

March 22, 2017

STATEMENT OF PROCEEDINGS

The Minutes of the

***BOARD OF SUPERVISORS
REGULAR MEETING
PLANNING AND LAND USE MATTERS***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, MARCH 22, 2017, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION: Meeting was called to order at 9:12 a.m.

PRESENT: Supervisors Dianne Jacob, Chairwoman; Kristin Gaspar, Vice-Chairwoman; Greg Cox; Ron Roberts; Bill Horn; also, Andrew Potter, Assistant Clerk of the Board.

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

Agenda # Subject

1. APPROVAL OF COST RECOVERY PROPOSAL IN THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL YEAR 2017-18 AND ASSOCIATED ORDINANCE REVISIONS
[FUNDING SOURCE: FEES PAID BY CUSTOMERS]

2. NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO AMEND ORDINANCES RELATED TO LAND DEVELOPMENT FEES AND DEPOSITS EFFECTIVE FISCAL YEAR 2017-18
[FUNDING SOURCE: FEES PAID BY LAND DEVELOPMENT PROJECT AND BUILDING PERMIT APPLICANTS]

3. SET HEARING FOR 04/12/2017:
MERRITT OPEN SPACE EASEMENT VACATION; PDS2016-VAC-16-002; JAMUL-DULZURA SUBREGIONAL PLAN AREA (03/22/2017 – SET HEARING; 04/12/2017 – HOLD HEARING)

4. NOTICED PUBLIC HEARING:
CHANDLER RANCH REORGANIZATION – INITIATION OF PUBLIC HEARING TO DIVEST FROM CSA 135 WITHIN CHANDLER RANCH AND ADOPTION OF A DIVESTITURE RESOLUTION

5. NOTICED PUBLIC HEARING:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
CONSIDERATION AND ADOPTION OF FEE ADJUSTMENTS IN THE
DEPARTMENT OF ENVIRONMENTAL HEALTH EFFECTIVE FISCAL YEAR
2017-18 AND ASSOCIATED ORDINANCE REVISIONS (DISTRICTS: ALL)
[FUNDING SOURCE: FEES PAID BY DEH CUSTOMERS]
6. SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: SAN DIEGO
COUNTY CODE AND ZONING ORDINANCE AMENDMENTS BANNING
MEDICAL AND NON-MEDICAL MARIJUANA FACILITIES AND
EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL
MARIJUANA COLLECTIVE FACILITIES
7. MCCLELLAN-PALOMAR AIRPORT – FIRST AMENDMENT TO LEASE WITH
VERIZON WIRELESS LLC D.B.A. VERIZON WIRELESS
[FUNDING SOURCE: RENTAL PAYMENTS FROM THE LESSEE UNDER THE
TERMS OF THE AMENDED LEASE]
(4 VOTES)
8. COUNTY OF SAN DIEGO TRACT NOS. 5338-2 THROUGH 5338-6:
APPROVAL OF FINAL MAPS, ACCEPTANCE OF RELATED EASEMENTS,
AND APPROVAL OF AGREEMENTS FOR PUBLIC AND PRIVATE
IMPROVEMENTS FOR HORSE CREEK RIDGE (FORMERLY KNOWN AS
CAMPUS PARK) VESTING TENTATIVE MAP LOCATED IN THE
FALLBROOK COMMUNITY PLAN AREA

RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. 2
9. ESTABLISH APPROPRIATIONS, AND ADVERTISE AND AWARD A
CONSTRUCTION CONTRACT FOR THE WINTER GARDENS BOULEVARD
AT WINTER GARDENS DRIVE TRAFFIC SIGNAL INSTALLATION AND
INTERCONNECT PROJECT
[FUNDING SOURCE: THE HIGHWAY SAFETY IMPROVEMENT PROGRAM
(HSIP)]
(4 VOTES)
10. AUTHORIZE MEMORANDUM OF AGREEMENT AMENDMENT WITH SAN
DIEGO ASSOCIATION OF GOVERNMENTS FOR SERVICES FROM
REGIONAL WATER QUALITY CONTROL BOARD ON COUNTY PROJECTS
[FUNDING SOURCE: HIGHWAY USER TAX]
11. SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER
\$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION
12. GREEN LIGHT FOR COUNTY PARK SYSTEM

13. REDUCING THE AUTHORIZED MEMBERSHIP OF THE SAN DIEGUITO COMMUNITY PLANNING GROUP
14. REDUCING THE AUTHORIZED MEMBERSHIP OF THE RAINBOW COMMUNITY PLANNING GROUP
15. RESOLUTION IN SUPPORT OF THE SAN DIEGO COUNTY WATER AUTHORITY'S LONGTERM WATER SUPPLY PLAN AND LITIGATION AGAINST THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
16. PUBLIC COMMUNICATION

1. SUBJECT: APPROVAL OF COST RECOVERY PROPOSAL IN THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL YEAR 2017-18 AND ASSOCIATED ORDINANCE REVISIONS (DISTRICTS: ALL)

OVERVIEW:

The mission of the Department of Agriculture, Weights and Measures (AWM) is to promote a thriving agricultural community, healthy residents, and a balanced environment; and to support a fair marketplace and consumer confidence.

AWM last adjusted fees between eight and 18 years ago. The most recent fee package has allowed the department to continue to carry out programs that promote and protect a healthy and sustainable environment throughout the region. Since approval of the last fee package, AWM has been able to contain cost increases through efficiencies and process improvements, as well as cost control and cost containment measures. However, beginning in Fiscal Year 2017-18, it will be necessary to adjust fees to address increases in staffing and retirement costs, services and supplies, and new program mandates. This fee proposal would allow AWM to continue to provide quality services to customers and improve operational effectiveness and efficiency. Furthermore, this action will ensure compliance with recent statutory changes and with Board Policy B-29: Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery (Board Policy B-29), except where a B-29 waiver is necessary.

The proposed fees adjustments are related to Pest Exclusion plant export certification and field inspections, Direct Marketing (Certified Farmers' Markets and Certified Producers), and Weights and Measures' Device and Point-of-Sale Programs. The average AWM proposed fee increase included in this cost recovery proposal is equivalent to an average of a 1.4% increase each year since the last fee adjustment. AWM also proposes to amend Chapters 17 and 20 of Division 1, Title 2 of the County Code of Regulatory Ordinances relating to commercial weighing and measuring devices and automated point-of-sale stations (Attachment B).

Additionally, effective January 1, 2018, the Land Use and Environment Group is recommending the Hazardous Materials Inventory Program be transitioned from AWM to the Department of Environmental Health. Subsequently, the current AWM Hazardous Materials Inventory fee of \$100 would sunset and be repealed on January 1, 2018. This recommended transition represents our best effort to provide the optimal level of customer service, ensure compliance with new State mandates, and enhance operational effectiveness and efficiency, allowing both departments to continue contributing towards a safe, healthy and thriving region.

This is a request to adopt ordinance amendments to Section 364.3 of the County Administrative Code relating to fees effective Fiscal Year 2017-18; amend Chapters 17 and 20 of the County Code of Regulatory Ordinances relating to commercial weighing and measuring devices and automated point-of-sale stations effective Fiscal Year 2017-18; and sunset and repeal Section 68.112 of Chapter 11 of the County Code of Regulatory Ordinances related to the Hazardous Material

Inventory Program effective January 1, 2018. This is also a request for a waiver of Board Policy B-29 for fees relating to the Pest Exclusion, Direct Marketing, and Weights and Measures Programs.

FISCAL IMPACT:

The proposed adjustments to the standard hourly rates and fees are not included in the Fiscal Year 2017-18 Approved Operational Plan in Agriculture, Weights and Measures or the Department of Environmental Health. If approved, funds for this request will be included in the Fiscal Year 2017-18 CAO Recommended Operational Plan in both departments and will result in additional costs and revenue projected in Fiscal Year 2017-18 of \$308,284 in Agriculture, Weights and Measures and \$162,000 in the Department of Environmental Health. The funding source is fees paid by customers.

A waiver of Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) is requested since the proposed fees do not cover all the operating costs. The total unrecovered cost per Board Policy B-29 is approximately \$2,026,658 for Fiscal Year 2017-18 and will be funded with General Purpose Revenue. There will be no net change in General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

If approved, these recommendations will have a positive impact on the business community by enabling the Department of Agriculture, Weights and Measures (AWM) to maintain high-quality services, and by updating the alignment of hourly rates to the actual costs of services provided. Fees are calculated based on actual documented time required by County of San Diego (County) staff to perform each service. The County strives to improve and streamline its services, and as a result, the average AWM proposed fee increase included in this cost recovery proposal is equivalent to an average of a 1.4% increase each year since the last fee adjustment. Increases are necessary to ensure full cost recovery for services performed by staff, except where a B-29: waiver is requested.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15273(a) of the California Environmental Quality Act (CEQA) Guidelines that the proposed changes to existing fees are exempt from CEQA. Find that the fees are based on Department of Agriculture, Weights and Measures' calculations for the purpose of meeting the operating expenses and the fees do not exceed the reasonable costs of providing the respective services and programs.
2. Waive Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, for fees relating to: the Pest Exclusion, Direct Marketing, and Weights and Measures Programs.

3. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance:

AN ORDINANCE AMENDING SECTION 364.3 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES.

4. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance:

AN ORDINANCE AMENDING CHAPTERS 17 AND 20 OF DIVISION 1 OF TITLE 2 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO COMMERCIAL WEIGHING AND MEASURING INSTRUMENTS AND AUTOMATED POINT-OF-SALE STATIONS AND CONSUMER PROTECTION.

5. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance:

AN ORDINANCE TO SUNSET AND REPEAL SECTION 68.1112 OF CHAPTER 11 OF DIVISION 8 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO THE ENFORCEMENT OF HAZARDOUS MATERIALS RESPONSE PLAN AND INVENTORY REQUIREMENTS AT AGRICULTURAL BUSINESSES.

If on March 22, 2017, the Board takes action as requested in Recommendations 1 through 5 above, then on April 26, 2017:

1. Consider and adopt the Ordinance amending Section 364.3 of the San Diego County Administrative Code, relating to fees charged by the Department of Agriculture, Weights and Measures (second reading).
2. Consider and adopt the Ordinance amending Chapters 17 and 20 of the County Code of Regulatory Ordinances, relating to commercial weighing and measuring instruments and automated point-of-sale stations and consumer protection (second reading).
3. Consider and adopt the Ordinance to sunset and repeal Section 68.1112 of Chapter 11 of the County Code of Regulatory Ordinances, relating to the enforcement of hazardous materials response plan and inventory requirements at agricultural businesses (second reading).

1.1 ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the Board took the following actions:

Found in accordance with Section 15273(a) of the California Environmental Quality Act (CEQA) Guidelines that the proposed changes to existing fees are exempt from CEQA. Found that the fees are based on Department of Agriculture, Weights and Measures' calculations for the purpose of meeting the operating expenses and the fees do not exceed the reasonable costs of providing the respective services and programs;

Waived Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, for fees relating to Weights and Measures Programs;

Introduced the Ordinance entitled: AN ORDINANCE AMENDING SECTION 364.3 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES, for further Board consideration and adoption on April 26, 2017, with the following amendments: (1) Retain the Hazardous Materials Inventory Program in the Agricultural, Weights and Measures Department by removing the sunset and repeal provisions in section 364.3; (2) Exclude adjustments to fees regarding Pest Exclusion, Direct Marketing, Farmer's Market Inspection Fees, and International Counter Service Certification, to be reexamined by staff and identify whether the inspections are necessary or to reevaluate the cost for services, resulting in the exclusion of fee adjustments for the Specialized Field Inspections, Including: Field Growing Season, Destination Point (Sealed Load), Export/Import Shipment Treatment/Inspection, and After Hours Inspections One Hour Minimum, Certified Producers Inspections Fee, and Certified Farmers' Market Inspections Fee; and

Introduced the Ordinance entitled: AN ORDINANCE AMENDING CHAPTERS 17 AND 20 OF DIVISION 1 OF TITLE 2 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO COMMERCIAL WEIGHING AND MEASURING INSTRUMENTS AND AUTOMATED POINT-OF-SALE STATIONS AND CONSUMER PROTECTION, for further Board consideration and adoption on April 26, 2017.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

1.2 ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Horn, the Board clarified the intent on the action taken to also exclude fee adjustments for the International Counter Service Certification Fee, making the appropriate amendments to section 364.3.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

2.

**SUBJECT: NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO AMEND ORDINANCES
RELATED TO LAND DEVELOPMENT FEES AND
DEPOSITS EFFECTIVE FISCAL YEAR 2017-18
(DISTRICTS: ALL)**

OVERVIEW:

This is a request for the Board of Supervisors (Board) to review and approve the land development cost recovery proposal which includes hourly billing rates, fees and deposits for the processing of discretionary land development and building permit applications by Planning & Development Services (PDS), the Department of Public Works (DPW), and the Department of Parks and Recreation (DPR) (the "Departments").

The mission of the Departments that make up the land development team is to balance community, economic and environmental interests to enhance the quality of life in San Diego county. The Departments provide services which range in diversity and complexity and serve a wide variety of customers. Services can include environmental and community character review through discretionary permitting, health and safety inspections of homes, and public infrastructure such as roads and trails.

The DPR cost recovery proposal was last updated eight years ago (January 7, 2009 (1)), and the PDS and DPW cost recovery proposals were last updated four years ago (July 17, 2013 (1)). Since that time, the Departments have worked to provide quality service to the public at the previously approved rates through increased efficiencies and process improvements; however, beginning in Fiscal Year 2017-18, it will be necessary to adjust fees to address past and future increases in staffing and retirement costs, services and supplies and new program mandates. The fee adjustments proposed today are necessary to comply with Board Policy B-29: Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery (Board Policy B-29), which directs departments to seek to recover the full costs of all services they provide.

Since the last fee adjustment, for PDS, the average proposed fee increase included in this cost recovery proposal is equivalent to a 0.5% increase each year, the average intake deposit change is equivalent to a 1.0% increase each year and the average hourly rate change is equivalent to a 1.8% increase each year. For DPW, the average proposed fee increase is equivalent to a 0.1% increase each year, the average intake deposit change is equivalent to a 0.5% increase each year and the average hourly rate change is equivalent to a 1.0% increase each year. DPR does not utilize fees or deposits for their review or conditioning services and is only proposing to update their hourly rates; the proposed average hourly rate change is equivalent to a 1.6% increase each year since the last fee adjustment. Pursuant to Board Policy B-29, full cost recovery is required for all services provided by the Departments.

Today's request also includes a waiver of Board Policy B-29 in relation to appeals, fees for rebuilding structures damaged or destroyed by natural disaster, and plan

check and building fees for the Green Building Incentive Program and Homeowner and Business Owner Relief Act Permits.

FISCAL IMPACT:

The proposed increase to the standard hourly rates, fees, and deposits is not included in the Fiscal Year 2017-18 Approved Operational Plan in Planning & Development Services (PDS), the Department of Public Works (DPW), and the Department of Parks and Recreation (DPR). If approved, the proposed adjustments will result in additional estimated costs and revenue of \$1.1 million in PDS, \$350,000 in DPW, and \$3,000 in DPR. These additional amounts would ensure full cost recovery for services related to processing land development and building permit applications with the exception of appeal fees, fees for rebuilding structures damaged or destroyed by natural disaster, and plan review and permit fees for the Green Building Incentive Program and Homeowner and Business Owner Relief Act Permits. These are proposed to be less than full cost recovery and a waiver of Board Policy B-29 is requested.

If approved, funds for this request will be included in the Fiscal Year 2017-18 CAO Recommended Operational Plan in PDS, DPW, and DPR. The funding source is fees paid by land development project and building permit applicants. There will be no net change in general fund and no additional staff years.

BUSINESS IMPACT STATEMENT:

If approved, these recommendations will have a positive impact on the business community by enabling Planning & Development Services (PDS), the Department of Public Works (DPW), and the Department of Parks and Recreation (DPR) to maintain high-quality services, and by updating the alignment of fees to the actual costs of services provided to fee payers in each fee category. Fees and deposits are calculated based on actual documented time required by County of San Diego (County) staff to perform each service. The County strives to improve and streamline services. As a result, the average land development proposed fee increase included in this cost recovery proposal is equivalent to a 0.5% increase at PDS and a .1% increase at DPW each year since the last fee adjustment. The average proposed deposit increase is equivalent to a 1.0% increase at PDS and a .5% increase at DPW each year since the last fee adjustment. The average hourly rate change is equivalent to a 1.8% increase at PDS, a 1.0% increase at DPW and a 1.6% increase at DPR each year since their last respective fee adjustment. Increases are necessary to ensure full cost recovery for services performed by staff.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15273 of the CEQA Guidelines. Approve the findings in Attachment B pursuant to CEQA Guidelines Section 15273 (c).

2. Waive Board Policy B-29: Fees, Grants, Revenue Contracts—Department Responsibility for Cost Recovery, for fees relating to: appeals, rebuilding structures damaged or destroyed by natural disaster, and plan review and permit fees for the Green Building Incentive Program and Homeowner and Business Owner Relief Act Permits.
3. Adopt the attached Form of Ordinance entitled:
AN ORDINANCE AMENDING PORTIONS OF THE ADMINISTRATIVE CODE RELATING TO FEES AND DEPOSITS FOR THE DEPARTMENTS OF PLANNING & DEVELOPMENT SERVICES, PUBLIC WORKS, AND PARKS AND RECREATION (Attachment A).

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Roberts, the Board closed the Hearing and took action adopting the amended Ordinance No. 10472 (N.S.), entitled: AN ORDINANCE AMENDING PORTIONS OF THE ADMINISTRATIVE CODE RELATING TO FEES AND DEPOSITS FOR THE DEPARTMENTS OF PLANNING & DEVELOPMENT SERVICES, PUBLIC WORKS, AND PARKS AND RECREATION; that struck increases to the following 13 project deposit types, leaving them at the previously adopted deposit rates: administrative permit deposits regarding farm employee housing, guest living quarters, meteorological testing facilities, mobile financial business office, oversized structure, recycling collection facility (small), accessory dwelling units, boutique winery, and agricultural clearing; site plan deposits regarding the B designator, the D designator, and the J designator; and the deposit for center line review; and directing the Chief Administrative Officer to re-evaluate those fees and the associated hourly rates.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

3. **SUBJECT: SET HEARING FOR 04/12/2017:
MERRITT OPEN SPACE EASEMENT VACATION;
PDS2016-VAC-16-002; JAMUL-DULZURA SUBREGIONAL
PLAN AREA (03/22/2017 – SET HEARING; 04/12/2017 –
HOLD HEARING) (DISTRICT: 2)**

OVERVIEW:

This is a request for the Board of Supervisors (Board) to consider the vacation of an open space easement (Vacation) on Lot 18 of the approved Olive Vista Subdivision, a privately owned residential property. The Vacation has been reviewed for conformance to Board Policy I-103: Open Space Easement Vacations and the California Streets and Highways Code. The open space easement was originally recorded in order to comply with the County Subdivision Ordinance because Lot 18 was bisected by an Irrevocable Offer of Dedication (IOD) SC-760 for public highway purposes. The open space easement was not required for environmental mitigation. The IOD was vacated on October 22, 2014 (6); therefore, the open space easement is no longer necessary for currently or prospective public use.

The subject property is 2.8 acres in size and is located at 14460 Olive Vista Drive, within the Jamul-Dulzura Subregional Plan Area (57th Edition Thomas Guide, Page 1293). The open space easement is approximately 1.1 acres in size.

The Vacation requires the Board take two actions. First on March 22, 2017, it is requested that the Board set a date for a public hearing on April 12, 2017, and provide public notice of that hearing. In the event the Board takes the actions recommended on March 22, 2017, then on April 12, 2017, it is requested that the Board consider and adopt a resolution to vacate the referenced easement and record the resolution of the Vacation.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

On March 22, 2017:

1. Set a public hearing date on April 12, 2017, to consider vacating an open space easement totaling approximately 1.1 acres (Attachment A).
2. Direct the Clerk of the Board of Supervisors (Clerk) to provide notice of the hearing via publication and posting as required by law.

If on March 22, 2017, the Board takes the actions recommended in items 1 and 2 above, then, on April 12, 2017:

1. Adopt the environmental findings included in Attachment B, which includes findings in accordance with Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines that there are no substantial changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously adopted Negative Declaration (ND) dated June 21, 1979, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the ND was adopted.
2. Adopt the resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2016-VAC 16-002, PDS2016-ER-79-19-042A (Attachment C).
3. Direct the Clerk to record the resolution pursuant to California Streets and Highways Code Section 8325.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board took action as recommended, on Consent, setting a Hearing for April 12, 2017.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

**4. SUBJECT: NOTICED PUBLIC HEARING:
CHANDLER RANCH REORGANIZATION – INITIATION
OF PUBLIC HEARING TO DIVEST FROM CSA 135
WITHIN CHANDLER RANCH AND ADOPTION OF A
DIVESTITURE RESOLUTION (DISTRICT: 5)**

OVERVIEW:

On February 15, 2017 (5), the Board of Supervisors set a Hearing for March 22, 2017.

Chandler Ranch consists of four parcels in the unincorporated area near Fallbrook, totaling 77.58 acres. The property owner is requesting to be removed from County Service Area (CSA) 135 for fire and emergency medical services and requesting to be annexed into the North County Fire Protection District (NCFPD). A property tax exchange for Chandler Ranch was approved by the Board of Supervisors (Board) on June 22, 2016 (7). On August 1, 2016, the Local Agency Formation Commission (LAFCO) approved the removal of Chandler Ranch from CSA 135 and annexation into NCFPD subject to a condition requiring the Board to authorize the removal of latent powers, or the authority to provide services in the area, through a divestiture (removal) from CSA 135 for Chandler Ranch.

The process for divestiture requires that the Board first consider the adoption of a Resolution of Intention to establish a date for a public hearing. If, on February 15, 2017, the Resolution of Intention is adopted, the Board will then consider approval of a Resolution of Application to divest (remove) fire and emergency medical services latent powers from CSA 135 within Chandler Ranch on March 22, 2017.

FISCAL IMPACT:

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

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that adoption of the Resolution of Application is not subject to the California Environmental Quality Act (CEQA) pursuant to state CEQA Guidelines Section 15378(b)(5) because the proposed actions involve organizational activities of governments that will not result in direct or indirect physical changes in the environment.

2. Adopt the Resolution entitled: RESOLUTION OF APPLICATION DIVESTING CSA 135 OF LATENT POWERS WITHIN CHANDLER RANCH (Attachment C).

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board took action as recommended, on Consent, adopting Resolution No. 17-036, entitled: RESOLUTION OF APPLICATION DIVESTING CSA 135 OF LATENT POWERS WITHIN CHANDLER RANCH.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

5. **SUBJECT: NOTICED PUBLIC HEARING:
SECOND CONSIDERATION AND ADOPTION OF
ORDINANCE: CONSIDERATION AND ADOPTION OF FEE
ADJUSTMENTS IN THE DEPARTMENT OF
ENVIRONMENTAL HEALTH EFFECTIVE FISCAL YEAR
2017-18 AND ASSOCIATED ORDINANCE REVISIONS
(DISTRICTS: ALL)**

OVERVIEW:

The mission of the Department of Environmental Health (DEH) is to protect the environment and enhance public health for all San Diego county residents by preventing disease, promoting environmental responsibility and, when necessary, enforcing environmental and public health laws.

On March 15, 2017 (1), the Board of Supervisors (Board) approved staff recommendations to introduce and set a hearing on an ordinance to adjust Department of Environmental Health fees. The Board also approved a related CEQA finding. Approvals included altering the proposed ordinance to delete changes to fees for cottage food operators and small water systems and directing the Chief Administrative Officer to return to the Board with proposed fee adjustments in those two areas after further consideration of alternatives.

Today's action is to consider and adopt the altered ordinance you set for hearing on March 15, 2017. The average proposed DEH fee increase included in this cost recovery proposal is equivalent to a 2.6% increase each year since the last fee adjustment.

Since the Board of Supervisors last approved a fee adjustment for DEH nearly seven years ago (July 14, 2010(7)), many DEH programs have experienced new state mandates for existing and new environmental health programs, reporting requirements, and additional regulatory requirements. Because DEH has successfully implemented a number of business process re-engineering efforts to maximize efficiency, and has leveraged technology to streamline operations and improve service to customers, the department has been able to contain costs. However, beginning in Fiscal Year 2017-18, it will be necessary to adjust fees to address increases in staffing and retirement costs, services and supplies, and new

program mandates. The fee increases proposed today are necessary to comply with Board Policy B-29: Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery-

FISCAL IMPACT:

The proposed increase to the standard hourly rate and fees are not included in the Fiscal Year 2017-18 Approved Operational Plan in the Department of Environmental Health. If approved, the proposed rate and fee adjustments as revised by the Board on March 15, 2017 (1) will result in additional estimated costs and revenue of \$3,257,822 in Fiscal Year 2017-18, with \$782,000 for the Food & Housing Division, \$2,150,000 for the Hazardous Materials Division, \$29,000 for the Community Health Division, and \$296,822 in the Land and Water Quality Division.

If approved, funds for this request will be included in the Fiscal Year 2017-18 CAO Recommended Operational Plan in the Department of Environmental Health. The funding source is fees paid by DEH customers. There will be no net change in general fund and no additional staff years.

BUSINESS IMPACT STATEMENT:

If approved, these recommendations will have a positive impact on the business community by enabling the Department of Environmental Health (DEH) to maintain high-quality services, and by updating the alignment of fees to the actual costs of services provided to fee payers in each fee category. Fees are calculated based on actual documented time required by County of San Diego (County) staff to perform each service. The County strives to improve and streamline its services, and as a result, the average DEH proposed fee increase included in this cost recovery proposal is equivalent to a 2.6% increase each year since the last fee adjustment. Increases are necessary to ensure full cost recovery for services performed by staff.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Read title and waive further reading of an Ordinance entitled:
ORDINANCE AMENDING PORTIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO FEE ADJUSTMENTS FOR THE DEPARTMENT OF ENVIRONMENTAL HEALTH FOR FISCAL YEAR 2017-18.
2. Consider and adopt the Ordinance amending Title 6 of the County Code of Regulatory Ordinances (second reading).

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board took action as recommended, on Consent, adopting Ordinance No. 10473 (N.S.), entitled: ORDINANCE AMENDING PORTIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO FEE ADJUSTMENTS FOR THE DEPARTMENT OF ENVIRONMENTAL HEALTH FOR FISCAL YEAR 2017-18.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

6. **SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: SAN DIEGO COUNTY CODE AND ZONING ORDINANCE AMENDMENTS BANNING MEDICAL AND NON-MEDICAL MARIJUANA FACILITIES AND EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE FACILITIES (DISTRICTS: ALL)**

OVERVIEW:

On March 15, 2017 (2), the Board of Supervisors introduced the Ordinance for further consideration and adoption on March 22, 2017.

This is a request for the Board of Supervisors (Board) to consider proposed amendments to the San Diego County Code of Regulatory Ordinances (County Code) and the Zoning Ordinance related to Medical Marijuana Facilities. On January 25, 2017 (1), the Board directed staff to return with Ordinance Amendments to prohibit and ban medical and non-medical marijuana facilities within the unincorporated County of San Diego (County). Staff has prepared amendments to amend existing language in the County Code and amend and repeal the Zoning Ordinance; to add language prohibiting medical and non-medical marijuana facilities; and to update the amortization requirements applicable to non-conforming medical marijuana collective facilities.

These changes would result in a local ban within the unincorporated area on medical and non-medical marijuana facilities, including both non-profit and for-profit facilities. Recently adopted State laws permit local jurisdictions to ban both medical and non-medical marijuana facilities. These amendments do not preclude the private use of medical and non-medical marijuana as allowed by State law.

The proposed Zoning Ordinance changes, if adopted, may cause three existing medical marijuana collective facilities and two other vested facilities to become non-conforming uses since they would no longer be allowed in the County. If this were the case, the non-conforming medical marijuana collective facilities would need to cease operations within five years of the effective date of the ban ordinance with one possible six month extension.

On April 27, 2016 (2), the Board extended the interim urgency moratorium ordinance prohibiting the establishment of new medical marijuana collective facilities until March 16, 2017 (Ordinance No. 10426). This action also includes, for the Board's consideration, an extension of the interim urgency moratorium ordinance (Attachment C) which, if adopted, would extend the interim urgency moratorium ordinance for an additional year to March 15, 2018. If the Board adopts the ordinance changes, the moratorium will remain in effect only until the Zoning Ordinance banning medical and non-medical facilities becomes effective.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) does not concur with the Planning Commission recommendations and requests that the Board:

1. Find that the proposed San Diego County Code Ordinance amendments comply with the CEQA and County CEQA Guidelines because the amendments can be found exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines (Attachment E).
2. Adopt the Ordinance (Attachment A1) entitled:
AN ORDINANCE AMENDING SECTIONS 21.2501 AND 21.2503(a) OF THE SAN DIEGO COUNTY REGULATORY ORDINANCES RELATING TO THE ISSUANCE OF MEDICAL MARIJUANA COLLECTIVE FACILITIES OPERATING CERTIFICATES (second reading).

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Horn, the Board took action as recommended, adopting Ordinance No. 10474 (N.S.), entitled: AN ORDINANCE AMENDING SECTIONS 21.2501 AND 21.2503(a) OF THE SAN DIEGO COUNTY REGULATORY ORDINANCES RELATING TO THE ISSUANCE OF MEDICAL MARIJUANA COLLECTIVE FACILITIES OPERATING CERTIFICATES.

AYES: Jacob, Gaspar, Horn

NOES: Cox, Roberts

7. **SUBJECT: MCCLELLAN-PALOMAR AIRPORT – FIRST AMENDMENT TO LEASE WITH VERIZON WIRELESS LLC D.B.A. VERIZON WIRELESS (DISTRICT: 5)**

OVERVIEW:

McClellan-Palomar Airport, located in Carlsbad (57th Edition Thomas Guide Page 1127, D3), is a major gateway to and from San Diego's North County. The Airport provides facilities and services to commercial, corporate and general aviation communities. Approval of these types of leases ensures adequate funding is provided for the use of the property and allows the Department of Public Works to use the revenues to ensure all the airports are properly maintained and safe for the users of the airport.

On July 22, 2009 (16), the County Board of Supervisors approved a new 20-year lease with Verizon Wireless LLC dba Verizon Wireless at McClellan-Palomar Airport for a cellular antenna and supporting equipment. Verizon Wireless LLC dba Verizon Wireless would like to install an emergency generator at the site to allow the equipment to function in the event electrical power is lost. This would require amending the lease to increase the leased area to provide space for the generator. The amendment would also increase the rent proportionally.

This is a request to approve the proposed First Amendment to the Lease with Verizon Wireless LLC dba Verizon Wireless. This amendment would increase the rent, change the premises and update lease language.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2016-17 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$31,774 in Fiscal Year 2016-17, an increase of \$814 more than the amount budgeted. The funding source for additional revenue is rental payments from the lessee under the terms of the amended lease. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed lease amendment is categorically exempt from CEQA review as they consist of the leasing of existing facilities involving negligible or no expansion of existing use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the First Amendment to Lease with Verizon Wireless LLC dba Verizon Wireless County Contract No. 500303. **(4 VOTES)**

ACTION:

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

AYES: Cox, Jacob, Gaspar, Roberts, Horn

8. **SUBJECT: COUNTY OF SAN DIEGO TRACT NOS. 5338-2 THROUGH 5338-6: APPROVAL OF FINAL MAPS, ACCEPTANCE OF RELATED EASEMENTS, AND APPROVAL OF AGREEMENTS FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR HORSE CREEK RIDGE (FORMERLY KNOWN AS CAMPUS PARK) VESTING TENTATIVE MAP LOCATED IN THE FALLBROOK COMMUNITY PLAN AREA (DISTRICT: 5)**

OVERVIEW:

This item is a request for the Board of Supervisors (Board) to review and approve five Final Maps for County of San Diego (County) Tract Nos. 5338-2, 5338-3, 5338-4, 5338-5, and 5338-6; accept related easements; approve, authorize and execute a Park Acquisition and Interim Funding Agreement; and execute the associated Agreement to Improve Major Subdivision (collectively, Agreements) for public and private improvements.

Horse Creek Ridge (formerly known as Campus Park) is a 416-acre proposed master planned community with 741 residences. Of the total residences, 511 are single-family units and 230 multi-family units. The project also has 11.45 acres of private and public recreational facilities; 191 acres of open space preserve areas; and new public roadways. It is located in the northeast quadrant of the State Route 76 (SR-76) and Interstate 15 (I-15) Interchange, in the Fallbrook Community Plan Area (2009 Thomas Guide, Page 1048, H-1 & J-1, and Page 1028, H-7 & J-7).

The applicant, DR Horton Los Angeles Holding Company, Inc. (DRH), is currently grading the site under two valid grading permits with secured restoration agreements. Tract No. 5338-1 (Parcel Map No. 21006) was previously recorded to create three lots. The five proposed Final Maps, consisting of 387 acres, will further subdivide parcels 1 and 3 of Parcel Map No. 21006. Parcel 2 of Parcel Map No. 21006, a 29-acre parcel designated for commercial and professional uses, was retained by Passerelle LLC (the original project developer) and is not part of the request before the Board today.

The applicant has entered into agreements with Rainbow Municipal Water District (RMWD) (sewer and water), North County Fire Protection District, San Diego County Flood Control District (Flood Control District), San Diego State University Research Foundation (SDSURF), Fallbrook Land Conservancy, and County Parks and Recreation. The applicant has conducted outreach with Native American Tribes and has Native American monitors on-site during earth-disturbing activities as required pursuant to the agreement that was entered into between the applicant and culturally-affiliated tribes. The developer has posted bonds for the guarantee of

required improvements in the amount of \$105.8 million and entered into the corresponding Agreements to Improve Major Subdivision. Community Facilities District No. 2013-01 (CFD) (Horse Creek Ridge Maintenance) was formed in 2013 to finance the costs of ongoing maintenance and public services including:

1. Fire protection, suppression, and emergency medical services for North County Fire Protection District;
2. Open space, trails, park and recreational facilities maintenance for the County;
3. Storm drainage and detention basin facilities maintenance and operations of the San Diego County Flood Control District; and
4. Administrative costs of the County associated with the CFD.

Prior actions include approval of a General Plan Amendment GPA 03-004; a Specific Plan Amendment SPA 03-008 (previously Specific Plan 83-01); a Zone Reclassification R 03-014; a Vesting Tentative Map (VTM) 5338RPL7; and related actions by the Board on May 11, 2011 (1).

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Supervisors:

1. Find that the approval of the Final Maps, the Agreements and associated actions is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(1) and (2) of the CEQA Guidelines because it does not involve the exercise of discretionary powers by a public entity and the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.
2. Find that there are no changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously certified Environmental Impact Report (EIR), dated May 11, 2011, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified.
3. Approve and authorize the Clerk of the Board (Clerk) to execute the Park Acquisition and Interim Funding Agreement as listed in Attachment A and on file with the Clerk.

4. Approve Final Maps for County Tract Nos. 5338-2, 5338-3, 5338-4, 5338-5 and 5338-6, and accept the public streets (subject to improvements) and access rights on behalf of the public; the drainage easements on behalf of the County; the noise protection easements on behalf of the County; the pedestrian and equestrian trail easements on behalf of the County; the limited building zone easements on behalf of the County; and the clear space easements on behalf of the County, as dedicated on the Final Maps.
5. Approve and authorize the Clerk to execute Joint Improvement Agreements to Improve Major Subdivision for 5338-2, 5338-3, 5338-4, 5338-5 and 5338-6 for street improvements, drainage facilities, trails, parks, interim funding for park facilities, interim funding for San Diego County Flood Control District, sewer and water facilities and final monumentation as listed in Attachment A and on file with the Clerk.

Acting as the Board of Directors, San Diego County Flood Control District:

1. Accept drainage easements on behalf of the San Diego County Flood Control District, as dedicated on the Final Maps.
2. Approve and authorize the Clerk, acting on behalf of the San Diego County Flood Control District, to execute Joint Improvement Agreements to Improve Major Subdivision for 5338-2, 5338-3, 5338-4, 5338-5 and 5338-6 which include street improvements, drainage facilities, trails, parks, interim funding for park facilities, interim funding for San Diego County Flood Control District, sewer and water facilities, and final monumentation as listed in Attachment A and on file with the Clerk.

RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. 2

ACTION:

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

AYES: Cox, Jacob, Gaspar, Roberts, Horn

9. **SUBJECT: ESTABLISH APPROPRIATIONS, AND ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE WINTER GARDENS BOULEVARD AT WINTER GARDENS DRIVE TRAFFIC SIGNAL INSTALLATION AND INTERCONNECT PROJECT (DISTRICT: 2)**

OVERVIEW:

This project is located in the unincorporated community of Lakeside (57th Edition Thomas Guide Pages 1231, J4-J7 and 1251 J1-J2). The proposed project involves construction of a new traffic signal and interconnects the new signal with seven existing signals along Winter Gardens Boulevard.

The Winter Gardens Boulevard at Winter Gardens Drive Signal Installation and Interconnect project will create improvements benefiting the community by

enhancing safety for local residents, motorists, bicyclists and pedestrians at this heavily-traveled intersection. This project eliminates unprotected left and right turns from Winter Gardens Drive onto Winter Gardens Boulevard, and adds sidewalks, ramps and crosswalks that provide protection to pedestrians from passing traffic.

This is a request to establish additional appropriations based on a Federal Highway Administration (FHWA), Highway Safety Improvement Program (HSIP) Grant, and approve advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Construction is scheduled to begin in the Spring of 2017 and be completed in Summer 2017. Construction cost is estimated at \$815,676 including contingencies.

FISCAL IMPACT:

Funds in the amount of \$702,676 for this request are included in the Fiscal Year 2016-17 Operational Plan in the Department of Public Works Road Fund Detailed Work Program based on a FHWA, HSIP Grant. If approved, this request will establish additional appropriations of \$113,000 based on additional unanticipated revenue from the HSIP Grant. Total construction costs for the Winter Gardens Boulevard at Winter Gardens Drive Signal Installation and Interconnect project are estimated to be \$815,676, including contingencies. The funding source is the HSIP (\$815,676). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

County construction contracts are competitively bid and help stimulate the local economy.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines because it involves the minor alteration of existing public roadway involving no or negligible expansion of existing use.
2. Establish Appropriations in the amount of \$113,000 in the Department of Public Works Detailed Work Program for the construction of the Winter Gardens Boulevard at Winter Gardens Drive Traffic Signal and Interconnect project based on unanticipated revenue from the Highway Safety Improvement Grant. (4 VOTES)
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for subject public works project.

4. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

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

AYES: Cox, Jacob, Gaspar, Roberts, Horn

10. **SUBJECT: AUTHORIZE MEMORANDUM OF AGREEMENT AMENDMENT WITH SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR SERVICES FROM REGIONAL WATER QUALITY CONTROL BOARD ON COUNTY PROJECTS (DISTRICTS: ALL)**

OVERVIEW:

The State Water Resources Board, on behalf of the Regional Water Quality Control Board, regularly enters into agreements with local agencies to fund expanded services related to issuance of Water Quality Certifications and other permits needed to implement capital projects. Establishing a Memorandum of Agreement to receive expanded and timely services from the Regional Water Quality Control Board advances projects to completion more quickly because Regional Board staff dedicates time for processing permit applications, reviewing permit compliance and coordinating with staff to plan for future permit needs.

The San Diego Association of Governments (SANDAG) entered into such an Agreement with the State Water Resources Board to fund a staff position. On June 14, 2010 the County of San Diego (County) entered into a Memorandum of Agreement with SANDAG to allow the County to share a portion of the capacity of the SANDAG agreement for Regional Water Quality Control Board staff work on County projects. The Agreement has been extended three times and expires on June 30, 2017. This is a request to authorize a Memorandum of Agreement amendment between the County and SANDAG, which would provide capacity to the County such that the Regional Water Quality Control Board will accept County funds of up to \$150,000 to provide expanded services for County projects until June 30, 2019, with the option to extend an additional two years if funds are available. Any department in the County would be able to use this capacity to expedite project review and permitting by Regional Water Quality Control Board staff, and the County would be invoiced as services are performed. Timely permitting and completion of County projects is important to the public to control costs and ensure service delivery.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2016-17 Adopted Operational Plan in the Department of Public Works Road Fund and, if approved, the remaining amount will be included in the Fiscal Year 2017-18 CAO Recommended Operational Plan and future Operational Plans in the Department of Public Works Road Fund. The funding source is Highway User Tax (\$150,000).

Any department can use these services using their project-specific funding sources, which will reimburse the Road Fund as work occurs. Actual expenditures will depend on the number and frequency of projects subject to Regional Water Quality Control Board permit requirements. If there is a balance at the end of the term of the MOA, it will be applied to a subsequent agreement or refunded to the County. There will be no net change in General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15060 (c) (3) of the state CEQA Guidelines because the activity in question is administrative in nature and is not a project as defined in Section 15378 of the state CEQA Guidelines.
2. Authorize and direct the Director of Public Works to execute a Memorandum of Agreement Amendment between the San Diego Association of Governments and the County to receive expedited services on County projects from the Regional Water Quality Control Board, until June 30, 2019 with the option to extend two additional years if funds are available.

ACTION:

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

AYES: Cox, Jacob, Gaspar, Roberts, Horn

11. **SUBJECT: SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION (DISTRICTS: ALL)**

OVERVIEW:

The County of San Diego Department of Parks and Recreation (DPR) received numerous donations from the San Diego County Parks Society (Parks Society) during the period of July 1, 2016 to December 31, 2016. The Parks Society is a nonprofit organization committed to promoting DPR and supporting its programs and special events by offsetting costs through both cash and non-cash donations. County of San Diego Administrative Code, Section 66, *Acceptance of Gifts*, permits the acceptance of donations by the administrative head of each department of the County, subject to ratification by the Board of Supervisors. The Board of Supervisors' approval to accept individual gifts over \$5,000 is required. Donations received from the Parks Society for the period of July 1, 2016 to December 31, 2016 totaled \$69,310 (\$9,627 in cash donations and \$59,683 in non-cash donations).

Today's proposed action is to accept the Department of Parks and Recreation Report of Gifts and Donations for the period of July 1, 2016 to December 31, 2016 from the Parks Society and ratify the acceptance of gifts exceeding \$5,000. In addition, today's action authorizes the Chair of the Board of Supervisors to sign a letter of appreciation to the Parks Society for the donations.

FISCAL IMPACT:

There is no fiscal impact associated with these recommendations. The Department of Parks and Recreation (DPR) received donations from the San Diego Parks Society totaling \$69,310 between July 1, 2016 and December 31, 2016. Donations are used to support DPR programs. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not a project as defined by the California Environmental Quality Act pursuant to Section 21065 because none of the donations were used for actions that would constitute direct or indirect physical change in the environment.
2. In accordance with Administrative Code Section 66, *Acceptance of Gifts* and Board Policy A-112, *Acceptance and Use of Gifts and Donations*, accept the County Department of Parks and Recreation Report of Gifts and Donations from the San Diego County Parks Society for the period of July 1, 2016 to December 31, 2016 and ratify the acceptance of gifts exceeding \$5,000.
3. Authorize the Chair of the Board of Supervisors to sign a letter of appreciation on behalf of the County of San Diego to the San Diego County Parks Society.

ACTION:

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

AYES: Cox, Jacob, Gaspar, Roberts, Horn

**12. SUBJECT: GREEN LIGHT FOR COUNTY PARK SYSTEM
(DISTRICTS: ALL)**

OVERVIEW:

The County of San Diego's award-winning park system has the distinguished honor of being the first county in the state and one of only 13 counties nationally to receive accreditation from a national commission. Combine this with our local mission to provide exceptional parks, state-of-the-art facilities as well as preserving our unique natural resources and we have created an immense park system that provides our residents with superior services while also improving our region's health, safety and quality of life.

Building and maintaining parks are among the County's core responsibilities. To build on our success, we must look at policy and financial to work toward stripping away barriers that make it tougher to develop new parks and facilities in our communities.

Today's action directs the Chief Administrative Officer to review existing policies and ordinances related to new park development, and establishes a County Parks and Recreation Trust Fund to sustain our parks and facilities now and into the future.

FISCAL IMPACT:

Today's action will establish a "Sustainable County Parks and Recreation Department Trust Fund" supported by an appropriation of \$15 million in the Fiscal Year 2017-2018 Operational Plan based on General Fund fund balance. The fund will be replenished each fiscal year with available fund balance. Future costs will also vary based on annual expenditures and on-going County Parks and Recreation Department revenue sources for operations and maintenance, as well as 5-year capital project forecasts.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHAIRWOMAN DIANNE JACOB AND SUPERVISOR GREG COX

1. Direct the Chief Administrative Officer to review existing policies and ordinances related to developing and maintaining County parks and facilities, and return to the Board within 180 days with recommendations that will further encourage new park development, create alternative models for managing and operating new and existing parks, and identify any improvements that streamline the process when it comes to developing new parks and facilities.
2. Authorize the Auditor and Controller to establish a "Sustainable County Parks and Recreation Trust Fund" and Direct the Chief Administrative Officer to appropriate \$15 million in the FY 17-18 Operational Plan, and replenish the fund each fiscal year with available fund balance. The trust fund would be used to fill funding gaps for maintaining new and existing parks and facilities, and address short-term operational challenges.
3. Direct the Chief Administrative Officer to establish guidelines for using future appropriations from the trust fund based on the County's Parks and Recreation Department's current revenue sources for operations and maintenance, as well as 5-year capital project forecasts.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took the following actions:

Directed the Chief Administrative Officer to review existing policies and ordinances related to developing and maintaining County parks and facilities, and

return to the Board within 180 days with recommendations that will further encourage new park development, create alternative models for managing and operating new and existing parks, and identify any improvements that streamline the process when it comes to developing new parks and facilities; and

Directed the Chief Administrative Officer to return to the Board with established guidelines for using future appropriations for a trust fund or other funding mechanism to fill funding gaps for maintaining new and existing parks and facilities, and address short-term operational challenges, based on the County's Parks and Recreation Department's current revenue sources for operations and maintenance, as well as 5-year capital project forecasts.

AYES: Cox, Jacob, Gaspar, Roberts

NOES: Horn

**13. SUBJECT: REDUCING THE AUTHORIZED MEMBERSHIP OF THE
SAN DIEGUITO COMMUNITY PLANNING GROUP
(DISTRICTS: 3 AND 5)**

OVERVIEW:

The San Dieguito Community Planning Group has seen a decline in attendance, and as a result, maintaining a quorum has been difficult. This action reduces the required number of members.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SUPERVISORS BILL HORN AND KRISTIN GASPAR

1. Determine that the authorized membership of the San Dieguito Community Planning Group shall be reduced to a total of thirteen (13) members by eliminating seats 14 and 15.
2. Direct the Chief Administrative Officer to revise the roster of the San Dieguito Community Planning Group, and to modify the seat numbers of sitting members for this change, and to have this change effective as of this board action.

ACTION:

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

AYES: Cox, Jacob, Gaspar, Roberts, Horn

14. SUBJECT: REDUCING THE AUTHORIZED MEMBERSHIP OF THE RAINBOW COMMUNITY PLANNING GROUP (DISTRICT: 5)

OVERVIEW:

The Rainbow Community Planning Group (RCPG) has seen a decline in interested board members. As a result, maintaining a quorum is difficult. This action reduces the required number of members from fifteen to eleven, as requested by RCPG.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SUPERVISOR BILL HORN

1. Determine that the authorized membership of the Rainbow Community Planning Group shall be reduced to a total of eleven (11) members by eliminating seats 12, 13, 14 and 15.
2. Direct the Chief Administrative Officer to revise the roster of the Rainbow Community Planning Group, and to modify the seat numbers of sitting members for this change, and to have this change effective as of this action.

ACTION:

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

AYES: Cox, Jacob, Gaspar, Roberts, Horn

15. SUBJECT: RESOLUTION IN SUPPORT OF THE SAN DIEGO COUNTY WATER AUTHORITY'S LONGTERM WATER SUPPLY PLAN AND LITIGATION AGAINST THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (DISTRICTS: ALL)

OVERVIEW:

The San Diego County Water Authority ("Water Authority") and its member agencies strive to provide the San Diego region with a reliable water supply at a reasonable cost. The Water Authority is a member agency of the Los Angeles based Metropolitan Water District of Southern California ("MWD"), which has historically supplied the Water Authority with water imported from the Colorado River and through the State Water Project.

Over recent decades, the Water Authority and its member agencies have successfully transformed the San Diego region's dependency upon MWD. According to the Water Authority, this transformation caused MWD to actively

work against the Water Authority through the establishment of rates and charges intended to penalize San Diego and its water diversification efforts. The Water Authority estimates the sum of overcharges could cumulatively total more than \$7 billion by 2040.

The Water Authority contends MWD's questionable financial practices and continuous overcharging, while the Water Authority has committed to provide a reliable, cost-certain and diverse water supply for the sustained prosperity of all San Diego County residents and business enterprises.

Today's action will officially support the Water Authority and its member agencies in litigation against MWD in order to recover illegal expenses that have consequently been passed on to ratepayers.

FISCAL IMPACT:

There is no fiscal impact and there will be no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHAIRWOMAN DIANNE JACOB & VICE-CHAIRWOMAN KRISTIN GASPAR

1. Receive a presentation from the San Diego County Water Authority.
2. Adopt a resolution entitled "A Resolution of the San Diego County Board of Supervisors Supporting the San Diego County Water Authority's Long Term Water Supply Plan and Litigation against the Metropolitan Water District of Southern California" (Attachment A).

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board took action as recommended, adopting Resolution No. 17-037, entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS SUPPORTING THE SAN DIEGO COUNTY WATER AUTHORITY'S LONG TERM WATER SUPPLY PLAN AND LITIGATION AGAINST THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

16. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW:

Martha Welch spoke to the Board regarding Housing.

ACTION:

Heard, referred to the Chief Administrative Officer.

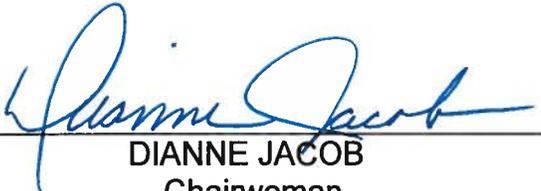
There being no further business, the Board adjourned at 12:03 p.m.

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

Consent: Miller
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 Wednesday, April 12, 2017.



DIANNE JACOB
Chairwoman

Attest:



DAVID HALL
Clerk of the Board

03/22/17