

San Dieguito River Valley
Regional Open Space Park
18372 Sycamore Creek Road
Escondido, CA 92025
(858) 674-2270 Fax (858) 674-2280
www.sdrp.org

AGENDA

SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY

JOINT POWERS AUTHORITY
BOARD OF DIRECTORS

Chair Dianne Jacob
Supervisor, County of San Diego

Vice-Chair Dave Roberts
Solana Beach City Council

Jerry Finnell
Del Mar City Council

Dick Daniels
Escondido City Council

Betty Rexford
Poway City Council

Pam Slater-Price
Supervisor, County of San Diego

Brian Maienschein
San Diego City Council

Scott Peters
San Diego City Council

Dr. Philip Pryde
Citizens Advisory Committee

Becky Bartling, Ex Officio
22nd District Agricultural Assoc

Dick Bobertz
Executive Director

9:30 a.m. – 12:00 p.m.

Friday, January 18, 2008

County Administrative Center

1600 Pacific Highway, Room 302/303

San Diego

Speaker slips will be available. Please fill out a slip and give it to the Chair prior to the meeting if you wish to speak to an item on the agenda. The Board may take action on any item listed on the Consent or Action agenda.

Introductions and Announcements.

Approval of the Minutes of November 16, 2007

Chairs Report

Executive Directors Report :

- a. Photo Report on River Park Fire Damage and FEMA Coordination

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.

ACTION

1. Nominating Committee Report and Recommendations (page 3)
2. Citizens Advisory Committee Officers: Chair and Vice-Chair (page 6)
3. Authorize Establishment of Fire Recovery Fund and Amend FY 07/08 Budget (page 7)
4. San Dieguito Lagoon Wetland Restoration Project
 - a. Video Presentation on Status of SCE Project (page 14)
 - b. Poseidon Resources Project at San Dieguito Lagoon (page 15)
 - c. Undergrounding of Power Lines in San Dieguito Lagoon (page 20)

5. Fairbanks Ranch Country Club Proposal (page 22)

INFORMATION

6. Report on Coordination with San Dieguito River Valley Conservancy and Friends of the San Dieguito River Valley (Oral)
7. Status Reports (Oral)
 - a. River Park Projects:
 - i. Sikes Adobe Historic Farmstead
 - ii. Lake Hodges Bike Ped Bridge
 - iii. Coastal Trail/Treatment Ponds
 - iv. Pamo Valley Trail
 - v. Heritage Trail Link
8. Jurisdictional Status Reports

An opportunity for the Board members to report on actions taken within their jurisdictions to further the park planning process, or on problems which have arisen.

9. Communications

10. CLOSED SESSION. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. The Board will meet in closed session pursuant to Government Code section 54956.9(b)(1)(3) to confer with legal counsel regarding receipt of a claim pursuant to the Tort Claims Act from Mr. Neal Hribar.

THE NEXT REGULAR JPA MEETING IS SCHEDULED FOR FRIDAY, FEBRUARY 15, 2008.

If you have any questions, please call Dick Bobertz at (858) 674-2270.

****Due to the high cost of printing and mailing the JPA and CAC agendas, the JPA has converted to an email distribution of both agendas. Please advise the office at 858 674-2270 if you do not have an e-mail address and want other arrangements will be made. Full packets will continue to be mailed free of charge to JPA and CAC members upon request. For others, the cost of the full agenda, with backup material, is \$45 per year, and the cost of the agenda without backup material is \$10 per year.

The agenda and minutes are available at no cost on the San Dieguito River Park web site at www.sdrp.org

**Agenda Item 1
January 18, 2008**

TO: JPA
FROM: Staff
SUBJECT: Report and Recommendation from Nominating Committee for next year's Chair and Vice-Chair & Committees

RECOMMENDATION:

Approve Recommendations from Nominating Committee

SITUATION:

A. Summary and Recommendation

In accordance with JPA Board Rule #1, Election of JPA Board Officers, a nominating committee comprised of Phil Pryde, Pam Slater-Price and Betty Rexford was appointed by the Chair at your Board's October meeting. Boardmember Pryde was asked to chair the committee. Board members were asked to inform the committee or staff if they wished to change their committee membership. The existing committee roster is attached. The nominating committee will present to the Board of Directors for your consideration at today's meeting, a proposed slate which includes nominations for the two officers (Chair and Vice-Chair) and membership on the Land Use Committee, Acquisition and Financing Strategies Committee, and Budget/Administration/Policy Committee.

B. Citizens Advisory Committee Recommendation – This item has not been reviewed by the CAC.

C. Issues – No issues have been identified.

ALTERNATE ACTIONS

1. Approve the Nominating Committee Recommendations
2. Do not approve the Nominating Committee Recommendations and elect other members instead.

Respectfully submitted,

Dick Bobertz
Executive Director

Attachments:

- 1) JPA Board Rule #1, Election of JPA Board Officers
- 2) List of Current Committee Membership

**POLICY NO. P95 - 1
ADOPTION DATE: 3/17/95**

**POLICY OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER
VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY**

ELECTION OF JPA BOARD OFFICERS

PURPOSE

The San Dieguito River Park Joint Powers Authority (JPA) was formed to create, preserve and enhance the San Dieguito River Valley Regional Open Space Park (Park). The Joint Powers Agreement provides for the Board to select its officers from among the members. The purpose of this policy is to provide direction on the selection of officers.

POLICY

The success of the JPA in fulfilling its functions as authorized by its member agencies and in carrying out its programs to serve the people of San Diego County is in the hands of its Boardmembers and most importantly its officers. Therefore, it is the policy of this Board to select officers who are enthusiastically supportive, willing and able to promote the San Dieguito River Park and its goals and objectives, and to implement the will of the Board.

OFFICERS/TERMS

The Joint Powers Authority officers shall consist of a Chair and a Vice-Chair who will serve one year terms. In January of each year, customarily the Vice-Chair from the previous year will assume the Chair's office. At any time during the year should the Chair resign or be unable to serve in the function of Chair, the Vice-Chair will assume the Chairmanship. An effort shall be made to rotate the Chair and Vice-Chair positions among the various jurisdictions.

NOMINATING COMMITTEE

A nominating committee will be appointed by the Chair in October of each calendar year. The nominating committee shall present to the Board of Directors for their consideration at the next JPA meeting a proposed slate which includes nominations for the two officers and membership on the Land Use Committee, Acquisition and Financing Strategies Committee and the Budget/Administration/Policy Committee. These committees will meet as needed to accomplish the business of the JPA. The Board may accept the recommendations of the nominating committee or amend them by a majority vote.

REMOVAL FROM OFFICE

An officer of the San Dieguito River Park JPA may be removed by a majority vote of the Board of Directors.

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JPA AD HOC COMMITTEES, 2007

Land Use Committee

Richard Earnest
Pam Slater-Price
Betty Rexford
Scott Peters
1st Alternate: Dick Daniels
2nd Alternate: Dave Roberts

Duties: 1) Review CAC and staff recommendations on pending projects, when warranted. Make project recommendations to JPA Board.
2) Consider planning and environmental issues that relate to the San Dieguito River Park.

Acquisition and Financing Strategies Committee

Dave Roberts
Pam Slater-Price
Phil Pryde
Betty Rexford
1st Alternate: Richard Earnest
2nd Alternate: Dianne Jacob

Duties: 1) Review staff recommendations and advise staff on property negotiation. Make acquisition recommendations to JPA Board.
2). Serve as "Investment Committee". Responsibilities as Investment Committee include review of internal and external endowment funds, preparation of annual analysis and report to the Board, and rebalancing of assets in internal fund as appropriate.

Budget/Administration/Policy Committee

Scott Peters
Dick Daniels
Richard Earnest
Dave Roberts
1st Alternate: Betty Rexford
2nd Alternate: Brian Maienschein

Duties: 1) Review draft budget and work program and present recommendations to JPA Board
2) Executive Director Performance Review
3) Make recommendations regarding standing or ad hoc committees and membership
4) Review and set JPA policies and by-laws

Wetlands Advisory Committee

Pam Slater-Price
Richard Earnest
Dave Roberts
Phil Pryde
Jacqueline Winterer, Public Member

Duties: Review and recommend policies and plans relating to the San Dieguito Lagoon Wetland Restoration Project

Representation on 22nd District Agricultural Association Master Plan Committee

Richard Earnest
Dave Roberts, Alternate

**Agenda Item 2
January 18, 2008**

TO: JPA Board

FROM: Staff

SUBJECT: Citizens Advisory Committee Officers (Chair and Vice-Chair)

RECOMMENDATION:

Approve CAC Chair and Vice-Chair as recommended by CAC

DISCUSSION:

The guidelines pertaining to CAC officers are included in the JPA Agreement and the CAC By-Laws. These documents say that the CAC is to recommend a Vice-Chair to the JPA Board annually. Additionally, the CAC Chair position is to be confirmed by the Board, after recommendation by the CAC. The CAC By-Laws were amended in 2003 to establish the term of the Chairmanship at two years, renewable by appointment for a total of 3 terms. At the CAC's November 2 meeting the CAC Nominating Committee recommended that Dr. Phil Pryde be reappointed for his third (and last) term under the revised by-laws, and that Diane Coombs be re-appointed vice-chair for her second term. Diane Coombs is the alternate representative on the CAC for Citizens Coordinate for Century 3 (C3). The CAC is seeking your Board's concurrence on these selections.

Respectfully submitted,

Susan Carter
Deputy Director

Agenda Item 3
January 18, 2008

TO: JPA Board

FROM: Staff

SUBJECT: Fiscal Year 2007/08 Budget Amendment and Establishment of Fire Recovery Fund

RECOMMENDATION:

Establish new Fire Recovery Fund at the County Auditor/Controller Office; Amend FY 07/08 Budget to adopt budget for new Fire Recovery Fund; Amend FY 07/08 Budget (Staffing & Salary Schedule and Operating Fund) to Include Additional Full-Time Permanent Ranger.

SUMMARY:

Establish Fire Recovery Fund. As a result of the fire, the JPA will receive unanticipated revenues from our insurance company and FEMA to cover unanticipated expenses for fire recovery. In order to account for these expenses and segregate them from our regular expenditures and revenues, staff recommends that your Board authorize the creation of a new fund, "Fire Recovery Fund" at the County Auditor/Controller alongside the JPA's existing funds. For your information, to date the JPA has received one payment from our insurance company, in the amount of \$314,000, which is the depreciated cash value of the administrative/ranger office building. Because our policy provides for replacement value, additional funds as needed will be provided by the insurance company during the rebuilding process. The \$314,000 was temporarily deposited in a trust account with our attorneys, Worden, William & Associates. Some of those funds have already been expended for immediate needs. The remaining funds and future funds received will be deposited in the Fire Recovery Fund.

Amend FY 07/08 Budget to Adopt Budget for Fire Recovery Fund. Within that fund there will be separate accounts designated for FEMA projects, office rebuilding, replacement of office contents and vehicles and transition expenses. In order for staff to expend monies from this fund, your Board must adopt a budget. A draft budget is attached for your consideration.

Amend FY 07/08 Budget to Add Additional Park Ranger I position. The existing 4-person ranger staff was stretched thin prior to the fire dealing with 35 miles of trails and 2,736 acres of land to manage. In the next two years additional trail segments are scheduled to open, as well as the Lake Hodges Bicycle Pedestrian Bridge which has staff-intensive operating conditions. Now fire recovery efforts, including rebuilding trails, replacing signs, installing

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fencing and gates, and repairing eroded areas, will consume much of their time for the indefinite future. Resources and Trails Manager Jason Lopez will be in charge of documenting and justifying expenses for these efforts in order to ensure that the River Park will be fully and expeditiously reimbursed by FEMA. Because of that work, his time in the field working with the other rangers will be reduced. Our ranger staff has requested that the Board hire a new full-time, permanent ranger to assist them. Because of their belief in the importance of this effort, the San Dieguito River Valley Conservancy has offered to provide funding for salary and benefits for the first six months of this position, an amount estimated at \$25,000. Staff recommends that your Board authorize staff to add a new ranger position as shown in the draft amended FY 07/08 Budget Staffing & Salary schedule, and to fill that position as soon as possible. Funding for the remainder of this budget year would be provided by the San Dieguito River Valley Conservancy. Future year funding would be addressed in the JPA's regular budget process.

CITIZENS ADVISORY COMMITTEE RECOMMENDATION

This item has not been reviewed by the CAC. It is not the CAC's customary practice to review and advise on budgetary items.

ENVIRONMENTAL REVIEW

N/A

FINANCIAL CONSIDERATIONS

At this time it is unknown whether FEMA and State OES funding will provide full reimbursement for the JPA's losses in the field. We anticipate to be fully reimbursed by our insurance company on the office rebuilding and for replacement of office contents and our vehicles, as well as for transition costs, such as rent during the approximate 18 month-long rebuilding period. However, we will not know for certain until we pass more milestones. The attached draft budget anticipates full recovery.

As far as the additional ranger position, although there would be no cost to the JPA in FY 07/08, it would be an ongoing obligation in future budget years. It is likely however that there will be FEMA reimbursements for some ranger time for fire recovery work that can be applied to partially offset this expense in FY 08/09.

ALTERNATIVES

1. Establish new Fire Recovery Fund and adopt Budget, including new ranger position, as shown.
2. Establish new Fire Recovery Fund and adopt Budget, but do not include new ranger position.
3. Do not establish new Fire Recovery Fund and give staff other direction.

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RECOMMENDATION

Establish new Fire Recovery Fund at the County Auditor/Controller Office; Amend FY 07/08 Budget to adopt budget for new Fire Recovery Fund; Amend FY 07/08 Budget (Staffing & Salary Schedule and Operating Fund) to Include Additional Full-Time Permanent Ranger.

Respectfully Submitted,

Dick Bobertz
Executive Director

Attachments:

1. Proposed Amended FY 07/08 Budget

FIRE RECOVERY FUND

San Dieguito River Valley Regional Open Space Park Joint Powers Authority FY 2007-08 Fire Recovery Budget				Amendment 07/08
Item #	Appropriations FUND			
	Services and Supplies			
	2000 Object Account			
1				
2	2376	52396	Office Reconstruction, Debris Removal	550,000
3	2376	52396	Transition Costs (Rent, Temporary costs)	50,000
4	2376	52396	Administrative and Ranger Office Contents Replacement	231,000
5	2376	52396	Vehicle Replacement	85,100
6	2376	52396	Trail Repair and Rebuilding, including bridges, fencing, erosion control, debris r	1,434,000
7	2376	52396	Sikes Adobe Emergency Stabilization, Rebuilding	560,000
8				-
9	Total Services and Supplies			2,910,100
13				
14	Total Appropriations			\$ 2,910,100.00
15	Revenues			
16	9549	45429	Insurance Proceeds	916,100
17	9957	47526	FEMA Reimbursement	1,994,000
18	Total Revenues			\$ 2,910,100.00

OPERATING BUDGET

Item	San Dieguito River Valley Regional Open Space Park Joint Powers Authority Fiscal Year 2007-08 Operating Budget			Adopted FY 07/08	Proposed Amendment FY 07/08
ORG 91160 FUND 44625					
Appropriations					
Salaries and Benefits					
1000 Object Account					
1	1101	51110	Permanent Wages	551,312	567,293
2	1102	51115	Temporary Wages	-	-
3	1163	51430	Retirement	209,499	215,572
4	1165	51450	OASDI	41,900	43,114
5	1177	51550	Employee Group Health & Life Ins., Disability Ins.,	58,439	60,133
6	1177	51550	Worker's Compensation Ins., Unemployment Insurance	4,403	4,403
7					
8	Subtotal			865,553	890,515
9					
10 Services and Supplies					
2000 Object Account					
12	2216	52062	Telephone/Cell/Fax/Satellite Service	6,700	6,700
13			Office Telephone (\$4000)		
14			Cell service for Rangers (\$1800)		
15			Dish Network (Satellite for Internet Service) (\$900)		
16	2245	52130	Insurance - General and Property Liability, incl Auto	5,600	5,600
17	2245	52134	Insurance - Medical/Liability for Volunteers	550	550
18	2284	52182	Fuel for Vehicle, incl Tractor	4,500	4,500
19	2286	52186	Office Equipment Maintenance/Repair (Service Contracts)	2,500	2,500
20	2290	52220	Office Operation/Maintenance	22,360	22,360
21	2290	52220	Recycle (\$180)		
22	2290	52220	Dumpster Rental (\$780)		
23	2290	52220	Water (\$500)		
24	2290	52220	Misc. Maintenance (\$5000)		
25	2290	52220	Propane (\$1400)		
26	2351	52672	Electricity (\$3,400)		
27	2290	52220	Janitorial Service (\$2,040)		
28	2290	52220	Termite Inspection/Contract (\$260)		
29	2290	52220	Maintenance for Vehicles (\$7,000)		
30	2290	52220	Uniform Allowance (\$1500)		
31	2290	52220	Security Alarm (\$300)		
32	2290	52220	Lake Hodges Bike/Ped Bridge Lease	2,849	2,849
33	2290	52220	Sikes Adobe Historic Farmhouse Operation	4,920	4,920
34	2290	52220	Water (\$1,000)		
35	2290	52220	Burglar/Fire Alarm (\$420)		
36	2290	52672	Electric Service (\$200)		
37	2290	52220	Telephone (\$400)		
38	2290	52220	Sanitary Services (\$1800)		
39	2290	52220	Insurance (\$500)		
40	2290	52220	Rodent Control (\$600)		
41	2290	52220	City of San Diego Lease Administrative Fee (TBD)		
42	2300	52270	Memberships	500	500
43	2304	52304	Miscellaneous, petty cash	1,000	1,000
44	2305	52330	Office Supplies	3,000	3,000
45	2306	52332	Postage	1,200	1,200
46	2307	52334	Printing (Stationery, maps)	3,500	3,500
47	2315	52370	Professional Services	36,300	36,300
48	2315	52370	Attorney Services (\$20,000)		
49	2315	52370	Bookkeeping Services (\$5000)		
50	2315	52370	Auditor Services (\$6,800)		
51	2315	52370	County Services (\$2,500)		
52	2315	52370	Computer/Website Consulting Services (\$2,000)		
53	2315	52370	Stipends for Board Members (10 mtgs x \$100 x 3)	2,400	2,400
54	2327	52394	Maps, photos	250	250

OPERATING BUDGET

Item	San Dieguito River Valley Regional Open Space Park Joint Powers Authority Fiscal Year 2007-08 Operating Budget			Adopted FY 07/08	Proposed Amendment FY 07/08
55	2328	52390	Legal Notices	300	300
56	2340	52550	Volunteer/Event Program	8,000	8,000
57	2340	52550	Refreshments (\$1200)		
58	2340	52550	Annual Supporter Celebration (\$2,000)		
59	2340	52550	Mailings - Activity Schedule and Newsletter		
60	2340	52550	(included in postage & printing line items)		
61	2340	52550	Scout Plaques (\$400)		
62	2340	52550	Other Events (i.e., Earth Day) (\$350)		
63	2340	52550	Docent Training/Volunteer Patrol Training (\$1500)		
64	2340	52550	Intern Stipends/Education/Outreach (\$1,800)		
65	2340	52550	Misc. (Name tags, volunteer t-shirts, name badges, etc.) (\$275)		
66	2340	52550	Kiosk Displays (\$250)		
67	2340	52550	Volunteer Recognition Items (\$225)		
68	2345	52560	Books/Publications/Subscriptions	400	400
69	2348	52566	Minor Equipment	500	500
70	2351	52672	Utilities (at Undercrossing)	100	100
71	2356	52608	Out of County Travel	2,000	2,000
72	2358	52610	Training (incl GIS, Applicator's Certificates)	2,255	2,255
73	2359	52612	Employee Auto Reimbursement	700	700
74	2340	52550	Endowment	75,000	75,000
75	2391	52282	Computer Software (Windows XP, Antivirus renew)	600	600
76		52282	Email distribution service	400	400
77	Total Services and Supplies			188,384	188,384
78	Other Charges				
79	3366	53426	Lease/Purchase Phone system	-	-
80	3366	53426	Lease/purchase copier equipment	2,500	2,500
81	3366	53426	Loan Payments for Work Truck	4,800	4,800
82	Total Other Charges			7,300	7,300
83	Fixed Assets				
84	4509	54982	Down Payment for 'Work vehicle for cargo, transports/tax/title	5,000	5,000
85	Total Fixed Assets			5,000	5,000
86	Reserves				
87	0000	53582	Amortization Reserve (for future truck replacement)	6,000	6,000
88			General Reserve	-	-
89			Reserves	6,000	6,000
90	Total Appropriations			1,072,237	1,097,199
91	Revenues				
92	Account				
93	0000	0	Transfer from Amortization Reserve	9,800	9,800
94	9812	48117	Transfer from Trails/Land Mgmt fund for Admin Costs	68,000	68,000
95	9812	48117	Transfer from Project fund for Admin Costs	75,000	75,000
96	9812	48117	Transfer from Land Trust Fund (rent payments)	23,793	23,793
97	9190	44105	Interest	20,000	20,000
98	9540	45511	Offtrack Betting	50,000	50,000
99	9746	45918	Member agency assessments, includes endowment	819,679	819,679
100	9746	45918	Stipend Reimbursements	2,400	2,400
101	9957	47526	Donations transferred from SDRVC	3,000	3,000
102	9957	47526	Ranger Reimbursement from SDRVC		24,962
103	9970	46778	Fees Received for Agenda Backup Material	90	90
104	9995	47540	Nontaxable Sales	125	125
105	9996	47615	Taxable sales (t-shirts/videos/books)	350	350
	Total Revenues			1,072,237	1,097,199

San Dieguito River Park Salary and Staffing Schedule

STAFFING SCHEDULE						
Title	FY 06/07		FY 07/08		Proposed Amendment	
	Adopted		Positions		Positions	
	Positions	Staff Years	Positions	Staff Years	Positions	Staff Years
Executive Director	1	1	1	1	1	1
Deputy Director	1	1	1	1	1	1
Principal Planner	1	0.8	1	0.8	1	0.8
Secretary/Office Manager	1	0.8	1	0.8	1	0.8
Vol./Event Coordinator	1	1	1	1	1	1
Interpretive Specialist (Museum Mgr)	1	0.5	1	0.5	1	0.5
Ranger Aide	1	0	1	0	1	0
Ranger I	2	1	2	1	2	1.5
Ranger II	1	1	1	1	1	1
Senior Ranger	1	1	1	1	1	1
Trails and Resources Manager	1	1	1	1	1	1
Total	12	9.1	12	9.1	12	9.6
STAFF SALARIES						
Title	FY 06/07	Hourly Salary *	FY 07/08	Hourly Salary *	FY 07/08	Hourly Salary *
	Adopted	Hours Worked	Adopted	Hours Worked	Adopted	Hours Worked
	Hourly	Each Year	Hourly	Each Year	Hourly	Each Year
Executive Director	43.90	91,311.38	47.48	98,753.25	47.48	98,753.25
Deputy Director	42.40	88,199.44	45.86	95,387.69	45.86	95,387.69
Principal Planner	42.40	70,555.45	43.67	72,672.12	43.67	72,672.12
Secretary/Office Manager	24.55	40,845.51	25.28	42,070.87	25.28	42,070.87
Museum Manager/Interp. Spec.	16.00	16,640.00	16.48	17,139.20	16.48	17,139.20
Vol./Events Coordinator	18.03	37,496.18	19.50	40,552.12	19.50	40,552.12
Trails and Resources Manager	29.00	60,315.49	31.36	65,231.20	31.36	65,231.20
Senior Ranger	20.79	43,235.77	22.48	46,759.49	22.48	46,759.49
Ranger II	17.30	35,984.00	18.71	38,916.70	18.71	38,916.70
Ranger I	15.00	31,200.00	16.22	33,742.80	16.22	33,742.80
Ranger 1 (new)					15.45	16,068.00
Total		515,783.22		551,225.44		567,293.44

Agenda Item 4a
January 18, 2008

TO: JPA Board

FROM: Staff

SUBJECT: San Dieguito Lagoon Restoration: Video Presentation on Status of SCE
Wetland Restoration Project.

RECOMMENDATION:

Information, no action required

Southern California Edison prepared and presented a brief video update of the project status at a public briefing in November. This video will be shown to your Board today.

Agenda Item 4b
January 18, 2008

TO: JPA
FROM: Staff
SUBJECT: Poseidon Resources

RECOMMENDATION:

Direct staff to prepare a memorandum of agreement with Poseidon for wetland creation at San Dieguito Lagoon to be returned to your Board for approval; approve attached reimbursement agreement; and consider additional recommendations, if any, of Wetland Advisory Committee.

SITUATION:

A. Summary and Recommendation

Poseidon Resources received approval from the California Coastal Commission to construct the Carlsbad Desalination Plant, on the condition that they create 37 acres of tidal wetlands as mitigation for fishery impacts. Poseidon is interested in creating that habitat at the San Dieguito Lagoon if it can be determined that appropriate habitat that meets the Coastal Commission criteria can be created at the site without negatively impacting the Southern California Edison restoration project.

Representatives from Poseidon will be meeting with your Board's Wetland Advisory Committee today to describe the concepts that are currently being considered, and receive input from the Committee. The Wetland Advisory Committee is comprised of Pam Slater Price, Dave Roberts, Phil Pryde, Crystal Crawford (alternate for Richard Earnest at today's meeting) and Jacqueline Winterer.

Staff recommends that your Board enter into a memorandum of agreement with Poseidon, as was done with SCE at the beginning stages of their project. The memorandum of agreement would address the scope of the project from conceptual development through construction and management and monitoring, what the benefits to the JPA would be in allowing the use of its property for this purpose, the responsibilities of all parties, and make provisions for long-term management of the newly created habitat areas. The memorandum of agreement would be returned to your Board at a future meeting for your review and approval.

In the meantime, staff recommends that your Board approve the attached draft Reimbursement Agreement between the JPA and Poseidon. This would allow work to begin immediately on concepts that can be presented to the Coastal Commission, by allowing the JPA to hire landscape architect, wetland biologist and hydrology consultants as needed with provision for reimbursement for their costs as well as JPA's project management costs by Poseidon.

CITIZENS ADVISORY COMMITTEE RECOMMENDATION:

This item has not been reviewed by the CAC.

FISCAL IMPACT:

None identified. The Reimbursement Agreement, and the future MOA will ensure that the JPA's costs are fully reimbursed.

ENVIRONMENTAL REVIEW:

None required at this time. It is likely that the Park Master Plan your Board adopted in September 2000 may need to be amended to accommodate the revised wetland habitat development, and if so, there may be additional environmental review associated with that. This issue will be addressed in the MOA.

ALTERNATIVES:

- a. Approve reimbursement agreement and direct staff to prepare draft MOA.
- b. Do not approve reimbursement agreement and provide staff with additional direction

RECOMMENDATION:

Direct staff to prepare a memorandum of agreement with Poseidon for wetland creation at San Dieguito Lagoon to be returned to your Board for approval; approve attached reimbursement agreement; and consider additional recommendations, if any, of Wetland Advisory Committee.

Respectfully Submitted,

Dick Bobertz,
Executive Director

Attachment:

1. Draft Reimbursement Agreement

AGREEMENT BETWEEN SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY AND POSEIDON RESOURCES CORPORATION FOR REIMBURSEMENT OF HABITAT RESTORATION PROJECT COSTS

THIS AGREEMENT is made this _____ day of _____, 20____, between the SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY, a joint powers authority existing pursuant to California Government Code Section 6500, et seq., hereinafter referred to as "JPA", and POSEIDON RESOURCES (CHANNELSIDE) LLC hereinafter referred to as "POSEIDON".

RECITALS

WHEREAS, the JPA is a joint powers authority existing pursuant to California Government Code Section 6500, et seq., whose purposes and powers include the power to jointly "acquire, plan, design, improve, manage, operate and maintain the San Dieguito River Valley Regional Open Space Park"; and

WHEREAS, the JPA owns land in the San Dieguito Lagoon which is planned for habitat restoration pursuant to the San Dieguito Coastal Area Park Master Plan adopted by the JPA on September 15, 2000; and

WHEREAS, a portion of said San Dieguito Lagoon area is being restored for habitat in accordance with the Park Master Plan by Southern California Edison ("SCE") as mitigation for the San Onofre Nuclear Generating Station project; and

WHEREAS, Poseidon desires to assist JPA in the restoration of

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other parts of the San Dieguito River Valley into functional coastal wetlands and to provide mitigation for impacts associated with Poseidon's Carlsbad Desalination Project ("Restoration Project"); and

WHEREAS, JPA has identified the need to hire professional consultants to plan the proposed Restoration Project; and

WHEREAS, Poseidon desires to reimburse to the JPA for the costs associated with the hiring and managing consultants to plan the Restoration Project

NOW, THEREFORE, in consideration of the foregoing recitals, the Parties agree as follows:

1. The JPA, after consulting with and receiving written approval of Poseidon, will engage "Consultants" to perform the necessary work to plan the Restoration Project.

2. It is understood that the Consultants' services and JPA management fees shall conform to the "Scope, Schedule and Budget" approved by Poseidon.

3. The JPA shall bill Poseidon for approved work completed and invoiced by the Consultants and associated management fees. The Poseidon shall pay to the JPA within 30 days of receipt of the invoice. Such invoices shall not exceed the costs set forth in the Scope, Schedule and Budget approved by Poseidon without prior written approval.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

ATTACHMENT 1

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POSEIDON RESOURCES (CHANNELSIDE) LLC

By:

Peter M. MacLaggan

Vice President

SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT
POWERS AUTHORITY

By:

Dick Bobertz

Executive Director

ATTACHMENT 1

Agenda Item 4c
January 18, 2008

TO: JPA
FROM: Staff
SUBJECT: Undergrounding of Power Lines in San Dieguito Lagoon

RECOMMENDATION:

Consider presentation from proponents of Del Mar power line undergrounding district and direct staff on appropriate follow-up action.

SITUATION:

A. Summary and Recommendation

Jim Benedict and Terry Sinnott, residents of Del Mar, are promoting a solution to overhead power lines in the San Dieguito Lagoon which are aesthetic impacts in a soon-to-be natural area and also serve as raptor perches impacting establishment of habitat for ground-nesting endangered species such as the Least Tern. Two above-ground power lines currently exist along San Dieguito Drive on the south side of the Lagoon. Mr. Benedict will give a powerpoint presentation to detail his proposal.

Staff recommends that the Board authorize staff to assist the effort to underground powerlines in the San Dieguito Lagoon by working with other agencies such as Caltrans and Southern California Edison that have an interest in the San Dieguito Lagoon to identify funding for the project.

B. Issues

None identified.

C. Environmental Review

None required until project is identified.

CITIZENS ADVISORY COMMITTEE RECOMMENDATION:

This item has not been reviewed by the CAC.

FISCAL IMPACT:

None identified.

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ALTERNATIVES:

- a. Direct Staff to support the San Dieguito Lagoon power line undergrounding effort by working with agencies with interests in the Lagoon Wetlands Restoration Project.
- b. Provide staff with additional direction

RECOMMENDATION:

Consider presentation from proponents of Del Mar power line undergrounding district and direct staff on appropriate follow-up action.

Respectfully Submitted,

Dick Bobertz,
Executive Director

**Agenda Item 5
January 18, 2008**

TO: JPA
FROM: Staff
SUBJECT: Fairbanks Ranch Country Club Proposal

RECOMMENDATION:

Consider the Fairbanks Country Club proposal to the City of San Diego and refer to the Citizens Advisory Committee for review and recommendation.

SITUATION:

A. Summary and Recommendation

The attached 8/17/07 letter from the Fairbanks Ranch Country Club to the City of San Diego proposes to return to the City up to 175 acres of leased land which includes the 9-hole golf course constructed several years ago and the river channel.

Staff recommends that the Board consider the proposal and refer this item to the Citizens Advisory Committee for review and recommendation.

B. Environmental Review

None required until project is identified.

CITIZENS ADVISORY COMMITTEE RECOMMENDATION:

This item has not been reviewed by the CAC.

FISCAL IMPACT:

None identified.

Respectfully Submitted,

Dick Bobertz,
Executive Director

ATTACHMENT:

- 1 Letter from Fairbanks Ranch Country Club
2. Map of Fairbanks Ranch Area

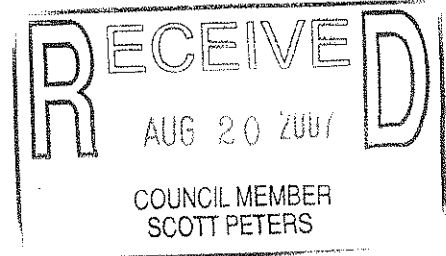


Fairbanks Ranch Country Club

August 17, 2007

Mayor Jerry Sanders
202 C Street, 11th floor
San Diego, CA 92101

Council President Scott Peters
202 C Street, MS #10A
San Diego, CA 92101



Re: Fairbanks Ranch Country Club – Proposed lease modification

Dear Mayor Sanders and Council President Peters:

As you are aware, we have been working with City staff for several months in an effort to modify the existing land lease between the City of San Diego and Fairbanks Ranch Country Club (FRCC). Since our meeting on December 12, 2006, significant, productive negotiations have taken place between the City staff and representatives of FRCC, resulting in a framework for a modified lease that meets the economic objectives of the City and FRCC. In fact, the economics of the proposed modified lease are likely superior to the economics of the existing lease from the City's standpoint. At issue now are the perceived benefits of the return of a substantial portion of FRCC's existing leasehold interest to the City. The purpose of this letter is to outline the reasons why the lease modification as proposed has much larger implications than the extension of the lease itself and represents a sound policy decision for the City.

In short, FRCC has offered to 1) return approximately 90 acres of its leased land at the northeast corner of El Camino Real and San Dieguito Road to the City; 2) at the City's option, return an additional 85 acres comprising the San Dieguito River Channel to the City or its designee; and 3) begin making substantial lease payments upon the commencement of the modified lease. In exchange, FRCC seeks a long-term lease for the remaining 200 acres on which its original eighteen-hole golf course was developed. FRCC's existing lease expires in 2044, with lease payments scheduled to begin in 2010.

Please recall that FRCC attempted to return a significant portion of its leased land (along with a substantial amount of cash) to the City in advance of the construction of the third nine-hole course that was completed in 2003. Unfortunately, the administration in place at that time refused the offer, forcing FRCC to build nine holes that it did not want or need in order to avoid a default under its lease. Remarkably, even after incurring the cost to build the additional nine holes, the opportunity still exists for the City to take back an important piece of property for use by the general public.

The return of the approximately 90 acres (or, if the City chooses, approximately 175 acres) creates outstanding opportunities for three important stakeholders. Specifically, the return of such a large parcel of land facilitates:

- **A substantial addition of recreational space for Carmel Valley residents**

Carmel Valley has experienced one of the highest rates of residential growth in San Diego over the past ten years. While several neighborhoods in Carmel Valley provide small parks, the growth has overwhelmed the limited amount of larger recreational facilities in the area. Utilizing a portion of the returned land for playing fields will provide a significant benefit to the many families in the Valley. The Carmel Valley Planning Board and the Carmel Valley Recreation Council have long advocated the creation of more open space for both passive and active recreational use. With this lease agreement, the City can accomplish both goals.

- **A transfer of benefits to other areas of the City to create much needed recreational space**

In recognition that a transaction of this scale is unique in its ability to create opportunities beyond its immediate vicinity, we propose that a portion of the benefit of the City's immediate receipt of lease payments from FRCC be utilized to improve playing fields in other parts of the City.

- **The expansion of wetlands habitat space in the San Dieguito Valley**

Given the relatively large parcel involved, a portion of the land adjacent to the San Dieguito River Channel would be utilized for wetlands restoration. Further, the opportunity exists, at the City's option, to take control of approximately 100 acres of the river channel itself, facilitating the creation of a key piece of the Coast-to-Crest Trail.

Up until this point, I believe that everyone involved has approached the negotiations on a forward-looking basis. However, with the recent debate over the policy issues, the future is less clear; and, I would be remiss if I did not point out the implications of a failed negotiation and the opportunity that could be lost.

- **FRCC will take the steps necessary to ensure its financial viability**

As an eighteen-hole facility, FRCC had a membership cap of 485 members. As a part of the plan involving the construction of the third nine holes, the membership cap was raised to 625 members. Market conditions and a desire to maintain the equity value of our memberships have "stalled" our membership at 530 members. Further, in anticipation of the probability that we will have to buy back

memberships should we end up with an eighteen-hole facility, we have resisted aggressively pursuing new members. If we conclude that the third nine holes will continue to be a part of our lease, we will take the steps necessary to increase our membership to 625 members, making it all but impossible to later reduce the golf course to eighteen holes.

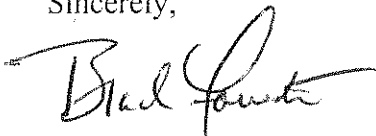
- **Environmental interests and agencies will likely pursue legal remedies for the alleged failure of the City to enforce the mitigation requirements contained in the original development agreement with Watt Industries**

While we believe that the environmental community can be satisfied as a result of the “land give-back” aspect of the proposed lease modification, they have made it clear that, absent an agreement, they intend to continue to force the issues of temporal loss of habitat and inadequate mitigation associated with the original development of the FRCC golf course and the surrounding area. It is FRCC’s belief that it has no exposure to these claims based on the terms of the existing lease agreement and the assignment of the lease from Watt in 1986. Pursuing what appears to be a single-purpose Watt entity twenty years later would seem to be problematic. Thus, the City would seem to have the most at stake but, at the same time, is in the best position to drive a solution.

As you can see, there is far more at stake in the negotiations with FRCC than the extension of its lease term. A unique opportunity exists to meet the recreational needs of a fast-growing part of the community, generate funding to create similar improvements in other parts of the City and advance the cause to preserve sensitive habitat areas for future generations. It is rare for a transaction as straightforward as a lease extension to have such far-reaching effects and the potential to create so many winners; but, this is clearly such an opportunity. We urge the City staff to complete its negotiations with FRCC and to begin the process of engaging the public and the environmental community in a dialogue regarding the vision for this land.

We look forward to supporting this effort.

Sincerely,



J. Bradley Forrester
Director

Cc: Beth Murray – City of San Diego