

County of San Diego
Jacumba Hot Springs Community Sponsor Group
Minutes for the JCSG meeting at 6 pm on January 9, 2023
Highland Senior Center, 44681 Old Hwy 80, Jacumba Hot Springs, CA 91934

A. The meeting was called to order at 6:04 pm. Seat 1.Vacant; Seat 2. Greg Curran (Vice-Chair); Seat 3. Cherry Diefenbach (Chair); Seat 4. Jeffery Osborne; Seat 5. Katrina Westley (Secretary). Public: 8.

B. Pledge of Allegiance.

C. Approval of the draft minutes for the JCSG meeting held on November 14, 2022.

M/S to approve the draft minutes of Nov. 14, 2022: Westley/Osborne. Passed: 3-0-1(Curran)-0.

D. Public Communication: The public may comment on any subject within the JCSG’s jurisdiction that is not on the posted agenda. (Speakers are limited to 2 minutes and no action can be taken on non-agenda items.)

Tanya: Expressed her appreciation to the sponsor group for their continued focus on making the community a better place to live.

Greg: Commented on the eyesore and the potential safety hazard that is posed by “Creative Options” aka the derelict former airport café and the eyesore that is posed by the shabby-looking over-grown property on the south side of Hwy 80 in the middle of where the JVR Solar project will go.

Chair: Both of those are private properties. Any resident who wants to call County Code Enforcement with a complaint can certainly do so. The Chair does not believe it is the role of the JCSG to call code enforcement about unsightly looking properties. Previously, the JCSG contacted Code Enforcement about a long-standing trash dumping problem in a public right-of-way next to the former Miller Recycling.

Ben: Asked if there was change to the availability of residential garbage pickup for Jacumba residents. The need for low-cost trash collection was one of the more popular comments on our community benefits survey.

Katrina: Stated that Morgan had previously contacted the disposal company and that they were not interested in providing individual trash collection in Jacumba. She will ask Morgan to come to our next meeting if trash pick-up is on the agenda. She brought up the lack of trash pickup during her recent participation at the County’s Environmental Justice workshop.

Maureen: Asked whether the sponsor group was going to write a letter complaining about the big increase in SDG&E rates.

Chair: Stated that County Supervisor Desmond has recently initiated a proposed change in CA law so that sexually violent predators (SVPs) cannot be housed next to a family home-school.

E. Action items: (Agenda items may be taken out of order upon request.)

1. Discuss/vote on support for the Ramona Planning Group’s proposal to add a new Unincorporated Communities Advisory Board Member and Alternate to SANDAG’s Board of Directors.

In December 2022, planning/sponsors chairs discussed the need for rural residents to have better representation on SANDAG’s Board of Directors. Currently the SANDAG board is made up of representatives from the region’s 19 local governments and two members of the BOS: Supervisor Anderson and Vargas. SANDAG recently approved a regional transportation plan that includes proposed mileage fees to pay for major improvements to mass transit systems. The chair of the Ramona Planning Group is leading the effort to request that the unincorporated communities have an Advisory Board member and alternate on the SANDAG board. If Jacumba supports that effort then we need to provide a letter to that effect.

M/S to approve sending a letter of support for a new unincorporated advisory board member and an alternate to SANDAG: M/S Westley/Curran. Passed: 4-0-0-0.

2. Update on the County’s Regional Decarbonization Framework (RDF). The District 2 RDF workshop is January 30, 2023 from 6-8pm. The link to attend the workshop was included in the agenda.

<https://www.sandiegocounty.gov/content/sdc/sustainability/regional-decarbonization/outreach-and-engagement.html>

San Diego County leaders have stated a regional goal of becoming carbon neutral by 2035. Their RDF plan includes a push for mass transit, EVs, electrification of houses/businesses, and the construction of large renewable energy facilities primarily located in East County. The upcoming District 2 workshop will likely be held in El Cajon with a remote feed. Everyone is encouraged to participate and make individual comments.

Last year, the Chair submitted comments on the draft RDF to the County on behalf of the community which pointed to the inequity of placing industrial renewable energy facilities next to communities like Jacumba and Boulevard, far away from where the power will be used, etc. The upcoming workshop is the latest public outreach for the RDF plan. Chair requested the group’s authorization to submit some additional RDF comments at the workshop and to the County Board of Supervisors.

M/S to approve that the Chair submit additional RDF comments: Curran/Osborne. Passed: 4-0-0-0.

3. Update on JVR Energy Park Project.

Back in 2021, the BOS approved the JVR Park project including its Final Environmental Impact Report (FEIR) at the project hearing. That gave BayWa r.e. permission to move forward with construction. A lawsuit was then filed against the County by Jeff Osborne and others regarding issues with the FEIR findings. Last November, a San Diego superior court judge ruled in the County’s favor. A notice of appeal was subsequently filed by the plaintiffs so the legal appeal against the JVR project is going forward.

a. At the JVR project hearing, the BOS directed PDS staff and the developer to “strive for a 1,000-foot setback” next to the community. On November 10, 2022, PDS approved a JVR Minor Deviation (PDS2021-MUP-18-022M1) to the project. The Minor Deviation included a project setback increase from 300 feet to 943 feet next to the community, north of Hwy 80 only. The current project setback next to the senior center and park is no more than 300-feet—it is much less to next a portion of the park. Given that the Highland Senior Center and Jacumba Community Park are integral parts of the community, they should be protected with larger project setbacks. Those present at the meeting agreed that we should request that PDS require the project developer to “strive for a similar setback adjacent to the Highland Senior Center and Jacumba Community Park.”

Mike: When you look at the project footprint, you will see that the proposed project fence line near the back of the park is adjacent to the park’s fence. While BayWa r.e. wants to make the solar facility as large as possible to increase their profits, the developer should not be allowed to define the area that makes up the community.

Chair: Mike Appelman has developed a good relationship with the developer and PDS staff. He has generously offered to address our larger setback request with PDS and BayWa r.e.

Greg: Stated that it would make sense to have Mike Appleman present our request since he already has established relationships.

Ben: Asked what would happen if the developer decided against building the solar project.

Katrina: Suggested that the County could buy it for a conservation area.

M/S for Mike Appelman to present the community’s request for larger setbacks next to the Highland Senior Center and Jacumba Community Park to PDS staff and BayWa r.e.: Diefenbach/Westley. Passed 4-0-0-0.

b. Support for the establishment of a unique local benefits foundation.

Previously the JCSG voted to support the establishment of a new non-profit foundation to manage/invest the \$3.55 million of undesignated JVR community benefit money using JCSG meetings as a means to provide Jacumba residents with transparency. Recent email communications from Ashley Smith (PDS) indicated that the County is currently developing a MOU with BayWa r.e. Under the MOU, BayWa r.e. would simply need to post a bond rather than depositing the benefit money when the grading permit is issued. Instead, the developer would only provide the

money when it has been requested by the community. The MOU would also require the developer to provide PDS with quarterly and annual accounting reports on the benefit money that has been spent. Such an arrangement would potentially allow BayWa r.e. to complete the JVR project construction while retaining much of the benefit money or it would push the community into quickly spending the money instead of saving some.

Chair: Unfortunately, the BOS managed to insert the developer into the expenditure of benefit money by stating that “the developer will work with the community on how to spend the money.” Rather than asking the developer “Mother may I” every time a Jacumba community group wants to spend some of the benefit money, I believe a non-profit community-supported foundation could better manage expenditures and investments of that money.

Katrina: We want the money in an interest-bearing account so that it can make some money for the community.

Chair: I also think that we all can agree that the County should require the developer to deposit the entire amount of undesignated funds into an account for the community before a grading permit is issued. The outstanding question that remains is who is managing that account—a new foundation or?

Chair: Mike has volunteered his time to act as the foundation liaison between County PDS and the developer to get a unique foundation with a five plus member board of directors set up. Mike envisions that the directors would consist of non-Jacumba residents with certain skills or expertise, such as an architect, lawyer, construction company owner or contractor, etc. The directors would likely meet virtually on a quarterly basis.

Sam: Asked if the foundation would be a 501c3 and whether the developer have a seat on the foundation.

Mike: Yes, it would be a 501c3 and no, the developer would not have a seat on the foundation board.

Chair: Stated that each member of the SANDAG board receives \$150 per meeting. Would the foundation’s directors get paid for their time?

Mike: A fixed stipend would be offered to the directors, though some might turn it down.

Mike: While I hear the concerns tonight about having the money go into an interest-bearing account, I am actually more concerned about who will have control over the money. If the money goes to the San Diego Foundation under a mechanism like a MOU, the developer would have a say in which Jacumba group gets the money. Local groups that expressed opposition to the solar project might not get a favorable outcome when requesting money. Also, the County may decide to spend that money on a program that the community does not want. Overall, the developer and I have had a positive relationship and previously they indicated that they might be willing to fund a foundation start up. Of course, that relationship has been affected by the on-going legal litigation.

Tanya: What do we need to do to let the County know that we want all the undesignated funds deposited into an account when a grading permit is issued?

Mike: That’s what the sponsor group can do tonight—Send a clear message to the County that the community wants a new foundation to manage the benefit money and that the money should be deposited into an account managed by the foundation. Also, that the community wants me to represent them in negotiating those things with the County and BayWa r.e..

Greg: We can probably anticipate that the developer would use some of the benefit money for setting up a foundation.

Jeff: What if we can’t get afford to pay the foundation directors for their time?

Katrina: I believe we are talking about a stipend or a fixed amount for the foundation directors.

Jeff: What does a stipend look like--is it \$5K per year?

Mike: Although I haven’t specifically asked anyone what it would take to have them serve on the board of the foundation, I believe it would be a lot less than that.

Chair: A director’s stipend would be specified in the foundation’s by-laws.

Jeff: I like the idea of a foundation but I am worried whether a foundation can actually be established in a timely manner. Couldn’t the San Diego Foundation be our Plan B? Couldn’t they manage the money in the same way that the new foundation would do?

Katrina: Previously, we voted on the San Diego Foundation as a second option.

Chair: Tonight, we are specifically discussing having Mike work with County PDS and the developer on the establishment of a unique foundation.

Maureen: Are we talking about a Sponsor Group foundation? Anyone can set up a foundation. Mike can move forward with setting up a foundation without the Sponsor Group's approval.

Sam: Asked about the relationship between the Sponsor Group and the foundation.

Mike: The foundation would get input directly from the Sponsor Group as to whether the expenditure of funds was something that the community wanted. Proposed projects would be placed on a sponsor group agenda for public discussion/approval.

Chair: The foundation should be responsible for developing a project application process.

Greg: The Sponsor Group is an advisory group and we are not able to direct the operations of a foundation. Mike has been working on the concept of establishing a unique foundation for over a year. We are discussing giving him the authority/legitimacy as a volunteer to move forward with the County to get a foundation set up.

Chair: If Mike is successful in getting a foundation set up, then the developer could turn the benefit money over to that foundation, thereby fulfilling the BOS guidance--essentially checking that box. I suspect that the developer has little interest in submitting quarterly/annual reports about benefit money funding to PDS.

M/S to have Mike Appelman act as Jacumba's liaison with BayWa and PDS on the establishment of a Jacumba community benefits foundation that would control/manage the \$3.55 million in undesignated benefit money: Diefenbach/Curran. Passed 4-0-0-0.

c. Jeff Osborne asked that we discuss the potential flooding risks to the community with regards to the JVR project grading plan.

Jeff: In the JVR Energy Park's FEIR, it was stated that the Jacumba Valley is not a county-designated flood hazard area nor has it been analyzed by FEMA. However, we all know that the Jacumba Valley has been historically been the site of repeated flooding. Flood waters come into our valley from Mexico during tropical storm events and heavy rains. I am concerned that since a thorough review of the JVR grading plan was not part of the FEIR, the grading plan may exacerbate the flow of flood waters into the valley. In November 2022, BayWa r.e. paid \$6.5 million in damages after runoff from their much smaller solar facility in Valley Center negatively impacted nearby property owners.

Bonnie: I remember the valley flooding in 1976 from Tropical Storm Kathleen. There was three to four feet of flood water inside Bob Tiffany's house which is on the south side of Old Hwy 80. Someone still lives in that home today. That flooding was so severe that it changed the route of the washes that drain the valley.

Chair: After the 1976 flooding, the U.S. Army Corp of Engineers subsequently put a "Band-Aid" on the flooding problem in the valley by installing three-foot-high berms around Bob Tiffany's former house and a berm along the south side of Old Highway 80.

Jeff: Although I have already addressed some of my concerns with PDS staff (Ashley Smith and Mark Slovick), I propose that the Sponsor Group writes an official letter to PDS reiterating the flooding concerns of the community and that the letter includes photos of past flooding.

Maureen: Suggested that the letter also address road accessibility since Old Highway 80 is used by the community as a major ingress/evacuation route.

M/S to send a letter to PDS that restates our concerns about the potential increased flooding impacts that may result from an inadequately prepared JVR grading plan and that requests a comprehensive flood and drainage analysis be conducted before the issuance of a grading permit: Westley/Diefenbach. Passed: 4-0-0-0

d. Should we send a letter to the San Diego Community Power (SDCP) regarding Jacumba's continued rejection of the JVR project and request that the letter is read at the SDCPG's next board of directors meeting on January 23, 2023.

Chair: I participated, as did Greg, at the May 2021 SDGP meeting when their board of directors voted to approve a power purchase agreement (PPA) with BayWa r.e for 90 MW of power produced by the JVR Energy Park. They did so even before the JVR project had been approved by the Planning Commission and the BOS. At that meeting, the SDGP basically marginalized our comments by saying that only a couple Jacumba residents were against the JVR

project and that they were all about “saving the planet.”

Jeff: I believe that SDCP has not yet renegotiated a new PPA with BayWa r.e. Under the old contract, BayWa r.e would begin providing them with 90 MW of power beginning in March 2023. Obviously, that is not going to happen. It might help the SDCP decision makers if they had a letter from the community (Sponsor Group) that stated our objections to the JVR project. In any case, a letter can't hurt.

Chair: FYI, last year, the BOS voted to have SDCP provide power to the unincorporated areas of the County. That means Jacumba residents will eventually be getting their power via the SDCP.

M/S to send a letter to SDCP stating the community's continued rejection of the JVR project and request that they reconsider buying solar power from the JVR Energy Park due to its negative impact on the community: Westley/Diefenbach. Passed: 4-0-0-0.

4. The election of a JCSG Chair, Vice-chair, and Secretary.

M/S to approve Cherry Diefenbach as Chair; Greg Curran as Vice-Chair; and Katrina Westley as Secretary: Diefenbach/Curran. Passed: 4-0-0-0.

F. Group business/project updates, to include correspondence-discussion only:

1. Jacumba's 2022-2023 PLDO and Capital Improvements Recreational Priority List sent to Chelsea Jander (DPR) on 11/16/2022.

2. Confirmation of Jacumba's desire to participate in the County's Decorative Community Identification Signage Program sent to Benjamin Baker (DPW) on 1/03/2023.

3. Community interface reports.

a. Highland Senior Center.

Greg: Stated in spite of the rumors, the Highland Center was only closed to the public for one day, when the interior was being painted. The Jacumba Community Service District's board of directors recently voted to approve a 90-day stay of any legal actions against the Highland Center and we are hoping to have a good year of operations. We are open for rentals and we are working to get the kitchen up and running again. We are also currently in the process of updating our by-laws.

b. There were no Real East County Fire Safe Council and JBRA (Revitalization) reports.

4. JSCG members were reminded to complete their annual CPSG, and Ethics training requirements and submit their Form 700 financial disclosures electronically NLT 4/3/2023.

G. Adjournment: The meeting was adjourned at 7:35 pm.

The next JCSG meeting is scheduled for Monday, February 13, 2023 at 6 pm.

Approved: February 13, 2023