

September 15, 2021

STATEMENT OF PROCEEDINGS

The Minutes of the

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

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, SEPTEMBER 15, 2021, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:03 a.m.

PRESENT: Supervisors Nathan Fletcher, Chair; Nora Vargas, Vice-Chair; Terra Lawson-Remer, Jim Desmond; also, Andrew Potter, Clerk of the Board of Supervisors.

ABSENT: Supervisor Joel Anderson

(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, 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. Non-Agenda Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.
- D. Approval of the Statement of Proceedings/Minutes for the meeting of September 1, 2021.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of September 1, 2021.

AYES: Vargas, Lawson-Remer, Desmond

ABSENT: Anderson, Fletcher

- 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. | NOTICED PUBLIC HEARING:
CONSIDER RESCINDING THE TRANSPORTATION STUDY GUIDE
IMPLEMENTING VEHICLE MILES TRAVELED ANALYSIS IN THE
UNINCORPORATED REGION |
| 2. | AUTHORIZING MICROENTERPRISE HOME KITCHEN
OPERATIONS IN SAN DIEGO COUNTY |
| 3. | ADVERTISE AND AWARD A CONSTRUCTION CONTRACT AND
ESTABLISH APPROPRIATIONS FOR THE BONSALL COMMUNITY
PARK PROJECT
[FUNDING SOURCE: GENERAL FUND FUND BALANCE, GENERAL
PURPOSE REVENUE AND PARK LAND DEDICATION ORDINANCE 36] |
| 4. | GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY
VACATE BRUIN WAY AND COLACE COURT, AND A PUBLIC
SERVICE LANDSCAPE EASEMENT, AND REQUEST
AUTHORIZATION TO QUITCLAIM A SEWER EASEMENT, IN THE
OTAY MESA AREA (VACATION NO. 2021-0153)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT]

(RELATES TO SANITATION AGENDA NO. 1) |
| 5. | GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY
VACATE AN IRREVOCABLE OFFER OF DEDICATION FOR
PUBLIC HIGHWAY FOR BUENA CREEK - DEER SPRINGS ROAD
(SA 1414 - SF 1414) IN THE TWIN OAKS VALLEY SUBREGIONAL
PLAN AREA (VACATION NO. 2021-0108)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT] |
| 6. | CONTINUED ITEM FROM 09/14/2021 ITEM 1:
SHERIFF - ESTABLISH APPROPRIATIONS AND ADOPT A
RESOLUTION FOR FISCAL YEAR 2021 ALCOHOLIC BEVERAGE
CONTROL ALCOHOL POLICING PARTNERSHIP
[FUNDING SOURCES: GRANT REVENUE FROM THE CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL AND
EXISTING GENERAL PURPOSE REVENUE IN THE SHERIFF'S
DEPARTMENT]
(4 VOTES) |

7. CONTINUED ITEM FROM 09/14/2021 ITEM 2:
NOTICED PUBLIC HEARING:
FISCAL YEAR 2020-21 CONSOLIDATED ANNUAL PERFORMANCE AND
EVALUATION REPORT FOR HOUSING AND COMMUNITY DEVELOPMENT
SERVICES ENTITLEMENT PROGRAMS; AND A RESOLUTION APPROVING AN
APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT
AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2021-2022
FUNDING YEAR OF THE STATE EMERGENCY SOLUTIONS GRANT PROGRAM,
CONTINUUM OF CARE ALLOCATION NOTICES OF FUNDING AVAILABILITY
[FUNDING SOURCE: STATE ESG FUNDS]
8. CONTINUED ITEM FROM 09/14/2021 ITEM 4:
RATIFY THE APPLICATION FOR GRANT FUNDS FROM THE
FEDERAL COMMUNICATIONS COMMISSION'S EMERGENCY
CONNECTIVITY FUND TO PROVIDE LAPTOPS AND MOBILE
INTERNET HOTSPOTS TO HOUSEHOLDS IN NEED IN THE
COUNTY LIBRARY'S SERVICE AREA
9. CONTINUED ITEM FROM 09/14/2021 ITEM 14:
CLOSED SESSION
10. PUBLIC COMMUNICATION

1. **SUBJECT: NOTICED PUBLIC HEARING:
CONSIDER RESCINDING THE TRANSPORTATION STUDY GUIDE
IMPLEMENTING VEHICLE MILES TRAVELED ANALYSIS IN THE
UNINCORPORATED REGION (DISTRICTS: ALL)**

OVERVIEW

In 2013, the State of California passed Senate Bill 743 (SB 743), which changed how jurisdictions, including the County of San Diego (County), analyze transportation impacts from privately and publicly initiated projects under the California Environmental Quality Act (CEQA). The CEQA analysis can no longer use level of service (LOS) when analyzing transportation impacts. LOS focuses on road congestion by measuring average amount of delay experienced by vehicle drivers during the most congested time of day. SB 743 noted that while automobile delay explains how projects will affect drivers, it does not consider how projects and plans will change the number and length of driving trips and the corresponding effects on the environment.

Therefore, instead of using LOS, SB 743 identified Vehicle Miles Traveled (VMT) as the standard to evaluate a project's environmental impacts. VMT measures the amount and distance people drive to destinations, and the number of trips specific types of land uses will generate. The intent behind SB 743 was to balance the needs of congestion management (traffic) with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation.

On June 24, 2020 (6), the Board of Supervisors (Board) adopted the Transportation Study Guide (TSG), a technical guide for analyzing transportation impacts using VMT. The TSG describes the process and procedures for project applicants to use when preparing transportation analyses beginning July 1, 2020. The TSG also included a methodology referred to as Local Mobility Analysis (LMA) to meet the County's General Plan requirement for a LOS D (stable flow of traffic with an acceptable level of delay) or better and ensure the safe operations of the roadways for all users.

In September 2020, Cleveland National Forest Foundation, Coastal Environmental Rights Foundation, and Sierra Club filed suit, alleging adoption of the TSG violated CEQA and SB 743. The case was most recently on the Closed Session agenda on September 1, 2021 (Item 21H). The case is pending and no decision has been issued.

On May 19, 2021 (1), the Board received an overview of options as part of the County's implementation of SB 743 and adoption of its TSG for VMT. The Board directed staff to explore 13 subject matter areas or items, and to track guidance from the California Governor's Office of Planning and Research related to VMT (Attachment B - May 19, 2021 Board of Supervisors Minute Order).

In its 2018 guidance, the Governor's Office of Planning and Research (OPR) recommended that, for projects in unincorporated county areas, the lead agency compare a project's VMT to "the region's" average VMT. However, the OPR Technical Advisory did not define a region and did not make any specific recommendations on the boundary that should be established for unincorporated areas to analyze VMT. On June 29, 2021, OPR clarified that

unincorporated areas of counties should use a threshold based on the regional average VMT, which includes the entire San Diego county region. In light of the clarification from OPR that unincorporated areas should use a threshold based on the regional average VMT for the entire San Diego county region, today's request is for the Board to adopt a resolution to rescind the current TSG, which had relied on an unincorporated area average for VMT.

The Board can receive the report and take no action today, which would leave the currently adopted TSG in place, or adopt the recommended actions to rescind the current TSG.

Today's action also includes direction for staff to return to the Board in January 2022 with additional information on the 13 items the Board directed staff to analyze related to VMT on May 19, 2021, including more opportunities for infill development, creation of transit accessible areas, opportunities for affordable housing, and VMT mitigation programs, and consider preparation of a revised TSG.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find and determine that the recommended action is not subject to the California Environmental Quality Act (CEQA) because it is an administrative activity of a local government that will not result in direct or indirect changes to the environment pursuant to CEQA Guidelines sections 15060(c)(2) and 15378(b)(5).
2. Adopt the Resolution titled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS RESCINDING THE TRANSPORTATION STUDY GUIDE DATED JUNE 2020 INCLUDING THE TRANSPORTATION CEQA THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED.
3. Direct staff to return to the Board in January 2022 with additional information on the 13 items related to VMT that the Board directed staff to analyze on May 19, 2021.

EQUITY IMPACT STATEMENT

An analysis of transportation impacts as measured by Vehicle Miles Traveled will reduce environmental and health impacts associated with traffic, including noise, air pollution and safety, and help accomplish the goals of Senate Bill 743 to balance the needs of congestion management with goals related to infill development, promotion of public health, and reduction of greenhouse gas emissions.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund costs and no additional staff years. Vehicle miles traveled analysis will continue to be conducted for publicly or privately initiated projects. Private development costs will be paid for by the private sector through the entitlement process. Public project costs will be identified during project development and funded in future Operational Plans.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

Noting for the record that an Errata was submitted; ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, adopting the following:

1. Found and determined that the recommended action is not subject to the California Environmental Quality Act (CEQA) because it is an administrative activity of a local government that will not result in direct or indirect changes to the environment pursuant to CEQA Guidelines sections 15060(c)(2) and 15378(b)(5).
2. Adopted the revised Resolution No. 21-152 entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS RESCINDING THE TRANSPORTATION STUDY GUIDE DATED JUNE 2020 INCLUDING THE TRANSPORTATION CEQA THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED.
3. Directed staff to return to the Board in January 2022 with additional information on the 13 items related to VMT that the Board directed staff to analyze on May 19, 2021.
4. Rescinded the Notice of Exemption that was filed with the adoption of the Transportation Study Guide.

AYES: Vargas, Lawson-Remer, Fletcher, Desmond

ABSENT: Anderson

2. **SUBJECT: AUTHORIZING MICROENTERPRISE HOME KITCHEN
OPERATIONS IN SAN DIEGO COUNTY (DISTRICTS: ALL)**

OVERVIEW

Microenterprise Home Kitchen Operations (MEHKOs) were created via Assembly Bill (AB) 626 which was passed unanimously by the State Assembly and Senate and signed into law by Governor Brown on September 18, 2018. AB 377 (AB 626 clean-up bill) was signed into law by Governor Newsom on October 7, 2019.

This legislation permits counties to authorize individuals to use their home kitchens to prepare, sell and serve up to 30 meals per day, or 60 meals per week, and collect a maximum annual revenue of \$50,000. Family members can be employed to help operate MEHKOs, along with a maximum of one paid non-family employee. Menus are restricted to items that can be prepared and sold the same day. Risky food preparation techniques are prohibited, therefore MEHKOs may not produce, serve, or use raw milk, or serve raw oysters or any other food requiring a Hazard Analysis Critical Control Point Plan (a written plan specifying procedures for maintaining food control throughout the entire food preparation, distribution, and storage process). Meals can be served in the home, picked up by the customer, or delivered by the MEHKO operator.

California Department of Public Health authorized online intermediaries, such as Foodnome, provide the mechanism to place an order with a MEHKO. They also provide a way to promote MEHKOs while collecting required taxes on behalf of the MEKHO operators. MEHKOs require a valid health permit through the Department of Environmental Health and Quality, an initial inspection and annual inspections thereafter. MEHKO owners are required to obtain a Food Manager certificate and employees are required to obtain a Food Handler card.

Since the state established MEKHs, over 140 MEKHs have been authorized by the following seven jurisdictions: Alameda County, the City of Berkeley, Imperial County, Lake County, Riverside County, Santa Barbara County, and Solano County. Additionally, two counties, San Bernardino and San Mateo have authorized a MEKH pilot program.

Since the first MEKH was authorized in May of 2019, there have been no known cases of MEKH-related food born illness.

The following are benefits to authorizing MEKHs:

- Creates significant economic opportunities for small-scale, home-cooking operations, which are primarily operated by women, immigrants, and people of color
- Encourages existing “informal” home food operations to become safer and legal
- Enables family members to continue providing in-home care for developmentally disabled family members and older family members while still earning much needed income
- Creates another path to supplementing family income for those hardest hit by the COVID-19 pandemic and lockdowns
- Enables aspiring restaurateurs to try out and vet a menu while learning the basics of what it takes to run a small-scale retail food operation
- Provides additional food service options in remote locations
- MEKHs pay state taxes and acquire business licenses
- San Diego County’s Department of Health and Environmental Quality (DEHQ) has already developed a programmatic framework to implement and administer a MEKH ordinance.

RECOMMENDATION(S)

SUPERVISOR JOEL ANDERSON AND VICE-CHAIR NORA VARGAS

1. Direct the Chief Administrative Officer to return to the Board within 120 days with an ordinance authorizing MEKH operations in San Diego County, consistent with state law.
2. Direct the Chief Administrative Officer to conduct community / local municipalities outreach and provide opportunities for public input during the drafting of the MEKH ordinance.
3. Direct the Chief Administrative Officer to implement a public education program for small volume home-based retail food operations and food safety, following the adoption of a MEKH ordinance. This education should include suggestions and general guidance on being a good neighbor while running a small volume retail food operation, including considerations of land use, traffic, parking, noise and the importance of appropriate disposal for grease and other food-related waste.

EQUITY IMPACT STATEMENT

Experience with existing MEHKOs shows over 90 percent of them are operated by persons of color and 60 percent are operated by women. Consequently, authorizing MEHKOs in San Diego County provides an opportunity to implement public policy that will benefit communities of color, women, their families, and the community. It will also benefit those of limited income who have the entrepreneurial spirit and the desire to enrich their community through their cooking.

FISCAL IMPACT

There is no fiscal impact associated with the requested action. All costs will be covered by the MEHKO operator permit fees. There will be no change in net General Fund cost.

BUSINESS IMPACT STATEMENT

MEHKOs will create another avenue for San Diego county residents to create significant new income for their families. An in-depth Foodnome survey found that over 90 percent of MEHKOs in other counties are being operated by persons of color. Therefore, formally permitting MEHKOs to operate in San Diego County will have a positive impact on San Diego's communities of color, and women entrepreneurs. Further, legally permitted MEHKOs can serve as incubators for aspiring restaurateurs to try out and vet a menu while learning the basics of what it takes to run a small-scale retail food operation.

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended.

AYES: Vargas, Lawson-Remer, Desmond

ABSENT: Anderson, Fletcher

3. **SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT AND ESTABLISH APPROPRIATIONS FOR THE BONSALE COMMUNITY PARK PROJECT (DISTRICT: 5)**

OVERVIEW

Since 2008, the County of San Diego has acquired 717-acres along the San Luis Rey River between Interstate 15 and the old Olive Hill (Bonsall) Bridge in northern San Diego county, of which 545-acres are preserve land and 172 acres can be developed with active recreation. Bonsall Community Park Project is comprised of 63-acres. This site, formerly known as San Luis Rey Downs Golf Course, was acquired as one of two active recreation sites within the San Luis Rey River Park (SLRRP). This would be the first public park for the Bonsall community, offering much needed outdoor recreation. DPR hosted three public meetings to receive input from the community, which helped shape this park design. Amenities for the park include multiuse pathways, soccer fields, baseball/softball fields, basketball courts, tennis courts, restrooms, playgrounds, bike skills park, skate park, picnic areas, and a dog park. Upon completion of these projects and the opening of the park to the public, annual operations and maintenance of the park will be provided by the Department of Parks and Recreation (DPR). Due to the size of the park and number of new amenities, four additional full-time positions will be needed.

The FY 2021-22 Operational Plan included appropriations of \$24,950,000 for the entire SLRRP. The intent was \$1,000,000 would fund Bonsall Bridge Staging Area and \$23,950,000 would fund Bonsall Community Park. However, \$2,000,000 was inadvertently appropriated for Capital Project 1023730 SLRRP Bonsall Bridge Staging Area. Today's requested action will allocate the funding by establishing appropriations of \$1,000,000 based on the transfer from Capital Project 1023730 Bonsall Bridge Staging Area to Capital Project 1021895 SLR Moosa Active Recreation Node (Bonsall Community Park).

Today's requested action will also authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for the Bonsall Community Park project estimated at \$23,450,000 including contingency. \$1,027,000 will be used for design and environmental review. The remaining project funding of \$500,000 will be used for project related expenses including inspections, permitting, monitoring, construction management and project administration. The total project will cost \$24,977,000. If approved, project construction will begin winter 2021 with construction completion in summer 2023. Ongoing costs, addition of 4.0 full-time staffing positions, start-up costs and funding sources will be included and identified in the FY 2022-23 Operational Plan.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Addendum to the Final Programmatic Environmental Impact Report (PEIR) for the San Luis Rey River Park Master Plan (State Clearinghouse No. 2006051074), on file in the Department of Public Works has been completed in compliance with California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information contained in the FPEIR and Addendum thereto dated August 27, 2021 on file (Attachment B) prior to approving the project, and that the Addendum reflects the independent judgement and analysis of the Board of Supervisors; and

Find that there are no changes in the project, proposed project, or in the circumstances under which the project is undertaken that involve significant new impacts which were not considered in the previously certified FPEIR dated September 24, 2008, that there is no substantial increase in the severity of the previously identified significant effects, and that no new information of substantial importance has become available since the FPEIR was certified as explained in the Environmental Review Update Checklist Form dated (August 27, 2021).

2. Transfer appropriations of \$1,000,000 within the Capital Outlay Fund and related Operating Transfer In from the General Fund to fund construction costs for Capital Project 1021895 SLRRP Moosa Active Recreation Node (Bonsall Community Park) based on a transfer from 1023730 Bonsall Bridge Staging Area.
3. Authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code and Public Contract Code section 22160-22169, with respect to contracting for the construction of the Bonsall Community Park project.

4. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the construction of Bonsall Community Park project in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The Department of Parks and Recreation has a goal of 3-acres of parkland per 1,000 residents to provide equitable access to outdoor recreation throughout the region. Currently, Bonsall has zero acres of public parkland and no active recreation amenities. The development of Bonsall Community Park within the San Luis Rey River Park will close this critical gap for the nearly 10,000 residents of Bonsall and provide a regional park option for surrounding communities. Parks encourage sharing of cultural traditions, history, and resources within communities through events and celebrations. Community members are able to recreate together in this shared space. According to the County of San Diego Parks Master Plan, last updated in 2020, the Bonsall Community Plan Area (CPA) is projected to have an increase in Hispanic and Asian residents and a decrease in White residents by 2040. In addition, population density is also projected to increase by over 51% in the northern half of the Bonsall CPA by 2040. Providing more park space for active and passive recreation will benefit all community members and will be critical as the population density increases.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan for the Capital Outlay Fund. If approved this request will result in estimated construction costs of \$23,450,000 for Capital Project 1021895 SLR Moosa Acquisition and Improvement. \$1,027,000 will be used for design and environmental analysis. The remaining project funds of approximately \$500,000 will be used for project-related expenses including inspections, permitting, construction management and project administration. The total cost of the project will be \$24,977,000. The funding sources are available prior year General Fund Fund Balance (\$11,790,000), General Purpose Revenue (\$13,150,000), and Park Land Dedication Ordinance 36 (\$37,000). Today's request will result in no change in General Purpose Revenue and no additional staff years.

Upon completion of these projects and the opening of the park to the public, annual operations and maintenance of the park will be provided by DPR. The total annual ongoing cost for operations and maintenance are estimated at \$552,000 for the following: \$210,000 for services and supplies and \$342,000 for the addition of 4.0 full-time equivalent positions (1 Supervising Park Ranger, 1 Recreation Program Coordinator and 2 Park Maintenance Workers). One-time start-up costs would also be needed and are estimated at \$155,000 for park vehicles, equipment, and tools.

Ongoing costs, staffing, start-up costs and funding sources will be included and identified in the FY 2022-23 Operational Plan.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Vargas, Lawson-Remer, Desmond

ABSENT: Anderson, Fletcher

4. **SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE BRUIN WAY AND COLACE COURT, AND A PUBLIC SERVICE LANDSCAPE EASEMENT, AND REQUEST AUTHORIZATION TO QUITCLAIM A SEWER EASEMENT, IN THE OTAY MESA AREA (VACATION NO. 2021-0153) (DISTRICT: 1)**

OVERVIEW

The Asset Management Division of the Department of General Services (DGS) is processing a request to summarily vacate easement interests dedicated to the County of San Diego (County). A summary vacation is a streamlined process by which a public road or public service easement is abandoned through one action where public noticing is not required. A summary vacation may be requested by the public if an easement interest is found to be excess to County needs and the easement is not required for the purposes for which it was obtained. The applicant has requested to vacate the unconstructed roads of Bruin Way and Colace Court, together with the right to extend drainage facilities, excavation and embankment slopes beyond the dedicated public highway, and the landscape easement, as dedicated on County of San Diego Tract 5527-1, Map No. 16450.

Associated actions include quitclaiming a sewer easement dedicated to the San Diego County Sanitation District (District) on Map No. 16450. Quitclaiming is a process to give up all right, title, and interest granted to the County or District for public sewer purposes and removes the easement encumbrance from a property. Quitclaiming a sewer easement may be requested by the public if the rights are found to no longer be required for District purposes. In many cases a vacation and quitclaim can be a public benefit through improved use of the land made available by the vacation and quitclaim.

All of the easement interests that are the subject of this request are located in the unincorporated East Otay Mesa Community Plan Area. The public highway and public service easements are no longer needed because these items have been determined to be excess by the County and District, and there are no other public facilities within the easements that would be affected by this vacation.

Today's request is for the Board to adopt a resolution to summarily vacate the public highway together with the right to extend drainage facilities, excavation and embankment slopes beyond the offered public highway, and the landscape easement. The easement interests are described and depicted in Attachment C.

If authorized by the Board, acting as the Board of Directors of the District, the Director of the Department of General Services or an authorized designee will execute and record a deed to quitclaim the District's interest in the sewer easement described above and depicted in Attachment B.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

Acting as Board of Supervisors:

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would result in the summary vacation of public right-of-way and landscaping easements that are not needed for public road or public service purposes, and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE BRUIN WAY AND COLACE COURT, AND A PUBLIC SERVICE LANDSCAPE EASEMENT, IN THE OTAY MESA AREA (VACATION NO. 2021-0153).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2021-0152-A pursuant to State of California Streets and Highways Code Section 8336.

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

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would only result in the quitclaiming of a public service sewer easement and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.
2. Find that the sewer easement is no longer required for District purposes.
3. Approve and authorize the Director, Department of General Services, or authorized designee, to execute and record a quitclaim deed for the sewer easement depicted in Attachment B.

EQUITY IMPACT STATEMENT

This resolution will provide public benefit through improved use of the land made available by the vacation and quitclaim. The process of vacating public easements takes equity into account and is in the public interest because it would eliminate an encumbrance on private lands no longer needed by the public.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$4,000 to process the summary vacation and proposed quitclaim. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO SANITATION AGENDA NO. 1)

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 21-153, entitled: RESOLUTION TO SUMMARILY VACATE BRUIN WAY AND COLACE COURT, AND A PUBLIC SERVICE LANDSCAPE EASEMENT, IN THE OTAY MESA AREA (VACATION NO. 2021-0153).

AYES: Vargas, Lawson-Remer, Desmond

ABSENT: Anderson, Fletcher

5. **SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR BUENA CREEK - DEER SPRINGS ROAD (SA 1414 - SF 1414) IN THE TWIN OAKS VALLEY SUBREGIONAL PLAN AREA (VACATION NO. 2021-0108) (DISTRICT: 5)**

OVERVIEW

The Asset Management Division of the Department of General Services is processing a request to summarily vacate an Irrevocable Offer of Dedication for Public Highway (IOD) dedicated to the County of San Diego (County). A summary vacation is a streamlined process by which a public road or public service easement is abandoned through one action where public noticing is not required. These may be requested by the public if the easement interests are found to be excess to County needs and are not required for the purposes for which they were obtained.

The applicants have requested to vacate all of the IOD recorded in the Office of the County Recorder of San Diego County, California, on July 30, 1980, as File No. 1980-0240579. The properties subject to the IOD are located within the Twin Oaks Valley subregional area of the North County Metro Community Plan Area in the unincorporated community of Twin Oaks. The IOD is for a portion of the unimproved Buena Creek - Deer Springs Road, also known as Select Federal 1414 and Select Arterial 1414 (SF/SA 1414). This portion of the road has not been constructed, does not provide connectivity to other public roads, is not County maintained, and is not a General Plan Mobility Element (ME) roadway.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate an IOD for a portion of SF/SA 1414, together with the incidental rights to extend drainage facilities, excavation and embankment slopes beyond the IOD, that is excess right-of-way not required for street or highway purposes.

RECOMMENDATION(S)**CHIEF ADMINISTRATIVE OFFICER**

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would result in the summary vacation of an offer of dedication for a public right-of-way easement that is not needed for public road purposes, and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.

2. Adopt a Resolution entitled:
RESOLUTION TO SUMMARILY VACATE AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR BUENA CREEK - DEER SPRINGS ROAD (SA 1414 - SF 1414) IN THE TWIN OAKS VALLEY SUBREGIONAL PLAN AREA (VACATION NO. 2021-0108).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2021-0108 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

This resolution will provide public benefit through improved use of the land made available by the vacation. The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of encumbrances from private lands that are no longer needed for public road purposes. The existing surrounding road system will continue to provide adequate access for all properties located near the proposed IOD vacation and the summary vacation would not preclude future development.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Department of General Services. If approved, this request will result in estimated expenses of \$3,500 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 21-154, entitled: RESOLUTION TO SUMMARILY VACATE AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR BUENA CREEK – DEER SPRINGS ROAD (SA 1414 – SF 1414) IN THE TWIN OAKS VALLEY SUBREGIONAL PLAN AREA (VACATION NO. 2021-0108).

AYES: Vargas, Lawson-Remer, Desmond

ABSENT: Anderson, Fletcher

6. **SUBJECT: CONTINUED ITEM FROM 09/14/2021 ITEM 1:
SHERIFF - ESTABLISH APPROPRIATIONS AND ADOPT A
RESOLUTION FOR FISCAL YEAR 2021 ALCOHOLIC BEVERAGE
CONTROL ALCOHOL POLICING PARTNERSHIP
(DISTRICTS: ALL)**

OVERVIEW

The Sheriff's Department's ability to provide the highest quality public safety services is enhanced by the receipt of funding from the California Department of Alcoholic Beverage Control (ABC).

On September 29, 2020 (4), the Board of Supervisors adopted a resolution related to the Fiscal Year 2020 ABC Alcohol Policing Partnership (APP) that includes authority to apply for and accept ABC APP funds in subsequent years provided there are no material changes to the grant terms or funding levels. This is a request to adopt a resolution and establish appropriations in the amount of \$97,500 in grant funding from the ABC for the project period July 1, 2021 to June 30, 2022.

RECOMMENDATION(S)

SHERIFF

1. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires full cost recovery for grants, as these grant programs do not recover full cost.
2. Establish appropriations of \$97,500 in the Sheriff's Department, for Salaries & Benefits for overtime (\$92,500) and Services & Supplies (\$5,000), based on unanticipated revenue from the California Department of Alcoholic Beverage Control under its FY 2021-22 Alcohol Policing Partnership for the project period July 1, 2021 to June 30, 2022.

(4 VOTES)

3. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL ALCOHOL POLICING PARTNERSHIP.

EQUITY IMPACT STATEMENT

The Sheriff's Department provides the highest quality public safety services to make San Diego the safest urban county in the nation. The Alcoholic Beverage Control Alcohol Policing Partnership (ABC APP) funds will be used to strengthen partnerships between ABC and local law enforcement agencies to address problematic businesses, keep alcohol away from minors, and implement education, prevention, and enforcement strategies, benefiting all of San Diego County residents.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2021-22 Operational Plan for the Sheriff's Department. If approved, this request will result in current year estimated costs of \$126,119 and revenue of \$97,500. The funding sources are grant revenue from the California Department of Alcoholic Beverage Control (\$97,500) and existing General Purpose Revenue (\$28,619) in the Sheriff's Department. The grant revenue recovers Sheriff's Department direct costs but does not reimburse all costs associated with administrative overhead and support estimated at \$28,619. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, adopting Resolution No. 21-145 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL ALCOHOL POLICING PARTNERSHIP.

AYES: Vargas, Lawson-Remer, Fletcher, Desmond

ABSENT: Anderson

7. **SUBJECT: CONTINUED ITEM FROM 09/14/2021 ITEM 2:
NOTICED PUBLIC HEARING:
FISCAL YEAR 2020-21 CONSOLIDATED ANNUAL PERFORMANCE
AND EVALUATION REPORT FOR HOUSING AND COMMUNITY
DEVELOPMENT SERVICES ENTITLEMENT PROGRAMS; AND A
RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND
THE EXECUTION OF A GRANT AGREEMENT AND ANY
AMENDMENTS THERETO FROM THE 2021-2022 FUNDING YEAR
OF THE STATE EMERGENCY SOLUTIONS GRANT PROGRAM,
CONTINUUM OF CARE ALLOCATION NOTICES OF FUNDING
AVAILABILITY (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County), as a recipient of the U.S. Department of Housing and Urban Development (HUD) entitlement program funding, is required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) summarizing the Fiscal Year 2020-21 accomplishments. During Fiscal Year 2020-21, the Health and Human Services Agency, Housing and Community Development Services (HCDS) administered a wide variety of housing and community development activities utilizing funds from the four federal entitlement programs: Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The County also administers funding provided by the State of California through the State Emergency Solutions Grant (State ESG) program. The activities, as described in the CAPER, predominately benefited lower-income residents.

To provide an opportunity for public input, HUD requires a public comment period and a public hearing to be held before the CAPER is submitted. This hearing provides an opportunity for the San Diego County Board of Supervisors (Board) to receive public comment on the Fiscal Year 2020-21 CAPER. The CAPER has also been posted on the HCDS website at www.sdhcd.org and made available at the HCDS office for public comment since August 27, 2021. The public comment period ends on September 14, 2021. Today's action also seeks to obtain an authorizing resolution for authority to apply for, accept, and administer State ESG funds. State ESG supplements the federal ESG program and provides funding for emergency shelter and rapid re-housing programs, which serve persons who are experiencing or at risk of homelessness. The County is estimated to receive an allocation of approximately \$500,000 in ESG funds from the State of California.

Today's action supports the County's *Live Well San Diego* vision by increasing quality of life for low-income residents and providing assistance to vulnerable populations within San Diego County. Today's action also supports the Board's Framework for Our Future by targeting key priorities through investing in historically disadvantaged communities through creating parks and green spaces. The CAPER serves as a public record of activities and accomplishments undertaken over the past year and consequently supports the Board's movement towards further government transparency.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Hold this public hearing to receive public comment on the Fiscal Year 2020-21 Consolidated Annual Performance and Evaluation Report (CAPER).
2. Adopt a Resolution entitled: A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2021-2022 FUNDING YEAR OF THE STATE EMERGENCY SOLUTIONS GRANT PROGRAM, CONTINUUM OF CARE ALLOCATION NOTICE OF FUNDING AVAILABILITY.
3. Authorize the Agency Director, Health and Human Services Agency or designee, to apply for State of California ESG grant funds of up to \$500,000 and to execute any agreements, certifications, amendments, or any other documents necessary to accept and implement the State ESG grant.
4. In accordance with Section 401 et seq. of the County Administrative Code and where determined appropriate, authorize the Director, Department of Purchasing and Contracting, to issue competitive solicitations for the Fiscal Year 2022-23 State ESG grant funds, and upon successful negotiations and determination of a fair and reasonable price, award contracts for a term of one (1) year with a six (6) month option, and, if needed, to amend contracts as required to reflect changes to services and funding or services requirements, subject to the availability of funds and the approval of the Agency Director, Health and Human Services Agency.

EQUITY IMPACT STATEMENT

The Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), Emergency Solutions Grant (ESG), Housing Opportunities for Persons with AIDS (HOPWA), and the State of California Emergency Solutions Grant (State ESG) programs were established to meet community development, housing, and public service needs of low-income households and certain limited clientele groups. These limited clientele groups include persons experiencing homelessness, domestic violence survivors, abused or neglected children, seniors, and individuals with disabilities.

The U.S. Department of Housing and Urban Development entitlement programs support the San Diego County Board of Supervisors' Framework for Our Future by prioritizing the needs of these vulnerable communities.

As an entitlement grantee, Housing and Community Development Services (HCDS) holds community forums in eligible jurisdictions to ensure all the voices in that community, including low-income and historically underrepresented residents, can express their community's needs.

Robust community engagement is held every five (5) years for the development of the Consolidated Plan, as well as annual community forums to update the community and receive feedback on HUD entitlement programs. Forums for the 2020-2024 Consolidated Plan were held throughout the San Diego County unincorporated area, including Borrego Springs, Campo, Fallbrook, Julian, and Lincoln Acres, as well as in central San Diego. The input gathered from the community forums guide the County of San Diego (County) on how best to utilize its entitlement funds equitably. All projects incorporated into the HCDS Annual Plan and CAPER are aligned to key Consolidated Plan goals prioritizing affordable housing, homelessness, community infrastructure, and housing for individuals living with HIV/AIDS.

Data collected during the development of the 2020-2024 Consolidated Plan found that approximately 61% of low-income households in the County's jurisdiction is housing-cost burdened and nearly 40% of all households experience some form of housing problem, such as overcrowding or nonfunctional utilities. Community forums and surveys revealed that residents see the rehabilitation or preservation of existing affordable units and the construction of new affordable units to be the highest need. Additionally, data found that the region's special needs populations are particularly vulnerable to housing instability. Approximately 25% of the region's population with a disability lives under 125% of the federal poverty line and housing was the top concern for the region's more than 7,500 transition-aged youth. Lastly, the community strongly prioritized community infrastructure, with a particular interest in street and sidewalk improvements and urban greening.

Accomplishments outlined in the Fiscal Year 2020-21 CAPER have narrowed the gap in services and housing for these populations. Today's action ensures compliance with federal reporting requirements that allows the County to continue utilizing more than \$11.7 million annually for historically vulnerable populations.

FISCAL IMPACT

Recommendation #1 (Consolidated Annual Performance and Evaluation Report (CAPER))

There is no fiscal impact associated with this action. There will be no change in net General Fund costs and no additional staff years.

Recommendations #2, #3 and #4 (Emergency Solutions Grant (ESG))

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Health and Human Services Agency (HHSA). If awarded and approved, this request will result in estimated costs and revenue of \$500,000 in Fiscal Year 2021-22. The funding source is State ESG funds. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors closed the Hearing and took action as recommended, adopting Resolution No. 21-146, entitled: A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2021-2022 FUNDING YEAR OF THE STATE EMERGENCY SOLUTIONS GRANT PROGRAM, CONTINUUM OF CARE ALLOCATION NOTICE OF FUNDING AVAILABILITY.

AYES: Vargas, Lawson-Remer, Fletcher, Desmond

ABSENT: Anderson

8. **SUBJECT: CONTINUED ITEM FROM 09/14/2021 ITEM 4:
RATIFY THE APPLICATION FOR GRANT FUNDS FROM THE
FEDERAL COMMUNICATIONS COMMISSION'S EMERGENCY
CONNECTIVITY FUND TO PROVIDE LAPTOPS AND MOBILE
INTERNET HOTSPOTS TO HOUSEHOLDS IN NEED IN THE
COUNTY LIBRARY'S SERVICE AREA (DISTRICTS: ALL)**

OVERVIEW

The San Diego County Library (County Library) plays a critical role in providing free access to the internet services and resources in the communities we serve. Part of County Library's effort to provide resources is through a partnership with the San Diego Supercomputer Center on the campus of the University of California, San Diego. This connection is the local node of the California Research and Education Network, a very high-speed, high-quality internet node that connects all our library branches. In addition to providing free Wi-Fi, with approximately 500,000 Wi-Fi connections annually, computers and laptops are also available at all our library branches.

County Library has considered expanding its internet service program for customers to be able to access the internet in their own homes or dwelling places without having to be at a library branch, use modems, or internet utility services. Using data from the National Telecommunications and Information Administration (NITA) from the United States Department of Commerce, which maps the extent of the digital divide to the census tract level, County Library has estimated that there are 7,400 households in our service area that do not have internet access nor a smartphone or computer to access the internet. The estimated cost for such a program to be implemented to meet this need is up to \$5 million.

The San Diego County Library has identified an opportunity to respond to this digital divide through an emergency funding source called the Emergency Connectivity Fund (ECF) initiated by the Federal Communications Commission (FCC) and administered by the Universal Service Administrative Company (USAC). The ECF initiative is a \$7.17 billion program with a purpose to "provide funding to schools and libraries for the costs of \$400 per laptop and \$250 per Wi-Fi Hotspot, of eligible equipment and services that can be provided to students, teachers, and library patrons who lack connected devices, such as laptop or tablet computers, and/or lack broadband access during the pandemic."

This grant opportunity would respond to the community's need by funding 7,400 laptops and mobile internet hotspots for households that lack computers and internet access. The grant also includes a one-year data access plan for the mobile hotspot services to be covered. Once the year access plan ends, the E-Rate funding program, which funds 85% to 90% of County Library internet service costs, will fund continued costs for internet access along with the Library Fund operational budget. The County Library will make these devices available for a one-year loan, which includes one laptop and hotspot per household, to mitigate the digital divide. After the one-year loan, County Library will review how the program has addressed the need in its service area and will have the opportunity to extend loan periods for service equipment and data access plans.

The ratification and application period for the ECF grant did not provide time for the County Library to receive Board of Supervisors approval prior to applying due to the tight program deadlines. Today's action is a request to ratify the County Library's grant application to ECF requesting approximately \$5 million to acquire and distribute laptops and mobile internet hotspots. This equipment will be used to provide resources to households impacted by the digital divide in the County Library service areas of the unincorporated communities and eleven incorporated cities within the County Library service area. In addition, this request will authorize the Director, County Library to conduct all negotiations and to execute and submit all documents necessary to apply for and accept grant funds if awarded. If these grants are awarded, the County Library will return to the Board to request the appropriations of grant funds. If today's request is not approved, County Library will withdraw the application request.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Waive Board Policy B-29, Fees, Grants, and revenue Contracts - Department Responsibility for Cost Recovery, which requires the Board of Supervisors to act upon the proposed actions at least 15 days before a grant application is submitted.
2. Ratify the grant application for approximately \$5,000,000 of the FCC's Emergency Connectivity Fund to provide laptops and mobile internet hotspots to households impacted by the digital divide in the County Library's service areas and authorize the County Library to accept the grant funds if awarded.
3. Authorize the Director, County Library, or designee, as agent of the County of San Diego, to conduct all negotiations and submit all documents necessary to apply for and accept grant funds including, but not limited to, applications, grant contracts, payment requests, and, if funds are awarded, to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.

EQUITY IMPACT STATEMENT

The County Library provides equitable access to educational classes, opportunities to develop literacy, study materials, and recreational reading at no cost to the communities and customers we serve. The County Library also provides access to broadband internet and computers so that customers can access the digital services they need to meet their goals of learning, connecting, job seeking, and acquiring safety-net services. This grant from the FCC will enable the County Library to extend free digital infrastructure from library branches into the households of residents in need of this digital access. This program is an opportunity to provide resources for the over 7,400 households impacted by the digital divide in the County Library service area.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendations. If approved, this request will ratify the County Library's grant application for the Federal Communications Commission's Emergency Connectivity Fund grant funds and authorize the County Library to accept grant funds of approximately \$5,000,000 for providing laptops and internet-connected devices to households lacking computer and internet access.

If these grants are awarded, the County Library will return to the Board to request the appropriations of grant funds. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended.

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

9. SUBJECT: CONTINUED ITEM FROM 09/14/2021 ITEM 14: CLOSED SESSION (DISTRICTS: ALL)

OVERVIEW

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
K.J.P., et al. v. County of San Diego, et al.; United States District Court, Southern District No. 3:15-cv-02692-H-MDD
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Dolores Rosales v. County of San Diego, et al.; United States District Court, Southern District No. 3:19-cv-02303-JLS-DEB
- C. 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)

- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Peter Andersen v. County of San Diego.; San Diego Superior Court, Case No.
37-2019-00023787-CU-NP-CTL
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Jorge Vazquez, et al. v. California Department of Transportation, et al.; San Diego
Superior Court, Case No. 37-2020-00021083-CU-PA-NC

ACTION:

County Counsel reported that for Closed Session on September 15, 2021 the Board of Supervisors took the following actions:

Item 14A: K.J.P., et al. v. County of San Diego, et al., with three Board members voting “AYE” and Supervisors Fletcher and Anderson absent, authorize County Counsel to appeal the district court’s post trial rulings or to file a writ with the Ninth Circuit challenging those rulings, as warranted.

Item 14C: Anticipated Litigation re: Beatrice Dormoy, with three Board members voting “AYE” and Supervisors Fletcher and Anderson absent, authorize County Counsel to settle this claim alleging that the condition of a County road caused a bicycle accident for \$125,000.

Item 14D: Peter Anderson v. County of San Diego, with three Board members voting “AYE” and Supervisors Fletcher and Anderson absent, authorize County Counsel to settle this lawsuit alleging that the condition of a County road caused a bicycle accident for \$250,000.

Item 14E: Jorge Vazquez, et al. v. County of San Diego, et al., with three Board members voting “AYE” and Supervisors Fletcher and Anderson absent, authorize County Counsel to settle this lawsuit alleging that the lack of a stoplight on a County road contributed to a vehicle accident for \$150,000.

10. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Russell Walsh spoke to the Board regarding the Loveland reservoir.

Kelly McCormick spoke to the board regarding Suicide Prevention Month and social equity and justice.

Peggy Walker spoke to the Board regarding concerns about commercial marijuana.

Ann Riddle thanked Supervisor Vargas and Supervisor Anderson for the transparency meeting, for having meetings open to the public, to have more notice regarding board letters, and for Planning Groups to give 30 days’ notice of meetings.

Kevin Stevenson thanked the Board for their vote on the Reproductive Rights item from September 14, 2021, item 3.

Kathleen Lippitt spoke to the Board regarding concerns about the marijuana industry.

KB Strange spoke to the Board regarding marijuana and vaping products.

Mark Wilcox spoke to the Board regarding banning flavored vapes and candies.

Carol Green spoke to the Board regarding seeking answers from cannabis workshop.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 12:55 p.m. in memory of the Five Sailors Lost in Helicopter Crash in San Diego (Lt. Bradley A. Foster, Lt. Paul R. Fridley, Naval Air Crewman 2nd Class James P. Buriak, Hospital Corpsman 2nd Class Sarah F. Burns, Hospital Corpsman 3rd Class Bailey J. Tucker), and Yolanda Lopez.

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

Consent: Ruffier

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, October 06, 2021.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

09/15/2021