

**October 19, 2021**

**STATEMENT OF PROCEEDINGS**

*The Minutes of the*

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

**COUNTY OF SAN DIEGO**

STATEMENT OF PROCEEDINGS  
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING  
MEETING AGENDA  
**TUESDAY, OCTOBER 19, 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 9:01 a.m.

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

- B. Invocation was led by Rabbi Lauri Coskey, CEO San Diego Continuing Education Foundation.

- C. Pledge of Allegiance was led by Rebecca Donovan's first grade class at Myron Green Elementary School an Academic and Athletic Magnet school in the San Carlos community of San Diego.

- D. Presentation or Announcement of Proclamations and Awards:

Chair Nathan Fletcher presented a proclamation declaring October 19, 2021, to be Asian American Business Association of San Diego Day throughout the County of San Diego.

Supervisor Terra Lawson-Remer presented a proclamation declaring October 19, 2021, to be Doug Porter Day throughout the County of San Diego.

Chair Nathan Fletcher and Vice-Chair Nora Vargas presented a proclamation declaring October 2021, to be Pharmacy Month throughout the County of San Diego.

Vice-Chair Nora Vargas presented a proclamation declaring October 25, 2021, to be Filipino American History Month and Day throughout the County of San Diego.

- E. 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.

- F. Approval of the Statement of Proceedings/Minutes for the meeting of October 5, 2021.

**ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors approved the Statement of Proceedings/Minutes for the County of San Diego Board of Supervisors, Flood Control District, Housing Authority, In-Home Supportive Services Public Authority, Sanitation District, San Diego County Fire Protection District, and County Successor Agency meeting of October 5, 2021.

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

- G. Formation of Consent Calendar

H. Discussion Items

- I. Board Member Committee Updates. This is an opportunity for Members of the Board to provide informational updates on their committee assignments. No action may be taken.

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**

<b>Category</b>	<b>#</b>	<b>Subject</b>
Public Safety	1.	TAKING GHOST GUNS OFF OUR STREETS AND DISRUPTING THE CYCLE OF VIOLENCE AFFLICTING OUR COMMUNITIES
	2.	“PREVENTING FENTANYL OVERDOSES” A MULITI-AGENCY CAMPAIGN TO EDUCATE YOUTH [FUNDING SOURCE: SUBSTANCE ABUSE BLOCK GRANT (SABG)]
	3.	A DATA-DRIVEN APPROACH TO PROTECTING PUBLIC SAFETY, IMPROVING AND EXPANDING REHABILITATIVE TREATMENT AND SERVICES, AND ADVANCING EQUITY THROUGH ALTERNATIVES TO INCARCERATION: BUILDING ON LESSONS LEARNED DURING THE COVID-19 PANDEMIC [FUNDING SOURCE: GENERAL PURPOSE REVENUE]
	4.	A RESOLUTION TO ADVANCE CRIMINAL JUSTICE REFORM, PROTECT PUBLIC SAFETY, PROVIDE EQUITABLE ALTERNATIVES TO INCARCERATION FOR ALL, AND INVEST IN ROOT CAUSES OF BEHAVIORAL HEALTH CONDITIONS AND POVERTY
	5.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN ORDINANCE AMENDING THE DEFENSIBLE SPACE FOR FIRE PROTECTION ORDINANCE AND RECEIPT OF MEMORANDUM CLARIFYING SECTION 68.404 [FUNDING SOURCE: UNASSIGNED GENERAL FUND FUND BALANCE IN FISCAL YEAR 2021-22]
	6.	SUNSET REVIEW OF COUNTY ADMINISTRATIVE CODE AND REGULATORY CODE ARTICLES ASSIGNED TO THE PUBLIC SAFETY GROUP

7. SHERIFF - REPORT OF INMATE WELFARE FUND EXPENDITURES FOR FISCAL YEAR 2020-21
8. SHERIFF'S DEPARTMENT - REQUEST APPROVAL FOR SINGLE SOURCE PROCUREMENT OF DETENTION HARDWARE, EQUIPMENT, AND INSTALLATION SERVICES [FUNDING SOURCE: EXISTING GENERAL PURPOSE REVENUE]
9. SHERIFF'S DEPARTMENT - REQUEST APPROVAL FOR SINGLE SOURCE PROCUREMENT OF DETENTION FACILITY SHOWER TWO-PART POLYMER EPOXY TREATMENT SYSTEM [FUNDING SOURCE: GENERAL PURPOSE REVENUE]
10. SHERIFF - RATIFY ACCEPTANCE OF DONATION TO SHERIFF'S VISTA STATION [FUNDING SOURCE: A DONATION FROM THE HELENE MCCARTT TRUST]
11. PROBATION - SUCCESSFUL IMPLEMENTATION OF JUVENILE JUSTICE REALIGNMENT
12. COUNTY FIRE-EMERGENCY MEDICAL SERVICES: EXEMPTION FROM SPARE WHEEL REQUIREMENTS FOR SAN DIEGO COUNTY AMBULANCES
13. NOTICED PUBLIC HEARING: COMMUNITY INPUT FOR FISCAL YEAR 2022-23 ANNUAL PLAN DEVELOPMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS, HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS AND EMERGENCY SOLUTIONS GRANT; AUTHORIZATION FOR A HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS COMPETITIVE SOLICITATION AND PROCUREMENT OF SERVICES [FUNDING SOURCE: FEDERAL FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, HOPWA GRANT PROGRAM]
14. VERIFYING COMPLIANCE AND ENHANCING COMMUNICATIONS DURING THE SEXUALLY VIOLENT PREDATOR PLACEMENT PROCESS
15. COMPASSIONATE EMERGENCY SOLUTIONS AND PATHWAYS TO HOUSING FOR PEOPLE EXPERIENCING HOMELESSNESS IN EAST COUNTY

Health and  
Human Services

	16.	AUTHORIZE A MODIFICATION TO THE COMMUNITY CARE COORDINATION FOR VETERANS PROGRAM TO INCLUDE VETERANS EXITING FROM ALL SAN DIEGO COUNTY DETENTION AND REENTRY FACILITIES AND AUTHORIZE AN AMENDMENT TO THE CURRENT CONTRACT FOR THE COMMUNITY CARE COORDINATION FOR VETERANS PROGRAM
	17.	AUTHORIZE COMPETITIVE SOLICITATION FOR SUBSTANCE USE RESIDENTIAL SERVICES [FUNDING SOURCES: DRUG MEDI-CAL, REALIGNMENT, AND SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT]
Financial and General Government	18.	NOTICED PUBLIC HEARING: ISSUANCE OF REVENUE OBLIGATIONS BY THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY FOR THE BENEFIT OF COMMUNITY HEALTH SYSTEMS, INC. IN AN AGGREGATE MAXIMUM AMOUNT NOT TO EXCEED \$7,000,000
	19.	NOTICED PUBLIC HEARING: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, AND REGULATORY CODE ASSIGNED TO THE FINANCE AND GENERAL GOVERNMENT GROUP
	20.	RESOLUTION TO REQUEST THE FEDERAL GOVERNMENT LIFT ALL RESTRICTIONS ON NON-ESSENTIAL TRAVEL AT THE SAN DIEGO/TIJUANA PORTS OF ENTRY
	21.	IMPLEMENTATION OF VOTER'S CHOICE ACT IN SAN DIEGO COUNTY BEGINNING IN 2022 [FUNDING SOURCES: UNASSIGNED GENERAL FUND FUND BALANCE, PROGRAM REVENUE PLANNED FOR THE JUNE 2022 GUBERNATORIAL PRIMARY ELECTION AND SAVINGS FROM CONDUCTING THE CALIFORNIA GUBERNATORIAL RECALL ELECTION]
	22.	COMMUNITY ENHANCEMENT AND NEIGHBORHOOD REINVESTMENT PROGRAM GRANTS (DISTRICT: 1) [FUNDING SOURCES: GENERAL PURPOSE REVENUE AND TRANSIENT OCCUPANCY TAX REVENUES]
Appointments	23.	APPOINTMENTS: VARIOUS
Communications Received	24.	COMMUNICATIONS RECEIVED

- |                         |     |                      |
|-------------------------|-----|----------------------|
| Closed Session          | 25. | CLOSED SESSION       |
| Public<br>Communication | 26. | PUBLIC COMMUNICATION |

1. **SUBJECT: TAKING GHOST GUNS OFF OUR STREETS AND DISRUPTING THE CYCLE OF VIOLENCE AFFLICTING OUR COMMUNITIES (DISTRICTS: ALL)**

**OVERVIEW**

The United States continues to suffer from the plague of firearm violence and deaths. Amongst the two-dozen high income, populous countries including Australia, France, Italy, Spain, and the United Kingdom, over 80 percent of firearm deaths occur in the US. Over 90 percent of children killed by firearms in this group were from the US. Each year, more than 39,000 people in United States die as result of gun violence, and tens of thousands more suffer non-fatal gun injuries.

To stem the tide of gun violence, we must take action at the local level. We must take action to prevent unintentional shootings, interrupt suicidal tendencies, reduce the risk of homicides and decrease access to guns used in crimes.

A “ghost gun” ordinance would lower the chances of firearms getting into the hands of individuals banned from possession due to a criminal conviction involving a felony or violent misdemeanor, and from persons prohibited from possessing firearms due to mental illness.

To reduce suicides and other deaths or injuries, reasonable gun storage laws must be enacted at the local level. Studies have demonstrated that the risk of suicide-particularly amongst children and teens-is significantly higher in homes where a firearm is kept loaded and/or unlocked. An alarming number of children and teens live in homes with loaded and unlocked guns and the overwhelming majority of these minors know where in the home the guns are kept. Additionally, keeping guns out and accessible can lead to accidents causing unintentional injury or death.

While California law required makers of 3D printed guns to apply for a serial number from the Department of Justice, additional local action is needed. Individuals can easily download a design file and print a firearm with a \$200 3D printer in just a couple of hours.

3D printing potentially enables those who are prohibited from possessing firearms, principally felons and domestic abusers, to avoid background checks.

While ordinances and regulations must be changed to prevent further harm from guns, it is also critically important to pair these interventions with community-based violence intervention to disrupt cycles of violence.

**RECOMMENDATION(S)**

**CHAIR NATHAN FLETCHER AND SUPERVISOR TERRA LAWSON-REMER**

1. Direct the Chief Administrative Officer (CAO), in consultation with County Counsel, to return to the Board in 90 days with a draft ordinance that, unless already preempted by State law:
  - A. Updates definitions regarding firearms as appropriate including defining “ghost guns,” precursor parts for such guns and unserialized parts and guns
  - B. Prohibits the possession or distribution of unserialized parts used in the creation or possession of ghost guns

- C. Creates safe firearm storage standards
  - D. Prohibits 3D printing of unserialized firearms or precursor parts
2. Direct the Chief Administrative Officer to develop options for community-based gun violence reduction and disruption programs and return to the Board within 180 days.

#### **EQUITY IMPACT STATEMENT**

According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), as of 2019, 30 percent of all firearms recovered in California were not serialized. Locally, the number of ghost guns recovered by law enforcement has steadily been trending upward over the past few years. Research also shows that gun violence and traditional responses to gun violence disproportionately have a negative impact on communities of color, often perpetuating harm and trauma that continues to cycle from generation to generation. This initiative seeks to reduce the impact of gun violence across the County, especially within the communities that are most disproportionately impacted. The development of programs that adopt best practices of addressing harm and trauma by providing healing and accountability, and centering and elevating the voices of those directly impacted by violence, foster safety, and equitable outcomes by disrupting the cycle of violence and mass incarceration that has historically disproportionately impacted communities of color.

#### **FISCAL IMPACT**

There is no fiscal impact associated with today's action. There may be future fiscal impacts associated with the final recommendations for option to provide community-based violence reduction and disruption programs. Any such recommendations would need to return and be approved by the Board.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

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

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

2. **SUBJECT: "PREVENTING FENTANYL OVERDOSES" A MULITI-AGENCY CAMPAIGN TO EDUCATE YOUTH (DISTRICTS: ALL)**

#### **OVERVIEW**

In late August, two Chula Vista teenagers overdosed on clandestine prescription drugs laced with fentanyl they purchased via social media. One of these teenagers was resuscitated with Narcan and the other sadly died.

This story is tragic, but unfortunately it is a nationwide crisis that is rapidly spreading. According to the San Diego County Medical Examiner's Office 462 accidental overdoses attributed to fentanyl were reported in 2020 compared to 152 in 2019. Many cases for 2021 are still open and pending confirmation, however, through mid-July, there were 413 deaths,

compared to the same date range in 2020, where there were 177. Of these deaths, approximately 13% are high school and college age students. As of September of 2021, overdose deaths are on track to reach well over 700 by the end of this year.

The Medical Examiner's Office commonly attributes the cause of these overdose deaths as to counterfeit oxycodone or alprazolam (Xanax) pills, that contain fentanyl. At times, these counterfeit pills are combined with non-steroidal anti-inflammatory medicine made to look like legitimate pills and sold illegally. Local behavioral health surveillance data indicates an increase in substance use related emergency department presentations that correlate with the onset of the pandemic.

Immediate intervention is needed as students head back to school campuses. Several California counties have responded with a social media campaign directly focused on high school and college age students. The Counties of Fresno and Riverside have collaborated with many law enforcement agencies to educate and inform students of these dangers. In other states, where fentanyl overdoses have also sky rocketed, campaigns such as "Laced and Lethal" have been developed to educate this population.

As public safety and law enforcement agencies continue their work to take these deadly drugs off the streets, they cannot do it alone. Partnerships are essential in addressing the misinformation that is perpetuating the damage this deadly drug has brought upon our communities.

While recent local awareness campaigns have been successful, as the crisis continues to grow, so does the need for continuous and accessible education. This campaign is meant to enhance the efforts set in motion by other County campaigns such as the San Diego Opioid Project, the Fentanyl Warning Campaign and the It's Up to Us campaign.

Today's request is to direct the Chief Administrative Officer to work with multiple County departments in consultation with the educational community, parent teacher associations and student representatives to develop a culturally and age-appropriate substance use prevention messaging campaign, to include a focus on fentanyl awareness, targeted for youth and transition age youth.

#### **RECOMMENDATION(S)**

##### **SUPERVISOR JIM DESMOND AND DISTRICT ATTORNEY SUMMER STEPHAN**

Direct the Chief Administrative Officer to work with multiple County departments in consultation with the community and educational community, parent teacher associations and student representatives to develop a culturally and age-appropriate substance use awareness campaign, to include a focus on fentanyl awareness, in multiple languages to educate youth and transition age youth about the dangers of illicit substances, including fentanyl and fentanyl-laced or counterfeit prescription drugs.

#### **EQUITY IMPACT STATEMENT**

Fentanyl related overdoses are affecting our entire County, but not all communities have equal access to life- saving resources and information. Empowering the community with culturally appropriate information and access to resources provides our most vulnerable populations with an equal opportunity to protect themselves from becoming victims in this growing epidemic.

## **FISCAL IMPACT**

The funding amount is currently undetermined; however, it is expected that funding for this request is included in the Fiscal Year 2021-23 Operational Plan in the Health and Human Services Agency. The department will return to the Board of Supervisors for approval if it is determined that additional funding is needed. The funding source will be Substance Abuse Block Grant (SABG). 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.

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

3. **SUBJECT: A DATA-DRIVEN APPROACH TO PROTECTING PUBLIC SAFETY, IMPROVING AND EXPANDING REHABILITATIVE TREATMENT AND SERVICES, AND ADVANCING EQUITY THROUGH ALTERNATIVES TO INCARCERATION: BUILDING ON LESSONS LEARNED DURING THE COVID-19 PANDEMIC (DISTRICTS: ALL)**

## **OVERVIEW**

Mass incarceration disproportionately impacts the poor, homeless, mentally ill and people of color and does not make us safer. Inappropriate and ineffective incarceration of individuals who do not pose a public safety threat generates significant costs for society, taxpayers, individuals, and families - often leading to tragically preventable jail deaths and failing to keep our communities safe, while people in crisis do not get the help they need.

Statewide and locally, taxpayers spend \$81,000 a year to incarcerate someone with a mental health illness versus \$32,000 a year for permanent supportive housing in the community, or \$3,000 to \$10,000 a year for an outpatient sobering program.

There is a clear feedback loop between interactions with the criminal justice system and substance use, mental illness, disability, poverty, structural racism, and homelessness. The evidence is overwhelming that for many offenses, there are alternatives to incarceration that are better both for keeping our communities safe and supporting and rehabilitating individuals. For example, in San Diego County, the Prosecution and Law Enforcement Assisted Diversion Services (PLEADS) program has shown early initial success at sobering and rehabilitating people with substance use challenges who otherwise would have been incarcerated.

Yet we do not have the infrastructure to respond to the need and instead, our jails have been filling the gap. In San Diego County, there were 3,971 individuals experiencing unsheltered homelessness on a single night in 2020. Many are in need of psychiatric care. Despite the demand, we have only 800 inpatient psychiatric beds, which are consistently at an over 90% utilization rate. The optimal utilization rate for inpatient facilities is 84%. Our jails should not be the largest mental health facilities in the County. In addition, specific service gaps in

substance use treatment are unknown but widely perceived by public safety officials and community members as severe.

There is an urgent need for increased access to a range of harm reduction, treatment, and recovery services across San Diego County. Connecting people to community-based services can save money for taxpayers, promote better outcomes for individuals, and enhance community safety.

The United States has an incarceration rate more than five times the world's average. It is home to nearly 25% of the world's incarcerated people, despite having only 5% of the world's population. The scale of mass incarceration in this country means that nearly one in two American adults has an immediate family member who is or was incarcerated. And some communities are more impacted than others; for example, people of color are disproportionately incarcerated, with Black people being 3.6 times more likely to be incarcerated in local jails than white people.

Rather than leading to greater community safety, the overreliance on incarceration-starting with jails-has instead devastated lives, families, and communities. Research has shown that even two days in jail can result in more, not less, future contact with the criminal justice system. In fact, the experience of incarceration can be so destabilizing to a person's employment, housing, and family ties, it makes them more vulnerable to future arrest and more likely to rely on a fragile social safety net. An individual's incarceration often has financial and health consequences for their loved ones. Two in three families touched by incarceration are unable to meet their basic needs while a family member is incarcerated. Mothers with incarcerated partners are at a heightened risk of experiencing a major depressive episode, and children with an incarcerated parent are at increased risk of various health problems commonly associated with adverse childhood experiences, including post-traumatic stress disorder.

People struggling with mental illness have died in jail. San Diego County has seen a 10-year average of 74.8 suicides per 100,000. A 2018 report by the nonprofit Disability Rights Organization (DRO) blamed jail deaths on an over-reliance on incarceration for the mentally ill as well as a failure to provide adequate mental healthcare to those in custody. And most recently, the State Assembly Joint Legislative Audit Committee opened an investigation into the San Diego County jails because of the number of in-custody deaths. Over the course of 13 months, the county paid out over \$14 million in settlements involving the Sheriff's Department, including allegations around lapses in medical care and deaths in jail.

This contemporary state of incarceration is the result of using jail as a first line response to issues like homelessness, poverty, substance use, and mental health. The deinstitutionalization of psychiatric facilities in the 1980's abandoned members of our community in need and directly caused significant increases in incarceration. Now people with mental illnesses are by default, directed to either emergency rooms or jailed, neither of which is an appropriate setting for recovery. Instead, we must explore expanding the capacity for alternatives such as secure psychiatric facilities, Mental Health Rehabilitation Centers, and 24-hour facilities for individuals who need a high level of care. Likewise, recovery from a substance use disorder is not a one-size-fits-all approach, so the Behavioral Health Continuum of Care must employ a variety of treatment mechanisms and settings to meet individual needs, and low-threshold programs that do not exclude participation should be prioritized in solutions as we know that relapse is an expected part of the recovery process.

Communities across the country are working to safely reduce the number of people in jails through data-informed, evidence-based measures. This includes investing in often underfunded community-based resources outside of the traditional justice system, including supportive services, counseling, treatment, and workforce development; reexamining enforcement practices and the money bail system; and creating the infrastructure to divert people to alternatives to incarceration.

These approaches help prevent harm in the community, support rehabilitation, and ensure that incarceration is used as a last resort.

Locally, we can begin to improve our public safety system by analyzing the collaboration between the sheriff, district attorney, local law enforcement, courts, and other justice partners to implement several practices that quickly reduced jail populations during the COVID-19 pandemic. According to the San Diego District Attorney, there was an average daily incarcerated population of 4,197 in 2020, which was a 25% decrease from 2019 when jail populations averaged 5,630. The DA also stated that in the first half of 2021, with some of these policies continuing under the public health emergency, the number of people in custody fell even lower, with around 3,800 people in custody on any given day.

Instead of returning to “business as usual”, we have the opportunity and the moral imperative to examine the data to identify better approaches, with the objective of reducing our structural over-reliance on incarceration as a first line response when alternative treatments and services can address the root causes of justice system involvement and promote public safety in a more cost-effective and humane way.

This Board action intends to identify the primary drivers of reduced incarceration rates during COVID-19, disaggregate the population affected, analyze outcomes associated with these short-term changes in incarceration policy, and recommend policy changes to safely and permanently reduce jail populations and better protect public safety with alternatives to incarceration.

There is an emerging level of agreement among all stakeholders that there are better, alternative options to jail for some individuals. This action seeks to gather data and stakeholder input to define what those alternatives to jail should be and how they will be funded.

Today’s action will authorize research and analysis for San Diego County, in close consultation with public safety partners and community-based stakeholders. The analysis should include a review of jail and law enforcement data, research on best practices for diverting individuals from custody who can be served in community-based settings rather than jails, and a “gap analysis” to identify current gaps in treatments, facilities, and programs that could better serve our community as an alternative to incarceration.

## **RECOMMENDATION(S)**

### **SUPERVISOR TERRA LAWSON-REMER**

1. Direct the Chief Administrative Officer to contract with an Independent Consultant(s) to: conduct the 2-pronged research described below in (B) and (C), gather stakeholder input, and conduct working groups and open community forums to support this analysis.

- a. Report to the Board as follows:
  - i. *March 15th, 2022*: Preliminary Report -- Analysis and recommendations that could be adopted and implemented in the FY 2022-2023 budget
  - ii. *May 24th, 2022*: Initial Interim Report and Recommendations
  - iii. *October 25th, 2022*: Draft Comprehensive Report and Recommendations
  - iv. *February 1st, 2023*: Final Comprehensive Report -- Recommendations that could be adopted and implemented in the FY 2023-2024 budget, five year plan, and subsequent budget cycles
- b. Return to the Board of Supervisors with a data-driven analysis on how the use of jails changed from January 1, 2018 (pre-COVID-19) versus present time (during COVID-19, with a focus on identifying policy interventions that would most effectively, safely, and permanently reduce the San Diego jail populations. The goals of this prong of the research are: to identify the primary causal policy change drivers of reduced incarceration rates during COVID-19, disaggregate the population affected by these policy changes, analyze outcomes associated with these short-term changes in incarceration policy, and recommend policy changes to safely and permanently reduce jail populations and better protect public safety with alternatives to incarceration. The report must consider the research questions below, contingent on the receipt of responsive and timely data:
  - i. The policies that may have influenced the decrease in the jail population during COVID-19 (e.g. zero dollar bail, changes in supervision violation policies). How did the jail population and jail incarceration rates change, overall and for particular subpopulations (e.g. women, pretrial, race/ethnic groups, etc.)?
  - ii. What proportion of the population are pretrial, sentenced, in on supervision violations, holds, etc.? Comparing pre-Pandemic vs. Pandemic time periods.
  - iii. What is the percentage of people in the mental health population and what is the distribution of mental health acuity level? What are the most common charges people with mental health conditions face? Is their length of stay different than the overall population?
  - iv. What are the most common charges people face who are in jail, and how did this change during the Pandemic? Comparing the jail make-up based on a typology of charges Pre-Pandemic vs Pandemic? Comparing the population of people booked vs cited based on a typology of charges, Pre-Pandemic vs Pandemic?
  - v. The rate at which populations not incarcerated due to booking changes driven by the Public Health emergency committed new crimes compared to similar populations in prior years. Include in the analysis the percent of new crimes that are serious or violent.

- vi. Direct that the analysis focus on, but not be limited to:
  - 1. Low-level offenses (such as public intoxication, encroachment, loitering, illegal lodging) that resulted in citations and/or book and release rather than incarceration during the pandemic.
  - 2. Pre-trial defendants: Individuals who would otherwise have been booked into jail but were not booked because of the COVID-19 booking policies.
  - 3. Individuals who were permitted to remain out of custody on Sheriff's pre-trial CPAC, who otherwise would have remained in custody. Individuals released from custody and monitored by Sheriff's pre-trial services ("Supervised Own Recognizance"), who otherwise would have remained in custody.
  - 4. Persons diverted through Mental Health Diversion, including but not limited to Parole Re-Entry Court, Drug Court, Veteran's Court, Behavioral Health Court. Compare the recidivism and other outcomes of persons diverted to these programs with outcomes for similar individuals who were incarcerated.
- c. Return to the Board of Supervisors with a set of comprehensive recommendations for short- and long-term actions and investments to expand access to alternatives to incarceration for justice involved individuals who do not pose a public safety threat.
  - i. The recommendations should be informed by the data analysis referenced herein and evidence-based best practices drawn from local, national, and global research.
  - ii. The recommendations should be developed with broad input from local public safety partners, social service and mental and behavioral health partners, and community-based stakeholders, including people with lived experience.
  - iii. The assessment and recommendations should begin with a "gap analysis" to identify the gaps in services and facilities for justice involved individuals who are unhoused or homeless, face substance use challenges, struggle with mental and behavioral health needs, are youth or young adult offenders, or are otherwise strong candidates for diversion programs and alternatives to incarceration.
  - iv. Analysis should identify both Rehabilitative and Restitutive program needs.
  - v. Analysis should consider best practices in other Counties that have supported low jail populations and public safety.
  - vi. Analysis should consider what programs or practices in our County that existed prior to the pandemic can be expanded to support alternatives to incarceration.

- vii. Analysis should propose what additional services and supports are needed in the community to support people in non-custodial settings and reduce justice involvement. These supports might include community resources or law enforcement services, supportive housing, mental or behavioral health facilities, substance use facilities or programs, or other entities that we could refer/take people to instead of jail.
2. Direct the Chief Administrative Officer to contract with an Independent Consultant to analyze the costs, savings, and long-term fiscal impacts to PSG, HHSA, and other aspects of County operations by shifting our County approach to public safety to prioritize “safety through services” and evidence-based alternatives to incarceration over our current incarceration model. This analysis should be based on the reports and analysis identified above, and return to the Board in alignment with the schedule delineated in Recommendation 1(a). Fiscal impacts to be considered include but are not limited to: reduced capital investments, including anticipated jail upgrades and expansions, if our jail population can be permanently reduced; increased capital investments, including permanent supportive housing, mental and behavioral health facilities for both short and long term care, and drug and alcohol use treatment centers; increased staffing for integrative services, homelessness services, drug and alcohol use services, and mental and behavioral health services, if applicable. Analysis should identify costs or savings associated with specific capital investments or service programs, over 1-year, 5-year, 10-year time, and 20-year time periods.
3. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director, Department of Purchasing and Contracting and the Deputy Chief Administrative Officer of the Public Safety Group to issue a Request for Information (RFI) responsive to the questions below. This information will inform the County leading to a Request(s) for Proposal and contract(s) award(s) to conduct research, analysis, and delivery of report(s) as outlined in Recommendations #1 and #2. Accordingly, approve and authorize the Director, Department of Purchasing and Contracting to issue a Request(s) for Proposal as described above, and upon successful negotiation and determination of fair and reasonable pricing, award a contract(s) for one year, with one option year and up to an additional six months if needed, and to amend the contract(s) as needed to reflect changes to services and funding, subject to a determination of fair and reasonable pricing, at terms acceptable to the County. Depending on proposals received and qualifications of firm(s), multiple awards may be made to complete analyses. The RFP will specify that the analysis must be conducted in close consultation with public safety partners and community-based stakeholders, including but not limited to: incarcerated and formerly incarcerated individuals; local community based re-entry, alternatives to incarceration, and recidivism experts (housing, substance use, reentry, mental and behavioral health, veteran services, domestic violence, etc.); public safety partners; county health and human services leadership; criminal justice reform advocates; and Supervisors’ individual Board offices in a Brown Act compliant manner. The criteria in the solicitation must include significant experience conducting the specific types of analyses outlined in Recommendations #1 and #2 and in the Overview, including significant experience analyzing large jail systems. See Background for examples of the types of reports we anticipate by qualified consultants.

4. Direct the Chief Administrative Officer to solicit recommendations and convene stakeholder meetings regarding the interventions that would most effectively and safely reduce the San Diego jail populations. Recommendations will be solicited from public safety partners; health and human services leadership across San Diego County; local community-based re-entry, alternatives to incarceration, and recidivism experts; criminal justice reform advocates; and Supervisors. The CAO can work with the Independent Consultant, where appropriate, to solicit information and recommendations from stakeholders. Beginning with May 24th report, CAO recommendations should build iteratively on the findings and analyses produced by the Independent Consultant and may be additive or different than the findings and recommendations of the Consultant. In collaboration with the Consultant, the CAO can convene public community forums to seek input and feedback.
  - a. The schedule for the CAO to report back to the Board will be as follows:
    - i. *February 8th, 2022*: Preliminary Report -- Analysis and recommendations that could be adopted and implemented in the FY 2022-2023 budget
    - ii. *May 24th, 2022*: Initial Interim Report and Recommendations
    - iii. *October 25th, 2022*: Draft Comprehensive Report and Recommendations
    - iv. *February 1st, 2023*: Final Comprehensive Report -- Recommendations that could be adopted and implemented in the FY 2023-2024 budget, five year plan, and subsequent budget cycles
  - b. Input and recommendations from the Public Safety and Health and Human Services Leadership will be solicited at the executive level, and should include, but not be limited to: the Public Defender, the District Attorney, the Sheriff, the Presiding Judge of San Diego County, the San Diego City Attorney, San Diego City Chief of Police, relevant organizational leadership within the County's HHSA, including BHS, and PSG Groups, and Supervisors' Board offices in a Brown Act compliant manner. The community-based re-entry, alternatives to incarceration, and recidivism input should include housing, substance use, reentry, mental health, parenting, veteran services, immigrant services and domestic violence specialists. The criminal justice reform input and recommendations will be solicited from criminal justice policy experts and engagement specialists who have a history of mobilizing and educating community members around best practices.
  - c. Analysis should focus on the disproportionately represented individuals that experience substance use, mental illness, poverty, homelessness, and are from diverse communities of color including disabled, youth or young adults, LGBTQ2IA+ Black, Latinx, Indigenous, Asian and more.
  - d. Analysis should identify the gaps in services and facilities needed to dramatically scale-up alternatives to incarceration, including but not limited to: pre-trial detention; post-trial alternative sentencing; mental and behavioral health facilities, treatments, and services; substance use disorder facilities, treatments, and services; services and housing for our un-housed population.

- e. Analysis should identify concrete and specific programs, services, facilities, and other investments to fill these gaps and scale-up alternatives to incarceration.
- f. Analysis should focus on identifying public safety policy changes that would facilitate the utilization of alternatives to incarceration.
- g. Analysis should be data driven, beginning with lessons learned from COVID-19 policy changes, as discussed in Recommendation 1b.

### **EQUITY IMPACT STATEMENT**

Due to the history of racism and oppression in the United States and current practices within the legal system, incarceration has always disproportionately impacted the poor, mentally ill, disabled, homeless, those who suffer from substance use and people of color who have been systemically oppressed. For example, Black Americans comprise about 27% of all individuals arrested in the United States-double their share of the total population. Over-policing of communities of color also contributes to the targeting of Black and Brown people. Marijuana use is roughly equal among Black people and white people, but Black people are 3.64 times more likely to be arrested for marijuana possession. "In every single state, Black people were more likely to be arrested for marijuana possession, and in some states Black people were up to six, eight, or almost 10 times more likely to be arrested."

In addition, arrestees with mental illness typically receive inadequate mental health services while incarcerated. Homelessness is especially high among those who have been incarcerated and people recently released from prison. Analyzing San Diego County's incarceration system will assist in creating equitable outcomes for our most underserved diverse communities of color including disabled, LGBTQ2IA+ Black, Latinx, Indigenous, Asian and more.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan for the County's Public Safety Group. If approved, this request will result in costs of up to \$300,000 in Fiscal Year 2021-22. The funding source is General Purpose Revenue. There may be fiscal impacts associated with future recommendations and any returns back to the Board. Any such recommendations would need to return and be approved by the Board. 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 Lawson-Remer, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended.

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

4. **SUBJECT: A RESOLUTION TO ADVANCE CRIMINAL JUSTICE REFORM, PROTECT PUBLIC SAFETY, PROVIDE EQUITABLE ALTERNATIVES TO INCARCERATION FOR ALL, AND INVEST IN ROOT CAUSES OF BEHAVIORAL HEALTH CONDITIONS AND POVERTY (DISTRICTS: ALL)**

#### **OVERVIEW**

There are multiple proposals at the federal and state levels led by advocates that have been at the forefront of reforming the criminal justice system. Communities across the country are working to safely reduce the number of people unjustly in jails and prisons through data-informed, evidence-based measures and we must join them.

At local, state, and federal levels of government there are proposals to reform criminal justice and police policies, including pretrial detention reform, and alternatives to arrest and incarceration for individuals who do not pose a public safety threat. The County of San Diego has been working towards criminal justice reform by providing an equitable and accessible system. The system continues to be adjusted by ongoing review of policies that invest in jails' rehabilitation efforts; and promoting best practices to ease reentry and reduce recidivism.

The County of San Diego reaffirms its commitment to reform by working with our Justice partners: Public Safety Group, Health and Human Services Agency, and the Office of Equity and Racial Justice, along with community-based organizations and justice-impacted individuals, to move forward policies that seek reform using a data-driven and evidence-based approach.

#### **RECOMMENDATION(S)**

**SUPERVISOR TERRA LAWSON-REMER AND VICE-CHAIR NORA VARGAS**

Adopt the Resolution entitled: ADVANCE CRIMINAL JUSTICE REFORM, PROTECT PUBLIC SAFETY, PROVIDE EQUITABLE ALTERNATIVES TO INCARCERATION FOR ALL, AND INVEST IN ROOT CAUSES OF BEHAVIORAL HEALTH CONDITIONS AND POVERTY.

#### **EQUITY IMPACT STATEMENT**

This resolution underscores the County's commitment to advancing criminal justice reform in our region and uplifts individuals who are impacted by the system. People of color are often overrepresented in the criminal justice system. African Americans are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; and once convicted, and they are more likely to experience lengthy prison sentences. African American adults are 5.9 times as likely to be incarcerated than whites and Hispanics are 3.1 times as likely. People with mental illness are also overrepresented in the criminal justice system. Nationally, more than one quarter of people in jail meet the threshold for serious psychological distress and nearly half had been told by a mental health professional that they have a mental illness. As the County moves forward with creating reforms around the criminal justice system and its current behavioral health system it's important to acknowledge and address the conditions of poverty and injustice certain communities experience.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this action. There may be future fiscal impacts associated with recommendations resulting from today's action; any such recommendations would need to be approved by the Board.

## **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

ON MOTION of Supervisor Vargas, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, adopting Resolution No. 21-164, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO ADVANCE CRIMINAL JUSTICE REFORM, PROTECT PUBLIC SAFETY, PROVIDE EQUITABLE ALTERNATIVES TO INCARCERATION FOR ALL, AND INVEST IN ROOT CAUSES OF BEHAVIORAL HEALTH CONDITIONS AND POVERTY.

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

5. **SUBJECT: ADMINISTRATIVE ITEM:**  
**SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:**  
**AN ORDINANCE AMENDING THE DEFENSIBLE SPACE FOR FIRE**  
**PROTECTION ORDINANCE AND RECEIPT OF MEMORANDUM**  
**CLARIFYING SECTION 68.404 (DISTRICTS: ALL)**

### **OVERVIEW**

The County of San Diego (County) is no stranger to the risk and long-term effects of large-scale wildfires. Following significant local wildfires in 2003 and 2007, the County adopted several local building and fire code amendments that exceed state requirements to increase fire safety and wildfire prevention within the region. These requirements apply concurrently alongside the County's Defensible Space for Fire Protection Ordinance, which was adopted in its current form on May 10, 2011 (9).

Defensible Space is an area where materials that will readily ignite, burn, and transmit fire have been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur. Creating defensible space around structures in the unincorporated area can save lives and property. Several state and local codes address the requirements for defensible space, including the California Public Resources Code, County Consolidated Fire Code, and Defensible Space for Fire Protection Ordinance. On July 13, 2021 (1), the Board of Supervisors (Board) directed the Chief Administrative Officer to continue stakeholder outreach and return to the Board with a proposal to amend the Defensible Space for Fire Protection Ordinance to align with the County Consolidated Fire Code. The proposed amendments in today's action are meant to align these codes to increase the safety of residents during a wildfire and improve the survivability of homes, other structures, and critical infrastructure.

Today's requested actions are for the Board of Supervisors to find that the proposed actions are exempt from the California Environmental Quality Act (CEQA), approve funds to increase contracted capacity to engage with residents and enforce the Defensible Space for Fire Protection Ordinance, and to amend the Defensible Space for Fire Protection Ordinance, Chapter 4 of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

1. Adopt the Ordinance entitled:  
AN ORDINANCE AMENDING CHAPTER 4 OF DIVISION 8 OF TITLE 6 OF THE  
SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO  
DEFENSIBLE SPACE REQUIREMENTS.
2. Receive Attachment C: Memorandum Clarifying Section 68.404 of the Defensible  
Space for Fire Protection Ordinance.

**EQUITY IMPACT STATEMENT**

Taking the proposed action will result in increased community resilience and decreased likelihood of the need to rebuild whole communities after devastating wildfires. A total of 79 percent of the unincorporated area in San Diego County is designated as High or Very High Fire Hazard Severity Zones. In addition, 41 percent of the unincorporated area has burned at least once since 2000.

Today's recommendations revise the defensible space requirements for unincorporated areas outside of independent fire protection or municipal water districts. For fire protection or municipal water districts that contract with the County to provide defensible space related services, County Fire works with local fire safe councils and other community organizations to assist individuals who are differently abled, elderly, or do not have the financial resources to perform defensible space work themselves. County Fire and CAL FIRE San Diego Unit staff refer individuals to grant-funded programs that assist in performing this work.

**FISCAL IMPACT**

Funds for this request are not included in the Fiscal Year 2021-23 Operational Plan for San Diego County Fire. If approved, this request will result in an estimated current year cost of \$440,120 and \$160,000 for one-time costs associated with the procurement of vehicles and equipment. Subsequent year costs are estimated at \$774,679 for contracted services. The funding source for this request is Unassigned General Fund Fund Balance in Fiscal Year 2021-22. Subsequent years costs and funding sources will be included and identified in future Operational Plans for the San Diego County Fire. There will be no change in net General Fund cost and no additional staff years for the current year.

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, adopting Ordinance No. 10750 (N.S.), entitled: AN ORDINANCE AMENDING CHAPTER 4 OF DIVISION 8 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO DEFENSIBLE SPACE REQUIREMENTS.

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

**6. SUBJECT: SUNSET REVIEW OF COUNTY ADMINISTRATIVE CODE AND REGULATORY CODE ARTICLES ASSIGNED TO THE PUBLIC SAFETY GROUP (DISTRICTS: ALL)**

**OVERVIEW**

In accordance with Board of Supervisors Policy A-76, Sunset Review Process, the Public Safety Group periodically reviews certain Board policies and provisions of the County Administrative Code and Regulatory Code to ensure that policies and Administrative and Regulatory Code provisions reflect current Board standards and practices and amends accordingly. Today's actions are to propose changes to the reviewed Board policies and code provisions. Recommendations 1 and 3 involve a two-step process: approval of the first reading of the ordinance on October 19, 2021, and adoption on November 2, 2021.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Approve the introduction of the Ordinance (First Reading), read title and waive further reading of the Ordinance:  
AN ORDINANCE AMENDING ARTICLES XXA, XXXVII, XX, AND XV-B OF THE SAN DIEGO ADMINISTRATIVE CODE RELATING TO JUVENILE FACILITIES, DEPARTMENT OF PUBLIC DEFENDER, AND FEES AND CHARGES.

If, on October 19, 2021, the Board takes the action Recommendation 1, then on November 2, 2021:

2. Submit the Ordinance for further Board consideration and adoption and approve the sunset review date of December 31, 2028 (Second Reading):  
AN ORDINANCE AMENDING ARTICLES XXA, XXXVII, XX, AND XV-B OF THE SAN DIEGO ADMINISTRATIVE CODE RELATING TO JUVENILE FACILITIES, DEPARTMENT OF PUBLIC DEFENDER, AND FEES AND CHARGES.
3. Approve the introduction of the Ordinance (First Reading), read title and waive further reading of the Ordinance:  
AN ORDINANCE AMENDING DIVISION 4 OF TITLE 3 AND DIVISION 10 OF TITLE 6 OF THE SAN DIEGO REGULATORY CODE RELATING TO PUBLIC SAFETY, MORALS AND WELFARE AND AMBULANCE, CRITICAL CARE, AND NON-EMERGENCY MEDICAL TRANSPORTATION SERVICES.

If, on October 19, 2021, the Board takes the action Recommendation 3, then on November 2, 2021:

4. Submit the Ordinance for further Board consideration and adoption and approve the sunset review date of December 31, 2028 (Second Reading):  
AN ORDINANCE AMENDING DIVISION 4 OF TITLE 3 AND DIVISION 10 OF TITLE 6 OF THE SAN DIEGO REGULATORY CODE RELATING TO PUBLIC SAFETY, MORALS AND WELFARE AND AMBULANCE, CRITICAL CARE, AND NON-EMERGENCY MEDICAL TRANSPORTATION SERVICES.

### **EQUITY IMPACT STATEMENT**

The proposed changes to the San Diego County Administrative Code County reflect efforts to promote more equitable policies for residents of the County of San Diego. The proposed amendments will align with operational changes and services made to better serve the needs of community.

### **FISCAL IMPACT**

There is no fiscal impact associated with the proposal to amend the San Diego County Administrative Code and Regulatory Code. There will be no change in General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, to further consider and adopt the Ordinances on November 2, 2021.

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

**7. SUBJECT: SHERIFF - REPORT OF INMATE WELFARE FUND EXPENDITURES FOR FISCAL YEAR 2020-21 (DISTRICTS: ALL)**

### **OVERVIEW**

The Inmate Welfare Fund (IWF) was established for the purpose of providing for the welfare of incarcerated individuals. Funds are expended primarily for educational, vocational, and behavioral training necessary to make a positive transition back to the local community. These types of programs are essential to decreasing the rate of recidivism, contributing to the successful reunification of families, and having a direct impact on reducing future criminal behavior.

This is a request for the Board of Supervisors to receive an itemized report of expenditures from the Sheriff's Department Inmate Welfare Fund, as required under California Penal Code section 4025.

### **RECOMMENDATION(S)**

#### **SHERIFF**

Receive the San Diego Sheriff's Department Fiscal Year 2020-21 report of Inmate Welfare Fund expenditures.

### **EQUITY IMPACT STATEMENT**

The Inmate Welfare Fund (IWF) is expended for the purpose of providing for the welfare of incarcerated individuals and to assist them to prepare for positively transitioning back into the community through educational, vocational, and behavioral training. The goal of the IWF programs is to not only support healthy and productive activities and support while

individuals are in detention facilities, but to increase their likelihood of successfully reintegrating back into community. The benefit of the IWF is shared with all incarcerated individuals and they are enrolled in as many programs where they meet eligibility requirements.

#### **FISCAL IMPACT**

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

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors received the San Diego Sheriff's Department Fiscal Year 2020-21 report of Inmate Welfare Fund expenditures.

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

8. **SUBJECT: SHERIFF'S DEPARTMENT - REQUEST APPROVAL FOR SINGLE SOURCE PROCUREMENT OF DETENTION HARDWARE, EQUIPMENT, AND INSTALLATION SERVICES (DISTRICTS: ALL)**

#### **OVERVIEW**

The Sheriff's Department operates and maintains over twenty secure detention and/or reentry and patrol facilities throughout the county. The County of San Diego (County) maintenance staff must purchase parts and provide repairs and maintenance to replace critical components such as institutional doors and frames, locking devices and keys, accessories such as food flaps and package passes, and detention furnishings such as bunks, tables, and desks within these secure environments in an efficient, reliable, and standardized manner each and every time. Southern Folger Contracting Inc (Southern Folger) is the Original Equipment Manufacturer (OEM) of these products.

It is therefore imperative that all parts and components and installation services used at these facilities are done with OEM parts and technicians. The use of OEM parts and technicians ensures that all components are designed to the exact same specifications and will operate seamlessly when replaced and with the same continued warranties. The standardization of OEM parts also allows our county staff to be trained in the regular use and maintenance of these parts across all detention and reentry facilities and patrol stations regardless of their location.

This is a request for single source procurement with Southern Folger Contracting Inc. (Southern Folger) for hardware, equipment, and installation services for an initial term of one-year, plus four option periods of one year each.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director of the Department of Purchasing and Contracting to enter into negotiations for repair and replacement parts and related services from Southern Folger Contracting Inc (Southern Folger) for all Sheriff's Department facilities and subject to successful negotiations and a determination of a fair and reasonable price, award a contract for an initial term of one-year and an additional four option years and to amend the contracts as needed to reflect changes to requirements and funding.
2. Pursuant to Public Contract Code Section 3400, find that Southern Folger's products and installation will be designated by specific brand name for use in the Sheriff's Department detention facilities for the period of up to five years as they are Original Equipment Manufacturer items needed and are only available from one source.

### **EQUITY IMPACT STATEMENT**

The Sheriff's Department maintains high safety standards to support the diverse individuals living and working in the detention facilities. This requires the Sheriff's Department to be proactive and continuously analyze the environment for the safety of the incarcerated persons in our care, visitors, and our detention facility staff. The continuation of the contract with Southern Folger for hardware, equipment, and installation services will provide seamless maintenance of the facilities, more efficient upgrades to hardware and facility components, and guaranteed installation services to ensure the continuous and proper functioning of these items. The confidence in the materials and installation at these facilities allows both those incarcerated within the facility and the staff working within the facility to feel more protected. The requested action is in accordance with Board of State and Community Corrections Title 15 Minimum Standards. For Local Detention Facilities, § 1280. Facility Sanitation, Safety, and Maintenance in order to maintain an acceptable level of cleanliness, repair and safety throughout the facility.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan for the Sheriff's Department. If approved, this request will result in an estimated annual cost of \$500,000. The funding source is existing General Purpose Revenue. Subsequent year costs will be included in future Operational Plans for the Sheriff's Department. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended.

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

9. **SUBJECT: SHERIFF'S DEPARTMENT - REQUEST APPROVAL FOR SINGLE SOURCE PROCUREMENT OF DETENTION FACILITY SHOWER TWO-PART POLYMER EPOXY TREATMENT SYSTEM (DISTRICTS: ALL)**

**OVERVIEW**

The Sheriff's Department operates and maintains seven secure detention and/or reentry facilities throughout the county that are operational 24 hours a day, seven days a week, and 365 days a year. The maintenance of these facilities presents unique challenges to the County of San Diego (County) maintenance staff. The shower areas are particularly difficult to maintain with surfaces that are sanitary, safe, and durable as they are in constant use.

The County has tried several approaches with different products and services between 2006-2010 to treat detention facilities' shower surfaces to maintain a dry and sanitary environment. The only approach that has proven to be effective and long-lasting is a two-part proprietary polymer system exclusively provided by Petra Polymers and installed by Petra CPS.

This is a request for single source procurement with Petra Polymers / Petra CPS (Petra) for detention and reentry facility showers two-part polymer system epoxy services and supplies for an initial term of one-year, plus four option periods of one year each.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director of the Department of Purchasing and Contracting to enter into negotiations for repair and replacement parts and related services from Petra Polymers/Petra CPS (Petra) for all Sheriff's Department detention and reentry facilities and subject to successful negotiations and a determination of a fair and reasonable price, award a contract for an initial term of one-year and an additional four option years and to amend the contracts as needed to reflect changes to requirements and funding.
2. Pursuant to Public Contract Code Section 3400, find that Petra products and installation will be designated by specific brand name for use in the Sheriff's Department detention and reentry facilities for the period of up to five years because they are necessary items that are only available from one source.

**EQUITY IMPACT STATEMENT**

The Sheriff's Department maintains high safety standards to support the diverse individuals living and working in the detention facilities. This requires the Sheriff's Department to be proactive and continuously analyze the environment for both safety and cleanliness of all Detention Facilities. The implementation of the two-part polymer epoxy treatment system will provide both increased safety and cleanliness which are key to the overall health of all individuals. The enhanced and more durable surface for all shower facilities, reduces the likelihood of injury. The Board of State and Community Corrections, Title 24, Minimum Standards for Local Detention facilities, Section 1231.3.4 - Showers must be available to all inmates on a ratio of at least one shower to every twenty inmates or fraction thereof and must provide hot and cold water or tempered water. Shower stalls/shower areas must be designed and constructed of materials which are impervious to water and soap so they may be easily

cleaned. This two-part polymer epoxy treatment system complies with Title 24 as well as increases the overall durability and life span of the flooring thus requiring less maintenance, repairs, and replacement. The system also adds the benefit of preventing moisture intrusion and mold build-up.

#### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan for the Sheriff's Department. If approved, this request will result in estimated current year costs of \$560,000 and future estimated annual costs of \$150,000 to \$350,000 dependent upon detention facility populations and available bed capacities. The funding source is General Purpose Revenue. Subsequent year costs will be included in future Operational Plans for the Sheriff's Department. There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

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

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

**10. SUBJECT: SHERIFF - RATIFY ACCEPTANCE OF DONATION TO SHERIFF'S VISTA STATION (DISTRICT: 5)**

#### **OVERVIEW**

County of San Diego Administrative Code Article III, Section 66 Acceptance of Gifts and Board of Supervisors Policy A-112, Acceptance and Use of Gifts and Donations, permit the acceptance of gifts and donations by the administrative heads of each department in the County, subject to approval by the Board of Supervisors. This is a request to ratify the acceptance of a \$5,000 donation from the Helene McCartt Trust to the Sheriff's Vista Station to benefit the Sheriff's You are Not Alone Program, which involves senior volunteers conducting wellness checks on participating community members.

#### **RECOMMENDATION(S)**

##### **SHERIFF**

1. In accordance with the County of San Diego Administrative Code Article III, Section 66 Acceptance of Gifts and Board of Supervisors Policy A-112, Acceptance and Use of Gifts and Donations, ratify the acceptance of a \$5,000 donation from the Helene McCartt Trust.
2. Authorize the Chair of the Board of Supervisors to sign a letter of appreciation on behalf of the Board of Supervisors and the County of San Diego to the Helene McCartt Trust.

### **EQUITY IMPACT STATEMENT**

The Sheriff's Department's You Are Not Alone (YANA) program benefits the elderly, disabled, and isolated residents of San Diego County living in Sheriff's jurisdiction. The YANA program is an outreach program conducted by department senior volunteers who do weekly welfare and well-being checks on individuals who are members of the YANA program. It ensures that those without access and opportunity to regular visits or who lack that social support have a resource to get that much needed interaction for their overall well-being. This board action authorizing the donation of \$5,000 from the Helene McCartt Trust will be used to support the senior volunteers and their efforts to continue providing an enriching experience to members of the YANA program.

### **FISCAL IMPACT**

Funds for this request are not included in the Fiscal Year 2021-22 Operational Plan for the Sheriff's Department. If approved, this request will ratify the acceptance of a donation, and result in Fiscal Year 2021-22 costs and revenue of \$5,000. The funding source is a donation from the Helene McCartt Trust. There will be no change in net General Fund costs and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

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

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

## **11. SUBJECT: PROBATION - SUCCESSFUL IMPLEMENTATION OF JUVENILE JUSTICE REALIGNMENT (DISTRICTS: ALL)**

### **OVERVIEW**

San Diego County's juvenile justice system has been undergoing a significant transformation to adopt national best practices in supporting justice-involved young people. On September 30, 2020, the State enacted Senate Bill (SB) 823 to close the Division of Juvenile Justice (DJJ) facilities and realign responsibilities to the counties for the detention of justice-involved youth. Youth committed ("sentenced") for the most serious offenses are often housed at DJJ facilities for specialized programming and public safety. SB 823 authorizes counties to house youth described in this legislation in local custody until age 25 and provides funding to support evidence-informed programming that supports youth success.

The legislation required counties to establish a subcommittee of their Juvenile Justice Coordinating Council to create implementation plans. Membership of the subcommittee, as guided by state law, includes the Chief Probation Officer, serving as the Chair, the Juvenile Court, the District Attorney and Public Defender Offices, Health and Human Services Agency, the San Diego County Office of Education, individuals with lived youth justice system experience, and community stakeholders. The Coordinating Council's SB 823 Subcommittee met on eight (8) occasions this calendar year to analyze data trends and seek input for programs and services that should be provided to youth who will remain in County custody, rather than transferring to a state facility, pursuant to Senate Bill 823.

The implementation plan must be submitted to the State's Office of Youth and Community Restoration by December 31, 2021, for counties to remain eligible for future State funding.

Today's action is a request for the Board of Supervisors to receive the SB 823 implementation plan. The plan identifies the need to contract for supportive services including family transportation, career and academic support services, positive youth development programming, behavioral health treatment programming, and reentry support. The plan also identifies long-term needs for post-high school academic and career development services. Further, today's request will authorize the Department of Purchasing and Contracting to issue a Request for Proposals (RFP) to provide supportive services to youth in custody.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Receive the County of San Diego's Senate Bill 823 Implementation Plan.
2. In accordance with Section 401, Article XIII of the County Administrative Code, authorize the Director, Department of Purchasing and Contracting, to issue a Request for Proposals (RFP) for supportive services to youth in custody and to support their reentry into the community, and upon successful negotiations and determination of a fair and reasonable price, award a contract for a term of three (3) years, with two (2) option years and up to an additional six (6) months if needed, subject to the availability of funds and a need for services, and to amend the contract as needed to reflect changes to services and funding that do not materially impact or alter the program, subject to the approval of the Chief Probation Officer.

### **EQUITY IMPACT STATEMENT**

Senate Bill 823 makes substantial changes to California's juvenile justice system. Youth of color are overrepresented in the juvenile justice system and previous strategies to address treatment and rehabilitation have not always been inclusive of lived experience. The implementation plan includes feedback from community stakeholders and individuals who were previously involved in the justice system. Eight (8) public meetings were held to receive input. Clinical and cognitive behavioral interventions have been demonstrated to support youth in successfully exiting the justice system. Linkages to community colleges for traditional academic and career technical education will promote sustainable and high paying jobs. The Request for Proposals to provide positive youth development services will include specific hiring standards for the prior justice-involved population, inclusion of youth voice into programming, and culturally responsive services. The inclusion of transportation services and incentive payments for families will promote youth connections with caring adults and aid in their successful completion of programming. Probation will include equity measures in a future contract to ensure youth are achieving success at similar levels. In addition, use of an outside evaluator will support juvenile justice partners in determining success and opportunities for improvement.

### **FISCAL IMPACT**

There is no direct fiscal impact associated with the requested actions in the current fiscal year. Funds for this request will be included in the Fiscal Year 2022-24 CAO Recommended Operational Plan and future years Operational Plans for the Probation Department to support contracted services to youth in custody. Staff will return to the Board to establish additional appropriations if necessary.

## **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

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

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

**12. SUBJECT: COUNTY FIRE-EMERGENCY MEDICAL SERVICES: EXEMPTION FROM SPARE WHEEL REQUIREMENTS FOR SAN DIEGO COUNTY AMBULANCES (DISTRICTS: ALL)**

### **OVERVIEW**

California Code of Regulations, Title 13, Section 1103 requires ambulances to carry spare wheels with inflated tires of appropriate load rating and tools for wheel changes, while Section 1108 allows an exemption from these requirements upon a showing of good cause. Additionally, California Vehicle Code Section 2512 mandates an exemption for a period of not more than two years, upon request from the Board of Supervisors for reasons of public health and safety. Exemption from the spare wheel and tool requirements enables ambulances to carry additional medical equipment and supplies.

The Board previously requested exemptions on October 15, 2019 (6), which will expire November 26, 2021. Today's action requests continued exemption from the spare wheel requirements for ambulance service providers operating in San Diego County for the period of November 27, 2021 to November 26, 2023.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Approve, for good cause and in the interest of public health and safety, the action to request for exemption from the ambulance spare wheel and tools requirements for the period of November 27, 2021 to November 26, 2023 for the following San Diego County ambulance agencies, in accordance with California Vehicle Code, Section 2512, and California Code of Regulations, Title 13, Sections 1108(a) and (b).
  - a. American Medical Response, Mercy Medical Transportation, Inc., and Falck Mobile Health Corporation.
2. Authorize the Clerk of the Board of Supervisors to forward the Board's request for exemption to: Department of California Highway Patrol, Enforcement Services Division, P.O. Box 942898, Sacramento, CA 94298-0001, Attention: Commercial Vehicles Section.

### **EQUITY IMPACT STATEMENT**

The San Diego County Emergency Medical Services (EMS) Office is committed to assuring that equity is considered in policy development, EMS resource availability, and EMS service provision in all areas where the County has jurisdictional influence and/or authority. Today's requested action removes unnecessary barriers for ambulance service providers to optimize space available in ambulance units for efficient and effective emergency medical service delivery in the County of San Diego.

## **FISCAL IMPACT**

There is no fiscal impact associated with the recommendations.

## **BUSINESS IMPACT STATEMENT**

N/A

## **ACTION:**

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

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

13. **SUBJECT: NOTICED PUBLIC HEARING:**  
**COMMUNITY INPUT FOR FISCAL YEAR 2022-23 ANNUAL PLAN DEVELOPMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS, HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS AND EMERGENCY SOLUTIONS GRANT; AUTHORIZATION FOR A HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS COMPETITIVE SOLICITATION AND PROCUREMENT OF SERVICES (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 develop a five-year Consolidated Plan for long term planning purposes and is also required to develop an Annual Plan in the spring of each year to identify specific projects to be funded during the upcoming fiscal year. Administered by the Health and Human Services Agency, Housing and Community Development Services (HCDS), funds from four federal entitlement programs including the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Housing Opportunities for Persons with AIDS (HOPWA) and Emergency Solutions Grant (ESG) support a wide variety of housing and community development activities in the region.

During the development of the Annual Plan, the County opens a public comment period and holds a public meeting within its jurisdiction to obtain resident input as part of the Needs Assessment Stage. As an entitlement grantee, HCDS must hold two public hearings per year to receive citizens' views and respond to proposals and questions in two different stages of the program year, which HUD statutorily requires. Today's hearing serves as the first hearing of the program year. It provides an opportunity for the San Diego County Board of Supervisors (Board) to receive public comment, guiding the draft Fiscal Year (FY) 2022-23 Annual Plan development.

In addition, today's action requests the Board's approval for the issuance of a competitive solicitation to procure housing and services related to the HOPWA program for FY 2023-2024 through FY 2027-28. As one of the County's entitlement programs, services provided through the HOPWA program include housing operation subsidies, on-site case management, nutrition delivery, and other supportive services.

Today's actions support the County's *Live Well San Diego* vision by ensuring low-income residents have access to suitable living environments and enhancing the quality of life for residents by encouraging decent and affordable housing. Today's action also supports the Board's Framework for Our Future by targeting key priorities by investing in historically disadvantaged communities and creating parks and green spaces. The Annual Plan Strategy serves as a public record that lays out the Board's priorities and furthering the Board's movement towards government transparency.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that it can be seen with certainty that there is no possibility that the activities in question may have a significant effect on the environment, and that it is therefore exempt from CEQA review.
2. Hold this public hearing to receive public input on housing and community development needs and approve the Fiscal Year 2022-23 Annual Plan Strategy.
3. In accordance with Section 401, Article XXIII of the County Administrative Code authorize the Director, Department of Purchasing and Contracting to issue a Competitive Solicitation for the procurement of housing and services related to the implementation of the FY 2023-24 through FY 2027-28 HOPWA program, and upon successful negotiations and determination of a fair and reasonable price, award contracts for an initial term of one year with up to four option years and up to an additional six months if needed, and to amend the contracts as needed to reflect changes to services and funding, subject to the approval of the Agency Director, Health and Human Services Agency, and following the completion of environmental processing as required by the U.S. Department of Housing and Urban Development (HUD) and associated release of funds, as applicable.

## **EQUITY IMPACT STATEMENT**

The County of San Diego (County) is an entitlement jurisdiction from the U.S. Department of Housing and Urban Development (HUD). As an entitlement jurisdiction, Health and Human Services Agency, Housing and Community Development Services must hold community forums in eligible jurisdictions. This process ensures voices from the community, including low-income and historically underrepresented residents, can express their community's needs. Every five years, the County develops a Consolidated Plan that identifies the priorities and needs of the community. Forums for the 2020-2024 Consolidated Plan are held throughout the San Diego County unincorporated area, including Borrego Springs, Campo, Fallbrook, Julian, and Lincoln Acres, as well as in central San Diego County. The input and data collected from the community forums guide the County on how to utilize its entitlement funds best equitably. The Annual Plan Strategy aligned to key Consolidated Plan goals prioritizing affordable housing, homelessness, community infrastructure, and housing for individuals living with HIV/AIDS.

Data collected during the 2020-2024 Consolidated Plan found that approximately 61% of low-income households in the County's jurisdiction are housing-cost burdened. Nearly 40% of all household's experience housing problems, such as overcrowding or nonfunctional utilities. Data found that 13,643 residents are living with HIV/AIDS in San Diego County. There are about 15 new cases for every 100,000 people every year. Additionally, approximately a

quarter of San Diego County's population with a disability live under 125% of the Federal Poverty line. Furthermore, feedback through community workshops, stakeholder consultations, public comment periods, and formal public hearings all identified affordable housing and homeless and supportive services as the top two priorities.

The FY 2022-23 Annual Plan Strategy outline the County's priorities on how it plans to use its entitlement programs to narrow the gap in housing and services for these populations. Today's actions ensure compliance with federal requirements that will allow the County to continue utilizing more than \$11.7 million annually for historically vulnerable populations.

#### **FISCAL IMPACT**

Funds are not included in the Fiscal Year 2021-23 Operational Plan in the Health & Human Services Agency. If approved, recommendation #3 will result in estimated annual costs and revenue of \$5 million to \$6 million beginning in Fiscal Year 2023-24. The funding source is federal funding from the U.S. Department of Housing and Urban Development, HOPWA grant program. Funds will be incorporated into future operational plans. There is no fiscal impact associated with recommendations #1 and #2. There will be no change in net General Fund costs and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

Projects that are funded through the Annual Plan process will positively impact the business community, as some of the recommended projects involve construction that will be implemented by private firms selected through competitive bid processes.

#### **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took action as recommended.

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

**14. SUBJECT: VERIFYING COMPLIANCE AND ENHANCING COMMUNICATIONS DURING THE SEXUALLY VIOLENT PREDATOR PLACEMENT PROCESS (DISTRICTS: ALL)**

#### **OVERVIEW**

On May 4, 2021, the Board of Supervisors directed the Chief Administrative Officer (CAO) and County Counsel to review and research information concerning the processes and procedures involved in the public notification, placement and residency of Sexually Violent Predators (SVP) following their release from the Department of State Hospitals (DSH). On October 5, 2021, the Board of Supervisors directed the CAO to communicate to DSH our opposition to further placements of SVPs in the County until state law is updated to provide local jurisdictions full participation, and veto authority, during the SVP release and placement process.

It is clear from the review and research conducted by County staff that immediate action can be taken locally to enhance the County's limited role in SVP placements while changes to state law are considered by state officials. This action involves formally engaging multiple County departments to closely review the release and placement proposals by DSH and its Conditional Release Program contractor (CONREP) to verify they comply with all applicable

laws, regulations and other requirements before the courts decide on the placement location of an SVP. This compliance check can include a site visit to physically inspect the home prior to use. Our proposed multi-departmental approach will provide an opportunity for the County to play a more meaningful role in the SVP placement process by informing DSH, its CONREP, the District Attorney and the courts of any conflicts with state or local law and regulations with proposed placement sites. This will include action to ensure that SVPs whose last legal residence, or official domicile, was in another jurisdiction are not improperly released into San Diego County.

The County can also improve upon the current process through the development of a communications strategy that will empower County staff to maximize transparency, notification, and public input on the proposed placements of SVPs.

#### **RECOMMENDATION(S)**

##### **SUPERVISOR JOEL ANDERSON AND SUPERVISOR JIM DESMOND**

1. Direct the County's designated "agency or program" under Section 6608.5 (d) of the Welfare and Institutions Code to coordinate with other County departments as necessary to review and verify that the Department of State Hospitals and its Conditional Release Program contractor complies with all applicable State and local laws, regulations, and other legal requirements when searching for and securing housing for Sexually Violent Predators who are to be conditionally released in San Diego County.
2. Direct the Chief Administrative Officer to develop, implement and report back on a communications strategy for County staff to maximize transparency, notification, and public input on the proposed placements of SVPs.

#### **EQUITY IMPACT STATEMENT**

The proposed actions will advance equity by helping to ensure that all San Diego County residents are afforded the opportunity to live in safe communities regardless of their socio-economic standing. It will deploy County resources to help prevent the targeting of rural and low-income neighborhoods where there has been a history of placing Sexually Violent Predators.

#### **FISCAL IMPACT**

There is no fiscal impact associated with today's actions. Today's actions may result in future fiscal impacts based on recommendations resulting from today's action to direct staff to verify the actions of DSH and its CONREP or to enhance the current communications related to the SVP placement process. Any such recommendations would need to be considered and approved by the Board.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

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

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

**15. SUBJECT: COMPASSIONATE EMERGENCY SOLUTIONS AND  
PATHWAYS TO HOUSING FOR PEOPLE EXPERIENCING  
HOMELESSNESS IN EAST COUNTY (DISTRICT: 2)**

**OVERVIEW**

The high cost of living, the unprecedented COVID-19 pandemic, and our failure to produce enough housing for our population have significantly harmed all San Diego County communities. District 2 is home to some of the lowest income communities in the County, including Lemon Grove, El Cajon and Campo, all with a median household income of under \$55,000, far below the County median income of \$95,100. These conditions have resulted in a 79% increase in first-time homeless individuals in 2021 who need behavioral health services, sheltering, and long-term solutions in order to regain stability.

East County has the largest number of people experiencing homelessness in San Diego County outside of the City of San Diego. Although specific data is hard to come by, over 4,350 East County residents received services to prevent or end their homelessness over one year, from June 1, 2020, to May 31, 2021. This included more than 1,850 families with children. Immediate and sustained help for people experiencing homelessness is a crucial component of revitalization and the renewal of safe, thriving communities for all. There is no city government to provide emergency sheltering or related support services to homeless individuals in the unincorporated areas. Although the County is the default agency to address homelessness in these areas, historically, few resources have been deployed in unincorporated communities.

Recently, the County has taken several important steps to establish trauma-informed outreach to those living on the streets, coordinating efforts with cities and regional organizations, expanding and funding supportive services. These efforts are substantial, but more is needed to uniquely and adequately support the residents of East County. There are currently no shelters in the unincorporated areas of District 2 and there is only one privately run emergency shelter for the homeless within the 2,000 square miles of District 2. In order to get individuals connected to resources and off the streets, establishing emergency sheltering solutions is crucial.

The current tool that the County utilizes to temporarily get individuals in East County off the street is the Regional Hotel Assistance Program. While it has had some success, unfortunately there are limited hotels participating in the program, and few in East County. In addition, this program is operated with a “scattered-site” model, where the County has no ability to provide on-site centralized services such as security, case management, meals, and behavioral and medical care. Without comprehensive services and case management, some participants end up back on the streets.

Shelters with wrap-around services where individuals don’t have to travel to get the care they need will fill current gaps in our homeless response system. Shelters serve as a place of initial and short-term placement, in transition to the County’s Local Rental Subsidy Program and other longer-term solutions. Action today initiates first steps in identifying appropriate locations for emergency shelters, safe parking, and services to address individuals’ and the communities’ needs.

Action would also ensure there is flexible funding to support outreach workers in their efforts. A flexible funding source is necessary to support core needs that other public funding sources do not cover, such as: emergency night stays at nearby hotels, clothing, medicine, hygiene items, health care, storage, security deposits, transportation, auto repairs, and immediate payments for items that individuals may need from a convenience store. Currently, County outreach teams don't have a funding mechanism for these costs, so it is critical that a funding source is established to strengthen successful contact with homeless individuals on the spot and remove barriers to obtaining shelter and housing. The funding should be an incentive for individuals to engage with case management and contingent on them working with outreach workers on a housing plan.

#### **RECOMMENDATION(S)**

##### **SUPERVISOR JOEL ANDERSON**

1. Find that the proposed actions are not a project pursuant to California Environmental Quality Act (CEQA) Guidelines sections 15060(c)(3) and 15378 and are exempt from CEQA pursuant to Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment.
2. Authorize the Chief Administrative Officer, while Zoning Ordinance amendments are being developed, to work with the developers and community partners to identify properties, buildings and concepts for low-barrier emergency shelters, safe lots and associated services in East County, preferably in the unincorporated area, and return to the Board within 120 days with identified locations, funding and an implementation plan.
3. Authorize the Chief Administrative Officer to evaluate current resources and gaps and develop a program with flexible funding to address barriers to housing stability and report back on effectiveness annually.
4. Direct the Chief Administrative Officer to create a plan to enhance outreach and case management direct services including robust data collection and analysis in East County and return to the Board in 120 days.

#### **EQUITY IMPACT STATEMENT**

East County has the largest number of people experiencing homelessness in San Diego County outside of the City of San Diego. 1 It is estimated that over 4,350 East County residents received services to prevent or end their homelessness from June 1, 2020, to May 31, 2021, including approximately 1,850 families with children. Further, according to the Regional Task Force on Homelessness, there was a countywide spike in 2020 of San Diegans 55 years and older using emergency shelters, with 36 percent of these individuals reporting a physical disability and almost 25 percent reporting a substance use disorder. To address the varied needs of East County residents at-risk of or experiencing homelessness, it is imperative to ensure the availability of adequate types of shelter and housing, case management, supportive services, and dedicated flexible funding sources. Feedback from individuals at-risk of or experiencing homelessness, impacted residents, and community partners will be critical to the successful development of compassionate emergency solutions and pathways to housing for people experiencing homelessness in East County. A robust data analysis to identify the populations in East County that encounter the most barriers to stable and affordable housing will support efforts to advance equity and should include (but is not limited to) datasets by

age, veteran status, race/ethnicity, gender identity, and sexual orientation. Aligning, expanding, or providing new services, programming, shelters and/or housing to address the gaps identified through a robust data-analysis will maximize the opportunity for equitable outcomes amongst all East County residents and allow for future and ongoing evaluation.

### **FISCAL IMPACT**

There is no fiscal impact associated with today's actions. Today's actions may result in future fiscal impacts based on recommendations resulting from today's action. Any such recommendations would need to be considered and approved by the Board.

### **BUSINESS IMPACT STATEMENT**

Enhanced street outreach and the developing of emergency sheltering options for homeless individuals will help to support businesses by ensuring that there are safe and clean venues for patrons and residents of the community.

### **ACTION:**

ON MOTION of Supervisor Anderson, seconded by Supervisor Fletcher, the Board of Supervisors took the following actions:

1. Found that the proposed actions are not a project pursuant to California Environmental Quality Act (CEQA) Guidelines sections 15060(c)(3) and 15378 and are exempt from CEQA pursuant to Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment.
2. Authorized the Chief Administrative Officer, while Zoning Ordinance amendments are being developed, to work with the developers and community partners to identify properties, buildings and concepts for low-barrier emergency shelters, safe lots and associated services in East County and countywide, preferably in the unincorporated area, and return to the Board within 120 days with identified locations, funding and an implementation plan.
3. Authorized the Chief Administrative Officer to evaluate current resources and gaps and develop a program with flexible funding to address barriers to housing stability and report back on effectiveness annually.
4. Directed the Chief Administrative Officer to create a plan to enhance outreach and case management direct services including robust data collection and analysis in East County and countywide, if an assessment has not already been done on the areas, and return to the Board in 120 days.

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

16. **SUBJECT: AUTHORIZE A MODIFICATION TO THE COMMUNITY CARE COORDINATION FOR VETERANS PROGRAM TO INCLUDE VETERANS EXITING FROM ALL SAN DIEGO COUNTY DETENTION AND REENTRY FACILITIES AND AUTHORIZE AN AMENDMENT TO THE CURRENT CONTRACT FOR THE COMMUNITY CARE COORDINATION FOR VETERANS PROGRAM (DISTRICTS: ALL)**

### **OVERVIEW**

On October 15, 2019 (03), the San Diego County Board of Supervisors (Board) approved the implementation of the Community Care Coordination for Veterans (C3V) program. The C3V program uses a peer support team to increase connections to services for veterans reentering the community and provides housing assistance, care coordination, and increased opportunities for vocational training to reduce veterans returning to custody. C3V was designed to provide services to veterans participating in the Veterans Moving Forward (VMF) program located within the Vista Detention Facility (VDF). However, due to COVID-19 safety protocols, jail operations were modified to comply with CDC recommended safety practices, resulting in a shift in population and new limits on the movement of individuals between facilities and/or programs. As a result of these safety protocols, some veterans in local custody are not housed in the veteran module at the VDF where the VMF program is offered. Therefore, there are veterans who could benefit from C3V, but are ineligible to receive these services under the current program design previously approved by the Board.

If approved, today's requested action would accept the modification to the C3V program to allow veterans releasing from all detention and reentry facilities to be enrolled in the C3V program. Today's action also requests the Board to authorize an amendment to the current contract for the C3V program to include referrals from all San Diego County detention and reentry facilities.

This item supports the County of San Diego's *Live Well San Diego* vision of healthy, safe, and thriving communities by improving the lives of veterans to help increase self-sufficiency and reduce veterans returning to custody through comprehensive care coordination and access to safe and affordable housing. Additionally, this item supports the Board's Framework for the Future by enhancing data collection to identify racial disparities to improve the health, social, economic, educational, and criminal justice circumstances of veterans.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Authorize implementation of the Community Care Coordination for Veterans program to include veterans releasing from all Sheriff's Department detention and reentry facilities.
2. In accordance with Board Policy A-87, Competitive Procurement, and Administrative Code Section 401, authorize the Director, Department of Purchasing and Contracting to amend Contract No. 563491 with People Assisting the Homeless (PATH), to include referrals to the Community Care Coordination for Veterans program from all Sheriff's Department detention and reentry facilities; and to amend the contract as required to reflect changes to services and funding allocations subject to the approval of the Agency Director, Health and Human Services Agency.

## **EQUITY IMPACT STATEMENT**

The County of San Diego Health and Human Services Agency demonstrates a commitment to equity by using data and impact assessments to guide the implementation of the Community Care Coordination for Veterans (C3V) program. To address issues of disproportionality, the C3V program design included input and collaboration from incarcerated and justice-involved individuals through focus groups. This lived experience voice helped shape the program design and community transition needs.

In addition, data collected in 2020 through a survey of the jail population was used to create a measurable performance goal to identify racial inequities to address disparities. According to this survey, approximately 25% of the population surveyed while in custody were experiencing homelessness at the time of their arrest, and 27% of the population experiencing homelessness identified as being Black/African American. This racial group represents a disproportionately higher percentage of people accessing homeless services as compared to the general population. Black/African Americans represent 5.5% of the county's general population (per the US Census); however, they comprise 21% of people who are experiencing unsheltered homelessness and 30% of the sheltered population.

It is anticipated that this program will have a positive impact and equitable outcomes for people who are Black/African American, transition age youth, women, and people with disabilities by identifying and removing barriers to services, increasing engagement and participation in supportive community services, and reducing time spent in custodial settings. In addition to including a metric to identify racial inequities to address disparities, the evaluation of the program includes feedback from the participants.

## **FISCAL IMPACT**

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

## **BUSINESS IMPACT STATEMENT**

N/A

## **ACTION:**

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

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

17. **SUBJECT: AUTHORIZE COMPETITIVE SOLICITATION FOR SUBSTANCE USE RESIDENTIAL SERVICES (DISTRICTS: ALL)**

## **OVERVIEW**

The County of San Diego (County) Health and Human Services Agency (HHSA), Behavioral Health Services (BHS) department provides a comprehensive array of community-based mental health and substance use disorder services.

Approval of today's recommended action authorizes competitive solicitation of substance use residential treatment and withdrawal management services that will be available to eligible adults regionwide, to further support access to critical capacity within the County's Drug Medi-Cal Organized Delivery System. Substance use residential treatment provides 24-hour, clinically managed substance use treatment, recovery and ancillary services to adults aged 18 years and above with substance use issues, including co-occurring mental health conditions. Clients receive assessment, individual, group, educational and recovery support services, delivered with an approach that is person-centered; outcomes-driven; culturally responsive; trauma-informed; and inclusive of evidence-based practices.

Today's action aligns with the County's strategic approach to strengthening service delivery through practices that are comprehensive and outcomes oriented, ensuring the best services lead to optimal outcomes for all San Diegans. This item also aligns with the County's *Live Well San Diego* vision by supporting access to services that promote the health and well-being of San Diegans with behavioral health needs.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

In accordance with Section 401, Article XXIII of the County Administrative Code, authorize the Director, Department of Purchasing and Contracting, to issue competitive solicitations for substance use residential and withdrawal management services, and upon successful negotiations and determination of a fair and reasonable price, award contracts for an initial term of up to one year, with four one-year options, and up to an additional six months, if needed; and to amend the contracts to reflect changes in program funding or service requirements, subject to the availability of funds and the approval of the Agency Director, Health and Human Services Agency.

### **EQUITY IMPACT STATEMENT**

The County of San Diego (County) Health and Human Services Agency, Behavioral Health Services (BHS) department serves as the specialty mental health plan for Medi-Cal eligible residents within San Diego County with serious mental illness, and the service delivery system for Medi-Cal eligible residents with substance use care needs. These individuals and families often struggle disproportionately with social and economic factors that may negatively impact their behavioral health. These factors, referred to as the social determinants of health, are rooted in inequitable distribution of resources.

As a steward of public health for the region, BHS must ensure that the services offered through County-operated and contracted programs address the social determinants of health by being accessible, capable of meeting the linguistic and cultural needs of a diverse population, and equitably distributed to the individuals, families, and communities most in need. BHS utilizes a population health approach, including evidence-based practices, robust data analysis, and stakeholder input from consumers, community-based providers, healthcare organizations and others to identify need and design services that are impactful, equitable, and yield meaningful outcomes for clients.

If approved, today's action will authorize the procurement of services that improve access to treatment and care for some of the region's most vulnerable, under-served, and under-resourced populations.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2021-23 Operational Plan in the Health and Human Services Agency. If approved, today's recommendation will result in approximate costs and revenue of \$2,800,000 in Fiscal Year 2021-22 and \$8,400,000 in Fiscal Year 2022-23. The funding sources will be Drug Medi-Cal, Realignment, and Substance Abuse Prevention and Treatment Block Grant. There will be no change in net General Fund cost and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

## **ACTION:**

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

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

18. **SUBJECT: NOTICED PUBLIC HEARING:  
ISSUANCE OF REVENUE OBLIGATIONS BY THE CALIFORNIA  
ENTERPRISE DEVELOPMENT AUTHORITY FOR THE BENEFIT  
OF COMMUNITY HEALTH SYSTEMS, INC. IN AN AGGREGATE  
MAXIMUM AMOUNT NOT TO EXCEED \$7,000,000 (DISTRICT: 5)**

## **OVERVIEW**

The County has received a request from the California Enterprise Development Authority ("CEDA" or "Authority") to conduct a public hearing as required by the Internal Revenue Code and to approve the Authority's issuance of one or more series of tax-exempt and/or taxable revenue obligations in an aggregate principal amount not to exceed \$7,000,000 (the "Revenue Obligations"), for the benefit of Community Health Systems, Inc. (the "Borrower"), a California nonprofit public benefit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986. The Borrower has applied for the financial assistance of the Authority. A portion of the proceeds (not to exceed \$3,500,000) will be used to finance and refinance the cost of acquisition, construction, improvement, furnishing and equipping of property located at 1328 South Mission Road, Fallbrook, California 92028, consisting of a commercial medical office building, and paying certain costs of issuance in connection with the financing and other related costs. The remaining portion of the proceeds will be used to finance and refinance the cost of acquisition and improvements of a second commercial medical office building located outside of San Diego County.

The Authority is authorized to assist in financing of nonprofit public benefit organizations or for-profit corporations with a public benefit project wishing to issue or reissue Revenue Obligations, including the Borrower. In order to initiate such a financing, the Borrower is asking the County of San Diego, a member jurisdiction in which the project resides to: (1) conduct a public hearing to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code; and (2) approve the Authority's reissuance of the Revenue Obligations. Although the Authority will be the issuer of the Revenue Obligations for the Borrower, the financing cannot proceed without the approval of one of the applicable legislative bodies.

Today's recommendations will provide the Authority with the required authorization to pursue its determination to issue the Revenue Obligations on behalf of the Borrower.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Pursuant to Section 147(f) of the Internal Revenue Code, hold a public hearing regarding the financing of the Project.
2. Adopt a Resolution entitled:  
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING THE ISSUANCE BY THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF ITS REVENUE OBLIGATIONS FOR THE BENEFIT OF COMMUNITY HEALTH SYSTEMS, INC. IN AN AGGREGATE MAXIMUM STATED PRINCIPAL AMOUNT OF \$7,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE COST OF THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, FURNISHING AND EQUIPPING OF FACILITIES, PROVIDING THE TERMS AND CONDITIONS FOR SUCH REVENUE OBLIGATIONS AND OTHER MATTERS RELATING THERETO.

## **EQUITY IMPACT STATEMENT**

California Enterprise Development Authority was established to assist in financing of nonprofit public benefit organizations or for-profit corporations with a public benefit project wishing to issue or reissue revenue obligations. The revenue obligations issued will be used to finance and refinance the cost of acquisition, construction, improvement, furnishing and equipping of property located at 1328 South Mission Road, Fallbrook, California 92028, consisting of a commercial medical office building. This facility will assist the Borrower to deliver quality healthcare services to vulnerable communities.

## **FISCAL IMPACT**

If approved, the proposal will result in approximately \$1,030 of unanticipated revenue to be used to reimburse the County for costs associated with this non-County financing.

The Borrower will be responsible for the payment of all present and future costs in connection with the financing. The County will incur no obligation of indebtedness as a result of these actions.

## **BUSINESS IMPACT STATEMENT**

N/A

## **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took action as recommended, adopting Resolution No. 21-165, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING THE ISSUANCE BY THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF ITS REVENUE OBLIGATIONS FOR THE BENEFIT OF COMMUNITY HEALTH SYSTEMS, INC. IN AN AGGREGATE MAXIMUM STATED PRINCIPAL AMOUNT OF \$7,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE COST OF THE ACQUISITION, CONSTRUCTION,

IMPROVEMENT, FURNISHING AND EQUIPPING OF FACILITIES, PROVIDING THE TERMS AND CONDITIONS FOR SUCH REVENUE OBLIGATIONS AND OTHER MATTERS RELATING THERETO.

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

**19. SUBJECT: NOTICED PUBLIC HEARING:  
SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES,  
COUNTY ADMINISTRATIVE CODE, AND REGULATORY CODE  
ASSIGNED TO THE FINANCE AND GENERAL GOVERNMENT  
GROUP (DISTRICTS: ALL)**

**OVERVIEW**

In accordance with Board of Supervisors Policy A-76, Sunset Review Process, the Finance and General Government Group periodically reviews certain Board policies and provisions of the San Diego County Administrative Code and Regulatory Code to ensure that policies and Administrative and Regulatory Code provisions reflect current Board standards and practices and amends accordingly. Today's actions request these determinations be made. Recommendation 5 require two steps: approval of the first reading of the Ordinance on October 19, 2021 and adoption of the Ordinance on November 2, 2021.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Determine no change is necessary and approve the sunset review date of December 31, 2028 for the following Board of Supervisors Policies:
  - B-004 Administration and Management of Public Liability Claims
  - C-027 Use of Settlement Agreements in County Personnel Actions
2. Determine no change is necessary and approve the sunset review date of December 31, 2028 for the following articles of the County Administrative Code:
  - X-A Clerk of the Board of Supervisors
  - XXVIId Limitations on Making Gifts and Providing Meals and Beverages
  - XXVIII Conflict of Interest Code
  - XXVIIIId Conflict of Interest Involving Funding of Non-Profit Organizations
3. Approve amendments to and the sunset review date of December 31, 2028 for the following Board of Supervisors Policies:
  - A-038 Management of Board of Supervisors General Office Operations and Budget and Administrative Support to Board Offices
  - A-039 Process to Fill Vacancies on the Board of Supervisors
  - B-045 Property Tax Exchanges Resulting from Jurisdictional Changes
  - B-058 Funding of the Community Enhancement Program
4. Defer the sunset review until 2022 for the following policies:
  - A-071 San Diego County Economic Development

5. Approve the introduction of the Ordinance (First Reading) entitled:  
AN ORDINANCE AMENDING THE SAN DIEGO REGULATORY CODE TITLE 2,  
DIVISION 1, CHAPTER 16 AND TITLE 2, DIVISION 2, CHAPTER 2.

If, on October 19, 2021, the Board takes the action on Recommendation 5 then on November 2, 2021:

6. Submit the Ordinance listed in Recommendation 5 for further Board consideration and adoption (Second Reading) and approve the sunset review date of December 31, 2028 for these Ordinances.

#### **EQUITY IMPACT STATEMENT**

The County of San Diego is aware that policies may create impacts to residents of the County of San Diego. In the review of policies, staff considered if there are any impacts to communities of equity-seeking groups and made updates if any.

#### **FISCAL IMPACT**

The requested actions will have no current year or annual cost and will not require any additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

ON MOTION of Supervisor Desmond, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, to further consider and adopt the Ordinance on November 2, 2021.

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

20. **SUBJECT: RESOLUTION TO REQUEST THE FEDERAL GOVERNMENT LIFT ALL RESTRICTIONS ON NON-ESSENTIAL TRAVEL AT THE SAN DIEGO/TIJUANA PORTS OF ENTRY (DISTRICTS: ALL)**

#### **OVERVIEW**

On March 21, 2020, the United States Department of Homeland Security implemented temporary restrictions that limit entry of people traveling via land ports of entry into the United States from Mexico or Canada regardless of their country of origin, to reduce the spread of COVID-19 between the United States and Mexico. Since then, the travel restrictions have been renewed every month and continue to remain in effect as part of an ongoing effort by the Centers for Disease Control and Prevention (CDC) under Title 42 Section 265 of the United States Code.

In September 2021, the Department of Homeland Security announced its extension of non-essential travel restrictions through October 21, 2021, prolonging the negative economic and social impact to the region.

San Diego County's economy, especially in the border communities, is heavily dependent on cross-border trade and consumption, and the economic impact of reduced cross-border mobility cannot be underestimated. San Diego County's retail and hospitality industry has been hit the hardest, with tourists not being able to cross the border to buy goods and services or enjoy entertainment and dining.

Since March 2020, more than 200 small businesses have closed permanently in San Ysidro alone. This represents over 1,900 jobs lost and 72% of revenue loss in that community. 80% of San Ysidro businesses rely on cross-border customers. Furthermore, the economic impact of the border restrictions on non-essential travel expands beyond San Diego County to the rest of California and the Nation.

Another impact of non-essential travel restrictions in the San Diego-Tijuana border region has been on families who have not been able to see each other since March 2020. In a binational region, where families are used to crossing the land ports of entry regularly for birthdays, Sunday gatherings, or to visit family members who are sick, these restrictions have socially marginalized individuals.

While metrics or benchmarks for lifting restrictions have not been established by the federal government, the County of San Diego continues its efforts to reduce the spread and risk of COVID-19, with 79.4% of the eligible population being fully vaccinated countywide and 88.7% having received at least one dose of the vaccine, and in South Region 90.3% of the eligible population is fully vaccinated and 99.2% received at least one dose.

#### **RECOMMENDATION(S)**

##### **VICE-CHAIR NORA VARGAS**

1. Adopt the Resolution titled: RESOLUTION TO REQUEST THE FEDERAL GOVERNMENT LIFT ALL RESTRICTIONS ON NON-ESSENTIAL TRAVEL AT THE SAN DIEGO/TIJUANA PORTS OF ENTRY.
2. Direct the Chief Administrative Officer to express the County's support for lifting all restrictions on non-essential travel at San Diego/Tijuana Land Ports of Entry, San Ysidro Port of Entry and Otay Mesa Land Port of Entry, and to work with the federal government to seek opportunities for a pilot program lifting such restrictions, thereby, allowing the re-entry of people via those land borders and beginning true economic recovery in our region, consistent with Board Policy M-2.
3. Direct the Chief Administrative Officer to identify and pursue economic relief opportunities that address the impact that non-essential travel restrictions have had on the San Diego regional economy, particularly in South County.

#### **EQUITY IMPACT STATEMENT**

Restrictions on non-essential travel at the U.S. Land Ports of Entry have disproportionately affected transborder families and essential workers. While restrictions limit non-U.S. citizens from entering the United States through the land ports of entry, U.S. citizens are free to exit and enter the United States through these same ports. This has allowed for the continued flow of tourism to move South of the border but has limited the reciprocated flow of tourism to enter the United States and contribute to our economic recovery, particularly in the San Diego County. Furthermore, Mexican, and Canadian citizens are allowed to fly into the United States, clearly making the restrictions on the land ports of entry a socioeconomic

inequity by limiting access to families who cannot afford airfare into the United States, and strictly limiting families that rely on their vehicles to travel into the United States.

#### **FISCAL IMPACT**

There is no fiscal impact from today's recommendations. There will be no change in net General Fund cost and no additional staff years. Potential economic relief opportunities will be assessed in terms of County costs and revenues prior to taking further action.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, adopting Resolution No. 21-166, entitled: RESOLUTION TO REQUEST THE FEDERAL GOVERNMENT LIFT ALL RESTRICTIONS ON NON-ESSENTIAL TRAVEL AT THE SAN DIEGO/TIJUANA PORTS OF ENTRY.

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

**21. SUBJECT: IMPLEMENTATION OF VOTER'S CHOICE ACT IN SAN DIEGO COUNTY BEGINNING IN 2022 (DISTRICTS: ALL)**

#### **OVERVIEW**

San Diego County's current model to conduct elections is a traditional polling place model, in which voters must cast their ballot in person at an assigned polling place unless they have requested their ballot by mail. Additionally, if a voter chooses to go to a polling place other than their assigned poll or if they wish to vote in-person and do not have their mail-in ballot to deliver to a poll worker they will need to vote provisionally. The processing of provisional ballots during the post-election canvass is extremely labor-intensive and depending on the number of provisional ballots it can take two weeks or more to process, delaying the final results of the election. However, there is a favorable alternative in the law that allows counties to move from the traditional polling place model to a one-stop vote center model under the California Voter's Choice Act (VCA).

The VCA vote center model provides voters with more flexible and convenient options for casting their ballot and streamlines election day events for election administrators. Vote centers provide a place for voters to cast a ballot in person and provide voters with additional related services. Under the VCA vote center model, all active registered voters are automatically mailed a ballot which they can return by mail or drop off at any designated drop-off location or vote center. Voters who do not want to vote via mail can take their ballot and vote at any vote center established within the county. Because vote centers nearly eliminate the need to cast a provisional ballot, this reduces the post-election administrative tasks required to certify each election. At vote centers, voters have access to replacement ballots, can use language assistance and translated materials, and are able to register to vote. Vote centers are open for multiple days in advance of election day, giving voters additional time to cast a ballot in person.

In 2019, the Registrar of Voters conducted a feasibility study at the Board's direction to consider moving to a VCA vote center model. At that time, the Registrar concluded that adopting the VCA vote center model was not operationally feasible for the 2020 elections but may be feasible with enough lead time for future elections. Since then, due to legislation and emergency orders necessitated by the COVID-19 pandemic, the Registrar conducted the November 3, 2020 presidential general election under a model closer to the VCA vote center model. During that election, over 1.4 million of the 1.6 million county voters chose to cast their mail-in ballot instead of voting at a consolidated polling place. Further, for all future elections, all voters will now be mailed a vote-by-mail ballot regardless of preference, pursuant to Assembly Bill 37 (Berman). Based on data from the past ten years, many of the county's traditional polling places are not being used to capacity as close to eighty percent of voters had signed up to permanently receive their ballots by mail. These changing voter trends are common throughout the State, prompting a number of California counties to move to the VCA vote center model.

Fifteen California counties, representing nearly 50 percent of California voters, including Los Angeles County and Orange County, have already moved to the VCA vote center model. The Secretary of State has confirmed ten additional counties that will transition to VCA in 2022. These include Alameda, Kings, Marin, Merced, San Benito, Santa Cruz, Sonoma, Stanislaus, Ventura, and Yolo counties. These twenty-five counties that have already transitioned or will transition to the VCA in 2022 represent a total of 13,604,289 registered voters, or nearly 62 percent of California voters, as of August 31, 2021.

Today's action, if approved, authorizes the Registrar of Voters to implement the VCA vote center model in San Diego County beginning with the June 2022 gubernatorial primary election cycle and perform all activities required under the VCA. Additionally, it will authorize the Director, Department of Purchasing and Contracting to issue a competitive solicitation for the purchase and installation of secure mail ballot drop boxes throughout the County, which are necessary to facilitate a transition to the VCA vote center model. With today's voter registration numbers, the County would need to have 132 ballot drop-off sites.

#### **RECOMMENDATION(S)**

##### **CHAIR NATHAN FLETCHER**

1. Authorize the Registrar of Voters to implement the vote center model in San Diego County beginning with the June 2022 gubernatorial primary election cycle and direct the department to perform all activities required under the California Voter's Choice Act.
2. In accordance with Section 401, Article XXIII of the County Administrative Code authorize the Director, Department of Purchasing and Contracting to issue a competitive solicitation for the purchase and installation of secure mail ballot drop boxes, and upon successful negotiations and determination of a fair and reasonable price; award contract for a term of one (1) year, with five (5) option years and up to an additional six months if needed, and to amend the contract as needed to reflect changes to services and funding.

## **EQUITY IMPACT STATEMENT**

A person's vote can influence policy and who represents them in government, which in turn impacts their environment, health, and quality of life. Having the appropriate resources to conduct a fair, accurate, and transparent election allows all eligible citizens to have a part in matters that affect them.

Other counties that have transitioned to the VCA vote center model have documented increased turnout among all types of voters, but in particular, those voters who participate at lower rates including youth, Latinos, and Asian-American voters (McGhee et al 2019).

## **FISCAL IMPACT**

Funds for today's recommendations are included in the Fiscal Year (FY) 2021-22 Operational Plan in the Registrar of Voters. Costs are estimated to be \$22.0 million but are ultimately driven by election requirements such as number of registered voters, number of voting and mail ballot drop off locations, voter outreach and communications and one or two-card ballot. The funding source is unassigned General Fund fund balance, program revenue planned for the June 2022 Gubernatorial Primary Election and savings from conducting the California Gubernatorial Recall Election. Staff will return to the Board if planned funds are not sufficient in Fiscal Year 2021-22. Ongoing costs to implement including General Fund impacts and staff years will be reflected in the FY 2022-23 Operational Plan development.

## **BUSINESS IMPACT STATEMENT**

N/A

## **ACTION:**

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

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

## **22. SUBJECT: COMMUNITY ENHANCEMENT AND NEIGHBORHOOD REINVESTMENT PROGRAM GRANTS (DISTRICT: 1)**

### **OVERVIEW**

The County of San Diego is fortunate to have an opportunity to reinvest taxpayer money into our communities for the benefit of the public. This action will assist the County in meeting the needs of the community.

### **RECOMMENDATION(S)**

#### **VICE CHAIR NORA VARGAS**

1. Allocate \$10,000 from the Community Enhancement budget (Org 12900) to Pacific Arts Movement d.b.a. Pac Arts to support the 22nd San Diego Asian Film Festival to help fund the acquisition of facilities, film licensing, equipment, and marketing costs to promote Asian cinema in San Diego.
2. Allocate \$6,000 from the Community Enhancement budget (Org 12900) to Resounding Joy, Inc. to support weekly music therapy to medically resilient children and their parents in Chula Vista, as well as music engagement for local non-profit events to improve medical outcomes through the healing power of music.

3. Allocate \$6,500 from the Community Enhancement budget (Org 12900) to The Friends of Chula Vista Parks and Recreation to support an Event Coordinator, COVID compliance for participants and attendees, and advertising for the South Bay Pumpkin Smash to provide an engaging STEM-based community experience.
4. Allocate \$10,000 from the Community Enhancement budget (Org 12900) to ICF Center for Cross-Border Philanthropy d.b.a. Olivewood Gardens and Learning Center to support their Children's Garden and Nutrition Education Program in National City to increase community access to nutritious meals.
5. Allocate \$6,000 from the Neighborhood Reinvestment Program budget (Org 15650) to Oasis Institute d.b.a. San Diego Oasis to support the acquisition of books for giveaways to elementary school children to promote literacy.
6. Allocate \$6,973 from the Neighborhood Reinvestment Program budget (Org 15650) to San Diego Young Artists Music Academy Incorporated to replace the floor grease trap in their snack bar.
7. Allocate \$28,229 from the Neighborhood Reinvestment Program budget (Org 15650) to SBCS Corporation to support the construction of a Neighborhood Learning Garden at Lauderbach Park and Community Center in Chula Vista to provide community recreational opportunities.
8. Allocate \$8,000 from the Neighborhood Reinvestment Program budget (Org 15650) to Friends of Chula Vista Parks and Recreation to support the South Bay Pumpkin Smash by providing materials such as tools, safety equipment, and lumber to allow the building of machines to be used in a STEAM-based contest.
9. Find that the grant awards described above have a public purpose.
10. Authorize the Deputy Chief Administrative Officer/Chief Financial Officer to execute grant agreements with the organization awarded Neighborhood Reinvestment Program and Community Enhancement funds and to make minor amendments to the agreement that are consistent with the general purpose of the grants but do not increase the grants.
11. Find that the allocations in Recommendation Nos. 6 and 7 are exempt from review under the California Environmental Quality Act (CEQA) by Section 15301 of the CEQA Guidelines.

#### **EQUITY IMPACT STATEMENT**

We recognize that the systemic impacts that inequitable policies may create for residents in San Diego County. Find that these proposed allocations and amendment of funds are intended to improve the quality of life throughout the County by providing funds for non-profits and local agencies whose work addresses inequities, promotes quality of life and improves outcomes that align with the vision of our county. Organizations and agencies were chosen based on their location or the demographics they serve with a focus on organizations and agencies that focus on vulnerable community members, youth and senior events, and other

inclusive community events. The organizations that were chosen work to promote a sense of belonging and utilize equity in their operations, outreach, and programs. Their supporting documents were reviewed as well as impact reports and community testimony.

#### **FISCAL IMPACT**

The fiscal impact of these recommendations is \$32,500 from the Community Enhancement Program budget (Org 12900) and \$49,202 from the Neighborhood Reinvestment Program budget (Org 15650) totaling \$81,702. Funds for these grant requests are included in the Fiscal Year 2021-22 Operational Plan for Community Enhancement Program budget (Org 12900) and Neighborhood Reinvestment Program budget (Org 15650). The funding source is General Purpose Revenue and Transient Occupancy Tax Revenues. These actions will not result in additional staff years or other costs.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

Noting for the record that an Errata was submitted that revised the recommendations; ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended.

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

#### **23. SUBJECT: APPOINTMENTS: VARIOUS (DISTRICTS: ALL)**

##### **OVERVIEW**

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

##### **RECOMMENDATION(S)**

###### **SUPERVISOR JOEL ANDERSON**

Waive Board Policy A-74, "Citizen Participation in County Boards, Commissions and Committees," and re-appoint Curtis Dean to the ALPINE DESIGN REVIEW BOARD, Seat No. 3, for a term to expire January 4, 2025.

Re-appoint Ryan K. Shafer to the PINE VALLEY COMMUNITY PLANNING GROUP, Seat No. 3, for a term to expire January 6, 2025.

Waive Board Policy A-74, "Citizen Participation in County Boards, Commissions and Committees," and re-appoint Dorothy M. Haskins to the PINE VALLEY COMMUNITY PLANNING GROUP, Seat No. 7, for a term to expire January 6, 2025.

Appoint Mary Ellen Haywood to the PINE VALLEY COMMUNITY PLANNING GROUP, Seat No. 9, for a term to expire January 6, 2025.

**SUPERVISOR TERRA LAWSON-REMER**

Appoint Janette Shelton to the COMMITTEE FOR PERSONS WITH DISABILITIES, Seat No. 6, for a term to expire January 6, 2025.

Appoint Robin Sales to the COUNTY OF SAN DIEGO BEHAVIORAL HEALTH ADVISORY BOARD (BHAB), Seat No. 10, for a term to expire October 19, 2024.

Appoint Nick Gulino to the COUNTY OF SAN DIEGO BEHAVIORAL HEALTH ADVISORY BOARD (BHAB), Seat No. 12, for a term to expire October 19, 2024.

**CHIEF ADMINISTRATIVE OFFICER**

Appoint Lisha Wiese as a regular member to the EMERGENCY MEDICAL CARE COMMITTEE, Seat No. 5, for a term to expire October 19, 2024.

Appoint Monique Imroth as an alternate member to the EMERGENCY MEDICAL CARE COMMITTEE, Seat No. 6, for a term to expire October 19, 2024.

Appoint Paul Forney as a regular member to the EMERGENCY MEDICAL CARE COMMITTEE, Seat No. 11, for a term to expire October 19, 2024.

Re-appoint Douglas Moriarty as an alternate member to the EMERGENCY MEDICAL CARE COMMITTEE, Seat No. 12, for a term to expire October 19, 2024.

**EQUITY IMPACT STATEMENT**

County government includes standing and special citizen boards, commissions, committees and task forces formed to advise the Board of Supervisors and County staff on issues and policy and to serve as links to the community. Boards, commissions and committees provide an inter-relationship between the residents and the government of the County. The nominations in this Board Letter enable the County of San Diego to provide individual residents the opportunity to impart valuable insight and input into the operation of the government.

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

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

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

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

**OVERVIEW**

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

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

Note and file.

**EQUITY IMPACT STATEMENT**

Click here to enter text.

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

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

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

**25. SUBJECT: CLOSED SESSION (DISTRICTS: ALL)**

**OVERVIEW**

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
D.C., a minor v. County of San Diego, et al; United States District Court, Southern District Case No. 15-cv-1868-MMA-NLS
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
John Benavidez v. County of San Diego, et al.; United States District Court, Southern District No. 3:18-cv-00558-CAB-AGS
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Nathaniel Moore v. Jesse Rodriguez, et al.; United States District Court, Southern District No. 3:20-cv-01481-BAS-BGS

- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Diane McCormick v. County of San Diego, et al.; United States District Court,  
Southern District No. 3:20-cv-1753-JM-AGS
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Tanya Suarez v. County of San Diego, et al.; United States District Court, Southern  
District No. 3:20-cv-045-WQH-DEB
- F. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Louise LaFoy v. County of San Diego, et al.; San Diego Superior Court, Case No.  
37-2018-00029453-CU-OE-CTL
- G. 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)
- 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)  
California Regional Water Quality Control Board, San Diego Region, Order No.  
R9-2013-0001; Commission on State Mandates, Case No. 14-TC-03
- J. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
California Regional Water Quality Control Board, San Diego Region, Order No.  
R9-2017-0077, Sections A.1, A.3 and A.5; Commission on State Mandates, Case  
No. 17-TC-06
- K. 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)
- L. 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)
- M. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code section 54957)  
Title: Chief Administrative Officer

**ACTION:**

Closed Session matters were continued to the Board of Supervisors session of October 20, 2021.

**26. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)**

**OVERVIEW**

Alan Curry spoke to the Board regarding vaccine cards and impacts on businesses.

Sterling Moffett and Mike Borrello spoke to the Board regarding COVID-19 restrictions.

Jason Robo spoke to the Board regarding concerns about COVID-19 vaccines and restrictions.

Michael Brando spoke to the Board regarding public health concerns.

Kevin Stevenson spoke to the Board regarding concerns about the Let Them Breathe organization and comments by public speakers.

Kathleen Lippitt spoke to the Board regarding concerns about impact of driving under the influence.

Ann Riddle spoke to the Board to thank them for the “Up to Us” campaign and concerns about use of marijuana.

Mark Wilcox spoke to the Board regarding concerns about use of vape products by children.

Kelly McCormick spoke to the Board regarding concerns about permitting of marijuana cultivation.

Jeff No Way, Audra Morgan, Amber Long, Aly Hartmann, Sandra Martinez, and Beverly spoke to the Board regarding COVID-19 vaccines.

Child of God spoke to the Board regarding mandating training on the Constitution.

**ACTION:**

Heard, Referred to the Chief Administrative Officer.

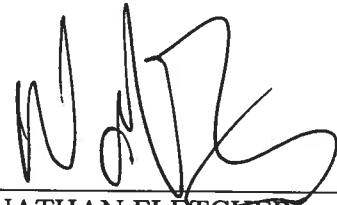
The Board adjourned the Tuesday session at 4:50 p.m. in memory of Steve Krueger.

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

Consent: Vizcarra  
Discussion: Zurita

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

Approved by the Board of Supervisors, on Tuesday, November 2, 2021.

A handwritten signature in black ink, appearing to read 'Nathan Fletcher', written over a horizontal line.

NATHAN FLETCHER  
Chair

Attest:

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

ANDREW POTTER  
Clerk of the Board

10/19/2021