

April 10, 2019

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, APRIL 10, 2019, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

A. **REGULAR SESSION:** Meeting was called to order at 9:00 a.m.

PRESENT: Supervisors Dianne Jacob, Chairwoman; Kristin Gaspar; Nathan Fletcher; Jim Desmond; also, Andrew Potter, Clerk of the Board of Supervisors.

ABSENT: Vice-Chairman Greg Cox

B. **Public Communication:** Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

C. **Approval of the Statement of Proceedings/Minutes for the meeting of March 27, 2019.**

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Gaspar, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of March 27, 2019.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

D. **Formation of Consent Calendar**

E. **Discussion Items**

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. | NOTICED PUBLIC HEARING:
SPRING VALLEY - CONSIDERATION OF 9 ACRES ON CALAVO DRIVE FOR A PUBLIC PARK, SET HEARING FOR ACQUISITION AND ADOPTION OF RESOLUTIONS (CALIFORNIA DEPARTMENT OF TRANSPORTATION) 3/13/2019 FEASIBILITY ASSESSMENT AND SET HEARING; 4/10/2019 HOLD HEARING [FUNDING SOURCES: GENERAL FUND FUND BALANCE COMPONENT DECREASE-PARKS EXPANSION & IMPROVEMENT COMMITMENT, AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE AND FUNDS REDIRECTED FROM CAPITAL PROJECT 1020105 CASA DE ORO LIBRARY AS INCLUDED IN THE LIBRARY PROJECTS CAPITAL OUTLAY FUND IN THE 2018-19 OPERATIONAL PLAN]
(4 VOTES) |
| 2. | NOTICED PUBLIC HEARING:
NOTICED PUBLIC HEARING TO ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AND AUTHORIZE ACTION TO ESTABLISH SPECIAL TAX AND APPROPRIATIONS LIMIT (4/10/2019 - ADOPT RESOLUTIONS AND FIRST READING OF ORDINANCE; 5/1/2019 - SECOND READING OF ORDINANCE) |
| 3. | ESTABLISH APPROPRIATIONS FOR SAN DIEGO COUNTY PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 20 - DAILY ROAD IN DE LUZ AND SAN DIEGO COUNTY PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 133 - RANCH CREEK ROAD IN VALLEY CENTER
(4 VOTES) |
| 4. | TRAFFIC ADVISORY COMMITTEE (04/10/2019 - ADOPT RECOMMENDATIONS; 05/01/19 - SECOND READING OF AN ORDINANCE) |
| 5. | NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO AMEND ORDINANCES RELATED TO LAND DEVELOPMENT FEES, DEPOSITS, AND HOURLY RATES EFFECTIVE FISCAL YEAR 2019-20
[FUNDING SOURCE: FEES PAID BY PRIVATELY-INITIATED LAND DEVELOPMENT PROJECTS AND BUILDING PERMIT APPLICANTS] |
| 6. | NOTICED PUBLIC HEARING:
SET A HEARING FOR 05/01/2019:
APPROVAL OF FEE ADJUSTMENTS IN THE DEPARTMENT OF ENVIRONMENTAL HEALTH EFFECTIVE FISCAL YEAR 2019-20 AND ASSOCIATED ORDINANCE REVISIONS
[FUNDING SOURCE: FEES PAID BY DEH CUSTOMERS, OR RESPONSIBLE PARTIES FOR COMPLAINT AND EMERGENCY RESPONSE RELATED COSTS] |

7. SET A HEARING FOR 05/01/2019:
APPROVAL OF COST RECOVERY PROPOSAL IN THE DEPARTMENT OF
AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL YEAR 2019-20
AND ASSOCIATED ORDINANCE REVISIONS
[FUNDING SOURCE: FEES PAID BY AWM CUSTOMERS]
8. PLOTTING THE COUNTY'S ELECTRIC VEHICLE ROADMAP
9. CLOSED SESSION
10. PUBLIC COMMUNICATION

1. **SUBJECT: NOTICED PUBLIC HEARING:
SPRING VALLEY - CONSIDERATION OF 9 ACRES ON CALAVO
DRIVE FOR A PUBLIC PARK, SET HEARING FOR ACQUISITION
AND ADOPTION OF RESOLUTIONS (CALIFORNIA DEPARTMENT
OF TRANSPORTATION) 3/13/2019 FEASIBILITY ASSESSMENT AND
SET HEARING; 4/10/2019 HOLD HEARING (DISTRICT: 2)**

OVERVIEW

On March 13, 2019 (03), the Board of Supervisors set a Hearing for April 10, 2019.

The California Department of Transportation (Caltrans) owns an approximately 9-acre property (Calavo Property) located on Calavo Drive north of Jamacha Boulevard and within the community of Spring Valley. Caltrans has declared the property surplus and is in the process of putting the property out to auction for sale for an appraised value of \$6,400,000. The Spring Valley Community Planning Group has indicated to the County of San Diego (County) that its top priority for parkland is the acquisition of the Calavo Property for a park and community sports complex.

On January 30, 2019 (6) the County Board of Supervisors (Board) directed staff to explore the feasibility of purchasing the property for the purpose of developing a public park or multi use sports facility and return to the Board by March 27, 2019. Staff reviewed the appraisal for the Calavo Property and determined that the \$6,400,000 price is fair and reasonable. The Calavo Property is considered a feasible site for future recreational facilities because it is undeveloped, has fairly flat topography, is a reasonable size, is accessible from major roadways, is located in proximity to schools and residences, and has potential for trail connections. The site was assessed for potential environmental constraints and was found to have low potential for sensitive environmental resources that could preclude development of future park facilities.

Today's request requires multiple steps. On March 13, 2019, the Board is requested to set a hearing for April 10, 2019, to consider approval of the purchase of the Calavo Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board accepts the recommended actions for March 13, 2019, then on April 10, 2019, after making the necessary findings, the Board is requested to authorize the purchase of the Calavo Property identified as Caltrans Director's Deed DD20613-01-04 from Caltrans for the appraised value of \$6,400,000. Additionally, on April 10, 2019 the Board is requested to adopt resolutions declaring that the property will be used for a public purpose as a future park facility and declaring a portion of Calavo Drive a County Highway upon the transfer of the Calavo Property to the County. The total project acquisition cost in Fiscal Year 2018-19 of \$6,454,000 would include \$6,400,000 for property acquisition, \$25,000 for transaction costs; \$12,000 for closing and title costs; and \$17,000 in initial land stewardship costs. The cost for design, environmental analysis and construction of a future park facility on this parcel is estimated at \$7,000,000 to \$9,000,000; however actual costs will be determined once an environmental assessment is completed, and the park amenities are determined after public input.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Require that any future use of California Department of Transportation Director's Deed DD20613-01-04 be contingent upon compliance with CEQA.

2. Cancel appropriations of \$3,947,935 in the Library Projects Capital Outlay Fund and related Operating Transfer In from the General Fund for Capital Project 1020105 Casa de Oro Library, to provide funding for the Calavo Park property acquisition.
3. Authorize the Auditor & Controller to reduce the Fund Balance Commitment for Parks Expansion & Improvement by \$1,000,000 to provide funding for Capital Project 1022858 Calavo Park. **(4 VOTES)**
4. Establish appropriations of \$2,506,065 in the Contribution to Capital Outlay Fund, Operating Transfer Out, for Capital Project 1022858 Calavo Park, based on General Fund fund balance component decrease - Parks Expansion & Improvement Commitment (\$1,000,000) and available prior year General Fund fund balance (\$1,506,065). **(4 VOTES)**
5. Establish appropriations of \$6,454,000 in the Capital Outlay Fund for Capital Project 1022858 Calavo Park based on an Operating Transfer In from the General Fund. **(4 VOTES)**
6. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THAT THE LAND IDENTIFIED IN DIRECTORS DEED DD20613-01-04 WILL BE USED FOR A PUBLIC PURPOSE AS FUTURE PARK LAND.
7. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING A PORTION OF CALAVO DRIVE IN SPRING VALLEY A COUNTY HIGHWAY.
8. Authorize the Director, Department of General Services to execute two originals of the Purchase and Sale Agreement for the purchase of approximately 9 acres identified as California Department of Transportation Director's Deed DD20613-01-04 for \$6,400,000.
9. Authorize the Director, Department of General Services to execute all escrow and related documents necessary to complete the purchase.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2018-19 Operational Plan in the Capital Outlay Fund for Capital Project 1020105 Casa de Oro Library. If approved, this request will result in current year costs of \$6,454,000 for Capital Project 1022858 Calavo Park. The funding sources are General Fund fund balance component decrease - Parks Expansion & Improvement Commitment (\$1,000,000), available prior year General Fund fund balance (\$1,506,065) and funds redirected from Capital Project 1020105 Casa de Oro Library as included in the Library Projects Capital Outlay Fund in the 2018-19 Operational Plan (\$3,947,935). Costs are itemized as follows: \$6,400,000 for property acquisition; \$25,000 for staff time to complete the transaction; \$12,000 for closing and title costs; and \$17,000 in initial land stewardship costs. There will be no additional staff years in Fiscal Year 2018-19.

Annual total operational costs for managing the vacant approximately 9 acres are estimated at \$6,000 beginning in Fiscal Year 2019-20. Ongoing costs for park operations, maintenance and staffing needs of the developed park will be determined based on the improvements that will be planned and constructed, subject to the approval of the Board. Ongoing costs will be included in future years' Operational Plans in the Department of Parks and Recreation. Ongoing costs could include costs associated with managing the vacant land or costs associated with managing and maintaining a developed park if the Board elects to proceed with construction of a park. The cost to construct a future park facility on this parcel is estimated at \$7,000,000 to \$9,000,000; however the actual costs will be determined after an environmental assessment has been completed and the future park amenities have been selected based on public input.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting the following:

Resolution No. 19-038 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THAT THE LAND IDENTIFIED IN DIRECTORS DEED DD20613 01 04 WILL BE USED FOR A PUBLIC PURPOSE AS FUTURE PARK LAND, and;

Resolution No. 19-039 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING A PORTION OF CALAVO DRIVE IN SPRING VALLEY A COUNTY HIGHWAY.

AYES: Jacob, Gaspar, Fletcher, Desmond
ABSENT: Cox

2. **SUBJECT: NOTICED PUBLIC HEARING:
NOTICED PUBLIC HEARING TO ADOPT RESOLUTIONS AND
ORDINANCE FOR FORMATION OF COMMUNITY FACILITIES
DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AND
AUTHORIZE ACTION TO ESTABLISH SPECIAL TAX AND
APPROPRIATIONS LIMIT (4/10/2019 - ADOPT RESOLUTIONS AND
FIRST READING OF ORDINANCE; 5/1/2019 - SECOND READING OF
ORDINANCE) (DISTRICT: 5)**

OVERVIEW

This is a request for the County of San Diego (County) Board of Supervisors (Board) to hold a public hearing and take action to form a Community Facilities District (CFD). The proposed CFD will provide funding for community facilities and services through the levy of a special tax on property owners within the Meadowood Master Planned Community (Meadowood). Today's hearing is the second step of a three-step CFD formation process, which is the adoption of a resolution of formation to form the district. The steps of the CFD formation process are: 1) adoption of a resolution of intention to initiate proceedings; 2) adoption of a resolution of formation to form the district; and 3) adoption of an ordinance to impose a

special tax, if approved by a two-thirds vote of the qualified electors within the CFD. The Board acted on step one on February 27, 2019 (4) and, if today's actions are approved, step three will occur on May 1, 2019.

On January 11, 2012 (3), the Board approved a Vesting Tentative Map 5354RPL4 for Meadowood (VTM) to develop up to 844 single and multi-family residential homes on 389 acres of land located northeast of State Route 76 and Interstate 15 interchange, within the Fallbrook Community Plan area. A condition of project approval for the VTM required a Landscape Maintenance District (LMD) be formed in order to levy a special assessment to provide funding for ongoing maintenance of public facilities. These facilities would be constructed as part of the Meadowood development and would consist of public trails (5.6 miles), a public park (9.1 acres), and stormwater drainage and treatment facilities (4.0 acres detention basins and separate wetland areas). Pardee Homes (Developer) proposed a CFD to fund the operations and maintenance of these public facilities, which is a comparable funding mechanism to an LMD. This satisfies the condition placed on the project because the intent of the condition was to require the developer to provide a funding mechanism for the public facilities. In addition, the proposed Meadowood CFD will fund fire protection and emergency medical services through the North County Fire Protection District (NCFPD) within the CFD boundary to satisfy a separate Meadowood project condition.

The proposed CFD has been reviewed by staff and the total effective special tax rate was found to be in compliance with Board Policy I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, which sets a maximum total effective tax rate of 1.86% of the estimated sales price of the residential homes. The State Mello-Roos Act allows for the waiver of election requirements by unanimous consent of the qualified electors. For the Meadowood CFD formation, since the proposed community within the CFD boundary is uninhabited, the Mello-Roos Act specifies that in this circumstance, the qualified electors are the property owner(s) within the CFD. The Developer, as sole property owner, has indicated willingness to submit a consent and waiver that will allow for the ballots to be returned at today's hearing immediately upon Board adoption of the resolution calling for an election as opposed to waiting until May 1, 2019. The May 1, 2019 hearing would be for the Board to conduct a second reading of the ordinance to adopt the new special tax if approved by the property owner.

This item also includes a request for the Board to adopt a resolution to execute and deliver separate Joint Community Facilities Agreements (JCFA) with the North County Fire Protection District (NCFPD) and the San Diego County Flood Control District (District). JCFA's will allow the NCFPD and the District to receive the annual portion of the special tax that would be levied by the CFD and collected by the County for the maintenance of stormwater and drainage facilities by the District and the provision of fire and emergency medical services by the NCFPD within the CFD boundary. The NCFPD JCFA was approved by the Board of Directors of the NCFPD on January 22, 2019. The District JCFA was approved by the District Board of Directors on February 27, 2019.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On April 10, 2019:

1. Find that the Final Environmental Impact Report (EIR) for the Meadowood Master Planned Community (Meadowood) Project, dated January 11, 2012, State Clearinghouse Number 2004051028, on file in Planning & Development Services as Environmental Review No. 04-02-004 has been completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; that the decision-making body has reviewed and considered the information contained in the Final EIR prior to approving the formation of the Community Facilities District (CFD); and the Final EIR reflects the independent judgment and analysis of the Board of Supervisors (Board).
2. Find that the currently proposed actions are within the scope of the Final EIR; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the certified EIR, nor a substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the Final EIR (CEQA Guidelines Section 15162) was prepared.
3. Adopt the Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING THE EXECUTION AND DELIVERY OF SEPARATE JOINT COMMUNITY FACILITIES AGREEMENTS WITH NORTH COUNTY FIRE PROTECTION DISTRICT AND SAN DIEGO COUNTY FLOOD CONTROL DISTRICT IN CONNECTION WITH COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AND OTHER MATTERS RELATED THERETO (Attachment A, on file with the Clerk of the Board).
4. Adopt the Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO FORMING AND ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2019-01 AND AUTHORIZING SUBMITTAL OF THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF SUCH COMMUNITY FACILITIES DISTRICT (MEADOWOOD MAINTENANCE) (Attachment B, on file with the Clerk of the Board).
5. Adopt the Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT (MEADOWOOD MAINTENANCE) (Attachment C, on file with the Clerk of the Board).

6. Adopt the Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING THE RESULTS OF THE SPECIAL ELECTIONS FOR COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) ON THE PROPOSITIONS WITH RESPECT TO (i) THE ANNUAL LEVY OF SPECIAL TAXES, AND (ii) THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND AUTHORIZING THE RECORDATION OF THE NOTICE OF SPECIAL TAX LIEN (Attachment D, on file with the Clerk of the Board).
7. Approve the introduction (first reading), read title and waive further reading of the ordinance entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING A SPECIAL TAX FOR THE FISCAL YEAR 2019-2020 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) (Attachment E, on file with the Clerk of the Board).

If on April 10, 2019, the Board takes the recommended actions and the Clerk of the Board certifies the election results supporting the imposition of a special tax, then on May 1, 2019, take the following actions:

1. Adopt (second reading) the ordinance entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING A SPECIAL TAX FOR THE FISCAL YEAR 2019-2020 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) (Attachment E, on file with the Clerk of the Board).
2. Direct the Auditor and Controller to establish a special revenue fund to be designated "MEADOWOOD PRK CFD 19-01 A-SPECIAL TAX" for Special Tax A collected in CFD No. 2019-01, that is intended to fund overall Community Facilities District administration and maintenance of the facilities in Meadowood by the Department of Parks and Recreation, with interest earnings allocated and distributed to the fund.
3. Direct the Auditor and Controller to establish a special revenue fund to be designated "MEADOWOOD FCD CFD 19-01 B-SPECIAL TAX" for Special Tax B collected in CFD No. 2019-01, that is intended to be used to fund flood control services in Meadowood, with interest earnings allocated and distributed to the fund.
4. Direct the Auditor and Controller to establish a special revenue fund to be designated "MEADOWOOD FIRE CFD 19-01 C-SPECIAL TAX" for Special Tax C collected in CFD No. 2019-01 that is intended to augment the portion of the 1% ad valorem tax that the North County Fire Protection District receives for associated fire services in Meadowood, with interest earnings allocated and distributed to the fund.
5. Establish an initial appropriations limit of \$1,500,000 for all funds combined in the Meadowood Maintenance CFD No. 2019-01.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2018-19 Operational Plan in Planning & Development Services, the Department of Parks and Recreation, the Department of Public Works, or the San Diego County Flood Control District (District). All staff time and consultant costs incurred to establish and form the Meadowood Maintenance Community Facilities District (CFD), estimated at \$50,000, will be funded by Pardee Homes (Developer). The Developer is responsible for all County, District and consultant costs incurred in the establishment and formation of this CFD and will provide additional funds as needed.

The Rate and Method of Apportionment of the Special Tax (RMA) sets forth the annual amount of special tax to be levied on each parcel based on the size of the residential units and anticipated sales price. The special tax was divided into three special tax categories to separate the funding distributed to the County (Special Tax A) for the maintenance of public trails, a public park, and modular wetland facilities estimated at \$423,775 annually in 2019 dollars; the District (Special Tax B) for the maintenance of stormwater drainage and treatment facilities estimated at \$252,004 annually in 2019 dollars, and the North County Fire Protection District (Special Tax C) to fund fire protection and emergency medical services and facilities estimated at \$202,385 annually in 2019 dollars. The RMA also specifies an Undeveloped Special Tax, levied on the Developer during construction phases, until all residential units are sold and homeowners begin to pay the CFD special tax (excluding Special Tax C, as this tax will be levied only on developed parcels). Additionally, the CFD special tax will fund ongoing administration costs for the CFD, estimated at \$25,000 annually in 2019 dollars for all maintenance services. The special tax will include annual adjustments pursuant to the Meadowood project conditions of approval to offset increases in service costs and ongoing administration costs of the CFD.

The annual ongoing operations and maintenance costs are consistent with Board Policies I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, and B-29, *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, to ensure all staff and consultant costs are fully covered. The service costs account for staff, services, and supplies plus administration costs. The anticipated cost of repair and replacement of equipment for the public trails, the public park, and stormwater drainage and treatment facilities is included in the service costs.

Upon approval of the staff recommended actions by the Board of Supervisors and approval of the special taxes by the qualified electors, the ongoing operations, maintenance and administration costs, and levying of the CFD special taxes are authorized to begin in FY 2019-20 and will be included in future Operational Plans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION 2.1:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, adopting the following:

1. Conducted a public hearing for protest regarding the formation of Community Facilities District No. 2019-01 (Meadowood Maintenance).

2. Directed the Clerk of the Board at the conclusion of the public hearing to tabulate all valid ballots received and certify election results.
3. Found that the Final Environmental Impact Report (EIR) for the Meadowood Master Planned Community (Meadowood) Project, dated January 11, 2012, State Clearinghouse Number 2004051028, on file in Planning & Development Services as Environmental Review No. 04-02-004 has been completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; that the decision-making body has reviewed and considered the information contained in the Final EIR prior to approving the formation of the Community Facilities District (CFD); and the Final EIR reflects the independent judgment and analysis of the Board of Supervisors (Board).
4. Found that the currently proposed actions are within the scope of the Final EIR; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the certified EIR, nor a substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the Final EIR (CEQA Guidelines Section 15162) was prepared.
5. Adopted Resolution No. 19-040 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING THE EXECUTION AND DELIVERY OF SEPARATE JOINT COMMUNITY FACILITIES AGREEMENTS WITH NORTH COUNTY FIRE PROTECTION DISTRICT AND SAN DIEGO COUNTY FLOOD CONTROL DISTRICT IN CONNECTION WITH COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AND OTHER MATTERS RELATED THERETO (Attachment A, on file with the Clerk of the Board).
6. Adopted Resolution No. 19-041 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO FORMING AND ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2019-01 AND AUTHORIZING SUBMITTAL OF THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF SUCH COMMUNITY FACILITIES DISTRICT (MEADOWOOD MAINTENANCE) (Attachment B, on file with the Clerk of the Board).
7. Adopted Resolution No. 19-042 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT (MEADOWOOD MAINTENANCE) (Attachment C, on file with the Clerk of the Board).

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

ACTION 2.2:

Noting for the record that at the conclusion of the public hearing on April 10, 2019, there was not a majority protest; ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, adopting the following:

8. Adopted Resolution No. 19-043 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING THE RESULTS OF THE SPECIAL ELECTIONS FOR COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) ON THE PROPOSITIONS WITH RESPECT TO (i) THE ANNUAL LEVY OF SPECIAL TAXES, AND (ii) THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND AUTHORIZING THE RECORDATION OF THE NOTICE OF SPECIAL TAX LIEN (Attachment D, on file with the Clerk of the Board).
9. Introduced the Ordinance for further Board consideration and adoption on May 1, 2019.

AYES: Jacob, Gaspar, Fletcher, Desmond
ABSENT: Cox

3. **SUBJECT: ESTABLISH APPROPRIATIONS FOR SAN DIEGO COUNTY PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 20 - DAILY ROAD IN DE LUZ AND SAN DIEGO COUNTY PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 133 - RANCH CREEK ROAD IN VALLEY CENTER (DISTRICT: 5)**

OVERVIEW

A Permanent Road Division (PRD) Zone provides property owners a mechanism to pay for private road maintenance in a geographically defined area. Through the PRD, road maintenance services are paid by the property owners through special benefit assessments or special taxes that are placed on the tax roll, and services are performed by the Department of Public Works (DPW). There are currently 67 PRD Zones within the unincorporated county that provide maintenance of approximately 95 miles of private roads, including PRD Zones No. 20 - Daily Road (PRD 20) and No. 133 - Ranch Creek Road (PRD 133). PRD 20 is located in the unincorporated community of De Luz and PRD 133 is located in the unincorporated community of Valley Center.

In February 2019, portions of the roads and culverts in PRDs 20 and 133 were damaged as a result of heavy rains and temporary repairs have been made to allow residents access to use the roads until permanent repairs are made. Repairs are needed on an emergency basis to ensure further harm does not occur from additional storms and to protect the integrity of the roads. The Department of Public Works (DPW) has coordinated with the PRD Road Committees and affected residents. The PRD Committees have approved additional road repair work. The estimated repair cost for PRD 20 is approximately \$400,000 and for PRD 133 is approximately \$60,000.

This is a request to establish appropriations totaling \$214,376 for PRD 20 (\$180,000) and PRD 133 (\$34,376) for emergency road repairs based on available funds from the prior year (fund balance) in PRD 20 and benefit fee assessments from property owners in PRD 133. Upon Board approval, DPW will complete road repairs using a Job Order Contract administered through the Department of General Services. Repair work is scheduled to begin in May 2019 and is expected to be complete by June 2019.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that road repairs in Permanent Road Division Zone No. 20 - Daily Road and Permanent Road Division Zone No. 133 - Ranch Creek Road are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines because they involve approval of emergency repair of existing roads, involving negligible or no expansion of an existing use.
2. Establish appropriations of \$180,000 in Permanent Road Division Zone No. 20 - Daily Road for emergency road repairs in the De Luz area, based on available prior year Permanent Road Division Zone No. 20 - Daily Road Fund fund balance. **(4 VOTES)**
3. Establish appropriations of \$34,376 in Permanent Road Division Zone No. 133 - Ranch Creek Road for emergency road repairs in the Valley Center area, based on benefit fee assessments from property owners. **(4 VOTES)**

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2018-19 Operational Plan in the Department of Public Works Permanent Road Divisions Program. If approved, this request will establish appropriations for emergency road repair costs in the amount of \$180,000 in the PRD Zone No. 20 - Daily Road Fund based on available prior year PRD Zone No. 20 - Daily Road Fund fund balance. If approved, this request will also establish appropriations in the amount of \$34,376 for emergency road repair costs in PRD Zone No. 133 - Ranch Creek Road based on benefit assessments from property owners. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

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

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

4. SUBJECT: TRAFFIC ADVISORY COMMITTEE (04/10/2019 - ADOPT RECOMMENDATIONS; 05/01/19 - SECOND READING OF AN ORDINANCE) (DISTRICTS: 2 & 5)

OVERVIEW

The Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The goal of TAC is to provide the residents of San Diego County (County) with a safe and efficient road system by establishing consistent and uniform traffic regulations that are effective and can be legally enforced. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices, such as speed limits, stop signs, traffic signals, and parking regulations on County maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the request, including engineering studies and studies of traffic conditions.

The TAC recommends the Board act on four items from the January 25, 2019, meeting agenda:

Item 2-A would establish a 50 MPH speed limit on Magnolia Avenue from State Route 78 to Black Canyon Road and a 45 MPH speed limit on Black Canyon Road from Magnolia Avenue to Black Canyon Place in Ramona and certify the speed limits for radar enforcement.

Item 2-B would establish an all-way stop at the intersection of Marilla Drive and Westhill Road in Lakeside.

Item 5-A would establish an all-way stop at the intersection of York Drive and Clarence Drive in Vista.

Item 5-B would establish an all-way stop at the intersection of Osborne Street and Hutchison Street in Bonsall.

Approval of Item 2-A would establish a tool for speed enforcement that increases roadway safety and retains mobility. Properly posted speed limits provide feedback to safe and reasonable drivers to improve traffic safety, reduce the number and severity of collisions, and allow for enforcement.

Approval of Items 2-B, 5-A, and 5-B would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at the intersections. Properly posted stop controls at intersections reduce the number and severity of collisions by assuring that reasonable drivers enter intersections at a low speed and have more time to take heed of the traffic situation.

The Board action on Item 2-A would revise the San Diego County Code of Regulatory Ordinances (County Code) and would require two steps. On April 10, 2019, the Board would consider the TAC items. If the Board takes action on April 10, 2019, then on May 1, 2019, a second reading of an Ordinance amending Section 72.164.1. and adding Section 72.164.1.1. (Item 2-A) of the County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 2

Item 2-A. Magnolia Avenue from State Route 78 to Black Canyon Road and Black Canyon Road from Magnolia Avenue to Black Canyon Place in Ramona. (58th Edition Thomas Guide Page 1153-A4) - Establish a 50 MPH speed limit on Magnolia Avenue and a 45 MPH speed limit on Black Canyon Road and certify the speed limits for radar enforcement.

Item 2-B. Marilla Drive and Westhill Road in Lakeside. (58th Edition Thomas Guide Page 1231-H5) - Establish an all-way stop at the intersection.

District 5

Item 5-A. York Drive and Clarence Drive in Vista. (58th Edition Thomas Guide Page 1108-B1) - Establish an all-way stop at the intersection.

Item 5-B. Osborne Street and Hutchison Street in Bonsall. (58th Edition Thomas Guide Page 1087-H1) - Establish an all-way stop at the intersection.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control issues on County-maintained roadways, resulting in negligible or no expansion of use beyond that existing at the time of the Board action.
2. Adopt the Traffic Advisory Committee's recommendations.
3. Adopt the following Resolutions:
RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY (Items 2-B, 5-A, and 5-B).

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN SAN DIEGO COUNTY (Item 5-A).

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN SAN DIEGO COUNTY (Items 2-A and 5-B).
4. Approve the introduction, read title, and waive further reading of the following Ordinance: ORDINANCE AMENDING SECTION 72.164.1. AND ADDING SECTION 72.164.1.1. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADWAYS IN SAN DIEGO COUNTY (Item 2-A).

If, on April 10, 2019, the Board takes action as recommended, then, on May 1, 2019:

Consider and adopt the following Ordinance: ORDINANCE AMENDING SECTION 72.164.1. AND ADDING SECTION 72.164.1.1. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADWAYS IN SAN DIEGO COUNTY (Item 2-A).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2018-19 Operational Plan for the Department of Public Works Road Fund. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting the following:

Resolution No. 19-044 entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY,

Resolution No. 19-045 entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN SAN DIEGO COUNTY, and;

Resolution No. 19-046 entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN SAN DIEGO COUNTY; and, introduced the Ordinance for further Board consideration and adoption on May 1, 2019.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

5. **SUBJECT: NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO AMEND ORDINANCES
RELATED TO LAND DEVELOPMENT FEES, DEPOSITS, AND
HOURLY RATES EFFECTIVE FISCAL YEAR 2019-20
(DISTRICTS: ALL)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to adopt 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) (collectively “the Departments”).

With cost recovery funding, the Departments provide services that range in diversity and complexity and serve a wide variety of customers. These services enhance the livability of our communities and ensure the health and safety of residents by facilitating new land

development, providing sufficient recreational opportunities, and protecting natural resources. The review of privately-initiated land development and building permit applications ensures the safe design and construction of structures and infrastructure to protect the public. Through these services, the County of San Diego (County) balances community, economic, and environmental interests to enhance the quality of life in the unincorporated area of San Diego county.

Board Policy B-29: *Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery* directs departments to recover the full cost of services. Exceptions require specific Board approval. The last cost recovery package approved by the Board for the Departments was April 18, 2018 (1). The fees proposed today for Fiscal Year 2019-20 will be necessary to address cost increases based on labor agreements with County staff effective November 2017, and to ensure compliance with Board Policy B-29 except where the Board has previously directed the waiver of fees. This cost recovery proposal represents the Departments' commitment to the Board to make recovering costs a regular part of business, while providing stakeholders an opportunity to plan for fee adjustments.

For PDS, the average proposed flat fee increase requested in this cost recovery proposal is equivalent to a 1.0% increase, the average intake deposit change is a 2.7% increase, and the average hourly rate is unchanged. For DPW, the average proposed flat fee increase is a 2.2% increase, the average intake deposit change is a 1.8% increase, and the average hourly rate change is a 0.3% increase. DPR does not use fees or deposits and is proposing to update its hourly rates; the proposed average hourly rate change is 0.1% increase.

Today's request also includes a waiver of Board Policy B-29 in PDS related to appeals, fees for rebuilding structures damaged or destroyed by natural disaster, plan check and building fees for the Green Building Incentive Program and Homeowner and Business Owner Relief Act permits, Accessory Dwelling Units, and Agricultural Tourism, as previously directed by the Board.

RECOMMENDATION(S)

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 C 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, plan review and permit fees for the Green Building Incentive Program, Homeowner and Business Owner Relief Act permits, Accessory Dwelling Units, and Agricultural Tourism in Planning & Development Services.
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 B, on file with the Clerk of the Board).

FISCAL IMPACT

The proposed increases to fees and deposits are not included in the Fiscal Year (FY) 2018-19 Operational Plan in Planning & Development Services (PDS), the Department of Public Works (DPW), or the Department of Parks and Recreation (DPR). If approved, the proposed fee and deposit adjustments will result in additional estimated costs and revenue of \$313,000 in PDS, \$73,000 in DPW, and \$25 in DPR, effective FY 2019-20. The funding source is fees paid by privately-initiated land development projects and building permit applicants.

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) is requested for appeal fees, fees for rebuilding structures damaged or destroyed by natural disasters, plan review and permit fees for the Green Building Incentive Program, Homeowner and Business Owner Relief Act permits, Accessory Dwelling Units, and Agricultural Tourism. These are proposed to be less than full cost recovery and a waiver of Board Policy B-29 is requested since the proposed fees do not cover all operating costs. The total unrecovered cost per Board Policy B-29 is approximately \$4.0 million in PDS for FY 2019-20 and will be funded with General Purpose Revenue. There will be no additional staff years.

If approved, funds for this request will be included in the FY 2019-20 CAO Recommended Operational Plan in PDS, DPW, and DPR.

BUSINESS IMPACT STATEMENT

These recommendations would enable Planning & Development Services (PDS), the Department of Public Works (DPW), and the Department of Parks and Recreation (DPR) to maintain high-quality services. These services enhance the livability of our communities and ensure the health and safety of residents by facilitating new land development, providing sufficient recreational opportunities and protecting natural resources.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10599 (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.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

6. **SUBJECT: NOTICED PUBLIC HEARING:
SET A HEARING FOR 05/01/2019:
APPROVAL OF FEE ADJUSTMENTS IN THE DEPARTMENT OF
ENVIRONMENTAL HEALTH EFFECTIVE FISCAL YEAR 2019-20
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.

Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board approval. The last cost recovery package was adopted by the Board on April 25, 2018 (1). Since that time, DEH has continued to provide services to the public at the approved rates. The fees proposed today for Fiscal Year 2019-20 will be necessary to address cost increases based on labor agreements and ensure compliance with Board Policy B-29 except where the Board has previously authorized the waiver or reduction of cost-based of fees. This cost recovery proposal represents the DEH's commitment to the Board to make recovering costs a regular part of business, while providing stakeholders an opportunity to plan for fee adjustments.

The average DEH proposed fee adjustment in this cost recovery proposal is equivalent to a 6% increase, which includes negotiated salary and benefit increases, and additional staffing in the food program in response to new State mandates and to increase inspection frequency at restaurants, working towards meeting the Federal recommendation risk-based inspection frequency goal for food facilities. DEH has worked to contain costs where possible and has applied approximately \$1.2 million in operational savings to offset increased costs. Without this cost containment, fees would have needed to increase an additional 4%.

Today's request requires two steps. The first request is to approve the first reading of DEH's cost recovery proposal on April 10, 2019. If approved, the ordinance amendments will be brought back for adoption on May 1, 2019. The request on May 1, 2019 would be to adopt ordinance amendments to Title 6 of the County Code of Regulatory Ordinances relating to permit fees, nonprofit organization permit fee reductions, and procedures for businesses and health regulated activities in DEH effective FY 2019-20.

Today's request also includes a waiver of Board Policy B-29 related to fees for nonprofit organization food, housing, pool and temporary event permits.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On April 10, 2019:

1. Set a hearing for May 1, 2019 for consideration and adoption of an Ordinance amending Title 6 of the San Diego County Code of Regulatory Ordinances.
2. Find that the adjustments in fees and charges contained in the proposed Ordinance Amending Title 6 of the San Diego County Code of Regulatory Ordinances to Adjust Department of Environmental Health Regulatory Program Fees are necessary to meet operating expenses beginning in Fiscal Year 2019-20, and find in accordance with Sections 21080(b)(8) of the California Environmental Quality Act (CEQA) and 15273(a) of the CEQA Guidelines that these adjustments to fees and charges are therefore not subject to CEQA.
3. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* for fees relating to: Nonprofit Organization food, housing, pool and temporary event permits in the Department of Environmental Health.

4. Approve the introduction of the Ordinance, (first reading), read title and waive further reading of an Ordinance entitled: **ORDINANCE AMENDING TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST DEPARTMENT OF ENVIRONMENTAL HEALTH REGULATORY PROGRAM FEES.**

If, on April 10, 2019, the Board takes the actions recommended in items 1 through 4 above then, on May 1, 2019:

Consider and adopt the Ordinance amending Title 6 of the County Code of Regulatory Ordinances (second reading).

FISCAL IMPACT

The proposed increases to fees are not included in the Fiscal Year (FY) 2018-19 Operational Plan in the Department of Environmental Health (DEH). If approved, the proposed fee adjustments will result in additional estimated costs and revenue of \$1,683,976, with \$1,081,970 in the Food & Housing Division \$500,768 in the Hazardous Materials Division, \$100,128 in the Land & Water Quality Division and \$1,110 in the Community Health Division, effective FY 2019-20. The funding source is fees paid by DEH customers, or responsible parties for complaint and emergency response related costs.

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) is requested when a Nonprofit Organization is seeking food, housing, pool and temporary event permits because fees that are waived or reduced will not cover all operating costs. The total unrecovered cost per Board Policy B-29 is approximately \$240,303 in DEH for FY 2019-20 and, if approved, will be funded with General Purpose Revenue. There will be no additional staff years.

If approved, funds for this request will be included in the FY 2019-20 CAO Recommended Operational Plan in DEH.

BUSINESS IMPACT STATEMENT

If approved, these recommendations will allow the Department of Environmental Health to maintain high quality services that promote and enhance protection of the environment and public health, and continue to align fees to the actual costs of services provided to fee payers in each fee category. These important services prevent disease, promote environmental responsibility, and ensure a level playing field for businesses.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on May 1, 2019.

AYES: Jacob, Gaspar, Fletcher, Desmond
ABSENT: Cox

**7. SUBJECT: SET A HEARING FOR 05/01/2019:
APPROVAL OF COST RECOVERY PROPOSAL IN THE
DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES
EFFECTIVE FISCAL YEAR 2019-20 AND ASSOCIATED ORDINANCE
REVISIONS (DISTRICTS: ALL)**

OVERVIEW

The mission of the Department of Agriculture, Weights and Measures (AWM) is to promote a diverse agricultural community, public health and safety, a fair marketplace and a sustainable environment by providing quality services to customers in an effective and efficient manner.

The Board of Supervisors' (Board) Policy B-29, *Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery*, directs departments to recover the full cost of services provided to agencies or individuals. The last cost recovery package approved by the Board was on April 25, 2018 (2). Since that time, AWM has continued to provide services to the public at the approved rates. The fees proposed today for Fiscal Year 2019-20 will be necessary to address cost increases based on labor agreements with County staff effective November 2017, and to ensure compliance with Board Policy B-29 except where the Board has previously directed the waiver of fees. This cost recovery proposal represents AWM's commitment to the Board to make recovering costs a regular part of business, while providing stakeholders an opportunity to plan for fee adjustments.

Today's request requires two steps. The first request is to approve the first reading of AWM's cost recovery proposal on April 10, 2019. If approved, the ordinance amendments will be brought back for adoption on May 1, 2019. The request on May 1, 2019 would be to adopt ordinance amendments to Section 364.3 of the San Diego County Administrative Code relating to Pest Exclusion, Direct Marketing, Verification of Agriculture, Apiary, Industrial Hemp Cultivation, Hazardous Materials Inventory, Price Verification and Devices fees and hourly rates and Chapter 17 of Division 1 of Title 2 of the San Diego County Code of Regulatory Ordinances, Relating To Registration of Commercial Weighing And Measuring Instruments. The average AWM proposed fee adjustment in this cost recovery proposal is equivalent to a 2.6% increase.

Today's request also includes a waiver of Board Policy B-29 related to fees for Pest Exclusion, Direct Marketing and Verification of Agriculture consistent with the Board's historical support of the agricultural industry and AWM, and to serve as required matching funds necessary to obtain State of California funding.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On April 10, 2019:

1. Set a hearing for May 1, 2019 for consideration and adoption of an Ordinance amending Section 364.3 of the San Diego County Administrative Code, relating to fees charged and Chapter 17 of Division 1 of Title 2 of the San Diego County Code of Regulatory Ordinances, relating to registration of commercial weighing and measuring instruments.
2. 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. Approve the findings in Attachment D pursuant to CEQA Guidelines Section 15273(c).

3. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* for fees relating to the Pest Exclusion, Direct Marketing and Verification of Agriculture programs.
4. 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.
5. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance: AN ORDINANCE AMENDING CHAPTER 17 OF DIVISION 1 OF TITLE 2 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO REGISTRATION OF COMMERCIAL WEIGHING AND MEASURING INSTRUMENTS.

If on April 10, 2019, the Board takes action as requested in Recommendations 1 through 5 above, then on May 1, 2019:

1. Consider and adopt the Ordinance amending Section 364. of the San Diego County Administrative Code, relating to fees charged by AWM (second reading): 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.
2. Consider and adopt the Ordinance amending Chapter 17 of the County Code of Regulatory Ordinances, relating to registration of commercial weighing and measuring instruments (second reading): AN ORDINANCE AMENDING CHAPTER 17 OF DIVISION 1 OF TITLE 2 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO REGISTRATION OF COMMERCIAL WEIGHING AND MEASURING INSTRUMENTS.

FISCAL IMPACT

The proposed increases to fees are not included in the Fiscal Year (FY) 2018-19 Operational Plan in the Department of Agriculture, Weights and Measures (AWM). If approved, the fee adjustments will result in additional estimated costs and revenue of \$33,205 in AWM effective FY 2019-20. The funding source is fees paid by AWM 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 operating costs. The total unrecovered cost per Board Policy B-29 is approximately \$513,749 for Fiscal Year 2019-20 and, if approved, will be funded with General Purpose Revenue. There will be no additional staff years.

If approved, the proposed hourly rate and fee adjustments will be included in the FY 2019-20 CAO Recommended Operational Plan in Agriculture, Weights and Measures.

BUSINESS IMPACT STATEMENT

If approved, these recommendations would enable the Department of Agriculture, Weights and Measures to continue providing quality services in an effective and efficient manner that support a diverse agricultural community, public health and safety, a fair marketplace and a sustainable environment.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, introducing the Ordinances for further Board consideration and adoption and set a Hearing for May 1, 2019.

AYES: Jacob, Gaspar, Fletcher, Desmond
ABSENT: Cox

**8. SUBJECT: PLOTTING THE COUNTY’S ELECTRIC VEHICLE ROADMAP
(DISTRICTS: ALL)**

OVERVIEW

Electric vehicles are an important component for the future of transportation and mobility. They provide a fast and clean ride, and can be cheaper to drive than fossil fuel counterparts. Each year, more San Diegans are choosing to drive electric. Drivers and fleet operators have more options when buying and leasing cars; approximately 30 makes and models of fully electric and plug-in vehicles will be available by the end of 2019. Electric and plug-in hybrid electric cars are now close to eight percent of all new car sales in California. Sales in 2018 were up 80 percent as compared with 2017.

The County has an important role to play in helping facilitate the adoption of new technology and clean transportation. The County has made progress, but it is time to prepare for the next wave of funding and to plot out a map for future investments. Electric vehicles are part of our clean transportation future, and can help us meet our Climate Action Plan goals, improve regional air quality and provide public health benefits. An Electric Vehicle Roadmap can help encourage employees and the public to own electric vehicles, and to be used in the County fleet.

Today’s action includes a recommendation to develop an Electric Vehicle Roadmap, identify funding sources to support the Roadmap, and return to the Board with recommendations for review and approval.

**RECOMMENDATION(S)
SUPERVISOR NATHAN FLETCHER**

1. Find that the proposed project (the direction to staff in this letter) is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15060(c)(3) and 15378(b)(5).
2. Direct the Chief Administrative Officer to develop an Electric Vehicle Roadmap, building on related local studies and progress to date, which shall include, but not be limited to, strategies to increase electric vehicle ownership and use, and install electric vehicle charging infrastructure, and return to the Board with a Roadmap for review and approval by August 2019.

3. Direct the Chief Administrative Officer to identify future grant opportunities to support the recommendations in the Electric Vehicle Roadmap.
4. Direct the Office of Strategy and Intergovernmental Affairs to advocate for legislation and regulatory changes statewide that would help increase the affordability and availability of electric vehicles and electric vehicle charging infrastructure.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

The proposed actions will help businesses in San Diego County, including electric vehicle dealerships and electrical installers, and support the overall innovation economy.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

9. SUBJECT: CLOSED SESSION (DISTRICTS: ALL)

OVERVIEW

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Holly Adams-Fallone v. County of San Diego, et al.; San Diego County Superior Court No. 37-2018-00015753-CU-WT-CTL
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Chassidy NeSmith v. County of San Diego, et al.; United States District Court, Southern District, No. 15-CV-00629-JLS-AGS
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
James Soler v. County of San Diego, et al.; United States Court of Appeals for the Ninth Circuit, No. 17-56270
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Aidin Main v. County of San Diego, et al.; San Diego County Superior Court No. 37-2018-00059084-CU-PO-CTL
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Clayton Lisk v. County of San Diego; Workers' Compensation Appeals Board Case No. ADJ10391862

ACTION 9.1:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors found that the need to take action rose subsequent to the agenda being posted; adopted appropriate findings, and placed the following additional items on the agenda.

F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Julian-Cuyamaca Fire Protection District, et al. v. San Diego County Local Agency Formation Commission, et al.; San Diego County Superior Court No. 37-2019-00018076-CU-MC-CTL

G. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph 4 of subdivision (d) of Government Code Section 54956.9: (Number of Cases – 1)

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

ACTION 9.2:

County Counsel reported that for Closed Session on April 10, 2019, the Board of Supervisors took the following action:

Item 9B: Chassidy NeSmith v. County of San Diego, by a vote of four Board members voting “Aye”, with Supervisor Cox absent, authorize County Counsel to appeal the district court’s decision denying qualified immunity to two Sheriff’s deputies in this case involving a suicide at the County jail.

Item 9C: James Solar v. County of San Diego, by a vote of four Board members voting “Aye”, with Supervisor Cox absent, authorize County Counsel to request the Ninth Circuit Court of Appeals to rehear this case, and if the rehearing request is unsuccessful, file a petition for a writ of certiorari with the United States Supreme Court, in this case involving execution of an out-of-state arrest warrant.

Item 9D: Aidin Main v. County of San Diego, by a vote of four Board members voting “Aye”, with Supervisor Cox absent, authorize outside counsel to file a cross-complaint against Schmidt Design Group, Elephant Play, Tot-Lots and Recreation Republic, four entities who designed the play equipment in the County’s Waterfront Park on which the plaintiff was allegedly injured.

Off Agenda Item: Julian-Cuyamaca Fire Protection District v. San Diego County Local Agency Formation Commission, by a vote of four Board members voting “Aye”, with Supervisor Cox absent, authorize County Counsel to file a motion to intervene, motion for reconsideration and motion for a new trial in this case alleging that the Fire Protection District violated the Brown Act.

10. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Robert Germann spoke to the Board regarding the Cajon Air Center.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:41 a.m. in memory of Tom Hyde

ANDREW POTTER
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Santiago

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 May 1, 2019.



DIANNE JACOB
Chairwoman

Attest:



ANDREW POTTER
Clerk of the Board

04/10/19