

# CNPS SAN DIEGO CHAPTER

## BOARD OF DIRECTORS MEETING

November 1, 2017

Audubon Offices, 4010 Morena Blvd. Suite 100 San Diego, CA

### DRAFT AGENDA

**Call to Order: 6:30 p.m.** (Quorum = Six Board Members)

**Known absences:** Sue Marchetti

- I. **Welcome visitors** (6:30-6:35)
- II. **Additions or Changes to the Agenda** – 1 min (6:30-6:31)
  - A. Vote to approve.
- III. **Review of Minutes** – 5 min (6:31-6:35)
  - A. October 2017 – vote to approve.
- IV. **Treasurer’s Report** – 5 min (6:35-6:40)
  - A. October Report – vote to approve.
- V. **Committee Reports**
  - A. **Chapter Election** (Tom) 6:40-6:45
  - B. **Programs** (Torrey for featured speakers and Sue for Natives for Novices) 6:45-6:50.
    1. November N4N is Greg Rubin.
    2. Honorarium for speakers. (Torrey)
    3. Purchase of a handheld mic with mixer and a remote clicker. (Frank/Joseph)
  - C. **Field Trips** (Justin) 6:50-6:55
  - D. **Conservation Committee** (Frank) 6:55-7:05
    1. Negotiation with City of San Diego regarding Vernal Pool HCP. Requesting Board approval to participate in negotiations. (See **Attachment 1** – emailed separately)
    2. Conservation Notes (**Attachment 2**)
  - E. **Website Committee** (Joseph) 7:05-7:10
  - F. **Personnel Committee** (Bobbie) 7:10-7:15
    1. Request to add \$2,500 for volunteer coordination to Garden Tour Director contract.
- VI. **Current Business:**
  - A. **Coordinating with Other Organizations Update** (Joseph) 7:15-7:25  
Affiliations with like-minded organizations, perhaps for a one year period, small but defined commitments to each other to spotlight each other’s events and related causes.
  - B. **What to do with our money** (Connie) 7:25-7:55
  - C. **Social event for committee chairs, board members, event chairs people**, etc. (basically those who get listed on the back of the newsletter). During first two weeks of Feb. Put on agenda for next month – suggestions from Joe. 7:55-8:05
  - D. **Logo for chapter.** (Joseph) 8:05-8:15
  - E. **Mini-grant Guidelines** Tom, Torrey, Mike and Bobbie are the committee. (**Attachment 3**) 8:15-8:30
- VII. **New Business**
  - A. ?
  - B. ?
- VIII. **Chapter Meeting Welcoming Table Assignments** (Connie) - 1 min
- IX. **Chapter Council Mtg – December, Sacramento.**

X. **Next Meeting Date: December 6, 2017**

Important agenda items?

Tasks to accomplish prior?

XI. **Wrap up and conclusions (8:55-9:00)**

## ATTACHMENTS

### ATTACHMENT 1 – Emailed separately.

Letter from environmental organizations to City Council about Supporting and Improving the City Vernal Pool HCP.

### ATTACHMENT 2 – Conservation Notes from Frank

Conservation notes for November 1, 2017 Board Meeting Agenda

#### A primer on CNPS litigation procedures

1. Everything in our agendas and minutes becomes discoverable and part of the record for litigation, if we are party to the law suit (as opposed to simply donating money to support it). **Therefore, it is counterproductive to put detailed briefs in the agenda or minutes. Only motions are required to be recorded in the minutes.**
2. California Environmental Quality Act (CEQA) law suits need to be filed **within 30 Days of the Notice Of Determination (NOD)**. The NOD is the last step after a EIR is certified. While we can decide to litigate before or after an NOD is filed, that is the deadline.
3. The CNPS litigation process is as follows:
  - a. Our chapter board has to vote to approve litigation, and the motion and the result have to be recorded in our official minutes.
  - b. We (conservation chair and whoever else wants to help) have to submit answers to a questionnaire to the State CNPS Litigation Committee, which meets as necessary. They have to approve our suit, and their criteria are that it looks likely to succeed based on the evidence we submit.
  - c. If the State Litigation Committee approves it, it goes to the State Board of Directors. We (conservation chair and whoever else wants to help) have to brief the Board of Directors, either at their quarterly meeting or at an emergency meeting.
  - d. The State Board of Directors votes to take on the law suit. Our board is a committee of state CNPS, and we do not sue. CNPS sues.
  - e. Our chapter board would still be responsible for the mechanics of the law suit, including funding it, possibly finding a lawyer, possibly compiling the record, going to court, testifying, and so forth. Typically we will be in a coalition with other environmental groups, some of which (CBD, EHL, Sierra Club) have their own lawyers.
  - f. If there is a settlement, the Executive Director (Dan Gluesenkamp), Conservation Director (Greg Suba), State Directors, and whoever else is directly involved in the settlement negotiations have to decide whether to sign it or not.
4. A few things about CEQA lawsuits.
  - a. We gain *standing to sue* by commenting on CEQA documents. If we do not comment, we cannot litigate.

- b. Our comments are typically about issues that need to be fixed for legal or biological reasons, along with our preference for certain alternatives over others. If the issues are fixed, we are unlikely to litigate, and if we did, we would be likely to lose.
  - c. While CNPS only deals with plant issues and climate change as it relates to plants, we are not limited to suing solely over the way the lead agency failed to satisfactorily deal with our comments. If anyone decides to sue, all comments are part of the suit. If someone else points out a plant issue we missed, we can advocate that it get fixed too.
  - d. **CEQA lawsuits do not kill projects.** This is a critical point. All they do is force the proponent to go back and fix the mistakes they made in their CEQA documents, go through the CEQA process, and get approval again. Projects get stopped by CEQA lawsuits as a side effect of the proponent being unable to fix the problem (often because it is built into the project's basic design).
5. CNPS does not just do CEQA lawsuits. A good example of this is the last City of San Diego Vernal Pool HCP. CNPS was part of a coalition that sued the City for failing to follow the VPHCP and permitting a development that destroyed dozens of vernal pools. The same litigation process applies, but the CEQA deadlines do not.
  6. Donating money to other groups to fund their litigation does not necessarily trigger the above steps. Nor does funding a lawyer to write a letter.
  7. **Chapter board members who have financial interests in the outcome of legal action should not be part of any decisions on it.** This is especially true if they or their employers stand to gain or lose business depending on the outcome of the litigation. Their status (abstaining, absent, not in room, etc.) should be noted in the minutes of the decision to protect both them and us. Our board may choose to ask them to not be part of the discussion either.

### Current Conservation Issues

1. **City of San Diego Vernal Pool Habitat Conservation Plan.** This was passed by the Planning Commission, and now goes to the City Council Environment Committee on December 7. Assuming they send it to the full City Council it will go to the full City Council in January 2018.
2. **Murai Specific Plan EIR.** This is a project in San Marcos that has riparian issues, and the City of San Marcos is the lead agency. Comments are due November 10, 2017
3. **Pure Water San Diego EIR.** This is a water reclamation plant, and the issue is that it is sited on a larger vernal pool area on Mira Mesa, with non-vernal pool alternatives excluded. Comments are due November 21, 2017.
4. **Safari Highlands EIR.** The project is above the Safari Park, and the lead agency is the City of Escondido. Comments are due on December 7, 2017.

### Attachment 3 - Mini Grants Guidelines

San Diego Chapter of the California Native Plant Society provides Mini-Grants to deserving proposals. The purpose is to provide education for programs and participants in the use of native plants in landscaping, studying the plants in nature, understanding of their relationship to other species, or providing a means to protect them.

#### Process

Applications for Mini-Grants not to exceed \$500 will be accepted at any time. They may be submitted by sending them to the President of the Chapter. They shall not exceed two pages in length and shall include the following:

1. A description of the project including its purpose
2. Detailed description and map of its location including the area of land that will be affected if it involves a specific piece of property or an area if it is a resource assessment species assessment type of project.
3. The actions that will include the use of plant species that can be found naturally occurring in San Diego County,
4. The proposed use of the funds with an itemized description.
5. Photographs as needed.

At the next Board meeting, the President will assign a Board member to be the liaison for the applicant with the Board.

At the next Board meeting, action will be taken on the application.

Criteria for approving the application include but are not limited to the following:

1. The project promotes native plants from this area.
2. The project is educational
3. The project will be in a visible location or the results will be published in an accessible location.
4. The project may result in encouraging others to become interested in native plants.
5. The project provides scientific results that will enable a better understanding of the taxonomy, reproduction or distribution of a plant or group of plants of interest in San Diego County.
6. The project generates an understanding of the role of species in a vegetation community that occurs in San Diego County.