

January 5, 2016

STATEMENT OF PROCEEDINGS

The Minutes of the

***REGULAR MEETING OF THE
BOARD OF SUPERVISORS***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
TUESDAY, JANUARY 05, 2016, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

Order of Business

**BOARD ORGANIZATIONAL MEETING
9:00 A.M.**

MORNING SESSION – Organizational Meeting was called to order at 9:08 a.m.

PRESENT: Supervisors Bill Horn, Chairman; Dave Roberts, Vice Chairman; Greg Cox; Dianne Jacob, Ron Roberts; also David Hall, Clerk of the Board.

Invocation was led by Marilyn Williams.

Pledge of Allegiance was led by Assia Erickat, Sara, Sereen and Maria Hassane from the Islamic School of San Diego and Girl Scout Troop 3120.

Comments by Chairman Horn.

Presentation of gift to the Chairman from Supervisor R. Roberts, and comments from Board members.

Selection of Chair, Vice Chair, and Chair Pro Tem of the 2016 Board of Supervisors.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board of Supervisors appointed Supervisor Ron Roberts, Chair; Supervisor Dianne Jacob, Vice Chair; and Supervisor Dave Roberts, Chair Pro Tem.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

**REGULAR MEETING
10:00 A.M.**

REGULAR SESSION – Regular Meeting was called to order at 10:01 a.m.

PRESENT: Supervisors Ron Roberts, Chairman; Dianne Jacob, Vice Chairwoman; Greg Cox; Dave Roberts; Bill Horn; also David Hall, Clerk of the Board.

Approval of the Statement of Proceedings/Minutes for the Meeting of the Board of Supervisors on December 15, 2015.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Jacob, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Meeting of the Board of Supervisors on December 15, 2015.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Board of Supervisors' Agenda Items

Category	Agenda #	Subject
Public Safety	1.	SHERIFF – AUTHORITY TO AMEND TRI-CITY MEDICAL CENTER (TCMC) CONTRACT 549675 INPATIENT AND OUTPATIENT MEDICAL SERVICES FOR INMATES [FUNDING SOURCES: GENERAL PURPOSE REVENUE AND THE STATE OF CALIFORNIA, LOCAL REVENUE FUND 2011 ALLOCATED TO THE COUNTY LOCAL REVENUE FUND 2011, COMMUNITY CORRECTIONS]
	2.	SHERIFF – REPORT OF INMATE WELFARE FUND EXPENDITURES FOR FISCAL YEAR 2014-15
Health and Human Services	3.	AMENDMENT AND TERMINATION OF THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE ESTABLISHMENT AND OPERATION OF THE VAN HORN REGIONAL FACILITY IN RIVERSIDE CALIFORNIA
	4.	INTERGOVERNMENTAL TRANSFER WITH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES [FUNDING SOURCE: LOCAL FUNDS, INCLUDING REALIGNMENT]
Community Services	5.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: SUNSET REVIEW OF BOARD POLICIES AND ADMINISTRATIVE CODE SECTIONS ASSIGNED TO THE COMMUNITY SERVICES GROUP; (BOARD POLICIES AND FIRST READING OF ORDINANCES – 12/15/2015; SECOND READING OF ORDINANCES – 1/5/2016)

Financial and General Government	6.	APPOINTMENTS OF BOARD MEMBERS TO BOARDS, COMMISSIONS AND COMMITTEES
Communications Received	7.	COMMUNICATIONS RECEIVED
Appointments	8.	APPOINTMENTS: VARIOUS
Closed Session	9.	CLOSED SESSION
Presentations/ Awards	10.	PRESENTATIONS/AWARDS
Public Communication	11.	PUBLIC COMMUNICATION

1. SUBJECT: SHERIFF – AUTHORITY TO AMEND TRI-CITY MEDICAL CENTER (TCMC) CONTRACT 549675 INPATIENT AND OUTPATIENT MEDICAL SERVICES FOR INMATES (DISTRICTS: ALL)

OVERVIEW:

On August 5, 2014 (3), the Board of Supervisors authorized the Director of Purchasing and Contracting to negotiate with the Tri-City Health Care District for the procurement of hospital inpatient (emergency and non-emergency) and outpatient specialty medical services for inmates to supplement the same services provided under the University of California San Diego – Medical Center (UCSD-MC) contract. Under this authority, on October 14, 2014, the County of San Diego awarded Contract 549675 to Tri-City Medical Center (TCMC), to expire on September 20, 2020. Today's action will authorize the Director, Department of Purchasing and Contracting to negotiate with TCMC and, upon successful negotiations, amend their contract to include on-site physicians and specialty care services in the Sheriff's detention facilities where needed.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2015-17 Operational Plan for the Sheriff's Department. If approved this request will result in current year costs and revenue of \$3,000,000 and \$3,000,000 in Fiscal Year 2016-17. The funding sources are General Purpose Revenue (\$2,270,992) and the State of California, Local Revenue Fund 2011 allocated to the County Local Revenue Fund 2011, Community Corrections (\$729,008). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SHERIFF

In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director, Department of Purchasing and Contracting, subject to successful negotiations and determination of fair and reasonable price, to amend Contract 549675 to add on-site physicians and specialty care services in the Sheriff's detention facilities, and to amend the contract as needed to reflect changes to services and funding, subject to the approval of the Sheriff. Waive the advertising requirement of Board Policy A-87.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board took action as recommended.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

2. SUBJECT: SHERIFF – REPORT OF INMATE WELFARE FUND EXPENDITURES FOR FISCAL YEAR 2014-15 (DISTRICTS: ALL)

OVERVIEW:

This is a request to receive an itemized report of expenditures from the Inmate Welfare Fund, as required under California Penal Code section 4025. These expenditures are primarily for the benefit, education, and welfare of the inmates confined within the San Diego County adult detention facilities. The funding sources for the Inmate Welfare Fund are inmate telephone revenues and excess revenues from the sale of commissary items to the inmates.

FISCAL IMPACT:

There is no fiscal impact as a result of this action. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SHERIFF

Receive the Fiscal Year 2014-15 Report of Inmate Welfare Fund Expenditures.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board received the Fiscal Year 2014-15 Report of Inmate Welfare Fund Expenditures, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

3. SUBJECT: AMENDMENT AND TERMINATION OF THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE ESTABLISHMENT AND OPERATION OF THE VAN HORN REGIONAL FACILITY IN RIVERSIDE CALIFORNIA (DISTRICTS: ALL)

OVERVIEW:

On January 29, 1991 (8), the San Diego County Board of Supervisors authorized the County of San Diego to participate in the JOINT EXERCISE OF POWERS AGREEMENT FOR THE ESTABLISHMENT AND OPERATION OF THE VAN HORN REGIONAL FACILITY FOR EMOTIONALLY DISTURBED MINORS (JPA). The JPA consisted of the counties of Riverside, Orange, Los Angeles, San Bernardino, and San Diego and was created for the purpose of the construction and operation of a regional facility on County of Riverside property to house emotionally disturbed minors. The JPA is governed by a Board of Directors consisting of a representative from each participating county. In 1995, the facility was constructed and remained in operation until 2010. Financial difficulties and the lack of a suitable vendor to operate the facility resulted in the closure of the

facility approximately five years ago. Subsequent efforts to find a suitable vendor were unsuccessful, and the facility currently cannot reopen without significant rehabilitation to the structure. In April 2015, the County of San Bernardino gave notice of its withdrawal from the JPA. On November 6, 2015, the Board of Directors of the JPA voted in favor to dissolve the JPA. Termination of the JPA requires an amendment to the JPA's term which must be approved by the board of supervisors of each participating county. Upon amendment of the JPA, the JPA Board of Directors intends to finalize the affairs of the JPA and formally terminate the JPA on or about February 12, 2016.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

NA

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Approve and authorize the Clerk of the Board of Supervisors to amend, upon receipt, THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE ESTABLISHMENT AND OPERATION OF THE VAN HORN REGIONAL FACILITY FOR EMOTIONALLY DISTURBED MINORS (JPA) to include a termination date as requested by the JPA Board of Directors and to utilize the JPA's fund balance for the Van Horn Regional Facility's obligations.
2. Authorize County staff and the County representatives on the JPA Board of Directors to take any other necessary action to dissolve the JPA and finalize the affairs of the JPA.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

4. **SUBJECT: INTERGOVERNMENTAL TRANSFER WITH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DISTRICTS: ALL)**

OVERVIEW:

On January 6, 2015 (8), the Board of Supervisors authorized the County's first Intergovernmental Transfer (IGT) agreement with the California Department of Health Care Services (DHCS). In order to help increase State payments to Medi-Cal Managed Care Plans, California counties participating in Medi-Cal Managed Care can enter into IGT and Assessment fee agreements with the DHCS. The IGT consists of the transfer of eligible local funding (not derived from impermissible sources such as recycled Medicaid payments, federal money excluded from use as

State match, impermissible taxes, and non-bona fide provider-related donations) to DHCS, which the State then uses to increase the rates it pays the participating Medi-Cal Managed Care Plans, within an actuarially sound range. The amount the County transfers for the IGT draws down almost dollar for dollar federal match. Once the Plans receive the IGT-funded rate increases from DHCS, they pay those funds to the County to support health care related services.

Today's actions will authorize the Director, Health and Human Services Agency (HHS), or designee to pursue and execute IGT and Assessment fee agreements between HHS and the DHCS. Today's actions will also authorize the Director, HHS, or designee to amend the agreements with four Medi-Cal Managed Care Health Plans; Molina Healthcare of California, Community Health Group, Care1st Health Plan and Health Net of California; to enable HHS to draw down approximately \$3.56 million in new funding to recover enhanced reimbursement for Medi-Cal services provided (and/or financed) by the County to Health Plan members for the period of January 1, 2014 to June 30, 2014. This item supports the County's *Live Well San Diego* vision by providing resources for community partners to help clients build better health.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2015-17 Operational Plan in the Health and Human Services Agency. If approved, this request will result in costs of approximately \$5,640,000, including \$4,700,000 to fund the Intergovernmental Transfer and \$940,000 for the State administrative fee. In return, the County will receive revenue of approximately \$9,200,000 in Fiscal Year 2015-16, resulting in a net increase of \$3,560,000 in new funds. The funding sources for the Intergovernmental Transfer and State administrative fee are local funds, including Realignment. There will be no change in net General fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Authorize the Director, Health and Human Services Agency, or designee to pursue an Intergovernmental Transfer agreement with the California Department of Health Care Services.
2. Authorize the Director, Health and Human Services Agency, or designee to execute an Intergovernmental Agreement Regarding Transfer of Public Funds with the California Department of Health Care Services for the transfer of approximately \$4.7 million in local funds from the Health and Human Services Agency to the California Department of Health Care Services.

3. Authorize the Director, Health and Human Services Agency, or designee to execute an Intergovernmental Transfer Assessment Fee Agreement with the California Department of Health Care Services for the transfer of approximately \$0.94 million from the Health and Human Services Agency to the California Department of Health Care Services, and related documents.
4. Authorize the Director, Health and Human Services Agency, or designee to amend the Healthy San Diego Agreements with Molina Healthcare of California, Community Health Group, Care1st Health Plan and Health Net of California to disburse approximately \$9.2 million of increased Medi-Cal reimbursement to the Health and Human Services Agency to support health services for Medi-Cal beneficiaries and other underserved populations, net of a two to three percent (2-3%) administrative fee calculated on the gross Intergovernmental Transfer amount retained by the Health Plans.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

5. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: SUNSET REVIEW OF BOARD POLICIES AND ADMINISTRATIVE CODE SECTIONS ASSIGNED TO THE COMMUNITY SERVICES GROUP; (BOARD POLICIES AND FIRST READING OF ORDINANCES – 12/15/2015; SECOND READING OF ORDINANCES – 1/5/2016) (DISTRICTS: ALL)**

OVERVIEW:

On December 15, 2015 (21), the Board introduced the Ordinances for further consideration and adoption on January 5, 2016.

In accordance with Board of Supervisors Policy A-76, Sunset Review, the County's five business groups periodically review certain Board policies and applicable Articles of the County Administrative Code to ensure that obsolete policies and Code provisions are deleted, and that remaining policies and code provisions reflect current standards and practices. The Community Services Group recently reviewed the following 11 Board policies and 14 sections of the Administrative Code:

Board Policy A-68	Expediting Permit Processing for Lower Income Housing Developments
Board Policy A-87	Competitive Procurement
Board Policy A-97	Protest Procedures for Award Contracts
Board Policy A-110	Zero Tolerance of Illegal Drug Activity in Housing
Board Policy A-128	Comprehensive Homeless Policy

- Board Policy A-129 Compliance with the Countywide Records Management Program
- Board Policy A-137 Duplex Printing and Copying
- Board Policy B-39a Disabled Veterans Business Enterprise Program
- Board Policy B-53 Small Business Policy (SBP)

- Board Policy B-66 Procurement of Products and Services from California's Prison Industry Authority (PIA)
- Board Policy B-67 Recycled Products Procurement

County Administrative Code IIIk - Affirmative Action Program for Vendors
 County Administrative Code XXIII - Department of Purchasing & Contracting

This action requires two steps. On December 15, 2015, the Board will consider approving amendments to these Board policies and sections of the County Administrative Code. If the Board takes the actions on December 15, 2015 in Recommendations 3 & 4, then on January 5, 2016, the Board is requested to adopt ordinances amending Section 84 of the San Diego County Administrative Code relating to the Affirmative Action Program and Sections 401, 402, 404, 405, 409, 412, 420, 421, 422, 424, 426, and 427 relating to Department of Purchasing and Contracting.

FISCAL IMPACT:

There is no fiscal impact associated with today's requested actions to amend Board policies and adopt an ordinance. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Adopt the Ordinances:

AN ORDINANCE AMENDING SECTIONS 84.1(o) AND 84.6(b) OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO AFFIRMATIVE ACTION PROGRAM FOR VENDORS and approve the next sunset review date to December 31, 2018.

AN ORDINANCE AMENDING SECTIONS 401, 402, 404, 405, 409, 412, 420, 421, 422, 424, 426, and 427 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE DEPARTMENT OF PURCHASING AND CONTRACTING and approve the next sunset review date to December 31, 2017.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Ordinance No. 10405 (N.S.) entitled: AN ORDINANCE AMENDING SECTIONS 84.1(o) AND 84.6(b) OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO AFFIRMATIVE ACTION PROGRAM FOR VENDORS and approving the next sunset review date to December 31, 2018.; and Ordinance No. 10406 (N.S.) entitled: AN ORDINANCE AMENDING SECTIONS 401, 402, 404, 405, 409, 412, 420, 421, 422, 424, 426, and 427 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE DEPARTMENT OF PURCHASING AND CONTRACTING and approving the next sunset review date to December 31, 2017.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

6. SUBJECT: APPOINTMENTS OF BOARD MEMBERS TO BOARDS, COMMISSIONS AND COMMITTEES (DISTRICTS: ALL)

OVERVIEW:

The Board of Supervisors annually appoints Board Members to the boards, commissions and committees listed in Attachment A.

FISCAL IMPACT:

None

BUSINESS IMPACT STATEMENT:

None

RECOMMENDATION:

SUPERVISOR RON ROBERTS

1. Appoint members of the Board of Supervisors to boards, commissions and committees as proposed in Attachment A.
2. Appoint Geoff Patnoe, Director, Office of Strategy and Intergovernmental Affairs, as the second alternate member on the Urban Counties of California.

ACTION:

Noting for the record that appointment to the SANDAG Executive Committee alternate seat will be Supervisor Dianne Jacob; ON MOTION of Supervisor D. Roberts, seconded by Supervisor Jacob, the Board took action as recommended.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

7. SUBJECT: COMMUNICATIONS RECEIVED (DISTRICTS: ALL)

OVERVIEW:

Board Policy A-72, Board of Supervisors Agenda and Related Process, authorizes the Clerk of the Board to prepare a Communications Received for Board of Supervisors' Official Records. Routine informational reports, which need to be brought to the attention of the Board of Supervisors yet not requiring action, are listed on this document. Communications Received documents are on file in the Office of the Clerk of the Board.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Note and file.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

8. SUBJECT: APPOINTMENTS: VARIOUS (DISTRICTS: ALL)

OVERVIEW:

These appointments are in accordance with applicable Board Policy A-74, "Citizen Participation in County Boards, Commissions and Committees," Board Policy I-1, "Planning and Sponsor Group Policies and Procedures," and Board Policy A-77, "Appointments to Fill Vacancies and Cancellation of Election where Insufficient Nominations Filed Prior to Uniform District Election and Citizen Planning Group Election.

FISCAL IMPACT:

There is no fiscal impact associated with these recommendations.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SUPERVISOR BILL HORN

Appoint John Alexander to the ADVISORY COUNCIL FOR AGING & INDEPENDENCE SERVICES, Seat No. 9, for a term to expire January 7, 2019.

Appoint Margaret Singleton O'Leary to the FALLBROOK COMMUNITY PLANNING GROUP, Seat No. 13, for a term to expire January 2, 2017.

Waive Board Policy A-74, "Citizen Participation in County Boards, Commissions and Committees," and re-appoint Marvin Douglas Hudson to the NORTH COUNTY CEMETERY DISTRICT, Seat No. 4, for a term to expire January 6, 2020.

Re-appoint Tom Kumura to the TWIN OAKS VALLEY SPONSOR GROUP, Seat No. 2, for a term to expire January 7, 2019.

Appoint Colleen P. Branin to the TWIN OAKS VALLEY SPONSOR GROUP, Seat No. 4, for a term to expire January 7, 2019.

Re-appoint Karen Binns to the TWIN OAKS VALLEY SPONSOR GROUP, Seat No. 6, for a term to expire January 7, 2019.

SUPERVISOR DIANNE JACOB

Waive Board Policy A-74, "Citizen Participation in County Boards, Commissions and Committees," and re-appoint Robert L. Thomas to the POMERADO CEMETERY DISTRICT, Seat No. 3, for a term to expire January 6, 2020.

Appoint Eric Guenther to the RAMONA DESIGN REVIEW BOARD, Seat No. 2, for a term to expire January 5, 2019.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

9. SUBJECT: CLOSED SESSION (DISTRICTS: ALL)

OVERVIEW:

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Morgen Johnson, et al. v. Richard Meharg, et al.; United States District Court, Southern District, No. 14-CV-0616

ACTION:

County Counsel reported that there were no reportable matters.

10. SUBJECT: PRESENTATIONS/AWARDS (DISTRICTS: ALL)

OVERVIEW:

Supervisor Dianne Jacob presented a proclamation declaring January 5, 2016, Ralph Strahm Day throughout the County of San Diego.

11. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW:

Martha Welch spoke to the Board regarding the stadium.

ACTION:

Heard, referred to the Chief Administrative Officer.

The Board adjourned the Tuesday session at 10:45 a.m. in memory of Dennis O'Leary.

DAVID HALL
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Lopez
Discussion: Zurita

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up

Approved by the Board of Supervisors, on Tuesday, January 26, 2016.



RON ROBERTS
Chairman

Attest:



DAVID HALL
Clerk of the Board

01/05/16