

**San Diego River Conservancy (SDRC)**  
**MINUTES OF SEPTEMBER 10, 2004 PUBLIC MEETING**  
*(Draft Minutes for Approval December 3, 2004)*

***Chairman Murphy called the September 10, 2004 meeting of San Diego River Conservancy to order at 9:00 AM.***

**1. Roll Call**

*Members Present:*

Dick Murphy, Chairman (*Mayor of San Diego*)  
Donna Frye, Vice-Chairman (*City Council of San Diego*)  
Dr. Susan Hector (*Public at Large, Appointed by Governor*)  
John "Jack" H. Minan (*Public at Large, Appointed by Governor*)  
Jim Bartell (*Public at Large, Appointed by Governor*)  
Jim Peugh (*Public at Large, Appointed by Senate*)  
Toni Atkins (*Public at Large, Appointed by Assembly*)

*Non-Voting Members Present:*

Gary Stephany (*San Diego Regional Water Quality Control Board Designee*)  
Al Wright (*Executive Director, Wildlife Conservation Board*)

*Others Present:*

Deborah Jayne, Executive Officer  
Hayley Peterson, Deputy Attorney General

*Absent:*

David Harper (*Director of Finance Designee*)  
Karen Scarborough (*Secretary of Resources Agency Designee*)  
Sam Schuchat (*Secretary of Resources Agency Alternate Designee*)

**2. Approval of Minutes**

***Board Member Jack Minan moved approval of the minutes of the July 9, 2004 public meeting. The motion was seconded by Board Member Jim Bartell and adopted by a voice vote of 7-0.***

**3. Public Comment**

Any person may address the Governing Board at this time regarding any matter within the Board's authority which is not on the agenda. Submission of information in writing is encouraged. Presentations will be limited to three minutes for individuals and five minutes for representatives of organizations. Presentation times may be reduced depending on the number of speakers.

***There were no public comments.***

**4. Chairman's and Governing Board Members' Comments**

These items are for Board discussion only and the Board will take no formal action.

*Chairman Murphy recommended hiking to the headwaters of the San Diego River from Highway 78. Board Member Peugh noted that the winter shore birds have arrived at the mouth of the San Diego River. Board Member Jack Minan suggested that tours of the San Diego River be combined with the September 17<sup>th</sup> San Diego River Park Foundation celebration.*

**5. Executive Officer's Report (Deborah Jayne)**

This item is for Board discussion only and the Board will take no formal action. The following topics may be included on the Executive Officer's Report:

- a) GIS Maps / Database of SDRC Jurisdiction: Parcel Inventory
- b) Executive Officer Activities and Meetings
- c) SDRC FY 04/05 Budget
- d) Efforts to Recruit Assistant (Status)
- e) City of San Diego's Draft Master Plan -- Executive Officer's Comments
- f) Developing SDRC Mission, Programs, Policies, and Procedures (Status)
- g) Computer Equipment Purchases

*This item was postponed to a future meeting.*

**6. Deputy Attorney General's Report – Training on Bagley-Keene Act**

Ms. Peterson will conduct an overview training session on the Bagley-Keene Open Meeting Act as it applies to the SDRC. (Hayley Peterson)

*This item was postponed to a future meeting.*

**7. Need for Hard Copies of Agenda Briefing Packet**

The Board will consider Member Jim Peugh's recommendation that each Board Member print his/her own hard copy of future Agenda Briefing Packets. In the interest of saving funds, the Executive Officer would continue sending electronic copies of all agenda materials but would no longer mail follow-up hard copies to each Board Member. (Deborah Jayne)

*Board Member Jack Minan expressed support for electronic Agenda Briefing Packets but proposed a motion that Board Members retain the option to also receive hard copies of future packets. The motion was seconded by Vice-Chair Donna Frye and adopted by a voice vote of 7-0.*

**8. Addition of Board Member's Name to SDRC Letterhead**

The Board will consider adding the names of all Board Members to the SDRC letterhead. (Deborah Jayne)

*This consent agenda item was unanimously adopted by a voice vote of 7-0.*

**9. CPR Recommendation to Eliminate San Diego River Conservancy / Tentative Resolution 04/07 in Support of SDRC**

The Executive Officer will provide an overview of the Governor's California Performance Review (CPR) recommendation to eliminate the San Diego River Conservancy as a state agency, along with all state funding, and to devolve into a local joint powers authority. The Board will consider (1) adoption of tentative Resolution 04-07 supporting SDRC in response to the CPR recommendation; (2) the need to establish a subcommittee of the Governing Board to respond to emerging CPR issues; and (3) the need for a special Board meeting to respond to emerging CPR issues. (*Deborah Jayne*)

#### **Tentative Resolution 04-07**

***The letter from the SDRC to Governor Schwarzenegger and final signed Resolution 04-07 are included as Supporting Document 2 for Item 2. Resolution 04-07 was moved for adoption by Vice-Chair Donna Frye and seconded by Board Member Jack Minan. The motion included direction to the Executive Officer to forward Resolution 04-07 to the (1) Governor; (2) CPR Commission; (3) all state legislators; (4) Little Hoover Commission; (5) Resources Agency; and (6) other appropriate agencies. Board Member Jack Minan recommended amending Resolution 04-07 to make clear that (in addition to opposing the CPR recommendation), the Board also supports the continuation of the Conservancy in its current administrative structure as defined in the enabling legislation (Professor Minan provided specific amendment language). Resolution 04-07, as amended, was unanimously adopted by a voice vote of 6-0 (Board Member Jim Peugh left the meeting before this vote). Deputy Attorney General Hayley Peterson confirmed if a quorum is present, a majority vote of the members present is sufficient. Vice-Chair Frye discussed dissatisfaction with the CPR public hearing process to date including a "pay to participate" conference call and requested discussion of a potential local hearing to provide meaningful local public participation.***

#### **CPR Subcommittee**

***Vice-Chair Donna Frye moved to establish a two-member subcommittee of the Governing Board to respond to emerging CPR issues with Donna Frye as the Chair, Jim Bartell as the second member, and Jack Minan as an alternate (participating in lieu of Ms. Frye and Mr. Bartell). Chairman Dick Murphy recommended the specific membership and language for the final motion. The motion was seconded by Member Jack Minan. The motion to establish the subcommittee was adopted by a voice vote of 6-0. Member Bartell recommended that the subcommittee develop a strategy for working with state legislators on the CPR issue. Ms. Peterson clarified if the subcommittee consists of more than two members, 10-day public noticing is required for subcommittee meetings under the Bagley-Keene Open Meeting Act. If the subcommittee consists of only two members, public noticing is not required.***

#### **CPR Special Meetings**

***The Board ultimately decided that a motion regarding the need for a special Board meeting to respond to emerging CPR issues was not necessary, so no vote was taken. It was agreed that special meetings will be called "as needed" following proper public noticing. Ms. Peterson clarified that all meetings of the Board or subcommittee require 10-day public noticing. However the Bagley-Keene Open Meeting Act does include a provision for "special meetings" for limited purposes***

*including pending litigation, real property, and certain personnel actions. Such special meetings require a 48-hour public notice.*

**10. Presentation of San Diego River Park Conceptual Plan**

Rob Hutsel, Executive Director, San Diego River Park Foundation, will present an overview of the San Diego River Park Conceptual Plan. The Board will discuss and consider accepting the Conceptual Plan. The Enabling Statute, Conceptual Plan, and the City of San Diego's Draft Master Plan may serve as the SDRC's initial planning and prioritizing efforts. *(Rob Hutsel)*

*This item was postponed to a future meeting.*

**11. City of San Diego's Proposed Projects: Consideration of Board Support**

The Board will consider possible action to support any or all of the proposed projects presented by the City of San Diego on July 9, 2004. The Board will consider action to: (1) endorse the projects and recommend Proposition 40 funding; (2) authorize the Executive Officer to proceed with actions to secure Proposition 40 funding at the appropriate time (see Item 13 below); and (3) support the City's application for Proposition 40. Proposed projects include the *Ocean Beach Bike Path/Hotel Circle North Bikeway Project*, the *Mission Valley Preserve Habitat Enhancement Program*, and potential acquisition projects. *(Ellen Oppenheim and Deborah Jayne)*

*This item was combined with Items 12 and 13 into one item. See Item 13.*

**12. Eagle Peak Acquisition: Presentation and Consideration of Board Support**

Rob Hutsel, Executive Director, San Diego River Park Foundation, will present an overview of the Eagle Peak parcel acquisition (located in headwaters near Julian). The Foundation has committed to purchase the property, however funding is needed. The Board will consider possible action to: (1) endorse the project and recommend Proposition 40 funding; (2) authorize the Executive Officer to proceed with actions to secure Proposition 40 funding at the appropriate time (see Item 13 below); and (3) support the Foundation's request for Proposition 40 funding. *(Rob Hutsel and Deborah Jayne)*

*This item was combined with Items 11 and 13 into one item. See Item 13.*

**13. Timing of Application to Resources Agency for Prop 40 Funds to Support City of San Diego's Proposed Projects and Foundation's Eagle Peak Parcel**

The Board will discuss the following policy/timing question: Should the SDRC move forward now on requesting funding for the City's proposed projects and the Foundation's Eagle Peak parcel and concurrently initiate big picture planning/priority setting OR should the Conservancy conduct planning/priority setting first and then, in light of all available alternatives and priority ranking, make a decision regarding which projects to recommend for funding? *(Deborah Jayne)*

**Presentations:**

*Items 11, 12 and 13 were combined under Item 13. Executive Officer Deborah Jayne presented the pros and cons of taking Board action on any of the projects at this time, the special issues surrounding the Eagle Peak acquisition, and the distinction between formal endorsement and informal support. (Formal endorsement means the City or Foundation should apply directly to the Resources Agency for River Parkway Proposition 40 funds and the SDRC will make a formal recommendation to Resources Agency that the project be funded. Informal support is expressed by way of a "letter of support" for the project allowing the City or Foundation to proceed with further property owner negotiations and investigations or to seek other funding sources.)*

*During public comment on Item 13, Michael Beck (Chairman, San Diego River Park Foundation) encouraged the Board to move forward with the acquisition projects, and at very least, to move forward with the non-acquisition projects at this time. Ellen Oppenheim (Director, Park and Recreation, City of San Diego) and Jeff Harkness (Project Manager, Park and Recreation, City of San Diego) presented a summary overview of the City of San Diego's two non-acquisition projects and requested the Governing Board's formal endorsement and recommendation for immediate Proposition 40 funding for both non-acquisition projects. Mr. Harkness also updated the Board on the status of the potential acquisition of the Denton parcels (located near the Friar's Road Bridge). This presentation was a "recap" of the City's July 10th more detailed presentation on each of its proposed non-acquisition projects and potential acquisitions.*

*Rob Hutsel (Executive Director, San Diego River Park Foundation) presented an overview of the Foundation's Eagle Peak acquisition and requested the Conservancy's support. Deputy Attorney General Hayley Peterson clarified that if the Board finds Eagle Peak to be a high priority, it could make findings that the Eagle Peak acquisition fully supports the "purposes" of the San Diego River Conservancy Act. The Board could then ask if the Resources Agency is willing to grant Proposition 40 funds to the SDRC for the Eagle Peak acquisition despite the fact that the property is located 400 feet beyond the SDRC's jurisdiction. If Resources Agency remains concerned over the jurisdictional issue, the SDRC could seek another eligible partner to serve as a conduit for the funds in lieu of the SDRC.*

**Motion and Discussion:**

*Board Member Jack Minan moved that the Board (1) formally endorse both of the City's non-acquisition projects; (2) informally support the City's acquisition projects (as presented in July and Sept); and (3) both formally endorse and informally support the Foundation's Eagle Peak acquisition. The motion was seconded by Vice-Chair Donna Frye. Chairman Murphy, Vice-Chair Frye, and Board Members Minan, Atkins, and Hector each conveyed very strong support for the motion discussing the significance of these particular projects and importance of moving forward on them at this time. The City's two non-acquisition projects are high priority, highly visible in a high use/demand*

*area, and will serve to significantly increase the public's access and enjoyment of the River Park as soon as possible. These projects were also the "original seedlings" from which the entire River Park vision grew. Because of special issues, dual forms of support were recommended for Eagle Peak to further ensure acquisition funding. The Board members were also very optimistic about the Conservancy's ability to secure future project funding and move forward with the Strategic Plan. Board Member Minan (and previously Member Bartell) emphasized the need to distribute future funds equitably along the River's length (i.e., across jurisdictional boundaries). Although Board Member Bartell was not present for the Item 13 discussion, he expressed his preference (before leaving after Item 9) to not make formal decisions on the projects until after completion of the Strategic Plan. Member Al Wright (non-voting) commented on the importance of moving the Strategic Plan forward. Member Gary Stephany (non-voting) was supportive of the projects but expressed concern about priorities for limited available funding. For purposes of applying for Proposition 40 funding, Deputy Attorney General Hayley Peterson concluded that the Board's comments on the record express the Board's position (finding) that the Eagle Peak acquisition meets the purposes/priorities of the San Diego River Conservancy Act even though the property is officially outside the SDRC's jurisdiction.*

**Vote:**

*The motion was unanimously adopted by a voice vote of 5-0 (Peugh and Bartell absent).*

**14. City of Santee's San Diego River Park Plan**

Board Member Jim Bartell will present an overview of the City of Santee's San Diego River Park Plan including project priorities. *(Jim Bartell)*

*This item was postponed to a future meeting.*

**15. Administrative Matters**

This item is for minor administrative matters only and the Board will take no formal action.

*There were no administrative matters.*

**16. Executive Session**

Following or any time during the meeting, the Governing Board may recess or adjourn to closed session to consider pending or potential litigation; property negotiations; or personnel-related matters. Authority: Government Code Section 11126(a), (c)(7), or (e).

*There was no executive session.*

**17. Arrangements for Next Meeting and Adjournment**

***Friday, December 3, 2004*** (Note: ***First*** Friday in December)

9:00 AM to 11:30 AM

Location: San Diego Regional Water Quality Control Board Office

9174 Sky Park Court, Suite 100

San Diego, California

(858) 467-2952

***Chairman Murphy adjourned the meeting at approximately 11:35 AM.***

Approved: \_\_\_\_\_  
Mayor Dick Murphy  
Chairman, San Diego River Conservancy