San Diego Association of Governments

REGIONAL PLANNING COMMITTEE

September 3, 2004

AGENDA ITEM NO.: 1

Action Requested: APPROVE

REGIONAL PLANNING COMMITTEE DISCUSSION AND ACTIONS
Meeting of July 2, 2004

The Regional Planning Committee meeting was called to order by Committee Chair Lori Holt Pfeiler (North County Inland) at 12:20 p.m. The attendance sheet for the meeting is attached.


Action: Supervisor Pam Slater-Price (County of San Diego) moved to approve the minutes of the May 7, 2004, and June 25, 2004, Joint meetings. Councilmember Patty Davis (South County) seconded the motion, and the vote was unanimously in favor.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

None.

REPORTS

3. RECOMMENDATION BY THE REGIONAL PLANNING COMMITTEE TO THE SANDAG BOARD ON THE RCP PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR) AND THE REGIONAL COMPREHENSIVE PLAN (RCP) (RECOMMEND CERTIFICATION AND ADOPTION)

Councilmember Davis, representing the Stakeholders Working Group, indicated that at their June 25, 2004 meeting, the SWG recommended that the Regional Planning Committee forward the Regional Comprehensive Plan (RCP) to the SANDAG Board of Directors for approval. There was one abstention and the rest of the group voted in favor of this action.

Gail Goldberg, representing the Technical Working Group, stated that action from this body was 12-1 in favor of moving the RCP forward for SANDAG Board approval.

Bob Leiter, Director of the Land Use and Transportation Planning Department, reported that the remaining issues focus mainly on concerns raised by staff of the County of San Diego. The Technical Working Group recommended that SANDAG staff continue to meet with County planning staff on those issues. Mr. Leiter briefly characterized the issues. One of the primary issues revolved around the smart growth classification matrix. The County’s concern was that the categories included didn’t take into account all of the different types of development occurring in the County. SANDAG and County staff worked
through the examples and believe that the concern could be addressed by refining the definition of rural communities. SANDAG recommends that the term “rural village” be revised to “rural community,” and that further clarifications be made within that category. Additionally, SANDAG staff recommends adding Lakeside as a potential smart growth opportunity area. Mr. Leiter reported that it was his understanding that County staff now supports moving forward with the smart growth matrix.

Mr. Leiter stated that another issue expressed by the County was related to the Environmental Impact Report (EIR) and groundwater depletion. Issues being worked on for clarification include how SANDAG writes mitigation measures in a regional plan adopted by the SANDAG Board that a local jurisdiction implements. In that respect, this EIR is unique. Staff is working with County CEQA (California Environmental Quality Act) experts to properly address that question.

Mr. Leiter added that there was discussion at the joint meeting of the Regional Planning Committee and the two working groups related to whether smart growth should be considered the “highest” priority in determining funding allocations for regional transportation projects, as stated in the Revised Working Draft RCP (page 63). From the SANDAG staff point of view, based on the clarification of the issues the County raised regarding the smart growth matrix, staff agreed that this language should be revisited by the Regional Planning Committee.

Supervisor Slater-Price expressed concern about whether there is an adequate distinction in the plan between “rural,” “urban,” and “suburban.” She referenced development trends occurring on tribal lands. She mentioned that she used to support the concept of limiting road expansions in the back country, but as a result of tribal efforts to expand housing production, especially lower-priced housing, she can no longer support limiting transportation funding in the back country. The plan that moves forward has to contain protection for funding for back country roads that need to be improved whether or not we agree philosophically with the gaming expansions. The roads going to outlying areas are going to have higher rates of utilization. She was also concerned with the smart growth standards. She didn’t think it was wise to necessarily rule out smaller suburban cities from moving forward with smart growth by not providing favorable funding decisions.

Joan Vokac, County staff, expressed concern about two points: giving “highest” priority to smart growth when allocating funding for transportation projects, and the mitigation measure included in the EIR regarding groundwater. County staff indicated that they wanted reassurance that the concepts from the County’s current groundwater ordinance are included in the EIR. SANDAG staff responded that modifications have been made to the language, and that the technical language is directly from the County’s groundwater ordinance.

Supervisor Slater-Price suggested that language used from other resources should be reflective of the intent from that resource. SANDAG staff indicated that the language is consistent with the language in the County’s groundwater ordinance.
Ms. Vokac pointed out that the County is not in agreement with the precise wording, and that we need to continue to work on this. SANDAG staff agreed to continue to work toward resolving the County’s concerns.

James Bond, representing the San Diego County Water Authority, indicated that groundwater aquifers are disappearing around the world, and that when groundwater runs out in the rural areas, the CWA will need to provide the service, whether or not we have the resources. He stressed that the mitigation measure should be meaningful, and that there need to be assurances in the groundwater language that the water is going to be there. He wondered what kind of planning there is for any unincorporated areas that might turn into new cities. Staff responded that if an area were to incorporate, it would start with the existing County General Plan and any changes to that effect would have to be evaluated, including the new city’s ability to provide infrastructure.

Supervisor Slater-Price pointed out that the groundwater issue is one that is in flux since we are in a major drought. There are huge demands placed on groundwater, such as by golf courses on tribal reservations. These types of uses were not planned for in the East County. Importing water to many of these areas is very expensive. She agreed that we need to have enough room in the language to recognize different types of communities. She reiterated County staff’s request for more time to discuss appropriate language.

Councilmember Jerry Jones (East County) asked for specific page references in the EIR or the RCP to the groundwater issue. Staff pointed to page 5.9-16 of the EIR, and added that the language contained on that page does not yet reflect the changes agreed to with County staff. Staff added that in a CEQA document, an analysis is prepared and a determination is made as to whether there are areas of significant impact or not. If it is determined that impacts are significant, only then are mitigation measures identified. Staff read the new proposed mitigation measure language and indicated that the wording comes directly from the County’s groundwater ordinance.

Lynne Baker, representing the Stakeholders Working Group, distributed a brochure on the Borrego Valley aquifer, which is being significantly impacted by agriculture. She said that there is no provision in the County to help rectify that issue. County staff is intending to update their groundwater ordinance in conjunction with their new General Plan. Sustainability is a very important principle of the RCP. SANDAG should not abandon the principle of sustainability.

Councilmember Maggie Houlihan (North County Coastal) asked what the problem was with the existing language. Staff replied that the County felt that the “no net loss” language was unreasonable and could not be met.

Mr. Leiter commented that the EIR is viewed primarily as an informational document for decision makers. The mitigation measures included in the EIR are intended to describe the kinds of mitigation measures that a jurisdiction would apply when they make changes to their local plans and produce their own environmental documentation. This point has been emphasized in the final EIR draft. What SANDAG staff is talking about now with County staff is to ensure that there is consistency between the regional and local levels.
Mr. Bond pointed out that the water in an aquifer is thousands of years old and it takes longer to replenish the aquifer than it does to take that water from it. He wanted to make sure that this is taken into account.

Chair Holt Pfeiler suggested that the Regional Planning Committee address the smart growth opportunity matrix at this point.

Staff indicated that the recommendation is to clarify the wording for the rural community category. SANDAG staff worked with County staff to use language from the County General Plan 2020 update to reflect the County’s current planning efforts. The matrix reflects that smart growth is not “one size fits all” approach – it contains the seven categories that the Working Groups and the RPC have been working on over the past several months, and some unincorporated communities can qualify as smart growth opportunity areas under other categories, such as the Community Center, if they meet the characteristics.

Councilmember Jones stated that smart growth revolves around transportation corridors. It seems to him that we designed the matrix around transportation and now we are doing it backwards. He didn’t want to see us giving up the values we started with.

Gary Gallegos, SANDAG Executive Director, said that we need to look at this as a continuing process. The goal is to update this document on a regular basis. The key will be performance monitoring.

Councilmember Madaffer (City of San Diego) disagreed with changing the smart growth priority from "highest" to "high." He said that if the region wants to benefit from smart growth, then it is going to have to play with the rules that smart growth dictates.

Supervisor Slater-Price stated that the City of San Diego likes "highest," and the smaller cities and the County like "high." It is hard to identify high density in places like Encinitas. The key is if no one except downtown San Diego can qualify for smart growth incentives, then you’ll have a hard time getting everyone on board.

Councilmember Houlihan stated that SANDAG staff and the County were meeting to resolve the issue. She asked whether changing the wording dilutes the meaning.

Mr. Leiter noted that the real question is whether "highest" gives the impression that other considerations, such as safety or congestion management, are not that important. The weighting will be refined in the future as the new transportation funding evaluation criteria are developed. Staff’s view is that the issue of the County being properly represented in all areas of smart growth has been resolved.

Dave Druker, representing the North County Transit District (NCTD), said the question comes down to when we evaluate who is going to get the funding, is there a priority based on category? If the categories are equally weighted, then the priority designation of “high” vs. “highest” does not make a difference. Is there going to be a priority based upon where smart growth is going to be placed? Mr. Leiter responded that the draft RCP doesn’t take it to that level of specificity. The RCP defines the characteristics within the different categories; the weighting process will come next.
Motion Made

Councilmember Jones moved to the change the smart growth priority language to “high.” Councilmember Houlihan seconded the motion, and there was a 3-3 tied vote; the motion failed.

Chair Holt Pfeiler said that smart growth rewards all of us for doing what we say we are going to do.

Councilmember Madaffer said that we ought to have a greater preponderance for growth in areas that can handle it.

Mr. Gallegos stated that the RCP sends a message with a higher priority. This will ultimately make a difference when the Board of Directors establishes the criteria upon which transportation projects will be gauged, given limited funding.

Public comment:

Tom Mullaney, Friends of San Diego, commented that smart growth is subject to a lot of interpretation. He agreed with it as long as there was no intention to promote growth at the expense of the quality of life. He said that the Uptown area of San Diego has more growth but less open space. Performance standards will be an important part of the Plan but they are very scratchy, and some of the measures are not meaningful. He suggested that the County of San Diego provide incentives to areas for open space in rural areas similar to what the City of San Diego gives for increased density. The RCP acknowledges the perception that development is not paying its fair share and we need to look at impact fees. At the same time, someone wrote into TransNet low impact fees. One of the reasons that the TransNet Extension will fail is that the impact fee amount included in the measure appears to be inadequate as it does not come close to covering the cost of infrastructure. He thought the impact fee should include businesses. He thought that many projects will come forward being disguised as smart growth and we will need to be vigilant in this respect.

Scott Molloy, representing the Building Industry Association (BIA), asked if a study has been conducted on development impact fees including how long they have been in place, how many houses have been built before the institution of impact fees, and would we have existing deficiencies?

Councilmember Houlihan asked if we are still working on improving the performance indicators that we are discussing. Mr. Leiter replied affirmatively and said that following adoption of the RCP we will be working with Working Groups and the staffs of the local jurisdictions on developing the short term and long term targets for the performance measures.

Action: Councilmember Houlihan moved to substitute the word “highest” for “higher.” Councilmember Madaffer seconded the motion, and the vote was unanimously in favor.
**Action:** Councilmember Madaffer moved to recommend certification of the RCP’s program EIR to the SANDAG Board of Directors; and recommend adoption of the RCP to the SANDAG Board of Directors at its July 23, 2004, meeting. Councilmember Davis seconded the motion, and the vote was unanimously in favor.

4. REGIONAL HOUSING NEEDS ASSESSMENT UPDATE (INFORMATION/POSSIBLE ACTION)

SANDAG staff provided a status report on the work to date. Work on the next housing element update has begun and housing elements are due by June 30, 2005. SANDAG is responsible for a key housing element task, the regional housing needs assessment (RHNA), which was due to be completed by June 30, 2004. There are three parts to the process: determining the region’s share of the state’s housing needs (regional share), allocating the regional share number by jurisdiction, and allocating each jurisdiction’s regional share number by income category. SANDAG staff has been working with an ad hoc working group on this process. The California Department of Housing and Community Development (HCD) provided the region with a minimum housing need of between 107,000 and 111,000 units. SANDAG’s growth forecast, which projects 18,000 units less for the same time frame, is an estimate of the number of homes we think will actually be built based on current plans and policies including the current low vacancy rates. The working group has reached consensus on allocating 107,000 units. This is consistent with the policy objectives in the RCP which support the need to plan for more housing choices in the region.

The Regional Housing Needs Working Group has reviewed several methodologies to allocate units based on concentrating development in the more urban areas of the region, and concentrating development around transit stations and other areas where employment and public services exist. Whichever methodology is selected, it is likely that changes to local general plans will need to be made to accommodate more multi-family housing to address the region’s low-income housing needs. A logical place to locate this additional density is in the smart growth opportunity areas. Staff noted that we will not meet the June 30, 2004, deadline set by the state. We will be talking about this delay next week with the Technical Working Group. We are not recommending an extension of the due date because jurisdictions can start preparing their housing elements without the final RHNA numbers; and we anticipate having some solid draft numbers by August. We also think there is an opportunity to consider a 60-day versus a 90-day public review period for the draft numbers. The plan is to bring a recommendation on the draft RHNA numbers to the September SANDAG Board of Directors meeting.

Ms. Baker asked whether the state would give the San Diego region credit for units built on the tribal reservations, if they were affordable to the low and very low income categories. Staff replied that that would make sense.

Councilmember Houlihan said this continues to feel like unfunded mandates from the state. We need to lobby to bring some sanity into this process. If you have infrastructure deficits, then you cannot get people to support new housing projects; the state doesn’t support the housing needs from a funding or infrastructure perspective.
Public comment:

Dutch Van Dierendonck, a member of the Stakeholders Working Group, said that housing for casino employees is being planned on the reservation, which would relieve some of the congestion in the rural areas.

Supervisor Slater-Price noted that it was also implied that casinos would provide housing to people who live on the reservation but do not work there.

Action: The Committee received this item for information.

5. STATUS REPORT ON THE ENERGY WORKING GROUP AND RECOMMENDATION ON COMMENT TO BE SUBMITTED TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC), SUBJECT TO SANDAG BOARD OF DIRECTORS APPROVAL (INFORMATION/RECOMMEND APPROVAL)

Staff reported that the Energy Working Group (EWG) started meeting on a monthly basis in March 2004. On June 11, 2004, it held a day-long retreat to identify priorities, reevaluate Regional Energy Strategy (RES) goals, and establish subcommittees to help define issues to be addressed by the EWG. Four subcommittees have since been established: public policy, resource planning - demand side, resource planning - supply side, and funding. One primary issue is the long-term administration of the Public Goods Charge Energy Efficiency funds, San Diego Gas & Electric (SDG&E) Company's General Rate Case, and SDG&E's request for proposals for new, local power resources by 2005. The EWG is comparing SDG&E's Long-Term Resource Plan with the RES to determine the need for a single coordinated plan.

Henry Abarbanel, EWG co-chair, stated that one of the things the group decided is that the members of the EWG should only be a member of one of the subcommittees. At their retreat, they discussed the RES goals, but slightly reorganized them to separate out the broad goals and specific targets. Goal No. 10 was added because they thought it was important to identify the policy authority and funding source for implementation.

Dr. Abarbanel said that the broad view of the EWG might be encapsulated this way: SDG&E had been the sole regional presence in energy delivery decisions and, on the whole, has done a very good job. Part of the goals of the EWG is for decisions to take place locally rather than being resolved in adversarial confrontations before the CPUC in San Francisco. We would like to work along with SDG&E and other utility districts to decide what we want to do here and bring that before the CPUC. How to do that is still under discussion.

Dr. Abarbanel said that they have been discussing the resource planning demand and supply with a heavy emphasis on renewables. We want to make sure that as actions are taken, renewables play a significant role. After Labor Day, the four elected officials on the EWG plan to visit each of the area city councils to gain input about what the EWG should be doing. One other matter was the suggestion that a member of the RPC should be a member of the Working Group.
Frank Urtasun, representing SDG&E, suggested that to determine what kind of agency might be formed for going forward, it might be helpful to analyze what you are trying to achieve or what void you are trying to fill.

Councilmember Jones said that the missing component here is the funding and the staffing. If SANDAG is going to be successful it has to have staff dedicated to this matter. Goal No 10 is a step towards achieving that component.

**Action:** Councilmember Jones moved to approve Goal No. 10. Councilmember Houlihan seconded the motion, and the vote was unanimously in favor.

Councilmember Jones volunteered to serve as a liaison member on the EWG.

Dr. Abarbanel stated that one of the short-term issues is consideration of the response to the CPUC on the part of SDG&E for a significant amount of energy planning and actions. One issue is the following: there is something that is collected called “public goods charges.” Ratepayers contribute about $35 million in SDG&E’s territory. He was not sure this number reflects the small amount from SDG&E’s area in Orange County. The question is who should administer these funds. We chose not to go to San Francisco to represent ourselves in this matter. However, we are uncomfortable with the local administrator appointed by the PUC to receive incentives for administering this money. We are looking for someone independent. The EWG asked that you consider the letter attached to the agenda item and act on it.

Mr. Urtasun stated that SDG&E has successfully been administrating those programs for a number of years. The CPUC is entertaining the idea, starting in 2005, as to how those monies should be administered and programs implemented for the long-term. SDG&E is opposed to the letter presented as it says that the administrator and the implementer should be separate entities. The monies are meant to do one thing, save energy. The CPUC requires the utility companies to be accountable for how those monies are spent; which is specifically on energy efficiency. In a letter from Governor Schwarzenegger regarding Assembly Bill (AB) 57 starting January 1, 2003, that placed utilities companies back into the role they had previously held of planning and procuring adequate sources of energy. The important part is that the CPUC is requiring the utility company to have adequate resources to implement the energy-saving programs, and the energy-saving resources are an important component of that. SDG&E is concerned that if it is being required to provide energy-saving programs, it ought to have the control and accountability of those funds. SDG&E has come together with the National Resource Defense Counsel (NRDC) about its “Reaching New Heights” proposal, with strict accountability for how these funds will be spent.

Chair Holt Pfeiler summarized the discussion: since SDG&E is being held accountable to provide the programs, it would like control of the money; however, the EWG thinks that the administration of these funds and implementation of the programs should be kept separate.
Mr. Abarbanel stated that the EWG thought that there is an inherent conflict with SDG&E having both of these roles as it affects its profits. They would like SDG&E to be a part of the decision making process, not the owner of it.

Mr. Urtasun clarified that the utility company does not profit from the pass-through of these funds. When you cut back on usage, it does not affect the profitability of the utility. He said there are a lot of reasons why rates go up affecting the cost of electricity. There are two main categories related to the actual commodity itself: (1) the cost of the actual generation component, and (2) the cost of the distribution component of the part that was not deregulated. This commodity is negotiated. The second part of the cost of electricity is the regular cost of doing business, including such things as maintenance, undergrounding, cost for reliability, etc.

Councilmember Madaffer agreed that there should be some oversight, and suggested that the EWG could conduct a performance audit or have oversight ability to review SDG&E’s handling of this program. He thinks the CPUC would prefer to send the money to the utilities. He was not in favor of creating a new bureaucracy that will put more money into administration and less into the programs.

Mr. Urtasun stated that every year, SDG&E must report to the CPUC and explain how energy savings were achieved. He said that SDG&E would welcome local oversight. They want to make sure the monies are spent for what they are intended, which is achieving energy savings.

Councilmember Houlihan asked Mr. Urtasun if public input has been solicited on these energy-saving programs. Mr. Urtasun acknowledged that up until now there has been a limited amount of solicitation from the public. However, the “Reaching New Heights” proposal calls for a customized program that is relative to individual areas. Cost effectiveness of programs is key.

Councilmember Houlihan said that to be effective, people need to know about the programs.

Councilmember Houlihan asked Dr. Abarbanel about the vote on support of the letter to CPUC. Dr. Abarbanel replied that there was a unanimous vote in favor with two abstentions. Dr. Arbanel pointed out that this letter does not imply that SANDAG would take over those responsibilities. It was his understanding that this action would not create any more administration than at present. The goal is to provide benefit to area residents.

Councilmember Madaffer asked if SDG&E did not implement the program, who would be responsible for the energy program rebates. Dr. Arbanel responded that he did not know what the CPUC will require. Mr. Urtasun said that some monies from the CPUC are administered by the San Diego Regional Energy Office for distributed generation, and they would be handling rebates for that program.

Councilmember Madaffer suggested that we stay with the local utility and institute some kind of oversight with periodic status reports from the utility.
Ms. Baker asked if the NRDC materials and description of the program being represented here was available at the time the EWG met. Dr. Abarbanel replied affirmatively. He reiterated that the only thing the CPUC is deciding is the administration of these funds.

Ms. Baker commented that the NRDC is the leading energy organization in Sacramento.

Councilmember Jones said that both the REO and SDG&E do great work. The question is who funnels the money? There are several things to consider. The first problem is that there is a perceived conflict of interest with SDG&E handling this program. Another problem is that there hasn’t been any input on the decision-making level for energy programs. He doesn’t want to create another bureaucracy. We need to find a way for this body to have some sort of input on the front end. SDG&E should show us how elected officials can be included in the front end.

Supervisor Slater-Price agreed that public input and better public outreach efforts are the two issues that need to be fixed. She agreed that we don’t need another bureaucracy. She stated that SDG&E is the provider for us and is in the best position to conduct this program. She suggested that a well-publicized and interactive Web site could be a forum where people can provide suggestions.

Chair Holt Pfeiler asked for action on the draft letter to the CPUC.

The consensus was to keep the first, fourth, and fifth bullet points in the letter and delete the remaining bullet points. The letter would also be referred to staff to strengthen the language.

Vice Chair Davis expressed support for the EWG’s position to separate the administration from the implementation.

Mr. Bond noted that SANDAG and SDG&E could work together to contact the Federal Communications Commission (FCC) to persuade television stations to provide community information about the energy rebate programs.

Dr. Abarbanel stated that recently, Southern California Edison, Pacific Gas and Electric, and The Utility Reform Network have proposed a limited “settlement” agreement that would shift more than $1 billion in additional costs to electricity customers in the San Diego region. The basis for this settlement proposal is a newly proposed methodology, which was not subject to examination during the evidentiary phase of the proceeding before the CPUC. SDG&E has requested several times to be permitted to provide direct testimony rebutting this methodology; however, the Administrative Law Judge has denied these requests. SDG&E has appealed this decision to the CPUC. The letter supports SDG&E’s request for due process to ensure that the potential to shift more than $1 billion in additional costs to the San Diego region over the next eight years does not occur. The EWG recommended that the RPC support this letter.

**Action:** Councilmember Madaffer moved to send the letter of support to the CPUC. Councilmember Jones seconded the motion, and the vote was unanimously in favor.
6. UPCOMING MEETINGS

The next meeting of the Regional Planning Committee is September 3, 2004.

7. ADJOURNMENT

Chair Pfeiler adjourned the meeting at 2:29 p.m.

BOB LEITER
Director of Land Use and Transportation Planning

Key Staff Contact: Carolina Gregor, (619) 699-1989, cgr@sandag.org
## CONFIRMED ATTENDANCE
SANDAG REGIONAL PLANNING COMMITTEE MEETING
JULY 2, 2004

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<td>Lori Holt-Pfeiler, Chair</td>
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