

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, OCTOBER 14, 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. 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 30, 2020.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of September 30, 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 ORDINANCES:
TRAFFIC ADVISORY COMMITTEE (09/30/2020 - ADOPT
RECOMMENDATIONS; 10/14/2020 - SECOND READING OF
ORDINANCES) |
| 2. | NOTICED PUBLIC HEARING:
VALLEY CENTER HELLHOLE CANYON PRESERVE ACQUISITION
OF APPROXIMATELY 76 ACRES OF LAND (FUREIGH FAMILY
TRUST) (9/16/2020 SET HEARING; 10/14/2020 HOLD HEARING)
[FUNDING SOURCES: AVAILABLE PRIOR YEAR GENERAL FUND
FUND BALANCE AND THE STATE OF CALIFORNIA HABITAT
CONSERVATION FUND GRANT; GENERAL PURPOSE REVENUE]
(4 VOTES) |
| 3. | GENERAL SERVICES - APPROVAL OF LEASE AGREEMENTS
WITH BOYS & GIRLS CLUBS OF GREATER SAN DIEGO IN
COLLIER COUNTY PARK AND 4S RANCH COMMUNITY PARK
(4 VOTES) |
| 4. | CLOSED SESSION (CARRYOVER FROM 10/13/20 AGENDA NO. 17) |
| 5. | PUBLIC COMMUNICATION |

**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:
TRAFFIC ADVISORY COMMITTEE (09/30/2020 - ADOPT
RECOMMENDATIONS; 10/14/2020 - SECOND READING OF
ORDINANCES) (DISTRICTS: 2 & 5)**

OVERVIEW

On September 30, 2020 (03), the Board of Supervisors introduced the Ordinances for further Board consideration and adoption on October 14, 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 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 seven items from the June 12, 2020, TAC meeting agenda:

District	Item	Location	Action
2	2-A*	Oak Drive, Lake Morena	Establish and certify a 50 MPH speed limit
	2-B	Oak Drive, Lake Morena	Certify the 35 MPH speed limit
	2-C	Camino Monte Sombra, El Cajon	Extend the existing temporary highway closure
	2-D	Mast Boulevard, Lakeside	Extend the existing temporary highway closure
	2-E	Whitestone Road, Spring Valley	Extend the existing temporary highway closure
5	5-A*	Valley Center Road, Valley Center/ Rincon	Relocate and reduce the 50 MPH speed limit to 45 MPH and certify
	5-B*	Sandia Creek Road, Fallbrook	Establish a 14,000 lb commercial vehicle weight restriction
*Item Requires Two Hearings			

Approval of Items 2-A, 2-B, and 5-A 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 Items 2-C through 2-E would extend temporary road closures previously established by the Board for an additional 18-month period to continue to eliminate serious and continual criminal activities at the request of the California Highway Patrol and the San Diego County Sheriff's Department. These items will allow barriers to remain installed to continue to assist in preventing the reoccurrence of criminal activities including underage drinking, illegal dumping, drug use, loud music, DUI, vandalism, stolen property,

street racing, reckless driving, trespassing, illegal off-roading, drug sales, frequent law enforcement action, and neighbor retaliation. Sheriff and CHP indicate that the barriers have significantly reduced crime and result in negligible community calls since the barriers have been in place.

Approval of Item 5-B would establish a large commercial vehicle weight restriction in a residential area to address operational and community concerns. Large commercial vehicles regularly use a local residential road as an alternate route to bypass traffic congestion. Additionally, these vehicles fail to maintain their position within lanes where roadway geometrics (grade, alignment, width, etc.) are substandard for commercial truck traffic. Properly posted large commercial vehicles weight restrictions in residential areas decrease centerline crossover and run-off-the-road incidents and improve neighborhood quality of life.

The Board's action on Items 2-B through 2-E does not require a second hearing, and Board direction on September 30, 2020 would allow implementation by DPW. The Board's action on Items 2-A, 5-A, and 5-B would collectively introduce an ordinance to establish a speed limit zone, relocate and decrease a speed limit zone, and establish a vehicle weight restriction, and requires two steps. On September 30, 2020, the Board would consider the TAC items. If the Board acts on September 30, 2020, then on October 14, 2020, a second reading and adoption of ordinances amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 2:

Item 2-A. Oak Drive from Buckman Springs Road to 1,200' east of White Goose Road in Lake Morena - Establish and certify a 50 MPH speed limit for radar enforcement.

Item 2-B. Oak Drive from 1,200' east of White Goose Road to Lake Morena Drive in Lake Morena - Certify the existing 35 MPH speed limit for radar enforcement.

Item 2-C. Camino Monte Sombra from 275' east of Calle de la Sierra the end of County maintenance in El Cajon - Extend the existing temporary highway closure for an additional 18-month period.

Item 2-D. Mast Boulevard from Pinery Grove/Marathon Parkway to the cul-de-sac in Lakeside - Extend the existing temporary highway closure for an additional 18-month period.

Item 2-E. Whitestone Road from 130' north of Lake Ridge Court to the cul-de-sac in Spring Valley - Extend the existing temporary highway closure for an additional 18-month period.

District 5:

Item 5-A. Valley Center Road from 1,230' south of Mile Post 34 to State Route 76 in Valley Center/Rincon - Reduce the existing 50 MPH speed limit to 45 MPH, relocate the southern limit of the speed zone to North Lake Wohlford Road, and certify the speed limit for radar enforcement.

Item 5-B. Sandia Creek Road from De Luz Road to the end of County maintenance in Fallbrook - Establish a 14,000 lb commercial vehicle weight restriction.

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinances:

ORDINANCE AMENDING SECTION 72.161.35.5. AND ADDING SECTION 72.166.2. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A & 5-A).

ORDINANCE AMENDING SECTION 72.243.21. OF THE SAN DIEGO COUNTY CODE ESTABLISHING A WEIGHT LIMIT ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Item 5-B).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 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 the following:

Ordinance No. 10686 (N.S.), entitled: ORDINANCE AMENDING SECTION 72.161.35.5. AND ADDING SECTION 72.166.2. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY; and,

Ordinance No. 10687 (N.S.), entitled: ORDINANCE AMENDING SECTION 72.243.21. OF THE SAN DIEGO COUNTY CODE ESTABLISHING A WEIGHT LIMIT ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- 2. **SUBJECT: NOTICED PUBLIC HEARING:
VALLEY CENTER HELLHOLE CANYON PRESERVE ACQUISITION
OF APPROXIMATELY 76 ACRES OF LAND (FUREIGH FAMILY
TRUST) (9/16/2020 SET HEARING; 10/14/2020 HOLD HEARING)
(DISTRICT: 5)**

OVERVIEW

On September 16, 2020 (3), the Board of Supervisors set a Hearing for October 14, 2020. Since 1998, the County of San Diego (County) has acquired approximately 23,000 acres of open space land for the County’s Multiple Species Conservation Program (MSCP) to ensure the long-term survival of sensitive plant and animal species and balance the public need for development, open space, and passive recreation. The County has identified a 76-acre property adjacent to eastern Hellhole Canyon Preserve in Valley Center within the MSCP Draft North County Plan Pre-Approved Mitigation Area (PAMA), an area important for the conservation of sensitive species and habitat. It is the last remaining property needed to

provide contiguous conserved habitat between County and adjacent federal Bureau of Land Management (BLM) properties in the area. The property is located at the eastern end of Paradise Mountain Road and adjacent to the 250 acres of Hellhole Canyon Preserve land purchased by the County in 2019. The County was awarded a State of California Habitat Conservation Fund (HCF) Deer and Mountain Lion Habitat grant in July 2019 to acquire the identified approximately 76-acre property from the Fureigh Family Trust. The grant will cover \$225,000 of the \$610,000 purchase price of the land. The HCF grant is competitive and requires a dollar-for-dollar funding match, funded by available prior year General Fund fund balance. Once the property is acquired, Hellhole Canyon Preserve will be nearly 2,700 acres in size, providing large, contiguous habitat for deer and mountain lion and other sensitive species, protecting sensitive wildlife habitats through conservation. On May 18, 2020, the County entered into an Option Agreement with the Fureigh Family Trust for the purchase of the property identified as Assessor Parcel Number 191-180-10 appraised value of \$610,000.

Today's request is for the Board of Supervisors (Board) to set a hearing for October 14, 2020 to consider approval of the purchase of the property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request, on October 14, 2020, after making the necessary findings, the Board will be requested to authorize the purchase from the Fureigh Family Trust for the appraised value of \$610,000. The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$778,900.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed acquisition of APN 191-180-10 for open space purposes is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15304 (Minor Alterations to Land), 15311 (Accessory Structures), 15316 (Transfer of Ownership of Land in Order to Create Parks) and 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources).
2. Establish appropriations of \$225,000 in the Multiple Species Conservation Program Acquisitions Fund for the acquisition of 76 acres of land for Open Space (Hellhole Fureigh property), based upon a grant award from the State of California Habitat Conservation Fund. **(4 VOTES)**
3. Authorize the Director, Department of General Services, to exercise the option to purchase APN 191-180-10 at the appraised value of \$610,000.
4. Authorize the Director, Department of General Services to execute all escrow and related documents necessary to complete the purchase of APN 191-180-10.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2020-21 Operational Plan in the Multiple Species Conservation Program (MSCP) Acquisitions Fund in the amount of \$553,900. If approved, this request will result in total project costs for the Fureigh Trust property of \$778,900 itemized as follows: \$610,000 for property acquisition; \$36,000 for staff time and appraisal reports to complete the transaction; \$1,900 for closing and title costs; \$131,000 in one-time land protection costs including initial stewardship that features signage, boundary survey, access and vegetation and erosion control measures (\$35,000) and the update of the Hellhole Canyon Preserve Resource Management Plan and associated inventory

surveys (\$96,000). The funding source is available prior year General Fund fund balance (\$553,900) and the State of California Habitat Conservation Fund grant (\$225,000).

Ongoing costs for land monitoring and adaptive management of the Fureigh Family property are estimated at \$21,200, annually. In addition, there will be an estimated annual cost of \$360 for fixed charge assessment including vector control and fire standby. If approved, total annual costs, estimated at \$21,560 will be included in future Operational Plans. The funding source will be General Purpose Revenue.

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.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

3. **SUBJECT: GENERAL SERVICES - APPROVAL OF LEASE AGREEMENTS WITH BOYS & GIRLS CLUBS OF GREATER SAN DIEGO IN COLLIER COUNTY PARK AND 4S RANCH COMMUNITY PARK (DISTRICTS: 2 AND 3)**

OVERVIEW

The Department of General Services has negotiated two new lease agreements with the Boys & Girls Clubs of Greater San Diego at Collier County Park and 4S Ranch Community Park. Today's action is a request for the Board to approve the two lease agreements pursuant to California Government Code Section 25536 and authorize the Director of General Services to execute the two leases and take other actions necessary to administer the leases.

Collier County Park, Ramona

On May 10, 1994 (12), the Board of Supervisors (Board) approved the Community Development Block Grant program which included funding for the construction of a youth recreation facility at Collier County Park in the unincorporated community of Ramona. As part of the Board's action, a lease with the Boys & Girls Club of Ramona, now known as the Boys & Girls Clubs of Greater San Diego, was approved for the operation, maintenance, and management of the facility. The term of the lease was ten years commencing on June 26, 1996 and included one ten-year option to extend the term and one five-year option to extend the term. On April 15, 1997 (30), the Board approved an amendment to the lease that added additional land area to the leased premises. On July 14, 2010 (4), the Board approved an amendment to the lease for the construction, operation, and maintenance of a new soccer facility and conversion of an existing tennis court into a basketball court. The two options to extend the term were exercised and the lease is set to expire on June 25, 2021.

Staff from the Department of General Services has negotiated a new lease with the Boys & Girls Club of Greater San Diego. The proposed lease is for a term of 25 years with a provision to extend the term for one additional five-year period.

4S Ranch Community Park, San Diego

On November 7, 2007 (5), the Board approved a ten-year lease agreement with the Boys and Girls Clubs of Inland North County, now known as the Boys & Girls Clubs of Greater San Diego, to operate an approximate 8,800-square-foot community multipurpose building, an approximate 15,900-square-foot gymnasium, and a swimming pool area at the 4S Ranch Community Park located in an unincorporated area of San Diego. The ten-year term of the lease commenced on November 7, 2007 and included one option to extend the term for an additional five-year period. The option to extend the term was exercised and the lease is set to expire on November 6, 2022.

Staff from the Department of General Services has negotiated a new lease with the Boys & Girls Club of Greater San Diego. The proposed lease is for a term of 25 years with a provision to extend the term for one additional five-year period.

Today's action is a request for the Board to approve the two lease agreements pursuant to California Government Code Section 25536 and authorize the Director of General Services to execute the two leases and take other actions necessary to administer the leases.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15301.
2. Approve and authorize the Director, Department of General Services to execute the lease with the Boys & Girls Club of Greater San Diego for the facility at Collier County Park in Ramona and to take any other actions necessary to administer the lease. **(4 VOTES)**
3. Approve and authorize the Director, Department of General Services to execute the lease with the Boys & Girls Club of Greater San Diego for the facility at 4S Ranch Community Park in San Diego and to take any other actions necessary to administer the lease. **(4 VOTES)**

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan for the Department of Parks and Recreation. Costs and revenue associated with the new lease agreements total \$1,000 in FY 2020-21 and will be funded by the rent revenue. Future years costs of \$1,000 annually, and associated revenue, will be included in future years Operational Plans in the Department of Parks and Recreation. There will be no change in the 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

**4. SUBJECT: CLOSED SESSION (CARRYOVER FROM 10/13/20 AGENDA NO. 17)
(DISTRICTS: ALL)**

OVERVIEW

On October 13, 2020 (17), the Board of Supervisors continued the item to October 14, 2020.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Bryan Pease v. William Gore, et al.; United States District Court, Southern District
No. 18-cv-1062-BAS-AHG
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
A.B., a minor, et al. v. County of San Diego, et al.; United States District, Southern
District No. 18-cv-1541-MMA-LL
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Michael A. Hartsell v. County of San Diego, et al.; United States District Court,
Southern District, No. 16-cv-1094-LAB-LL
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
City of Chula Vista, et al. v. Tracy Sandoval, et al.; California Third District Court of
Appeal No. C080711
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
A.H. v. Richard Fischer, et al.; San Diego County Superior Court Case No.
37-2018-00039565-CU-CR-CTL
- F. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
A.C. v. Richard Fischer, et al.; San Diego County Superior Court Case No.
37-2019-00068341-CU-PO-CTL
- G. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
M.Y. v. Richard Fischer, et al.; San Diego County Superior Court Case No.
37-2017-00049654-CU-MC-CTL
- H. 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)
- I. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Golden Door Properties, LLC v. County of San Diego; San Diego County Superior
Court Case No. 37-2018-00013324-CU-TT-CTL

- J. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club v. County of San Diego; San Diego County Superior Court Case No. 37-2012-00101054-CU-TT-CTL
- K. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club, et al. v. County of San Diego; San Diego County Superior Court Case No. 37-2018-00014081-CU-TT-CTL
- L. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code section 54957)
Title: Chief Administrative Officer

ACTION:

County Counsel reported that for Closed Session on October 14, 2020, the Board of Supervisors took the following actions:

Item 17F: A.H. v. Richard Fischer, et al., with all five Board members voting “AYE,” authorize County Counsel to file a petition for a writ of mandate with the California court of appeal challenging the Superior Court’s denial of the County’s demurrer in this case where the plaintiff alleges she was assaulted by Fischer.

Item 17G: A.C. v. Richard Fischer, et al, with all five Board members voting “AYE,” authorize County Counsel to file a petition for a writ of mandate with the California court of appeal challenging the Superior Court’s denial of the County’s demurrer in this case where the plaintiff alleges she was assaulted by Fischer.

Item 17H: M.Y. v. Richard Fischer, et al, with all five Board members voting “AYE,” authorize County Counsel to file a petition for a writ of mandate with the California court of appeal challenging the Superior Court’s denial of the County’s demurrer in this case where the plaintiff alleges she was assaulted by Fischer.

Item 17I: Golden Door Properties, LLC v. County of San Diego, with all five Board members voting “AYE,” authorize County Counsel to settle Golden Door’s claim for attorneys’ fees incurred during the appeal of the Superior Court’s decision invalidating the County’s Climate Action Plan for \$690,000.

5. 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:

Terri-Ann Skelly provided comments to the Board regarding banning the use of marijuana.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 11:05 a.m.

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.

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