

April 29, 2014

STATEMENT OF PROCEEDINGS

The Minutes of the

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

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
TUESDAY, APRIL 29, 2014, 09:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:00 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Bill Horn, Vice Chairman; Greg Cox; Dave Roberts; also Thomas J. Pastuszka, Clerk.

Absent: Supervisor Ron Roberts

Invocation was led by Reverend Rebecca Littlejohn from the Vista La Mesa Christian Church Disciples of Christ in La Mesa.

Pledge of Allegiance was led by Lakeside Rodeo Queens Rachel Owens Sarno and Amanda Hop.

Approval of Statement of Proceedings/Minutes for the meeting of April 15, 2014.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of April 15, 2014.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

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

Board of Supervisors' Agenda Items

Category	Agenda #	Subject
Public Safety	1.	DISTRICT ATTORNEY REQUEST FOR RATIFICATION OF CONTRACT AMENDMENT FOR PROGRAMS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS [FUNDING SOURCE(S): U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, 2011 GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS PROGRAM]

2. SHERIFF'S DEPARTMENT – REQUEST TO ESTABLISH APPROPRIATIONS FOR THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL MINOR DECOY/SHOULDER TAP GRANT AND THE CALIFORNIA GANG REDUCTION, INTERVENTION AND PREVENTION GRANT
 [FUNDING SOURCE(S): MINOR DECOY/SHOULDER TAP PROGRAM - GRANT REVENUE FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL PASSED THROUGH THE CITY OF VISTA;
 CALIFORNIA GANG REDUCTION, INTERVENTION AND PREVENTION (CALGRIP) - GRANT REVENUE FROM THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS PASSED THROUGH THE CITY OF VISTA]
 (4 VOTES)

3. NOTICED PUBLIC HEARING:
 FIRE MITIGATION FEE PROGRAM – ORDINANCE TO AMEND THE FIRE MITIGATION FEE

4. SAN DIEGO COUNTY FIRE AUTHORITY FIRE MASTER PLAN IMPLEMENTATION UPDATE
 [FUNDING SOURCE(S): AVAILABLE PUBLIC SAFETY GROUP FUND BALANCE AVAILABLE, COUNTY SERVICE AREA 135 FUND BALANCE AND AN OPERATING TRANSFER FROM THE PUBLIC SAFETY GROUP EXECUTIVE OFFICE, SAN DIEGO COUNTY FIRE AUTHORITY TO CSA 135]
 (4 VOTES)

5. AUTHORIZATION TO CONTRACT WITH CENTER FOR EMPLOYMENT OPPORTUNITIES, INC., FOR EDUCATIONAL SERVICES
 [FUNDING SOURCE(S): CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) AND THE STATE OF CALIFORNIA, LOCAL REVENUE FUND 2011 ALLOCATED TO THE COUNTY LOCAL REVENUE FUND 2011, COMMUNITY CORRECTIONS SUBACCOUNT]

6. ACCEPTANCE OF DONATION FROM THE BOPPY COMPANY

7. SUPPORT FOR STATE ASSEMBLY BILL 485: IN-HOME SUPPORTIVE SERVICES

Health and
Human Services

Financial and
General
Government

8. NOTICED PUBLIC HEARING:
ADOPTION OF A RESOLUTION ESTABLISHING COUNTY
COUNSEL HOURLY BILLING RATES FOR ATTORNEY
AND PARALEGAL SERVICES

- Communications Received 9. COMMUNICATIONS RECEIVED

- Appointments 10. APPOINTMENTS: VARIOUS

- Closed Session 11. CLOSED SESSION

- Presentations/
Awards 12. PRESENTATIONS/AWARDS

- Public
Communication 13. PUBLIC COMMUNICATION

1. SUBJECT: DISTRICT ATTORNEY – REQUEST FOR RATIFICATION OF CONTRACT AMENDMENT FOR PROGRAMS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS (DISTRICTS: ALL)

OVERVIEW:

On November 8, 2011 (3), the Board of Supervisors authorized the acceptance of a grant from the U.S. Department of Justice, Office on Violence Against Women. These funds have been used to operate the North County Family Violence Prevention Center (NCFVPC). This request will allow the NCFVPC to continue to use remaining grant funds to operate and provide domestic violence services to San Diego County's Northern Region until the new grant term begins on October 1, 2014. This is a request to ratify an amendment of the Center for Community Solutions contract, increasing the contract amount not to exceed \$250,000, and extending the contract for a period of nine months, from January 1, 2014 through September 30, 2014.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2013-14 Operational Plan for the District Attorney's Office. If approved, this request will result in estimated current year costs and revenue of \$134,247, and Fiscal Year 2014-15 estimated costs and revenue of \$67,124. The funding source is the U.S. Department of Justice, Office on Violence Against Women, 2011 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

DISTRICT ATTORNEY

In accordance with Board Policy A-87, Competitive Procurement, and Administrative Code Section 401, authorize the Director, Department of Purchasing and Contracting to ratify contract number 528638 with the Center for Community Solutions to extend the contract term through September 30, 2014 and increase the total contract amount not to exceed \$250,000, subject to the availability of funds; and to amend the contract as required to reflect changes to services and funding allocations, subject to the approval of the District Attorney. Waive the advertising requirement of Board Policy A-87.

ACTION:

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

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

2. **SUBJECT: SHERIFF'S DEPARTMENT – REQUEST TO ESTABLISH APPROPRIATIONS FOR THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL MINOR DECOY/SHOULDER TAP GRANT AND THE CALIFORNIA GANG REDUCTION, INTERVENTION AND PREVENTION GRANT (DISTRICTS: ALL)**

OVERVIEW:

This is a request to authorize the acceptance of grant funding from the California Department of Alcoholic Beverage Control (CA ABC) under the Fiscal Year 2013-14 Minor Decoy/Shoulder Tap grant passed through the City of Vista, establish appropriations of \$7,500, and authorize the Sheriff to accept grant funding from the CA ABC passed through the City of Vista in subsequent years provided there are no material changes to the grant terms and funding levels. The Sheriff will return to the Board of Supervisors (Board) as needed for authorization to appropriate awarded funds passed through the City. During the project period February 1, 2014 through June 30, 2014, the City will use the grant award to reimburse the Sheriff for overtime performed by Sheriff's deputies conducting Minor Decoy/Shoulder Tap operations at establishments throughout the City.

This is also a request to authorize the acceptance of grant funding from the California Board of State and Community Corrections (CA BSCC) under the California Gang Reduction, Intervention and Prevention (CalGRIP) grant passed through the City of Vista, establish appropriations of \$36,039, and to authorize the Sheriff to accept grant funding from the CA BSCC passed through the City of Vista in subsequent years provided there are no material changes to the grant terms and funding levels. The Sheriff will return to the Board as needed for authorization to appropriate any awarded funds passed through the City. During the project period January 1, 2014 through December 31, 2015, the City will use the grant award to reimburse the Sheriff for overtime performed by Sheriff's deputies providing gang prevention and intervention services.

FISCAL IMPACT:

MINOR DECOY/SHOULDER TAP PROGRAM

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan for the Sheriff's Department. If approved, this request will result in current year costs and revenue of \$7,500. The funding source is grant revenue from the California Department of Alcoholic Beverage Control passed through the City of Vista. This grant award recovers all Sheriff's Department direct costs but does not reimburse costs associated with administrative overhead and support. There will be no change in net General Fund cost and no additional staff years.

CALIFORNIA GANG REDUCTION, INTERVENTION AND PREVENTION (CalGRIP)

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan for the Sheriff's Department. If approved, this request will result in current year costs and revenue of \$36,039. The funding source is grant revenue from the California Board of State and Community Corrections passed through the City of Vista. This grant award recovers all Sheriff's Department direct costs but does not

reimburse costs associated with administrative overhead and support. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SHERIFF

1. Waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, which requires full cost recovery for grants and revenue contracts, as this grant program does not recover full cost.
2. Authorize the Sheriff to accept grant funds in the amount of \$7,500 from the California Department of Alcoholic Beverage Control (CA ABC) passed through the City of Vista, for the Minor Decoy/Shoulder Tap grant program, for the project period February 1, 2014 through June 30, 2014.
3. Establish appropriations of \$7,500 in the Sheriff's Department for Salaries and Benefits for overtime based on unanticipated revenue from the CA ABC passed through the City of Vista. **(4 VOTES)**
4. Authorize the Sheriff to accept grant funding from CA ABC passed through the City of Vista in subsequent years provided there are no material changes to the grant terms and funding levels, and this year and in subsequent years, review and execute all required grant and grant-related documents, including agreements with other government agencies for the distribution of grant funds where necessary to carry out the purposes of the grant, and any annual extension, amendments, and/or revisions thereof that do not materially impact or alter the services or funding level.
5. Authorize the Sheriff to accept grant funds in the amount of \$36,039 from the California Board of State and Community Corrections (CA BSCC) passed through the City of Vista, for the California Gang Reduction, Intervention and prevention (CalGRIP) grant program for the project period January 1, 2014 through December 31, 2015.
6. Establish appropriations of \$36,039 in the Sheriff's Department for Salaries and Benefits for overtime based on unanticipated revenue from the CA BSCC passed through the City of Vista. **(4 VOTES)**
7. Authorize the Sheriff to accept grant funding from CA BSCC passed through the City of Vista in subsequent years provided there are no material changes to the grant terms and funding levels, and in this year and subsequent years, review and execute all required grant and grant-related documents, including agreements with other government agencies for the distribution of grant funds where necessary to carry out the purposes of the grant, and any annual extension, amendments, and/or revisions thereof that do not materially impact or alter the services or funding level.

ACTION:

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

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

**3. SUBJECT: NOTICED PUBLIC HEARING:
FIRE MITIGATION FEE PROGRAM – ORDINANCE TO
AMEND THE FIRE MITIGATION FEE (DISTRICTS: ALL)**

OVERVIEW:

On October 8, 1986 (15), the Board of Supervisors adopted the Fire Mitigation Fee Ordinance. The purpose of the ordinance was to create a program that collected and allocated funds to fire agencies in the unincorporated area of San Diego County for the purpose of providing for capital facilities and equipment to serve new development. Since fire agencies lack legal authority to impose mitigation fees directly, the County collects a fee from applicants when building permits are issued and distributes the funds to the fire agencies quarterly. The fire districts then use the funds to purchase equipment that will serve new development. The fire districts cannot use the funds to offset shortages in their existing program budgets.

The Board of Supervisors established the Fire Mitigation Fee Review Committee to provide oversight of the program. As part of this oversight, the review committee is responsible for reviewing the fire agencies' annual expense reports to ensure improvement projects were necessary to serve new development and to make recommendations to the Board on increases or decreases in the mitigation fee amount. The Review Committee has completed their review of the expense reports for Fiscal Year 2012-13, evaluated the mitigation fee amount for Fiscal Year 2014-15 and is presenting the findings and recommendations to the Chief Administrative Officer for Board of Supervisors' consideration. Included is a proposed ordinance amending the Fire Mitigation Fee Ordinance to increase the fire mitigation fee ceiling.

FISCAL IMPACT:

There is no fiscal impact as a result of this request. During Fiscal Year 2012-13 the Fire Mitigation Program, managed by the County, collected \$864,801, which was distributed to the fire agencies on a quarterly basis. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

The proposed fire mitigation fee increase is \$0.05 per square foot for a general construction.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Receive the Fire Mitigation Fee Review Committee Report for Fiscal Year 2012-13, which shows that the participating fire agencies are in conformance with the San Diego County Fire Mitigation Fee Ordinance.
2. Adopt the Ordinance entitled: AN ORDINANCE AMENDING SECTION 810.309 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO FIRE MITIGATION FEES.
3. Find that the requested action is exempt from the California Environmental Quality Act Guidelines pursuant to Section 15273, Subsection (a), and adopt findings setting forth the basis of the exemption.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended; on Consent, adopting Ordinance No. 10334 (N.S.), entitled: AN ORDINANCE AMENDING SECTION 810.309 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO FIRE MITIGATION FEES.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

4. **SUBJECT: SAN DIEGO COUNTY FIRE AUTHORITY FIRE MASTER PLAN IMPLEMENTATION UPDATE (DISTRICTS: ALL)**

OVERVIEW:

On July 30, 2013 (3), the Board of Supervisors adopted the County of San Diego's Fire Master Plan. The Fire Master Plan provides a blueprint for the San Diego County Fire Authority and the provision of fire and emergency medical services within over 1.5 million acres in eastern and northern San Diego County. This Board letter provides an update on the implementation of the Fire Master Plan and includes a request to establish appropriations for the purchase of fire apparatus and minor equipment.

Concurrently on today's agenda is a proposed ordinance to amend the Fire Mitigation Fee based on the cost of service. Together, these items ensure San Diego County continues a comprehensive, regional approach to fire protection and ensures strong fire mitigation efforts are in place as we move towards the 2014 fire season.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan for the Public Safety Group Executive Office, San Diego County Fire Authority. If approved, this request will result in current year costs of \$257,607. The funding sources are the available Public Safety Group Fund Balance available (\$190,000), County Service Area 135 Fund Balance (\$30,000) and an operating transfer from

the Public Safety Group Executive Office, San Diego County Fire Authority to CSA 135 (\$37,607). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Receive the staff presentation providing an update on the implementation of the Fire Master Plan.
2. Establish appropriations of \$190,000 in the Public Safety Group Executive Office, San Diego County Fire Authority, Services and Supplies, for the purchase of a Type VI Patrol Fire Engine based on available Public Safety Group prior year Fund Balance. **(4 VOTES)**
3. Establish appropriations of \$30,000 in County Service Area 135, San Diego County Fire Authority, Services and Supplies, for specialized volunteer firefighter training based on available prior year fund balance. **(4 VOTES)**
4. Transfer appropriations of \$37,607 from the Public Safety Group Executive Office, San Diego County Fire Authority, from Services and Supplies to Operating Transfer Out, for a transfer to County Service Area 135 for the purchase of radio equipment and facility maintenance.
5. Establish appropriations of \$37,607 in County Service Area 135, San Diego County Fire Authority, Services and Supplies, for radio equipment and unanticipated facility maintenance based on an Operating Transfer In from the Public Safety Group Executive Office, San Diego County Fire Authority. **(4 VOTES)**

ACTION:

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

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

5. **SUBJECT: AUTHORIZATION TO CONTRACT WITH CENTER FOR EMPLOYMENT OPPORTUNITIES, INC., FOR EDUCATIONAL SERVICES (DISTRICTS: ALL)**

OVERVIEW:

On January 29, 2013 (5), the Board of Supervisors authorized the Chief Probation Officer to apply for and accept grant funds in the amount of \$3,000,000 from the California Department of Transportation (Caltrans) for a Post Release Community Supervision Offenders (PRCS Offenders) work crew litter abatement program. The

Caltrans agreement in the amount of \$2,998,800 was signed February 27, 2014 and the Probation Department will administer these Caltrans funds via a contract with Center for Employment Opportunities, Inc., (CEO) for educational services. CEO is a non-profit corporation that will provide PRCS Offenders with job readiness, job placement and transitional employment education, which includes the Caltrans funded litter abatement work crews, and other self-improvement educational opportunities to assist them in successfully integrating into our community.

Public Safety Realignment 2011 requires the Probation Department to supervise PRCS Offenders. PRCS Offenders are felons who have served prison sentences and are returning to the community. A significant percentage of these offenders have very poor employment histories and or limited job skills. The services provided by CEO will help address those deficits. These offenders will benefit from the educational opportunities, including participating in the Caltrans funded work crew litter abatement program, which CEO will provide. These skills will assist the offenders in successfully integrating into our community. This is a request for the procurement of employment education services, including the Caltrans funded work crew litter abatement program, from CEO.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2013-15 Operational Plan for the Probation Department. If approved, this request will result in current year costs and revenue of \$599,802 and costs and revenue of \$1,200,404 in Fiscal Year 2014-15. The funding sources are the California Department of Transportation (Caltrans) (\$1,425,600) and the State of California, Local Revenue Fund 2011 allocated to the County Local Revenue Fund 2011, Community Corrections Subaccount (\$374,606). The total estimated cost of the program is \$3,748,812: \$2,998,800 in Caltrans funds; \$750,012 in County Local Revenue Fund 2011 and subsequent year costs and revenues will be included in future Operational Plans for the Probation Department. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director of the Department of Purchasing and Contracting to enter into negotiations with Center for Employment Opportunities, Inc., and subject to successful negotiations and a determination of a fair and reasonable price, award a contract for educational services for the period May 1, 2014 through December 31, 2016, and to amend the contracts as needed to reflect changes to requirements and funding. Waive the advertising requirement of Board Policy A-87.

ACTION:

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

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

6. SUBJECT: ACCEPTANCE OF DONATION FROM THE BOPPY COMPANY (DISTRICTS: ALL)

OVERVIEW:

Public Health Nursing (PHN) Administration is a branch of Public Health Services within the County's Health and Human Services Agency. PHN Administration provides countywide oversight for the Nurse-Family Partnership (NFP) programs operated out of the six regional Public Health Centers. NFP is a voluntary, evidence-based program that provides nurse home visitation services to low income, first-time mothers. Nurses begin home visits early in the mother's pregnancy and continue visitation until the child's second birthday. Nurses provide support, as well as education and counseling, for health, behavioral, and self-sufficiency issues. First-time mothers can expect to receive referrals to healthcare, childcare, job training, and other support services. The program's goals are to improve pregnancy outcomes, improve child health and development, and improve the economic self-sufficiency of families.

The Boppy Company is partnering with NFP's National Service Office to donate Boppy® Pillows to NFP clients from a few selected sites across the nation for a special Mother's Day event. Today's action requests acceptance of a donation of 250 Boppy® Pillows from The Boppy Company to be given to San Diego County NFP clients who have a newborn or an infant under the age of one. Boppy® Pillows are used by parents for infant feeding, propping, tummy time, and learning to sit. This donation is valued at \$9,997.50.

PHN Administration and the regional Public Health Center NFP Programs support the County's *Live Well San Diego* initiative by supporting NFP clients in making positive healthy choices, and promoting a safe environment for infants.

FISCAL IMPACT:

The 250 donated Boppy® Pillows are valued at \$39.99 per pillow, for a total value of \$9,997.50. The Boppy® Pillows will be provided to San Diego County Nurse-Family Partnership (NFP) clients who have a newborn or an infant under one year of age. There will be no cost to the County for shipping, delivery, maintenance, and training. No additional appropriations are needed for this request. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

In accordance with Administrative Code Section 66 and Board Policy A-112, accept the donation of 250 Boppy® Pillows valued at \$9,997.50 from The Boppy Company.

ACTION:

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

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

7. SUBJECT: SUPPORT FOR STATE ASSEMBLY BILL 485: IN-HOME SUPPORTIVE SERVICES (DISTRICTS: ALL)

OVERVIEW:

The State of California's Coordinated Care Initiative (CCI), passed as part of the California Budget Act of 2012, included provisions to transfer the employer of record responsibilities for In-Home Supportive Services (IHSS) collective bargaining from counties to the State by as early as January 2014. It also requires a California Statewide IHSS Authority to meet and confer regarding wages and benefits with recognized employee organizations of IHSS providers. The transition is contingent upon the implementation of the State's Coordinated Care Initiative.

The enrollment portion of the CCI initiative has experienced numerous implementation delays and will not be completed until at least April 2015 in most of the eight pilot counties of which San Diego is one.

State Assembly Bill 485 (AB 485), by State Assemblymember Jimmy Gomez, severs the link between CCI and the Statewide IHSS Authority, and paves the way for the State to more quickly take over responsibility for IHSS wage and benefit negotiations. If AB 485 is enacted into law, it would require the Statewide IHSS Authority to assume employer of record responsibility for collective bargaining in all 58 counties effective January 1, 2015.

Having the Statewide IHSS Authority assume the responsibilities for bargaining will shift significant cost pressure from the counties to the State, and relieve San Diego County of the responsibility of negotiations.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SUPERVISOR GREG COX AND SUPERVISOR DAVE ROBERTS

Direct the Chief Administrative Officer to draft a letter expressing the Board of Supervisors' support for State Assembly Bill 485 to San Diego County's legislative representatives in Sacramento so long as the bill is not amended in a manner that negatively impacts the County and so long as the bill continues to make permanent the IHSS maintenance of effort (MOE) requirement for counties in lieu of the original county IHSS cost sharing formula.

ACTION:

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

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

8. **SUBJECT: NOTICED PUBLIC HEARING:
ADOPTION OF A RESOLUTION ESTABLISHING COUNTY
COUNSEL HOURLY BILLING RATES FOR ATTORNEY
AND PARALEGAL SERVICES (DISTRICTS: ALL)**

OVERVIEW:

On May 7, 2013 (5), the Board of Supervisors established County Counsel billing rates of \$214/hour for attorneys and \$115/hour for paralegals based upon a 2013 full cost recovery study. A 2014 full cost recovery study indicates that billing rates should now be increased because of the department's projected increase in costs in Fiscal Year 2014-15. Today's action requests approval of an increase in the County Counsel billing rates to \$223/hour for attorneys and \$125/hour for paralegals, commencing July 1, 2014. The proposed billing rate increases are pursuant to Board of Supervisors Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery.

FISCAL IMPACT:

Funds for this proposal are included in the Fiscal Year 2014-15 CAO Recommended Operational Plan for the Office of County Counsel. If approved, this action would result in an increase in the hourly rates charged to billable clients. The proposed hourly rate will increase by 4.2% to \$223 hour for attorneys and 8.7% to \$125/hour for paralegals. It is projected that \$3,087,937 of County Counsel's funding will come from revenue generated from the hourly billable services provided to clients. Approval of these rates will provide for full cost recovery. There will be no change in net General Fund cost and no additional staff.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that this proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15273 of the State CEQA Guidelines and adopt the CEQA findings as set forth in the Background section of this Board Letter.
2. Adopt a Resolution entitled:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO COUNTY COUNSEL HOURLY BILLING RATES FOR ATTORNEY AND PARALEGAL SERVICES.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 14-046, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO COUNTY COUNSEL HOURLY BILLING RATES FOR ATTORNEY AND PARALEGAL SERVICES.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

9. **SUBJECT: COMMUNICATIONS RECEIVED (DISTRICTS: ALL)**

OVERVIEW:

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

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Note and file.

ACTION:

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

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

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

OVERVIEW:

These appointments are in accordance with applicable Board Policy A-74, "Citizen Participation in County Boards, Commissions and Committees," Board Policy I-1, "Planning and Sponsor Group Policies and Procedures," and Board Policy A-77, "Appointments to Fill Vacancies and Cancellation of Election where Insufficient Nominations Filed Prior to Uniform District Election and Citizen Planning Group Election." Board Policy A-134, "Procedures for Appointment to Resource Conservation District Boards of Directors."

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHAIRWOMAN DIANNE JACOB

Appoint Christopher Rand to the VALLE DE ORO COMMUNITY PLANNING GROUP, Seat No. 10, for a term to expire January 5, 2015.

Appoint Richard Marzec to the JAMUL / DULZURA COMMUNITY PLANNING GROUP, Seat No. 12, for a term to expire January 5, 2015.

VICE-CHAIRMAN BILL HORN

Appoint Noralee Sherwood to the RESOURCE CONSERVATION DISTRICT OF GREATER SAN DIEGO COUNTY, Seat No. 5, for a term to expire November 25, 2016.

ACTION:

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

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

11. SUBJECT: CLOSED SESSION (DISTRICTS: ALL)

OVERVIEW:

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Hugh Morgan v. County of San Diego, et al.; Workers’ Compensation Appeals
Board Case No. ADJ6979737

- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Shannon Doe v. Jan Pardew, et al.; San Diego County Superior Court No. 37-
2011-00087566-CU-PO-CTL

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Chelsey Hayes v. County of San Diego, et al.; United States District Court,
Southern District, No. 07-CV-1738 DMS (JMA)

- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Landon Heath Wargnier v. County of San Diego, et al.; San Diego County
Superior Court No. 37-2013-00046833-CU-PO-NC

- E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Pointe SDMU L.P., et al. v. County of San Diego; San Diego County Superior
Court No. 37-2012-00090197-CU-EI-CTL

ACTION:

County Counsel reported that for Closed Session on Tuesday, April 29, 2014, the Board of Supervisors took the following action:

Item 11B: In *Shannon Doe v. County of San Diego*, a lawsuit involving a claimed failure to provide certain information regarding the biological father in a pre-adoption report, by a vote of all members of the Board present and voting “Aye”, with Supervisor R. Roberts absent, County Counsel was authorized to seek appellate review.

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

OVERVIEW:

Chairwoman Dianne Jacob presented a proclamation declaring April 29, 2014, Lakeside Rodeo Day throughout the County of San Diego.

Supervisor Dave Roberts presented a proclamation declaring April 29, 2014, Gold Star Wives of America Day throughout the County of San Diego.

Supervisor Greg Cox presented a proclamation declaring April 29, 2014, 2-1-1 San Diego, Live Well San Diego Day throughout the County of San Diego.

13. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW:

Julie Lower and Ashley Schmidt spoke to the Board regarding the Quality Preschool Initiative.

John McTighe spoke to the Board regarding Retired Employees of San Diego County, Inc.

ACTION:

Heard, referred to the Chief Administrative Officer.

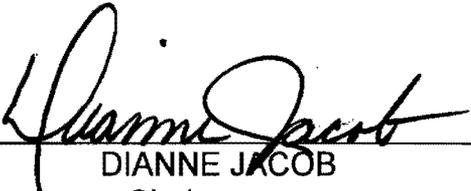
There being no further business, the Board adjourned at 10:52 a.m. in memory of Harriet Acton and Dorothy Hamann.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller
Discussion: Panfil

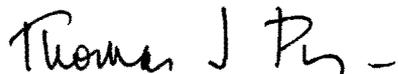
NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Tuesday, May 20, 2014.



DIANNE JACOB
Chairwoman

Attest:



THOMAS J. PASTUSZKA
Clerk of the Board

04/29/14