

April 27, 2022

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 - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, APRIL 27, 2022, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

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

PRESENT: Supervisors Nathan Fletcher, Chair; Nora Vargas, Vice-Chair; Joel Anderson; Terra Lawson-Remer; Jim Desmond; also, Ryan Sharp, Assistant Clerk of the Board of Supervisors.

- B. Closed Session Report

- C. Presentation or Announcement of Proclamations and Awards:

Supervisor Terra Lawson-Remer presented a proclamation declaring April 27, 2022, to be Olivia Avalon Dupont & Kenneth Andrew Dupont Day throughout the County of San Diego.

- D. Non-Agenda 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.

- E. Approval of the Statement of Proceedings/Minutes for the meeting of April 6, 2022.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of April 6, 2022.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

- F. Consent Calendar

- G. 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. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:
TRAFFIC ADVISORY COMMITTEE (04/06/2022 - ADOPT
RECOMMENDATIONS; 04/27/2022 - SECOND READING OF ORDINANCES) |
| 2. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
ORDINANCE AMENDMENTS TO ESTABLISH PROCEDURES FOR
THE CLOSING OF INACTIVE PERMIT APPLICATIONS |
| 3. | ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR
JAMACHA BLVD. AND LA PRESA AVE. INTERSECTION IMPROVEMENTS
[FUNDING SOURCES: AVAILABLE PRIOR YEAR GENERAL FUND
FUND BALANCE AND HIGHWAY USERS TAX ACCOUNT FUNDS
FROM THE STATE] |
| 4. | ESTABLISH APPROPRIATIONS AND APPROVE AN ELEVENTH
AMENDED AND RESTATED JOINT EXERCISE OF POWERS
AGREEMENT BETWEEN RAMONA MUNICIPAL WATER DISTRICT
AND THE COUNTY OF SAN DIEGO FOR RECREATIONAL
IMPROVEMENTS AT WELLFIELD COMMUNITY PARK
[FUNDING SOURCE: AVAILABLE PRIOR YEAR PLDO AREA 28
RAMONA FUND FUND BALANCE]
(4 VOTES) |
| 5. | SEEKING FEDERAL AND STATE INFRASTRUCTURE FUNDING
TO PROTECT OUR COASTLINES, OCEANS, BAYS, RIVERS,
STREAMS, AND WETLANDS FROM TOXIC POLLUTANTS BY
UPDATING AND UPGRADING STORMWATER INFRASTRUCTURE |
| 6. | RENUMBERING EXISTING SEATS AND ADJUSTING THE NUMBER
OF MEMBERS ON THE BORREGO SPRINGS COMMUNITY
SPONSOR GROUP |
| 7. | SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
NOTICED PUBLIC HEARING:
TO ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION
OF COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY
PRESERVE MAINTENANCE) AND AUTHORIZE ACTION TO
ESTABLISH SPECIAL TAX AND APPROPRIATIONS LIMIT
(4/6/2022 - ADOPT RESOLUTIONS AND FIRST READING OF
ORDINANCE; 4/27/2022 - SECOND READING OF ORDINANCE) |

8. ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES NOTICES
RELATED TO FEES AND DEPOSITS IN THE DEPARTMENT OF
ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL
YEAR 2022-23
[FUNDING SOURCE: FEES PAID BY DEHQ CUSTOMERS]
9. ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO AMEND THE FEES IN THE
ADMINISTRATIVE CODE FOR THE DEPARTMENT OF
AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL
YEAR 2022-23
[FUNDING SOURCE: FEES PAID BY AWM CUSTOMERS]
10. ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
COST RECOVERY PROPOSAL TO AMEND PORTIONS OF THE
ADMINISTRATIVE CODE AND ORDINANCES RELATED TO LAND
DEVELOPMENT FEES AND DEPOSITS EFFECTIVE FISCAL YEAR 2022-23
[FUNDING SOURCE: FEES PAID BY PRIVATELY INITIATED LAND
DEVELOPMENT PROJECTS AND BUILDING PERMIT
APPLICANTS]
11. NOTICED PUBLIC HEARING:
ORDINANCES FOR SUBCONTRACTOR TRANSPARENCY IN
COUNTY BUILDING AND RIGHT-OF-WAY PERMITS AND
UPDATES TO THE SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES (TITLE 7 DIVISION 1: RIGHT-OF-WAY UPDATES and TITLE 9:
BUILDING UPDATES) (4/27/2022 -1ST READING; 5/11/2022 - 2ND READING)
[FUNDING SOURCE: EXISTING GENERAL-PURPOSE REVENUE]
12. PUBLIC COMMUNICATION

1. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:
TRAFFIC ADVISORY COMMITTEE (04/06/2022 - ADOPT
RECOMMENDATIONS; 04/27/2022 - SECOND READING OF
ORDINANCES) (DISTRICT: 2)**

OVERVIEW

On April 6, 2022 (05), the Board of Supervisors took action to further consider and adopt the Ordinances on April 27, 2022.

The Traffic Advisory Committee (TAC) is part of the Department of Public Works (DPW) traffic engineering program. TAC was established by the Board of Supervisors (Board) in the 1960s to provide traffic regulations and recommendations within the unincorporated areas of the county. In order to be effective, TAC proposes policies that will enhance safety, reduce congestion and be legally enforceable so that the majority of motorists will comply. 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 of San Diego (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 requested item, including engineering and traffic condition studies. TAC recommendations are provided to the Board for consideration.

The TAC recommends the Board act on five items from the December 10, 2021, TAC meeting agenda:

Items from 12/10/2021 TAC Meeting			
District	Item	Location	Action
2	2-A*	Harbison Canyon Road, Harbison Canyon	Relocate the northern endpoint and certify a 40 MPH speed limit.
2	2-B*	Harbison Canyon Road, Harbison Canyon	Delete the speed zone and merge into 2-A above.
2	2-C*	Harbison Canyon Road, Harbison Canyon/Alpine	Relocate the southern endpoint and certify a 50 MPH speed limit.
2	2-D*	Maine Avenue, Lakeside	Establish a 2-hour timed parking zone from 6 am to 6 pm on weekdays
2	3-B	Camino del Norte, 4S Ranch	Recertify the 50 MPH speed limit.
* Indicates second reading of the ordinance is required.			

Item 3-A is located in the community of 4S Ranch (District 2). This item was removed from the TAC agenda during the meeting at the request of the County Traffic Engineer to allow for a three-year extension of the current speed limit based on state law. This extension allows for a survey, which has been conducted within the past seven years, to be extended to ten years, if a registered engineer evaluates the section of roadway and determines that no significant changes in the roadway traffic conditions have occurred.

Approval of Items 2-A through 2-C on Harbison Canyon Road in Harbison Canyon and 3-B on Camino del Norte in 4S Ranch would support speed enforcement, which increases roadway safety and retains mobility. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for fair enforcement.

Approval of Item 2-D would provide for time-limit parking in front of local businesses on Maine Avenue in Lakeside and provide better opportunities for customer parking spaces during business hours.

The Board's action on Item 3-B on Camino del Norte in 4S Ranch does not revise the San Diego County Code of Regulatory Ordinances (County Code) and therefore does not require a second reading of an ordinance. Board direction on April 6, 2022, would allow implementation by DPW.

The Board's action on Items 2-A through 2-D would introduce an ordinance to amend speed limit zones and an ordinance to establish a timed parking zone. This action would revise County Code and require two steps. On April 6, 2022, the Board would consider the TAC items. If the Board takes action as recommended on April 6, then on April 27, 2022, a second reading and adoption of ordinances amending the County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)

TRAFFIC ADVISORY COMMITTEE

District 2:

Item 2-A. Harbison Canyon Road from Dehesa Road to 1,900' south of Collier Way in Harbison Canyon - Relocate the northern endpoint of the speed zone from 1,900' south of Collier Way to Bridle Run and certify a 40 MPH speed limit for radar enforcement for the revised speed zone of Harbison Canyon Road from Dehesa Road to Bridle Run.

Item 2-B. Harbison Canyon Road from 1,900' south of Collier Way to 650' north of Patrick Drive in Harbison Canyon - Delete this speed zone segment to merge into Item 2-A above.

Item 2-C. Harbison Canyon Road from 650' north of Patrick Drive to Arnold Way in Harbison Canyon - Relocate the southern endpoint of the speed zone from 650' north of Patrick Drive to Bridle Run and certify a 50 MPH speed limit for radar enforcement for the revised speed zone of Harbison Canyon Road from Bridle Run to Arnold Way.

Item 2-D. Maine Avenue, east side, from 9825 Maine Avenue to Parkside Street, a distance of 215 feet - Establish a Monday through Friday 2-Hour parking restriction from 6 am to 6 pm.

Item 3-B. Camino del Norte from Dove Canyon Road to Lone Quail Road/Rancho Bernardo Road in 4S Ranch - Recertify the 50 MPH speed limit for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.169.93.1. & 72.169.93.3. AND DELETING SECTION 72.169.93. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 2-B, & 2-C).

ORDINANCE ADDING SECTION 72.142.11.1. TO THE SAN DIEGO COUNTY CODE RELATING TO PARKING TIME LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Item 2-D).

EQUITY IMPACT STATEMENT

The review of traffic signs and roadway markings supports vehicle safety on County-maintained roads. The transportation system must be safe for all road users, for all modes of transportation, in all communities, and for people of all incomes, races, ethnicities, ages, and abilities. Understanding travel patterns, where fatal and serious injury crashes are occurring and the disproportionate impacts on certain communities will allow the Department of Public Works (DPW) to identify actions to address the underlying factors and causes and improve safety.

DPW's Local Road Safety Program reviews fatal and severe injury collisions along road segments within the unincorporated areas of the county and utilizes the Healthy Places Index and Cal Enviroscreen 3.0 to ensure our most vulnerable and underserved populations are prioritized. The Traffic Advisory Committee relies on the Local Road Safety Plan and performs reviews of regulatory traffic control devices such as signs and markings. While adherence to sign and marking standards developed by the California Department of Transportation is crucial to obtaining the compliance of the majority of drivers, the Traffic Advisory Committee also relies on various community engagement methods such as the Tell Us Now! mobile app, toll-free hotlines, and a customer service request program to intake reports on a wide variety of traffic concerns and ensure the concerns are addressed.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 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 Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10781 (N.S.), entitled: ORDINANCE AMENDING SECTIONS 72.169.93.1. & 72.169.93.3. AND DELETING SECTION 72.169.93. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY; and

Ordinance No. 10782 (N.S.), entitled: ORDINANCE ADDING SECTION 72.142.11.1. TO THE SAN DIEGO COUNTY CODE RELATING TO PARKING TIME LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

2. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
ORDINANCE AMENDMENTS TO ESTABLISH PROCEDURES FOR
THE CLOSING OF INACTIVE PERMIT APPLICATIONS
(DISTRICTS: ALL)**

OVERVIEW

On April 6, 2022 (10), the Board of Supervisors took action to further consider and adopt the Ordinances on April 27, 2022.

On November 20, 2019 (9), as part of the County's Sunset Review Process, the Board of Supervisors (Board) directed PDS staff to provide draft amendments to the County Zoning Ordinance and County Subdivision Ordinance to outline a new process for handling inactive projects. The Board also adopted an option for the applicant to request an extension of the inactive permit application for an additional two years due to extenuating circumstances, for a total length of time not to exceed six years; and amending the Ordinances to include a definition of the term "inactive permit application" and a definition of the term "extenuating circumstances" that would warrant an extension of an inactive permit application for a period of up to six years.

Additionally, the Board directed staff to review the remaining 123 idle projects, notify the applicants of the option to withdraw their projects within 60 days, and directed the Chief Administrative Officer to return to the Board with proposed criteria by which the Director of PDS could recommend denial of an inactive permit application.

Today's action is a request to amend two County Ordinances, the Zoning Ordinance and Subdivision Ordinance, to regulate how discretionary permits are handled if there is no activity by the applicant to complete processing the permit by mandating, they be automatically withdrawn by PDS staff from consideration after two consecutive years of inactivity unless an extension is requested. In that case, two additional two-year extensions may be granted, depending on the circumstances. If adopted, the Ordinance Amendments will effectively replace Board Policy I-137, which is set to expire in April of 2022.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Consider and adopt the Ordinance (second reading):
AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE, TITLE 8,
DIVISION 1, TO ADD A PROCEDURE FOR THE CLOSING OF INACTIVE PERMIT
APPLICATIONS (Attachment A).

2. Consider and adopt the Ordinance (second reading):
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE
TO ADD DEFINITIONS AND PROCEDURES FOR THE CLOSING OF INACTIVE
PERMIT APPLICATIONS (Attachment B).

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) is guided by several Regulatory Codes, Administrative Codes, and Board Policies to serve the region and customers consistently and equitably. The recommendation to amend the County's Zoning and Subdivision Ordinance (Ordinance Amendments) establishes a procedure for closure of inactive permit applications based on criteria selected by the Board. The Ordinance Amendments will provide clarifying language and continue to guide departmental project processing practices. The effort is not focused on a specific neighborhood but is applied throughout all unincorporated communities. Additionally, this effort provides options to reduce the staff time and cost spent on permit processing of projects deemed inactive.

FISCAL IMPACT

There is no fiscal impact associated with the Board of Supervisors (Board) receiving, considering, and adopting amendments to the San Diego County Zoning Ordinance and Subdivision Ordinance as presented today.

Should the Board approve amendments to the Zoning Ordinance and Subdivision Ordinance, staff will combine the costs of this project with other Zoning Ordinance clean-up items as part of the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan in PDS. Applicants are responsible for all costs associated with the processing of idle projects. 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 Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10783 (N.S.), entitled: AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE, TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO ADD A PROCEDURE FOR THE CLOSING OF INACTIVE PERMIT APPLICATIONS; and Ordinance No. 10784 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO ADD DEFINITIONS AND PROCEDURES FOR THE CLOSING OF INACTIVE PERMIT APPLICATIONS.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

3. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR JAMACHA BLVD. AND LA PRESA AVE. INTERSECTION IMPROVEMENTS (DISTRICT: 1)

OVERVIEW

Jamacha Blvd. is a vital multimodal road within the unincorporated community of Spring Valley. This heavily traveled road has two lanes in each direction and dedicated left turn lanes. The surrounding community includes a mixture of commercial and residential properties. One of the intersections on Jamacha Blvd. and La Presa Ave. (Intersection) has a traffic signal, and crosswalks on three of the four crossings. Residents from the surrounding community expressed concerns about the high volume of vehicles making turns at the Intersection due to the commercial businesses on each corner.

Due to these traffic conditions, residents have asked for additional safety measures to be put in place for the general traveling public and for the students that cross the intersection walking to La Presa Elementary School (School), which is approximately 200 feet south of the Intersection on La Presa Ave. The Intersection becomes especially busy with student pedestrians and vehicles for a period in the morning and afternoon due to the start and end of the School day.

The Jamacha Blvd. and La Presa Ave. Intersection Improvements Project (Project) will construct new traffic signals with dedicated left-turn signals for traffic on Jamacha Blvd. and new concrete sidewalk and curb ramp improvements on the southeast corner of the Intersection to improve visibility for both pedestrians and motorists. The proposed improvements such as traffic signals, pavement striping, and Americans with Disabilities Act (ADA) compliant curb ramps will enhance intersection safety for both pedestrians and motorists through dedicated signal timing, increased visibility, and pedestrian access across all four directions. The Project will help the community as a whole by improving factors that can result in traffic fatalities and serious injuries on public roads and supports the recently completed Local Road Safety Plan to improve pedestrian safety.

The engineering plans and specifications for the Project are complete and ready to be advertised for construction. During the engineering design phase, staff met with the residents and the School, to present the design. Staff was able to incorporate several of the community requests into the project. Prior to the start of construction, road work signs will be placed, project information will be posted on social media, and notifications, such as mailers, will be provided in English and Spanish to surrounding residences and businesses, notifying them of the approximate dates, and activities, including noise and road access. Staff will continue to communicate with the School staff and families on the construction timeline. During construction, traffic control measures will be in place to ensure there is still access to public places and businesses while limiting impacts to the local community.

This is a request to approve the public advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Project. Construction is scheduled to begin in summer 2022 and be completed by the end of 2022. The construction cost is estimated at \$700,000, including a 15% contingency for unforeseen conditions during construction. The funding source is available prior year General Fund fund balance (\$300,000) and Highway User Tax Account funds from the State (\$400,000).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the state CEQA Guidelines, because it involves maintenance of an existing County-maintained facility involving no or negligible expansion of existing use.
2. 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 the Construction Contract for the Project.
3. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The transportation system must be safe for all road users and modes of transportation in all communities. Data-driven safety initiatives are developed and administered considering equity as a key factor. Understanding travel patterns within underserved communities will allow the Department of Public Works (DPW) to identify actions to address the underlying factors and causes and improve safety. DPW conducts routine annual inspections of facilities and roadways and relies on various community engagement methods such as the “Tell Us Now!” mobile app and toll-free hotlines to intake reports of safety concerns. In addition, DPW staff regularly attend community planning and sponsor group meetings, and other community meetings, including revitalization meetings.

To ensure that underserved populations are prioritized during the project selection process, the most recent available data is used by DPW to evaluate and identify vulnerable populations, including data from the Healthy Places Index (HPI), CalEnviroScreen, San Diego LiveWell communities, Environmental Justice Communities, and other relevant data sources. The Project area has an HPI percentile rank of 39.8% which indicates 60.2% of other California census tracts have healthier community conditions than this tract. The proposed improvements will create a safer environment for Spring Valley residents, including persons with disabilities and children.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, construction costs for the Jamacha Blvd. and La Presa Ave. Intersections Improvements Project are estimated to be \$700,000, including contingency. The funding source is available prior year General Fund fund balance (\$300,000) and Highway Users Tax Account funds from the State (\$400,000). There will be no additional staff years.

BUSINESS IMPACT STATEMENT

When approved by the Board of Supervisors for advertising and award, County of San Diego construction contracts are competitively and publicly bid and help stimulate the local economy by creating primarily construction related employment opportunities. All workers employed on public works projects must be paid the prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

4. **SUBJECT: ESTABLISH APPROPRIATIONS AND APPROVE AN ELEVENTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT BETWEEN RAMONA MUNICIPAL WATER DISTRICT AND THE COUNTY OF SAN DIEGO FOR RECREATIONAL IMPROVEMENTS AT WELLFIELD COMMUNITY PARK (DISTRICT: 2)**

OVERVIEW

The Ramona Municipal Water District (Water District) owns and operates Wellfield Community Park in the unincorporated community of Ramona. The park provides an array of recreational amenities, including a rodeo arena with bleachers, fairgrounds, a covered picnic area, a kitchen, five baseball fields, three soccer fields, four adult softball diamonds, restrooms, a snack bar, a community center, junior fairgrounds and equestrian facilities.

Since 1994, the Water District and the County have worked together through a Joint Exercise of Powers Agreement (JEPA) to make recreational improvements to Wellfield Community Park. Previous improvements include construction of a patio cover, an accessible parking lot, field lighting and bleachers, irrigation lines, electrical upgrades, boundary fencing, a restroom facility, a snack bar, air conditioning for the concession building, park entry enhancements, and the preparation of a revised master plan.

Recently, the Water District proposed the construction of six light-emitting diode (LED) sports field lighting fixtures and an LED solar powered scoreboard. The proposed LED improvements are cost saving design measures, which would result in 70% less energy use and would last four to five times longer than the typical high intensity discharge (HID) lighting.

The proposed amendment to the JEPA would provide \$900,000 in Park Lands Dedication Ordinance (PLDO) funding for the proposed recreational lighting and scoreboard improvements. The PLDO requires new residential projects to dedicate park land and/or pay

park impact fees to the County so that parks can be developed. These proposed improvements will be maintained by the Water District. These improvements will also provide enhanced conditions for sports league play in the community. The Department of Parks and Recreation has evaluated the proposed improvements and concurs the request is an eligible and reasonable use of PLDO funds.

The requested action will authorize the Director, Department of Parks and Recreation, to execute an Amended and Restated JEPA with the Water District. This action will also establish appropriations of \$900,000 in the Park Lands Dedication Ordinance Area 28 Ramona Fund for construction of the proposed ballfield lighting and a scoreboard. If approved, construction of the improvements will be managed by the Water District. Construction will begin in Fall 2022 and be completed by Spring 2024.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301, 15303, 15304 and 15311 of the State CEQA Guidelines.
2. Establish appropriations of \$900,000 in Park Lands Dedication Ordinance Area 28 Ramona Fund, to provide funds for the construction of six sports field LED lights and one LED solar powered scoreboard to accommodate softball at Wellfield Community Park, based on available prior year Park Lands Dedication Ordinance Area 28 Ramona Fund fund balance. **(4 VOTES)**
3. Authorize the Director, Department of Parks and Recreation, to execute an Amended and Restated Joint Exercise of Powers Agreement between the Ramona Municipal Water District and the County of San Diego for the development of recreational facilities at Wellfield Community Park.

EQUITY IMPACT STATEMENT

The Joint Exercise of Powers Agreement (JEPA) with Ramona Municipal Water District provides an opportunity to improve recreational amenities for the public. The project includes a solar powered scoreboard and additional sports field lighting in the community. The project will have a positive health impact on all demographics in the county, including the underserved, low-income portions of the Ramona community by providing improvements enhancing conditions for league play during both daytime and evening hours with additional lighting that would contribute to expanding the recreational evening hours of the park.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2021-22 Operational Plan for the Park Lands Dedication Ordinance (PLDO) Area 28 Ramona Fund. If approved, this request will result in current year costs of \$900,000 for construction of improvements at Wellfield Community Park. The funding source is available prior year PLDO Area 28 Ramona Fund fund balance. The PLDO requires new residential projects to dedicate park land and/or pay park impact fees to the County so that parks can be developed. There will be no change in net General Fund cost and no additional staff years. Construction, operation, and maintenance of the improvements will be the responsibility of the Ramona Municipal Water District.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

5. **SUBJECT: SEEKING FEDERAL AND STATE INFRASTRUCTURE FUNDING TO PROTECT OUR COASTLINES, OCEANS, BAYS, RIVERS, STREAMS, AND WETLANDS FROM TOXIC POLLUTANTS BY UPDATING AND UPGRADING STORMWATER INFRASTRUCTURE (DISTRICTS: ALL)**

OVERVIEW

The Federal Infrastructure Investment and Jobs Act, passed in November 2021, made over \$2 billion of additional dollars available annually to protect our beaches and coastlines from toxic run-off and pollution. Specifically, the Clean Water State Revolving Loan Fund (CWSRF) received a significant boost in funding - above \$2 billion annually, through 2026. Not only was funding increased, but the legislation created additional programs for pollution control as well as tracking emerging contaminants. It also established innovative funding mechanisms, including negative interest loans and loan forgiveness.

We face a stormwater run-off crisis in San Diego County. For too long, investments in the basic infrastructure we need to protect our coastlines and communities have been underfunded, leading to pollution that threatens our quality of life.

Healthy rivers, creeks, lakes, groundwater, lagoons, bays, and coastal estuaries are vital to maintaining public health, providing a local water supply, managing flooding, and preserving regional ecosystems. Pristine beaches and clean, beautiful, and healthy water are also important economic drivers for regional industries such as tourism, maritime, and defense.

Untreated stormwater carries trash, metals, pesticides, and other pollutants that threaten the health and safety of San Diegans - making the urgent investment in updating and upgrading stormwater infrastructure essential. Stormwater infrastructure includes features such as streets, storm drains, curbs, and gutters that carry surface water into local waterways. Federal and state laws require local governments such as the County of San Diego (County) to reduce pollutants in stormwater runoff from both public and private properties. Stormwater programs and infrastructure are critical to protecting and improving the quality of downstream surface waters such as our rivers, creeks, and oceans.

The County currently invests a significant amount of money into activities that address stormwater runoff, approximately \$50 million per year. However, this amount falls far short of the approximately \$100 million per year that is required to make genuine progress towards *reducing* pollution, rather than simply maintaining the status quo, and preventing the situation from deteriorating even further. We face a \$50 million per year annual deficit in protecting our oceans, rivers, and waterways from toxic pollutants from stormwater runoff. In addition, the costs to meet our stormwater infrastructure needs are expected to grow in the coming years.

Furthermore, the County is subject to Clean Water Act (CWA) permit requirements enforced by the Environmental Protection Agency (EPA). Enforcement of these requirements by the EPA as well as third-party lawsuits could introduce the risk of incurring additional costs that average \$10,000 per day per violation, which could amount to over \$3,650,000 per year. These additional costs could potentially further deplete any viable stormwater funding streams.

The County has worked diligently to keep up with changing stormwater requirements, updating and upgrading infrastructure, treating water that runs off from urban areas, and addressing the consequences of climate change. However, with limited funding streams, these efforts are simply not enough. This issue is faced by not only the County but also by other jurisdictions in the San Diego region and statewide. This item recommends County staff identify and pursue all available funding opportunities, especially new federal funding, to support and advance stormwater management and infrastructure in the unincorporated area, and to work with regional partners, as appropriate, to ensure a coordinated approach that benefits the region.

RECOMMENDATION(S)

SUPERVISOR TERRA LAWSON-REMER

1. Find that the proposed action is not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) of the State CEQA Guidelines because it involves government fiscal activities, including the identification of funding without a commitment or approval of specific projects.
2. Direct the Chief Administrative Officer to move immediately and with urgency to identify and pursue new federal funding opportunities made available under the 2021 Federal Infrastructure Investment and Jobs Act to invest in our stormwater infrastructure and protect the health and water quality of our oceans, rivers, and wetlands.
3. Direct the Chief Administrative Officer to identify and pursue any and all funding opportunities to support and advance stormwater management and infrastructure in the unincorporated area, including working with regional partners, as appropriate, to ensure a coordinated approach that benefits the region.

EQUITY IMPACT STATEMENT

As extreme weather conditions become more frequent due to climate change, it is critical, that the County upgrade the region's stormwater facilities, as it will have a direct impact on low-income communities and communities of color. Risk of flooding and failure to capture stormwater runoff can create damage to neighborhoods and interrupt access to transportation, education, and healthcare services. Untreated stormwater carries trash, metals, pesticides, and other pollutants that threaten the health and safety of San Diegans.

It is of paramount importance that we update and upgrade our stormwater infrastructure so that our communities, especially those that have lacked prior investment, are able to benefit. For example, modernizing the system to create green infrastructure can capture and treat rainfall and significantly reduce the amount of pollution entering local waterways. In this context, green infrastructure includes features such as natural vegetated areas that are designed to absorb stormwater and allow it to naturally infiltrate into the ground or move through engineered soils that are designed to remove pollutants in the water before it enters local waterways. Focusing on implementation of this green infrastructure promotes community adaptation and resilience and can provide additional workforce opportunities.

FISCAL IMPACT

There is no fiscal impact associated with today's request to identify and pursue funding opportunities to support and advance stormwater management and infrastructure in the unincorporated area. There may be impacts as a result of identifying funding opportunities in the future and would need to be brought back to the Board for approval as needed.

BUSINESS IMPACT STATEMENT

The proposed actions will help businesses and workers in the unincorporated area through advancing stormwater projects which will provide workforce opportunity.

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

6. SUBJECT: RENUMBERING EXISTING SEATS AND ADJUSTING THE NUMBER OF MEMBERS ON THE BORREGO SPRINGS COMMUNITY SPONSOR GROUP (DISTRICT: 5)

OVERVIEW

Due to increased community interest in land use and other related matters in the community of Borrego Springs, the Borrego Springs Community Sponsor Group (CSG) has requested the Board of Supervisors increase the number of its seats by two, from the current number of seven expanding to nine. In addition, although there are a total of seven existing seats on the Borrego Springs CSG, those seats are unintuitively numbered 1, 2, 5, 6, 9, 10 and 11. To "clean up" the seat numbering, today's action will also renumber the existing seats on the Borrego Springs CSG to 1, 2, 3, 4, 5, 6 and 7, respectively, with the two new seats being numbered 8 and 9. Close attention was given to whether current members sit on either an odd or even numbered seat, which affects their appointment expiration date, and today's action is consistent with the current numbering.

RECOMMENDATION(S)
SUPERVISOR JIM DESMOND

Direct the Chief Administrative Officer to:

1. Find that the proposed Board of Supervisors action is not subject to CEQA because it is an organizational or administrative activity of a local government that will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined in Public Resources Code section 21065 and CEQA Guidelines Sections 15378(b)(5) and 15060(c)(3).
2. Direct the Chief Administrative Officer to increase the number of seats on the Borrego Springs Community Sponsor Group from seven to nine and direct the Clerk of the Board of Supervisors to notice the two new seats (8 and 9) in accordance with Government Code Section 54974.
3. Direct the Clerk of the Board of Supervisors to renumber the existing seats to more accurately reflect the current number of seats making up the Borrego Springs CSG. Renumbering of existing seats would be as follows: Seat 1) Arnold "Bruce" Durbin; Seat 2) Rebecca Falk; Seat 3) William Haneline; Seat 4) John Peterson; Seat 5) Judy Haldeman; Seat 6) David Farley; and Seat 7) Julie Gerson. The two vacant seats will be numbered 8 and 9, when filled.

EQUITY IMPACT STATEMENT

Increasing the number of seats on the Borrego Community Sponsor Group promotes community inclusion and strengthens the community's voice to better express their specific needs and wants.

FISCAL IMPACT

There is no fiscal impact related to today's action. 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 Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

7. **SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
NOTICED PUBLIC HEARING:
TO ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION
OF COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY
PRESERVE MAINTENANCE) AND AUTHORIZE ACTION TO
ESTABLISH SPECIAL TAX AND APPROPRIATIONS LIMIT (4/6/2022
- ADOPT RESOLUTIONS AND FIRST READING OF ORDINANCE;
4/27/2022 - SECOND READING OF ORDINANCE) (DISTRICT: 1)**

OVERVIEW

On April 6, 2022 (06), the Board of Supervisors took action to further consider and adopt the Ordinance on April 27, 2022.

Today's hearing is the second step of a three-step process in the formation of the Piper Otay Preserve Maintenance Community Facilities District (Piper Otay CFD). A CFD is a special district used to obtain funding from property owners to pay for public facilities or services. CFD No. 2022-01 will provide ongoing funding for the ongoing management and maintenance of an 11.9-acre grassland open space site within the Otay Ranch Preserve (Preserve) through the levy of an annually adjusted special tax on property owners in the Piper Otay Project (Project).

On February 5, 2010 (3), the Planning Commission (PC) approved Tentative Map 5527RPL2 to subdivide a 24.84-acre undeveloped parcel in the East Otay Mesa Business Park Specific Plan Subarea 1, located west of State Route 125 and north of Otay Mesa Road, into 13 industrial lots ranging in size from 1.03 to 2.61 acres. The developer proposed to satisfy the condition in three parts, including paying \$63,000 into the Otay Mesa Grassland Mitigation Fund; conveying 10 acres of land in Otay Ranch to the U.S. Fish and Wildlife Service; and conveying two mitigation parcels totaling 11.9-acres to the Otay Ranch Preserve Owner/Manager. The County of San Diego (County) Department of Parks and Recreation staff, acting as the Preserve Owner/Manager, as authorized by a Joint Powers Agreement between the City of Chula Vista and the County, will manage the Preserve. The County Department of Parks and Recreation has contracted with a third party to provide the services to maintain and manage the 11.9-acres, which are being purchased as habitat for the burrowing owl, a Federal Bird of Conservation Concern, and a California Species of Special Concern.

Ongoing funding for operation and maintenance of the 11.9-acre addition to the Preserve is proposed to be provided by the formation of CFD No. 2022-01. The proposed CFD was reviewed by staff and the total effective special tax rate was found to comply 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 subject properties. The effective tax rate in the CFD will be 1.57%, which is less than the maximum total effective tax rate of 1.86%. To date, the Developer has made the \$63,000 payment to the Otay Mesa Grassland Mitigation Fund, and has submitted funds in the amount of \$41,852 to cover two years of management and maintenance (covering the period of December 15, 2020, to December 14, 2022) of the 11.9-acre open space site by the Preserve Owner/Manager until CFD funds are available.

As set by State law, the CFD formation process requires three hearings. At the first hearing on March 3, 2022 (6), the Board initiated the CFD formation process. A second hearing on April 6, 2022, is to provide the public an opportunity to comment on the formation of the CFD and complete the first reading of the ordinance authorizing a new special tax on property owners within the district. A third hearing, scheduled for April 27, 2022, is for the Board to conduct a second reading of the ordinance to adopt the new special tax, if approved by a two-thirds vote of the qualified electors. A qualified elector is either a property owner or registered voter within a proposed CFD. If the area within the CFD boundary is uninhabited, the State Mello-Roos Act specifies that the qualified elector is the sole property owner. In this case, the qualified elector is the sole property owner.

The proposed CFD has been reviewed by staff and the total effective special tax rate of 1.57% complies with Board Policy I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, which sets a maximum total effective tax rate of 1.86%. To date, the Developer has submitted funds in the amount of \$41,852 to cover two years of management and maintenance (covering the period of December 15, 2020, to December 14, 2022) of the 11.9-acre open space until the CFD is formed, and funds are available.

Government Code Section 53326 requires, as a prerequisite to the levy of the special taxes, that the County, as the legislative body, shall submit the levy of any special taxes to the voters within the proposed CFD. There are no registered voters living within the boundaries of the CFD, so a property owner vote is required to approve the special taxes. The Developer, as the sole property owner, is the only voter. The Developer has submitted a consent and waiver document that waives any time limit specified by Section 53326 or requirement pertaining to the conduct of the election. The consent and waiver will allow the Developer's voted ballot to be returned at today's hearing immediately upon Board adoption of the resolution calling for an election. If the Board elects to introduce the ordinance at today's hearing and the resolution is adopted by the Board, the ordinance to adopt the new special taxes will be read for a second time at the subsequent April 27, 2022, hearing.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

If on April 6, 2022, the Board takes the recommended actions and the Clerk of the Board certifies the election results supporting the imposition of special taxes, then on April 27, 2022, the Board is requested to:

1. Adopt (second reading) the ordinance entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING SPECIAL TAXES FOR THE FISCAL YEAR 2022-2023 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY PRESERVE MAINTENANCE) (Attachment D, on file with the Clerk of the Board).
2. Direct the Auditor and Controller to establish a special revenue fund to be designated "PIPER OTAY MAINT CFD 22-01-A" for Special Tax A collected in Community Facilities District No. 2022-01, that is intended to fund preserve management and maintenance services by Otay Ranch Preserve Owner/Manager, with interest earnings allocated and distributed to the fund.

3. Direct the Auditor and Controller to establish a special revenue fund to be designated “PIPER OTAY MAINT CFD 22-01-B” for Special Tax B collected in Community Facilities District No. 2022-01, that is intended to fund overall Community Facilities District administration costs, with interest earnings allocated and distributed to the fund.
4. Establish an initial appropriations limit of \$70,000 for all funds combined in the Piper Otay Preserve Maintenance Community Facilities District No. 2022-01.

EQUITY IMPACT STATEMENT

The proposed Piper Otay Preserve Maintenance CFD is a public funding mechanism that provides perpetual revenue through an annual tax levy on property owners within the CFD to maintain two mitigation parcels located in Otay Ranch Preserve (Preserve). CFDs are a tool that can be used for funding of the successful management of habitat, particularly in Otay Ranch. Funding for the Preserve contributes to the Multiple Species Conservation Program (MSCP). The MSCP preserves San Diego's native habitats and wildlife for future generations. Preserving this land in perpetuity will increase carbon sequestration and improve air quality by capturing air pollutants and enhance water quality through reduced erosion. Improving air and water quality in these preserve areas will contribute to the community and public health in the surrounding urbanized areas, some of which are designated “disadvantaged” communities by CalEPA for the purpose of Senate Bill 535.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2021-22 Operational Plan for Planning & Development Services or the Department of Parks and Recreation. All staff time and consultant costs incurred to establish and form the Piper Otay Preserve Maintenance Community Facilities District (CFD), estimated at \$50,000, will be funded by CRP/PDC Piper Otay Owner, LLC (Developer). The Developer is responsible for all County of San Diego and consultant costs incurred in establishing and forming this CFD.

The Rate and Method of Apportionment of Special Tax sets forth the annual amount of special taxes to be levied to support the full cost of land operation and management and administrative costs of lands conveyed to the Otay Ranch Preserve as mitigation for non-native grasslands impacted by the Piper Otay Project, at the time of CFD formation and in future years. In FY 2022-23, when the special taxes are scheduled to begin, the maximum annual special taxes levy is projected to be \$1,697 per acre on regular taxable property within the CFD boundary, which includes Special Tax A (\$1,003) and Special Tax B (\$694). The amount of the CFD special taxes is 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*, and is projected to fully fund ongoing administration costs for the CFD, estimated at approximately \$15,479 annually in FY 2022-23 dollars.

The special taxes will include annual adjustments estimated to fully offset any increases in operation and management costs and ongoing administration costs of the CFD. 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 Fletcher, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took action as recommended, adopting Ordinance No. 10785 (N.S.), entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING SPECIAL TAXES FOR THE FISCAL YEAR 2022-2023 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY PRESERVE MAINTENANCE).

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

8. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED
TO FEES AND DEPOSITS IN THE DEPARTMENT OF
ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL
YEAR 2022-23 (DISTRICTS: ALL)**

OVERVIEW

On April 6, 2022 (07), the Board of Supervisors set a Hearing and took action to further consider and adopt the Ordinance on April 27, 2022.

This is a request for the Board of Supervisors (Board) to adopt the Department of Environmental Health and Quality (DEHQ) cost recovery proposal, which includes fees and hourly rates for services associated with Food, Pools, Housing, Body Art, Massage, and Organized Camps Programs; the Certified Unified Program Agency (CUPA) and Medical Waste Program; Wells, Septic Systems, Site Assessment and Mitigation, and Small Water Systems Programs, as well as, the Solid Waste Local Enforcement Agency; plan check for the Radiological Health Program and services in the Vector Laboratory; and Miscellaneous department fees such as rates for technical job classification services.

DEHQ protects the environment, community, and public health with over 40 programs that prevent disease, promote environmental responsibility, and enforce environmental and public health laws. DEHQ operates environmental health programs that regulate restaurants, public swimming pools, body art, substandard housing, septic systems, water wells, and hazardous materials. DEHQ reduces the risk of disease carried by rats and mosquitoes, oversees the State cleanup of methamphetamine and fentanyl contaminated properties, and monitors beach and bay water quality. In addition, DEHQ serves as the CUPA for hazardous materials and hazardous waste, Solid Waste Local Enforcement Agency, and is delegated the duties to implement and enforce the powers of a mosquito abatement and vector control district. Through these services, the County of San Diego (County) balances environmental, community, and economic interests to enhance the quality of life for residents and visitors.

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) 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 considered by the Board on May 19, 2021 (4), but in light of the uncertainty of the economy in the midst of the COVID-19 pandemic, no fee increases were approved. Since that time, DEHQ has continued to provide services to the public at the rates approved by the Board on May 1, 2019 (5).

The fees proposed today for Fiscal Year (FY) 2022-23 are necessary to address cost changes and to ensure compliance with Board Policy B-29, except where the Board has previously directed the waiver of fees. Today's proposed fee package reflects standard assumptions made by the County and does not address cost increases based on negotiated labor agreements, due to the timing of the fee package and the labor negotiations. Increased costs during FY 2022-23 due to approved labor negotiations will be reflected in future Cost Recovery packages. Approximately 75% of DEHQ's costs are prescribed, such as salary and benefits, retirement, central support, and facilities while 25% of the department's costs such as services and supplies, capital assets, and salary savings when positions are vacant are discretionary, meaning costs are determined by DEHQ based on operational needs. The proposed fee package is to reflect known costs as accurately as possible and ensure compliance with Board Policy B-29. Regular fee updates allow DEHQ to recover costs in a consistent and systematic manner, providing stakeholders an opportunity to plan for fee increases.

The average DEHQ fee adjustment in this cost recovery proposal is equivalent to a 7.9% increase, which equates to an average 2.6% increase each year over year for the past three years since DEHQ's last fee adjustment was approved by the Board on May 1, 2019 (5) for FY 2019-20. DEHQ has worked to contain costs where possible and has applied approximately \$912,000 in operational savings from streamlining measures or efficiencies, and \$1,731,077 in one-time funding for fees for the Food Program, Hazardous Materials Division (HMD) programs, small water systems remaining under the regulatory oversight of DEHQ, Septic Program, and discretionary projects. Without this cost containment and one-time funding, fees would have needed to increase on average an additional 7%.

Today's proposal requests two actions from the Board. The first request is to approve the first reading of DEHQ's cost recovery proposal on April 6, 2022. If approved, the ordinance amendments will be brought back for adoption on April 27, 2022. The request on April 27, 2022 would be to adopt amendments to the County of San Diego Code of Regulatory Ordinances relating to permit fees and procedures for businesses and health regulated activities in DEHQ effective FY 2022-23. The second request is to approve a waiver of Board Policy B-29 related to fees for Food Program, HMD programs, small water systems remaining under the regulatory oversight of DEHQ, Septic Program, discretionary project fees, and reduced or waived fees for nonprofit organization food, housing, pool and temporary event permits. In accordance with Board Policy B-29, DEHQ will review fees annually and return to the Board with any changes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

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

ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY REGULATORY PROGRAM FEES AND ASSOCIATED ORDINANCE REVISIONS.

EQUITY IMPACT STATEMENT

The County of San Diego strives to preserve, enhance, and promote quality of life, health and safety, sustainability, equity, and environmental resources through the implementation of programs and services that enhance the community by increasing the well-being of our residents and our environments while simultaneously complying with mandatory federal, State and local regulations. The Department of Environmental Health and Quality (DEHQ) utilized approved methodology through the Auditor and Controller to ensure all direct and indirect costs are fully recovered. These recommendations will allow DEHQ to continue to provide the current level of services that promote and enhance protection of the environment and the public's health. These important services prevent disease, promote environmental responsibility, and ensure a level playing field for businesses.

FISCAL IMPACT

The proposed increases to fees will be included in the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan in the Department of Environmental Health and Quality (DEHQ).

If approved, the overall proposed fee adjustments will result in additional estimated costs and revenue of \$2,484,445, including additional estimated costs and revenue of \$1,027,532 in the Food and Housing Division, \$505,398 in the Land and Water Quality Division, \$949,795 in the Hazardous Materials Division (HMD) and \$1,720 in the Community Health Division, effective FY 2022-23. The funding source is fees paid by DEHQ customers.

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) is requested because the proposed fees do not cover all operating costs in the Food Program, HMD programs, small water systems remaining under the regulatory oversight of DEHQ, Septic Program, and discretionary projects. The total unrecovered cost per Board Policy B-29 for permit fees that are not full cost recovery is \$1,731,077, and if approved, will be funded with \$384,078 in State 1991 Health Realignment revenue, \$126,240 in committed General Fund fund balance, and \$1,220,759 from the Environmental Health Trust Fund.

Additionally, a waiver of Board Policy B-29 is requested to continue to reduce fees for food, housing, pool and temporary event permits requested by nonprofit organizations. The total unrecovered cost per Board Policy B-29 for these waivers is approximately \$261,447 in DEHQ for FY 2022-23, and if approved, will be funded with General Purpose Revenue.

Inclusive of all funding sources and programs, the total unrecovered cost per Board Policy B-29 for DEHQ in FY 2022-23 is \$1,992,524. In future fiscal years, DEHQ will return to the Board to identify any unrecovered costs and funding sources. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

These recommendations would enable the Department of Environmental Health and Quality (DEHQ) to continue to align fees to the actual costs of services provided to fee payers in each fee category. These fees allow DEHQ to continue to meet program objectives, provide a level of service expected by stakeholders and customers, and fully recover costs.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took action as recommended, adopting Ordinance No. 10786 (N.S.), entitled: ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY REGULATORY PROGRAM FEES AND ASSOCIATED ORDINANCE REVISIONS.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

9. **SUBJECT: ADMINISTRATIVE ITEM:**
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO AMEND THE FEES IN THE
ADMINISTRATIVE CODE FOR THE DEPARTMENT OF
AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL
YEAR 2022-23 (DISTRICTS: ALL)

OVERVIEW

On April 6, 2022 (08), the Board of Supervisors set a Hearing and took action to further consider and adopt the Ordinance on April 27, 2022.

This is a request for the Board of Supervisors (Board) to adopt the Department of Agriculture, Weights and Measures' (AWM) cost recovery proposal, which includes fees and hourly rates for services related to Pest Exclusion, Direct Marketing, Industrial Hemp Cultivation, Verification of Agriculture, Apiary Certification, Price Verification, and Weights and Measures Devices Programs.

This proposal provides the necessary resources and allows AWM to continue providing important services that support public health and safety, a resilient food supply, agricultural trade, consumer confidence, and a sustainable environment for the San Diego region. Through these services, the County of San Diego (County) balances environmental, community, and economic interests to enhance the quality of life for residents and visitors.

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board of Supervisors (Board) approval. The last cost recovery package was adopted by the Board on May 5, 2021 (3). Since that time, AWM has continued to provide services to the public at the adopted rates.

The fees proposed today for Fiscal Year (FY) 2022-23 are necessary to address cost changes, and to ensure compliance with Board Policy B-29, except where the Board has previously directed the waiver of fees. Today's fee package reflects standard assumptions made by the County and does not address cost increases based on negotiated labor agreements, due to the timing of the fee package and the labor negotiations. Increased costs during FY 2022-23 due to approved labor negotiations will be reflected in future Cost Recovery packages.

Approximately 87% of AWM's costs are prescribed, such as salary and benefits, retirement, central support, and facilities, while 13% of AWM's costs such as services and supplies, capital assets, and salary savings when positions are vacant are discretionary, meaning costs are determined by AWM based on operational needs. The proposed fee package is to reflect costs as accurately as possible and ensure compliance with Board Policy B-29. Regular cost recovery updates allow AWM to recuperate costs in a consistent and systematic manner, providing stakeholders an opportunity to plan for fee increases.

The average AWM fee adjustment in this cost recovery proposal is equivalent to a 1.7% increase. AWM receives County and State funding to partially recuperate the cost of eligible agricultural programs. The Board has the discretion to allocate specified amounts of this funding to eligible agricultural programs. A portion of this funding was applied to the programs in this proposal, plus operational efficiencies to mitigate cost increases. The General Purpose Revenue (GPR) support is consistent with the Board's commitment to a resilient food supply, agricultural trade, consumer confidence, and a sustainable environment, and to serve as required matching funds for State supplemental funding. In FY 2020-21, the actual costs for all the agricultural programs were \$18.1 million. The agricultural industry contributed, through fees, \$1.2 million or about 6%. Of which, the local growers paid \$555,185 or about 3% of the total cost of \$18.1 million and out-of-county agricultural operators paid the remaining amount of \$644,815. The County provided \$5.0 million or about 28%; and the State and federal government provides \$11.9 million or about 66% for a combined total of \$16.9 million or about 94% of the programs' funding. State law mandates California counties to provide fiscal support to receive the State supplemental funding. This State funding is a separate dedicated account to supplement, not supplant, the available County funding for eligible agricultural programs. The total amount of \$420,488 in State supplemental funding is applied to recuperate cost increases for the agricultural programs. AWM has also worked to contain costs where possible through business process improvements to enhance efficiency and has leveraged technology to streamline operations, improve customer service, and increase regulatory compliance. Some of the cost containment measures include virtual video inspections and apps for mobile field inspection and inventory tracking of weights and measures devices. AWM also streamlined operational processes through consolidated field inspections and developed additional resource documents, such as checklists and tutorials, to increase industry engagement in maintaining compliance. Technology and efficiencies have saved \$133,563. Without these operational efficiencies, fees would have needed to increase an additional 4.9% on average.

Today's proposal requests three actions from the Board. The first is to adopt the ordinance amendments in the San Diego County Administrative Code Section 364.3 relating to the fees and hourly rates for Pest Exclusion, Direct Marketing, Industrial Hemp Cultivation, Verification of Agriculture, Apiary Certification, Price Verification, and Weights and Measures Devices Programs.

The second is to approve a waiver of Board Policy B-29 for a total of \$246,953 for operational costs of the Pest Exclusion, Direct Marketing, and Industrial Hemp Cultivation Programs, which will be funded by existing General Purpose Revenue. This General Purpose Revenue support is consistent with the Board's commitment to a resilient food supply, agricultural trade, consumer confidence, and a sustainable environment, and serves as required matching funds for State supplemental funding. The third action is to approve the first reading of AWM's cost recovery proposal on April 6, 2022. If approved, the ordinance amendments will be brought back for adoption on April 27, 2022. In accordance with Board Policy B-29, AWM will review fees annually and return to the Board with any changes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the Ordinance amending Section 364.3 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.

EQUITY IMPACT STATEMENT

The Department of Agriculture, Weights and Measures (AWM) strives to preserve, enhance, and promote quality of life, health and safety, sustainability, equity, and environmental resources in the community through the implementation of regulatory programs and services that promote the well-being of the public and the environment. AWM utilizes approved methodology through the Auditor and Controller to ensure the direct and indirect program costs are recovered. This proposal ensures AWM's capacity to certify plant shipments for export, a service that is vital for the regional agricultural sector to access markets in other parts of the State, country, and world. In addition, it supports food security in underserved communities by providing access to locally grown fresh produce and promotes business continuity for the many small-scale farmers. This proposal also supports consumer confidence and a fair and equitable marketplace by verifying customers are being charged the correct prices at retail businesses that use point-of-sale stations and ensuring fair business practices. Reviewing and updating fees and hourly rates ensures only project costs are being paid for by applicants and public dollars are not used to subsidize privately initiated development projects.

FISCAL IMPACT

The proposed increases to fees will be included in the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan in Agriculture, Weights and Measures (AWM).

If approved, the fee and hourly rate adjustments for Export Certification, Direct Marketing, Industrial Hemp Cultivation, Verification of Agriculture, Apiary Certification, Price Verification, and Weights and Measures Devices Programs will result in additional estimated costs and revenue of \$50,669 in AWM effective FY 2022-23. 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 for the Pest Exclusion, Direct Marketing, and Industrial Hemp Cultivation Programs do not cover all operating costs. The total unrecovered cost per Board Policy B-29 for FY 2022-23 is approximately \$246,953 and if approved, these programs will be funded with existing General Purpose Revenue. AWM will return to the Board with any future necessary fee adjustments including identification of any unrecovered costs and funding sources. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

If approved, these recommendations would enable the Department of Agriculture, Weights and Measures to continue providing the necessary services that support public health and safety, a resilient food supply, agricultural trade, consumer confidence, and a sustainable environment for the San Diego region.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took action as recommended, adopting Ordinance No. 10787 (N.S.), 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.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

10. **SUBJECT: ADMINISTRATIVE ITEM:**
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
COST RECOVERY PROPOSAL TO AMEND PORTIONS OF THE
ADMINISTRATIVE CODE AND ORDINANCES RELATED TO LAND
DEVELOPMENT FEES AND DEPOSITS EFFECTIVE FISCAL YEAR
2022-23 (DISTRICTS: ALL)

OVERVIEW

On April 6, 2022 (09), the Board of Supervisors took action to further consider and adopt the Ordinance on April 27, 2022.

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").

Using cost recovery funding, the Departments provide services that range in diversity and complexity and serve a wide variety of customers. Services include environmental and project review, health and safety inspections of homes, and inspections of public infrastructure such as roads, parks, and trails. 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 environmental, community, and economic interests to enhance the quality of life for residents and visitors in the unincorporated area of San Diego County.

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board of Supervisors (Board) approval. The last cost recovery package was adopted by the Board on May 5, 2021 (2). Since that time, the Departments have continued to provide services to the public at the approved rates.

The fees proposed today for Fiscal Year (FY) 2022-23 are necessary to address cost changes and to ensure compliance with Board Policy B-29, except where the Board has previously directed the waiver of fees. Today's proposed fee package reflects standard assumptions made by the County, and does not address cost increases based on negotiated labor agreements due to the timing of the fee package and the labor negotiations. Increased costs during FY 2022-23 due to approved labor negotiations will be reflected in future Cost Recovery packages. Approximately 80% of the Departments' costs are prescribed, such as salary and benefits, retirement, central support, and facilities, while 20% of the department's costs, such as services and supplies, capital assets, and salary savings when positions are vacant are discretionary, meaning costs are determined by the Departments based on operational needs. The proposed fee package is to reflect known costs as accurately as possible and ensure compliance with Board Policy B-29. Regular cost recovery updates allow the Departments to recuperate costs in a consistent and systematic manner, providing stakeholders an opportunity to plan for fee increases.

For PDS, the average proposed flat fee increase requested in this cost recovery proposal is equivalent to a 2.9% increase, the average intake deposit change is a 3.3% increase, and the average hourly rate change is a 2.4% increase. For DPW, the average proposed flat fee increase requested is equivalent to a 2.1% increase, the average intake deposit change is a 0.3% increase, and the average hourly rate change is a 1.6% increase. DPR does not use fees or deposits and is only proposing to update its hourly rates; due to changes in staffing levels the proposed average hourly rate change is a 3% decrease.

These increases in PDS and DPW include costs for salary and benefits. The Departments have worked to contain costs where possible and have applied approximately \$200,000 in operational savings from streamlining measures or efficiencies. PDS has implemented cost savings programs such as online payments, electronic approvals, expansion of online permit applications, and text message building inspection management. DPW has implemented tools that automate work previously done manually such as reports and stormwater inspection scheduling, self-service tools, and a mobile inspection app. Without this cost containment,

building fees would have needed to increase an additional 7.8%, and planning and land development hourly rates would have increased an additional 5.0% on average for PDS. For DPW, some fees would have increased 25%, and land development hourly rates would have increased an additional 2.6% on average without cost containment efforts.

Today's proposal requests three actions from the Board. The first is to adopt the ordinance amendments in the San Diego County Administrative Code Sections 362, 362.1, 362.2 and 362.3 relating to the fees, deposits, and hourly rates the Land Development process. The second is to approve a waiver of Board Policy B-29 for approximately \$5,200,000 in PDS related to appeals, fees for rebuilding structures damaged or destroyed by a natural disaster, plan review and building fees for the Green Building Incentive Program reducing plan check and permitting fees to encourage builders to use energy saving materials when constructing homes, Homeowner and Business Owner Relief Act Permits waiving fees for minor permits such as water heater replacements and residential roof mount photovoltaic systems to encourage sustainability practices and ensure health and safety codes are followed, Accessory Dwelling Units, waiving plan check, permit, and impact fees associated with the construction of Accessory Dwelling Units to encourage additional housing availability, and Urban Agricultural Incentive Zone program waiving permitting fees associated with maintaining a property in active agricultural use for a period of five years to promote and protect agricultural uses and recognize the public benefits of agriculture. The Board has previously directed these fees to be waived and provide General Purpose Revenue or General Fund fund balance appropriations to facilitate access to the appeal process, assist homeowners impacted by natural disasters, and strengthen support and promotion of sustainable building practices and additional housing units. The third action is to approve the first reading of the Land Development cost recovery proposal on April 6, 2022. If approved, the ordinance amendments will be brought back for adoption on April 27, 2022. In accordance with Board Policy B-29, the Land Development team will review fees annually and return to the Board with any changes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance (second reading) entitled:

**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, on file with the Clerk of the Board).**

EQUITY IMPACT STATEMENT

The County of San Diego strives to preserve, enhance, and promote quality of life, health and safety, sustainability, equity, and environmental resources through the implementation of programs and services that enhance the community by increasing the well-being of our residents and our environments while simultaneously complying with mandatory federal, state, and local regulations governing the land development process. The Departments utilize approved methodology through the Auditor and Controller to ensure all direct and indirect project costs are fully recovered. This ensures that privately initiated project applicants are paying for the full costs needed to recover department costs associated with their project while ensuring development is designed and built to be safe, striving to meet or exceed federal, state, and local building, sustainability, and energy standards and provide opportunities for growth and development that meet the needs of the communities.

Reviewing and updating fees and hourly rates ensures only project costs are being paid for by applicants and public dollars are not used to subsidize privately initiated development projects.

FISCAL IMPACT

The proposed increases to fees and deposits will be included in the Fiscal Year (FY) 2022-23 CAO Recommended 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 fee and deposit adjustments will result in additional estimated costs and revenue of \$594,000 in PDS, \$142,000 in DPW, and \$0 in DPR, effective FY 2022-23. 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 to continue previously directed fee waivers, including 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 Urban Agriculture Incentive Zone program. These items 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 of the items combined is approximately \$5,200,000 for Fiscal Year 2022-23 and is proposed to be funded by existing and one-time General Purpose Revenue. In the future fiscal years, the Departments will return to the Board to identify the unrecovered cost and funding source. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

These recommendations would enable Planning & Development Services, the Department of Public Works, and the Department of Parks and Recreation to maintain high quality services. These services enhance the livability of communities and ensure the health and safety of residents by facilitating new land development and housing, providing sufficient recreational opportunities, and protecting natural resources. When individuals pay for services they receive, it ensures that public tax dollars do not subsidize individual projects.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, adopting Ordinance No. 10788 (N.S.), entitled: 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: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

**11. SUBJECT: NOTICED PUBLIC HEARING:
ORDINANCES FOR SUBCONTRACTOR TRANSPARENCY IN
COUNTY BUILDING AND RIGHT-OF-WAY PERMITS AND
UPDATES TO THE SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES (TITLE 7 DIVISION 1: RIGHT-OF-WAY UPDATES
AND TITLE 9: BUILDING UPDATES) (4/27/2022 - 1ST READING;
5/11/2022 – 2ND READING) (DISTRICTS: ALL)**

OVERVIEW

On March 17, 2021 (6), the Board of Supervisors (Board) directed the Chief Administrative Officer to seek input from stakeholders and develop options for a new ordinance to promote transparency for contractors applying for building permits or right-of-way permits in the unincorporated communities for which the County of San Diego (County) has jurisdiction.

On October 6, 2021 (2) the Board received the Ordinance Options for Subcontractor Transparency Measures in County Permits, and provided direction to develop ordinances to achieve subcontractor transparency in County permits and return to the Board in 180 days. In requiring transparency, the County's goal is to create a culture of safety and legal compliance while ensuring that labor standards are upheld. Today's ordinances follow Board direction to require contractors to disclose information for their subcontractors working on projects requiring County building permits or right-of-way permits in the unincorporated communities for which the County has jurisdiction.

Today's request is for the Board to consider the first reading of additions to the County Building Code (Title 9) and County Code of Regulatory Ordinance (Title 7 Division 1) necessary to achieve subcontractor transparency in County building and right-of-way permits. If the Board takes the action recommended today, then on May 11, 2022, the Board can consider and adopt the proposed ordinance (effective 30 days after the second reading on June 10, 2022).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with State California Environmental Quality Act Guidelines Section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption (on file with the Clerk of the Board);
2. Approve the introduction of the Ordinances (first reading), read the titles, and waive further readings of the Ordinances, titled:
AN ORDINANCE TO ADD SECTION 91.1.104.2.2 TO THE COUNTY BUILDING CODES FOR SUBCONTRACTOR TRANSPARENCY IN COUNTY PERMITS (TITLE 9) (Attachment A).

AN ORDINANCE TO ADD SECTION 71.120 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES (TITLE 7 DIVISION 1) REGARDING SUBCONTRACTING FOR ENCROACHMENTS (Attachment B).

If, on April 27, 2022, the Board of Supervisors takes action as recommended, then on May 11, 2022:

Consider and adopt the Ordinances for Subcontractor Transparency in County Permits and Update to the San Diego County Code of Regulatory Ordinances (Title 7 Division 1 and Title 9) (second reading) (Attachments A & B).

EQUITY IMPACT STATEMENT

Stakeholder input and community engagement identified the need for subcontractor transparency as a potential improvement to equity in labor standards and worker protection, including addressing labor violations, unqualified operators, and a lack of accountability. Stakeholders commented that the California State Licensing Board may lack resources and access to verify or investigate local subcontractor information. The ordinance updates being considered today create new transparency tools that will allow the County to expand workforce protections and increase contracting equity among subcontractors.

FISCAL IMPACT

There is no fiscal impact associated with receiving, considering, approving, and adopting updates to the San Diego County Code of Regulatory Ordinances as presented today.

The Subcontractor Transparency program development was directed by the Board on October 6, 2021 (2) for the amount of \$250,000 and is included in the Fiscal Year 2021-22 Operational Plan in the Land Use and Environment Group Executive Office. The funding source is existing General Purpose Revenue. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

There is no business impact associated with these recommendations. The changes would not have significant cost or time impacts to customers. In requiring transparency, the County's goal is to create a workforce culture of safety and legal compliance while ensuring that labor standards are upheld. The goal of implementing subcontractor transparency measures is to increase consumer and business confidence through collecting data regarding the use of licensed subcontractors.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took action as recommended, to further consider and adopt the Ordinances on May 11, 2022.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher
NOES: Desmond

12. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Eleanor spoke to the Board regarding the medical freedom petition.

Robert Germann spoke to the Board regarding the Miramar Airport.

Consuelo Henkin spoke to the Board regarding the pharmaceutical industry.

KB Strange spoke to the Board regarding the effects of high potency THC marijuana products.

Diane Grace spoke to the Board regarding marijuana secondhand smoke.

Kelly McCormick spoke to the Board regarding drug use and suicide rates amongst youth.

Ann Riddle spoke to the Board regarding the ban on flavored tobacco products.

Audra M. spoke to the Board regarding the U.S. Constitution.

Dean spoke to the Board regarding concerns about contaminating the environment.

Becky Rapp spoke to the Board regarding negative impacts of marijuana use amongst youth.

Barbara Gordon spoke to the Board regarding banning the sale of flavored tobacco products.

Truth spoke to the Board regarding concerns about past comments by Supervisor Lawson-Remer.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 11:05 a.m. in memory of Al Haven.

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

Consent: Vizcarra
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 11, 2022.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

04/27/2022