

Item 5

EXECUTIVE OFFICER'S REPORT

April 8, 2005

a) **Executive Office's Correspondence**

On March 17, 2005 I sent a letter of support for the Famosa Slough Wetland Restoration Project to Mr. Chris Zirkle, Director of the Development Services Department for the City of San Diego. The letter requested expedition of City permits due to the tight time constraints of the available funding for the project (letter attached).

b) **California Performance Report**

Following his January 5 State of the State address, the Governor released a list of Boards and Commissions which he deemed expendable (see <http://cpr.ca.gov> for list). As you know, none of the state Conservancies were included on the list and in fact the Governor indicated that the establishment of the new Sierra Nevada Conservancy was one of his first year major accomplishments. The State and Regional Water Boards were also not listed (article attached).

c) **Federal Transportation Program Reauthorization**

The attached analysis report from the City of San Diego summarizes the recommendations in the House bill proposing how to allocate Federal transportation funding for the next six years. Note on page 2 that the House bill proposes \$500,000 for the San Diego River Bicycle and Pedestrian Path. I believe that San Diego's congressional delegation, working in conjunction with the San Diego Bicycle Coalition, are responsible for this proposed allocation. The US Senate anticipates committee consideration in middle to late March with the House-Senate Conference anticipated in April and May. The Conference Report is anticipated prior to Memorial Day recess.

d) **Dennis Machida, Executive Officer of the California Tahoe Conservancy**

It is with a very great sense of loss that I must report to you that Mr. Dennis Machida, my personal mentor and the Executive Officer of the Tahoe Conservancy, passed away unexpectedly on March 4, 2005. Dennis was speaking at an environmental research conference in Montana at the time of his death (see article). Dennis was considered the "Grandfather" of the State Conservancies, having started the Coastal Conservancy some 25+ years ago and the Tahoe Conservancy in 1985. Most recently, Dennis played a very key role in the creation of the Sierra Nevada Conservancy.

As you may recall Dennis had volunteered to address this Board (as he has done with many other start-up conservancies). Most regrettably, he was scheduled to speak to us on February 11, 2005 but agreed to be moved to June 2005 due to a very full February agenda.

Dennis was a wonderful friend, colleague, and personal mentor. I, as well as the entire Conservancy family, will miss him tremendously. Dennis was a truly extraordinary man.

e) **Helix Water District Tour of Cedar Creek Falls**

As you know our tour of Cedar Creek Falls is Saturday, April 8, 2005. Details and directions are attached.

f) **KPBS Special "River Roars Back"**

KPBS special on the San Diego River aired on February 28, 2005 featuring our very own Chairman Dick Murphy, Board Member Jim Peugh, and Rob Hutsel (SDRPF). If you missed this special (or if you'd like to view it as a group), let me know and I will ask Mr. Hutsel if we can borrow his copy.

g) **NEW BOARD MEMBER**

Please join me in welcoming a new member to our Board, Dr. Jennifer Kraus. Dr. Kraus will replace Gary Stephany as the Regional Water Quality Control Board's designated representative (and non-voting member). Mike McCann will continue to serve as the alternate.

Dr. Jennifer Kraus has over 17 years of experience in the environmental, health, and safety (EHS) field. She has managed multi-disciplinary EHS projects in the U.S., Mexico, Central and South America, and Canada and specializes in providing strategic environmental, health and safety management services to clients on a national and international basis. Currently, Dr. Kraus is President of Global Environmental Consulting Company (GECCo, Inc.), a woman- and minority-owned small business based in San Diego, California specializing in providing strategic environmental management, safety, and health research services in the public and private sectors. Dr. Kraus recently completed her doctoral studies in public health, epidemiology at the UCSD School of Medicine and the San Diego State University Graduate School of Public Health. She received her Master's Degree in Public Health from UCLA and her Bachelor's degree in Biology from Princeton University. She is a California Registered Environmental Assessor (REA), Certified Hazardous Materials Manager (CHMM), and certified ISO 14001 Lead Auditor.

I am sure the Conservancy will greatly benefit from Dr. Kraus' wealth of knowledge. Welcome Jennifer, we all look forward to working with you as we seek to protect and restore the San Diego River.

h) **BOARD MEMBER TERMS**

The San Diego River Conservancy Act specifies the terms of office for each Board member. You will notice the updated Board Member Roster (Item 26) includes each Board member's category designation and term limit.

Three of the five public-at-large allocations are appointed by the Governor. Of these three appointments, initially two are for three years (James Bartell and Susan Hector) and one is for two years (Jack Minan). Although the appointments were not made until later in the year, the terms began at the creation of the Conservancy (effective date of the San Diego River Conservancy Act was 1/1/03). Therefore, Board Member Minan's term expired January 1, 2005. Board Member Bartell and Board Member Hector's terms are due to expire January 1, 2006.

In early January I spoke with Todd Burnett, Deputy Appointment Secretary in the Governor's office. He confirmed that Board Member Minan's term expired on January 1, 2005 and that Mr. Minan may continue to serve on the Board until the Governor makes a new appointment. Although the Governor may make an appointment at any time, Mr. Burnett has informed me that the San Diego River Conservancy appears to be a very low priority for the Governor at this time because the Conservancy does not have difficulty reaching a quorum. Mr. Burnett said he expects that the Governor will not look at making an appointment to the SDRC until January 1, 2006 when the other two appointments expire. At that time he will likely name three new Board members. The terms for the subsequent appointments from the Governor's office will be for four years each.

The Governor's Appointment Office has received Board Member Minan's application for re-appointment. Although the Governor is likely to appoint new members as existing members' terms expire, I have learned that an abundance of "letters of support" strongly urging the reappointment of Mr. Minan now (and Mr. Bartell and Dr. Hector later this year) *may* influence the Governor's decision.

The Act does not specify the terms of office for the appointee of the Senate Committee on Rules (Jim Peugh) or for the Speaker of the Assembly's appointee (Toni Atkins). These appointments are therefore "at will", and the appointees serve at the pleasure of the appointing power.

Board Members who serve on the Conservancy because of their position on another board or in another public office hold their position on the Conservancy until he/she ceases to hold the office that qualifies him/her for Conservancy membership. This situation applies to Board Members Scarborough, Schuchat, Harper, Murphy, Frye, Wright, Kraus, and McCann.

i) **BOARD MEMBER STIPENDS FOR NON-PUBLIC EMPLOYEES**

Per the enabling statute, members of the Conservancy Board who are not full-time public employees may be compensated for attendance at Conservancy Board meetings at the rate of one hundred (\$100) per regular meeting. Board Members James Bartell, Dr. Susan Hector, Jack Minan, and Jim Peugh are the current members who are eligible for stipends.

I have initiated an effort with the State Coastal Conservancy to ensure that Board Members who are entitled to payment will receive their stipends regularly, as well as any back payments due. Additionally, a few payments were sent out in error to members who are public employees and therefore are ineligible to receive the stipend. A letter will be sent from the Coastal Conservancy directly to Board Members who have received checks erroneously with directions on how to refund the stipend. Please let me know if there is any way I can help alleviate any inconvenience this may have caused.

I have asked Susan Huntington to oversee future Board member compensation-related issues. Commencing February 2005, Susan will provide each eligible Board member with a "Board Member Compensation Request" form (inside your file folder) at every meeting.

Please sign and leave the signed document in your folder for collection after the meeting. The request for payment forms will be submitted after every meeting.

j) **TRAVEL REIMBURSEMENT FOR BOARD MEMBERS**

According to the enabling statute, "all members of the Conservancy may be reimbursed the actual amount of the reasonable and necessary expenditures incurred in attending meetings of the Conservancy and carrying out the duties of their office."

Commencing February 2005, each of you will be provided with a simplified Travel Expense Information Sheet (inside your file folder) at every meeting. Please complete, sign and date the form and leave the signed document in your folder for collection after each meeting. Your travel reimbursement forms will be submitted for payment on a quarterly basis.