



BOARD OF DIRECTORS
APRIL 28, 2006

AGENDA ITEM NO. 06-04-1A
ACTION REQUESTED - APPROVE

BOARD OF DIRECTORS DISCUSSION AND ACTIONS
MARCH 10, 2006

Chair Mickey Cafagna (Poway) called the meeting of the SANDAG Board of Directors to order at 10:22 a.m. The attendance sheet for the meeting is attached.

1. WELCOME

Robert Smith, Chair of the Pala Band of Mission Indians and of the Southern California Tribal Chairmen's Association (SCTCA), welcomed all attendees. An opening prayer was provided by Leroy Miranda, Vice Chairman of the Pala Band of Mission Indians. Chairman Smith introduced SANDAG Board Chair Mickey Cafagna.

2. OPENING REMARKS

Chair Cafagna welcomed all to the Summit on behalf of the SANDAG Board. He asked those around the table to introduce themselves and note their representation.

3. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

Robert Garcia, representing Gifford Engineering Inc., said that he would make himself available to all governments needing communications services. His company was instrumental in installing radio communications for the Barona Tribal Police Department and has provided consultation work for the Palomar Mountain authorities.

Councilmember Mel Vernon (San Luis Rey Mission Band of Indians) said there are many Indian cultural sites around the region. Senate Bill (SB) 18 requires local jurisdictions to consult with the tribes on the conservation of these cultural sites. It is very important to preserve what we have and to acknowledge the culture of the past.

Jim Fletcher (Superintendent of the Bureau of Indian Affairs [BIA]) stated that he is responsible for San Diego, San Bernardino, and Santa Clara counties, and he thanked everyone for attending this Summit.

Chairman Smith announced a meeting on April 11, 2006, at the Dreamcatcher, Viejas Casino, at 5000 Willows Road, Alpine, regarding Local and Tribal Intergovernmental Consultation: SB 18 Training Session. This training session is a partnership of the Viejas Band of Kumeyaay Indians, the California Tribal Business Alliance, the Governor's Office of Planning and Research, and the LaPena Law Corporation. This session will discuss the SB 18 requirements to provide tribal consultation as part of the local government land use planning process to preserve and protect Native American traditional cultural places. He

added that SB 18 extended the right to California tribal governments to acquire and hold conservation easements.

4. INTRODUCTION TO TRIBAL NATIONS IN THE SAN DIEGO REGION

Bo Mazzetti (Reservation Transportation Authority [RTA]) thanked all for participating in this Summit. He stated that before tribes were able to build casinos, they did not have their own sources of funding and had to rely on the government for public works projects. Since 2000, gaming has provided funding for the tribes. We have gone through major transitions that we have never faced before. He introduced the tribal leaders and asked them to provide information about their tribes.

Jamul Chairman Lee Acebedo (Jamul Indian Village) stated that their tribe's main issue is their plans to build a casino. They have land in trust and intend to stay in their own area. This project is moving forward, and they plan to work with the County of San Diego, Caltrans, the Sheriff's Department, and all affected agencies. He acknowledged that the District 2 County Supervisor is very opposed to their project. However, given the mandate by his people, he will move forward. A ceremonial groundbreaking was held in December 2005. He hoped for open and honest dialogue about the project. He stated that there are 63 members in the Jamul tribe.

Councilmember Edwin "Thorpe" Romero (Barona Band of Mission Indians) commented that he is here to learn. We are here because we feel we need more tribal leadership involvement with the area's representatives that have the experience and who can work hand-in-hand with us. Barona is working with the County on a project in the San Diego region. He thanked the Pala Reservation for hosting this Summit. The Barona tribe owns 7,000 acres and has 461 members on the reservation; 170 of that number are children under the age of 18.

Mayor Crystal Crawford (Del Mar) said she would like to know the acreage and number of tribal members for each tribe.

Pauma Chairman Chris Devers, Sr. (Pauma Band of Luiseño Indians), stated that they have 5,600 acres of land in four parcels. The largest parcel is on Palomar Mountain, and it is forest land that has been left untouched. We have uncovered historical sites that date back 2,000-3,000 years. Off Highway 76, we have 60 acres of avocados, oranges, and lemons on tribal lands. This fruit is predominantly exported to the Pacific Rim. We started out in the mid-1990s looking at agriculture. We have water rights to ensure that our tribe will always have water. In 2000, the tribe made a decision to venture into the area of gaming. In 2001, we opened up Casino Pauma, one of the smaller gaming locations in North County. There was a lot to learn from that venture. He said that they take seriously the fact that everyone has to live together. The Pauma Band membership is 290.

Chairman Smith said that their nation was created by Executive Order in 1875, and they were relocated by the federal government to Pala. He said that they have celebrated 100 years of living here. Their nation has 12,000 acres, and their population is 675 adults and 300 children. Their government is elected through a democratic process. He said that they have been very successful for their members. He said they also have created partnerships with Caltrans and the North County Fire Protection District and have a dispatch

agreement with the California Department of Forestry. He thought the key to this Summit is government-to-government partnerships, working together.

RTA Chairman Kevin Siva (also representing the Los Coyotes Band of Cahuilla Indians) said that Los Coyotes has 27,000 acres of land. They do not have any business developments, but they do have a campground. He has worked with Caltrans and SANDAG to develop this Tribal Summit. Federal regulations require that tribal governments be consulted in regional transportation programs. Recognition on a government-to-government basis is very important. While some tribal governments have achieved financial independence through business developments, such as gaming, most do not have business opportunities, and gaming is not viable for all. Most information about tribes is readily available from government agencies, but he cautioned that this information cannot be applied to each and every sovereign nation.

Chairman Siva said that in 1999, several California tribes entered into gaming compacts with the state, which raised the surrounding communities' awareness of the tribes. He stated that part of the provisions of the compacts negotiated with the state was that the tribes need to mitigate impacts on roads, law enforcement, and air and water quality, and that the tribes pay their fair share for fire protection and road improvements. He noted that the tribes without gaming face a lack of economic development and insufficient local infrastructure. Forming new partnerships between the tribes and local governments could provide a solution to these problems. The tribes can be a catalyst for economic development. He said that they are not asking for their problems to be solved. They are looking for discussion, asking for a listening ear, and hoping to develop a mechanism to continue a dialogue on mutual concerns.

Chairman Siva stated that this Tribal Summit is unique. It has been made possible by a joint effort of Pala, RTA, SANDAG, and Caltrans. He said that a grant was received for this summit and awarded in February 2005. The purpose of this grant was to begin a dialogue with the 18 cities and the County of San Diego. The first order of business of the grant was to go before the SANDAG Borders Committee and request that a tribal representative be added to that Committee. Chairman Smith, in his position as the Chair of the SCTCA, was selected as this representative. During the course of this grant, SANDAG has incorporated tribal work, has assigned a tribal liaison, and has opened up the government-to-government dialogue with the tribal governments.

Edward Arviso (representing the Inaja-Cosmit Reservation) said his is a small reservation located near Julian. They have 800 acres and 20 tribal members. They got involved in the RTA because there is only one road into their land. We have worked with the County of San Diego over this road right-of-way. We are looking for better cooperation. They don't even have electricity on their reservation. Mr. Arviso said that he is President of the SCTCA, Vice President of the RTA, and Chairman of the Tribal Health Association. He feels that as a small tribe without gaming facilities, they can make a difference by participating on intertribal organizations such as these. He is looking for more input into regional agencies such as SANDAG so that local governments can know more about his tribe.

Rincon Chairman John Currier (Rincon Band of Indians) indicated that they have 4,300 acres. Two-thirds of those acres are mountains, which have no economic development value. Their lands also include the San Luis Rey River, which is a fish and wildlife territory, so their land

base is limited. The Rincon Band of Indians also have fee land that is owned by nontribal members. They have 777 tribal members and 1,500 to 2,000 residents. They have not been very successful in past economic efforts; however, they now have a gaming facility with a 653-room hotel providing approximately 1,600 jobs. About 95 percent or more of the employees are nontribal members or non-Indians.

Mr. Currier stated that they were the first tribe to have a cooperative agreement with the County of San Diego. They are a government that is in development, and they will continue to learn and grow as they face increasingly complicated issues each day. Mr. Currier noted that they are now expected to be responsible for issues that they weren't responsible for before, such as the environment, health care, water systems, and sewer issues. He suggested that local governments see gaming as a way to create opportunities for everyone. They need local governments to support them in their efforts to develop fair compacts with the State of California. The state wants the funds raised by these compacts to go to the state rather than have it come back to the local areas. There has not been one letter sent to Sacramento to support their efforts to return the tribal gaming monies back to the regions. He asked who will step up and send a letter to support Rincon's position. What they want from the SANDAG Board is support to make a difference in this local community. Mr. Currier said that the Rincon tribe can improve their roads, but they need to study their transportation needs. They need housing for the employees in their area. They will be signing a third agreement with the County Sheriff's Office. The nongaming tribes benefit from the infrastructure built by gaming tribes. He announced that on April 9 there will be a grand opening of the new Rincon Fire Station. He invited all to attend.

Councilmember Dave Toler (San Pasqual Band of Mission Indians) thanked Pala for hosting this Summit. He said that the San Pasqual reservation was originally located in San Pasqual Valley. The reservation was subsequently moved to Valley Center and reduced to 1,375 acres. Since that time, they have acquired another 540 acres in trust. They now have 285 enrolled members. The main reason to work together is to emphasize the importance of highways. Caltrans and the BIA have worked with us. We need to use the federal funding for reservation roads. He hoped this was a step towards moving forward.

La Jolla Vice Chair Viola Peck (representing La Jolla Indian Reservation) stated that they have 9,000 acres located at the base of Palomar Mountain and 650 members, including 465 adults.

Councilmember Timothy Bactad (Viejas Band of the Kumeyaay Nation) said they have 17,600 acres located in Alpine, with 360 tribal members. He said that they are here to learn and to get their0 leaders involved.

Councilmember Mel Vernon (San Luis Rey Band of Mission Indians) commented that they don't have a land base, and they have not been acknowledged by the federal government. A lot of the tribes are located in the mountain areas. The San Luis Rey Band of Mission Indians work with local cities and the federal government. The history of Indians in books starts with the missions, but actual history dates back more than 10,000 years ago.

Mr. Mazzetti acknowledged the turnaround by Caltrans District 11 and SANDAG in working with the tribal governments. He said that it is a totally different environment to work with these two entities. He noted that the federal ISTEA (Intermodal Surface Transportation

Efficiency Act) legislation first said that tribes should work with local governments. Then TEA-21 (Transportation Equity Act for the 21st Century) put more emphasis on working together. Now SAFETEA-LU (Surface Transportation Efficiency Act: A Legacy for Users) says that you will work together. We need to use our combined power together in Washington, D.C.

Chairman Smith showed a short video about the Pala Band, then asked the elected leaders and tribal leaders to have a picture taken together to commemorate this important event.

Chair Cafagna adjourned the meeting at 11:38 a.m. for lunch and stated that following lunch the meeting will be reconvened to discuss common issues.

5. LUNCHEON

Due to the State Senate being called into session, Senator Ducheny, the invited keynote speaker, was not able to attend.

Chair Cafagna reconvened the meeting into open session at 1:03 p.m.

6. TRIBAL TRANSPORTATION ISSUES FOR THE REGIONAL TRANSPORTATION PLAN (RTP) (Chuck Anders, Strategic Initiatives)

Chuck Anders facilitated an interactive session with tribal and SANDAG Board representatives to collect opinions on the following possible strategies regarding transportation policy:

- A. Tribes will each develop an internal consultation policy/agreement and disseminate to other government agencies.
- B. Government agencies should understand Tribal Plans, how they are developed, and implemented.
- C. Tribes should (will) be voting members on regional decision-making bodies, such as SANDAG, SCAG, and IVAG.
- D. Create a single, Web-based Clearinghouse for agencies' information on transportation programs and processes.
- E. Agencies will provide ongoing training to Tribal governments on funding processes, transportation, and regional planning.
- F. Create opportunities for pooling or leveraging funding for transportation funds for mutually important projects.
- G. Collaborate and advocate for new transportation funding for the region.
- H. Create mechanisms for identifying common concerns related to land use development.
- I. Identify mechanisms for providing ongoing funding for new or additional transportation programs, including transit services.

- J. Develop a useful, accessible interagency directory of agencies/contact information for specific transportation issues (e.g., bus stops, road improvements, etc.) and keep it updated.
- K. Look for opportunities to streamline processes through an audit/evaluation of agency procedures.
- L. Tribes and Metropolitan Planning Organizations should develop a collective Indian Reservation Roads (IRR) road inventory so that California gets its fair share.
- M. The Tribal governments, Caltrans, SANDAG, the County, and the transit agencies need to conduct more corridor studies, such as the State Route 76 East Corridor Study, to address the long-term needs of the region.
- N. Form tribal transportation agencies or committees that can address/discuss regional transportation concerns.

The objective was to identify the top five strategies that attendees would like to see implemented. The top strategies include items L (58 percent), G and M (55 percent each), and then items F, C, B, and N (48 percent each).

Mr. Anders noted that the priorities for the tribal communities by themselves were: C (69 percent), L and G (62 percent each), and M (56 percent). The top priorities for the SANDAG Board representatives were: F (62 percent), followed by L and G (54 percent).

Chair Cafagna stated that results of this process will be distributed to attendees.

Mr. Mazzetti stated that the IRR system is an independent road counting system. He agreed that we need to work together on this item. The current road inventory for tribes and reservations is not accurate.

Councilmember Phil Monroe (Coronado) commented that we lose power if we are divided.

Mr. Siva stated that one of the greatest reasons for having this Summit is to learn about each other.

Mr. Anders pointed out that strategy G – Collaborate and advocate for new transportation funding – had a higher percentage for tribal representatives (62 percent) than the SANDAG Board (54 percent).

Councilmember Vernon said that Highway 76 is a cultural corridor that will be impacted by future development. There is a lot of concern now about planned developments in this area.

Chairman Currier stated that a lot of transportation improvements need to be implemented such as lighting for roads.

Mr. Arviso commented that housing developments should pay their fair share for local infrastructure along the Highway 76 corridor.

Mr. Anders noted that for strategy F – Create opportunities for pooling or leveraging funding for transportation funds for mutually important projects – the SANDAG Board (62 percent) rated it higher than tribal representatives (31 percent).

Mayor Crawford commented that we never have enough money for projects, and we should explore private/public partnerships to pool funds to be able to respond to the needs of our constituents.

Jamul Chairman Acebedo acknowledged that they will have to pay their fair share for improvements to State Route (SR) 94.

Councilmember Joe Kellejian (Solana Beach), Chair of the SANDAG Transportation Committee, noted that it is hard to bring transportation projects forward; it takes time and money. Pooling money from all sources will help implement needed projects in the region.

Mayor Art Madrid (La Mesa) stated that Barona is pooling its money with other jurisdictions. We have to review how the pooled funds are used to ensure equity.

Mayor Pro Tem Judy Ritter (Vista) stated that North County Transit District (NCTD) is looking at cutting some of the rural routes, and this will have a big impact in the rural tribal areas.

Denis Turner, SCTCA Executive Director, noted that leaders have been trying to make this pooling of funds happen. Working together we have the largest delegation of legislators, and we should get our fair share from Washington, D.C.

Barona Councilmember Romero expressed some confusion about how to pool funds without the tribes being represented on the SANDAG Board.

Rincon Chairman Currier said that when you have gaming, you are trying to improve your local communities. We should have a reciprocal relationship with local governments. The tribes need to see some positive results from their interactions with local governments.

Pauma Chairman Devers stated that this is an educational process. We don't track how money coming into the region is used. He said it appears to him that monies for transportation projects in San Diego County are sometimes used for other purposes. Pauma has been involved in the County's General Plan 2020 update. He wondered how this relates to SANDAG's regional planning process. He also thought there should be specific timelines so things get done.

Mr. Anders pointed out that the number one item for the tribal representatives is having voting membership on regional decision-making bodies such as SANDAG, SCAG, and IVAG (strategy C).

Deputy Mayor Shari Mackin (Oceanside) said it appears that we are looking for the tribes to provide funding, but we are not willing to give them membership on the SANDAG Board. She was surprised with the low percentage that strategy C received from the SANDAG Board members.

Mayor Madrid commented that if we gave the tribes a voting seat on the SANDAG Board, then other types of organizations also would want a voting seat. We have demonstrated a way of collaborating with others via the ex officio seats.

Chairman Acebedo expressed a concern about the representation issue. He represents a sovereign nation, and there are 18 sovereign tribes in San Diego County. This is a very important group of governments that is being neglected. They want to be on an equal level with everyone else. That's the recognition he is requesting.

Mr. Arviso noted that a tribe cannot be compared with a hospital board when it comes to having a seat on the SANDAG Board. Tribes have a direct relationship with the federal government, and the federal government has mandated regional agencies such as SANDAG to consult with Indian tribes in regional transportation planning.

RTA Chairman Siva pointed out that the state grant that was provided by Caltrans to the RTA has fostered the current dialogue that we are having now. Having a tribal representative vote on SANDAG would provide the opportunity to continue to work together to create a synergy between the tribes and regional agencies made up of local governments. This enables those tribes without gaming to have a representative voice.

Mr. Mazzetti said that we know SANDAG is comprised of the local governments in San Diego County. How to best recognize the tribal nations should be thought about further before any decision is made.

Vice Mayor Ron Morrison (National City) pointed out that SANDAG is fairly unique in that it is very inclusive. Most councils of government only include city and county representatives. We have other advisory representatives that sit on the SANDAG Board. SANDAG has been an innovator in inclusiveness. As local governments, we have limited sovereignty and give up some of our independence to sit on the SANDAG Board. We would like to talk with you about representation on the Board.

Second Vice Chair Lori Holt Pfeiler (Escondido) said that the response from the SANDAG Board members also acknowledges that the tribes are sovereign nations. Local governments may best be able to recognize our sovereign nations by entering into individual agreements on a government-to-government basis, rather than through voting membership on the SANDAG Board.

Mr. Fletcher agreed that this is an opportunity for the tribes and local governments to form a working relationship so everyone can resolve their transportation needs. The tribes have chosen to come to the table to work on these issues, and they are here as tribal governments.

Councilmember Patricia McCoy (Imperial Beach), Chair of the SANDAG Borders Committee, suggested that representation on the SANDAG Board should be discussed as there are so many issues at hand. We should continue this momentum by having further dialogue on this matter.

Councilmember Monroe commented that he sees improvement in this process. He left the first Tribal Summit in 2002 pretty depressed. Since then, as a member of the Borders

Committee, he has met with various tribal representatives and feels that we have gained a whole new appreciation for each other. That's progress. He likes the direction in which we are going. This Summit today has been a great meeting.

Chair Cafagna indicated that he met with Mr. Siva last week and talked at length about tribal representation on the SANDAG Board. He thought the tribes were placing too much importance on the ability to vote on the Board and on SANDAG's policy advisory committees. We want to work on mutual problems. We have a lot of ex officio members on our Board and on our various committees, and we work with them just as if they were voting members. We are not a nation, we are cities. We are governed by the State of California, and we are here together as SANDAG because of state legislation. Your relationship with the federal government is unique. There are a lot of strings that come along with SANDAG Board membership. We want to cooperate and work together with you just as much as you do, whether or not you are a voting member. He agreed that it is important that the tribes are represented.

Rincon Chairman Currier proposed a compromise, which was to initiate another organization with a limited scope so that tribes can give input on an individual basis. This organization could hold quarterly meetings on important issues common to all of us.

Mr. Siva agreed with Chair Cafagna. The agencies that sit as ex officio members on SANDAG's Board and committees have a leadership to look to. Having a tribal representative from an intertribal consortium has been suggested. We do not know what we are getting into by asking for representation on the SANDAG Board. Hopefully, this will be the beginning of the learning process. The tribes will learn what they will have to give up. The question is will we want to give that up.

Mr. Anders stated that it is very exciting to hear each other's perspective on this issue. This is an opportunity to move forward and to learn what the implications will be.

Chair Cafagna adjourned the meeting into breakout sessions at 2:17 p.m.

7. BREAKOUT SESSIONS ON REGIONAL POLICY AREAS

Tribal leaders, SANDAG Board members, and other agencies broke into four policy discussion groups to provide elected Tribal leaders an opportunity to discuss other policy areas/issues with their local government counterparts. This information is intended to serve as a basis for the development of other future tribal-related agenda items with SANDAG policy advisory committees.

The regular session was reconvened at 2:55 p.m. for a summary of the breakout sessions. Mr. Anders reviewed the three top issues from each of the breakout sessions. For Transportation Financing, the primary issue was collaboration in all that is done, and the top three specific issues were tribal sovereignty, funding, and data connection (IRR inventory). The top three issues for the Public Safety area were lack of infrastructure, crime, and emergency preparedness. For the Environment/Conservation area, the top three concerns were cultural resources protection, environmental health, and development of a framework/process for environmental issues. For Energy, the three primary issues related to a collaborative plan for energy reliability and long-term sustainability; development of

clear, alternative, and reliable energy sources; and addressing and participating in transmission routing issues.

8. CONCLUDING REMARKS AND NEXT STEPS

Both Chair Cafagna and Chairman Smith provided concluding remarks.

Chair Cafagna adjourned the meeting at 3:03 p.m.

DGunn/M/DGU

**ATTENDANCE
SANDAG BOARD OF DIRECTORS' MEETING
MARCH 10, 2006**

JURISDICTION/ ORGANIZATION	NAME	ATTENDING	COMMENTS
City of Carlsbad	Matt Hall (Member)	No	
City of Chula Vista	Steve Padilla (Member)	No	
City of Coronado	Phil Monroe (Member)	Yes	
City of Del Mar	Crystal Crawford (Member)	Yes	
City of El Cajon	Mark Lewis (Member)	Yes	
City of Encinitas	Christy Guerin (Member)	Yes	
City of Escondido	Lori Holt Pfeiler (Member)	Yes	Ed Gallo also attended.
City of Imperial Beach	Patricia McCoy (Member)	Yes	
City of La Mesa	Art Madrid (Member)	Yes	
City of Lemon Grove	Mary Sessom, Vice Chair (Member)	Yes	
City of National City	Ron Morrison (Member)	Yes	
City of Oceanside	Shari Mackin (Member)	Yes	Jack Feller also attended.
City of Poway	Mickey Cafagna, Chair (Member)	Yes	
City of San Diego – A	Jerry Sanders (Member A)	Yes	
City of San Diego - B	Scott Peters (Alternate)	Yes	
City of San Marcos	Pia Harris-Ebert (Member)	Yes	
City of Santee	Jack Dale (Member)	Yes	
City of Solana Beach	Joe Kellejian (Member)	Yes	
City of Vista	Judy Ritter (Member)	Yes	Bob Campbell also attended.
County of San Diego	Bill Horn (Member)	Yes	
ADVISORY MEMBERS LISTED BELOW (ATTENDANCE NOT COUNTED FOR QUORUM PURPOSES)			
Caltrans	Pedro Orso-Delgado (Alternate)	Yes	
MTS	Harry Mathis (Member)	No	
NCTD	Jerome Stocks (Member)	No	
Imperial County	Victor Carrillo (Member)	No	
US Dept. of Defense	CAPT Daniel King (Member)	No	
SD Unified Port District	William Hall (Member)	No	
SD County Water Authority	Mark Muir (Alternate)	No	Howard Williams attended.
Baja California/Mexico	Luis Cabrera Cuaron (Member)	No	