPA) is committed to ensuring public access and participation in meetings of its legislative bodies; and

WHEREAS, all meetings of the JPA Board of Directors (Board of Directors) and the JPA's other legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconference meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), during a proclaimed state of emergency, subject to specified conditions; and

WHEREAS, on March 4, 2020, the Governor of California issued a Proclamation declaring a state of emergency pursuant to Government Code section 8625 due to the COVID-19 pandemic;

WHEREAS, COVID-19 can result in serious illness or death; and

WHEREAS, COVID-19 spreads effectively in indoor settings when multiple people are present,

NOW, THEREFORE, THE BOARD OF DIRECTORS FOR THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY HEREBY FINDS AND RESOLVES AS FOLLOWS:

1. The above recitations are true and correct.
2. As a result of the COVID-19 pandemic state of emergency, the risk of serious illness or death from the disease, and the ability of the disease to spread efficiently when multiple people are present, Board finds that meeting in person would present imminent risks to the health and safety of attendees.
3. Accordingly, the Board elects to continue holding legislative meetings telephonically pursuant to the alternative procedures authorized by Government Code section 54953(e).

4. The Executive Director is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 14, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the JPA may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED at a meeting of the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Power Authority held October 15, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:
