Members
Patricia McCoy, Chair
Councilmember, Imperial Beach
(Representing South County)

Victor Carrillo, Vice Chair
Supervisor, Imperial County
(Representing Imperial County)

David Allan
Councilmember, La Mesa
(Representing East County)

Greg Cox
Supervisor, County of San Diego

Crystal Crawford
Deputy Mayor, Del Mar
(Representing North County Coastal)

Pia Harris-Ebert
Vice Mayor, San Marcos
(Representing North County Inland)

Ralph Inzunza
Councilmember, City of San Diego

Alternates
Phil Monroe
Councilmember, Coronado
(Representing South County)

David Ouzan
Mayor, City of Calexico
(Representing Imperial County)

Jill Greer
Councilmember, Lemon Grove
(Representing East County)

Pam Slater-Price
Chairwoman, County of San Diego

Lesa Heebner
Councilmember, Solana Beach
(Representing North County Coastal)

Ed Gallo
Mayor Pro Tem, Escondido
(Representing North County Inland)

Brian Maienschein
Councilmember, City of San Diego

Advisory Members
Thomas Buckley
Councilmember, City of Lake Elsinore
(Representing Riverside County)

Vacant, Orange County

Luis Cabrera C.
Consul General, Consulate General of Mexico

Howard Williams
San Diego County Water Authority

Pedro Orso-Delgado
District 11 Director, Caltrans

Gary L. Gallegos
Executive Director, SANDAG

AGENDA HIGHLIGHTS

• ORAL REPORT ON TRIBAL INVOLVEMENT IN REGIONAL TRANSPORTATION PLANNING IN CALIFORNIA
• ORAL REPORT ON COUNTY OF SAN DIEGO’S EXPERIENCE WITH TRIBAL RELATIONS
• I-15 INTERREGIONAL PARTNERSHIP - PHASE TWO UPDATE

PLEASE TURN OFF CELL PHONES DURING THE MEETING

MISSION STATEMENT
The Borders Committee provides oversight for planning activities that impact the borders of the San Diego region (Orange, Riverside, and Imperial Counties and the Republic of Mexico). The preparation and implementation of SANDAG’s Binational Planning and Interregional Planning Programs are included under its purview. It advises the SANDAG Board of Directors on major interregional planning policy-level matters.

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(619) 699-1900 · Fax (619) 699-1905 · www.sandag.org
Welcome to SANDAG. Members of the public may speak to the Borders Committee on any item at the time the Committee is considering the item. Please complete a Speaker's Slip, which is located in the rear of the room, and then present the slip to Committee staff. Also, members of the public are invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Borders Committee may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under meetings on SANDAG’s Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. E-mail comments should be received no later than noon, two working days prior to the Borders Committee meeting.

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ITEM # ACTION
+1. APPROVAL OF MEETING MINUTES APPROVE

   a. February 24, 2005  
   b. March 18, 2005

2. PUBLIC COMMENTS/COMMUNICATIONS/ MEMBER COMMENTS

Members of the public will have the opportunity to address the Borders Committee on any issue within the jurisdiction of the Committee. Speakers are limited to three minutes each and shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Committee members may also provide information and announcements under this agenda item.

REPORTS (3-6)

+3. ORAL REPORT ON TRIBAL INVOLVEMENT IN REGIONAL TRANSPORTATION PLANNING IN CALIFORNIA (Joe Myers, Chair, Caltrans Native American Advisory Committee)

Joe Myers, Chair of Caltrans Native American Advisory Committee, will provide a brief oral report to the Borders Committee on the legislative history of tribal relations in California, including issues of sovereignty, governance, and land title. He also will update the Committee on the current issues related to tribal involvement in the regional transportation planning process in California.

4. ORAL REPORT ON COUNTY OF SAN DIEGO’S EXPERIENCE WITH TRIBAL RELATIONS (Chantal Saipe, County Tribal Liaison)

Chantal Saipe, County of San Diego Tribal Liaison, will provide an oral report to the Borders Committee on the County’s experience in government-to-government relations with tribal governments in San Diego, including the impact of tribal economic development on transportation in San Diego County.

+5. TRIBAL GOVERNMENT PARTICIPATION ON THE BORDERS COMMITTEE (Councilmember Dave Allan)

At its March 18, 2005, meeting the Borders Committee requested that staff analyze the issue of tribal government participation on the Committee. It is recommended that the Southern California Tribal Chairmen’s Association (SCTCA) be invited to participate as an Ex Officio member of the Borders Committee.
The I-15 Interregional Partnership (IRP) is a voluntary partnership between SANDAG and the Western Riverside Council of Governments (WRCOG) to work together to address the jobs-housing imbalance between the San Diego region and southwestern Riverside County. Phase Two of the I-15 IRP focuses on implementation of economic development, transportation, and housing strategies that were identified in the first phase of the project. It is recommended that the I-15 IRP Policy Committee be discontinued and that recommendations from Phase Two of the I-15 IRP be reported separately to the SANDAG Borders Committee and the WRCOG Executive Committee, with joint discussions between officials of the two agencies being scheduled on at least an annual basis.

7. NEXT MEETING DATE AND LOCATION

The next meeting of the Borders Committee will be held on Friday, May 20, 2005, at 12:30 p.m. in the SANDAG Board Room. The Committee will begin to meet on the fourth Friday of each month at 12:30 p.m., following SANDAG Board approval of a revised 2005 Calendar of Meetings of the SANDAG Board and Policy Advisory Committees.

Attachment

+Next to an agenda item indicates an attachment
JOINT MEETING OF THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) 
BORDERS COMMITTEE AND THE SOUTHERN CALIFORNIA ASSOCIATION OF 
GOVERNMENTS (SCAG) SOUTHWEST COMPACT TASK FORCE 
DISCUSSION AND ACTIONS 
Meeting of February 24, 2005

1. CALL TO ORDER

The joint meeting of the San Diego Association of Governments (SANDAG) Borders Committee and The Southern California Association of Governments (SCAG) Southwest Compact Task Force was called to order at 11:24 a.m. by Hon. Ron Roberts, President of SCAG and Chair of SCAG’s Southwest Compact Task Force. He thanked and welcomed all for attending.

2. SELF-INTRODUCTIONS

Hon. Crystal Crawford, Chair of SANDAG’s Borders Committee, thanked everyone for taking time out of their busy schedules to attend this important meeting. She invited all meeting participants to introduce themselves. The attendance sheet for the meeting is attached.

3. PUBLIC COMMENTS

Juan Pujol, member of the public, indicated that prepaid cell phones can be used for illegal activity and mentioned that in Japan crime is rising as a result of prepaid phone use, according to a recent newspaper article. This service of prepaid cell phones is connected to illegal immigrants, and is easy to obtain because the purchase of prepaid cell phones does not require any personal information. He suggested that the Committee consider promoting legislation similar to that of Japan regarding prepaid cell phone use. Japan is currently drafting legislation to change the laws associated with acquiring prepaid cell phones because these phones can be used for terrorist purposes. He concluded that this is an issue that should be addressed in San Diego, specifically in San Ysidro near the border.

4. AMERICA 2050 “THIRD CENTURY INITIATIVE” (INFORMATION)

Gary Gallegos, Executive Director of SANDAG, mentioned that he and Mark Pisano, Executive Director of SCAG, participated in the National Association of Regional Councils’ (NARC) 3rd Annual Metropolitan Organization Regional Summit, which was held in
New York in September 2004. The Lincoln Institute of Land Policy, the Regional Plan Association, and the University of Pennsylvania School of Design are looking at opportunities arising from the country’s changing demographics in order to become more globally competitive.

Currently, the Europeans are joining forces and crossing boundaries to compete with the United States. He highlighted three maps, which focused on increased population, metropolitan areas growing beyond political boundaries, and the creation of “super cities” or “super regions.” There needs to be a way to figure out how to collaborate and work better together.

During the discussion the question of how to fund a super region was brought up. The United States has become accustomed to a top-down process—meaning that monies are being paid to the state and distributed back down to the regions and local jurisdictions in return. That model may not serve well in the future. Neither will the regions be able to rely on federal funding from Washington, D.C. The proposed model is a bottom-up approach, where there are public-private partnerships. To remain globally competitive, the “super regions” need to come together and collaborate with one another. This is the new trend.

Mr. Pisano provided the group with a PowerPoint presentation entitled, “America 2050.” The presentation showed what is happening to the major metropolitan planning organizations (MPOs) in the country, how trends are changing, proposed goals and objectives, and a strategy for the future. He noted that there are solutions for the existing and future problems. A steering committee of MPOs along with the research units in the country have been meeting to discuss this issue in-depth. Changes are not only occurring in growth but also in economic composition. According to the presentation, presently there are six American trends: the building out of suburban America; infrastructure reaching capacity; uneven and inequitable growth patterns within and between regions; inefficient urban forms; environmental and public health degradation; and emerging “macropolitan” regions (truly large emerging areas).

Competitors are organizing to overpower the United States by coordinating their resources. Currently, Asia is ahead of Europe. Europe is organizing its resources into something called “The French Pentagon,” and has an area identified as “The Blue Banana,” where the industrial cores of most of the European cities are located. They are establishing a host of economic policies, which are not based on the military. In Asia, they have a similar economic integration called the “Beseto” Corridor.

The question is how to stay globally competitive. America should remain globally competitive by design, not by default. There have been major national efforts headed by several U.S. Presidents such as Thomas Jefferson, who indicated that America will grow by expanding west. Following the Civil War, President Lincoln fought to bind the country together through Infrastructure projects like railroad construction. President Theodore Roosevelt began the natural resource management effort and revitalized the construction of the Panama Canal. President Franklin D. Roosevelt added electricity infrastructure development and the highway interstate system.
Now that we are in the 21st century—what do we do? There are eight emerging Macropolitan regions in the United States. An objective of the Macropolitan regions is to extend the networks of metropolitan centers linked by interstate highway and rail corridors. The Macropolitan regions are the gateways to the borders. There needs to be partnerships among groups representing rail, goods movement, airports, and seaports to discuss how the Macropolitan regions can be competitive with Western Europe and Asia. To further the thinking, there are certain things that need to be done including: promoting relationships between existing metropolitan areas; supporting sustainability and long-term vitality; streamlining transportation and land use patterns; fostering better economies and encouraging cost-saving measures through cooperation.

Mr. Gallegos (SANDAG) highlighted the work of the elected officials in San Diego and noted that when President Eisenhower had created his federal highway system, there was a vision. Currently, the nation needs a vision to make major investments on large corridors happen. There also is a need to look at a new transportation system that connects Southern California. The key to this work is to collaborate with the other Macropolitan regions in the country to become allies, not competitors.

Mr. Pisano (SCAG) commented that he recently traveled to Washington, D.C., to lobby for funding and the major focus was that Southern California wants its fair share of funding. More funding for regions would be available if the federal government would change its policy on the experimental projects such as public-private partnerships to fund major transportation and corridor projects. This can be the wave of the future; however, it would need federal legislative support. There needs to be a new national agenda.

Mr. Gallegos (SANDAG) added that while in New York, a group met with administrative officials to discuss global competitiveness and national cohesion. The United States still has a competitive edge, but can’t expect to always be that way. Economic competitiveness is the answer.

Mr. Pisano (SCAG) questioned how the MPOs can help keep this country together when approximately one-half of the country is not economically viable. Connecting large Macropolitan regional connections with the rural areas is a way to sustain the economy. In order to move this concept forward, he noted the following America 2050 objectives:

1. Facilitate the emergence of Macropolitan regions that can compete with similar networks in Europe and Asia by partnering with research institutions;

2. Create the capacity for growth and global competitiveness in the nation’s transportation and infrastructure systems;

3. Provide intermodal resiliency, redundancy, and capacity in the nation’s infrastructure. To do this, there will need to be connectivity between the seaports, airports, and ports of entry;

4. Revitalize bypassed urban and rural areas; and
5. Protect and reclaim natural resource systems and promote less land-consuming patterns of growth.

To accomplish this, the America 2050 Strategy is to:

1. Support the creation of partnerships between metropolitan areas;
2. Seek federal support to provide coordination and incentives; and
3. Create public-private partnerships to execute strategic investments in infrastructure.

Mr. Pisano (SCAG) made reference to the Southwest Compact. The Southwest Compact would include the Texas Triangle and the Southern California areas. This also includes two countries—the United States and Mexico, 10 states, and one goal. If this area can come together, then it will be able to compete with Europe and Asia. However, if Mexico is not able to come onboard, it will make them less competitive which, in turn, will make the United States less competitive.

Mr. Gallegos (SANDAG) stated that there is also a group that has formed called the West Coast Corridor Coalition (WCCC), which includes Washington State, Oregon, and California. The folks in Washington are leading that effort. If this Corridor were united with the Southwest Compact, there would be a large force in the United States that would be connected.

Mr. Pisano (SCAG) indicated that he has been working on a bill that is currently in both houses. However, the President's priorities have changed since the events of 9/11, and homeland security has since been the focus of attention. He is hopeful that will change and the country will begin to focus again on the economy. How do regions enable the country to create a network to compete globally? It has to be a goal that is supported by transportation, environmental, and growth policies to foster economic development. The key is to figure out how to make the trading entry points cohesive with the current system. The Southern California region’s efforts are the best laboratory in the country and are being recognized for that. He encouraged the group to provide feedback, comments, criticism, and references.

5. SOUTHWEST COMPACT REGIONAL CONGRESSIONAL (INFORMATION)

Mr. Pisano (SCAG) stated that he recently met with Senators Bingham and Feinstein to introduce legislation for the Southwest Compact concept and added that a Congress person needs to be willing to introduce the bill on the House side. There is a need to regain the attention of the Federal Administration. This bill can be an important component in moving people and goods. This bill can also introduce the concept of a Commission for Homeland Security purposes. To be successful, there needs to be seamless borders, which the Homeland Security department is against.

Chair Crawford (Del Mar) noted that a lot of things that the Borders Committee wants to do can be tied into the Department of Homeland Security’s (DHS) strategic priorities in order to tap their funds.
Supervisor Carrillo (Imperial County) mentioned that the question is how we can move goods, commerce, traffic, and people. There are more than 21 million people in Southern California. In 2000, the Department of Education taught 88 languages in the school system. That shows the diversity of the state. Local jurisdictions need to deal with social and cultural issues of transportation as well. That needs to happen in order to grow smartly.

Mr. Gallegos (SANDAG) commented that at the state level, there are 10 states that are already working together. That could be the basis for something to build on. There needs to be a way to inventory and understand what the infrastructure needs are at the border and there needs to be a common base. Caltrans created the Transportation Border Infrastructure Needs Assessment Study (BINS), which took a 100-mile section on both sides of the border and conducted an economic analysis, which served to create a needs assessment. Instead of competing with Texas, we need to collaborate with it to receive more funding. According to San Diego’s cross-border transportation model forecast, border crossings will double over the next 20 years. Right now, the ports of entry cannot handle that. There needs to be more investment in the ports of entry to ensure they will be the most efficient and effective in the world.

Mr. Pisano (SCAG) stated that transportation can be used as a backbone and basis of the group. SCAG has similar issues and efforts with the border in Calexico. He added that if everyone works together collectively, the policymakers in Washington, D.C., will see that.

Supervisor Carrillo (Imperial County) asked if the BTA and the BCC are onboard with the Southwest Compact efforts because they are very active in Texas.

Mr. Gallegos (SANDAG) indicated that the work being done with the Joint Working Committee at Caltrans does not include those groups.

Chair Crawford (Del Mar) noted, however, that there are other mechanisms and organizations that are meeting and talking about similar issues.

Mr. Gallegos (SANDAG) commented that even though the groups are meeting and talking, they need a work product that they can embrace.

Armando Castro mentioned that five years ago he went to Mexico City with a delegation and met with elected officials. He noted that he had the opportunity to present the Southwest Compact efforts to the heads of the BTA. At that time, they received the support of the elected officials in Mexico City. Afterwards, the delegation met with the Governors of the six border cities. The Mexican elected officials are aware of the issue and were receptive five years ago.

Chair Crawford (Del Mar) stated that there is a need to have regular presentations to the Mexican elected officials because governments frequently change.

Supervisor Pam Slater-Price (County of San Diego) noted that national security was not an issue until 9/11. The DHS’s efforts should require technology, a secure ID card, and passes for the regular daily crossers. They also should require background checks—something similar
to the SENTRI crossing. They need to find a way to retrofit and update their current system. Issues need to be resolved in order to move the barriers at the border.

Mr. Pisano (SCAG) indicated that there is a Worker-ID System being proposed by the current legislature.

Mr. Pisano (SCAG) mentioned that headway also is being made on the goods movement side. The Governor asked for a white paper on how to effectively move the goods in California. If the transportation work could be connected to the goods movement issue and is justified as more than a business as usual concept, there may be some help available.

Mr. Gallegos (SANDAG) stated that SANDAG is in the process of developing an economic model. When the border tightens up, it affects the economy. The model can be shared with the policymakers at the local, state, and federal levels.

Chair Crawford (Del Mar) pointed out that talking to policymakers also includes the discussion of funding.

Mr. Pisano (SCAG) mentioned that there are lots of different work activities that can be put together to develop a mutual rationale.

Chair Crawford (Del Mar) stated that if the group agrees, it can work with SCAG on a mutual legislative program, she can take the concept to the Borders Committee for discussion, and forward those discussions to the Executive Committee and then on to the SANDAG Board for approval.

Mr. Gallegos (SANDAG) commented that he can start that process.

Chair Crawford (Del Mar) stated that the Borders Committee recognizes the need to work interregionally. If there is a way to work with the Southern California region, everyone is willing.

Chair Crawford (Del Mar) indicated that the state can try to influence what is happening in Washington, D.C. Working with the Governor's office is one example.

6. AIRPORT/MAGLEV ISSUES

Congressman Filner faxed a letter to Chair Crawford, requesting that SANDAG’s Borders Committee and SCAG consider Imperial County as the location for the next San Diego regional airport. The letter also stated Congressman Filner’s support for Maglev, noting that an airport site in Imperial County/Southern California would only be a 20-minute Maglev (magnetic levitation) train ride from downtown San Diego. Congressman Filner’s letter noted that high-speed Maglev trains are perfectly suited for the San Diego/Imperial County corridor and for other train corridors in Southern California. They travel at 300 mph, have minimum environmental impact, and can go up and down mountains without any loss of speed. He added that more importantly, a Maglev train line could be constructed with Federal Aviation Trust Funds, which currently have an $11.7 billion surplus due to the
scarcity of new airports. His letter encouraged SANDAG and SCAG to take the opportunity to think in terms of transportation solutions for the 21st century.

Mr. Pisano distributed a map which included the Maglev system that SCAG is looking at for its region. He noted that they are currently seeking funding for the project. The system would serve approximately 3.2 million passengers. Maglev would connect to the L.A., Palm Springs, San Diego, and John Wayne airports. He noted that they did not have the time or resources to calculate the costs of the implementation of the system. If there was an opportunity to extend the line, there would be funding that could be developed. However, between San Diego and Los Angeles, there isn’t sufficient ridership. They will be looking to extend the line to Palmdale and also to the Imperial Airport. The concept that is being developed is being presented without funding, so there probably would not be voter approval. The SCAG Board indicated that there needs to be a self-financing system before they are willing to approve the project.

Sandy Shapery stated that the Maglev system can be funded out of monies from public-private partnerships. They have the capability of connecting regional airports. Looking at this area from an economic standpoint, the first potential phase is the implementation of the system on the I-5 between Los Angeles and San Diego. SCAG has done a tremendous job of doing its analysis. As mentioned, the project can be privately funded and doesn’t require federal funding aside from the initial environmental study work. He is comfortable with estimates regarding potential costs and ridership. If implemented, the number of commuters on highways can be cut in half and can reduce the construction costs of building more freeways and highways.

Chair Crawford (Del Mar) mentioned that this discussion would be good for SANDAG’s Transportation Committee to hear.

7. NEXT STEPS (INFORMATION/POSSIBLE ACTION)

It was suggested that this group meet in a few months.

Mr. Gallegos (SANDAG) stated that in the meantime, he would work with Mr. Pisano to develop a work plan to discuss with their respective Committees and Boards.

Chair Crawford (Del Mar) noted that the next steps would be to discuss this issue at the next joint SCAG/SANDAG meeting, which is tentatively scheduled for April 2005.

One member pointed out that there has been no representation from Orange County on the SANDAG Borders Committee, which would really be helpful.

Mr. Pisano (SCAG) stated that he would work on resolving that issue.

8. ADJOURNMENT

The meeting was adjourned at 1:35 p.m.
The regularly scheduled meeting of the San Diego Association of Governments Borders Committee was called to order at 12:37 p.m. by Chair Patricia McCoy (South County). The attendance sheet for the meeting is attached.

Chair McCoy (South County) welcomed all visitors and thanked them for attending. Self-introductions were made.

Chair McCoy (South County) pointed out that there is good attendance at today's meeting. She requested that the Borders Committee meet in a bigger room next month.

1. APPROVAL OF BORDERS COMMITTEE MEETING MINUTES

Chair McCoy (South County) mentioned that in reference to the minutes for the February 18, 2005, meeting there were changes that needed to be made to last month's attendance sheet. An updated attendance list was distributed to all.

Deputy Mayor Crawford (North County Coastal) mentioned that the following people who were in attendance at that meeting should be recognized including SANDAG's 2nd Vice Chair, Santee Councilmember Jack Dale; Tijuana's Liaison to SANDAG, Alfonso Bustamante; and SANDAG Executive Director Gary Gallegos.

Kevin Siva, Chairman of the Reservation Transportation Authority (RTA), noted that the Bureau of Indian Affairs (BIA) was created after the Civil War, not by Public Law 280, which was passed in 1953. He requested that change be made to the minutes. Public Law 280 was a transfer of legal authority (jurisdiction) from the federal government to state governments, including California, which significantly changed the division of legal authority among tribal, federal, and state governments.

Action: Deputy Mayor Crawford (North County Coastal) made the motion and Supervisor Slater-Price (County of San Diego) seconded the motion to approve the minutes from the February 18, 2005, meeting to include the above-mentioned changes.
2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Chair McCoy (South County) introduced Gail Acheson, the new Director of the Bureau of Land Management’s (BLM) Palm Springs/South Coast field office. She thanked her for attending.

Chair McCoy (South County) stated that the Borders Committee has been asked to consider changing its meeting date to the fourth Friday of each month. The meeting will begin at 12:30 p.m., following the SANDAG Board of Directors Business meeting. Committee members discussed the issue and they were agreeable to the date change.

Supervisor Cox (County of San Diego) asked when the next Borders Committee meeting will be held. Chair McCoy (South County) responded that the issue of rescheduling Borders Committee meetings to a new day and time will be forwarded to the SANDAG Board for discussion and approval. The Borders Committee will be notified of the SANDAG Board’s action.

Deputy Mayor Crawford (North County Coastal) suggested that the Borders Committee add to the next agenda the issue of an ex officio member from the tribal governments to be added to the Committee’s membership. She added that she would like to see the Committee follow up on the action items in the minutes from last month’s meeting with the tribal governments. Chair McCoy (South County) noted that she will refer the issue to staff to add to a future meeting agenda.

Chair McCoy (South County) noted that the presentation from Chantal Saipe, from the County of San Diego, on their Tribal Liaison program was rescheduled for April 15, 2005. In addition, she noted that SANDAG, in coordination with RTA, is holding a special workshop dedicated to an introduction of SANDAG technical services and how to use socio-demographic data for grant proposals. The workshop will be held from 2 p.m. to 4:30 p.m. on Wednesday, April 27, 2005, at the SANDAG offices in the 7th Floor Conference Room. The workshop is limited to 24 participants because of computer access.

Chair McCoy (South County) announced that the Consul General of Mexico wanted to make a brief presentation, but that issue will be trailed to the end of the meeting.

CONSENT ITEMS (3 and 4)

3. COMMITTEE ON BINATIONAL REGIONAL OPPORTUNITIES (COBRO) MEETING SUMMARY AND ACTIONS (INFORMATION)

4. UPDATE ON SENATE BILL 18 (BURTON) (INFORMATION)

Action: Deputy Mayor Crawford (North County Coastal) made the motion and Vice Chair Carrillo (Imperial County) seconded the motion to accept Consent Items 3 and 4.
REPORTS

5. 2005 BINATIONAL CONFERENCE UPDATE (APPROVE)

Dr. Paul Ganster, Chair of the Committee on Binational Regional Opportunities (COBRO), reported that COBRO formed a Task Force to consider options or alternatives to make the Binational Conference a better, more effective tool for binational planning. COBRO determined that an interesting model to pattern itself after would be the I-15 Interregional Partnership with Western Riverside County, in respect to looking at the Otay Mesa Corridor and Tijuana. He noted that the Otay Mesa-Mesa de Otay Corridor is an area of opportunity to implement a binational planning partnership. He noted that COBRO is proposing some modifications to the Binational Conference in an effort to establish such a binational planning partnership.

Dr. Ganster added that there are many areas of border planning that are not adequate. COBRO wants to develop an operational partnership with Tijuana-Baja California to assist in planning efforts on both sides of the border. The Binational Conference will be the first step to develop a language to communicate effectively with our neighbors across the border. He noted that COBRO is recommending the Borders Committee approve the following changes to the Binational Conference.

1. The title for the Conference be “Cross-Border Collaborative Planning for Otay Mesa-Mesa de Otay,” with a focus on transportation, housing, economic development, and conservation.

2. There will be two workshops instead of one summer conference, with one workshop held in Tijuana and the other in San Diego. Both workshops will be held sometime during the first two weeks of October.

3. Participation will include SANDAG and other stakeholders with jurisdiction within the international border region, including Caltrans, the Secretariat of Infrastructure and Urban Development of Baja California (SIDUE), and the Planning Institute of Tijuana (ImPlan).

Dr. Ganster concluded that COBRO doesn’t have a specific agenda for the workshops at this time, but, with the Border Committee’s approval, will develop one over the next few months with representatives from Tijuana and will bring the proposed agenda back to the Committee for discussion and review.

Chair McCoy (South County) stated that COBRO has brought forward some excellent ideas. She indicated that she appreciated his and COBRO’s efforts.

Supervisor Cox asked when the workshops would be held. Dr. Ganster responded that the workshops would be held sometime in early October.

Councilmember Monroe (South County) stated that it could be challenging for COBRO to model itself after the I-15 Interregional Partnership (IRP). The IRP received a grant from Caltrans and the group required a lot of staff time. He asked how this effort will be funded.
Staff replied that a binational planning partnership has been included in SANDAG’s FY 2006 Overall Work Program (OWP), so there is some funding available for the proposed work. In addition, staff has applied for a grant with Caltrans to augment current funding.

Deputy Mayor Crawford (North County Coastal) asked what the impact of not having the conference in the summer will be. These conferences have been held since 1996, and people have gotten used to them and look forward to them. She asked whether COBRO has discussed how to notify people and not disappoint them. Dr. Ganster mentioned that issue will be discussed at a future meeting.

Staff added that the SANDAG Web site can be updated and staff can begin to notify people of the changes.

Vice Chair Victor Carrillo (Imperial County) noted that past conferences have been held at school sites, which hasn’t been a problem because the events were usually held in the summer when school was not in session. He asked if the location will remain the same this year, and if that will pose a problem holding the conference at a school site during the school year. Dr. Ganster stated that he will let the staff handle the logistics of the Summer Conference, which shouldn’t be a problem.

Action: The Borders Committee voted to approve COBRO’s recommendations.

6. OTAY RIVER WATERSHED MANAGEMENT PLAN (INFORMATION)

Trish Boaz, Environmental Resources Manager with the County of San Diego, provided the Committee with an overview of the Otay River Watershed Management Plan. The purpose of the Watershed Management Plan (WMP) is to create future funding opportunities for the Otay Valley Regional Park, the Multiple Species Conservation Program, municipal infrastructure, storm water, and water quality projects. She added that the WMP allows cross-jurisdictional coordination, facilitates integrated land use planning, and long-range general plan updates. The Otay River Watershed includes the County of San Diego and the cities of San Diego, Chula Vista, National City, and Imperial Beach. Those jurisdictions entered into a Joint Exercise of Powers Agreement on March 24, 2004 (JEPA), with other agencies, and hired a consultant to assist with the WMP. She highlighted some of the WMP projects and components that make up the WMP. (Her intention was to show the Committee the Web site tool on the Internet; however, the computer system was temporarily inoperable.) She mentioned that the County of San Diego hosted a tour of the Otay River Watershed, which was very well-attended. The tour provided insight regarding the diversity of the watershed. She noted that the WMP document is currently being reviewed by its Working Group and science advisors. All documents pertaining to the WMP can be reviewed at www.mscp-sandiego.org. Ms. Boaz concluded that she will send the Web site link to staff along with her contact information and is happy to be part of the program.

Chair McCoy (South County) apologized for the technical difficulties. She indicated that she is really interested in this issue, noting that she was one of the original members of the Otay River Watershed Committee. Since that time, a lot of changes have been made and the current people that are working on this project have made a good effort to move the
Chair McCoy (South County) thanked Ms. Boaz for her presentation and noted that she will invite her back to a future meeting for an update.

**Action:** The Committee received this item for information.

Chair McCoy (South County) announced that in the interest of time, the Borders Committee will now move to Item #8 - Oral Report on Sewage Infrastructure Issues along the International Border.

### 8. ORAL REPORT ON SEWAGE INFRASTRUCTURE ISSUES ALONG THE INTERNATIONAL BORDER (INFORMATION)

Chair McCoy (South County) stated that this item is being brought to the Committee by City of Coronado's Councilmember Frank Tierney.

Councilmember Tierney (City of Coronado) stated that he was appearing before the Borders Committee today to discuss a very important problem, which up to now has either been handled at the local community level or has been the purview of others at the federal and state levels. The problem is the sewage infrastructure along the international border. This has resulted in both human and animal problems on both sides of the border. Local communities have taken opposite viewpoints in terms of possible solutions and who should implement those solutions, either private or governmental. This failure of regional consensus has resulted in others, primarily the federal government, trying to forge a solution which may or may not support the practical requirements over an extended period for the end user—the San Diego region. An estimated 40-60 percent of housing across the border is not connected to sewage infrastructure. This problem needs a regional solution. Both sides of the border will lose heavily if this issue is not addressed. Both health and economic problems will begin to affect those farthest away from the Border because many workers from Mexico work in San Diego County. SANDAG is the only agency that can handle such a problem. A plan needs to be developed for the region for the greater good. The Borders Committee could bring all necessary parties to the table and come to a reasonable solution. This issue can no longer be put off due to the lack of political effort. He urged the Borders Committee to consider taking the lead in developing a solution to this very important issue. He then noted that additional comments on this issue will be made by Elsa Saxod, City of San Diego, followed by Scott Huth, Public Works Director for the City of Coronado.

Elsa Saxod, representing the City of San Diego, stated that she considers this to be a federal issue. Currently, the International Boundary and Water Commission (IBWC) and the Environmental Protection Agency (EPA) are looking to seek a resolution to this problem. She added that there are a number of organizations in Tijuana that are studying this issue. A Master Plan has been prepared by the City of San Diego, and the Baja California government has developed a feasibility study using recommendations from the master plan. Officials from Mexico need to move this issue forward.

Councilmember Tierney (Coronado) commented that all of the pieces to resolve this issue are there, but they should be brought together. There needs to be an overview of the issue. The Borders Committee is the ideal arena to bring all the pieces together to develop an end-
user result. The federal government usually decides the end-user result, sometimes to the
detriment of local communities.

Councilmember Inzunza (City of San Diego) agreed with both Councilmember Tierney
(Coronado) and Ms. Saxod. There needs to be action taken at the federal government level.
What the issue boils down to is funding. The region needs to know what the IBWC is doing.
He is hopeful that they will be able to build the type of plants that are needed in this area
to resolve this issue with private funding. If that doesn’t happen, the beaches in
Imperial Beach and Coronado will be closing.

Javier Diaz (Consulate General of Mexico) stated that the Consulate’s office has been
following this issue for quite some time. He noted that this situation is a regional problem.
There have been terrible effects on both sides of the border, which is a common concern.
Water issues are federal; therefore, the need for the IBWC. Recently, the IBWC has signed an
agreement for secondary water treatment to be done. He added that the company to move
forward with this issue has not yet been determined. Funding is needed and they will seek
any funding options that are available. Bank of America is already in discussions with the
Mexican government. He indicated that the Mexican Consulate’s office will do what it can
to have the necessary people discuss this issue with the Borders Committee.

Scott Huth, Director of Public Services for the City of Coronado, stated that he is responsible
for wastewater and storm water issues for his city. He noted that looking to different areas
to pull the resources together at a regional level to assist the federal government is positive.
He is happy to see the Committee moving in that direction.

Chair McCoy (South County) commented that the City of Imperial Beach has its own Clean
Water Initiative Policy, which she would be happy to share with the Committee. She pointed
out that the IBWC Citizen’s Forum meets in Imperial Beach. She read a quote from IBWC
Environmental Engineer Carlos Peña, from The San Diego Union-Tribune, who commented
on the difficulty of trying to work out a solution to an international problem. He said,
“Mexico is a sovereign nation. There are so many stakeholders in this issue and a lot of
opinions as to how the problem is to be resolved. We are working on the issue diligently.
The Tijuana Master Plan is just part of the solution. It’s a very complex issue.” She added
that $1 million has been allocated for this project, which is inadequate.

Supervisor Cox (County of San Diego) indicated that over the last 10 years there has been
close to $600 million contributed by numerous agencies toward resolving this issue, but the
ongoing problem with the sewage makes that amount less than what it should be. The
problem is there hasn’t been coordinated action taken to reach a better solution, as
Councilmember Tierney has stated. SANDAG can play a positive role because most of the
players are already at the table. We should bring this issue to a higher level of attention by
having the Borders Committee or SANDAG Board address this issue.

Chair McCoy (South County) said that forecasts have shown that there is exponential growth
on both sides of the border, which does not always include infrastructure to support it. Even
though there may already be a portion of the solution, the western portion of Tijuana
doesn’t have the funding to resolve the problem. Local agencies need to apply pressure on
the federal government for a solution. She suggested that staff take this issue to the SANDAG Board to consider.

Chairwoman Slater-Price (County of San Diego) stated that the Mexican government should allocate funding for this issue.

Vice Chair Carrillo (Imperial County) commented that there is a similar situation in Imperial County with the New River, which is the most polluted river in the United States. Imperial County has been trying to resolve this issue through 12 Mexican governments, and has been unsuccessful. One problem is that the infrastructure was developed for 100,000 people in a city that now has over 1 million. The federal government on the U.S. side sees this as a state or local issue, while Mexican officials see this as a U.S. issue. It is going to take public-private funding to resolve this problem. It also would be helpful if toll monies on the Mexican side could be used toward infrastructure. The local federal delegation needs to engage with its counterparts in Mexico to expedite a resolution to this issue. Collectively, all of the players need to be at the table. He added that he recently went to Washington, DC, to seek reimbursement from the federal government for border cities and the request appeared to fall on deaf ears. Local elected officials need to make sure they are on the radar screen of the federal government to gain attention to their issues.

Deputy Crawford (North County Coastal) stated that a large part of what can be done at SANDAG is educating the elected officials. If the Borders Committee will be taking on this issue, then the Regional Planning Committee should also hear this issue. She was reluctant to see the Borders Committee take on this issue without looking at the entire Borders work plan. Everything that the Committee wanted to accomplish could not be included in the work plan. In order to add this issue, something would need to be taken out. She agreed that most of the members that need to hear this are already at the SANDAG table. This issue could be moved forward by taking this information to the Regional Planning Committee as well as the Executive Committee. Other elected officials need to hear this in order to seek a local solution to an international problem. She concluded that funding is needed to move forward.

Mayor Pro Tem Gallo (North County Inland) pointed out that people have been talking about this issue for years. However, agencies on both sides of the border have to commit to resolving this problem. He agreed that the Borders Committee is the appropriate venue to address this issue, and the Committee should stand up and have something done.

Chair McCoy (South County) referred this issue to staff so they can come back with recommendations for the Committee to consider.

Action: The Committee received this item for information.

The computer issues were resolved and Trish Boaz provided the Committee with a demonstration of the GIS-based Otay River Watershed Decision Support Tool.

Chair McCoy (South County) expressed her appreciation for Ms. Boaz’s level of expertise and welcomed her back to make another presentation in the future.
Anne McEnany, representing the International Community Foundation (ICF), came before the Committee in November 2003, when the ICF was just getting started. Since that time, the SANDAG Board forwarded a letter to Congressman Filner to obtain funding to conduct a wilderness study. Because of the impacts of 9/11, the wilderness study was never funded. She provided the Committee with a document entitled, “Las Californias Binational Conservation Initiative – A Vision for Habitat Conservation in the Border Region of California and Baja California,” and highlighted some issues and projects that ICF is currently working on. She noted that ICF has two very important partners—The Conservation Biology Institute and Pronature Noroeste, which have been instrumental in ICF’s progress. She described why ICF cares about the region—primarily because it is a global “hot spot” for habitat protection. She also noted that Tijuana is growing by 100 acres per day. The U.S. federal, state, and local governments have made a tremendous effort to preserve land near the border. ICF is working hard to try to save some of the binational corridors in the region.

Dr. Michael White, from the Conservation Biology Institute (CBI), commented that this project would not have happened without the collaboration and assistance from partners in Baja California. San Diego is one of a kind in the entire world. He highlighted that San Diego and Baja are connected by their natural resources and noted that both countries should work together to preserve those resources. He provided the Committee with the project’s historical background. All parts of the region are important from a conservation standpoint, but have human-dominated land uses. He indicated that there is a very small window in time to preserve this area.

Councilmember Allan (East County) stated that the region should develop a better relationship with the State of California to assist with this project. Dr. White replied that the question is how to maintain the connections, which is a perfect issue for the Borders Committee to think about. It is in the best interest of the agencies in the U.S. to work with their counterparts across the Border.

Ms. McEnany (ICF) requested that the Borders Committee allow staff to explore some of the ideas that were presented to the Committee and include this effort in the Regional Comprehensive Plan. She added that Congressman Filner is willing to include monies in the Appropriations Bill but cannot get the level of interest up.

Vice Chair Carrillo (Imperial County) asked if ICF took into account the tribal governments and their issues. Ms. McEnany responded that this is the first forum where the results of their work have been made public. She added that this should be a tri-national issue. The intent is to take this information to all of the groups that are or will be affected by this project for discussion.

Chair McCoy (South County) asked whether COBRO can dedicate a segment of its conference to discuss this issue. Dr. Ganster responded that one of the issues to be discussed at the conference is conservation. Including that topic should not be a problem.
Dr. White (CBI) commented that in order to accomplish a relationship with the tribal governments there needs to be respect for the sovereignty of all agencies and organizations involved. He showed the Committee an aerial photo of the area being discussed and mentioned that ICF wants to maintain the connectivity to the south.

Jerre Stallcup, representing the Conservation Biology Institute, indicated that ICF would like to connect the open space in the U.S. with the open space in Mexico. Chair McCoy (South County) stated that it would be beneficial to look at the proposed housing in Mexico in that area.

Anne McEnany (ICF) suggested that SANDAG can support this project when starting the implementation of TransNet by expanding data collection to LCBCI area and promoting visibility to this effort.

Chair McCoy (South County) mentioned that the Committee was fortunate to have received this presentation. She requested that staff come back to the Committee with recommendations regarding the environmental portion of the presentation.

**Action:** The Committee received this item for information.

**Additional Discussion**

Consul General of Mexico, Luis Cabrera C., presented Borders Committee’s Immediate Past Chair, Deputy Mayor Crystal Crawford, with a Certificate of Appreciation commemorating the efforts of her tenure as Chair of the Borders Committee. He thanked her for her strong leadership and collaboration skills.

Deputy Mayor Crawford thanked Consul General Cabrera and the Borders Committee for allowing her to serve in such an important capacity. She added that she will still be active in the Committee and will make herself available when necessary.

Councilmember Allan announced that as a result of last month’s meeting, he received an invitation to go to San Francisco to participate in a case study for tribal casino gaming issues. Even though he was honored to receive the invitation, he declined because he felt his knowledge of the subject is not where it needs to be in order to participate in such a capacity.

**9. NEXT MEETING DATE AND LOCATION**

The next meeting of the Borders Committee will be held at 12:30 p.m. on Friday, April 15, 2005, at the SANDAG offices in the Board Room.

**10. ADJOURNMENT**

The meeting was adjourned at 2:31 p.m.
## Confirmed Attendance
**Borders Committee Meeting**
March 18, 2005
12:30 p.m. to 2:30 p.m.

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### Advisory/Liaison

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<td>Luis Cabrera Cuaron</td>
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<td>Javier Diaz</td>
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<td>Howard Williams</td>
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ORAL REPORT ON TRIBAL INVOLVEMENT IN REGIONAL TRANSPORTATION PLANNING IN CALIFORNIA

In recent years, tribal governments in California have increasingly become interested in becoming involved in the transportation planning process in their regions. Joe Myers, Chair of the Caltrans Native American Advisory Committee and Executive Director of the National Indian Justice Center, has been involved in advising tribal governments across the state, as well as providing advice to Caltrans and transportation metropolitan planning organizations (MPOs), such as the Southern California Association of Governments (SCAG), on the consultation process.

Mr. Myers will provide a brief background on the federal and state legislative history of tribal relations that provides a context for the current state of tribal involvement in regional planning issues. Attachment 1 is a summary of the history of California Indians prepared by Mr. Myers. Mr. Myers also will brief the Borders Committee on the current status of tribal involvement and trends across the state as individual MPOs address the issue of tribal consultation in the regional transportation planning process.

BOB LEITER
Director of Land Use and Transportation Planning

Attachment

Key Staff Contact: Jane Clough-Riquelme (619) 699-1909; jcl@sandag.org
In recent years the tribal governments of California have made enormous strides in becoming recognized as political forces within the state of California and at the national level. Much of this new political influence can be attributed to the dollars generated by the proliferation of Indian gaming. The lucrative Indian casinos have made tribal governments significant participants in the general political process, which was not the case historically.

The first order of business for the initial California State Legislature in 1850 was to enact laws harmful to the Indians of this state. Appropriations were made to fund private militia to exterminate Indians. The militia groups eagerly carried out the acts of state-sanctioned genocide upon the Indians of California. Additionally, the same legislature enacted indenture laws that allowed white men to gain custody of Indian children for physical and sexual labor, a shameful utilization of the law.

In 1851 and 1852, federal commissioners negotiated 18 treaties with various leaders of California Indian tribes that set aside for Indian purposes 7.5+ million acres of land in California. The state legislature at that time instructed the U.S. Senators from California to see that the treaties were not ratified by the Senate. Without Senate ratification, the treaties were of no value to California Indians.

From the early 1850s through the early 1900s, many California Indians were on the run just to survive. Eventually, the federal government began to purchase small tracts of land to allow "landless" California Indians a homeland. These lands were purchased by the federal government and placed into federal "trust" status and designated as Indian "rancherias."

In 1934, Congress enacted the Indian Reorganization Act (IRA); a federal statute that encouraged federally-recognized tribes to adopt written constitutions, thereby formalizing their governments. Many California tribes adopted IRA constitutions. Unfortunately, these constitutions, with boilerplate provisions and strict regulatory oversight by the Bureau of Indian Affairs (BIA), have rendered enormous hardship upon the governing capacity of many California tribal governments. Oversimplified, there has been excessive intervention by the BIA into the operation of tribal governments.

In the 1950s and 1960s, the federal government launched an Indian policy aimed at destroying the sovereignty of Indian Tribes and the legal status of their members as federally-recognized Indians. It began with House Resolution 108, which called for "freeing" the Indians from federal superintendency and introducing them to the mainstream society of the United States. This congressional resolution set the federal Indian policy for the next 18 years (from 1953 to 1971), a policy of confusion and disillusionment for Indian people. In Indian affairs this time period was labeled the “Termination Era.”

A federal statute commonly called "PL. 280" was enacted in 1953 to allow certain states to exercise criminal jurisdiction on Indian lands within their state boundaries as well as limited civil jurisdiction.
PL. 280 was the legislative trigger to the "Termination" gun aimed at tribal sovereignty. The destruction of tribal sovereignty and the abrogation of tribal treaty rights was the federal Indian policy of the ‘50s and ‘60s, and PL.280 was the first step in implementing the policy and its process.

A key component of the Termination Policy was the escalation of the Indian Relocation Program. The Bureau of Indian affairs (BIA) initiated this program in the late 1940s; its purpose was to encourage reservation Indians to relocate to selected urban centers where the BIA would provide employment assistance or vocational training. In the late ‘50s and early ‘60s, the Indian Relocation Program reached its peak in numbers. Thousands of Indians left their reservations and accepted new lives in big-city environments. For those Indians who were subject to the new Termination Policy, the Indian Relocation Program was offered as a reward for their acceptance of Termination. Essentially, the federal government said that for giving up yourself, we give you relocation! You are no longer a federally-recognized Indian; you are now eligible to pursue the American Dream.

Unfortunately, those Indians who participated in the Relocation Program were not informed that the federal policy of terminating their rights as members of federally-recognized tribes was the driving force behind the program. Getting Indians off reservations made the job of terminating Indian rights and sovereignty an easier job to accomplish. Termination undermined on- and off-reservation health, education, and economic conditions; it also increased the decline of cultural practices both on and off the reservations. Relocation merely exacerbated these negatives because most participants were programmed for failure. Employment assistance recruited them to dead-end jobs and few jobs were realized through the vocational training offered by the BIA.

The Indian Relocation Program provided the participants one-way tickets to cultural shock and despair. Urban centers take no prisoners. Outsiders must learn to swim or they drown in a sea of indifference and hostility. Big-city streets are cold and unresponsive to the needs of newcomers. In the early ‘60s there were BIA Relocation offices in eight (8) major urban centers, three (3) of which were in California—San Francisco, San Jose, and Los Angeles.

California was targeted for the Indian Termination Policy. There were three sites for Relocation; no other state had three sites. In 1958 Congress passed the Rancheria Act, which terminated on its face 41 Indian Rancherias in California. And, PL. 280 applied to all Indian country in California. The California Indians were sold Termination by the BIA officials. Once the heads of households signed the Rancheria Act distribution plans, their families could pursue the American Dream. They were free from federal superintendency. The BIA told them that they were as good as the white man. The painful reality would surface later.

In the late ‘60s, political activism became quite popular on college and university campuses. Indians were beginning to have a small but active presence on campuses throughout the country. After previous attempts, a small group of Indian university students and other concerned Native Americans laid claim to Alcatraz Island in the San Francisco Bay. During the night of November 20th, 1969, this group of Native Americans initiated an occupation that lasted 19 months, until June 1971. The group had no idea what they had started on that adrenaline-filled night in November.

A firestorm was created by the Alcatraz occupation. Word spread beyond the borders of this country that the federal government was destroying its First Americans with its Termination Policy. The occupiers of Alcatraz wanted answers to questions that had gone unanswered because the
federal government was in the process of swindling Indians out of land, resources, and their legal identities. Termination meant you were Indian "no more."

Initially, the Indians who occupied Alcatraz were concerned about organizing themselves. They elected a representative council and decided upon spokespersons; they were being pressured by the mass media for answers to many questions.

At first there was enormous media coverage because Alcatraz symbolized the chronic standoff between the federal government and the Indians—but now, in modern times, it was unfolding on television in homes of Americans and abroad. The Feds demanded that the Indians surrender and leave the island of Alcatraz. In front of the rolling cameras the Indians refused, made demands, and told the story of Indian Termination to the world. The older generation of Indians across this land who had bought into the Termination Policy no longer felt ashamed to be Indian. The BIA officials had been telling Indians that to realize the American Dream, they had to abandon being Indian and enter the mainstream of America. These officials implied that white society was waiting with open arms, not unlike the padres of the Spanish Missions.

For some Indians who felt they had to hide their Indian-ness to succeed in the white man's world, it was good to be real again. Unfortunately, some Indians died before President Nixon repudiated the crippling Termination Policy. They left this world confused and bewildered that the federal government saw fit to tell them they were no longer who they believed themselves to be. The Indian Termination Policy was an unforgivable, deplorable act of destruction by the federal government. No manner of apology can right the wrongs of the Termination Policy. The Indian students and their associates who boarded a boat on that chilly November night in 1969 and laid claim to Alcatraz changed forever the world of Native America. The citizens of the world saw Indian country and its issues in a new light that shined some truth upon chronic conditions and problems faced by tribal communities in America. The students may not have anticipated the enormity of their undertaking but they helped to reverse a federal policy of destruction.

In 1975, Congress enacted the Indian Self-Determination and Education Assistance Act, declaring legislatively that it would provide resources to improve the governing capacities of tribal governments and discontinue the dreaded policy of termination. The federal policy of "self-determination" for Indian tribes continues today, and it encourages state governments to engage in government-to-government relationships with tribes through federal consultation requirements and in other ways.

Tribal governments are limited sovereigns. Generally, tribal governments can exercise governmental authority within the exterior boundaries of their territories. Sovereignty allows tribes to make their own laws and to be governed by them. In 1978, the United States Supreme Court exempted non-Indians from the criminal jurisdiction of tribal courts. More recently, the Supreme Court ruled that a civil dispute that occurred on non-Indian land within the reservation between non-Indian parties could not be litigated in tribal court. The Supreme Court has injected race as a determining factor of tribal court jurisdiction.

In California, Caltrans is the first state agency to adopt a written government-to-government policy with the federally-recognized tribes of this state. This is encouraging to tribal governments; however, there is much work to be done to educate personnel about the policy, to engage in required consultation with tribes, and approach tribes as governmental partners.
TRIBAL GOVERNMENT PARTICIPATION ON THE BORDERS COMMITTEE

Introduction

The San Diego region is home to 18 Native American reservations represented by 17 tribal governments, the most in any county in the United States (see Attachment 1). One of the strategic initiatives of the Regional Comprehensive Plan (RCP) is to promote coordination and collaboration between SANDAG and the region’s tribal governments in regional transportation and land use planning activities. One of the goals of the Borders Committee for the current fiscal year is to establish a basis of communication in order to build the level of respect and mutual understanding necessary for advancing our common planning issues.

At the last two meetings in February and March 2005, several members of the Borders Committee raised the issue of tribal participation on the Committee and requested that staff analyze the issue and return to the Committee with a recommendation. This report describes the background and justification for a recommendation to extend an invitation to the Southern California Tribal Chairman’s Association (SCTCA) to be an Ex Officio member of the Borders Committee. Independent of this recommended action, SANDAG will continue its efforts to consult with and establish government-to-government relationship with each of the 17 tribal governments in the San Diego region.

Recommendation

The Borders Committee is asked to recommend that the SANDAG Board of Directors invite the SCTCA to be an Ex Officio member of the Borders Committee. The start of SCTCA’s membership on the Borders Committee would be pending the approval of the membership of the SCTCA and the SANDAG Board.

Discussion

Federal and state legislation require that federally-recognized tribal governments be consulted in the development of regional transportation plans and programs (Title 23, U.S.C.450.312). How this consultation should occur is left to the metropolitan planning organizations (MPOs) and the tribal governments.

SANDAG has had a designated tribal government liaison since FY 2004. Consistent with federal and state requirements, in January 2004 the Board of Directors approved and adopted a Public Involvement Policy (amended November 2004). Tribal consultation is an integral component of SANDAG’s Public Involvement Policy, which encourages the establishment of government-to-
government relationships that acknowledge the tribes as unique and separate governments within the United States, and which recognizes and respects important California Native American rights, sites, traditions, and practices. “Consultation” is defined as the active, affirmative process of: (1) identifying and seeking input from appropriate American Indian government bodies, community groups, and individuals; and (2) considering their interests as a necessary and integral part of the decision-making process.

**Borders Committee Membership**

As specified in state law, the Borders Committee includes members and alternates from the City of San Diego, County of San Diego, the four subregions (North County Coastal, North County Inland, East County, and South County), and from the County of Imperial. In addition to these members, in April 2002 the Committee added a representative from the Western Riverside Council of Governments (WRCOG) as an Ex Officio member. The role of the representatives from the surrounding counties is to act as a liaison to coordinate and improve communications between SANDAG and their respective agencies. Membership on the Borders Committee has enabled the development of partnerships that address interregional issues such as transportation, housing, and economic development. Interregional partnerships have emerged as a strategy for addressing issues of mutual concern without compromising the jurisdictional authority of each partner.

This partnership approach also is being pursued in the binational context with authorities from Baja California, Mexico. The Consul General of Mexico also participates on the Borders Committee as an Ex Officio member.

**Southern California Tribal Chairmen’s Association**

The SCTCA is a multi-service, non-profit corporation established in 1972 by a consortium of 19 federally-recognized Indian tribes in Southern California. The primary goals and objectives of SCTCA are the health, welfare, safety, education, culture, economic, and employment opportunities for its tribal members. SCTCA is a federally-recognized tribally-chartered organization under Public Law 93-638, Indian Self-Determination Act of 1975, as established by Tribal Resolution Nos. 1972 and 1978 to the federal government.

Each member tribe elects a Tribal Chairperson to serve on the SCTCA Board of Directors. All major decisions relating to operations of SCTCA are made by the Board of Directors in consultation with the SCTCA Executive Director. Important actions such as policy development and organizational direction must be supported by member tribes, and approved by the Board of Directors through a resolution process.

The SCTCA is a well-established organization whose Board of Directors consists of Chairpersons from each of the 17 tribal governments in the region as well as Imperial County. The SCTCA, in its capacity as a regional intertribal council of governments, could facilitate a more sustained dialogue and mechanism for communication with the tribal communities in the San Diego region were they to participate on the Borders Committee. The SCTCA could be an excellent resource to the Borders Committee on tribal issues, while at the same time acknowledging SANDAG’s commitment to consultation with each individual Native Nation.
Policy Advisory Committees Membership

Staff reviewed SANDAG’s policies governing membership on the Policy Advisory Committees (PACs) and consulted SANDAG’s Office of General Counsel regarding procedures for appointing a tribal representative to the Borders Committee. Senate Bill 1703 specifies the membership of SANDAG’s PACs and allows PAC membership to be expanded in accordance with a process established by SANDAG. Subsequent SANDAG Board Policy No. 002 allows a PAC to include Ex Officio members, if appropriate to the roles and responsibilities of the committee, and states, “Committee membership may be expanded by the Board.”

Therefore, the SANDAG Board of Directors would need to approve any request by the Borders Committee to add an Ex Officio member, such as proposed for the SCTCA.

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I-15 INTERREGIONAL PARTNERSHIP (IRP) - PHASE TWO UPDATE

Introduction

The I-15 Interregional Partnership (IRP) is a voluntary partnership between SANDAG and the Western Riverside Council of Governments (WRCOG) to work together to address the jobs-housing imbalance between the San Diego region and southwestern Riverside County. In July 2004, Caltrans awarded SANDAG a $240,000 grant for Phase Two of the I-15 IRP. A fund transfer agreement between SANDAG and Caltrans was signed in late February 2005 allowing work to begin on the project. Phase Two of the I-15 IRP will focus on implementation of economic development, transportation, and housing strategies that were identified in the first phase of the project.

Recommendation

It is recommended that the I-15 IRP Policy Committee be discontinued and that recommendations from Phase Two of the I-15 IRP be reported separately to the SANDAG Borders Committee and the WRCOG Executive Committee, with joint discussions between officials of the two agencies being scheduled on at least an annual basis.

Discussion

At their joint meeting in October 2004, the I-15 IRP Policy and Technical Working Group Committees discussed the scope of work for Phase Two for the I-15 IRP. The Phase Two work program would focus on the implementation of specific economic development, transportation, and housing strategies identified in the first phase, and also would include the preparation of a performance monitoring report for the I-15 IRP. SANDAG is currently working with WRCOG to develop a Memorandum of Understanding (MOU) that lays out the work program, timeline, and roles and responsibilities for completing the Phase Two work.

I-15 IRP Policy Committee and Technical Working Groups

During Phase One, the I-15 IRP Policy Committee, which was made up of representatives from SANDAG’s Borders Committee and WRCOG’s Executive Committee, was responsible for reviewing policy recommendations for the I-15 IRP. Based on discussions with WRCOG and low attendance at the most recent I-15 IRP Policy Committee meetings, it is recommended that I-15 IRP Policy Committee be discontinued. Additionally, Phase Two of the I-15 IRP focuses on implementing the strategies identified in Phase One, and the need for continuing joint policy direction is not expected. In lieu of the joint policy committee structure, recommendations from Phase Two of the I-15 IRP would be reported separately to the SANDAG Borders Committee and the WRCOG
Executive Committee. SANDAG and WRCOG officials would meet on an annual or semiannual basis to discuss interregional issues of mutual concern. This is similar to a long-standing arrangement between SANDAG and the Southern California Association of Governments (SCAG). Staff would continue to provide regular status reports on the I-15 IRP to the Borders Committee.

During Phase One there was a single technical working group that helped identify the range of potential interregional strategies, as well as participating in the review of feasibility, cost, and effectiveness. The Technical Working Group recommended potential strategies to the Policy Committee. For Phase Two of the I-15 IRP, two technical working groups are recommended. One working group would focus on transportation and housing issues, and the other would focus on employment cluster and economic development strategies. Staff from SANDAG and WRCOG would work together to coordinate both technical working groups. WRCOG would lead the employment cluster and economic development technical working group to improve job growth in southwestern Riverside County and SANDAG would lead the working group focusing on transportation and housing issues.

Next Steps

SANDAG will continue to work with WRCOG to finalize the MOU and begin the employment cluster study in the next month. Phase Two work is expected to be completed in FY 2006.

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