BOARD OF DIRECTORS DISCUSSION AND ACTIONS

Meeting of March 26, 2004

Chairman Ron Morrison (National City) called the meeting of the SANDAG Board of Directors to order at 9:22 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MEETING MINUTES (APPROVE)

   Action: Upon a motion by Councilmember Patricia McCoy (Imperial Beach) and a second by Mayor Mickey Cafagna (Poway), the Board approved the minutes of the February 27, 2004, Board of Directors meeting. Yes – 16 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – 4 (Chula Vista, Oceanside, San Diego – B, Vista).

2. ADDITIONS AND DELETIONS

   There were no additions or deletions to the agenda.

3. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

   Debra Kelley, Vice President of the American Lung Association of San Diego and Imperial Counties, and representing the Tobacco Free Communication Coalition, stated that San Diego has been presented with the opportunity to continue leading the state and the nation in protecting the public from tobacco use. She presented results of a survey of illegal tobacco sells around the county. She also provided an overview of a model ordinance for retailer licensing, restricting the location of tobacco sources, bans on self service sales, and other efforts to reduce secondhand smoke. She noted that the San Diego region has the highest level of compliance for nonsmoking areas. She introduced several Tobacco-Free Communities Model Ordinance contacts and noted the communities they cover. Ms. Kelley invited SANDAG to support the ordinance and to provide a letter of endorsement. SANDAG would then be listed as a supporter in various promotional materials. She noted that the model ordinance is still being worked on, but it can be used as a framework that each city and the county can use for an ordinance that will fit each jurisdiction.

   Barbara J. Winton commented that amenities at bus stops and trolley and Coaster stations are woefully lacking. She suggested that streetlights be installed at every bus stop because a lot of crime is due to darkness. She also felt that those who park and ride mass transit should have some assurance that their vehicle will still be in the parking lot and in the same condition as when they left it. She noted that unless you have adequate security, you will not get the bus/trolley/Coaster ridership you should have.
CONSENT ITEMS (4 through 6)

4. ACTIONS BY POLICY ADVISORY COMMITTEES (APPROVE)

5. SANDAG BUDGET AMENDMENT AND MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITY OF CHULA VISTA (APPROVE)

SANDAG is partnering with the City of Chula Vista on the development and implementation of a Transportation Demand Management (TDM) project in East Chula Vista. The pilot project includes attractive incentives aimed at encouraging East Chula Vista residents to choose ridesharing as an alternative to driving alone. Staff proposes an amendment to the Overall Work Program (OWP) to reflect changes in project funding, and acceptance of an MOU that describes the partnership between SANDAG and the City of Chula Vista. Under the terms proposed, SANDAG will accept funding from the City for the development of the East Chula Vista TDM project. SANDAG will provide project management support to the City and will manage the development and implementation of the project, valued at $754,485.

6. MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SAN DIEGO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (APPROVE)

SANDAG is partnering with the San Diego Service Authority for Freeway Emergencies (SD SAFE) on the funding of a pilot expansion of SANDAG’s ongoing Freeway Service Patrol. Staff proposes that the Board accept an MOU which sets the terms under which SD SAFE would provide three years of pilot project funding, totaling $1,500,000, beginning in FY 2005.

Chair Morrison mentioned that SANDAG had received a letter from Robert Hoffman related to Agenda Item 5. Mr. Hoffman’s comments were that until transit can provide the same kind of independence that people get with automobiles, it will not be able to compete with automobiles. Mr. Hoffman also suggested that modern technology will solve transit problems.

Action: Upon a motion by Mayor Joe Kellejian (Solana Beach) and a second by Mayor Cafagna, the Board approved Consent Items 4 through 6. Yes – 19 (100%). No – 0 (0%). Abstain - 0. Absent – 1 (San Diego – B).

CHAIR’S REPORT

7. BOARD MEMBER PARTICIPATION AT UPCOMING REGIONAL COMPREHENSIVE PLAN (RCP) WORKSHOPS (INFORMATION)

Mayor Lori Holt Pfeiler (Escondido) stated that the draft RCP is out for public review, and that the third and final round of workshops will be held April 17-26. She invited Board members to attend and asked them to also invite the public. She commended North County for having the highest level of elected officials attending the last round of workshops.
Chair Morrison stated that there were three different conferences that Board members attended recently. He asked Board members who attended those conferences to provide briefings.

Mayor Steve Padilla (Chula Vista) indicated that the NARC conference was very informative. It also gave SANDAG a chance to provide information to the Federal Government about the types of activities related to homeland security that we are involved in. This information was well received and provided Board members with an opportunity to receive specific information on the government’s perspective and ways we can capitalize on that.

Chair Morrison noted that representatives from SANDAG, the Metropolitan Transit System (MTS) and North County Transit District (NCTD) met with congressional representatives as a unified group and dealt with public transportation issues and the overall expenditure plan for this year.

MTS Chair Leon Williams noted that one of the most salient points discussed was the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21) or the lack thereof, the funding levels, and timing of those appropriations.

Councilmember Judy Ritter (NCTD) stated that for every $1 million in project funding 26,000 jobs are created. This is the type of information that was presented to the congressional delegation. She said that we tried to emphasize that transportation funding is really a “jobs” bill.

Mayor Kellejian stated that another function was to meet the entire congressional delegation. He felt that this trip was very successful as it provided the opportunity for us to present our joint legislative program that was attuned to each congressional delegation representative and their district. He commended Councilmember Ritter and MTS Chair Williams on their presentations. He noted that he also met with congressional leaders about sand issues.

REPORTS

9. 2004 STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) ALTERNATIVES (APPROVE)

Mayor Kellejian (Transportation Committee Chair) introduced this item noting that the STIP has been reviewed and discussed during the last two months. The Transportation Committee looked at three options that weighed various levels of bond financing against project delays. He said that the recommendation is to select the option that maximizes the use of Grant Anticipation Revenue Vehicle (GARVEE) bonds (Option C). This approach will secure funding for projects in a timely manner, thus reducing delays. This option also has
the highest degree of risk, since it may not be approved by the California Transportation Commission (CTC) because of high interest in these bonds by other regions throughout the state.

Staff noted that the STIP is a five-year program updated every two years and it normally comes with new money. The last update was in 2002, and the amount of money the region was promised for the last three years of that STIP totaled $203.8 million. The CTC has indicated that there will not be any new funds with the 2004 STIP. In addition, the funds that were promised will not be available in the years previously indicated, which means that we will have to delay $109 million in projects to future years.

Staff described three funding options: Option A – no additional Grant Anticipation Revenue Vehicle (GARVEE) bonds, Option B – Limited Additional GARVEE, and Option C – Maximize GARVEE. Staff noted that GARVEE bonds are used to advance the schedule of projects or to prevent delays. All three options complete the 2002 STIP program but will have project delays depending on the option selected. Staff noted that the CTC approves which projects receive GARVEE bonds.

Staff stated that included is a proposal by NCTD to issue an interest-only bond for ten years for the Sprinter project and, during this time, the region would work with the state to make good the previous commitment of $80 million to the project in Transportation Congestion Relief Project (TCRP) funds. If the region is not successful in restoring these funds, then future years of this bond would be paid with STIP funds. If the CTC does not approve the use of STIP funds for the Sprinter bond, we will use federal Congestion Mitigation and Air Quality (CMAQ) money to pay the bonds.

Staff reiterated the recommendation to approve Option C of the draft 2004 STIP and submit the STIP proposal to the CTC by the April 12 deadline. The next steps are that CTC staff will develop the statewide STIP recommendation in April and June, and the CTC will adopt the STIP on August 5.

Mayor Cafagna asked how we are planning to pay for the bond debt service, and is Option C dependent upon the approval of the TransNet Extension. Staff responded that future STIP revenues will pay for the bond debt, and it is not dependent on passage of the TransNet Extension.

Mayor Cafagna wondered how likely are we to get the amount we are requesting approved. Staff stated that it will be a challenge to receive approval for the selected option. The Executive Director strongly recommended that we take an aggressive approach with this proposal. He said that we have been working hard with the new Administration, especially Secretary Sunne McPeak, and she is excited about what we are trying to do. He thought that we can make a strong case for our projects.

Mayor Pro Tem Finnila (Carlsbad) asked if we anticipate obtaining a 3 percent interest rate on issuance of these bonds like the recent Interstate 15 (I-15) bonds. Staff replied that the bonds would not be sold until next year. At this point, interest rates are low, but the conservative assumption is 5 percent.
Mayor Pro Tem Finnila asked what happens if the CTC does not approve the bond proposal for the Sprinter project. Staff replied that we would use CMAQ as the backup for bonding for the Sprinter. We generally receive about $17 million - $20 million annually in CMAQ funding and the amount needed for bond payback is $10 million - $11 million.

Mayor Pro Tem Finnila asked if we have received any feedback on this Sprinter bonding proposal. Staff answered that we have not provided the CTC staff with details about our STIP proposal but have notified them that we will be aggressive in our approach.

The Executive Director commented that the Secretary of Business, Transportation, and Housing has indicated that she would work with us to help us get as much money as she can.
Mayor Kellejian strongly supported the recommended action. He thanked staff for putting this together in a form that everyone can understand. It is evident that we need to move now. He expressed confidence that SANDAG staff and their relationship with the State of California will move this proposal. Mayor Kellejian reiterated that April 12 is the submittal date to the CTC. We will know an answer by August 5 as far as what funding will be approved. This matter will come back to the Transportation Committee and the SANDAG Board before then if it needs to be modified.

The Executive Director mentioned that the proposal assumes a zero new dollar STIP. There are two issues that relate to this situation: a fix on the price of ethanol, and the assumption that the TCRP program would be suspended for the year. There are indications that the pending reauthorization of TEA-21 will include an ethanol fix and there is bipartisan opposition to suspending TCRP at the state level. We may have more information after the state May budget rewrite.

Mayor Pro Tem Monroe (Coronado) mentioned that staff projected the land acquisition costs if projects are delayed. The cost for delaying land acquisition was far more than the interest payment on the bonds.

Chair Morrison asked about the increase in construction due to project delays. Pedro Orso-Delgado (Caltrans) replied that it is 3 percent to 5 percent.

Mayor Cafagna commented that the Executive Director is considered the number one transportation person in the State of California, and he is very highly regarded in Sacramento.

Chair Morrison stated that the ethanol situation is very important. The Federal Government provides a subsidy to an industry and then mandates the use of the product.

Chair Morrison mentioned that Secretary McPeak has become an advocate for SANDAG, and she uses SANDAG as a model example throughout the rest of the state. We need to continue to build these kinds of relationships.

Mayor Corky Smith (San Marcos) indicated that he disagreed with one portion of the proposal but felt that it was important that we show unity so he will be supporting this action.
Councilmember Ritter thanked the SANDAG Board for its support on the Sprinter project bond proposal.

**Action:** Upon a motion by Supervisor Dianne Jacob (County of San Diego) and a second by Mayor Cafagna, the SANDAG Board approved Option C for the draft 2004 STIP, and authorized its submittal to the California Transportation Commission. Yes – 19 (weighted vote, 100%). No – 0 (0%). Abstain – 0 (0%). Absent – San Diego - B.

10. **QUARTERLY PROGRESS REPORT ON TRANSPORTATION PROJECTS (INFORMATION)**

Staff provided an update on the progress of recently completed projects, those under construction, recent environmental clearances, the regional arterial system, and the Transportation Demand Management (TDM) vanpool program.

**Action:** This item was presented for information.

A break was called at 10:26 a.m., and the meeting was reconvened at 10:36 a.m.

11. **DRAFT 2005 OVERALL WORK PROGRAM (OWP) (ACCEPT)**

Staff reported that the SANDAG program budget includes several components: the regional capital budget, the administrative budget for the agency, the TransNet program budget, and the overall work program (OWP). The OWP work elements include planning, coordinating, evaluation, monitoring, consensus building, and research activities for the coming year. The comment period ends in early April, and a report will be presented to the Executive Committee with any comments and responses in April. The OWP concentrates on four priority areas: regional planning resulting from consolidation, implementation of the Regional Comprehensive Plan (RCP), advancing the Regional Transportation Plan (RTP) and Regional Transit Vision, and direct support of the TransNet Extension, including implementation of key TransNet projects. The challenge is to match funding with projects. The draft 2005 OWP is about $4 million or about 10 percent less than last year. This relates primarily to discretionary grant funding and no carryover in 2005. We expect a zero to minimum growth in revenue sources. Staff indicated the primary sources of funding, and noted that we are again holding member assessments constant. Given this constrained funding situation, we have had to delay some work, and we will be performing some tasks in-house rather than hiring consultants. We think this approach will reflect the Board's priority and interest areas. SANDAG has not maintained a contingency reserve in the past. Most cities maintain a reserve account equal to 3 percent to 5 percent of their General Fund. Staff recommended that the Board consider establishing a reserve to smooth out the revenue stream in fiscally uncertain times, take advantage of opportunities to leverage with state or federal funds, and to guard against unforeseen economic occurrences that could negatively impact the budget.

Mayor Kellejian asked if comments can be made at this time. Staff indicated that comments can be made up to and including the June approval date.
Mayor Pro Tem Finnila asked how much should be in the contingency reserve account. Staff replied that the general rule of thumb is 3 percent to 5 percent, or approximately $1.5 million.

Mayor Mark Lewis (El Cajon) asked why we are getting involved in a syringe exchange program. Staff replied that this is a project with dedicated funding that cannot be used for any other purpose. Criminal Justice staff added that we also have been asked to provide an independent evaluation process for a Hepatitis project.

Chair Morrison added that we are conducting data collection only and we are not advocating this project at all. Criminal Justice staff noted that there is a disclaimer that it is an independent evaluation and does not reflect the opinion of the SANDAG Board.

Supervisor Jacob questioned the funding for the syringe exchange program. Criminal Justice staff replied that the funding for the syringe exchange program comes from Alliance Health Care.

Councilmember Barry Jantz (La Mesa) reiterated the concern about the syringe exchange program and asked that a general disclaimer be incorporated into the OWP for all such projects.

Action: Upon a motion by Supervisor Jacob and a second by Mayor Cafagna, the SANDAG Board accepted the staff report on the FY 2005 OWP and authorized its release for a public review period. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – San Diego - B.

12. DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE REGIONAL COMPREHENSIVE PLAN (RCP) (ACCEPT)

Staff reported that the RCP was released in December 2003 in order to solicit public input. In late January 2004, SANDAG circulated a Notice of Preparation of a Draft PEIR which notifies interested members of the public, organizations, and agencies that a draft PEIR is being prepared and provides an opportunity for input on the issues that should be addressed in the PEIR. Action would distribute this document for a 45-day review and public comment period. This period will end May 15, and it will be presented to the Board at its June 25, 2004, meeting for certification.

Mayor Pro Tem Finnila said that if we implement the RCP and smart growth principles, we will increase the residential units in certain areas, and this will naturally add an increase to water and sewer systems. She has not seen anything that indicates if our resources can handle this additional capacity. She suggested that Board members have their individual cities look at the impact on sewer and water systems of incorporating the increased densities that will result from smart growth.

Action: Upon a motion by Mayor Kellejian and a second by Mayor Holt Pfeiler, the SANDAG Board accepted the staff report on the EIR for the RCP, and authorized its release for a 45-day public comment period. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – San Diego - B.
Staff reported that the California Department of Water Resources (DWR) entered into long-term energy contracts during the 2000-2001 energy shortage on behalf of the customers of San Diego Gas and Electric (SDG&E), Southern California Edison (SCE), and Pacific Gas & Electric (PS&E). The CPUC allocates those costs among the contracts and then passes this to rate payers. The CPUC is considering a long-term cost allocation alternative proposal that could potentially shift $1.3 billion to SDG&E customers. Action would enable the Energy Working Group to submit comments to the CPUC when the draft decision on cost allocations for long-term energy contracts is made.

Chair Morrison asked what happens to the rates of PG&E and SCE. Staff replied that their rates will decrease while the rates for SDG&E will increase.

Mayor Dick Murphy (City of San Diego) asked how this translates to the average residential ratepayers in terms of their monthly bill. Staff said that the exact amount is unknown at this time, but would last through the remaining life of the contracts or 2013.

Frank Urtasun, representing SDG&E, said that they are expecting the Administrative Law Judge to issue a report in April. That report will tell us where they are coming from with respect to the methodology that has been proposed by SCE and PG&E. He suggested that the region provide unified opposition if this report is adverse to San Diego. He noted that the projected impact to the average residential rate payer is about $8 a year. SDG&E is opposed to this methodology, and the San Diego Regional Chamber of Commerce and other interested groups held a press conference recently to call on the CPUC to not adopt this methodology.

The Executive Director added that at a recent meeting of the San Diego Regional Chamber of Commerce, the Chamber indicated that it will ask the CPUC to hold the public hearings in San Diego regarding this matter, and encouraged SANDAG to join with them in this request.

Mr. Urtasun said that if the draft decision comes out in support of SCE and PG&E, it would be vitally important to hold hearings in San Diego.

Councilmember Ryan (Santee) asked about the methodology used by the CPUC. Mr. Urtasun said that this was the result of one utility being in Chapter 11 and another being on the brink of Chapter 11. The state then negotiated long-term contracts. The DWR determines the annual requirement necessary to recover the costs of providing power to customers under the long-term contracts and submits this revenue requirement to the CPUC for recovery. The CPUC then allocates the costs among the customers of the three utilities. This process is conducted on an annual basis. As part of the 2004 DWR revenue requirement proceeding, a permanent allocation methodology to distribute these costs among the customers of the three utilities may be adopted. A proposed alternative to how the costs have been allocated in the past could shift over $1.3 billion in costs to SDG&E customers through 2013. Now we only pay for what we use, if this methodology is made permanent, we will pay more.
Councilmember Ryan asked if we should state our case before the CPUC now rather than waiting for the decision from the Administrative Law Judge. Mr. Urtasun said that they are currently in negotiations with CPUC staff. The decision by the Administrative Law Judge is considered a staff decision. Once that draft decision comes out then we will know how to approach the matter.

Mayor Smith asked if it would help if each city would send a letter to the CPUC requesting hearings in San Diego. Mr. Urtasun suggested that that action should await the decision.

Mayor Corky suggested that Mr. Urtasun send information to each SANDAG Board member for a letter from each jurisdiction requesting that the CPUC hold hearings in San Diego.

Supervisor Jacob noted that this is an extremely important issue to the region and it is very important that we are aggressive and weigh in on this. She supported the comments that the San Diego region should only pay for what it uses and the request that the CPUC hold hearings in San Diego.

Mayor Murphy asked if public hearings should only be held in San Diego if the decision by the Administrative Law Judge is adverse to San Diego. Supervisor Jacob stated that the CPUC should hold public hearings in San Diego regardless of the decision.

Mayor Murphy asked who the parties are in this decision. Mr. Urtasun explained that the Administrative Law Judge is assigned to a case and he/she will render a decision. The Office of Ratepayer Advocates will provide input. SDG&E is negotiating with staff in opposition to the position of PG&E and SCE. We need to have support ready in case the decision comes out adverse to our interests.

Councilmember McCoy suggested that SANDAG staff be directed to work with SDG&E so that the Board is kept abreast of this matter. We need to follow this issue as a group in tandem with SDG&E.

Mayor Pro Tem Finnila stated that right now this is an issue with three major players (SDG&E, PS&E, and SCE).

Councilmember Jantz asked why strategically it does not make sense to approach the CPUC staff at this point. Mr. Urtasun replied that the experts don’t feel it is appropriate to bring in others at this time while negotiations are ongoing at the CPUC staff level.

**Action:** Upon a motion by Supervisor Jacob and a second by Mayor Lewis (El Cajon), the SANDAG Board approved forwarding comments to the CPUC on the cost allocation of long-term energy contracts associated with the energy crisis of 2000-2001; incorporating the comments that the San Diego region should only pay for what it uses, and requesting that the CPUC hold hearings here in San Diego. **Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – San Diego - B.**
14. REVISED TRANSNET ORDINANCE AND EXPENDITURE PLAN (APPROVE)

Chair Morrison noted that at our meeting last Friday, the Board added an item to the agenda concerning the public opinion survey report that had been done over the weekend of March 20-21. As a result of the recently obtained survey results, the Board decided that staff should look at a 40-year extension and report back to the Board. The Board also directed staff to include language concerning the Regional Transportation Congestion Improvement Program in the Ordinance. Since both of these discussion topics were on the original agenda, the Board was advised by legal counsel that action could be taken. To dispel any perceptions of Brown Act violations, however, this item was added to today’s agenda to cure any potential defect under the Brown Act. No one requested an opportunity to make public comment on this item.

Action: Upon a motion by Mayor Cafagna and a second by Mayor Kellejian, the SANDAG Board took a new vote to approve the actions taken by the Board at the special Board meeting held on March 19, 2004, related to the draft TransNet Extension Ordinance and Regional Transportation Congestion Improvement Program. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – 2 (Chula Vista and San Diego – B).

3. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS (Continued)

Chair Morrison stated that there is a vacancy on the SourcePoint Board. He has asked Mayor Mark Lewis (El Cajon) to fill this vacancy.

Mayor Pro Tem Monroe commented that the League of California Cities petition for a November ballot initiative on fiscal reform has fallen behind and they need signatures.

15. UPCOMING MEETINGS

The next Board meeting is scheduled for Friday, April 9, 2004, to discuss the TransNet Extension, and the next regular Board of Directors business meeting is scheduled for Friday, April 23, 2004.

15. ADJOURNMENT

The meeting was adjourned at 11:19 a.m.

GARY L. GALLEGOS
Secretary
## ATTENDANCE
### SANDAG BOARD OF DIRECTORS’ MEETING
#### MARCH 26, 2004

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<tr>
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<tr>
<td>City of Carlsbad</td>
<td>Ramona Finnila (Member)</td>
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<td>City of Chula Vista</td>
<td>Steve Padilla (Member)</td>
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<td>Phil Monroe (Member)</td>
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<td>City of Del Mar</td>
<td>Crystal Crawford (Member)</td>
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<td>Mark Lewis (Member)</td>
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<td>City of Encinitas</td>
<td>Christy Guerin (Member)</td>
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<td>City of Escondido</td>
<td>Lori Holt Pfeiler (Member)</td>
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<td>Patricia McCoy (Member)</td>
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<td>Barry Jantz (Member)</td>
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<td>City of Lemon Grove</td>
<td>Mary Sessom (Member)</td>
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<td>City of National City</td>
<td>Ron Morrison, Chair (Member)</td>
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<td>Jack Feller (Member)</td>
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<td>City of Poway</td>
<td>Mickey Cafagna, Vice Chair (Member)</td>
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<td>City of San Diego – A</td>
<td>Dick Murphy (Member)</td>
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<td>City of San Diego - B</td>
<td>Jim Madaffer (Member)</td>
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<td>City of San Marcos</td>
<td>Corky Smith (Member)</td>
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<td>Hal Ryan (Member)</td>
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<td>City of Vista</td>
<td>Judy Ritter (Alternate)</td>
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<td>County of San Diego</td>
<td>Diane Jacob (Member)</td>
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**ADVISORY MEMBERS LISTED BELOW (ATTENDANCE NOT COUNTED FOR QUORUM PURPOSES)**

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<tr>
<th>Name</th>
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<tr>
<td>Caltrans</td>
<td>Pedro Orso-Delgado (Alternate)</td>
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<td>Tom Golich (1st Alternate)</td>
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<td>Victor Carrillo (Member)</td>
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<td>CAPT Richard Gamble (Alternate)</td>
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<td>SD Unified Port District</td>
<td>Jess Van Deventer (Member)</td>
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<td>SD County Water Authority</td>
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<tr>
<td>Baja California/Mexico</td>
<td>Luis Cabrera Cuaron (Member)</td>
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