

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

General Regulatory Legislation

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Purpose

To provide uniformity in the scope and content of regulatory ordinances.

Background

1. A part of the legislative function and responsibility of the Board in connection with the adoption of a regulatory ordinance is the advisability that the Board express its intent in the legislation. If not expressed in the ordinance, through the passage of time, the Board's intent may become obscured or lost.
2. A substantial portion of the existing general regulatory legislation includes details of administration not legally required as part of the legislation. At the time of the adoption of proposed legislation, a primary concern of the Board is that its intent be expressed in a way that it will be adhered to through subsequent administration of the regulatory provisions. The determination of the inclusion of any administrative details and procedures in proposed legislation is better made by the appropriate administrative authority and the County Counsel. The elimination of administrative detail and procedures not required by law would avoid many difficulties currently being experienced in the administration of existing regulatory provisions.

Scope

This policy shall apply only to general or regulatory ordinances but shall not apply to special legislation of a temporary nature such as ordinances specifying street improvements, street grades, appropriations, elections, bond issues, opening and vacating streets, naming or changing name of streets and dedicating parks.

Policy

It is the policy of the Board of Supervisors that:

1. All general regulatory legislation, where appropriate, shall include a preamble stating the intent of the proposed legislation, including an outline of the reasons or conditions creating the necessity therefor. The scope and limits of the proposed regulation shall be clearly stated. A statement of intent shall be stated in a way to facilitate the exercise of administrative discretion provided in the legislation. The statement of intent shall be made a part of the proposed legislation and shall be

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published in the San Diego County Administrative Code or the Code of Regulatory Ordinances.

2. The public's convenience will be best served if administrative detail and procedures can be adapted to meet changing conditions in the future. Accordingly, proposed regulatory legislation should delegate as broad authority for discretion in determining administrative details and procedure as is consistent with public policy and the law. The proposed general regulatory legislation should spell out the standards within which administrative discretion may be exercised, and should be so defined as to minimize the necessity for differences of opinion by the administrative staff in the application thereof. The rights of the citizens should be protected by permitting appeals from administrative determinations to appropriate municipal bodies including, if necessary, the Board of Supervisors.
3. Unless legally necessary, administrative details and procedures shall be omitted. The development of such administrative details and procedures shall be the responsibility of the administrative authority responsible for administering the legislation. The necessity for the inclusion of administrative details and procedures shall be determined by the County Counsel, the Chief Administrative Officer, as well as such other departments as are concerned with the administration of the proposed general regulatory legislation.

Sunset Date

This policy will be reviewed for continuance by 12-31-23.

References

B/S Action 10-14-69 (111)

B/S Action 10-5-82 (58)

B/S Action 9-27-88 (60)

B/S Action 11-29-94 (40)

B/S Action 6-15-04 (25)

B/S Action 12-9-08 (33)

B/S Action 12-8-09 (32)

B/S Action 10-18-16 (15)

CAO Reference

1. County Counsel