

San Diego Association of Governments
BORDERS COMMITTEE

January 11, 2008

AGENDA ITEM NO.: **1**

Action Requested: APPROVE

**BORDERS COMMITTEE DISCUSSION AND ACTIONS
MEETING OF NOVEMBER 30, 2007**

The meeting of the Borders Committee was called to order by Vice Chairman Greg Cox (County of San Diego) at 12:33 p.m. Chair Patricia McCoy was unable to attend due to illness. See the attached attendance sheet for Borders Committee member attendance.

1. APPROVAL OF MEETING MINUTES

Action: Upon a motion by Councilmember Ed Gallo (North County Inland) and a second by Councilmember Jack Feller (North County Coastal), the Borders Committee approved the minutes from the September 28, 2007 meeting.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

There were no public comments/communications.

CONSENT ITEMS (#3 through #6)

3. FOLLOW UP ON SOUTHERN CALIFORNIA TRIBAL CHAIRMEN'S ASSOCIATION (SCTCA) POLICY ISSUES PROCESS (INFORMATION)

4. SIGNING OF THE UNITED NATIONS DECLARATION ON INDIGENOUS RIGHTS (INFORMATION)

5. UPDATE ON NEW MUNICIPAL AND STATE ADMINISTRATIONS IN BAJA CALIFORNIA (INFORMATION)

6. INFRASTRUCTURE BOND FUNDING: GOODS MOVEMENT PROGRAMS (INFORMATION)

Action: Upon a motion by Councilmember Jack Feller and a second by Councilmember John Minto (East County), the Borders Committee approved Consent Items #3 through #6.

REPORT ITEMS (#7 through #11)

7. BRIEFING ON THE SITUATION OF THE TRIBAL NATIONS AFFECTED BY THE 2007 WILDFIRES (INFORMATION)

Southern California Tribal Chairmen's Association (SCTCA) Chairman Chris Devers (Pauma) updated the Committee on the effects of the October wildfires. The two tribal communities most affected were the La Jolla and Rincon Bands of Indians in which close to 100 homes were lost. Rincon, San Pasqual, Mesa Grande, Pauma, Pala, Los Coyotes also were impacted. Harrah's Resort and Casino lost a storage facility. Although Pauma did not suffer any structure damage, it was evacuated for five days. Many evacuees were spread out in many directions. Casinos located at Rincon and Pala served as evacuation sites, however, needed to be abandoned once the fires came too close. Many facilities remained open to serve as staging areas for emergency vehicles and personnel. As the rains come, tribal members will have to evacuate once again due to the potential for floods.

Of major concern is the need to develop a communication system and evacuation plan which serves tribal members. Chair Devers asked for better protection of tribal resources and further examination of the roles of the military, County of San Diego, Cal Fire, and others which may benefit tribal and non-tribal residents.

Vice Chairman Cox agreed and expressed that the lessons learned need to be examined closely. He reported that the County of San Diego spent \$117 million to improve their communication system, remove dead vegetation, and implement the reverse 911 system and mass notification system.

Chairman Devers commented that while the reverse 911 system saved lives, many tribal members did not receive calls due to the destruction of power lines.

Vice Chairman Cox responded that the new mass notification system allows people to register their cell phones, send text messages, and e-mails. He added that two aerial suppression helicopters were used and more preparation measures will be explored. Also, Local Assistance Centers in Fallbrook, Rancho San Diego, Ramona, and Rancho Bernardo served 24,000 people.

Chairman Devers asked if tribal members are eligible to participate in the assistance centers due to regulations from FEMA and the Bureau of Indian Affairs (BIA).

Vice Chairman Cox asked Chantal Saipe, CAO Staff Officer/Tribal Liaison, to follow up on Chairman Devers' concern.

Supervisor Pam Slater-Price (County of San Diego) commented that the SCTCA might become involved with the Council on Disaster Preparedness to ensure proper emergency planning for tribal areas. She added that an effort was made to ensure that all government agencies were represented at the various local assistance centers. It would not be difficult to add BIA should it be found that it was not represented.

Ms. Saipe reiterated the need to review how local governments can improve assistance. She assured that a review of the fire aftermath will be conducted by the Office of Emergency Services (OES) and the tribes will be consulted in order to improve emergency plans.

Councilmember Phil Monroe (South County) asked for clarification as it appeared that tribal members were evacuated to other reservations and not the closest evacuation site.

Chairman Devers informed that North County tribal members and individuals with special needs evacuated to Pala and Rincon hotels as it was thought that the other evacuation sites such as Valley Center High School would accommodate only community evacuees.

Councilmember Monroe commended County Board of Supervisors' Chairman Ron Roberts on his efforts with Cal Fire.

Councilmember Gallo requested clarification on evacuations taking place presently.

Chairman Devers stated that approximately two to three hundred individuals have been displaced due to the fires and others are being evacuated due to the possible flooding and erosion from the rains.

Councilmember Gallo agreed with Supervisor Slater-Price's suggestion that they become members of the Unified Disaster Council in order to address evacuation issues and develop evacuation plans.

Chairman Devers remarked that Valley Center was unable to accommodate everyone and reiterated the need to develop a better communication system for individuals evacuated to sites outside of the area such as an emergency channel or special phone number.

Councilmember Gallo commented that the City of Escondido encountered some of the same communication problems during the event; however, he commended the improvements made to the system compared to the 2003 fires.

Vice Chairman Cox informed that one of the tools not available in previous years was the 211 information line, which is normally used for information/referral services for Health and Human Services. A contract with the County Office of Emergency Services exists whereby it is to be used as the non-emergency number for people to call during a disaster. During the fires, they were handling 27,000 incoming calls per day. He said 211 would play a more predominant role, as it can be reached by cell phone and on the web and has the potential of being a resource for real-time information during a disaster.

Howard Williams (San Diego County Water Authority) said the 23 agencies kept water supplies flowing to handle the fires. They also had to supply emergency power to some pumping stations when power was interrupted by fire.

Gary Gallegos, Executive Director, reported that SANDAG is working on a Quality of Life Initiative, which includes County open space preserves as one of its elements. Upon investigation of previous fires, it was found that much of the same areas have burned

repeatedly. He asked Chairman Devers to relay information on their prevention methods to reduce the fire risk and if it was working.

Chairman Devers stated they have been following the usual recommendations for fire prevention. Grant monies combined with tribal funds have been used to implement projects that minimize fuels in forested areas. Designating specific areas for firebreaks also has been discussed; however, as some of the lands are in the Cleveland National Forest, it requires the cooperation of other government agencies.

Vice Chairman Cox said he would follow up on the matter, and added that during the fires, the Sycuan Fire Department at the Emergency Operations Center provided information.

Action: This item was presented for information only.

Vice Chairman Cox informed the Committee of the passing of Campo Chairman Paul Cuero Jr.'s mother, Barbara on November 19th. He also acknowledged the passing of Imperial County Supervisor Victor Carrillo's father. He said condolences and sympathies will be sent on behalf of the Committee.

8. OVERVIEW ON TRIBAL NATIONS IN SAN DIEGO (INFORMATION)

Vice Chairman Cox mentioned that it was quite fitting that the theme of the November Borders Committee meeting is our tribal partnerships as November is "National Native American Heritage Month." He introduced the Honorable Anthony Pico, who served for 24 years as Chairman of the Viejas Band of Kumeyaay. As Chairman, the Viejas Band achieved state and national recognition as a leader in economic development and diversification. Chairman Pico has served as a strong voice for both tribal sovereignty and investment in a viable and growing tribal economic base. Chairman Pico is one of the national leaders among tribal governments across the country.

Chairman Pico presented an overview on tribal nations and the challenges they face as governments in the region.

Vice Chairman Cox thanked Chairman Pico for his eloquent and informative presentation. He stated that he has admired Chairman Pico's leadership for many years and praised the foresight and diversification of the Viejas Band of Kumeyaay Indians to ensure the future of the tribal government. He invited Chairman Pico to make the same presentation before the SANDAG Board of Directors.

Chairman Pico said he would be honored.

Councilmember Gallo asked for clarification regarding the statement that there are 18 tribes, but only 17 are recognized.

Chairman Pico responded that there are 17 federally-recognized tribal governments with jurisdiction over 18 reservations. The Capitan Grande reservation is vacant and Barona and Viejas share a joint power authority over this reservation.

Chairman Devers commented that the Capitan Grande Reservation at this time, is not inhabited by the living, but, ancestors are still present.

Albert "Boxie" Phoenix added that Capitan Grande was originally their homeland and they continue to have jurisdiction over the land. The original band was relocated; some villagers went to Viejas and some to what is today Barona. They were expelled because the City wanted to build the El Capitan Reservoir.

Chairman Gallo noted that the tribes are the first environmentalists.

Mr. Williams asked Chairman Pico for a copy of his presentation.

Councilmember Monroe said Mr. Pico's message of sovereignty and cooperation was very clear. He commented on the tribes' support to the region and asked for clarification regarding services to tribes.

Chairman Pico stated that services such as health and safety, fire, water, sewer, adequate roads on reservations stop at the reservation's borders.

Councilmember Monroe asked for clarification regarding mismanagement, corruption and indifference by the Bureau of Indian Affairs (BIA) and asked if this was in reference to the past or the present.

Chairman Pico said that he was speaking of the past; however, currently there is a major lawsuit, Cobell vs. Department of the Interior, in which the BIA has destroyed records.

Councilmember Crystal Crawford (North County Coastal) commented on the importance and benefits of having tribal representation at the Borders Committee.

Councilmember John Minto (East County) expressed his gratitude for the opportunity to discuss tribal issues first-hand by participating on the Committee.

Action: This item was presented for information only.

Vice Chairman Cox took Item 10 out of order at this time to accommodate his and Councilman Hueso's schedules.

9. REPORT ON STATE ROUTE 76 (INTERSTATE 15 TO STATE ROUTE 79) OPERATIONAL IMPROVEMENTS STUDY (INFORMATION)

Kim Yearyearn, General Manager for the Reservation Transportation Authority (RTA), noted that Bo Mazzetti, Vice Chairman, was unable to attend due to a meeting with FEMA regarding fire damage to the Rincon reservation. She stated that RTA is a non-profit intertribal transportation agency which focuses on planning, education, and advocacy. They partnered with Caltrans to conduct a grant-funded operational improvement study of the corridor, with local matching funds provided by the Pala Band of Mission Indians.

Mark Bobotis reported on the study which covers the area of SR 76 East, from I-15 to SR 79. The purpose of the study was to investigate the traffic impacts to SR 76; determine operational and near-term improvements; prepare long-term traffic forecasts and modeling; determine feasibility, costs, potential funding; and develop recommendations for operational improvements. The study covered existing conditions only. One of the principal objectives of the study was to foster partnerships for government-to-government relationships between area tribes and other regional governments. Next steps to be taken include prioritization of projects, identification of funding opportunities, and implementation of improvements into the field.

Councilmember Gallo asked if additional right-of-way would be required.

Mr. Bobotis replied that some of the items would require additional right-of-way.

Councilmember Feller asked for clarification regarding the cost of each proposed operational improvement.

Mr. Bobotis replied that each improvement would not exceed \$1 million per location.

Councilmember Feller inquired about the location of the San Luis Rey River Park.

Mr. Bobotis replied that the park is located east of I-15.

Supervisor Pam Slater-Price (County of San Diego) inquired as to the timeframe of the study. She mentioned that development proposals for area covered in the study have been submitted to the County and will have specific traffic measures.

Mr. Bobotis responded that the proposed safety and operational improvements noted in the study are to take place in the near future, as they are improvements for the existing conditions.

Councilmember Monroe asked for clarification on the funding and timeframe also.

Mr. Bobotis stated that not all of the improvements are funded; however, some improvements are already in place.

Councilmember Crawford inquired if this was a baseline study in order to establish traffic counts and compile basic information from which to work into the future.

Mr. Bobotis said the study provided improvements to existing conditions, and was the first step to establishing the needs in that corridor, but this was not a full corridor study.

Councilmember Crawford stated it would be helpful in future presentations, to have current traffic counts presented, along with information whether the improvements are already in place.

Vice Chairman Cox announced that he and Councilmember Hueso had to leave the meeting. He stated that the next Borders Committee meeting would be on January 11, 2008, at 12:30; the focus of the meeting would be on binational issues. Vice Chairman Cox asked Councilmember Jack Feller to continue the meeting.

Dan Silver, Endangered Habitats League, stated the desire of his group was to work with tribal nations to discover a common ground and a shared vision for the future of the land. Of concern are the two lane rural roads and the cumulative traffic impacts which cause these roads to be widened to four lanes. The League opposes the expansion due to the expense and the introduction of sprawl development off the reservations. The League would like to work collaboratively to develop an effective multimodal system which would serve everyone's interests without adjustments to the existing roads. He suggested including SANDAG, as the transit planning agency, in the agreement negotiating process. He said that although it is a policy decision that is made by the tribal nations and local governments, they would like to participate; and ultimately the responsibility is theirs.

Larry Glavinic, North County Inland Regional Leadership, said they support improving the safety of the current existing locations and informed that two segments of SR 76 presently have Level F service.

Councilmember Monroe asked for further clarification on the Level F service.

Mr. Glavinic stated it pertained to Pala, and other areas, as it is a nonlinear road.

Bill Figge, Deputy District Director (Caltrans) informed that traffic analysis of this area is difficult as typical peaks in traffic do not occur as on I-15. Caltrans is presently working with the County on next steps regarding improvements in Pala and Pauma, and as funds become available they will be able to focus on key areas from a safety and operational standpoint.

Chairman Devers added that SR 76, east of I-15 corridor has been spoken of before. He mentioned a possible reluctance from the County to assign specific roads that provide ingress and egress to the reservations so that tribes can acquire additional transportation funds from the BIA . As there are many issues connected with this item, Chairman Devers requested information regarding the proper entity to be consulted.

Supervisor Slater-Price commented that perhaps Chantal Saipe could provide information regarding the appropriate method for coordination to ensure proper application for additional funds.

Ms. Saipe stated she would investigate the matter.

Supervisor Slater-Price asked for further clarification, as the tribes have been working with the County on some of the improvements.

Mr. Phoenix replied that various tribes are trying to update their BIA Indian Reservation Roads inventory. They need the County to sign a letter of recognition to acknowledge these road segments so they can get additional transportation planning dollars. He stated that

there seemed to be a delay on the part of the County which was of concern as the next round is soon.

Supervisor Slater-Price appreciated the information and said it is not their intention to delay. She asked Ms. Saipe to follow up on the matter and she would contact Supervisor Horn and Supervisor Jacob also.

Mr. Gallegos responded that it is common to have many funding sources associated with transportation projects. He informed Supervisor Slater-Price that SANDAG is currently working with the County Public Works Department and tribal members to facilitate the pooling of resources in order to accomplish the items outlined in the studies.

Supervisor Slater-Price commented that perhaps it would be beneficial to set up a committee comprised of Supervisors Jacob and Horn, the Public Works Department, Ms. Saipe, the tribal governments, and SANDAG.

Mr. Gallegos reiterated the importance of the completion of the road inventory update as it is essential in order that tribal nations receive their fair share of federal funds. He offered that SANDAG could facilitate a meeting with tribal leaders if that would be helpful.

Mr. Bobotis informed that currently meetings between Caltrans and the County regarding operational improvement funding for SR 76 are being held.

Supervisor Slater-Price said she would refer the issue to the two most pertinent Supervisors.

Councilmember Crawford asked for clarification on SANDAG's role in the mitigation agreements that are being entered into.

Mr. Gallegos responded that through intergovernmental relations, SANDAG is able to comment more on the environmental documents and fair share mitigation aspects.

Mr. Silver said the Pala agreement involved funds for structural improvements and no actual transit funding was committed. The main problem was that the transit planning agencies simply were not present. He asked that SANDAG have a more direct role in the process so that transit and Transportation Demand Management be considered in the negotiations.

Mr. Gallegos stated that if SANDAG needs to get more involved, they will. The challenge in transit is that the demands outweigh the funds.

Councilmember Crawford added that although progress has been made, growing pains are being experienced and the coordination process remains unclear.

Mr. Gallegos assured that SANDAG will work to become more engaged in the process to assist with solutions.

Action: This item was presented for information only.

Acting Chair Feller continued with Item 11.

10. TRIBAL TRANSIT FEASIBILITY DRAFT REPORT (RECOMMEND)

Mr. Albert "Boxie" Phoenix, Co-Chair of the Interagency Technical Working Group on Tribal Transportation issues and SCTCA representative to the SANDAG Transportation Committee, explained that one of the outcomes of the 2006 Tribal Summit was the need to establish a permanent forum for meaningful dialogue on transportation issues with the nations. The Working Group has provided input to the RTP, learned about federal, state, and local funding opportunities, raised concerns and issues with various agencies, and provided input on specific transportation planning projects. The Tribal Transit Feasibility Study provides a new service proposal which allowed for the application to new federal transit funding only available to tribal governments. The study also provides the basis for continued dialogue and creative collaborative thinking on transit-based solutions in rural areas and new federal funding that would not be available otherwise.

Dan Levy, Senior Planner, explained that the object of the study was to examine the feasibility of adding or improving transit service for tribal areas and develop concepts and cost estimates to assess feasibility for providing service to the areas. The study recommended improvements be made to the existing NCTD services in the north, making an express route on I-15 to connect with existing Route 388. Mr. Levy informed the Committee that a new federal program funded by SAFETEA-LU provides 100% funding of transit service to tribal areas. He said the tribes have applied for the grant and if successful, could get up to four years of funding. Also recommended are some bus stop improvements at transfer locations on rural bus routes and the need for a mobility manager for tribal enterprises. This could be a role for the Reservation Transportation Authority. A new grant from Caltrans is exploring the opportunities for tribally-run TDM programs to complement RideLink. This study will focus on dissemination, referral, trip planning, coordination of volunteers, means of carpooling, and build on local solutions in the large rural area employment sites.

Councilmember Monroe asked if the report needed to go to the Transportation Committee.

Mr. Levy responded that it did not.

Councilmember Monroe asked if NCTD and MTS would still run the system.

Mr. Levy stated that if successful, negotiations will be entered into to determine how the funds will be spent and which entity will offer the services. The purpose of the Tribal Transit Fund Program is to provide tribal governments will an opportunity to improve services that meet their needs while strengthening the rural transit system. The intent at this point is to have services operated by MTS and NCTD and be fully integrated into the existing services.

Mr. Gallegos stated that the funds are new dollars which would not be competing within existing resources.

Councilmember Monroe said his concern was with other operating agencies using transit centers.

Mr. Gallegos said presently, the concern is in providing service. Details with the operators will be resolved in a positive manner for all involved.

Councilmember Crawford asked if service would be provided to all area residents, be they tribal members or not.

Mr. Levy stated they would. In fact, the Tribal Transit Fund Program specifically stipulates that the services developed must be available to the public and serve the community at large – not only tribal residents. The grant applications that are more successful are those that demonstrate a strong collaborative effort.

Dan Silver, speaking on behalf of the Endangered Habitats League, stated they endorse the study; especially the focus on employment and the casinos.

John Kirk, Deputy General Counsel, explained that when the report is accepted, the draft status is removed. Due to the conditions of the grant, which state that the Board will accept the report, the action is to recommend that the Board accept the report.

Action: Upon a motion by Councilmember Monroe and a second by Councilmember Ben Hueso (City of San Diego), the Borders Committee unanimously recommended the Board of Directors accept the report.

Vice Chairman Cox continued with the set agenda and returned to Item 9.

11. INTRODUCTION TO TRIBAL TRANSPORTATION DEMAND MANAGEMENT PROJECT (INFORMATION)

Ms. Kim Yearyean, General Manager of the Reservation Transportation Authority (RTA), stated that they have been partnering with SANDAG to encourage tribal involvement in regional transportation planning. Strategies related to transportation demand management (TDM) offer a significant alternative for reducing congestion. The RTA and SANDAG received a grant from Caltrans through the Environmental Justice Program to design an innovative TDM Program that addresses the specific concerns of the tribes. The purpose of the grant is to build the institutional capacity of the RTA to become a tribal transportation management association.

Jane Clough-Riquelme explained that the project will assess the specific needs of each major tribal enterprise and develop a TDM Program specific to their needs. The project will focus on reducing single occupant vehicle use, traffic congestion, and air pollution. It will also provide equitable commuting opportunities for tribal enterprise employees. A project development team has been formed with members from various tribes. The goal is to complete surveys and TDM plans for up to six gaming facilities. The project will result in a tribal transportation management association business plan and develop a mechanism for the RTA program to be more closely linked to SANDAG's TDM program, Ridelink. The transportation management association would create a systematic link between the transportation needs of the tribal governments in the region and SANDAG. The project is currently underway and expected to be completed by February 2009.

Councilmember Monroe asked if the TDM included organized carpools and vans and if the vans would become part of the SANDAG vanpool or if the tribes would fund the vanpool.

Ms. Clough-Riquelme stated that it is still unclear; however, the RTA would be the outreach component for servicing area tribes including those in Riverside County. She added that part of the project will be to develop a Memorandum of Understanding (MOU) assigning responsibilities for long term collaboration on TDM Outreach.

Acting Chair Feller requested further clarification.

Mr. Gallegos responded that SANDAG is implementing a grant for Caltrans, and periodic updates will be furnished to the Borders Committee.

Ms. Clough-Riquelme added that the Tribal Transportation Working Group will be the principal advisory group.

Action: This item was presented for information only.

12. UPCOMING MEETINGS

The next meeting of the Borders Committee is scheduled for Friday, January 11, 2008, at 12:30 p.m.

13. ADJOURNMENT

Acting Chair Feller adjourned the meeting at 2:41 p.m.

Attachment: Attendance Sheet

**CONFIRMED ATTENDANCE
BORDERS COMMITTEE MEETING
November 30, 2007
12:30 p.m. to 2:30 p.m.**

GEOGRAPHICAL AREA	JURISDICTION	NAME	MEMBER/ ALTERNATE	ATTENDING	
				Yes	No
South County	City of Imperial Beach	Patricia McCoy (Chair)	Member		✓
	City of Coronado	Phil Monroe	Alternate	✓	
Imperial County	County of Imperial	Victor Carrillo	Member		✓
	City of Calexico	David Ouzan	Alternate		✓
North County Coastal	City of Oceanside	Jack Feller	Member	✓	
	City of Del Mar	Crystal Crawford	Alternate	✓	
North County Inland	City of San Marcos	Jim Desmond	Member		✓
	City of Escondido	Ed Gallo	Alternate	✓	
East County	City of La Mesa	David Allan	Member		✓
	City of Santee	John Minto	Alternate	✓	
City of San Diego	----	Ben Hueso	Member	✓	
	----	Brian Maienschein	Alternate		✓
County of San Diego	----	Greg Cox (Vice Chair)	Member	✓	
	----	Pam Slater-Price	Alternate	✓	
ADVISORY/ LIAISON MEMBERS					
COBRO	----	Dr. Paul Ganster	Member		✓
	----	Cindy Gompper-Graves	Alternate		✓
	---	Angelika Villagrana	Alternate	✓	
County of Riverside	City of Lake Elsinore	Thomas Buckley	Member		✓
Republic of Mexico	Acting Consul General of Mexico	Ricardo Pineda	Member		✓
	Consul	Lydia Antonio	Alternate		✓
Southern California Tribal Chairmen's Association	Pauma	Chris Devers	Member	✓	
	Mesa Grande	Mark Romero	Alternate		✓
Caltrans	----	Pedro Orso-Delgado	Member		✓
	----	Bill Figge	Alternate	✓	
San Diego County Water Authority	----	Howard Williams	Member	✓	
County of Orange	----	Debbie Cook	Member		✓