

JOINT POWERS AGREEMENT
BETWEEN THE
CITY OF CHULA VISTA
AND THE COUNTY OF SAN DIEGO
FOR THE PLANNING,
OPERATION AND MAINTENANCE
OF THE
OTAY RANCH OPEN SPACE PRESERVE

THIS AGREEMENT is made and entered into as of the 6th
day of MARCH, 1996 between the City of Chula Vista and
the County of San Diego, political subdivisions of the State of
California, hereinafter referred to collectively as Public
Agencies.

WHEREAS, on October 28, 1993, the Chula Vista City Council
and the San Diego County Board of Supervisors jointly approved
the Otay Ranch General Development Plan, (General Development
Plan/Subregional Plan ("GDP/SRP")), which sets forth a plan for
the development of housing, commercial, recreational and open
space within the jurisdiction of the Public Agencies; and

WHEREAS, the GDP/SRP delineates an approximately 11,375 acre
area as the Otay Ranch Open Space Preserve, shown on Exhibit A
attached hereto and incorporated herein by reference; and

WHEREAS, the GDP/SRP provides that prior to the approval of
the first City of Chula Vista Sectional Planning Area or County
Specific Plan Area, ("SPA/Specific Plan") a Preserve
Owner/Manager ("POM") for the Otay Ranch Open Space Preserve must
be selected and retained; and

WHEREAS, the POM will be responsible for management of
resources, restoration of habitat and enforcement of open space
restrictions for the Otay Ranch Open Space Preserve once the
Preserve is formally established and title to the land conveyed;
and

WHEREAS, the Public Agencies, each of which are empowered by
law to acquire land for park and open space purposes desire to
enter into this Joint Powers Agreement to plan, design and
operate the Otay Ranch Open Space Preserve in order to qualify as
a POM and to satisfy the conditions of the GDP/SRP.

NOW, THEREFORE, the Public Agencies, in consideration of the
mutual benefits, promises and agreements set forth herein, agree
as follows:

SECTION 1. Purpose.

This Agreement is made pursuant to the provisions of Article

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000016 JAN 24 1996

1, Chapter 5, Division 7, Title 1 of the Government Code of the State of California commencing with Section 6500, relating to joint powers common to public agencies. The Public Agencies possess the powers referred to in the above recitals. The purpose of this Agreement is to exercise such powers jointly by coordinating the planning, design and operation of the Otay Ranch Open Space Preserve.

SECTION 2. Term.

This Agreement shall become effective as of the date first written above and will continue in full force and effect for 30 years from the effective date or until terminated as indicated in SECTION 9. Agency Withdrawal or SECTION 10. Termination. The parties will review this Agreement every five (5) years. This Agreement may be extended for an additional 30 years by the written consent of the parties.

SECTION 3. Description.

The real property to be planned, designed and operated is located generally within the property depicted on Exhibit A. The property is currently in various ownerships. As tentative maps within each SPA/Specific Plan for the Otay Ranch development project are processed, land will be conveyed into the preserve according to the Conveyance Plan, attached as Exhibit B hereto.

SECTION 4. Ownership.

Title to the land which is conveyed into the Open Space Preserve will be held jointly by the Public Agencies.

SECTION 5. Policy Committee.

A Policy Committee shall be established, consisting of two (2) elected representatives, one each appointed by the governing bodies of the Public Agencies. An alternate may also be appointed by each of the Public Agencies. A quorum for the purpose of conducting business will consist of one member from each agency. In the absence of a quorum, a member may move to adjourn. The Policy Committee shall at a minimum meet annually, but may meet more often if agreed to by the members. The duties of the Policy Committee shall be to establish policies for the Preserve Management Team as set forth in SECTION 6 below, and to review all operations conducted under this Joint Powers Agreement.

SECTION 6. Preserve Management Team.

The Preserve Management Team consists of the City Manager of the City of Chula Vista and the Deputy Chief Administrative Officer of the County of San Diego. The Preserve Management Team shall meet as often as necessary to monitor the implementation of the Otay Ranch Open Space Preserve Resource Management Plan and

to assign staff necessary to carry out the duties and responsibilities set forth in Exhibit C hereto, "Duties and Responsibilities of the Otay Ranch Preserve Owner/Manager(s)".

SECTION 7. Preserve Owner/Manager Staff Committee.

The Preserve Owner/Manager Staff Committee will consist of appropriate staff members from each Public Agency to be assigned by each agency on an as needed basis. The Preserve Owner/Manager Staff Committee will be responsible for operations of the Otay Ranch Open Space Preserve as directed by the Policy Committee, and its organization and functions shall be established to conform with Exhibit D, City of Chula Vista and San Diego County Preserve Owner Manager Organization Chart, attached hereto and incorporated herein by reference.

SECTION 8. Administration.

Day-to-day administration of this Agreement, including preparation of assessment districts, operational funding, preparation of budgets, agendas, maintenance of records, minutes and meetings and conformance to other legally required processes pertaining to records, purchases, and administrative matters shall be the responsibility of the County of San Diego.

SECTION 9. Agency Withdrawal.

Either party may withdraw from participation in this Agreement upon sixty (60) days notification and consent, in writing, by the other party. Such consent shall not be unreasonably withheld. Lack of adequate funding for the Preserve maintenance and operation shall constitute reasonable grounds to withhold consent. Any contributions made by the withdrawing party toward the acquisition, development, management and preservation of the Otay Ranch Open Space Preserve shall be retained by the remaining agency. The remaining public agency shall continue to be responsible for administering the duties and responsibilities of POM.

SECTION 10. Termination.

This Joint Powers Agreement may be terminated upon the mutual agreement of the Public Agencies if a new Preserve Manager, acceptable to both parties, has been retained to perform the duties and responsibilities required of the POM.

SECTION 11. Governing Law.

This Agreement shall be governed by the laws of the State of California.

SECTION 12. Partial Invalidity.

If any provision of this Agreement is held to be invalid or

000018 JAN 24 1996

unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby and shall remain in full force and effect.

SECTION 13. Execution.

This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed shall be deemed to be an original but all together shall constitute one and the same Agreement.

SECTION 14. Notice.

Any notices required or permitted to be given pursuant to this Agreement may be personally delivered or sent by certified mail, return receipt requested, to the following address:

CITY OF CHULA VISTA:

COUNTY OF SAN DIEGO:

John Goss
City Manager
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910
Phone: (619) 691-5031

David Janssen
Chief Administrative Officer
County of San Diego
1600 Pacific Coast Highway
San Diego, CA 92101
Phone: (619) 531-5267

SECTION 15. Entire Agreement.

This Agreement contains the entire Agreement among the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized officers, as of the date first above written.

CITY OF CHULA VISTA:

COUNTY OF SAN DIEGO:

David A. Buckell
City Clerk

Thomas J. Pastuszk
Clerk of the Board of Supervisors

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date 3-6-96 Minute Order No. 6
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By [Signature]

Approved as to form and legality:

Deputy Clerk

A Moore
City Attorney

Claudia F. Anzures
County Counsel

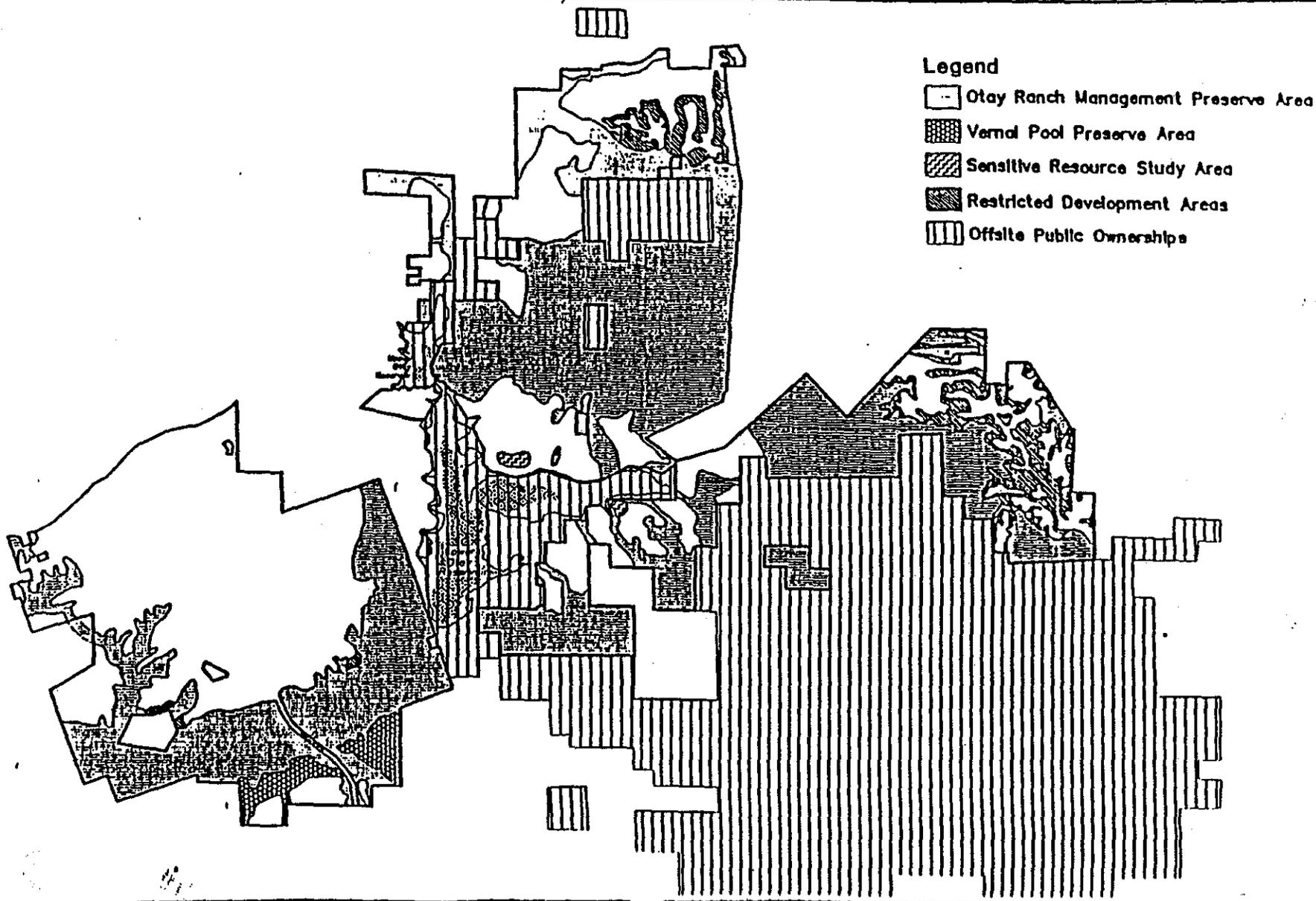
- Exhibit A - Otay Ranch Open Space Preserve
- Exhibit B - Conveyance Plan
- Exhibit C - Duties and Responsibilities of the Otay Ranch
Preserve Owner Manager(s)
- Exhibit D - Preserve Owner/Manager Organization Chart

000020 JAN 24 96

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POM
Exhibit "A"

"Otay Ranch Open Space Preserve"

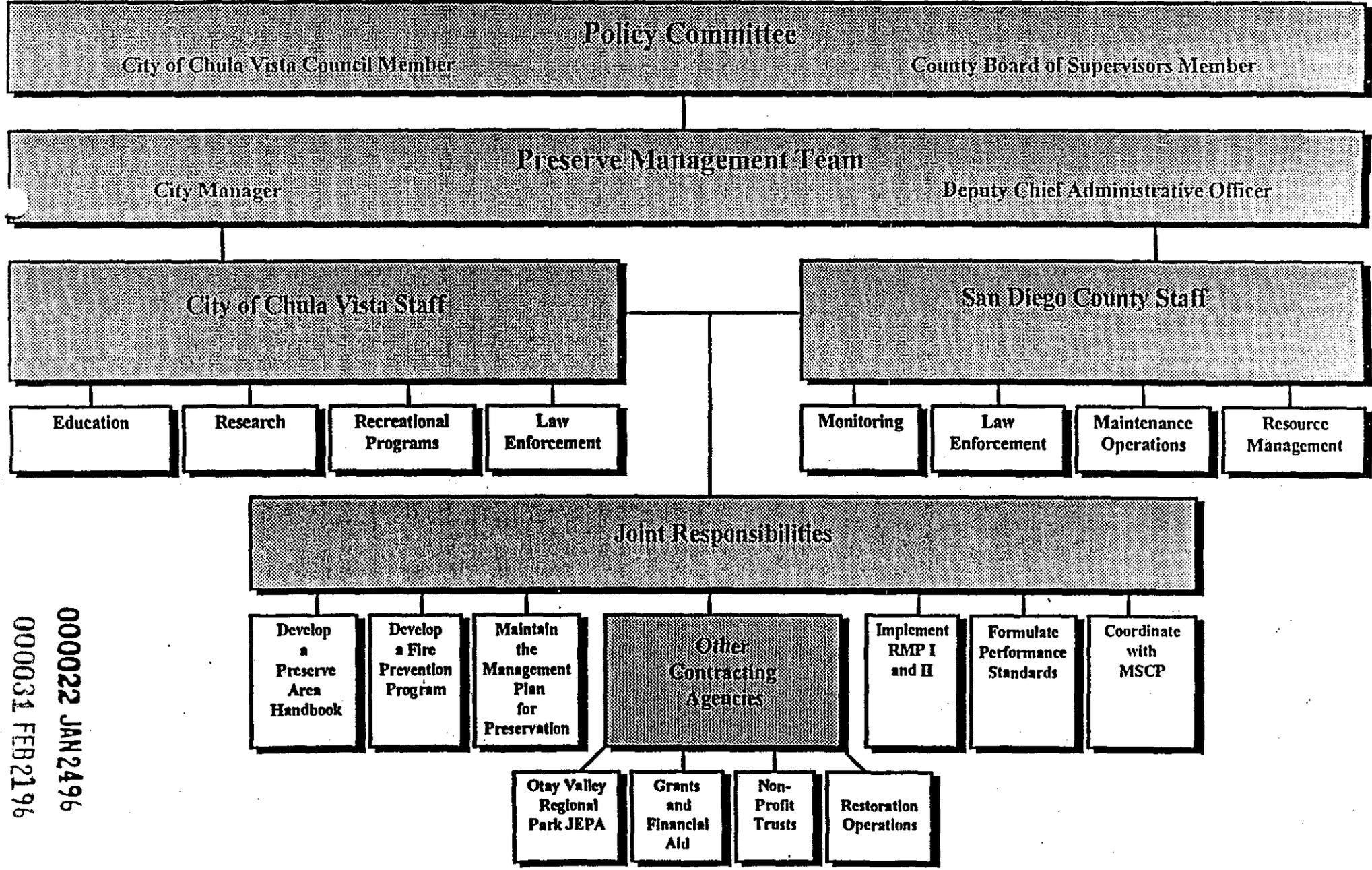


Legend

- Otay Ranch Management Preserve Area
- ▨ Vernal Pool Preserve Area
- ▧ Sensitive Resource Study Area
- Restricted Development Areas
- ▤ Offsite Public Ownerships

000021 JAN 24 1996
000030 FEB 21 1996

City of Chula Vista and San Diego County Preserve Owner Manager Organization Chart



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POM
Exhibit "C"

Duties and Responsibilities of the Otay Ranch Preserve Owner/Manager(s)

CITY OF CHULA VISTA RESPONSIBILITIES

Education and Research

Development of educational and research facilities and interpretive programs. Implementation and/or coordination and accommodation of research programs. Provision of controlled opportunities, consistent with resource protection needs, for the public to learn about and appreciate the natural and cultural diversity of the area including:

- its biological diversity and cultural heritage;
- the inter-relationships between sensitive species and natural habitats;
- the opportunity to observe biological and cultural resources in their natural setting; and
- the importance of preservation of natural areas and understanding challenges to the survival of remaining natural ecosystems.

Provide a unique and multi-faceted living laboratory for research related to:

- habitat, paleontological and cultural resource protection and management;
- experimental approaches to enhancing and restoring degraded habitats; and
- understanding species and habitat needs and conditions that adversely affect sensitive plant and animal species.

Institutions such as the City of Chula Vista Nature Center and the Natural History Museum are non-profit agencies providing such services.

Active and Passive Recreational Programs

Development of plans and programs for the location and design of active recreational uses, overlooks and a passive trail network within the Preserve. Coordination with the Otay Valley Regional Park JEPAs, or subsequent park planning entity, regarding issues associated with Otay Valley Regional Park.

Law Enforcement

Enforcement activities as necessary to control and protect the resources of the preserve within the incorporated area of the City of Chula Vista's portion of the "Otay Ranch Open Space Preserve". Development of a law enforcement program that will protect the visitor from the environment, protect the environment from the visitor and protect the visitor from other visitors. Create a uniform code of regulations for all cooperating agencies and an annual review by law enforcement and resource agencies of their appropriate roles.

SAN DIEGO COUNTY RESPONSIBILITIES

Law Enforcement

Enforcement activities as necessary to control and protect the resources of the preserve within the unincorporated portion of the County portion of the "Otay Ranch Open Space Preserve". Development of a law enforcement program that will protect the visitor from the environment, protect the environment from the visitor and protect the visitor from other visitors. Create a uniform code of regulations for all cooperating agencies and an annual review by law enforcement and resource agencies of their appropriate roles.

Maintenance Operations

Maintenance and enhancement of all resources through the prevention of further disturbance, including controlling access to the Preserve, prohibiting off-road traffic, enforcing "no trespassing" rules and curtailing activities that degrade resources, such as grazing, shooting and illegal dumping. Implementation of maintenance activities including removal of trash, litter and other debris, maintenance of trail systems, removal and control of exotic plant species (weeds) and control of cowbirds through trapping efforts. Develop a plan for the controlled burning, erosion control and replanting to enhance the natural and scenic values of the preserve. Preparation of a grazing, crop production, integrated pest, insect and disease management control or other appropriate uses if they do not result in conditions that are adverse to eventual recreational or agricultural uses. Development of a restrictive area plan which prohibits public access to sensitive wetlands, vernal pools, restoration areas and sensitive wildlife habitat.

Resource Protection and Management

Providing large, connected natural areas with varied habitats that offer refuge, food and shelter to multiple species of native plants and animals; protecting scenic, paleontological and cultural resources; and providing management tools to assure that Preserve resources are not adversely affected by urban development located adjacent to the Preserve.

Monitoring

Ensuring no reduction in habitat values and no adverse impacts to biological resources are included within the Preserve by the following:

- Monitoring the resources to identify changes in the quality and quantity of sensitive resources and habitats to assure compliance with the adopted Mitigation Monitoring Reporting Program.
- Implementation and monitoring of restoration activities, as appropriate.
- Establishing a comprehensive monitoring program for the biota of the Preserve in conjunction with the Phase II RMP.

- Developing and implementing an annual monitoring program designed to identify changes in quality and quantity of on-site biological resources including sensitive wildlife species, sensitive plant species and sensitive habitat types.

JOINT RESPONSIBILITIES OF THE CITY OF CHULA VISTA AND SAN DIEGO COUNTY

Maintain the management plan for preservation that facilitates effective, long-term management of the Preserve consistent with the goals of the Phase I and II Resource Management Plan and the "Otay Ranch Open Space Preserve".

Develop a Preserve Area Handbook which contains policies and procedures in managing and evaluating the activities of the Preserve. The handbook should include the purpose of the preserve, areas within the preserve including maps, trails etc., the preserve area organizational structure, park system hierarchy, land administration, financing, resource administration, facilities, public relations, etc.

Develop a fire prevention program to protect human life, prevent modification of park ecosystem by human-caused wildfire and prevent damage to cultural resources or physical facilities.

Coordinate with the appropriate agencies involved with the Multiple Species Conservation Program (MSCP), or other adopted subregional habitat planning programs, to assure consistency with regional conservation efforts and plans. Regional preserve management agreements may be used to ensure working relationships are established between other open space preserves. Coordination with local jurisdictions, resource agencies and adjacent ownerships.

Implement the Phase I and II Resource Management Plans. Review proposed preserve boundary adjustments, infrastructure plans. Comment on plans for land uses adjacent to the Preserve and other activities/studies.

Formulate performance standards for the City of Chula Vista and the County of San Diego, in their respective areas of responsibilities, to ensure that the "Otay Ranch Open Space Preserve" achieves the goals and objectives of the Preserve.

DUTIES/RESPONSIBILITIES: POM

- Maintenance and enhancement of all resources through the prevention of further disturbance, including controlling access to the Preserve, prohibiting off-road traffic, enforcing "no trespassing" rules, and curtailing activities that degrade resources, such as grazing, shooting, and illegal dumping;
- Monitoring of resources to identify changes in the quality and quantity of sensitive resources and habitats to assure compliance with the adopted mitigation monitoring and reporting program;
- Implementation and monitoring of restoration activities, as appropriate (it is understood that some restoration activities may be carried out by individual Otay Ranch developers in coordination with the Preserve Owner/Manager);
- Implementation of maintenance activities including removal of trash, litter, and other debris, maintenance of trail systems, removal and control of exotic plant species (weeds), and control of cowbirds through trapping efforts;
- Development of educational facilities and interpretive programs;
- Implementation and/or coordination and accommodation of research programs;
- Coordination with local jurisdictions, resource agencies, and adjacent ownerships;
- Coordination with the Otay Valley Regional Park JEP A or subsequent park planning entity, regarding issues associated with Otay Valley Regional Park;
- Enforcement activities;
- Review of RMP Amendments, Preserve boundary adjustments, infrastructure plans, plans for active recreational uses within the Preserve, plans for land uses adjacent to the Preserve and other activities/studies as identified in the RMP;
- Develop and implement a strategy that facilitates effective, long-term management of the Preserve consistent with the goal of the RMP;

- Development and implementation of management to ensure no reduction in habitat values and no adverse impacts to biological resources occur within the Preserve;
- Establish a comprehensive monitoring program for the biota of the Preserve in conjunction with the Phase 2 RMP;
- Develop and implement an annual monitoring program designed to identify changes in quality and quantity of on-site biological resources, including sensitive wildlife species, sensitive plant species, and sensitive habitat types; and
- Coordination with the MSCP, NCCP, or other adopted subregional habitat planning program to assure consistency with regional conservation efforts and plans.

The City of Chula Vista and the County of San Diego identified the following as desirable qualifications for the Preserve Owner/Manager.

- At least 5 years of demonstrated experience managing biological resources including listed species;
- At least 5 years of previous experience with law enforcement or the ability to contract with law enforcement agencies;
- At least 5 years previous experience with access control;
- Demonstrated ability to interact effectively with local and regional conservation agencies, recreational agencies and the local community;
- Prior experience in conducting or coordinating with individuals involved in ongoing scientific research;
- Demonstrated ability to coordinate continued monitoring efforts of the Preserve's biota, as shown by staff experience and existing programs;
- Cultural resource management experience;
- Demonstrated experience in long-term management of large open space areas with numerous sensitive species;
- Demonstrated ability to efficiently manage personnel and finances over a long-term;

- Demonstrated experience or ability to establish and operate environmental educational and interpretive programs;
- Demonstrated ability and willingness to cooperate with local and regional agencies and direct experience in working with governing boards and/or advisory committees representing such agencies; and
- Demonstrated ability to conduct community volunteer and community outreach programs.

000028 JAN 24 96

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Preserve Land Conveyed - Forecasted by Village

	A	B	C	D	E
				A-(B+C)	D*1.118
Area	Total	LDA	Common	Total -(LDA + Common)	Conveyance
Village 1	904	0	29	874	1,039
Village 2	775	0	48	727	864
Village 3	318	0	5	314	373
Village 4	607	0	13	594	705
Village 5	493	0	26	467	555
Village 6	365	0	23	342	407
Village 7	412	0	94	318	377
Village 8	343	0	19	324	385
Village 9	364	0	20	344	409
Village 10	334	0	68	266	316
Village 11	455	0	70	385	458
PA 12 EUC	439	0	49	391	464
Village 13 (Resort)	783	0	14	770	914
Village 14 (Proctor Valley)	829	0	21	808	960
Village 15 (San Ysidro West)	800	0	13	787	934
Village 16 (Jamul)	1,117	370	2	744	884
Village 17 (San Ysidro East)	1,611	795	2	815	968
Planning Area 18a	216	0	0	216	256
Planning Area 18b	70	0	0	70	83
Planning Area 19	20	0	0	20	24
SR 125	182	0	182	0	0
Public	20	0	20	0	0
Arterials	69	0	69	0	0
TOTALS	11,624	1,165	786	9,774	11,374

000029 JAN 24 1996