

July 8, 2020

STATEMENT OF PROCEEDINGS

The Minutes of the

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

COUNTY OF SAN DIEGO

**STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, JULY 8, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA**

Order of Business

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

PRESENT: Supervisors Greg Cox, Chairman; Jim Desmond, Vice-Chairman; Dianne Jacob; Kristin Gaspar; Nathan Fletcher; also, Andrew Potter, Clerk of the Board of Supervisors.

(Please note, California Governor Gavin Newsom issued Executive Order N-29-20 on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Pursuant to the Executive Order, and to maintain the orderly conduct of the meeting, all members of the Board of Supervisors attended the meeting via teleconference and participated in the meeting to the same extent as if they were present.)

- B. **Closed Session Report**
- C. **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.
- D. **Approval of the Statement of Proceedings/Minutes for the meeting of June 24, 2020.**

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Fletcher, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of June 24, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- E. **Formation of Consent Calendar**
- F. **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 ORDINANCE: TRAFFIC ADVISORY COMMITTEE (06/24/2020 - ADOPT RECOMMENDATIONS; 07/08/2020 - SECOND READING OF AN ORDINANCE) |
| 2. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: NOTICED PUBLIC HEARING TO ADOPT RESOLUTIONS AND ORDINANCE FOR AMENDMENT TO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AND AUTHORIZE ACTION TO AMEND THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND BOUNDARY MAP (6/24/2020 - ADOPT RESOLUTIONS AND FIRST READING OF ORDINANCE; 7/8/2020 - SECOND READING OF ORDINANCE)
[FUNDING SOURCE: SPECIAL TAXES PAID BY PROPERTY OWNERS WITHIN THE MEADOWOOD CFD] |
| 3. | NOTICED PUBLIC HEARING:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2020-21 LEVIES FOR PERMANENT ROAD DIVISION ZONES, COUNTY SERVICE AREAS AND ZONES, AND STORMWATER MAINTENANCE ZONES
[FUNDING SOURCES: ASSESSMENT AND SPECIAL TAX LEVIES FROM PROPERTY OWNERS WITHIN PRD ZONES, CSAS, AND SMZS]

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL1) |
| 4. | NOTICED PUBLIC HEARING:
PUBLIC HEARING TO APPROVE FEES AND CHARGES FOR FISCAL YEAR 2020-21 TAX ROLL OF SAN DIEGO COUNTY SANITATION DISTRICT AND CAMPO WATER MAINTENANCE DISTRICT

(RELATES TO SANITATION DISTRICT AGENDA NO. SA1) |
| 5. | PUBLIC HEARING TO CONFIRM FISCAL YEAR 2020-21 LEVIES IN THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT AND LANDSCAPE MAINTENANCE DISTRICT ZONES NO. 1 - RANCHO SAN DIEGO AND NO. 2 - JESS MARTIN PARK |
| 6. | CONFIRM FISCAL YEAR 2020-21 LEVIES FOR COMMUNITY FACILITIES DISTRICTS
[FUNDING SOURCES: SPECIAL TAX LEVIES FROM CFD NO. 2008-01, CFD NO. 2013-01 AND CFD NO. 2019-02 PAID BY PROPERTY OWNERS] |
| 7. | SET A HEARING FOR 08/05/2020:
YALDA OPEN SPACE VACATION, PDS2019-VAC-19-003; VALLE DE ORO COMMUNITY PLAN AREA (07/08/2020 - SET HEARING; 08/05/2020 - HOLD HEARING) |

8. NOTICED PUBLIC HEARING:
RESCIND BOARD POLICY I-113 AND AMEND SANITATION DISTRICT
ORDINANCES TO LIFT RESTRICTIONS ON NEW SEWER CONNECTIONS IN
THE JULIAN SERVICE AREA AND REVISE SEWER LATERAL REQUIREMENTS

(RELATES TO SANITATION DISTRICT AGENDA NO. SA2)
9. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR SPRING
VALLEY OUTFALL SEWER DIVERSION AND METER ABANDONMENT
PROJECT
[FUNDING SOURCE: AVAILABLE FROM THE THE PRIOR YEAR FUND
BALANCE OF THE SAN DIEGO COUNTY SANITATION DISTRICT FUND]
10. SET A HEARING FOR 08/05/2020:
NOTICED PUBLIC HEARING:
BUSINESS PROCESS STREAMLINING MEASURES FOR HAZARDOUS
MATERIALS PROGRAM IN THE DEPARTMENT OF ENVIRONMENTAL
HEALTH
[FUNDING SOURCE: FEES PAID BY DEH CUSTOMERS]
11. 2019 MULTIPLE SPECIES CONSERVATION PROGRAM SOUTH COUNTY
SUBAREA PLAN ANNUAL REPORT
12. CLOSED SESSION (CARRYOVER FROM 07/07/20 AGENDA NO. 23)
13. PUBLIC COMMUNICATION

**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (06/24/2020 - ADOPT
RECOMMENDATIONS; 07/08/2020 - SECOND READING OF AN
ORDINANCE) (DISTRICTS: 2 & 5)**

OVERVIEW

On June 24, 2020 (9), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on July 8, 2020.

As part of the Department of Public Works (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The goal of the TAC is to make recommendations to the Board on traffic matters to provide the communities in the unincorporated region with a safe and efficient road system. To accomplish this, it is necessary that traffic policies be established and used to provide persons using the road system with consistent and uniform regulations that are effective and can be legally enforced. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County-maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the requested item including engineering and traffic condition studies.

The TAC recommends the Board act on ten items from the March 13, 2020, meeting agenda:

District	Item	Location	Action
2	2-A	Greenfield Drive, Bostonia	Reduce the 40 MPH speed limit to 35 MPH
	2-B	Greenfield Drive, Bostonia	Recertify the 35 MPH speed limit
	2-C	Hanson Lane, Ramona	Recertify the 40 MPH speed limit
	2-D	Hanson Lane, Ramona	Recertify the 45 MPH speed limit
	2-E	Third Street/Old Julian Highway, Ramona	Recertify the 45 MPH speed limit
	2-F	Mount Helix Drive, Mount Helix	Reduce the 25 MPH speed limit to 20 MPH
	2-G	Wieghehorst Way, Rancho San Diego	Reduce the 50 MPH speed limit to 45 MPH
5	5-A	Brooke Road, Fallbrook	Recertify the 45 MPH speed limit
	5-B	Via Cuatro Caminos, Rancho Santa Fe	Recertify the 35 MPH speed limit
	5-C	Valley Center Road & Ridge Ranch Road, Valley Center	Place intersection on the Traffic Signal List

Approval of Items 2-A through 2-G, 5-A, and 5-B 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 5-C would provide safety enhancement measures for motorists, pedestrians, bicyclists, and all other roadway users by assigning right of way to the various traffic movements at the intersection. Properly posted traffic control signals at intersections reduce the number and severity of collisions by providing for the orderly movement of traffic and interrupting heavy traffic at intervals to permit other traffic to cross.

The Board's action on Items 2-B through 2-E and Items 5-A through 5-C does not require a second hearing, and Board direction on June 24, 2020 would allow implementation by DPW. The Board's action on Items 2-A, 2-F, and 2-G would decrease speed limits, revise the San Diego County Code of Regulatory Ordinances (County Code), and would require two steps. On June 24, 2020, the Board would consider the TAC item. If the Board acts on June 24, 2020, then on July 8, 2020, a second reading of an ordinance amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 2:

Item 2-A. Greenfield Drive from the El Cajon city limit (near Pioneer Way) to the El Cajon city limit (near Victor Street) in Bostonia - Reduce the 40 MPH speed limit to 35 MPH and certify the speed limit for radar enforcement.

Item 2-B. Greenfield Drive from the El Cajon city limit (near Mollison Avenue) to the El Cajon city limit (near Second Street) in Bostonia - Recertify the existing 35 MPH speed limit for radar enforcement.

Item 2-C. Hanson Lane from Ramona Street to San Vicente Road in Ramona - Recertify the existing 40 MPH speed limit for radar enforcement.

Item 2-D. Hanson Lane from San Vicente Road to Wilson Road in Ramona - Recertify the existing 45 MPH speed limit for radar enforcement.

Item 2-E. Third Street/Old Julian Highway from State Route 78 to a point 2,700 feet east of Keyes Road in Ramona - Recertify the existing 45 MPH speed limit for radar enforcement.

Item 2-F. Mount Helix Drive from and to Vivera Drive in Mount Helix - Reduce the 25 MPH speed limit to 20 MPH and certify the speed limit for radar enforcement.

Item 2-G. Wieghorst Way from Fury Lane to Calle Albara in Rancho San Diego - Reduce the 50 MPH speed limit to 45 MPH and certify the speed limit for radar enforcement.

District 5:

Item 5-A. Brooke Road from Winter Haven Road to Stage Coach Lane in Fallbrook - Recertify the existing 45 MPH speed limit for radar enforcement.

Item 5-B. Via Cuatro Caminos from Del Dios Highway to the end in Rancho Santa Fe - Recertify the existing 35 MPH speed limit for radar enforcement.

Item 5-C. Valley Center Road and Ridge Ranch Road in Valley Center - Place intersection on the County's Traffic Signal List.

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTION 72.169.17., 72.169.22.5., & 72.172.36. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 2-F, & 2-G).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10678 (N.S.), entitled: **ORDINANCE AMENDING SECTION 72.169.17., 72.169.22.5., & 72.172.36. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.**

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- 2. SUBJECT: ADMINISTRATIVE ITEM:**
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
NOTICED PUBLIC HEARING TO ADOPT RESOLUTIONS AND
ORDINANCE FOR AMENDMENT TO COMMUNITY FACILITIES
DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AND
AUTHORIZE ACTION TO AMEND THE RATE AND METHOD OF
APPORTIONMENT OF SPECIAL TAX AND BOUNDARY MAP
(6/24/2020 - ADOPT RESOLUTIONS AND FIRST READING OF
ORDINANCE; 7/8/2020 - SECOND READING OF ORDINANCE)
(DISTRICT: 5)

OVERVIEW

On June 24, 2020 (2), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on July 8, 2020.

This is a request for the Board of Supervisors (Board) to hold a public hearing and take action to amend the Meadowood Community Facilities District (CFD) No. 2019-01. The existing CFD provides funding for the operation and maintenance of public facilities including trails, a park, and stormwater drainage and treatment facilities, as well as funds for fire protection and emergency medical facilities and services from the North County Fire Protection District within the CFD boundary. The CFD includes a special tax levy on property owners within the Meadowood Master Planned Community (Meadowood) and includes an annual cost of living adjustment to offset increases in service costs. Meadowood project will develop up to 844 single and multi-family residential homes on 389 acres of land located northeast of State Route 76 and Interstate 15 interchange, within the Fallbrook Community Plan area. The project includes 122.6

acres of open space, 47.6 acres of agriculture land, 0.5 acres of wetland buffer, 9.1 acres of community park, 1.5 acres of pocket park, 1.8 acres of cultural conservation area, 12.7 acres of school site, and 4.3 acres of basins.

Pardee Homes (Developer) is requesting to: (1) amend the CFD special taxes due to an increase in the maintenance costs associated with changes in the engineering design of the stormwater facilities resulting from final stormwater management system design, and (2) amend the CFD boundary map to modify boundaries of tax zones of the CFD to conform to the anticipated final map phasing of the Meadowood project. The outer boundaries of the CFD are not proposed to be amended. With the amendment, the total effective tax rate will range from approximately 1.30% to 1.36% depending on the residential unit type (\$1,312 annually per single-family unit, and \$965 annually per multi-family unit). On average, the special tax rate will increase by less than 0.01% when compared to the currently approved CFD. These rates are calculated based on the estimated price of the home. The proposed revised special tax rate has been reviewed by staff and 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% of the estimated sales price of the residential homes.

Today's hearing is the second step of a three-step CFD amendment process. The Board acted on step one on May 6, 2020 (3). The three steps of the CFD amendment process are: 1) adoption of a Resolution of Consideration to consider changes; 2) holding a public hearing, calling an election on the changes, declaring the results of election, and introduction of an Ordinance to amend Ordinance No. 10602; and 3) adoption of an ordinance to amend ordinance No. 10602, if approved by a two-thirds vote of the qualified electors within the CFD. A qualified elector is either a property owner or registered voter within a proposed CFD. If the proposed community within the CFD boundary is uninhabited and owned by a single person, the State Mello-Roos Act specifies that the qualified elector is the sole property owner. The project is uninhabited and owned by a single property owner so that the qualified elector is the developer. If today's actions are approved, step three would occur on July 8, 2020.

The Developer, as sole property owner, has completed a consent and waiver that will allow for the ballots to be returned at today's hearing immediately upon Board adoption of the resolution calling for an election. The Developer has also agreed to forego certain voting procedures such as the need for a ballot summary. If introduced at today's hearing, then on July 8, 2020 the Board may conduct a second reading of the ordinance to adopt the amended special tax.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) OF THE COUNTY OF SAN DIEGO, AMENDING ORDINANCE NO. 10602 (Attachment C, on file with the Clerk of the Board).

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2019-20 Operational Plan in Planning & Development Services, the Department of Parks and Recreation, the Department of Public Works, or the San Diego County Flood Control District. Staff time and consultant costs to complete the changes to the Community Facilities District (CFD) total \$40,000 and are funded by Pardee Homes.

The amended Rate and Method of Apportionment increases the maximum Special Tax A and B amounts to address increased maintenance cost due to engineering changes, resulting in an estimated total annual increase of \$78 for single family units and \$57 for multifamily units in 2020 dollars, for an average effective tax rate increase of less than 0.01%. The amended CFD special tax rate is projected to fully fund the CFD's maintenance and service costs associated with Special Taxes A, B, C estimated at \$927,996 annually in 2020 dollars, and ongoing CFD administration costs estimated at \$25,000 annually in 2020 dollars. Associated costs and revenue will be included in the Chief Administrative Officer Recommended Operational Plan for FY 2020-21 and in future Operational Plans. The funding source is special taxes paid by property owners within the Meadowood 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10679 (N.S.), entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, ACTING AS LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019 01 (MEADOWOOD MAINTENANCE) OF THE COUNTY OF SAN DIEGO, AMENDING ORDINANCE NO. 10602.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

3. **SUBJECT: NOTICED PUBLIC HEARING:
TO CONFIRM FISCAL YEAR 2020-21 LEVIES FOR PERMANENT
ROAD DIVISION ZONES, COUNTY SERVICE AREAS AND ZONES,
AND STORMWATER MAINTENANCE ZONES (DISTRICTS: 2, 3, & 5)**

OVERVIEW

The County of San Diego uses special districts to provide property owners a mechanism to pay for specific services in a geographically defined area. Assessment amounts and associated escalator indices are approved by voters within the district's boundary and are set forth in ordinances adopted by the Board of Supervisors when the districts are formed. To levy the assessments on the tax bills a public hearing is required. This item is to adopt assessment rates and confirm Fiscal Year 2020-21 levies for 47 Permanent Road Division Zones, 21 County Service Areas, and three Flood Control District Stormwater Maintenance Zones.

All rates and proposed increases were previously approved by property owner ballots or registered district voter elections in accordance with Articles XIII A-D of the California Constitution (Proposition 218) which requires a mailed ballot proceeding or election if district levies are increased from their previously approved maximum. In light of the COVID-19 pandemic, staff reviewed rates to determine if increases were needed for ongoing operations. It was determined that any increases should be avoided where feasible using available fund balance. None of the districts reviewed had adequate fund balances to support reductions in charges. All proposed rates are within approved maximum rates.

Levying on the tax bill minimizes administrative costs by eliminating the need for annual billing and payment collection. If the proposed action to levy on the tax bill is not approved, the previously approved Fiscal Year (FY) 2019-20 rates would be levied. There would be no reduction in revenue from not placing the collection of the service fees on the tax roll, but administrative expenses would increase for annual billing and payment collection. If the proposed rates are not levied, reduced revenues would be mitigated by reductions in service levels for FY 2020-21.

Permanent Road Division Zones - Department of Public Works

A Permanent Road Division (PRD) Zone is a special district that is formed at the request of property owners for private road maintenance. The proposed annual assessment will remain at the current rate for 42 PRD Zones because funding is adequate for services planned in Fiscal Year 2020-21, and there are insufficient reserves to allow for reductions. The proposed rate increases are needed to fund multi-year maintenance plans approved by voters or property owners since current rates are insufficient to complete the requested road work.

The following five PRD Zones have proposed rate increases:

PRD Zone	District	Current Rate	Proposed Rate
117 – Legend Rock (Hidden Meadows)	5	\$1,408.92	\$1,411.59*
133 – Ranch Creek (Valley Center)	5	\$1,417.00	\$1,419.69*
101A – Hi Ridge Road (Lakeside)	2	\$41	\$200**
99 – Via Allondra/Via Del Corvo (San Marcos)	5	\$25	\$65**
1014 – Lavender Point (Valley Center)	5	\$280	\$475**

*Rate is per parcel and increase is based on the Los Angeles Construction Cost Index.

**Rate is per benefit unit and is based on property owner request to increase rate.

County Service Areas and Stormwater Maintenance Zones

County Service Areas (CSA) and Stormwater Maintenance Zones (SMZ) provide funding for services related to park and landscape maintenance, fire protection, flood control/stormwater management facilities, emergency medical services, and regional emergency communication services. Based on available fund balance and to maintain existing service levels, the proposed annual assessment will remain at the current rate for 16 CSAs. The proposed annual assessment will remain at the current rate for three SMZs because of existing fund balance levels and funding is adequate for service levels planned in Fiscal Year 2020-21. The proposed rate increases for the landscaping CSAs are needed due to insufficient fund balance to mitigate increased costs. CSAs 17 and 69, which fund emergency medical services, need the proposed rate increases due to projected decreases in other revenues due to the COVID-19 pandemic.

The following five have proposed rate increases:

Administrator	Services	CSA/SMZ	District	Current Rate	Proposed Rate
Department of Parks and Recreation	Park operations, maintenance, and improvements	CSA 83 Zone A – 4S Ranch	3	\$129.97	\$133.02*
Health and Human Services	Emergency medical (paramedic) services	CSA 17 – San Dieguito	3 & 5	\$31.54	\$32.28*
		CSA 69 – Heartland (Santee & Lakeside)	2	\$57.26	\$58.61*

Administrator	Services	CSA/SMZ	District	Current Rate	Proposed Rate
Department of Public Works	Landscaping and open space management	CSA 26A – Cottonwood Village (El Cajon, Rancho San Diego)	2	\$55.00	\$56.29*
		CSA 26B – Monte Vista Village (Monte Vista, El Cajon, Rancho San Diego)	2	\$174.00	\$178.09*

*Proposed rate based on voter approved rates and annual escalators from the Consumer Price Index and funding is needed for ongoing services.

Today's request is to adopt resolutions confirming the proposed levies for Permanent Road Division Zones, County Service Areas and Zones, and Stormwater Maintenance Zones. Upon approval the annual assessments will be placed on the tax roll so that the property owners can continue to pay the benefit assessment or special tax through their property tax bills. These actions are discretionary after consideration of public testimony.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the State CEQA Guidelines because the activity in question addresses funding mechanisms for maintenance of existing facilities and services.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000 ZONES ADOPTING ASSESSMENTS AND SPECIAL TAXES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21.
3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS CSA 26A - COTTONWOOD VILLAGE, CSA 26B - MONTE VISTA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21.
4. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA CSA 136 - SUNDANCE DETENTION BASIN ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21.

5. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 26 - RANCHO SAN DIEGO LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 128 - SAN MIGUEL LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 83, ZONE A - SAN DIEGUITO LOCAL PARK DISTRICT 4S RANCH ADOPTING CHARGES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21.
6. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135, ZONES B - DEL MAR, H - SOLANA BEACH, AND F - POWAY ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21.
7. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135 -SAN DIEGO COUNTY FIRE AUTHORITY ADOPTING SPECIAL ASSESSMENTS AND CONFIRMING REPORTS RE: SPECIAL ASSESSMENTS TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21.
8. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS NO. 17 - SAN DIEGUITO EMERGENCY MEDICAL SERVICES DISTRICT AND NO. 69 - HEARTLAND PARAMEDIC SERVICES DISTRICT ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21.

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

Adopt a Resolution entitled RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT ACTING AS THE GOVERNING BODY OF STORMWATER MAINTENANCE ZONES 3-4978-1 BLACKWOLF, 4-4249-3 LAKE RANCHO VIEJO, AND 3-5142-1 PONDEROSA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21.

FISCAL IMPACT

Revenue from the proposed levies is included in Fiscal Year (FY) 2020-21 CAO Recommended Operational Plan for the Fire Authority, Department of Parks and Recreation, and the San Diego County Flood Control District. Revenue from the proposed levies is partially included in the FY 2020-21 CAO Recommended Operational Plan in the Departments of Public Works; Sheriff; County Fire Authority; Health and Human Services Agency; and Flood Control District based on the FY 2019-20 levies. If approved, the proposed rate increases will result in additional estimated revenue of \$30,042.80 in the Department of Public Works for PRD 117 - Legend Rock (\$278.40), PRD 133 - Ranch Creek Road (\$80.77), PRD 101A - Hi Ridge Road (\$14,150.82), PRD 99 - Via Allondra/Via Del Corvo (\$6,960), PRD 1014 - Lavender Point (\$2,730), CSA 26 Zone A - Cottonwood Village (\$2,980.51), and CSA 26 Zone B - Monte Vista (\$2,862.30); and \$81,606.80 in the Health and Human Services Agency for CSA 17 San Dieguito (\$38,556.70) and CSA 69 Heartland (\$43,050.10); and will be referred to budget deliberations for the

establishment of necessary appropriations in the FY 2020-21 Operational Plan. The funding sources are assessment and special tax levies from property owners within PRD Zones, CSAs, and SMZs. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL1)

ACTION:

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

Resolution No. 20-102, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000 ZONES ADOPTING ASSESSMENTS AND SPECIAL TAXES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21;

Resolution No. 20-103, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS CSA 26A - COTTONWOOD VILLAGE, CSA 26B - MONTE VISTA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21;

Resolution No. 20-104, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA CSA 136 - SUNDANCE DETENTION BASIN ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21;

Resolution No. 20-105, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 26 - RANCHO SAN DIEGO LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 128 - SAN MIGUEL LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 83, ZONE A - SAN DIEGUITO LOCAL PARK DISTRICT 4S RANCH ADOPTING CHARGES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21;

Resolution No. 20-106, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135, ZONES B - DEL MAR, H - SOLANA BEACH, AND F - POWAY ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21;

Resolution No. 20-107 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135-SAN DIEGO COUNTY FIRE AUTHORITY ADOPTING SPECIAL ASSESSMENTS AND CONFIRMING REPORTS RE: SPECIAL ASSESSMENTS TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21; and,

Resolution No. 20-108 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS NO. 17 - SAN DIEGUITO EMERGENCY MEDICAL SERVICES DISTRICT AND NO. 69 - HEARTLAND PARAMEDIC SERVICES DISTRICT ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2020-21.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: NOTICED PUBLIC HEARING:
PUBLIC HEARING TO APPROVE FEES AND CHARGES FOR FISCAL
YEAR 2020-21 TAX ROLL OF SAN DIEGO COUNTY SANITATION
DISTRICT AND CAMPO WATER MAINTENANCE DISTRICT
(DISTRICTS: 1 & 2)**

OVERVIEW

The San Diego County Sanitation District (Sanitation District) is a special district managed by the County of San Diego that provides sanitary sewer service to approximately 36,000 customers in eight service areas in the unincorporated county. The Campo Water Maintenance District (Water District) is an assessment district that provides water service to approximately 300 customers in the unincorporated community of Campo through two independent service zones, Campo Hills (225 customers) and Rancho del Campo (75 customers).

To fund operations and maintenance, the Sanitation District and Water District rely on revenue from sewer and water service charges collected from their customers. These service charges must be enough to ensure the Sanitation District and Water District can provide safe and reliable wastewater and water service to its customers.

On April 12, 2017 (SA1), by Ordinance 10475, the Board of Directors of the Sanitation District approved a five-year rate package for Fiscal Year (FY) 2017-18 through FY 2021-22. The rate package included uniform annual rate increases over the five-years to cover the cost of the Sanitation District's operating and capital expenses and used Sanitation District fund balance to offset the need for any large one-year increases to achieve full cost recovery by FY 2021-22. In addition to funding operations and maintenance, the rates also included funding for a \$4.0 million annual capital improvement program to replace aging infrastructure, established a \$3.0 million emergency reserve fund, and provided authority for an annual pass-through adjustment to recover increases in wastewater treatment and disposal charges from the City of San Diego's Metro Wastewater Treatment System that exceed the estimated increases assumed in the rate package. Per the approved rate schedule from 2017, the proposed sewer service charges on the tax roll for FY 2020-21 for single-family residential customers will increase \$13.61 for the year, from \$460.65 to \$474.26 per equivalent dwelling unit. No pass-through charges will be collected in FY 2020-21 and the Sanitation District's rates will continue to be in the bottom one-third of all jurisdictions countywide.

On April 6, 2011(1), by Ordinance No. 10139, the Board of Supervisors approved annual water rates for customers of the Campo Hills zone of the Water District. The annual water rate for FY 2019-20 is \$1,320 and that annual rate will continue unchanged for single family dwellings and non-residential customers for FY 2020-21 as previously approved.

Service charges for both the Sanitation District and the Campo Hills zone of the Water District have historically been collected on the tax roll. Service charges for the 75 customers in the Rancho del Campo zone are billed directly to customers on a monthly basis. The development and approval of uniform rates for water and wastewater services for various customer groups and placing annual service charges on the tax roll minimizes administrative costs by eliminating the need for monthly billing and payment collection, and those savings are passed along to the District's 36,000 customers when the annual fee is established.

If the proposed action to place the previously approved sewer and water service charges on the tax roll is approved, the respective governing body may then chose to make a determination to reduce the proposed charges as described in the tax roll report and that determination shall be final. If the previously approved sewer charges are reduced to match the amount that was collected last year, it would result in reduced revenue for the Sanitation District of approximately \$715,000. The reduced revenue would be mitigated by a proportional reduction in services and capital projects in FY 2020-21 for the maintenance of the aging infrastructure.

A public hearing is required to levy sewer and water service charges on the tax roll. This is a request to conduct a public hearing on the San Diego County Sanitation District and Campo Water Maintenance District tax roll reports, and to adopt resolutions approving collection of previously approved sewer and water service charges on the Fiscal Year 2020-21 tax roll.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Supervisors:

1. Find that the proposed action is not subject to the California Environmental Quality Act (CEQA) as specified under Section 15060 (c)(3) of the state CEQA Guidelines because the activity in question is administrative in nature and is not a project as defined in CEQA Guidelines Section 15378.
2. Adopt a Resolution titled: RESOLUTION AUTHORIZING WATER SERVICE CHARGES FOR FISCAL YEAR 2020-21 TO BE COLLECTED ON THE TAX ROLL (Attachment C).

Acting as the Board of Directors of the San Diego County Sanitation District

Adopt a Resolution titled: RESOLUTION AUTHORIZING SEWER SERVICE CHARGES FOR FISCAL YEAR 2020-21 TO BE COLLECTED ON THE TAX ROLL (Attachment D).

FISCAL IMPACT

Funds for the proposed action will be included in the Fiscal Year 2020-21 CAO Recommended Operational Plan in the Department of Public Works Sanitation and Campo Water Maintenance Districts. The annual sewer and water service charges from customers will generate approximately \$26.9 million in revenue for the Sanitation District and \$0.4 million for the Campo Water Maintenance District. Effective July 1, 2020, the sewer rate will reflect the increase approved by the Board of Directors of the San Diego County Sanitation District on April 12, 2017 (SA1). There is no change in the water rate for customers of the Campo Water Maintenance District. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO SANITATION DISTRICT AGENDA NO. SA1)

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 20-109, entitled: RESOLUTION AUTHORIZING WATER SERVICE CHARGES FOR FISCAL YEAR 2020-21 TO BE COLLECTED ON THE TAX ROLL.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

5. **SUBJECT: PUBLIC HEARING TO CONFIRM FISCAL YEAR 2020-21 LEVIES IN THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT AND LANDSCAPE MAINTENANCE DISTRICT ZONES NO. 1 - RANCHO SAN DIEGO AND NO. 2 - JESS MARTIN PARK (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County) uses special districts to provide property owners a mechanism to pay for specific services in a geographically defined area. Assessment amounts are approved by voters within the district boundary and are set forth in ordinances adopted by the Board of Supervisors (Board) when the districts are formed. To levy the assessments on the tax bills a public hearing is required to approve each district's Engineer's Report that describes the budget, assessment rate, apportionment method, and parcel assessment amount. This item is to confirm Fiscal Year (FY) 2020-21 assessments for San Diego County Street Lighting District and Landscape Maintenance District Zones No. 1 - Rancho San Diego and No. 2 - Jess Martin Park.

In light of the COVID-19 pandemic, staff reviewed rates to determine if increases were needed for ongoing operations. It was determined that any increases should be avoided where feasible using available fund balance. Use of unassigned fund balance was strategically applied to allow for reduced collections when possible and only one rate increase is being proposed. All rates and the proposed increase have been previously approved by property owner ballots or registered district voter elections in accordance with Articles XIII A-D of the California Constitution. All proposed rates are within approved maximum rates.

Levying on the tax bill minimizes administrative costs by eliminating the need for annual billing and payment collection. If the proposed action to levy on the tax bill is not approved, the previously approved FY 2019-20 rates would be levied. There would be no reduction in revenue from not placing the assessments on the tax roll, but administrative expenses would increase for annual billing and payment collection. Reduced revenues would be mitigated by reductions in service levels for FY 2020-21. The following is the summary of the proposed levies for FY 2020-21:

San Diego County Street Lighting District

The San Diego County Street Lighting District operates and maintains approximately 10,400 public street lights in the unincorporated region providing property owners quality street light service at a low cost. The district is funded by property owner assessments and a portion of the 1% property tax allocated to the County. In Fiscal Year 2020-21, the rate for the district will be reduced due to hardware and energy costs savings from the LED retrofit project which was completed in 2020. The proposed annual assessment rate will decrease by 25.93%, from \$13.50 to \$10.00, per benefit unit, in accordance with the voter-approved maximum rates for all land use types.

Landscape Maintenance District Zone No. 1 - Rancho San Diego

Landscape Maintenance District Zone No. 1 - Rancho San Diego was established to supplement revenue assessed by County Service Area No. 26 - Rancho San Diego for park operation, maintenance, and improvements within the Rancho San Diego boundary. The proposed maximum annual assessment rate will increase by 2.35%, from \$35.02 to \$35.84, per benefit unit in accordance with a voter-approved annual increase. The district's operating costs exceed revenues and there is insufficient fund balance to support ongoing services. The proposed rate increase will be used for utility, contract, and labor costs for park operations.

Landscape Maintenance District Zone No. 2 - Jess Martin Park

Landscape Maintenance District Zone No. 2 - Jess Martin Park was established to fund ongoing maintenance of amenities and construction of minor capital improvements at Jess Martin Park in the community of Julian. The voters did not approve an annual rate inflator at the time of the district's formation; therefore, the assessment rate will remain at the current amount of \$47.82 per single family home per year.

This action requires two steps. To become effective, the proposed assessments must be confirmed by the Board at an annual public hearing. On July 8, 2020, the actions requested are to approve the Engineer's Reports for the San Diego County Street Lighting District; Landscape Maintenance District Zone No. 1 - Rancho San Diego; and Landscape Maintenance District Zone No. 2 - Jess Martin Park, and to set a public hearing date of July 8, 2020. If the Board takes these actions on July 8, 2020, then at the hearing on August 5, 2020, after hearing public testimony, the Board will be asked to consider adopting resolutions confirming the assessments.

Upon approval, the assessments will be placed on the tax roll, so property owners can continue to pay the benefit assessment through their property tax bills. These actions are discretionary after consideration of public testimony.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER on July 8, 2020

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the State CEQA Guidelines because the activity in question addresses funding mechanisms for maintenance of existing street light and landscape facilities and services.
2. Accept and approve the Engineers' Reports for the San Diego County Street Lighting District and Landscape Maintenance District Zones No. 1 - Rancho San Diego and No. 2 - Jess Martin Park.

3. Adopt a Resolution entitled: RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS FOR THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT and set a hearing for August 5, 2020.
4. Adopt a Resolution entitled: RESOLUTION OF INTENTION TO ORDER OPERATION, MAINTENANCE AND IMPROVEMENTS FOR LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 1, and set a hearing for August 5, 2020.
5. Adopt a Resolution entitled: RESOLUTION OF INTENTION TO ORDER OPERATION, MAINTENANCE AND IMPROVEMENTS FOR LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2, and set a hearing for August 5, 2020.

If, on July 8, 2020 the Board takes the actions recommended in Items 1-5, then on August 5, 2020 a public hearing will be conducted, and the following recommendations will be considered:

1. Adopt a resolution entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT.
2. Adopt a resolution entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 1.
3. Adopt a resolution entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2.

FISCAL IMPACT

The proposed assessment levies are included in the Fiscal Year (FY) 2020-21 CAO Recommended Operational Plan in the Departments of Public Works and Parks and Recreation. There is a proposed decrease in assessment for the San Diego County Street Lighting District and a proposed increase in assessment for Landscape Maintenance District Zone No. 1 - Rancho San Diego, and no proposed change for Landscape Maintenance District Zone No. 2 - Jess Martin Park for Fiscal Year 2020-21. The proposed decrease in revenue for the San Diego County Street Lighting District from property owner assessments will be \$397,524 in FY 2020-21. The proposed increase in revenue for Landscape Maintenance District Zone No. 1 - Rancho San Diego from property owner assessments will be \$3,781 in FY 2020-21. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting the following:

Resolution No. 20-110, entitled: RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS FOR THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT;

Resolution No. 20-111 entitled: RESOLUTION OF INTENTION TO ORDER OPERATION, MAINTENANCE AND IMPROVEMENTS FOR LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 1;

Resolution No. 20-112 entitled: RESOLUTION OF INTENTION TO ORDER OPERATION, MAINTENANCE AND IMPROVEMENTS FOR LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2; and, set a Hearing for August 5, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

6. SUBJECT: CONFIRM FISCAL YEAR 2020-21 LEVIES FOR COMMUNITY FACILITIES DISTRICTS (DISTRICTS: 1, 2, 5)

OVERVIEW

The annual adoption of a resolution is required to provide for the levies of a special tax for Community Facility Districts (“CFD”). A CFD allows for financing of public improvements and services. Services and improvements CFDs that can be financed include, but are not limited to, streets, sewer facilities, water systems, police protection, fire protection, parks and libraries.

Today’s request is for the Board, acting as the Governing Body of the CFDs, to adopt five resolutions to authorize the Fiscal Year 2020-21 levies for CFD No. 04-1, CFD No. 09-1 (East Otay Mesa), CFD No. 2008-01 (Harmony Grove Village), CFD No. 2013-01 (Horse Creek Ridge Maintenance) and CFD No. 2019-02 (Sweetwater Place Maintenance). Upon approval, the annual levies will be placed on the tax roll so that the property owners can continue to pay the levy through their property tax bills.

If today’s actions are approved, levies will be adopted for five CFDs. All proposed levies are within approved maximum rates. The method for calculating the levies is established in each district’s Rate and Method of Apportionment (“RMA”) as adopted by the Board of Supervisors. The RMA provides the methodology to determine the maximum annual special tax allowable for each district. The following is the summary of proposed levies for Fiscal Year 2020-21. In light of the COVID-19 pandemic, staff reviewed rates to determine if increases were needed for ongoing operations. Use of unassigned fund balance was strategically applied to mitigate the revenue shortfalls when possible. The proposed levies are in accordance with the RMAs for each district.

Levying on the tax bill minimizes administrative costs by eliminating the need for annual billing and payment collection. If the proposed action to levy on the tax bill is not approved, the previously approved Fiscal Year (FY) 2019-20 rates would be levied. There would be no reduction in revenue from not placing the collection of the service fees on the tax roll, but administrative expenses would increase for annual billing and payment collection. If the proposed rates are not levied, reduced revenues would be mitigated by reductions in service levels for FY 2020-21.

Community Facilities District 04-1 (CFD 04-1) formerly a part of County Service Area (CSA) 135 encompasses approximately 4,548 acres of land located in southeast San Diego county. There is no proposed maximum increase for Special Tax A and Special Tax B., in accordance with the Rate and Method of Apportionment (RMA), adopted January 6, 2004.

Community Facilities District 09-1 (East Otay Mesa) (CFD 09-1) formerly a part of CSA 135 is comprised of approximately 3,068 acres of land in the southwestern portion of San Diego county. The proposed maximum total annual special tax will decrease from \$164,386.28 to \$162,212.00 for Special Tax A and no increase is proposed for Special Tax B, in accordance with the RMA, adopted September 22, 2009.

Community Facilities District 2008-01 (Harmony Grove Village). The Harmony Grove Village subdivision is located within the San Dieguito Community Plan area. The proposed maximum annual special tax will decrease from \$1,338,510.12 to \$1,336,523.38 for Special Tax A, Improvement Area No. 1, will increase from \$795,231.78 to \$1,112,931.50 for Special Tax A, Improvement Area No. 2 and will increase from \$635,368.80 to \$791,252.40 for Special Tax B, all in accordance with the RMA, adopted June 25, 2008 (9). A rate decrease is proposed for Special Tax A but revenues reflect the adjusted rates and an increase in the number of taxable parcels. The net increase for Special Tax B is needed to fund costs related to maintenance and operating costs of storm drain structures, public parks, recreation facilities and open space, street lighting, emergency response facilities and services provided by Rancho Santa Fe Fire Protection District, and CFD administration. Special Tax A funds the administration and costs related to construction of public facilities being built by the developer, through a bond series approved by the Board on December 5, 2017 (23) and December 10, 2019 (25).

Community Facilities District 2013-01 (Horse Creek Ridge Maintenance). The Horse Creek Ridge subdivision is located within the Fallbrook Community Plan area. The proposed maximum special tax will increase from \$378,314.44 to \$467,215.44 for Special Tax A, from \$154,413.68 to \$190,662.20 for Special Tax B, and from \$116,291.76 to \$143,573.10 for Special Tax C all in accordance with the RMA, adopted January 29, 2014 (1). This increase is needed to fund increase cost to operate and maintain a regional sports park complex, staging area and park trails, onsite and offsite open space, fire services, and detention basins within the CFD.

Community Facilities District 2019-02 (Sweetwater Place Maintenance). The Sweetwater Place subdivision is located within the Spring Valley Community Plan area. The proposed maximum special tax will be \$32,225.28 in accordance with the RMA, adopted May 1, 2019 (2). FY 2020-21 is the first year the special tax will be levied, and the special tax is needed to fund the cost to operate and maintain a two-acre public park within the CFD.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the adoption of five resolutions to authorize levies during Fiscal Year 2020-21 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3), 15378(b)(4), (b)(5) and 15273(b) of the State CEQA Guidelines and incorporate the findings attached hereto as Attachment I.
2. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 04-1 AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2020-21.
3. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 09-1 AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2020-21.

4. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2020-21.
5. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2020-21.
6. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2020-21.

FISCAL IMPACT

The proposed special tax levies are included in the Fiscal Year 2020-21 CAO Recommended Operational Plan for the Department of Public Works, Department of Parks and Recreation, and County Fire Authority. If approved, the proposed rate increases will result in additional estimated revenue of \$60,409.40 in the Department of Public Works for CFD No. 2008-01; and \$184,646.84 in the Department of Parks and Recreation for CFD No. 2013-01 (\$152,421.56) and CFD No. 2019-02 (\$32,225.28). County Fire Authority does not anticipate an increase in revenue over FY 2019-20. The funding sources are special tax levies from CFD No. 2008-01, CFD No. 2013-01 and CFD No. 2019-02 paid by property owners. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting the following:

Resolution No. 20-113, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 04-1 AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2020-21;

Resolution No. 20-114, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 09-1 AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2020-21;

Resolution No. 20-115, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2020-21;

Resolution No. 20-116, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2020-21; and,

Resolution No. 20-117, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2020-21.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. **SUBJECT: SET A HEARING FOR 08/05/2020:
YALDA OPEN SPACE VACATION, PDS2019-VAC-19-003; VALLE DE
ORO COMMUNITY PLAN AREA (07/08/2020 - SET HEARING;
08/05/2020 - HOLD HEARING) (DISTRICT: 2)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to evaluate and consider a proposed Open Space Vacation (Vacation) and adopt the Environmental Findings for the Yalda Residence Open Space Vacation project.

The Vacation is a proposal to vacate the entire 24,583.49 square foot open space easement approved by the Board on May 9, 2018 and rededicate a new 24,584.67 square foot open space easement in the same location (an increase of 1.18 square feet) concurrently. This Vacation and subsequent dedication are required to adjust approximately 650.79 square feet within the open space easement to allow for the construction of a new single-family residence that was redesigned after May 9, 2018, while still complying with the Valle de Oro Community Plan. The project site consists of a vacant and undeveloped 0.81-acre parcel and is located directly to the west of 1432 Fuerte Heights Lane within the Valle de Oro Community Plan Area, within unincorporated San Diego county.

Today's request requires two steps: On July 8, 2020, it is requested that the Board set a date for a public hearing on August 5, 2020 and provide public notice of that hearing, which includes signage at the project site. If the Board takes the actions recommended for today, then on August 5, 2020, it is requested that the Board consider and adopt a resolution to vacate the referenced open space easement, record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2019-VAC-19-003, and record the OPEN SPACE EASEMENT (Steep Slopes) concurrently.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On July 8, 2020, take the following actions:

1. Set a public hearing on August 5, 2020 at 9:00 a.m. to consider vacating the entirety of a 24,583 square foot easement and replacing it with a new 24,584 square foot easement. (Attachment B).
2. Direct the Clerk of the Board of Supervisors (Clerk) to provide notice of the hearing via publication and posting as required by law.

If on July 8, 2020 the Board takes the actions recommended in items 1-2, then on August 5, 2020:

1. Adopt the Environmental Findings, which includes findings that the proposed project meets the conditions for the application of the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and 15304 (Attachment C).
2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2019-VAC-19-003 (Attachment D).
3. Direct the Clerk of the Board to record the Resolution pursuant to the Streets and Highways Code Section 8325 and record the OPEN SPACE EASEMENT (Steep Slopes) (Attachment E) concurrently.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for August 5, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

8. **SUBJECT: NOTICED PUBLIC HEARING:
RESCIND BOARD POLICY I-113 AND AMEND SANITATION
DISTRICT ORDINANCES TO LIFT RESTRICTIONS ON NEW SEWER
CONNECTIONS IN THE JULIAN SERVICE AREA AND REVISE
SEWER LATERAL REQUIREMENTS (DISTRICT: 1 & 2)**

OVERVIEW

The San Diego County Sanitation District (District) provides sewer service to approximately 36,000 customers in the unincorporated areas of the county. The Department of Public Works administers and operates the District in compliance with the District's Ordinances and Board of Supervisors Policies. To facilitate recent changes to the Julian Wastewater Treatment Plant (Julian Plant) operating permit, clarify and update provisions regarding private sewer lateral connections, and clarify delegation of authorities for administration of the District, several amendments to the ordinances are requested.

Julian Wastewater Treatment Plant Policy and Ordinance Amendments

As part of its operations, the District runs the Julian Plant to treat and dispose of wastewater from the community of Julian. The Julian Plant was constructed in 1981 and until recently operated under a permit issued by the Regional Water Quality Control Board (RWQCB) on July 18, 1983. Based on the original plant design, the 1983 RWQCB permit set a maximum discharge rate of the treated wastewater (effluent) of 40,000 gallons per day (gpd), which limited the total number of connections to the sewer system that can be served by the Julian Plant. This limitation has restricted development of vacant parcels and redevelopment of existing businesses within the Julian business district. On October 9, 2019, based on updated plant design and operating conditions, the RWQCB enrolled the Julian Plant under the State's General Order for Small Wastewater Systems. The 2019 RWQCB permit decision increased the allowable effluent discharge rate from 40,000 gpd to 80,000 gpd. This increase in the permitted discharge rate will allow the Julian Plant to accept, treat, and dispose of additional wastewater from the Julian service area, including from development of vacant parcels or redevelopment of existing businesses in compliance with the Julian Community Plan. Any request to connect from outside the Julian service area will need to follow the regular land development process and be subject to discretionary approvals.

In 1989, the Board of Supervisors adopted Board Policy I-113 to establish criteria for the District to issue a limited number of permits for new or expanded connections in Julian based on the permitted discharge rate. Additionally, the Board added provisions in the Sanitation District Ordinances to implement the policy. The policy limited new or expanded connections to parcels that had previously purchased capacity in the system or parcels with failed septic systems. In 2016, to facilitate limited development of new or expanded businesses, the Board amended the policy and ordinances to allow the transfer of sewer capacity credits from parcels within the service area that had previously purchased capacity but were not using the capacity to parcels with no or insufficient sewer capacity. However, the new operating authority eliminates the need to continue to restrict new sewer connections since the plant operating capacity has effectively been increased. To fully utilize the available capacity in the wastewater system under the 2019 RWQCB decision, Policy I-113 needs to be rescinded and the associated provisions in the Sanitation District Ordinances deleted.

Public Sewer Connections

The District Use Ordinance (Use Ordinance) establishes provisions for the use of the District's sewer facilities, including a requirement that each residential structure have its own connection, or lateral, to the District's sewer facilities. This requirement precludes the use of shared laterals for multi-family buildings located on the same parcel or buildings located on adjacent parcels where installation of separate laterals cannot likely be accomplished or would be unreasonably expensive. To allow the use of shared laterals for new sewer connections under specified conditions, sections of the Use Ordinance that pertain to sewer lateral connections need to be amended. These specified conditions include the requirement for an agreement, covenant, or other arrangement by the owners of each property served by the lateral that ensures the perpetual, uninterrupted sewer service to all parcels.

Delegation of Authority

The Sanitation District Use and Fee Ordinances include delegation of Board authority for certain actions related to enforcement of ordinances, purchasing and contracting, execution of improvement agreements, and acceptance of easements. However, unlike other Departments, including Public Works and Parks and Recreation, authority for certain ministerial and

administrative activities, including acceptance of fixed assets or authority to act as the responsible officer or representative of the District, is not clearly delegated. Examples of routine, administrative tasks that may be delegated include the acceptance of previously approved public sewer improvements constructed by private developers as a condition of development or the certification of sanitary sewer overflow reports in compliance with State Water Resources Control Board orders. Having clear authority to perform these District functions will increase efficiency in completing land development projects that include conditions related to acceptance of public sewer infrastructure, and will allow timely response to regulatory permitting, reporting, and enforcement requirements which often are subject to short deadlines.

The actions requested today will rescind Board Policy I-113 and amend Sanitation District Ordinances to: 1) delete provisions related to the implementation of Board Policy I-113, 2) revise sewer lateral restrictions to allow the use of shared laterals under certain conditions, 3) delegate authority for certain administrative actions to the Director, Department of Public Works and 4) other non-substantive administrative clarifications within the Ordinances.

The action to amend the Ordinances will require two hearings. On July 8, 2020, the Board of Directors will introduce an amendment to the Ordinances. If the Board of Directors approves the recommendations on July 8, 2020 and the Board of Supervisors repeals Policy I-113, then on August 5, 2020 the Board of Directors will consider adopting the amended Ordinances.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Acting as the San Diego County Sanitation District Board of Directors on July 8, 2020:

1. Find that the Environmental Impact Report (or EIR) on file in the Department of Planning and Development Services for the Julian Water Pollution Control Facility, dated December 22, 1994, State Clearinghouse # 1993121108, was certified on March 3, 1995 in compliance with CEQA and state and County CEQA guidelines, that the decision-making body has reviewed and considered the information contained therein prior to approving the project; and

Find that there are no substantial changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously certified EIR, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified.

2. Approve introduction (first reading), read title and waive further reading of Ordinance: SAN DIEGO COUNTY SANITATION DISTRICT ESTABLISHING PROVISIONS FOR THE USE OF DISTRICT SEWERAGE FACILITIES
3. Approve introduction (first reading), read title and waive further reading of Ordinance: SAN DIEGO COUNTY SANITATION DISTRICT FEES AND CHARGES FOR THE PROVISIONS OF SEWER SERVICE

Acting as the San Diego County Board of Supervisors on July 8, 2020:

4. Rescind Board of Supervisors Policy I-113, Restrictions on Future Sewer Connections in the Julian Sewer Service Area of San Diego County Sanitation District.

If on July 8, 2020, the San Diego County Sanitation District Board of Directors takes the actions recommended in Items 1-3 above and the San Diego County Board of Supervisorstakes the action recommended in Item 4 above, then on August 5, 2020, acting as the SanDiego County Sanitation District Board of Directors:

1. Submit for consideration and adoption (second reading) the Ordinance entitled: SAN DIEGO COUNTY SANITATION DISTRICT ESTABLISHING PROVISIONS FOR THE USE OF DISTRICT SEWERAGE FACILITIES
2. Submit for consideration and adoption (second reading) the Ordinance entitled: SAN DIEGO COUNTY SANITATION DISTRICT FEES AND CHARGES FOR THE PROVISION OF SEWER SERVICE

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years. The Sanitation District will no longer process or collect an administrative fee for capacity transfer applications, since rescinding Board Policy I-113 would restrict future capacity transfers between parcels within the Julian Sewer Service Area.

BUSINESS IMPACT STATEMENT

Rescinding of Board policy limiting new sewer connections in Julian may facilitate new or expanded development in the Julian commercial district that could result in increased business activity and local tourism.

(RELATES TO SANITATION DISTRICT AGENDA NO. SA2)

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

9. **SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR SPRING VALLEY OUTFALL SEWER DIVERSION AND METER ABANDONMENT PROJECT (DISTRICT: 1)**

OVERVIEW

The County of San Diego Sanitation District (District) owns and maintains a sewer that runs through the unincorporated communities of Spring Valley and Bonita and then connects to the City of San Diego Metropolitan wastewater collection and treatment system (Metro) in Chula Vista. This sewer is a trunk sewer that collects and conveys flows from smaller local branch sewers. The District trunk sewer collects flows from the District's Spring Valley Service Area, as well as from multiple other sewer agencies including Otay Water, La Mesa, Lemon Grove, Chula Vista, National City, and the City of San Diego (City). The location in Chula Vista where the District trunk sewer connects to the Metro system is owned by the District and includes large underground chambers that contain sewer diversion and metering devices. These chambers were built in 1961 and were originally designed to divert and meter wastewater flow prior to entering Metro to help determine payment to the City for conveyance, treatment, and disposal costs.

The chambers are now in poor condition and no longer needed because a newer meter was installed at a different location. In 2015, the District received complaints regarding unpleasant odors coming from the chamber area and improved the temporary seals on the chamber access doors as a short-term solution. However, a more detailed review revealed a high level of corrosion to the interior walls of the chamber. The District has been monitoring the site and determined that improvements are needed at this time. This project will minimize the chance of sewer spills, allow for efficient transport of wastewater, alleviate unpleasant odor, and improve the overall reliability of the sewer system.

The Spring Valley Outfall Sewer Diversion and Meter Abandonment Project will construct approximately 100 linear feet of new 54" PVC sewer line that will bypass the obsolete, deteriorating chambers. Construction will also include two new 60-inch maintenance holes that will allow the new sewer line to connect into the existing 54" sewer line. The existing structures and associated piping will be filled with slurry cement and abandoned in-place.

The District has existing sewage transportation agreements with the other sewer agencies that discharge flows to the District's trunk sewer. The agreements require the agencies to pay annual cost-share contributions for operations and maintenance of the trunk sewer as well as a fair-share contribution for any trunk sewer capital improvement project such as this one. The District will fund all project costs in Fiscal Year 2020-21 and will be partially reimbursed by the fair-share contributions from the other sewer agencies when actual costs are realized. Based on historical flow data, approximately 60% of the total project cost will be reimbursed.

This is a request to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Spring Valley Outfall Sewer Diversion and Meter Abandonment Project. Construction is scheduled to begin in fall 2020 and be complete in early 2021. The construction cost is estimated at \$1,500,000, including contingency. The funding source is the San Diego County Sanitation District Fund available prior year fund balance.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Supervisors:

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the Spring Valley Outfall Sewer Diversion and Meter Abandonment Project is categorically exempt from CEQA review because it involves the maintenance of existing public sewer line involving no or negligible expansion of an existing use or former use.
2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a contract and to take any other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for the Construction Contract for Spring Valley Outfall Sewer Diversion and Meter Abandonment Project.
3. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request will be included in the Fiscal Year (FY) 2020-21 CAO Recommended Operational Plan in the San Diego County Sanitation District. If approved, this request will result in a total construction cost of \$1,500,000 in FY 2020-21, including contingency, for the Spring Valley Outfall Sewer Diversion and Meter Abandonment Project. The funding source is available from the the prior year fund balance of the San Diego County Sanitation District Fund. The District will be partially reimbursed by fair-share contributions from other participating sewer agencies when actual costs are realized. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

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

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

10. **SUBJECT: SET A HEARING FOR 08/05/2020:
NOTICED PUBLIC HEARING:
BUSINESS PROCESS STREAMLINING MEASURES FOR HAZARDOUS
MATERIALS PROGRAM IN THE DEPARTMENT OF
ENVIRONMENTAL HEALTH (DISTRICTS: ALL)**

OVERVIEW

As a result of the rapid spread of a novel coronavirus (COVID-19) across the globe, the Health Officer of the County of San Diego (County Health Officer) issued an Order of the Health Officer (Health Order) on March 12, 2020. The Health Order reiterated the Executive Orders issued by Governor Gavin Newsom and included additional guidelines and restrictions for protecting public health in the San Diego region. On March 16, 2020, the County Health Officer issued an Amended Health Order and Emergency Regulations that provided stricter directives to help slow the rate of spread of COVID-19, including social distancing guidelines and required closures or modified levels of service for many businesses. On March 29, 2020, the County of San Diego (County) announced that the Amended Health Order and Emergency Regulations would be effective indefinitely.

In response to the economic impacts of these orders, the Board of Supervisors (Board) took action to provide relief to the community. On March 24, 2020 (22), the Board approved Vice-Chairman Jim Desmond's and Supervisor Kristin Gaspar's recommendation to direct the Chief Administrative Officer to analyze County requirements that may inhibit businesses from swiftly reopening once the Health Order is lifted and provide a report back to the Board. On April 24, 2020, a memo titled, "County of San Diego Requirements That May Inhibit Businesses Impacted by the Coronavirus Global Emergency from Swiftly Reopening Once the Public Health Order is Lifted" (memo) was issued, outlining potential solutions to aid businesses and the local economy affected by the COVID-19 health crisis emergency. Potential solutions included permit fee waivers and deferrals, lease waivers and deferrals, ordinance amendments, new programs, and extended services. On May 5, 2020 (16), the Board approved Vice-Chairman Jim

Desmond's and Supervisor Kristin Gaspar's recommendation to direct the Chief Administrative Officer to implement specific options described in the memo.

Today, the Department of Environmental Health (DEH) is returning to the Board with the ordinance amendments that are necessary to implement the four items identified in the memo that were directed to streamline business processes and reduce costs for DEH customers. They include:

- Shift Small Quantity Medical Waste Generator Inspections to a Registration Program
- New Minimal Variation/Low-Risk Business Type Flat Fee Category for Hazmat Facilities
- Revision of Fee Structure for Regulated Underground Storage Tank Facilities
- Eliminate Local Requirement for the Submittal of Redundant Supplemental Chemical Reporting to the CERS Website

As the Certified Unified Program Agency (CUPA), DEH regulates approximately 14,000 businesses throughout the county of San Diego that have hazardous materials, generate hazardous waste, and generate medical waste. In order to protect human health and the environment, the CUPA performs inspections, ensures compliance, and verifies accurate reporting of information in the statewide database known as the California Environmental Reporting System (CERS). CUPA programs are mandated by the California Health and Safety Code, including inspections for Underground Storage Tanks, facilities subject to the Hazardous Materials Business Plan Program, and facilities that generate hazardous waste and medical waste. CUPA programs are supported by revenue from annual permit fees to businesses per the ordinance.

Today's request requires two steps. The first request is to approve the first reading of the ordinance on July 8, 2020. If approved, the ordinance amendments will be brought back for adoption on August 5, 2020. The request on August 5, 2020 would be to adopt ordinance amendments to the County of San Diego Code of Regulatory Ordinances relating to streamlining procedures and adjusting fees for hazardous materials businesses in DEH.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On July 8, 2020:

1. Set a hearing for August 5, 2020 for consideration and adoption of an Ordinance amending Title 6 of the San Diego County Code of Regulatory Ordinances.
2. Find that adjustments in fees and charges contained in the proposed: **ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST CERTAIN DEPARTMENT OF ENVIRONMENTAL HEALTH REGULATORY REQUIREMENTS RELATED TO HAZARDOUS MATERIALS AND ASSOCIATED ORDINANCE REVISIONS** are necessary to meet operating expenses beginning in Fiscal Year 2020-21, and find in accordance with Sections 21080(b)(8) of the California Environmental Quality Act (CEQA) and 15273(a) of the CEQA Guidelines that these adjustments to fees and charges are therefore not subject to CEQA.

3. Approve the introduction of the Ordinance, (first reading), read title and waiver further reading of an Ordinance entitled:
ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST CERTAIN DEPARTMENT OF ENVIRONMENTAL HEALTH REGULATORY REQUIREMENTS RELATED TO HAZARDOUS MATERIALS AND ASSOCIATED ORDINANCE REVISIONS

If on July 8, 2020, the Board takes the actions recommended in items 1 through 3 above then on August 5, 2020:

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

FISCAL IMPACT

Costs and revenue from the fee adjustments are included in the Fiscal Year (FY) 2020-21 preliminary operating budget in the Department of Environmental Health (DEH) and are included in the FY 2020-21 CAO Recommended Operational Plan in DEH. These fees are estimated in an amount sufficient to recover full costs as required by Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery. Accordingly, there is no projected unrecovered cost and a waiver of Board Policy B-29 is not needed. If approved, the proposed fee adjustments will result in estimated costs and revenue totaling \$2,180,000 effective FY 2020-21. The funding source is fees paid by DEH customers. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

If approved, these recommendations will streamline requirements for approximately 7,400 businesses and reduce fees while still allowing the Department of Environmental Health to maintain high quality of services that promote and enhance protection of the environment and public health

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, introducing the Ordinances for further Board consideration and adoption and set a Hearing for August 5, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

11. **SUBJECT: 2019 MULTIPLE SPECIES CONSERVATION PROGRAM SOUTH COUNTY SUBAREA PLAN ANNUAL REPORT (DISTRICTS: ALL)**

OVERVIEW

The Multiple Species Conservation Program (MSCP) is a regional conservation planning program initiated in 1998 to balance protection of habitat and species with recreation, development, and agricultural activities within the San Diego region. The MSCP protects habitat and species through acquisition, management and monitoring of dedicated open space lands. Since 1998, the County of San Diego (County) has acquired approximately 23,000 acres of open space land for the MSCP in the adopted South County Subarea, draft North County, and future East County Plan Areas. From 1998 through calendar year 2019, the County has spent approximately \$209 million, of which \$114 million is County funding and \$95 million is from partnering organizations and grants.

On October 22, 1997 (1), the Board of Supervisors adopted the 50-year MSCP South County Subarea Plan (Subarea Plan), which includes unincorporated areas in the southwestern portion of the county. The associated Subarea Plan Implementing Agreement (IA) between the County, the California Department of Fish and Wildlife, and the United States Fish and Wildlife Service, became effective on March 17, 1998. Per the IA, the County prepares an annual report that includes information about habitat gained through acquisitions or dedications of open space, habitat lost as a result of development, and management and monitoring efforts performed to ensure success of the MSCP.

The 2019 MSCP South County Subarea Plan Annual Report (Annual Report) summarizes habitat gains and losses as well as County management and monitoring programs within the Subarea Plan boundaries for the period of January 1, 2019 through December 31, 2019. In 2019, 623 acres of habitat were added to the Subarea Plan Preserve, increasing the preserve total to 79,188 acres. The 2019 habitat gains include acquisitions by the County (567 acres), U.S. Fish and Wildlife Service (45 acres), and 11 acres of land dedicated through mitigation from private development projects. The County conducted monitoring for sensitive plant and animal species within the Subarea Plan boundaries, in addition to land stewardship activities. Today's requested action is to receive the 2019 Annual Report.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Board action is exempt from provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(c)(3) and 15378(b)(5).
2. Receive the 2019 Multiple Species Conservation Program South County Subarea Plan Annual Report (Year 22) (Attachment A).

FISCAL IMPACT

There is no fiscal impact associated with the Board's acceptance of the 2019 MSCP South County Subarea Plan Annual Report. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

12. SUBJECT: CLOSED SESSION (DISTRICTS: ALL)

OVERVIEW

On July 7, 2020 (23), the Board of Supervisors continued the item to July 8, 2020.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Golden Door Properties, LLC. v. County of San Diego.; California Fourth District Court of Appeals No. D075328
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club, et al. v. County of San Diego.; California Fourth District Court of Appeals No. D075478
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club v. County of San Diego.; California Fourth District Court of Appeals No. D075504
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Patrick Preston v. County of San Diego; Workers' Compensation Appeals Board, San Diego District No. ADJ11613363
- E. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Initiation of litigation pursuant to paragraph 4 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases - 1)
- F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases - 1)
- G. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Arlet Cruz, et al. v. County of San Diego, et al.; United States District Court, Southern District, No. 19-cv-2450-W-KSC
- H. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Estate of Mark Adkins, et al. v. County of San Diego, et al.; United States District Court, Southern District, No. 18-cv-00371-H-MDD
- I. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
K.P. v. Richard Fischer, et al.; San Diego County Superior Court No. 37-2017-00045448-CU-MC-CTL

- J. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
L.R. v. Richard Fischer, et al.; San Diego County Superior Court No.
37-2017-00047075-CU-MC-CTL
- K. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
W.F. v. Richard Fischer, et al.; San Diego County Superior Court No.
37-2017-00045448-CU-MC-CTL
- L. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
C.M. v. Richard Fischer, et al.; San Diego County Superior Court No.
37-2018-00011150-CU-MC-CTL
- M. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
P.S. v. Richard Fischer, et al.; San Diego County Superior Court No.
37-2018-00011252-CU-MC-CTL
- N. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
K.H. v. Richard Fischer, et al.; San Diego County Superior Court No.
37-2018-00011184-CU-MC-CTL
- O. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
N.G. v. Richard Fischer, et al.; San Diego County Superior Court No.
37-2018-00039569-CU-CR-CTL
- P. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
D.A. v. Richard Fischer, et al.; San Diego County Superior Court No.
37-2018-00011202-CU-MC-CTL
- Q. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
S.H. v. Richard Fischer, et al.; San Diego County Superior Court No.
37-2018-00011257-CU-MC-CTL
- R. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of
Government Code section 54956.9: (Number of Potential Cases - 1)
- S. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Initiation of litigation pursuant to paragraph 4 of subdivision (d) of Government Code
section 54956.9: (Number of Potential Cases - 1)

T. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
SEIU 221. v. County of San Diego; Public Employee Relation Board No.
LA-CE-1360-M

ACTION:

County Counsel reported that for Closed Session on July 8, 2020, the Board of Supervisors took the following actions:

The Board of Supervisors met in closed session on July 7, 2020 from 1:30 p.m. until 2:30 p.m. and on July 8, 2020 from 9:29 a.m. until 10:09 a.m. The Board took the following reportable actions:

Items 23 A, B & C: Golden Door Properties, LLC v. County of San Diego; Sierra Club, et al v. County of San Diego; Sierra Club v. County of San Diego, with all five Board members voting "AYE", directed County Counsel not to file a petition for review with the California Supreme Court challenging the Court of Appeal's decision invalidating the County's Climate Action Plan.

Item 23 D: Patrick Preston v. County of San Diego, with all five Board members voting "AYE", authorized County Counsel to accept \$16,500 to settle the County's claim against Adriana Michelle Nunez, who injured a County employee in an automobile accident.

Item 23 H: Estate of Mark Adkins v. County of San Diego, with all five Board members voting "AYE", authorized County Counsel to settle this case alleging excessive use of force for \$185,000.

Item 23S: Initiation of Litigation re AT&T, with all five Board members voting "AYE", authorized County Counsel to accept \$250,000 to settle its claim against AT&T for additional costs incurred to build a County storm drain caused by AT&T's failure to relocate an underground conduit.

13. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Due to the COVID-19 emergency, public comments on non-agenda items were received electronically and read into the record. The following individuals submitted comments:

Kenny Nguyen provided comments to the Board regarding not defunding police.

Jennifer Dunaway provided comments to the Board regarding COVID-19 shutdowns.

Tamilyn Glasscock provided comments to the Board regarding COVID-19.

Alma Kostenko provided comments to the Board regarding eviction moratorium.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:09 a.m. in memory of Christopher James Thompson, Jordine Skoff Von Wantoch, Robert Matthews, and Anthony Medina.

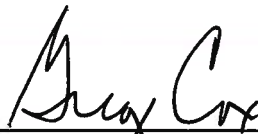
ANDREW POTTER
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Santiago

Discussion: Zurita

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

Approved by the Board of Supervisors, on Wednesday August 5, 2020.

A handwritten signature in black ink, appearing to read "Greg Cox", written over a horizontal line.

GREG COX
Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Andrew Potter", written over a horizontal line.

ANDREW POTTER
Clerk of the Board

07/08/2020