

Minutes of the Palomar Mountain Planning Organization 2008 Annual Meeting

Saturday, May 24, 2008 at the Palomar Mountain Volunteer Fire Department

Board Members Present: Thomas Burton, Robert Carlyle, Donna Dose, Elizabeth Getzoff (alternate), Bruce Graves, Jim Hamerly, Susan Humason, Scott Kardel, Bonnie Phelps, Michael Pique, Alan Serry, Earl Walls.

The annual general PMPO meeting was convened at the Palomar Mountain Volunteer Fire Department 11:00 A.M. Saturday May 24, 2008. The Chair, Jim Hamerly, thanked the Palomar Mountain Volunteer Fire Department for hosting the Pancake Breakfast and Annual Meeting, Susan Humason for editing and producing the newsletter, Donna Dose for organizing the breakfast, and Bruce Graves, Dale Primus, and Glen Secola for setup and cooking.

Secretary's Report (Michael Pique):

The minutes of the May 26, 2007, annual general meeting were distributed and approved with corrections by Earl Walls to the Community Center section.

Treasurer's Report (Alan Serry):

As reported in the PMPO spring 2008 annual newsletter, our balance carried forward from December 31, 2006, was \$39,483.12. Our 2007 expenses, totaling \$1,623.18, were \$695.63 for annual newsletter printing, \$407.55 for breakfast food and supplies, and \$520.00 for general expenses such as newsletter postage and post office box rental. The total donations came to \$3030.00, we had \$345.50 receipts from the 2007 breakfast, and earned interest of \$695.75, giving us an ending balance (Dec 31, 2007) of \$41,931.19. The treasurer's report was approved.

Palomar Mountain Volunteer Fire Department (PMVFD):

Cliff Kellogg reported the PMVFD has 27 active volunteers, 8 of them off-mountain. Recently, twelve more volunteers completed Emergency Medical Technician (EMT) certification giving us 17 EMTs now. The Walls buildings will soon be moved in from storage at the helicopter pad, giving the department a mouse-free bunkhouse.

Community Emergency Response Team (CERT):

Bill Leininger, Palomar Mountain CERT Coordinator, says classes training basic skills will be offered over the summer. CERT participants help free up the volunteer firefighters for their difficult mission.

Community Safety Center (CCPM)

Earl Walls said the \$50,000 grant funds have finally become available for fixing up the small house next to the fire station. Demolition of some parts is underway, with \$8,000 of materials delivered; volunteers are needed to help with the construction.

Fire Safe Council:

Robert Carlyle said the Fire Safe Council received a grant for \$584,000 for dead tree removal and clearing. Work will not begin until January or February 2009 but residents should sign up now for brush clearing and chipping.

Traffic Safety:

Alan Serry says the CHP understands we have a serious problem with unsafe motorcyclists. Alan read a letter from 1994 outlining the problem then, but enforcement on Palomar Mountain is still not a priority. There is hope that, during the summer, center rumble strips will be installed on the South Grade Road. Alan urged drivers to stay well clear of the center line, watch out for cattle on the grades, and to "drive as defensively as you can". Anyone with ideas should call Alan at (760) 742-0444.

Ground Water Monitoring:

Reporting for Rob Hawk, Jim Hamerly said the PMPO is asking for residents' permission to measure well water levels. The goal is to have a 5-10 year record of levels to be able to evaluate any impacts from the La Jolla Indian Reservation's Cedar Creek commercial well project.

Minutes of the Palomar Mountain Planning Organization 2008 Annual Meeting

Easement Project:

Bonnie Phelps explained the goal of having legal deeded easements back to a paved road for all mountain properties. After the 2003 Julian fire, rebuilding was hampered not only by proof of property lines and setbacks, but legal access questions. Thanks to Tom Burton and Robert O'Neill, proper legal language has been written and thanks to Cecilia Borland, work has begun on collecting deeds. The work is starting on the northeast corner of Birch Hill, and will progress south and west.

County of San Diego Year 2020 General Plan Update:

Tom Burton asked for a show of hands - about 1/3 knew of the 2020 county general plan revision. Work on '2020' began about 1997 and has progressed only slowly. Several weeks ago, at the Lodge, Leanne Carmichael from the San Diego County Department of Planning and Land Use (DPLU) discussed how the general plan governs types of land use and housing density designations, which are then implemented by zoning laws consistent with the general plan. Tom said that, generally, the DPLU thinks development is OK in the western portion of the county but not in the eastern. Palomar Mountain is also under the control of the Forest Conservation Initiative (FCI) which overrides general plan and zoning until it expires in fall 2010.

Jim Hamerly reported results of his internet-based survey of 100 mountain residents. Questions 1 through 3 asked about respondents' residency, property location, and ownership of business-related activities on Palomar Mountain. There was no correlation between responses to those questions and to subsequent questions.

Question 4 asked, "For commercial land use right around the Summit (Palomar Store area): a) I would like to see no change (38%); b) I would like to see a small and reasonable expansion of commercial use (48%); c) I would like to see a larger commercial area, but still reasonable (prohibiting big box retailers, drive-thru's, etc.) (13%)."

Question 5 asked, "For the Palomar Lodge at Crestline, The Bailey Resort, and the Museum and gift store uses at Palomar Observatory: a) I would like the restricted developmental density of the FCI (Forest Conservation Initiative) to continue even after it expires on December 31st, 2010 (27%); b) I would like to see special zoning provisions to allow the existing hospitality or quasi-commercial uses to continue (54%); c) I would like a more liberal approach to zoning whereby the land owner could do anything suitable under the General Plan on his/her property (20%)."

Question 6 asked, "I would like the Dwelling Density: a) To have a lower density, for example, one dwelling unit per 20 acres (depending on slope, etc.) (31%); b) To be restored to the pre-FCI one dwelling unit per 8 acres (depending on slope, etc.) (45%); c) To adopt a more liberal zoning policy, allowing the land owner greater choice in developing his/her property still within the existing road widths, slope and setback rules (24%)."

Tom Burton said that the PMPO needs to get comments back to the DPLU quickly so let the board know if you have further land use questions or concerns. If you don't have internet access, survey forms are available on the bulletin board at the Palomar Mountain store.

Jerry Fisher said he lives on property on the north side of Highway 76, between the South and East Grade Roads. He wants his property, purchased in 1964, to revert to pre-FCI land use and zoning. He submitted a letter requesting this to the PMPO board last month asking the board to forward to the DPLU.

Steve Clark said the FCI stopped his family from dividing their 40-acre Pedley Valley property among his children. When he complained to the planning commission, they said "tough luck".

Terri Bailey said she'd been working on 2020 for years, but left the PMPO in October 2005 because she was busy with her business. She says the 2020 plan has 11 elements - land use, seismic situation, noise, etc. One reason FCI was proposed was to protect the natural environment on Palomar Mountain, to reduce subdivisions that could not be supported with roads and services. She wants the mountain kept separate from the cities and casinos.

Tom Burton answered a question from the floor about what could be rebuilt if, say, Mother's Kitchen and the Store burned down. He said they could have only the same footprint. Terri Bailey noted that the county gave her family "a tiny bit of leeway" after their fire, mostly to

Minutes of the Palomar Mountain Planning Organization 2008 Annual Meeting

accommodate code upgrades. Bonnie Phelps said the summit was downzoned for FCI and the zoning would need to be changed back before any possible rebuilding. Elizabeth Getzoff said that when FCI expires, the county supervisors will have to act before anything "goes back" and our input is important. Terri said our input is indeed crucial - we're a tiny dot in San Diego county. If something is taken away, it isn't coming back.

Old Business - Tom Burton Status:

Chair Jim Hamerly recounted that in January 2008 Tom Burton informed the PMPO that he had pled guilty to a money-laundering felony charge and submitted his resignation letter to the PMPO. In their March 22, 2008 public meeting, the PMPO board unanimously voted to table acceptance of the resignation.

Gordon Madison said the board treated the charges lightly, that everything the board presents is now tainted, and the board is presenting a fraud on the community. He called for acceptance of Tom Burton's resignation and for Jim Hamerly's immediate resignation as PMPO chair. Brad Bailey said the situation should have been addressed in the PMPO newsletter and that the board's loss of integrity was tied to the outcome of the Jeff Valley water issue. Board members Susan Humason, Elizabeth Getzoff, and Bonnie Phelps said the board had discussed the matter, gathered more information, and decided that accepting Tom's resignation was not in the community's best interest.

Tom addressed the meeting, saying he was sorry his error in judgment was preventing the community from addressing major issues, that the recent U.S. Attorney's press release is a small part of his 35-year practice of law. Tom summarized that a five-year business, real estate, and estate planning client of his, acting as an FBI informant to lower his sentence for mail fraud, had said to Tom that some of the money he was seeking Tom's assistance in using as an investment was from the client's illegal activity. Tom said he didn't hear that, but when a transcript of this was presented, he wanted to take personal responsibility for his lack of judgment and pled guilty.

Anthony Swanson moved from the floor, seconded by Brad Bailey, that the PMPO accept Mr. Burton's resignation, but that he continue to serve as an advisor to the PMPO. The motion was passed by voice vote of the membership.

Election of PMPO Board Members:

Chair Jim Hamerly announced he is stepping down because of community confusion and support of Mr. Madison's accusation of fraud (that is, intentional deception for personal gain). Jerry Johnson is not running for re-election. The other incumbents whose terms are expiring are Robert Carlyle, Bonnie Phelps, and John Tainer/Elizabeth Getzoff. Therefore, with Tom Burton's resignation, six seats are up for election.

Candidates Terri Bailey, Gordon Madison, Jerry Fisher, Heather Beer, Bonnie Phelps, Robert Carlyle, Elizabeth Getzoff/John Tainer, Brian Covington, and Glenn/Cecelia Borland offered brief statements of their qualifications and viewpoints. Paper ballots were distributed, collected, and counted.

Heather Beer, Robert Carlyle, Bonnie Phelps, Elizabeth Getzoff/John Tainer, and Glenn/Cecelia Borland were elected to terms expiring in 2011, Terri Bailey to a term expiring in 2010.

The Board roster is:

(terms expiring May 2009):

Rob Hawk, Bob O'Neill, Michael Pique, Alan Serry, and Earl Walls

(terms expiring May 2010):

Terri Bailey, Donna Dose, Bruce Graves, Susan Humason, and Scott Kardel.

(terms expiring May 2011):

Heather Beer, Glenn/Cecelia Borland, Robert Carlyle, Bonnie Phelps, and John Tainer/Elizabeth Getzoff

The meeting was adjourned at 1:37 PM.

Michael E. Pique, Secretary.

Minutes of the Palomar Mountain Planning Organization 2008 Annual Meeting

Minutes approved by PMPO membership May 23, 2009.

From Jim Hamerly: A word of explanation

Sunday, May 25, 2008

I am writing to you to clarify the reasons for my decision to not run for re-election to the PMPO Board. This decision, although sudden, is not rooted in anger or resentment. There are two reasons why I chose to step aside:

(1) A chairman cannot continue to serve when he has lost the confidence of the people he intends to represent, or if his integrity is brought into question. The vote taken yesterday by the assembled folks of the Mountain to force the acceptance of Tom Burton's resignation signaled to me the lack of confidence in my integrity and in my judgment about Tom's situation, if not my leadership. It doesn't matter whether that vote was an informed one or not.

Because this happened so quickly and without much discussion among many of us, I would like to offer a word of explanation. I studied Tom's situation for a number of months, sought advice from others, and did not take tabling his resignation lightly. Were the PMPO a publicly traded company, I would have accepted his resignation immediately because of my fiduciary responsibilities, regardless of Tom's presumed innocence or guilt. But I believe that my posture was an appropriate one, given the circumstances and our organization.

Having closely examined the facts of Tom's case, I choose to let the judge presiding over Tom's situation be the arbiter and to reserve judgment until the case is completely decided in court. I believe that this is the right and just course of action. Unfortunately, the Mountain public did not agree and chose to act as judge and jury, despite not being armed with all necessary information.

(2) There were several community members positioning to be elected to the Board yesterday that, quite frankly, I will not serve beside. I have the great luxury in life of choosing with whom I will work with, and under what circumstances. I will not serve under the circumstances that led to what happened yesterday, nor with the people who brought it about in the manner in which it was done.

To those of you beside whom I have served these past five years, I thank you for all your support and confidence. You've been a delight to serve with and I know that each of you have the best interests of the Mountain at heart. I, of course, like Tom, will continue to help in whatever way that I can, simply in a different capacity.

Regards - Jim Hamerly