



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 Dave Grosch
 Poway City Council

Vice-Chair Joe LaCava
 San Diego City Council

Dwight Worden
 Del Mar City Council

Tina Inscoc
 Escondido 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

Chris Khoury
 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, August 19, 2022 - 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.

ROLL CALL

Approval of the Minutes of July 15, 2022 (Page 4)

Executive Director's Report

Public Comments:

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 22-7 Authorizing Virtual Teleconference Meetings per AB 361 (Page 8)
2. FY 21-22 Year-End Budget Report (Page 12)
3. Approval of Resolution 22-8 for SANDAG EMP Grant Application (Page 15)
4. Approval of MOU with SDRVC to Manage and Distribute Contributions Raised from Close the Gap Funding Campaign (Page 19)

INFORMATION

5. Project Status Updates
 - a. Osuna Segment of CTC Trail
 - b. Reach the Beach Fairgrounds Trail
 - c. San Dieguito Lagoon Phase II Restoration (aka W-19)

6. Coordination Reports (oral)
 - a. San Dieguito River Valley Conservancy
 - b. Friends of the San Dieguito River Valley
 - c. Volcan Mountain Foundation - Presentation
 - d. San Dieguito Lagoon Committee

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 September 16, 2022. 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 July 15, 2022**

MEMBERS PRESENT

Dave Grosch – Chair
Joe LaCava – Vice Chair
Tina Inscoc
Dwight Worden
Chris Khoury
Marni von Wilpert
Dustin Fuller
Joel Anderson

MEMBERS ABSENT

Terra Lawson-Remer
Kelly Harless

VISITORS/STAFF PRESENT

Shawna Anderson
Ayden Zielke
Christal Ames
Wayne Brechtel
Eric Jones
Maggie Brown
Ricky Flahive
Carrie Shah
Quinton Grounds
Rebecca Smith
Greg Kazmir
Kiran Kaur
David Wilson
Emily Kochert
Cheryl Goddard
Jeff Barnouw
Sue Carr
Liz Gabrych
Beth Nelson
Jamie Kennedy
Sharon Fogg
Cindy Outlaw

REPRESENTING

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

REPRESENTING

County of San Diego Dist. 3
City of Solana Beach

San Dieguito River Park JPA
San Dieguito River Park JPA
San Dieguito River Park JPA
JPA Counsel
Volcan Mountain Foundation
Friends of San Dieguito River Valley
City of San Diego Dist 1
City of San Diego Dist 1
City of San Diego Dist 5
County of San Diego Dist 3
County of San Diego Dist 2
County of San Diego
Rancho Bernardo Planning Group
San Dieguito River Valley Conservancy
San Dieguito River Valley Conservancy
Citizens Advisory Committee
Citizen
Citizens Advisory Committee
San Dieguito Planning Group
San Diego Public Utilities
San Dieguito Planning Board
Volunteer- CTC Fund Raising Campaign Lead

Introduction and Announcements:

Chair Grosch convened the meeting at 11:02 a.m. A roll call was taken and a quorum of eight Boardmembers were present to begin the meeting.

1. Approval of Resolution 22-7 Authorizing Remote Teleconference Meetings per AB 361

Recommendation: Adopt Resolution 21-3, Authorizing Remote Teleconference Meetings

Motion to approve Resolution 22-6 by Board Member Worden, seconded by Board Member Inscoe.

Public Comment – no comments

Yes votes: Grosch, Inscoe, Khoury, LaCava, von Wilpert, Worden

Absent: Anderson, Harless, Lawson-Remer

Approval of Minutes of May 20, 2022

Board Member made the motion to approve the Minutes of May 20, 2022. Board Member LaCava seconded the motion.

Public Comment – no public comments

Yes votes: Grosch, Inscoe, Khoury, LaCava, von Wilpert, Worden

Absent: Anderson, Harless, Lawson-Remer

Executive Directors Report – Director Anderson shared a presentation to review the Quarterly Budget Status Reports and suggested that the Ah-hoc Budget Committee meet to review the JPA's endowments and advise. Pictures were shown from the 150th Sikes Family Farmstead Open House. Director Anderson also announced the award of a California State Parks Outdoor Equity grant for \$257,000 to fund the Escondido Explores the Watershed program.

Public Comment– no public comments

DISCUSSION/ACTION AGENDA**2. Report from the JPA Ad-hoc Alternates Committee**

Board Member LaCava reviewed the steps taken during the Committees' review of the JEPA agreement and explained the process of assigning an alternate for the County Board Members as well as the City of San Diego Board Members. Each of the two entities can have one of the Board Members designate

a non-elected alternate. The County of San Diego representatives confirmed that the County is currently undergoing the process to designate a non-elected alternate to the JPA Board and will report back at the next meeting.

Public Comment – no comments

3. Status of Coast to Crest Trail Gap Funding Campaign

Director Anderson provided a presentation on the current status of the existing trail gaps in the Coast to Crest Trail, and status of the funding campaign with the Conservancy. She introduced Cindy Outlaw the JPA's volunteer assisting with the funding campaign effort. Ms. Outlaw introduced herself and her background and experience in fund raising. A general process and timeline of the campaign was presented. A motion to support the continuation of the CTC Trail Fundraising Campaign moving forward was made by Board Member Tina Inscoe and was seconded by Board Member Dwight Worden.

Public Comment – no comments

Yes votes: Anderson, Grosch, Inscoe, Khoury, LaCava, von Wilpert, Worden

Absent: Harless, Lawson-Remer

4. Amended Trail Easement for Osuna segment of Coast to Crest Trail

Director Anderson explained the amended easement is necessary to reroute part of the trail around a stand of cattails and that the property owner supports the change. Motion to approve the Amended Grant of Trail Easement was made by Board Member Worden and seconded by Board Member Tina Inscoe.

Public Comment - no comments

Yes votes: Anderson, Grosch, Inscoe, Khoury, LaCava, von Wilpert, Worden

Absent: Harless, Lawson-Remer

5. Approval of CAC Coastal Property Owner Alternate Sue Carr

Director Anderson requested appointment by Sue Carr as an alternate for the Coastal Property Owners representatives of the Citizens Advisory Committee. Boardmember Khoury explained that Ms. Carr could serve as alternate for either representative. Motion to approve was made by Board Member Chris Khoury and seconded by Board Member Joel Anderson.

Public Comment – no comments

Yes votes: Anderson, Grosch, Inscoe, Khoury, LaCava, von Wilpert, Worden

Absent: Harless, Lawson-Remer

INFORMATION

6. **Project Status Updates** -

- a. **Osuna Segment of CTC Trail** - in permit process at the City of San Diego.
- b. **San Dieguito Lagoon Phase II Restoration (aka W-19)** – no change, in construction

Public Comments – no comments

7. **Coordination Reports (oral)**

- a. **San Dieguito River Valley Conservancy**- Cheryl Goddard, Executive Director of the SDRVC gave a detailed presentation on the Conservancy history, mission, staff, and board of directors of the Conservancy.
- b. **Friends of the San Dieguito River Valley**- no report
- c. **Volcan Mountain Foundation** – Eric Jones stated that the VMF is working on land acquisition and will give a presentation at the next meeting.
- d. **San Dieguito Lagoon Committee**- no report

8. **Jurisdictional Status Reports** –

Dwight Worden, City of Del Mar reported that \$750,000 was received to design a living levy along the south side of the river, complete Phase 3 of the Riverpath Del Mar project (which will extend the trail to Crest Canyon), and obtained a SCOUP permit, allowing dredging in the river mouth (to move sand from the river, and put on the beach). City officials also had a session with blue carbon experts.

Dustin Fuller from the 22nd Agricultural District reports that there were 28 least tern nests this season at the two nesting sites west of the freeway (NS11 and 12); those nests producing 17 chicks. He pointed out the huge improvement considering no least terns nested there between 2010 and 2020.

Chair Worden adjourned the meeting at 12:16pm.

Date

Executive Director

TO: JPA Board

FROM: Staff

SUBJECT: Resolution 22-7 Authorizing Virtual Teleconference Meetings per AB 361

RECOMMENDATION:

Adopt Resolution 22-7 to continue virtual meetings in August 2022.

SITUATION:

Assembly Bill 361 amended provisions of the Ralph M. Brown Act (Cal. Gov. Code 54950 et seq.) during a state of emergency proclaimed by the Governor to provide local agencies with authority to continue holding virtual meetings after making certain findings. Resolutions approving virtual meetings pursuant to AB 361 automatically expire after 30 days unless renewed. Approval of Resolution 22-7 (Attachment 1) allows this meeting to be virtual.

CAC RECOMMENDATION

The CAC as a legislative body of the JPA must comply with the same Brown Act rules as the JPA Board regarding virtual meetings. Approval of Resolution 22-7 would allow the CAC to hold their September 2, 2022 meeting virtually if desired.

FISCAL IMPACT

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

ALTERNATIVES

1. Adopt Resolution 22-7 approving continuation of virtual meetings for 30 days 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 22-7, and instead, set a date for an in-person meeting and adjourn.

Respectfully submitted,

Shawna Anderson
Executive Director

Attachments:

1. Draft Resolution 22-7

RESOLUTION NO. 22-7

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 that remains in effect; and

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. The Board has reconsidered the circumstances of the COVID-19 pandemic state of emergency and finds that it continues to directly impact the ability of members to meet in person due to 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 September 19, 2022 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 August 19, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

TO: JPA Board
FROM: Staff
SUBJECT: FY 21-22 Year-End Budget Report

The JPA's fiscal year budget for 2021/2022 (FY 21/22) ended June 30, 2022. The FY 21/22 Operating Budget projected revenues and expenses balanced at \$1,482,218 (Attachment 1). With all known revenues received and expenses accounted for, the budget revenue exceeded the projected amount by \$30,564 and expenses were \$3,396 over the projected budget. This resulted in a net income of \$27,168. The factors that resulted in slightly higher revenues were largely due to the performance of endowments and trail events, and receipt of off-track betting revenues.

The Coast Budget runs on a calendar year and is reported as mid-year (Attachment 1). Revenues and expenses are mostly on target as of 6/30/2022.

The SDRP JPA accounts at the County Treasury all remain at positive levels with adequate reserves to close out the year (Attachment 2). Year-end endowment totals as of 6/30/2022 are also shown in Attachment 2.

Capital projects in the FY 21/22 budget were the Osuna Trail project and Doe Foundation project (watershed model and interpretation). Both projects remain active.

RECOMMENDATION:

Board to acknowledge and file FY 21/22 year-end budget report.

Respectfully submitted,

Shawna Anderson
Executive Director

Attachment 1: SDRP FY21/22 Consolidated Budget 4th Quarter Summary
Attachment 2: End of FY Cash Balance Report and Endowment Balances

SDRP Consolidated Budget Status FY 21-22 - 4th Quarter (July 2021-Jun 2022)					
Operating Fund					
Revenues		Thru 4th Qtr rec'd	4th Qtr proj.	4th Qtr target 100%	Total Annual
Member Agencies		1,119,612	1,119,611	100%	1,119,611
Habitat Mgmt.		100,288	93,732	107%	93,732
Misc.		292,882	268,875	109%	268,875
		1,512,782	1,482,218	102%	1,482,218
Expenditures		Thru 4th Qtr exp'd	4th Qtr proj.	4th Qtr target 100%	Total Annual
Education.Volunteer		11,727	11,000	107%	11,000
Salaries		1,202,985	1,217,118	99%	1,217,118
Habitat Management		27,224	10,500	259%	10,500
Non-habitat Services		42,409	42,988	99%	42,988
Office Admin		178,286	179,612	99%	179,612
Sikes Adobe		22,983	21,000	109%	21,000
		1,485,614	1,482,218	100%	1,482,218
Coast Budget (operates on Calendar Year) - Status through 2nd Quarter (Jan - Jun 2022)					
Expenditures		Thru 2nd Qtr exp'd	2nd Qtr proj.	2nd Qtr target 50%	Total Annual
Materials		1182	5,500	11%	11,000
Salaries		102,005	102,005	50%	204,009
Operations		55,114	55,136	50%	110,271
Vehicles		5,480	5,500	50%	11,000
		163,781	168,140	49%	336,280

Attachment 2

Cash Balance Report		As of 6/30/22
Fund	Description	Balance
44625	Operating	\$ 324,631.09
44634	SDRPJPA – Coast	\$ 41,300.45
44655	Capital Projects	\$ 263,109.17
44656	Reserve (vehicle replacement)	\$ 4,969.87
	Total	\$ 634,010.58

Endowment Balances	As of 6/30/2022	Notes
Rancho Santa Fe Foundation		
Bernardo Mnt 2 (Caltrans)	\$208,701.65	5% Annual Draw for HMP services
SDRP General HMPs	\$685,180.87	5% Annual Draw for HMP services
Coast/I5	\$347,473.85	Held until JPA starts HMP services
Sycamore Creek Inholding	\$86,886.10	5% Annual Draw for HMP services
SDRP Operations Reserve	\$303,452.44	Unrestricted for BOD authorized reserve purposes
SFV Trail Repairs	\$39,218.42	Reserve for trail repairs per agreement with Crosby Estates
Del Mar Foundation	\$989,147.89	Held until SCE lagoon mitigation obligations complete (30+yrs)
San Diego Foundation	\$722,005.27	Semi-annual disbursement for operating fund

TO: JPA Board

FROM: Staff

SUBJECT: SANDAG Transnet Environmental Mitigation Program Grant Application
for West Bernardo Mountain Enhancement & Restoration

RECOMMENDATION:

Approve resolution for SANDAG Environmental Land Management Grant.

The San Diego Association of Governments (SANDAG) land management grant program provides funding to implement the Multiple Species Conservation Program (MSCP) and its Management Strategic Plan (MSP) priorities. JPA staff submitted a grant application under this program in January 2022 for the West Bernardo Mountain Enhancement and Restoration project that was selected for funding in July 2022. The resolution from the grant applicant is required to accept the grant funds and implement the project (Attachment 1).

The West Bernardo Mountain Enhancement and Restoration project is located along the southwest facing slope of Bernardo Mountain on the north side of Lake Hodges west of I-15 adjacent to the City of Escondido (Attachment 2). The property is owned and managed by the JPA as part of the Bernardo Mountain Preserve.

The project goals are to enhance and restore coastal sage scrub and cactus scrub habitat on 12.5 acres of the Bernardo Mountain Preserve in an area that was burned in the 2007 Witch Creek fire impacting habitat for the Coastal Cactus Wren and California Gnatcatcher. Cactus wrens at Bernardo Mountain are geographically isolated. There are no known cactus wren territories west of the Bernardo Mountain population in the San Dieguito watershed. Cactus restoration done by JPA staff after the fire is located adjacent to the project site and contains five active bird territories. These birds represent the furthest west cactus wren that make up the San Dieguito population. There is a need to establish more cactus scrub habitat at Bernardo Mountain to provide for the long-term survival of cactus wren in the area. This will be achieved by harvesting cactus, growing those cactus cuttings at a local nursery, then returning the rooted cuttings to the restoration site, and maintaining the site for the duration of the grant period. The site will be further enhanced by removing invasive plant species. The JPA requested \$82,714 to fund the restoration project, which will pay for a restoration contractor and other project expenses. JPA staff labor provides the in-kind match. Project timeline is 2022 through 2027.

Respectfully submitted,

Shawna Anderson
Principal Planner

Attachment 1: Proposed Resolution 22-8
Attachment 2: Bernardo Mountain Preserve

RESOLUTION NO. 22-8

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY AUTHORIZING AN APPLICATION FOR ENVIRONMENTAL MITIGATION LAND MANAGEMENT GRANT PROGRAM FUNDS TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR *West Bernardo Mountain HMA Enhancement & Restoration Grant Project*, AND COMMITTING TO PROVIDE MATCHING FUNDS, AND AUTHORIZING STAFF TO ACCEPT GRANT FUNDS AND EXECUTE GRANT AGREEMENT

WHEREAS, in November 2004, the voters of San Diego County approved SANDAG Ordinance 04-01, which extended the TransNet 1/2 cent sales and use tax through 2048 (TransNet Ordinance); and

WHEREAS, the TransNet Extension Ordinance contains provisions for the creation of an Environmental Mitigation Program (EMP), which began being funded by the TransNet Ordinance on April 1, 2008; and

WHEREAS, on October 25th, 2021, SANDAG issued its Cycle 10 call for projects from entities wishing to apply for a portion of the EMP Regional Habitat Conservation grant funds for use on environmental land management projects meeting certain criteria; and

WHEREAS, *San Dieguito River Valley Regional Open Space Park Joint Powers Authority (San Dieguito River Park JPA)* wishes to receive EMP Regional Habitat Conservation grant funds for the following project: *West Bernardo Mountain HMA Enhancement & Restoration Grant Project*; and

WHEREAS, *San Dieguito River Park JPA* understands that the EMP Regional Habitat Conservation grant funding is fixed at the programmed amount, and therefore project cost increases that exceed the grant awarded will be the sole responsibility of the grantee.

NOW, THEREFORE, BE IT RESOLVED that *San Dieguito River Park JPA* authorizes JPA staff to submit an application to SANDAG for *TransNet Environmental Mitigation Program: Land Management Grant Program* EMP Regional Habitat Conservation funding for *West Bernardo Mountain HMA Enhancement & Restoration Grant Project*; and

BE IT FURTHER RESOLVED that, if a grant award is made by SANDAG to fund *West Bernardo Mountain HMA Enhancement & Restoration Grant Project*, the San Dieguito River Park JPA commits to providing matching funds and/or in-kind contributions up to the amount(s) set forth in its grant application; authorizes San Dieguito River Park JPA staff to accept the grant funds; and authorizes execution of the Grant Agreement included in the Cycle 10 call for projects with SANDAG without exceptions.

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 August 19, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

TO: JPA Board

FROM: Staff

SUBJECT: Coast to Crest Trail Close the Gap Funding Campaign MOU

RECOMMENDATION:

Approve Memorandum of Understanding between the JPA and San Dieguito River Valley Conservancy regarding raising and managing funds to plan and design two trail gaps in the Coast to Crest Trail.

The JPA and Conservancy are partnering on a funding campaign to raise private funds to plan and design two long gaps in the Coast to Crest Trail (CTC), namely the East San Pasqual Valley gap and the Lake Sutherland gap. Updates of the campaign effort are regularly reported at both JPA and Conservancy board meetings. Your board provided direction and support for the fundraising strategy at your March 18, 2022 meeting and suggested the two organizations adopt a cooperative agreement. A draft MOU was prepared by the executive directors of both organizations and addresses coordination and management of the raised funds (Attachment 1). A campaign status report will also be given at your board meeting.

Respectfully submitted,

Shawna Anderson
Executive Director

Attachments:

1. Draft MOU Regarding the Close the Gap Funding Campaign

**MEMORANDUM OF UNDERSTANDING
REGARDING THE
CLOSE THE GAP FUNDING CAMPAIGN**

This Memorandum of Understanding Regarding the Close the Gap Funding Campaign (MOU) is made this ___ day of ____, 2022, between the San Dieguito River Valley Regional Open Space Park Joint Powers Authority a local government agency (“JPA”), and the San Dieguito River Valley Conservancy a public benefit 501(c)(3) private non-profit organization (“Conservancy”), hereafter collectively referred to as “the Parties”, with respect to the following facts:

RECITALS

WHEREAS, the JPA and Conservancy share a common goal to complete the Coast to Crest Trail and wish to partner on a joint funding campaign (hereafter called “Close the Gap Campaign”) to raise private funds for planning and design of gaps in the Coast to Crest Trail (hereafter called “CTC Trail Gaps”); and

WHEREAS, the boards of directors for the JPA and Conservancy support partnering on a Close the Gap Campaign with the assistance of staff and board members from both organizations; and

WHEREAS, the goal is to raise up to \$2 million from private donors to plan and design two gaps in the CTC Trail called Sutherland CTC Gap and East San Pasqual CTC Gap to a “shovel-ready” stage that is eligible and competitive for future public or private construction grants; and

WHEREAS, the Parties have already been cooperating in the initial stages of the Close the Gap Campaign, including formation of a Campaign Committee and recruitment of a volunteer, Cindy Outlaw (hereafter called “Volunteer”), to lead the Close the Gap campaign effort at the direction of the Campaign Committee and with input from both Parties to this Agreement,

NOW, THEREFORE, in consideration of the above recitals, which are incorporated herein as a substantive part of this Agreement, the Parties agree as follows:

1. Conservancy and JPA staff will participate as needed in the Close the Gap Campaign to provide direction to the Volunteer, provide staff resources, and assist the Campaign

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Committee. The Executive Directors of each organization shall allocate staff resources as they, in their sole discretion, determine is appropriate.

2. The Campaign Committee will consist of 3 to 4 committee members total including the CTC Trail Gaps Volunteer and Conservancy board members and will solicit input from the Executive Directors of both Parties to this Agreement and will be in effect throughout the Close the Gap Campaign effort. The Volunteer and Campaign Committee will update the Executive Directors on a regular basis and solicit their input at decision points in the process.
3. The JPA and Conservancy will consider the recommendations provided by the Volunteer and Campaign Committee, monitor the campaign's consistency with the individual steps, and timeline for the Funding Campaign as outlined in the "Report on the Feasibility of a Capital Campaign, July 18, 2022", and provide input as needed.
4. The Conservancy will be the designated recipient of all funds raised by the Close the Gap Campaign and shall place all donated funds in a dedicated interest-bearing account established for the sole purpose of funding the CTC Trail Gaps (hereafter called "CTC Funding Campaign Account").
5. The Conservancy will provide and communicate the status of the CTC Funding Campaign Account to the JPA on a regular basis and as requested by the JPA. Status includes the balance of the raised funds as pledged or donated.
6. In order to determine the cost to get the two CTC Trail Gaps to a "shovel-ready" stage eligible and competitive for construction grants, JPA is soliciting written cost proposals from consulting firms/teams for design, engineering, environmental, and other tasks needed to plan and design the two CTC Trail gaps through a Request for Proposals ("RFP") process. The JPA shall provide the Conservancy with a summary of the RFP results including proposals received and process to select a consultant.
7. The proposals received will be used to inform the Parties and Campaign Committee on the cost to plan and design the two CTC Trail Gaps.
8. The JPA shall not enter into a contract with a consultant for any work on the CTC Trail Gaps until it is determined by both Parties that adequate funds have been raised and are available to fund the work.

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9. The CTC Funding Campaign Account will be used by the Conservancy to reimburse all costs associated with planning and design of the CTC Trail Gaps for which the funds were raised. The funds may also be used to reimburse expenses incurred by either Party to this Agreement if directly benefiting the CTC Trail Gap scope of work.
10. Should funds raised by the Close the Gap Campaign exceed that needed to fund the costs for consultants and other approved expenses, the remainder funds shall be designated for CTC Trail Gap construction and/or matching grants for trail construction grant solicitations and applications and shall remain in the CTC Funding Campaign Account.
11. The JPA shall have sole discretion and responsibility for selecting the consultant proposal that best meets the needs of the defined scope of work in the RFP. Conservancy staff may review the proposals and participate in the selection process.
12. Once a consultant team is selected and under contract with the JPA, JPA staff will be the project lead and manager on all work conducted for the CTC Trail Gaps by the consultant.
13. All consultant invoices and project expenses will be reviewed and approved by JPA staff prior to requesting funds from Conservancy. JPA will pay consultants or vendors directly and invoice Conservancy for reimbursement along with copies of approved invoices. Conservancy reimbursements to JPA will be due within 15 days of receipt.
14. This MOU shall become effective when signed by all the Parties and shall continue in force until terminated by any Party.
15. This MOU may be amended and updated at any time by written agreement of the Parties that has been approved by their respective boards of directors.
16. This MOU may be terminated by either party, effective thirty (30) days after written notification of termination is served on the other Party. At such time, remaining funds in the CTC Funding Campaign Account shall be used to pay any and all outstanding expenses including those incurred by retained consultants or other vendors in accordance with the consultant contract obligations.
17. Should written notification of termination occur under #16 above, any remaining funds in the CTC Funding Campaign Account after all outstanding financial obligations are satisfied shall remain in the CTC Funding Campaign Account to be used for construction purposes of the CTC Trail Gaps. Should conditions not warrant such use of the remaining

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funds, then the Parties to this Agreement shall confer and determine a reasonable course of action for the remainder funds. The parties agree that the remainder funds shall be restricted to uses for the Coast to Crest Trail.

SIGNED:

Shawna Anderson
Executive Director
San Dieguito River Park Joint Powers
Authority

Cheryl Goddard
Executive Director
San Dieguito River Valley Conservancy

Date

Date