



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

DATE: October 8, 2024 and October 22, 2024

16

TO: Board of Supervisors

SUBJECT

SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY CODE PROVISIONS ASSIGNED TO THE FINANCE AND GENERAL GOVERNMENT GROUP (10/8/24 – First Reading; 10/22/24 – Second Reading, unless the ordinances are modified on second reading) (DISTRICTS: ALL)

OVERVIEW

In accordance with Board of Supervisors (Board) Policy A-76, Sunset Review Process, the Finance and General Government Group (FG3) periodically reviews certain Board Policies, provisions of the San Diego County Code of Administrative Ordinances (Administrative Code), and provisions of the San Diego County Code of Regulatory Ordinances (Regulatory Code) to ensure that they reflect current Board standards and practices. FG3 also reviews for any changes in laws, policies, or regulations that govern County departmental operations and services and recommends amendments accordingly.

Today's recommendations are the culmination of these efforts. Staff recommends the following actions: 1) determine that no amendments are necessary to certain policies and code provisions, 2) determine that amendments are necessary to certain policies and code provisions 3) defer the sunset review of certain policies and code provisions until December 31, 2025, 4) direct the Director, Department of Purchasing and Contracting, to enter into negotiations with existing landscaping contractors, including tree trimming and care contractors, to amend their contract(s) to incorporate the Contract Standards for Janitorial, Landscaping and Security Services Contracts Policy, and if negotiations are unsuccessful, to issue competitive solicitations for these landscaping contracts that will incorporate such standards at the first available time operationally and contractually available, and upon successful negotiations and determination of a fair and reasonable price, award such contracts, and 5) approval of the first reading of the Ordinances on October 8, 2024 and adoption of the Ordinances on October 22, 2024.

Today's recommendations request the Board's approval of the introduction of ordinances (first reading) to amend and repeal the corresponding administrative codes with needed changes. If the Board takes action as recommended, then on October 22, 2024, staff recommends the Board adopt the Ordinances (second reading). If the proposed ordinances are altered on October 22, 2024, then on that date a subsequent meeting date will be selected for the ordinances' adoption.

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RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER
On October 8, 2024:

1. Determine no change is necessary and approve the sunset review date of December 31, 2031, for the following Board of Supervisors Policies, Administrative Code provisions, and Regulatory Code provisions:
 - a. A-79, Interlocking Directorates
 - b. AA-1, Board of Supervisors' Policy Manual Modifications- Exceptions
 - c. Administrative Code Article IIIc, Past Grand Jurors Association Implementation Review Committee
 - d. Regulatory Code Chapter 3, Real Property Transfer Tax
 - e. Administrative Code Article XXIV, Registrar of Voters

2. Approve amendments and the sunset review date of December 31, 2031, for the following Board of Supervisors Policies:
 - a. A-54, Public Access to County Records
 - b. A-72, Board of Supervisors' Agenda and Related Processes
 - c. A-74, Participation in County Boards, Commissions and Committees
 - d. A-84, Policy for Public Funding of Memberships in Professional Associations
 - e. A-105, Filling Vacancies in Elected Offices
 - f. A-106, Water Supply, Conservation, and Reclamation
 - g. A-123, County Community Reinvestment Policy
 - h. A-131, Protecting Personally Identifiable Information
 - i. A-138, Use of County Seal
 - j. B-65, Long-Term Financial Obligation Management Policy
 - k. B-74, Contracting Standards for Janitorial, Landscaping, and Security Services Contracts
 - l. G-16, Capital Facilities Planning
 - m. H-1, Fleet Management Internal Service Fund
 - n. H-2, Fleet Vehicle and Mobile Equipment
 - o. H-10, Assignment and Use of County-Owned Vehicles and Mobile Equipment
 - p. I-134, Role of County Counsel in Land Use Matters
 - q. K-6, Loan of County Property to Non-County Activities
 - r. M-1, Legislative Proposals
 - s. M-2, Legislative Policy: Legislative Advocacy

3. Defer the sunset review of the following Board of Supervisors Policies and Administrative Code Provisions until December 31, 2025:
 - a. B-66, Procurement of Products and Services from California's Prison Industry Authority
 - b. B-67, Environmentally Preferable Procurement

SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY CODE PROVISIONS ASSIGNED TO THE FINANCE AND GENERAL GOVERNMENT GROUP (10/8/24 – First Reading; 10/22/24 – Second Reading, unless the ordinances are modified on second reading) (DISTRICTS: ALL)

c. Administrative Code XX-III Department of Purchasing and Contracting

4. Direct the Director, Department of Purchasing and Contracting, to enter into negotiations with existing landscaping contractors, including tree trimming and care contractors, to amend their contract(s) to incorporate the Contract Standards for Janitorial, Landscaping and Security Services Contracts Policy, and if negotiations are unsuccessful, to issue competitive solicitations for these landscaping contracts that will incorporate such standards at the first available time operationally and contractually available, and upon successful negotiations and determination of a fair and reasonable price, award such contracts.
5. Approve the introduction of Ordinances (First Reading):

AN ORDINANCE AMENDING ARTICLE XII-D OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO THE DEPARTMENT OF HUMAN RESOURCES

AN ORDINANCE AMENDING ARTICLE VII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO BUDGET AND FINANCIAL PROCEDURES AND APPROPRIATION, REVENUE AND STAFFING LIMITATIONS

AN ORDINANCE AMENDING ARTICLE VIII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO THE CHIEF ADMINISTRATIVE OFFICER

If, on October 8, 2024, the Board takes the action as recommended by recommendation 5, then, on October 22, 2024:

1. Approve the adoption of the Ordinances (Second Reading):

AN ORDINANCE AMENDING ARTICLE XII-D OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO THE DEPARTMENT OF HUMAN RESOURCES

AN ORDINANCE AMENDING ARTICLE VII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO BUDGET AND FINANCIAL PROCEDURES AND APPROPRIATION, REVENUE AND STAFFING LIMITATIONS

AN ORDINANCE AMENDING ARTICLE VIII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO THE CHIEF ADMINISTRATIVE OFFICER

2. Approve the sunset review date of December 31, 2031, for these ordinances.

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EQUITY IMPACT STATEMENT

The County of San Diego’s policies and code provisions impact residents of the county. In the review of them, staff considered and accounted for impacts to all communities. In addition, the recommended amendments to policies and code provisions before the Board ensure the use of inclusive pronouns.

SUSTAINABILITY IMPACT STATEMENT

County of San Diego (County) staff reviewed and, where necessary, is recommending amendments to existing policies and code provisions in alignment with our current County sustainability goals and practices. The recommendations before the Board include updates to Board Policies that incorporate the goal of proper use of county resources to work towards sustainability efforts. Recommendations also ensure policies reflect updated regulations provided by the California Resources Board (CARB). Additionally, the recommendations include updates that promote economic sustainability.

FISCAL IMPACT

Funds for Recommendations 2 and 4 as they relate to changes proposed for Board Policy B-74 are not included in the Fiscal Year 2024-25 Operational Plan for Public Works and Parks and Recreation. If approved, this request will result in increased estimated costs and revenue for Fiscal Year 2024-25 of approximately \$155,000 in Public Works and \$25,000 in Parks and Recreation. These are estimates based on prior implementation of Board Policy B-74 requirements in other County landscaping contracts. However, variables including scope and if a Request for Proposal is required could cause the actual fiscal impact to vary. For Parks and Recreation, the additional cost would be absorbed through reduced contracts scope and redirecting operations staff to perform certain activities otherwise performed by contract staff. The funding source would be redirection of existing one-time General Purpose Revenue for the Comprehensive Tree Program. For Public Works, the cost increase will be absorbed by the department through the redirection of existing revenue from various special revenue funds and through reduced contract scope. There will be no additional staff years.

The estimated annual ongoing fiscal impact starting in Fiscal Year 2025-26 is \$310,000 in Public Works and \$50,000 in Parks and Recreation. The funding source is anticipated to be various special revenue funds for Public Works and General Purpose Revenue for Parks and Recreation and will be included in the Fiscal Year 2025-26 Operational Plan based on available funding source. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

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BACKGROUND

In accordance with Board of Supervisors (Board) Policy A-76, Sunset Review Process, the Finance and General Government Group (FG3) periodically reviews certain Board Policies, provisions of the San Diego County Code of Administrative Ordinances (Administrative Code), and provisions of the San Diego County Code of Regulatory Ordinances (Regulatory Code) to ensure that they reflect current Board standards and practices. FG3 also reviews for any changes in laws, policies or regulations that govern County departmental operations and services and recommends amendments accordingly.

Recommendation #1

The Board Policies, Administrative Code provisions, and Regulatory Code provisions listed in Recommendation #1 have been reviewed by County staff, and staff recommends that no changes are necessary. The recommendation requests approval of a new sunset date of December 31, 2031, for these policies and code provisions.

Recommendation #2

The Board Policies in Recommendation #2 have been reviewed by County staff. Staff recommends the following changes to these policies, as well as the approval of a sunset date of December 31, 2031:

a. A-54, Public Access to County Records

In 2022, the Board directed the Clerk of the Board of Supervisors to establish a centralized Public Records Act Unit as the main point of contact for the public to request records and coordinate with departments on providing timely responses to requests. The Board also directed the County implement a software solution for the public to submit requests, as well as for staff to manage and route requests. The changes to the policy reflect updated Government Code references and formalize the Clerk of the Board of Supervisors department responsibilities for managing records requests.

b. A-72, Board of Supervisors' Agenda and Related Processes

The changes include updates to the Board Policy to clarify the authority to docket a Board Letter, updates to the references to Legislative and Land Use sessions in accordance with the Administrative Code, refinement of the review timeline and process for Board Letters, and updates to the agenda item information sheets requirements.

c. A-74, Participation in County Boards, Commissions and Committees

The changes include clarifications that explain what constitutes consecutive terms and when an individual becomes re-eligible to serve after completing the maximum allowed consecutive terms. These changes will make clear when a waiver of the policy is required for reappointment, which is only an option for those boards, commissions, or committees

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that have a term restriction in this Policy and that is not also located in a County ordinance or state statute.

- d. A-84, Policy for Public Funding of Memberships in Professional Associations
Minor change to expand memberships in professional associations to include persons “in service of the County” to be able to benefit through opportunities for professional growth, continued job-related education, and/or knowledge of the technical aspects of their work.
- e. A-105, Filling Vacancies in Elected Offices
Changes to align with State law and increase equitable access of application forms to all County residents. The Board has previously waived the requirement in Section 2 that requires applicants to personally appear to obtain the application forms and allow applicants to access the application forms online. Applicants will still be required to file their completed application forms in person in order for the Clerk of the Board of Supervisors to verify completeness. Additionally, State law prohibits asking applicants their date of birth.
- f. A-106, Water Supply, Conservation, and Reclamation
Several changes recommended in order to align the Policy with current county water conservation plans and ordinances, and to clean up previous, outdated language. Changes include adding language on the newly developed County Operations Water Conservation Plan which provides a framework and implementable measures, including those contained in this Policy, to reduce potable water use in new and existing County facilities. This plan will guide Department of General Services (DGS) water conservation efforts for County facilities. Deleted language to align with board direction to sunset all issue based policies and to create a new broad based legislative program. Also removed the reference to our advocates in Washington, D.C. and Sacramento because the Board provided the Office of Economic Development and Government Affairs new direction in 2021 to create a new legislative program that is broad and not issue based.
- g. A-123, County Community Reinvestment Policy
Minor clarifying updates regarding lending practices to encourage working with existing or enacted San Diego City-County specific investment plans to ensure coordination and partnership between government agencies, lenders and the community.
- h. A-131, Protecting Personally Identifiable Information
Minor change to reflect update to Government Code applicable to this policy.
- i. A-138, Use of County Seal
Changes to provide clarity and distinction between the County seal and County logo and to provide guidance for appropriate use of the County seal.

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j. B-65, Long-Term Financial Obligation Policy Management

Changes include flexibility for the issuance of debt for non-capital projects and Enhanced Infrastructure Financing Districts that are allowable by tax law; expansion of the use of one-time over-realized General Purpose Revenue generated by greater-than-anticipated assessed value growth to include replenishment of the General Fund Reserve minimum balance requirement as needed, and to make the policy title cohesive with the two topics within the policy. The revisions to this policy are requested only if the Board also adopts the changes to Administrative Code Article VII Budget and Financial Procedures and Appropriation, Revenue and Staffing Limitations (Recommendation #5.b below).

k. B-74, Contracting Standards for Janitorial, Landscaping, and Security Services Contracts

Changes to expand the definition of B-74 landscape maintenance services to include tree trimming, tree planting, and tree removal; and expansion of the scope of landscape maintenance services to include property that the County is responsible to maintain in addition to services provided at County facilities/buildings (such as tree maintenance and mowing on County roadways). Additionally, updates are suggested to strengthen evaluation criteria related to Offeror past wage theft judgements and further evaluate the extent of medical plan offerings provided by Offerors to their employees including consideration for deductible levels and employee contributions to premium payments. Further updates also include the strengthening of landscape traffic control requirements and the addition of requirements for tree care standards accreditation.

l. G-16, Capital Facilities Planning

Minor clarifying updates regarding roles and responsibilities, including revisions to provide additional details about the pre-construction phase and duration. Additionally, has replaced the specific reference to an annual forum with additional engagement opportunities to allow for more flexibility and an evolving engagement strategy based on best practices.

m. H-1, Fleet Management Internal Service Fund

Minor changes to update the use of Electric Vehicle (EV) to Zero-Emission Vehicle (ZEV) to capture the correct verbiage and to ensure the County encompasses all variations of these vehicles as part of its sustainability efforts. Included change of percentage of depreciation from 75% to fully depreciated regarding vehicles identified for conversion to ZEV to ensure proper use of County resources.

n. H-2, Fleet Vehicle and Mobile Equipment

Minor changes to update the use of Electric Vehicle (EV) to Zero-Emission Vehicle (ZEV) to ensure the County encompasses all variations of these vehicles as part of its sustainability efforts. The ZEV category is based on regulations provided by the California

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Air Resources Board (CARB). Additionally, the language has been updated from “Implementation Strategy” to “EV Roadmap” and “Green Fleet Action Plan”.

- o. H-10, Assignment and Use of County-Owned Vehicles and Mobile Equipment
Minor changes to include reference of charging EV’s to capture how EV’s are supplied with energy. Minor clarifying updates regarding roles and responsibilities.
- p. I-134, Role of County Counsel in Land Use Matters
Minor change to include "and staff" in addition to decision-makers in County Counsel related land use matters.
- q. K-6, Loan of County Property to Non-County Activities
Minor changes specifying that the County may loan property to contractors in lieu of leasing or renting (in addition to purchasing). Included change from "community agencies" to "community-based organizations;" along with several non-substantive edits for clarity.
- r. M-1, Legislative Proposals
Minor change to specify it is the intent of the Board to engage rather than support legislation, aligning with the priorities and guiding principles set forth in the Legislative Program.
- s. M-2, Legislative Policy: Legislative Advocacy
Minor change to specify Washington, D.C. location to avoid confusion with Washington State.

Recommendation #3

On July 29, 2024, the Chief Administrative Officer sent a memorandum to the Board entitled “Update on Actions to Enhance Procurement and Contracting Practices.” The memorandum outlined five themes where staff are taking action to transform various procurement and contracting practices to align with the County’s values. A pivotal theme outlined is ensuring that all efforts to enhance the County’s practices are incorporated into appropriate policies and procedures. Additionally, on August 27, 2024 (22) the Board directed the Chief Administrative Officer to include additional recommendations in a report back originally directed by the Board on April 30, 2024 related to enhancing equity and community strength through procurement practices. The additional direction includes the evaluation of the Local Business Preference Program which is within Administrative Code XX-III. An update from the original direction will be provided to the Board in the form of a Memorandum in October 2024.

It is also anticipated that staff will return to the Board in the first half of 2025 with a comprehensive update to all policies that codify successful and beneficial practice changes into requirements. For example, the Office of Sustainability and Environmental Justice is leading efforts to reimagine the County’s Environmentally Preferable Procurement policy (B-67). As such, staff recommends

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deferring the sunset review for the following Board Policies and Administrative Code to allow for further review and evaluation within the larger framework.

- a. B-66, Procurement of Products and Services from Other Governmental Agencies (OGAs) including the California's Prison Industry Authority (PIA)
- b. B-67, Environmentally Preferable Procurement
- c. Administrative Code XX-III Department of Purchasing and Contracting

Recommendation #5 & October 22, 2024 Recommendations

County staff have reviewed and recommend changes to the below listed Administrative Code provisions. Recommendation #5 is the first of two steps in approving changes to the Administrative Code. If approved, the ordinances that are being submitted for introduction and first reading on October 8, 2024, would return for a second reading and consideration on October 22, 2024. On October 8, 2024, the Board may also consider a sunset review date of December 31, 2031, for these code provisions.

- a. Administrative Code Article XII-D Department of Human Resources
Minor Changes are recommended to terminology used to provide clarity around processes in the Department of Human Resources, including its purpose of appointments of personnel, functions of the department, preparation of its budget and supervision of expenditures, reports of personnel transactions, processing of workers compensation claims, plans for accident prevention and safety, roles of a risk manager, powers and duties of loss prevention unit, appointments of Department Safety officers and establishing their duties.
- b. Administrative Code Article VII Budget and Financial Procedures and Appropriation, Revenue and Staffing Limitations
Changes expand the use of one-time over-realized General Purpose Revenue generated by greater-than-anticipated assessed value growth to include replenishing the General Fund minimum reserve balance requirement as needed, update references of Deputy Chief Administrative Officer/Chief Financial Officer to Chief Financial Officer, and recommendations to update pronoun references.
- c. Administrative Code Article VIII Chief Administrative Officer
Changes were made to reflect updated department names and staff titles. The CAO Policy Director, Chief Binational Affairs Officer, Chief Financial Officer, and Chief People Officer positions were added to CAO staff roster.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Approval of these recommended actions will support the Strategic Initiatives of Sustainability, Equity, Empower, Community, and Justice in the County of San Diego's 2024-2029 Strategic Plan.

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Respectfully submitted,



EBONY N. SHELTON
Chief Administrative Officer

ATTACHMENT(S)

Attachment A – Board Policies and Administrative Code without Changes
Attachment B – UNUSED
Attachment C – UNUSED
Attachment D- A-54 (Clean)
Attachment E- A-54 (Info)
Attachment F- A-72 (Clean)
Attachment G- A-72 (Info)
Attachment H-A-74 (Clean)
Attachment I-A-74 (Info)
Attachment J – A-84 (Clean)
Attachment K – A-84 (Info)
Attachment L– A-105 (Clean)
Attachment M – A-105 (Info)
Attachment N– A-106 (Clean)
Attachment O– A-106 (Info)
Attachment P– A-123 (Clean)
Attachment Q – A-123 (Info)
Attachment R – A-131 (Clean)
Attachment S – A-131 (Info)
Attachment T– A-138 (Clean)
Attachment U – A-138 (Info)
Attachment V– B-65 (Clean)
Attachment W – B-65 (Info)
Attachment X – B-74 (Clean)
Attachment Y – B-74 (Info)
Attachment Z – G-16 (Clean)
Attachment AA – G-16 (Info)
Attachment AB – H-1 (Clean)
Attachment AC – H-1 (Info)
Attachment AD – H-2 (Clean)
Attachment AE – H-2 (Info)
Attachment AF – H-10(Clean)

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Attachment AG – H-10(Info)

Attachment AH – I-134 (Clean)

Attachment AI – I-134 (Info)

Attachment AJ – K-6 (Clean)

Attachment AK – K-6 (Info)

Attachment AL – M-1 (Clean)

Attachment AM – M-1 (Info)

Attachment AN – M-2 (Clean)

Attachment AO – M-2 (Info)

Attachment AP – AN ORDINANCE AMENDING ARTICLE XII-D OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO THE DEPARTMENT OF HUMAN RESOURCES (Clean)

Attachment AQ – AN ORDINANCE AMENDING ARTICLE XII-D OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO THE DEPARTMENT OF HUMAN RESOURCES (Info)

Attachment AR – AN ORDINANCE AMENDING ARTICLE VII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO BUDGET AND FINANCIAL PROCEDURES AND APPROPRIATION, REVENUE AND STAFFING LIMITATIONS (Clean)

Attachment AS – AN ORDINANCE AMENDING ARTICLE VII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO BUDGET AND FINANCIAL PROCEDURES AND APPROPRIATION, REVENUE AND STAFFING LIMITATIONS (Info)

Attachment AT – AN ORDINANCE AMENDING ARTICLE VIII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO THE CHIEF ADMINISTRATIVE OFFICER (clean)

Attachment AU – AN ORDINANCE AMENDING ARTICLE VIII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO THE CHIEF ADMINISTRATIVE OFFICER (info)

Attachment AV – Summary of Ordinances