

October 28, 2020

STATEMENT OF PROCEEDINGS

The Minutes of the

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

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, OCTOBER 28, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:01 a.m.

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

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

- B. Closed Session Report

- C. Non-Agenda Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

- D. Approval of the Statement of Proceedings/Minutes for the meeting of October 14, 2020.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of October 14, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- E. Formation of Consent Calendar

- F. Discussion Items

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

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|--|
| 1. | AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES RELATED TO LIGHT POLLUTION (POD 19-006) (10/28/20 - FIRST READING; 11/18/20 - SECOND READING) |
| 2. | SET A HEARING FOR 11/18/2020: NOTICED PUBLIC HEARING: ADMINISTRATIVE ACTIONS AND ORDINANCES TO RETITLE THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY AND IMPLEMENT ASSOCIATED ORGANIZATIONAL CHANGES |
| 3. | NOTICED PUBLIC HEARING: AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO PROVIDE CLARITY AS TO THE USE, REGULATION, AND RELEASE OF LIEN CONTRACTS AS SECURITY FOR SUBDIVISION IMPROVEMENT AGREEMENTS AND TO ALLOW SUBDIVIDED PROPERTY TO BE REVERTED TO ACREAGE |
| 4. | ACCEPTANCE OF A DONATION FROM THE MARIA K. GRANT LIVING TRUST TO THE DEPARTMENT OF PARKS AND RECREATION FOR RANCHO GUAJOME ADOBE [FUNDING SOURCE: DONATION FROM THE MARIA K. GRANT LIVING TRUST] |
| 5. | NOTICED PUBLIC HEARING: ADOPT RESOLUTION OF APPLICATION TO SAN DIEGO LOCAL AGENCY FORMATION COMMISSION TO FORM NEW COUNTY SERVICE AREA, PROPERTY TAX EXCHANGE FOR JURISDICTIONAL CHANGES - DISSOLUTION OF VALLEY CENTER COMMUNITY SERVICE DISTRICT WITH CONCURRENT FORMATION OF CSA NO. 138, ACCEPTANCE OF REAL PROPERTY, ESTABLISH CSA NO. 138 FUND, ASSUMPTION OF LEASES AND AGREEMENTS, AND APPROVE STAFF POSITIONS [FUNDING SOURCES: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE; PROPERTY TAXES COLLECTED IN CSA NO. 138, PARK USER FEE REVENUE AND GENERAL PURPOSE REVENUE] (4 VOTES) |
| 6. | RECEIVE THE NORTH COUNTY MULTIPLE SPECIES CONSERVATION PLAN STATUS REVIEW AND OPTIONS ASSESSMENT AND PROVIDE DIRECTION ON OPTIONS |

7. SET A HEARING FOR 11/18/2020:
SET A HEARING TO CONSIDER ADOPTION OF WATER RATE AND HOLD
HEARING TO ADOPT FEE ORDINANCE FOR PROVISION OF WATER SERVICE
BY COUNTY SERVICE AREA 137
[FUNDING SOURCES: PROPOSED WATER SERVICE CHARGES TO USER AND
A TRANSFER FROM THE DEPARTMENT OF PUBLIC WORKS GENERAL FUND
BASED ON EXISTING APPROPRIATIONS OF AVAILABLE PRIOR YEAR
GENERAL FUND FUND BALANCE FOR THE LIVE OAK SPRINGS WATER
SYSTEM, AS APPROVED BY THE BOARD ON DECEMBER 10, 2019]
8. LEVERAGING GRANT FUNDING FOR WATER QUALITY IMPROVEMENT
PROJECTS: (1) AUTHORIZE APPROVAL OF SAN DIEGO INTEGRATED
REGIONAL WATER MANAGEMENT GRANT PROGRAM AGREEMENT AND (2)
APPROVE A RESOLUTION FOR PROPOSITION 1 STORMWATER GRANT
PROPOSAL FOR MAPLEVIEW STREET GREEN INFRASTRUCTURE AND
WATER QUALITY IMPROVEMENT PROJECT
9. PUBLIC COMMUNICATION

1. SUBJECT: AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES RELATED TO LIGHT POLLUTION (POD 19-006) (10/28/20 - FIRST READING; 11/18/20 - SECOND READING) (DISTRICTS: 2 AND 5)

OVERVIEW

Dark skies are important to rural community members, businesses and to astronomers because they encourage tourism and allowing astronomers to have clearer views of the stars and planets. The International Dark Sky Association (IDA) defines an International Dark Sky Community (IDSC), “as a town, city, municipality, or other similar political entity that has shown exceptional dedication to the preservation of the night sky through the implementation and enforcement of quality lighting policies, dark sky education, and citizen support of the ideal of dark skies.” Borrego Springs is the only IDSC within California and received this designation in 2008. Since the 1980s, the County of San Diego (County) Code of Regulatory Ordinances, Light Pollution Chapter has been protecting night skies for the enjoyment of San Diego residents, visitors, businesses, and the Palomar and Mount Laguna observatories.

The Light Pollution Chapter established two zones within the unincorporated county: Zone A and Zone B, each with different outdoor lighting standards. Zone A encompasses a 15-mile radius area around the Palomar and Mount Laguna observatories and includes additional shielding and other lighting restrictions than in Zone B. There are three different light classes within the Light Pollution Chapter. Class I covers commercial lighting; Class II covers safety and security lighting; and Class III covers decorative and aesthetic lighting. Zones A and B have different requirements within each class with Zone A being the more protective of night skies.

In 2018, the Julian Dark Sky Network, a local organization whose mission is to preserve the dark skies of Julian, made a request to Planning & Development Services (PDS) to update the Light Pollution Chapter to provide a path for Julian to meet the minimum standards as an IDSC by the IDA. PDS staff included a recommendation in the 2019 Zoning Ordinance Clean Up for Julian to be added to Zone A that includes restrictions on lighting. At the January 25, 2019 Planning Commission hearing, the Commission requested staff amend the Light Pollution Chapter to meet the most recent IDSC standards, which differed from both Zone A and B existing standards. Additionally, Borrego Springs has requested to be included in the effort to update light pollution standards.

Today’s proposed action will amend the Light Pollution Chapter to add a new Zone C that will apply to the Julian and Borrego Springs Community Planning Areas (CPAs) and support Julian in becoming an IDSC and to update Borrego Springs’ light pollution standards. The proposed changes include new lighting standards to decrease light pollution by regulating light shielding, light levels, light color, and sign illumination. The update includes clean up language that will apply to all zones to reduce redundancy and remove outdated information. The proposed ordinance amendments will provide residents and businesses within the Julian and Borrego Springs CPAs with a 10-year grace period to comply with Zone C standards, as well as a five-year grace period to bring County-owned lighting into compliance with the new standards. These transition periods are based on IDA guidelines for IDSCs. If the Board of Supervisors (Board) takes the actions recommended for October 28, 2020, then on November 18, 2020, it is requested that the Board consider and adopt the amended Title 5, Division 1, Chapter 2 of the San Diego County related to Light Pollution (second reading).

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 as a minor alteration in land use limitation that does not result in any changes in land use or density and pursuant to Sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment, where the regulatory process involves procedures for protection of the environment. Further, pursuant to CEQA Guidelines Section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.
2. Approve the introduction of AN ORDINANCE AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES RELATED TO LIGHT POLLUTION (POD 19-006) (Attachment A, on file with the Clerk of the Board).

If on October 28, 2020 the Board of Supervisors takes the action recommended above related to the introduction of the Ordinance, then, on November 18, 2020:

3. Consider and adopt the ordinance amending: AN ORDINANCE AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES RELATED TO LIGHT POLLUTION (POD 19-006) (Attachment A, on file with the Clerk of the Board).

FISCAL IMPACT

There is no fiscal impact associated with adoption of the ordinance related to light pollution. There will be no change in net General Fund cost and no additional staff years.

If approved, this request may result in increased code compliance calls related to lighting beginning as early as January 2021 when the Code will go into effect, however there is no additional costs or revenue in Fiscal Year (FY) 2021-22. Costs to respond to these calls is estimated to be \$20,000 for FY 2021-22. The proposed funding source is General Purpose Revenue and will be included in future Operational Plans. Future years' costs will be determined on an annual basis during and at the conclusion of the 10-year grace period provided to residents and businesses to comply with new Zone C standards to reassess costs for inspection and resolution. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

Per the proposed ordinance amendment and the International Dark Sky Association's (IDA) minimum standards, businesses within the Julian and Borrego Springs communities will have up to 10 years to incorporate new lighting requirements. Certain existing lighting, such as low-pressure sodium lights, comply with the proposed Light Pollution Chapter amendment and will not require replacement. For businesses that are out of compliance, the estimated costs for incorporating the new lighting requirements are different for various situations. For a residential property located in a rural area, the cost is estimated to be between \$50 to \$460; for a neighborhood retail store, between \$110 - \$2,600; for a hotel, between \$580 to \$9,500;

and for one traditional-style streetlight located on Julian's Main Street, between \$150 to \$2,000. Many of these costs would be incurred even without the code amendment with the replacement of lighting sources and fixtures that reach the end of their useful lives within the same 10-year period.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, directing the Chief Administrative Officer to work with SDG&E to resolve issues; and introducing the Ordinance for further Board consideration and adoption on November 18, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

2. **SUBJECT: ADMINISTRATIVE ACTIONS AND ORDINANCES TO RETITLE THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY AND IMPLEMENT ASSOCIATED ORGANIZATIONAL CHANGES (DISTRICTS: ALL)**

OVERVIEW

Departments within the Land Use and Environment Group (LUEG) continue to examine their operations to identify ways to reinvent and reimagine service delivery to achieve what the community needs from its programs. Several LUEG departments have reviewed their structure, operations, and service delivery to the community. In September 2012, through Board of Supervisors (Board) action, the Department of Planning & Development Services was established by incorporating staff and functions from the former Department of Planning and Land Use and the land development review functions and staff from Department of Public Works. In 2016, the Department of Parks and Recreation reorganized their Park Planning and Development division to match park operating regions. In 2019, Department of Public Works began reorganizing their multiple financial and budget staff and functions in the programs into a departmental centralized unit for resource efficiencies. This year, the Department of Agriculture, Weights and Measures has reviewed all programs, structure and state licensure requirements for staff working in these programs. Overall, LUEG will continue to explore potential areas of unconscious bias, including working with the Department of Human Resources to review job classifications within the LUEG departments to analyze minimum qualification requirements, such as technical certifications, to determine what is necessary and where requirements could be modified to allow for greater employment opportunity. As part of this effort, the Department of Environmental Health (DEH) conducted a review of the department's structure, operations, and services to the community. This effort resulted in DEH proposing to retitle to the Department of Environmental Health and Quality (DEHQ) and implement organizational changes that are reflective of the broad spectrum of programs within the department, and help with implementation of programs, leadership recruitment, retention, and succession planning.

The proposed organizational changes would retitle the current department head to Director of Environmental Health and Quality and retitle the Assistant Director of Environmental Health to division Director of Environmental Health. As the department head, the Director of DEHQ would continue to provide overall leadership and oversight of department operations, including budget and administration, and implement strategic and innovative operational

planning to maintain the department at the forefront of environmental health. The division Director of Environmental Health would retain immediate supervision over the Health Officer Programs as required under State law and focus on the implementation of programs, legislation, emerging trends, and support stakeholder engagement. State law requires that specific environmental health programs such as water quality, food safety, body art, public pools, beach and bay monitoring, and sewage spills (collectively, Health Officer Programs) are under the immediate supervision of a Director of Environmental Health who is a Registered Environmental Health Specialist.

In order to ensure that County's Administrative Code, Regulatory Code and Compensation Ordinance provisions reflect the retitling and organizational changes of the department, today's action requests Board of Supervisors consideration to: 1) amend Articles XV-A, XV-AA, and LVII of the Administrative Code, relating to DEH; 2) amend Titles 2, 5, 6 and 8 of the Regulatory Code, relating to DEH; 3) amend the Compensation Ordinance by: retitling three (3) unclassified job codes/classifications; and 4) take other actions necessary for the successful retitling and organizational changes of the department.

If approved, today's action would begin the process to amend the applicable Administrative Code, Regulatory Code, and Compensation Ordinance sections by introducing ordinances for their first reading. The ordinances would subsequently return to the Board for a second reading and adoption on November 18, 2020.

The request to retitle and implement organizational changes to the department would result in no change to levels of service, no increase to annual cost and no additional staff years. The proposed changes would continue to support the day to day operations of the department, regulatory program operations, and maintain services provided to the community.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On October 28, 2020:

1. Find that the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and (3) because it does not have a direct or indirect effect on the environment and the action is not a project as defined in Section 15378(b)(5) of the State CEQA Guidelines.
2. Approve the introduction of the Ordinances, (first reading), read title and waive further reading of Ordinances entitled:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, ESTABLISHING THE POSITION OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY, DEFINING THE DUTIES AND AUTHORITIES OF THE DIRECTOR OF ENVIRONMENTAL HEALTH, RETITLING THE ENVIRONMENTAL HEALTH ADVISORY BOARD, THE APPOINTMENT AUTHORITY FOR THE COUNTY VETERINARIAN, AND RELATED ACTIONS

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, DEFINING THE DUTIES AND AUTHORITIES OF THE POSITIONS OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY AND DIRECTOR OF ENVIRONMENTAL HEALTH, AND RELATED ACTIONS

AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE AND ESTABLISHING COMPENSATION

3. Set a hearing for November 18, 2020 for consideration and adoption of Ordinances amending the San Diego County Administrative Code, the San Diego County Code of Regulatory Ordinances, and the Compensation Ordinance.

If on October 28, 2020, the Board takes the actions recommended in items 1 thorough 3 above then on November 18, 2020:

Consider and adopt Ordinances amending the San Diego County Administrative Code, San Diego County Code of Regulatory Ordinances and Compensation Ordinance (second reading).

FISCAL IMPACT

There is no fiscal impact associated with the approval of today's actions amending the San Diego County Administrative Code, San Diego County Code of Regulatory Ordinances, and Compensation Ordinance. 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 Cox, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended, introducing the Ordinances for further Board consideration and adoption and set a Hearing for November 18, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

3. **SUBJECT: NOTICED PUBLIC HEARING:
AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO PROVIDE CLARITY AS TO THE USE, REGULATION, AND RELEASE OF LIEN CONTRACTS AS SECURITY FOR SUBDIVISION IMPROVEMENT AGREEMENTS AND TO ALLOW SUBDIVIDED PROPERTY TO BE REVERTED TO ACREAGE (DISTRICTS: ALL)**

OVERVIEW

The San Diego County Code, Title 8 (County Subdivision Ordinance) contains regulations governing the division of land into two or more lots, building sites, or other divisions in the unincorporated areas of San Diego County, as specified by the California Subdivision Map Act (California Map Act).

Under the County of San Diego (County) Subdivision Ordinance, a property owner who wants to subdivide property (Subdivider) may be required to construct and dedicate improvements for the subdivision. The County Subdivision Ordinance allows the Subdivider to delay those improvements to a future date, provided the Subdivider enters into an agreement with the County and provides security to ensure the improvements are completed. A lien contract is one type of security available to secure the Subdivider's performance by granting the County a lien on the property to be subdivided. A partial release of a lien contract, when substituted with another type of security, such as a bond, enables a Subdivider to sell or begin construction on some lots, while leaving the other lots subject to the lien contract to ensure the improvements are constructed and dedicated in the future. The California Map Act allows for the partial release of a lien if the release will not jeopardize the completion of agreed upon improvements. In contrast, the County Subdivision Ordinance provides options for the full release of a lien but is silent on a partial release.

The California Map Act also contains specific regulations related to reversions to acreage. Reversion to acreage is a method by which previously subdivided parcels are re-merged, reverting the land to an undivided parcel. This can occur when a Subdivider feels it is in their best interest to have their property free from any conditions or road improvement requirements that are associated with an approved subdivision. Unlike the California Map Act, the County Subdivision Ordinance does not specify requirements for reversion to acreage, including what findings are necessary to approve the reversion to acreage or whether a parcel map, consisting of four or less adjoining parcels under the same ownership, may be filed to process a reversion to acreage.

Today's action is to amend the County Subdivision Ordinance to address the partial release of lien contracts consistent with the California Map Act; make minor revisions to clarify the responsibilities and authority of the County to implement lien contracts and partial lien releases; and clarify regulations for reversions

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On October 28, 2020:

1. Determine that the proposed action is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and section 15305 because it involves a minor alteration in land use limitation concerning reversion to acreage.
2. Approve the introduction of: AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO PROVIDE CLARITY AS TO THE USE, REGULATION, AND RELEASE OF LIEN CONTRACTS AS SECURITY FOR SUBDIVISION IMPROVEMENT AGREEMENTS (Attachment A, on file with the Clerk of the Board) and AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO ALLOW SUBDIVIDED PROPERTY TO BE REVERTED TO ACREAGE (Attachment C, on file with the Clerk of the Board) (first reading), read title and waive further reading.

If on October 28, 2020, the Board of Supervisors takes the action recommended above related to the introduction of the Ordinance, then, on November 18, 2020:

Consider and adopt AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO PROVIDE CLARITY AS TO THE USE, REGULATION, AND RELEASE OF LIEN CONTRACTS AS SECURITY FOR SUBDIVISION IMPROVEMENT AGREEMENTS (Attachment A, on file with the Clerk of the Board) and AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO ALLOW SUBDIVIDED PROPERTY TO BE REVERTED TO ACREAGE (Attachment C, on file with the Clerk of the Board) (second reading).

FISCAL IMPACT

There is no fiscal impact associated with adoption of the ordinance related to lien contracts for subdivision improvement agreements and reversions to acreage. There will be no change in net General Fund cost and no additional staff years.

If approved, this request will result in no additional costs, as developers will be responsible for all costs related to processing partial lien releases and reversions to acreage. Staff anticipates processing one partial lean release and one reversion to acreage per year.

BUSINESS IMPACT STATEMENT

The proposed process improvements, if approved by the Board of Supervisors (Board), will clarify the County of San Diego's ability to partially release liens and allow a property owner (Subdivider) to develop and sell some lots before the entire lien is released. In addition, if approved by the Board, the proposed process improvements will clarify regulations for reversions to acreage and allow property owners to file parcel maps containing four or fewer parcels for reversions of acreage.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, introducing the Ordinances for further Board consideration and adoption on November 18, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: ACCEPTANCE OF A DONATION FROM THE MARIA K. GRANT LIVING TRUST TO THE DEPARTMENT OF PARKS AND RECREATION FOR RANCHO GUAJOME ADOBE (DISTRICT: 5)**

OVERVIEW

Rancho Guajome Adobe Park is a historic park in the community of Vista. The park contains an adobe ranch house compound that interprets California ranch life in the 1800s. It also includes natural open space, multi-use trails and a community garden.

Rancho Guajome is supported by an active volunteer program that assists with tours, historic interpretation of the Ranch House complex, and many special events. Maria K. Grant was a docent at Rancho Guajome who gave tours, worked special events and helped train other docents. In 2010 Ms. Grant executed the Maria K. Grant Living Trust which includes a bequest for a donation to the Department of Parks and Recreation. Upon her passing on January 1, 2019, Ms. Grant's wishes were for a donation of \$15,908.14 to be used to build a

windmill at the park to mimic the windmill that was historically part of the Guajome Ranch compound. While currently there are no windmills on the property, historic photographs of the property show two windmills near the ranch house.

The estimated cost for the windmill project is \$160,000. No additional funds are currently identified for this project. If approved, this donation will be held until additional funds through donations or grants are received. There has not been a timetable established for funding and construction for this project.

County of San Diego Administrative Code Section 66, *Acceptance of Gifts*, and Board of Supervisors Policy A-112, *Acceptance and Use of Gifts and Donations*, requires the Board of Supervisors to approve the acceptance of donations that exceed \$5,000. This is a request to approve the acceptance of a \$15,908.14 donation to the Department of Parks and Recreation (DPR) and deposit the funds in the DPR Trust Fund until additional funds are received for this project.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and (3) because it does not have a direct or indirect effect on the environment and the action is not a project as defined in Section 15378(b)(5) of the State CEQA Guidelines.
2. In accordance with Administrative Code Section 66, *Acceptance of Gifts* and Board Policy A-112, *Acceptance and Use of Gifts and Donations*, accept a donation of \$15,908.14 from The Maria K. Grant Living Trust to the Department of Parks and Recreation for use towards a windmill at Rancho Guajome Adobe Park.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2020-21 Operational Plan in the Capital Outlay Fund. If approved, the Department of Parks and Recreation (DPR) will accept the donation of \$15,908.14 from The Maria K. Grant Living Trust and deposit into the DPR Trust Fund for the construction of a windmill at Rancho Guajome Adobe Park. Total construction cost of the windmill is estimated at \$160,000 and DPR will return to the Board when funding for this project is received. The funding source is a donation from The Maria K. Grant Living Trust. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**5. SUBJECT: NOTICED PUBLIC HEARING:
ADOPT RESOLUTION OF APPLICATION TO SAN DIEGO LOCAL
AGENCY FORMATION COMMISSION TO FORM NEW COUNTY
SERVICE AREA, PROPERTY TAX EXCHANGE FOR
JURISDICTIONAL CHANGES - DISSOLUTION OF VALLEY ENTER
COMMUNITY SERVICE DISTRICT WITH CONCURRENT
FORMATION OF CSA NO. 138, ACCEPTANCE OF REAL PROPERTY,
ESTABLISH CSA NO. 138 FUND, ASSUMPTION OF LEASES AND
AGREEMENTS, AND APPROVE STAFF POSITIONS (DISTRICT: 5)**

OVERVIEW

In August 1966, the Valley Center Community Service District (VCCSD) was formed to provide and maintain recreation and community hall facilities for the unincorporated area of Valley Center. Since formation, VCCSD has added park land and park amenities to serve the community. VCCSD owns and/or operates five parks comprising 73 acres of parkland that include a community hall, swimming pool, ballfields, sports courts, playgrounds, picnic areas, open play areas, and spaces that host recreational programming, special events, and equestrian activities.

For several years, VCCSD has faced financial challenges to effectively address facility operations and maintenance. Limited funds have caused shortages in VCCSD staffing, services, and supplies. Facility improvements are needed and include upgrades to recreational amenities, park utilities, and facility infrastructure. On June 16, 2020, the VCCSD Board of Directors unanimously approved a resolution to submit a reorganization application to the San Diego Local Agency Formation Commission (LAFCO) to dissolve VCCSD contingent on the formation of a new Valley Center County Service Area by the County of San Diego (County) that would draw on the expanded resources of the County to provide park and recreation facilities and services in place of VCCSD. The Fiscal Year 2020-21 Operational Plan includes a total of \$4,473,000 for one-time facility improvements (\$4,000,000), one-time startup costs (\$150,000), staffing (\$166,000), and services and supplies (\$157,000) to operate and maintain the new CSA No. 138 to County standards. Ongoing staffing, services and supplies costs will be budgeted in future Fiscal Years.

Today's request is for the Board to adopt a resolution of application to initiate proceedings with the LAFCO to form County Service Area No. 138-Valley Center Parks & Recreation (CSA No. 138) under the County Service Area Law, Government Code sections 25210 et seq.. Once formed, this will enable the County Department of Parks and Recreation, to provide park facilities and recreation services to the CSA No. 138 community. Today's request also seeks authority for the Director, Department of General Services, to take all actions necessary to accept title to four VCCSD park facilities and assume, terminate, and/or amend VCCSD's existing leases, including a lease with the Valley Center Pauma Unified School District (VCPUSD) for the use of Robert Adams Park, a lease with VCPUSD for a portion of Scibilia Field which is currently used by VCPUSD for modular classrooms, a lease with the Valley Center Fire Protection District (VCFPD) for a portion of Valley Center Community Park which is used for the operation of a fire station, and a lease of a portion of Star Valley Park for agricultural use. Additionally, today's request seeks authority for County departments to take all actions necessary to transfer all VCCSD remaining personal property as Furniture, Fixtures, and Equipment (FF&E) and Property, Plant, and Equipment (PP&E), along with assets and liabilities to the newly formed CSA No. 138 and take any other necessary transactions to close out the VCCSD fund(s); and once completed, authorize the

County Auditor and Controller to close the VCCSD fund(s); and establish a new special revenue fund for CSA No. 138 - Valley Center Parks. Lastly, today's request seeks authority for 4.00 full time equivalent (FTE) positions in the Department of Parks and Recreation to operate CSA 138 parks and facilities.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15361(b)(2) & (3), 15320, 15325(f) and 15378.
2. Adopt a resolution entitled: RESOLUTION OF APPLICATION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO INITIATE PROCEEDINGS WITH THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION TO FORM A COUNTY SERVICE AREA AND AUTHORIZATION THEREIN TO PROVIDE LOCAL PARKS AND RECREATION SERVICES WITHIN THE AFFECTED TERRITORY AS SPECIFIED.
3. Direct the Clerk of the Board to file a certified copy of the resolution of application with the San Diego Local Agency Formation Commission.
4. Authorize the Director, Department of General Services, or designee, to take all actions necessary to effect the terms of the reorganization, including the acceptance of real property and the assumption, termination, and/or amendment of existing VCCSD leases.
(4 VOTES)
5. Authorize County departments to take all actions necessary to close out the VCCSD fund(s) and complete the transfer of all VCCSD assets, equipment, and liabilities to the County.
6. Direct the Auditor and Controller to establish a special revenue fund designated "CSA No. 138" intended to fund overall administration and maintenance of Valley Center local parks by the Department of Parks and Recreation, collected in CSA No. 138 with interest earnings allocated and distributed to the fund, and direct the Auditor and Controller to close the VCCSD fund(s).
7. Add 4.00 full time equivalent (FTE) positions to the Department of Parks and Recreation to operate CSA 138 parks and facilities, and direct the Department of Human Resources to classify the positions at the appropriate level.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2020-21 Operational Plan in the Department of Parks and Recreation (\$473,000) for operations and maintenance of the parks and recreation facilities in Valley Center. This includes the addition of 4.00 full time equivalent (FTE) estimated at \$130,120, and in the Capital Outlay Fund for capital project 1023726 Valley Center Park Improvements (\$4,000,000). If approved, this request will establish a new interest-bearing fund, CSA No. 138, and will result in current year costs and revenue of \$4,473,000. The funding source is available prior year General Fund fund balance.

Future year costs and revenue are estimated at \$773,000 for ongoing operations and maintenance of the former VCCSD facilities. The proposed funding sources are property taxes collected in CSA No. 138 (\$138,000), park user fee revenue (\$238,000) and General Purpose Revenue (\$397,000). Costs and revenue will be included in future years Operational Plans.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 20-172, entitled: RESOLUTION OF APPLICATION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO INITIATE PROCEEDINGS WITH THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION TO FORM A COUNTY SERVICE AREA AND AUTHORIZATION THEREIN TO PROVIDE LOCAL PARKS AND RECREATION SERVICES WITHIN THE AFFECTED TERRITORY AS SPECIFIED.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

6. **SUBJECT: RECEIVE THE NORTH COUNTY MULTIPLE SPECIES CONSERVATION PLAN STATUS REVIEW AND OPTIONS ASSESSMENT AND PROVIDE DIRECTION ON OPTIONS (DISTRICTS: ALL)**

OVERVIEW

San Diego county has one of the most diverse habitats in the United States, with over 200 rare, threatened, or endangered species inhabiting the region. In the early 1990's, urbanization of San Diego's natural lands threatened the biodiversity and long-term biological viability of this unique region. In response, the County of San Diego (County) partnered with 11 other jurisdictions to develop the Multiple Species Conservation Program (MSCP), a joint Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) that ensures compliance with the federal Endangered Species Act (ESA), California Endangered Species Act (CESA), and the Natural Community Conservation Planning Act (NCCP). The MSCP is a long-term, regional habitat conservation program focused on balancing the protection of plant and animal species and the demand for housing, non-residential development, recreation, and agriculture.

On October 22, 1997 (1), the Board of Supervisors (Board) adopted the 50-year Multiple Species Conservation Program County Subarea Plan (South County Plan), which includes the unincorporated areas in the southwestern portion of the region. The County has successfully implemented the South County Plan for over 20 years: assembling 79,188 acres (80%) of the proposed 98,379-acre preserve; providing mitigation exemptions for 1,224 acres of agricultural clearing; and streamlining the permitting of over 3,900 private development projects. From 1998 through calendar year 2019, the County invested a total of \$209 million in land acquisitions for the MSCP, of which \$114 million is from County funding and \$95 million is from partnering organizations and grants.

Over the years, development has continued to expand into the unincorporated county's natural lands. The County has been developing the North County Multiple Species Conservation Plan (North County Plan), an independent HCP/NCCP, to bring the same environmental and economic benefits to the unincorporated north county area as have been realized through the South County Plan. Preparation of the North County Plan will also fulfill goals and policies of the County General Plan and mitigation requirements identified in the County General Plan Update Environmental Impact Report (EIR). Implementation of the North County Plan will result in other benefits related to preservation of open space, protection of water resources, creation of recreational opportunities, promotion of agricultural operations, and reductions in greenhouse gas emissions. In return, development permit streamlining can occur through permits to allow the incidental take of threatened and endangered species that are covered by the North County Plan.

In 2019, the County selected ICF Consulting, a national leader in regional conservation planning that has successfully prepared HCP/NCCPs for counties such as Yolo and Santa Clara, to: review the 2017 Preliminary Draft North County Plan in relation to current HCP/NCCP practices and regulatory requirements; confirm that the desired economic and biological benefits of the North County Plan can still be realized; consider additional options available to the County to address ESA and CESA compliance; and, develop planning options for discussion and input from the North County Plan Steering Committee and members of the public. ICF Consulting summarized their findings in the North County Multiple Species Conservation Plan Status Review and Options Assessment (Assessment).

This is a request for the Board to receive and provide direction on the options identified in the Assessment. Estimated one-time program development costs range from \$300,000 to \$3.5 million in Fiscal Year 2020-21, depending on the option directed by the Board, and are proposed to be funded by unassigned General Fund fund balance.

RECOMMENDATION

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines that this action is exempt because it has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.
2. Receive the North County Multiple Species Conservation Plan Status Review and Options Assessment (Assessment) (Attachment C, on file with the Clerk of the Board).
3. Provide direction on the options identified in the Assessment.

FISCAL IMPACT

There is no fiscal impact associated with the Board of Supervisor's (Board's) receipt of the North County Multiple Species Conservation Plan Status Review and Options Assessment (Assessment).

Three primary cost analyses were included in the Assessment:

- Cost for the County of San Diego (County) to develop a plan under each of the five options (funding requested as part of today's action),
- Estimated future cost for the County to implement a plan developed under each of the five options (funding to be refined and approved as part of plan adoption), and

- Estimated total cost for private project applicants to mitigate project impacts under each of the plan options (not a part of the County Fiscal Impact).

Funds for the development of a plan under Options 1-5 are not included in the Fiscal Year 2020-21 Operational Plan. Should the Board direct staff to pursue one of the options identified in the Assessment, one-time program development costs are estimated to range from \$300,000 to \$3.5 million in Fiscal Year 2020-21 depending on the option directed, and would be funded by unassigned General Fund fund balance. The table below presents the total estimated one-time program development costs of each option. There will be no additional staff years.

Table 1: Fiscal Year 2020 21 Estimated One Time Costs of Identified Options (in millions not to exceed)

| | Option 1: Project-by- Project ESA/CESA Compliance | Option 2: Conservation Strategy | Option 3: HCP/2081 (County Only) | Option 4: HCP/2081 (Public- Private) | Option 5: Revised North County Plan (HCP/NCCP) |
|---|--|--|---|---|---|
| Consultant Costs | \$0.0 | \$1.3 | \$1.9 | \$2.1 | \$2.2 |
| County Costs | \$0.3 | \$0.8 | \$1.4 | \$1.3 | \$1.3 |
| Total Estimated One-time Program Development Costs | \$0.3 | \$2.1 | \$3.3 | \$3.4 | \$3.5 |

Future program implementation costs, funding sources, and staffing needs will be further assessed and refined as part of plan development under the option directed by the Board and will be presented to the Board for adoption at a future date. These implementation costs are estimated to total up to \$360.4 million, accounting for inflation, over the 50-year permit term. As a comparison, the adopted Multiple Species Conservation Program (MSCP) County Subarea Plan (South County Plan) is projected to have an implementation cost of \$294 million over the 50-year permit term. It is expected that the average implementation cost for Options 1 through 5 for North County would be up to \$7.2 million per year after plan adoption. The implementation costs are anticipated to be funded through General Purpose Revenue appropriations from the Board as part of the Capital Program. Under Option 4 and Option 5, it is assumed that County implementation costs would be offset by mitigation fees that are not currently in place but could be enacted by the Board. Implementation funds will be included in future Operational Plans, with annual appropriations beginning as early as Fiscal Year 2023-24 (Option 1) or as late as Fiscal Year 2025-26 (Option 5).

Currently, the Board allocates to the Department of Parks and Recreation (DPR) approximately \$14.6 million per year to implement the MSCP via three separate funding sources. \$7.5 million is allocated as one-time funding each year for acquisition of open space throughout the three MSCP Plan Areas. In Fiscal Year 2020-21, the \$7.5 million for acquisition was not allocated by the Board due to financial constraints associated with the coronavirus pandemic. DPR receives \$2.5 million as part of ongoing General Purpose Revenue for land management and monitoring costs. DPR allocates an additional approximately \$4.6 million as part of its annual operational budget to implement

MSCP-related stewardship activities. Based on current cost projections, it is anticipated that the \$14.6 million annual allocation will not be sufficient to implement Options 1 through 5, and additional funding would be required. Of the existing \$14.6 million spent on MSCP implementation items, it is estimated that roughly \$2 million per year is currently spent towards the North County Plan Area acquisition, management, and monitoring. Therefore, to meet the average estimated implementation cost of up to \$7.2 million per year for Options 1 through 5, it is anticipated that an additional annual allocation of up to \$5.2 million per year could be required. DPR will continue to pursue alternative sources of funding to supplement annual appropriations.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took the following actions:

1. Found in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines that this action is exempt because it has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment;
2. Received the North County Multiple Species Conservation Plan Status Review and Options Assessment (Assessment) (Attachment C, on file with the Clerk of the Board);
3. Directed the Chief Administrative Officer to pursue Option 5 as identified in the Assessment as "Revised North County Plan."
4. Directed the Chief Administrative Officer to continue working with all the stakeholders, especially the Farm Bureau and helping to preserve and expand agricultural operations, consistent with the agricultural promotion program; work with property owners on the Conservation Plan; and analyze development opportunities along the I-15 corridor that allows for development that encourages conservation away from the corridor.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. **SUBJECT: SET A HEARING FOR 11/18/2020:
SET A HEARING TO CONSIDER ADOPTION OF WATER RATE
AND HOLD HEARING TO ADOPT FEE ORDINANCE FOR
PROVISION OF WATER SERVICE BY COUNTY SERVICE AREA
137 (DISTRICT: 2)**

OVERVIEW

The Live Oak Springs Water Company (Water Company) is a small privately-owned water system serving approximately 300 people in the unincorporated community of Boulevard, located in southeast San Diego county. The community is designated as a disadvantaged community based on median household income as reported by the California Department of Water Resources. The water system serves 89 residential connections and 2 commercial connections. The system consists of approximately two miles of buried water mains, one groundwater well and pump, three 20,000-gallon water storage tanks, and various pumps and appurtenances.

The Water Company's owner filed for bankruptcy in 2013 and the bankruptcy trustee attempted for several years to locate a buyer. With no buyers available and the system in disrepair, the County of San Diego (County) entered into an agreement with the trustee to take over as the water system's operator on September 19, 2019, with the intention of purchasing the water system in Fiscal Year (FY) 2020-21 and assuming water service responsibilities for the affected landowners and/or residents.

In anticipation of acquisition of the water system, a County Service Area (CSA No. 137) was formed to enable the County to provide water service to area residents. The Board of Supervisors acts as the governing authority of the CSA and is responsible for adopting an annual budget, establishing annual appropriations, and setting and collecting fees and charges for services provided. The County committed to establishing water rates in the acquisition agreement approved by the bankruptcy court. Water rates will provide the revenue for ongoing operations and maintenance of the system. The formation of CSA No. 137 was determined to be the most appropriate governance mechanism for the County to provide water service. As a condition of formation, San Diego Local Agency Formation Commission (LAFCO) has required the County to identify a source of revenue for CSA No. 137.

The proposed Ordinance Establishing Fees and Charges for Water Service for the Live Oak Springs Water System includes a three-year schedule of water service charges, a rate for bulk water purchases, and a schedule of fees for account activation, service connection and shutoff, and annexation to the CSA. Water service charges were developed based on the projected costs to provide service, including labor, equipment, supply, utility, laboratory, and permitting costs. Costs for the initial repair and replacement of degraded infrastructure and establishing emergency reserves are not included in the water service charges at this time. Funding for the repair and replacement of degraded water system infrastructure has been provided through \$2.7 million of appropriations from the General Fund fund balance in the DPW General Fund for the Water System, as approved by the Board on December 10, 2019 (23). Funds of \$1.8 million were included in the FY 2020-21 Operational Plan in the Department of Public Works, General Fund for Water System improvements, and additional funds of \$3.8 million will be requested in future fiscal years based on available prior year General Fund fund balance. The total one-time cost to fund the anticipated repair and replacement of the degraded water system infrastructure and to establish emergency reserves is \$8.3 million.

Today's request is for the Board to introduce and subsequently adopt the Ordinance Establishing Fees and Charges for Water Service for the Live Oak Springs water system and adopt the County Water Ordinance; set a public hearing regarding the adoption of fees and receive any written protests in compliance with Proposition 218; waive Board Policy B-29 and establish a new fund and appropriations for the operation of CSA 137. Upon completion of the recommended actions, the Clerk of the Board shall file a certified copy of the adopted ordinances with the San Diego LAFCO.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On October 28, 2020:

1. Find in accordance with Section 15273 of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA review because it involves the adoption of rates to be imposed by a public agency to meet operating and capital

expenses and other administrative actions within an existing service area that have no potential for causing a significant effect on the environment and adopt the findings made pursuant to Section 15273 (c) attached hereto as Attachment E.

2. Set a public hearing for November 18, 2020 regarding adoption of an ordinance establishing fees for provision of water service within County Service Area 137.
3. Approve introduction (first reading), read title and waive further reading of Ordinance: AN ORDINANCE OF THE COUNTY OF SAN DIEGO ESTABLISHING FEES AND CHARGES FOR THE PROVISION OF WATER SERVICE BY COUNTY SERVICE AREA NO. 137 (LIVE OAK SPRINGS WATER SYSTEM).

If on October 28, 2020, the Board takes the actions recommended in Items 1-3 above, then, on November 18, 2020:

1. Conduct a public hearing to receive written protests from property owners and tenants of parcels within County Service Area No. 137.
2. If the Clerk verifies that any written protests received represent less than half of the parcels, submit for consideration and adoption (second reading) the ordinance entitled: AN ORDINANCE OF THE COUNTY OF SAN DIEGO ESTABLISHING FEES AND CHARGES FOR THE PROVISION OF WATER SERVICE BY COUNTY SERVICE AREA NO. 137 (LIVE OAK SPRINGS WATER SYSTEM).
3. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery for costs related to repairing and improving the degraded water infrastructure and establishing emergency reserve fund.
4. Direct the Chief Financial Officer/Auditor and Controller to establish an interest-bearing Special Revenue Fund for CSA No. 137 - Live Oak Springs Water System.
5. Establish appropriations of \$75,150 in the CSA No. 137 - Live Oak Springs Water System Fund Services & Supplies for 6 months of water operations and maintenance, based on 6 months of revenue from user fees. **(4 VOTES)**
6. Transfer appropriations of \$2,993,629 within the Department of Public Works General Fund (Org 50875), from Services & Supplies to Operating Transfer Out.
7. Establish appropriations of \$2,993,629 in the CSA No. 137 - Live Oak Springs Water System Fund Services & Supplies (\$1,193,629) for major maintenance, and in Capital Assets (\$1,800,000) for water operations and maintenance, based on an Operating Transfer In from the Department of Public Works General Fund. **(4 VOTES)**

FISCAL IMPACT

The funding sources are proposed water service charges to user (\$75,150) and a transfer from the Department of Public Works General Fund (\$2,993,629) based on existing appropriations of available prior year General Fund fund balance for the Live Oak Springs Water System, as approved by the Board on December 10, 2019 (23).

Future years ongoing cost and revenue of \$154,900 in FY 2021-22 and \$159,600 in FY 2022-23 will be included in future years Operational Plans in the CSA No. 137 - Live Oak Springs Water System Fund for operations based on proposed water service charges to users. Additionally, one-time costs of \$3.8 million through FY 2022-23 will support the initial repair and improvement of degraded water infrastructure and emergency reserves. Costs and revenue will be included in future years Operational Plans. There will be no additional staff years.

A waiver of Board Policy B-29 is requested for costs related to repair and improvement of degraded water infrastructure and emergency reserves. The total unrecovered cost per Board Policy B-29 is approximately \$8.3 million through FY 2022-23 and will be funded by existing appropriations in the DPW General Fund based on available prior year General Fund fund balance (\$2,993,629) and future appropriations of one-time funds.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption and set a Hearing for November 18, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

8. **SUBJECT: LEVERAGING GRANT FUNDING FOR WATER QUALITY IMPROVEMENT PROJECTS: (1) AUTHORIZE APPROVAL OF SAN DIEGO INTEGRATED REGIONAL WATER MANAGEMENT GRANT PROGRAM AGREEMENT AND (2) APPROVE A RESOLUTION FOR PROPOSITION 1 STORMWATER GRANT PROPOSAL FOR MAPLEVIEW STREET GREEN INFRASTRUCTURE AND WATER QUALITY IMPROVEMENT PROJECT (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego's (County) Municipal Stormwater Permit (Permit) contains stringent water quality requirements and strict deadlines to achieve reductions in pollutants, such as bacteria and nutrients. The County leverages grant funding where possible to complete projects aimed at achieving some of these reductions.

One approach to leveraging grant funding includes the County's participation with the San Diego Integrated Regional Water Management (IRWM) program, a collaborative effort developed by the state Department of Water Resources to encourage relationships among water resource managers and stakeholders that will improve local water supply reliability, and protect water quality and natural resources, while also providing a pathway to obtain grant funds for multi-benefit projects.

In 2005, the County, City of San Diego (City), and the San Diego County Water Authority (Water Authority) formed the San Diego IRWM Regional Water Management Group (RWMG) to coordinate the region's water management planning efforts. A Memorandum of

Understanding (MOU) established the roles and responsibilities of each agency with respect to the development, adoption, and implementation of a San Diego IRWM Plan (Plan). The Board of Supervisors (Board) approved the first MOU on May 11, 2005 (15) and the second MOU on January 28, 2009 (18).

The current MOU is set to expire on December 31, 2020. A new five-year agreement will allow for continued coordination of the region's IRWM efforts. Today's action would adopt a new MOU to guide continued program coordination, implementation, and cost sharing by the three RWMG agencies in support of the San Diego IRWM Grant Program from January 1, 2021 to December 31, 2025. The MOU provides the vehicle to collaborate on activities, including preparation of regional grant applications under Proposition 1 and potential future grant funding sources. It also includes criteria for selecting project proposals for regional grant application packages, protocol for managing grants awarded under IRWM funding programs, a process to jointly select and fund a consultant to provide technical and administrative support to the RWMG, public outreach, maintenance of an IRWM program website, and grant application technical assistance to Under-Represented Communities (URCs).

The three RWMG agencies divide IRWM Program costs equally. The County's share of total costs for work covered by the new MOU will not exceed \$953,857 between January 1, 2021 and December 31, 2025. Funds for the County's share of costs are included in the Fiscal Year 2020-21 Operational Plan in the Department of Public Works, General Fund, under the Watershed Protection Program (\$95,386). Funds for the County's share of IRWM costs in Fiscal Years 2021-22 through FY 2025-26 will be included in future years Operational Plans. If approved, this request will result in no additional staff years.

In addition to providing a funding stream through the IRWM Program, Proposition 1 provides grant resources through separate funding streams. One such funding stream is offered through the State Water Resources Control Board's Stormwater Grant Program, through Proposition 1 and the Stormwater Resource Plan. To be eligible to receive funding through this program, the state requires that all proposed projects, regardless of funding source, be included in a Storm Water Resource Plan (SWRP) and that the SWRP must be submitted to the local IRWM program, and included in their current IRWM Plan.

DPW has identified a Proposition 1 competitive grant opportunity for implementation of stormwater resource projects. Today's action would also include adoption of a resolution authorizing DPW to apply for and accept grant funding from the Proposition 1 Storm Water Grant Program administered by the State Water Resources Control Board for implementation of a green infrastructure and water quality improvement project on a portion of Maplevue Street in Lakeside that will remove pollution from road runoff and improve sidewalk connectivity among other benefits. If awarded, grant funds would offset approximately \$1,500,000 of the total cost of \$4,035,526 to implement this project, which will assist the County in complying with requirements of the State-mandated Total Maximum Daily Load for reducing bacteria levels in the San Diego River Watershed.

Today's actions are to (1) Authorize the Director of Public Works to renew and amend (as necessary) a Memorandum of Understanding with the City and the Water Authority to continue participation in the IRWM program; (2) Approve a resolution for a Proposition 1

grant proposal for the Mapleview Street Green Infrastructure and Water Quality Improvement Project, and (3) waive the full cost recovery requirement of Board Policy B-29 for matching funds associated with grant funding of the project.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Authorize the Director, Department of Public Works, to execute a Memorandum of Understanding with the City of San Diego and the San Diego County Water Authority for the San Diego Integrated Regional Water Management Plan and Grant Program for FY 2021-2026, and to execute all amendments to the agreement as necessary.
3. Adopt a Resolution entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING ENTRY INTO A FUNDING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE MAPLEVIEW STREET GREEN INFRASTRUCTURE AND WATER QUALITY IMPROVEMENT PILOT PROJECT.
4. Waive Board Policy B-29: Fees, Grants Revenue Contracts - Department Responsibility for Cost Recovery for matching funds associated with grant funding from the Proposition 1 Storm Water Grant Program for the Mapleview Street Green Infrastructure and Water Quality Improvement Project.

FISCAL IMPACT

Funds for the County's share of costs associated with the Integrated Regional Water Management (IRWM) Memorandum of Understanding are included in the Fiscal Year 2020-21 Operational Plan in the Department of Public Works, General Fund, under the Watershed Protection Program (\$95,386) based on General Purpose Revenue. Funds for the County's share of IRWM costs in Fiscal Years 2021-22 through FY 2024-25 (estimated at \$190,772 per year) and Fiscal Year 2025-26 (estimated at \$95,386) will be included in future years Operational Plans based on General Purpose Revenue. Actual costs may fluctuate among fiscal years; however, this request will result in no more than \$953,857 in total cost to the County through Fiscal Year 2025-26. There will be no additional staff years.

Proposition 1 grant guidelines require a minimum of 50% matching funds. If approved, and the grant is awarded in the amount requested, the County would receive \$1,500,000 in grant funding to offset the total cost of \$4,035,526 to implement the Mapleview Street Green Infrastructure and Water Quality Improvement Project. County matching funds will be provided through in-kind services in the form of County staff time, consultant support, permitting fees, and partial construction costs in an amount up to \$2,535,526. County matching funds are included in the Fiscal Year 2020-21 Operational Plan in the Department of Public Works, General Fund based on available prior year General Fund fund balance. A waiver of Board Policy B-29 would be required since the proposed grant funds do not cover the full cost of the project, and matching funds are required. The total unrecovered cost per Board Policy B-29 is approximately \$2,535,526 and would be funded by available prior year

General Fund fund balance or other available one-time funds. Following construction, operation and maintenance of the project is estimated to cost \$20,000 per year and will be included in future operational plans. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

Today's proposed actions benefit local business and the community at large by identifying sources of water quality contamination so that sources of pollution can be eliminated, which contributes to a healthy environment.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 20-173, entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING ENTRY INTO A FUNDING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE MAPLEVIEW STREET GREEN INFRASTRUCTURE AND WATER QUALITY IMPROVEMENT PILOT PROJECT.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

9. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

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

Devin Barry provided comments to the Board regarding COVID-19.

Camille Perkins spoke to the Board regarding Habitat Conservation plan.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:57 a.m.

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

Consent: Caro

Discussion: Santiago

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.

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, OCTOBER 27, 2020**

MINUTE ORDER NO. 16

SUBJECT: NEIGHBORHOOD REINVESTMENT PROGRAM GRANTS (DISTRICT: 3)

OVERVIEW

Neighborhood Reinvestment Program funding assists non-profit organizations and governmental entities in providing essential services to citizens of San Diego County. Reinvesting taxpayer money in worthwhile organizations is a benefit to the citizens and communities of San Diego County.

RECOMMENDATION(S)

SUPERVISOR KRISTIN GASPAR

1. Allocate \$80,000 from the Neighborhood Reinvestment Program budget (Org 15660) to La Costa Canyon High School Foundation, Inc. to offset construction costs to expand and enhance the La Costa Canyon High School Theatre "Black Box Theatre" located at One Maverick Way, Carlsbad, CA 92009, that will be utilized as a secondary indoor performance space for smaller scale and student-lead productions as well as theatre-in-the-round.
2. Allocate \$67,449 from the Neighborhood Reinvestment Program budget (Org 15660) to the Boys & Girls Clubs of Greater San Diego to fund the pool re-plaster and pool repair at their Baker Family Branch located at 835 W 15th Avenue, Escondido, CA 92025.
3. Allocate \$25,000 from the Neighborhood Reinvestment Program budget (Org 15660) to Casa De Amparo to offset construction costs to develop a Teen Wellness Center for Foster Youth (TWC) at their Casa Kids campus located at 325 Buena Creek Road, San Marcos, CA 92069.
4. Allocate \$16,000 from the Neighborhood Reinvestment Program budget (Org 15660) to the Encinitas Chamber of Commerce to purchase and install waterproof flooring and paint the repair due to water damage caused by flooding.
5. Allocate \$37,500 from the Neighborhood Reinvestment Program budget (15660) to Refuge for Women, Inc. to cover construction costs to renovate a recovery home for sex trafficking survivors at a confidential address in Escondido.
6. Allocate \$15,676.40 from the Neighborhood Reinvestment Program budget (15660) to the Ronald McDonald House Charity San Diego to fund replacement flooring at their Ronald McDonald House located at 2929 Children's Way, San Diego, CA 92123.
7. Allocate \$64,272 from the Neighborhood Reinvestment Program budget (15660) to United Way of San Diego County to fund the purchase of HVAC units, electrical transformer removal, subpanel reroute, audiovisual equipment, conference room tables, and IT server backups.
8. Find that the grant awards described above have a public purpose.
9. Authorize the Deputy Chief Administrative Officer/Chief Financial Officer to execute a grant agreement with the organization awarded Neighborhood Reinvestment funds establishing terms for

receipt of the funds and to make minor amendments to the agreement that are consistent with the general purpose of the grant but do not increase the grant.

10. Find that the proposed grants are exempt from review under the California Environmental Quality Act (CEQA) by Section 15301 of the CEQA Guidelines.

FISCAL IMPACT

The fiscal impact of this recommendation is \$305,897.40. Funds for these requests are included in the Fiscal Year 2020-21 Operational Plan for the Neighborhood Reinvestment Program (Org 15660). The funding source is General Purpose Revenue. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Marvice Mazyck, Chief Deputy



Approved by the Board of Supervisors, on Wednesday November 18, 2020.

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

GREG COX
Chairman

Attest:

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

ANDREW POTTER
Clerk of the Board

10/28/2020