

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO SANITATION DISTRICT
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, NOVEMBER 17, 2021, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

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

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

(Members of the Sanitation District attended the meeting via teleconference and participated in the meeting to the same extent as if they were present, pursuant to Resolution No. 21-168, adopted November 2, 2021.)

B. Non-Agenda Public Communication: No Speakers

C. Approval of the Statement of Proceedings/Minutes for the meeting of September 15, 2021.

ACTION:

ON MOTION of Director Fletcher, seconded by Director Vargas, the Board of Directors of the San Diego County Sanitation District approved the Statement of Proceedings/Minutes for the meeting of September 15, 2021.

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

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.

Agenda Items

- | Agenda # | Subject |
|-----------------|---|
| 1. | EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS SECURED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS

(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 03) |

THIS PAGE IS INTENTIONALLY LEFT BLANK.

1. SUBJECT: EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS SECURED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS (DISTRICT: 5)

OVERVIEW

The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for completion of required improvements on private development subdivisions. Subdivision developers, as conditions of their permits, are often required to construct specific improvements that benefit the public, such as roads and storm drainage systems. In many cases, these improvements are accepted by the County of San Diego (County) into the County-maintained system to be owned, operated, and maintained by the Department of Public Works (DPW) in perpetuity.

Subdivision Improvement Agreements and the requirement for developers to provide security ensure that any required improvements are constructed for approved and mapped subdivisions. The security amount is 100% of the total estimate of the improvements, conditioned on the developer's completion of the improvements listed in the agreement, and an additional amount of 50% securing payment for labor and materials in the event the developer does not complete the improvements as required. If a developer defaults without completing the improvements included in the subdivision improvement agreement, this security can be used to finance completion of the required improvements.

However, under certain circumstances, the County is able to grant a time extension that allows the developer additional time to complete construction, while simultaneously preserving the County's rights to have the public improvements constructed by the developer. It is not uncommon for development projects to take an extended time to complete. Construction schedules can be affected by the economy, the developer's circumstances, permitting, site conditions, and other related factors. DPW staff monitor the status of Subdivision Improvement Agreements and the associated work. If developers need additional time and wish to extend the agreement, they are able to submit an extension request and provide a current cost estimate of remaining work. DPW staff reviews the estimate to confirm the total security is adequate based on construction progress and estimated costs for remaining work based on current pricing. If staff determine a time extension is warranted, staff will then bring the request forward for Board consideration.

This is a request for the Board of Supervisors (Board) to approve two-year extensions of performance completion dates for the following subdivisions in District 5:

1. Tract No. 5365-4 (Map No. 15891), Harmony Grove Village Unit 4, located in the North County Metro area. This project has two (2) non-residential lots, and the overall area is 36.8 acres.
2. Tract No. 4744-1 (Map No. 13602), Rimrock, located in the North County Metro area. This project has 70 residential lots, and the overall area is 196.6 acres.

Staff has determined the two-year extensions to complete improvements are warranted in both cases due to requests from each of the developers to extend the time for completion, the County's continued interest in receiving the improvements, and the absence of negative impacts associated with later delivery. Because neither development has progressed yet to the point where the improvements are needed for use, staff believes there are no adverse

consequences to granting the developer additional time to complete the improvements. Therefore, staff is recommending the County accept the delayed completion of the public improvements. Staff has also determined that there is adequate improvement security (i.e., capacity through a bond or other financial instrument) to guarantee completion of the remaining work for the agreement, should that become necessary in the future.

Today's request is for:

1. The County Board of Supervisors to approve the extension of the performance completion dates in subdivision agreements for developments referenced by Tract No. 5365-4 and Tract No. 4744-1 to November 17, 2023, for street and drainage improvements.
2. The County of San Diego Sanitation District Board of Directors to approve the extension of the performance completion dates in subdivision agreements for developments referenced by Tract No. 5365-4 to November 17, 2023, for sewer facilities.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

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

Extend, to November 17, 2023, the performance completion dates in subdivision agreements for development referenced by Tract No. 5365-4 and Tract No. 4744-1.

EQUITY IMPACT STATEMENT

It is anticipated the extension will have a positive impact by allowing time for infrastructure to be completed by the developer for the benefit of the unincorporated communities where the projects are located. This infrastructure includes street and drainage improvements along with water and sewer facilities. Bioretention basins and tree wells will also be installed to address stormwater quality. The effort will not adversely affect equity or result in unintended consequences to public health, housing, food, access and affordability, or jobs.

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 03)

ACTION:

This item was pulled from consent for discussion.

ON MOTION of Director Desmond, seconded by Director Fletcher, the Board of Directors of the San Diego County Sanitation District took action as recommended.

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

There being no further business, the Board of Directors of the San Diego County Sanitation District adjourned at 12:26 p.m.

ANDREW POTTER
Clerk of the Board of Directors
of Sanitation District

Notes By: Ruffier

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

THIS PAGE IS INTENTIONALLY LEFT BLANK.