

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING  
MEETING AGENDA  
**TUESDAY, JANUARY 9, 2024, 9:00 AM**  
COUNTY ADMINISTRATION CENTER, ROOM 310  
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order Of Business

**BOARD ORGANIZATIONAL MEETING**  
**9:00 A.M.**

- A. Roll Call
- B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Supervisor, if applicable.
- C. Invocation
- D. Pledge of Allegiance
- E. Item 1: Selection of Chair, Vice-Chair and Chair Pro Tem of the 2024 Board of Supervisors
- F. Item 2: Appointments of Board Members to Boards, Commissions and Committees

**REGULAR MEETING**  
**10 A.M.**

- G. Presentation or Announcement of Proclamations and Awards
- H. 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.
- I. Approval of the Statement of Proceedings/Minutes for the Regular meeting of December 5, 2023; and, the Special meeting of December 12, 2023.
- J. Consent Calendar
- K. Discussion Items
- L. Board Member Committee Updates. This is an opportunity for Members of the Board to provide informational updates on their committee assignments. No action may be taken.

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

Supporting documentation and attachments for items listed on this agenda can be viewed online at [www.sandiegocob.com](http://www.sandiegocob.com) or in the Office of the Clerk of the Board of Supervisors at the County Administration Center, 1600 Pacific Highway, Room 402, San Diego, CA 92101. To access the meeting virtually and offer public comment via a call-in option, please go to: [www.sandiegocounty.gov/telecomments](http://www.sandiegocounty.gov/telecomments) for instructions.

**ASSISTANCE FOR PERSONS WITH DISABILITIES:**

Agendas and records are available in alternative formats upon request. Contact the Clerk of the Board of Supervisors office at 619-531-5434 with questions or to request a disability-related accommodation. Individuals requiring sign language interpreters should contact the Countywide ADA Title II Coordinator at (619) 531-4908. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 72 hours in advance of the meeting so that arrangements may be made. An area in the front of the room is designated for individuals requiring the use of wheelchair or other accessible devices.

**LANGUAGE TRANSLATION ASSISTANCE:**

Language translation services for public speakers are available upon request to the Clerk of the Board of Supervisors at least 72 hours prior to the meeting (refer to Board Policy A-139 for additional information). Please contact the Clerk of the Board's office at (619) 531-5434 or via e-mail at [publiccomment@sdcounty.ca.gov](mailto:publiccomment@sdcounty.ca.gov).

**LEVINE ACT NOTICE: DISCLOSURES REQUIRED ON SPECIFIED ITEMS (GOVERNMENT CODE § 84308)**

The Levine Act states that parties to any proceeding involving a license, permit or other entitlement for use pending before the Board must disclose on the record of the proceeding any campaign contributions of more than \$250 (aggregated) made by the parties or their agents to Board Members within the preceding 12 months. Participants with financial interests, and agents of either parties or participants, are requested to disclose such contributions also. The disclosure must include the name of the party or participant and any other person making the contribution; the name of the recipient; the amount of the contribution; and the date the contribution was made. This disclosure can be made orally during the proceeding or in writing on a request to speak.

**Board of Supervisors' Agenda Items**

**DISCUSSION ITEMS**

<b>Category</b>	<b>#</b>	<b>Subject</b>
Financial and General Government	1.	SELECTION OF CHAIR, VICE CHAIR AND CHAIR PRO TEM OF THE 2024 BOARD OF SUPERVISORS
	2.	APPOINTMENTS OF BOARD MEMBERS TO BOARDS, COMMISSIONS AND COMMITTEES

## CONSENT CALENDAR

All agenda items listed under this section are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the Board of Supervisors or the Chief Administrative Officer so requests, in which event, the item will be considered separately in its normal sequence.

<b>Category</b>	<b>#</b>	<b>Subject</b>
Public Safety	3.	SHERIFF - REQUEST FOR AGREEMENTS WITH THE CITY OF OCEANSIDE, THE CITY OF EL CAJON, THE CITY OF CHULA VISTA, AND THE CITY OF ESCONDIDO FOR CALIFORNIA IDENTIFICATION SYSTEM SUPPORT POSITIONS [FUNDING SOURCE: SHERIFF FINGERPRINT ID TRUST FUND]
Health and Human Services	4.	APPROVE A PILOT SHARED HOUSING FOR OLDER ADULTS PROGRAM TO PREVENT HOMELESSNESS AMONG OLDER ADULTS [FUNDING SOURCE: EXISTING ONE-TIME GENERAL PURPOSE REVENUE]
Financial and General Government	5.	ADVOCATING FOR DETENTION FACILITY NEEDS IN COUNTY LEGISLATIVE PROGRAM
	6.	2023 ESCHEATMENT OF UNCLAIMED MONEY IN COUNTY TRUST FUNDS
	7.	APPROVAL OF THE CONFLICT OF INTEREST CODES FOR DCAO - PUBLIC SAFETY GROUP, GOMPERS PREPARATORY ACADEMY, GROSSMONT UNION HIGH SCHOOL DISTRICT, RAMONA UNIFIED SCHOOL DISTRICT & SAN YSIDRO SCHOOL DISTRICT
	8.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE AND ESTABLISHING COMPENSATION (12/5/23 - First Reading; 1/9/24 - Second Reading, unless the ordinance is modified on second reading)
Appointments	9.	APPOINTMENTS: VARIOUS
Communications Received	10.	COMMUNICATIONS RECEIVED

**DISCUSSION ITEMS**

<b>Category</b>	<b>#</b>	<b>Subject</b>
Public Safety	11.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN ORDINANCE AMENDING SECTION 363 OF ARTICLE XX OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FILING FEES TO SEAL OR EXPUNGE A RECORD, PURSUANT TO ASSEMBLY BILL 134 [FUNDING SOURCE: EXISTING GENERAL-PURPOSE REVENUE]
Health and Human Services	12.	COUNTY OF SAN DIEGO AMERICAN RESCUE PLAN ACT FRAMEWORK UPDATE
Land Use and Environment	13.	NOTICED PUBLIC HEARING: ORDINANCE REVISION EXTENDING THE COUNTY’S ACCESSORY DWELLING UNIT (ADU) FEE WAIVER PROGRAM (4 VOTES)  (RELATES TO FLOOD CONTROL DISTRICT ITEM FLO1)
Financial and General Government	14.	FISCAL SUBCOMMITTEE RECOMMENDATIONS FOR EVERGREEN FUND FRAMEWORK: BEHAVIORAL HEALTH SERVICES, HOMELESSNESS SERVICES, HOUSING, CLIMATE AND ECONOMIC PROSPERITY [FUNDING SOURCE: AMERICAN RESCUE PLAN ACT (ARPA) FUNDS ALLOCATED TO THE EVERGREEN COMPONENT OF THE ARPA FRAMEWORK AND ARPA LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUNDS (WHICH MAY ALSO BE USED FOR EVERGREEN ITEMS)]
	15.	RESOLUTION AMENDING THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS

**ADDITION TO CONSENT CALENDAR**

<b><u>Category</u></b>	<b><u>#</u></b>	<b><u>Subject</u></b>
<u>Finance and General Government</u>	<u>16.</u>	<u>APPOINTMENT OF ACTING CHIEF ADMINISTRATIVE OFFICER AND APPROVING TEMPORARY ASSIGNMENT COMPENSATION FOR THE ACTING CAO</u> [FUNDING SOURCE: GENERAL PURPOSE REVENUE]

**ADDITION TO DISCUSSION ITEMS**

<b><u>Category</u></b>	<b><u>#</u></b>	<b><u>Subject</u></b>
<u>Closed Session</u>	<u>17.</u>	<u>CLOSED SESSION</u>

**1. SUBJECT: SELECTION OF CHAIR, VICE CHAIR AND CHAIR PRO TEM OF THE 2024 BOARD OF SUPERVISORS (DISTRICTS: ALL)**

**OVERVIEW**

The Board of Supervisors will select the Chair, Vice Chair, and Chair Pro Tem for the 2024 calendar year.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

Select a Chair, Vice Chair, and Chair Pro Tem.

**EQUITY IMPACT STATEMENT**

The Chair’s primary role is to preside at all meetings of the Board and ensure that business is conducted in an orderly fashion and that all have an equal opportunity to observe and participate in the proceedings. The Board promotes civil discourse in public discussion and debate, utilizing the adopted “Code of Civil Discourse” from the National Conflict Resolution Center, as its expression of conduct that should be aspired to by all participants in public meetings.

**SUSTAINABILITY IMPACT STATEMENT**

The Officers have opportunities to support sustainability goals that engage the community in meaningful ways and continually seek stakeholder input to foster inclusive and sustainable communities.

**FISCAL IMPACT**

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

**BUSINESS IMPACT STATEMENT**

There is no business impact associated with this action.

**2. SUBJECT: APPOINTMENTS OF BOARD MEMBERS TO BOARDS, COMMISSIONS AND COMMITTEES (DISTRICTS: ALL)**

**OVERVIEW**

The Board of Supervisors annually appoints Board Members to the boards, commissions and committees listed in Attachment A.

**RECOMMENDATION(S)**

**CHAIRWOMAN NORA VARGAS**

1. Appoint members of the Board of Supervisors to boards, commissions and committees as proposed in Attachment A.
2. Appoint Caroline Smith, Director, Office of Economic Development and Government Affairs, as the second alternate member on the Urban Counties of California.

## **EQUITY IMPACT STATEMENT**

Annually, the Board of Supervisors must appoint members of the Board to serve on boards, commissions, and committees. This ensures that the County has a voice on regional boards and commissions for opportunities to maximize resources to benefit the region.

## **SUSTAINABILITY IMPACT STATEMENT**

The proposed appointments allow stakeholders to plan for community engagement and identify meaningful ways to continually seek input to foster inclusive and sustainable communities.

## **FISCAL IMPACT**

There is no fiscal impact associated with these actions.

## **BUSINESS IMPACT STATEMENT**

There is no business impact associated with these actions.

3. **SUBJECT: SHERIFF - REQUEST FOR AGREEMENTS WITH THE CITY OF OCEANSIDE, THE CITY OF EL CAJON, THE CITY OF CHULA VISTA, AND THE CITY OF ESCONDIDO FOR CALIFORNIA IDENTIFICATION SYSTEM SUPPORT POSITIONS (DISTRICTS: ALL)**

## **OVERVIEW**

The California Identification System/Remote Access Network (Cal-ID/RAN) is a statewide system that provides local law enforcement agencies with direct access to local, state, and federal automated fingerprint, palm print, photo systems and databases. This statewide system allows for the rapid identification of persons booked into detention facilities and latent prints lifted from crime scenes. The Sheriff's Department serves as San Diego County's Cal-ID/RAN administrator.

Since 2007, the San Diego County Cal-ID/RAN Board has served as a regional policy and advisory board responsible for making recommendations for a program to employ staff in crime laboratories across the region and identify suspects. The County of San Diego's (County's) current agreements for Cal-ID support positions with the cities of Oceanside, El Cajon, Chula Vista, and Escondido will expire on June 30, 2024. To ensure the continued success of the program, there is a need to continue to provide funding for staff at the Oceanside, El Cajon, Chula Vista, and Escondido Police Departments.

Today's request seeks approval to authorize agreements between the County by and through the San Diego County Sheriff's Department and the cities of Oceanside, El Cajon, Chula Vista, and Escondido to provide funding annually from the Sheriff Fingerprint ID Trust Fund to the cities for the Cal-ID support positions. The term of the agreements is July 1, 2024 to June 30, 2025, with automatic annual renewals up to a maximum of four additional years through June 30, 2029.

## **RECOMMENDATION(S)**

### **SHERIFF**

1. Authorize the Sheriff's Department (Sheriff) to execute a Memorandum of Agreement (MOA) with the City of Oceanside to provide an estimated \$149,809 in annual funding for one full-time Latent Print Examiner position based on revenue from the Sheriff Fingerprint ID Trust Fund for the period of July 1, 2024 to June 30, 2025, with automatic annual renewals up to a maximum of four additional years through June 30, 2029, and to amend the MOA as needed to reflect changes to requirements and funding.
2. Authorize the Sheriff to execute a MOA with the City of El Cajon to provide an estimated \$111,884 in annual funding for one full-time Forensic Evidence Technician position based on revenue from the Sheriff Fingerprint ID Trust Fund for the period of July 1, 2024 to June 30, 2025, with automatic annual renewals up to a maximum of four additional years through June 30, 2029, and to amend the MOA as needed to reflect changes to requirements and funding.
3. Authorize the Sheriff to execute a MOA with the City of Chula Vista to provide an estimated \$85,947 in annual funding for one full-time Automated Fingerprint Technician position based on revenue from the Sheriff Fingerprint ID Trust Fund for the period of July 1, 2024 to June 30, 2025, with automatic annual renewals up to a maximum of four additional years through June 30, 2029, and to amend the MOA as needed to reflect changes to requirements and funding.
4. Authorize the Sheriff to execute a MOA with the City of Escondido to provide an estimated \$91,030 in annual funding for one Regional Contract Cal-ID Specialist position based on revenue from the Sheriff Fingerprint ID Trust Fund for the period of July 1, 2024 to June 30, 2025, with automatic annual renewals up to a maximum of four additional years through June 30, 2029, and to amend the MOA as needed to reflect changes to requirements and funding.

### **EQUITY IMPACT STATEMENT**

Offender identification is crucial in the criminal justice process to deliver offender accountability and bring justice and healing to victims. Qualified Latent Print Examiners demonstrate an in-depth knowledge and understanding of friction ridge physiology and morphology, terminology, detection, recovery, photography, preservation, enhancement, analysis, comparison, documentation and reporting of latent print evidence. This level of expertise is critical in supporting the San Diego County California Identification System (Cal-ID) program. Fingerprint identification and forensic evidence handling are key components to identifying individuals involved in crimes and exonerating the innocent. The positions for Oceanside, El Cajon, Chula Vista, and Escondido ensure that these critical components of criminal investigations are completed.

### **SUSTAINABILITY IMPACT STATEMENT**

Today's action to authorize agreements with the cities of Oceanside, El Cajon, Chula Vista, and Escondido supports the County of San Diego's Sustainability Goal of providing just and equitable access for victims of crimes and those that may have wrongfully been accused in a crime. The California Identification System (Cal-ID) program and the Latent Print Examiners

that work the program ensure that accurate identification is conducted, which is a critical component of serving justice and holding the responsible parties accountable for their actions. Forensic Evidence Technicians are critical in the collection, safe handling, and management of critical components that lead to identifying individuals who commit crime and help bring justice for victims.

### **FISCAL IMPACT**

If approved, funds for these requests will be included in the Fiscal Year 2024-25 CAO Recommended Operational Plan for the Sheriff's Department. These requests will result in estimated costs and revenue of \$438,670 for Fiscal Year 2024-25, with annual increases as needed for up to an additional four years through June 30, 2029 to be included in future Operational Plans for the Sheriff's Department. The funding source is the Sheriff Fingerprint ID Trust Fund. There will be no change in net General Fund costs and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

4. **SUBJECT: APPROVE A PILOT SHARED HOUSING FOR OLDER ADULTS PROGRAM TO PREVENT HOMELESSNESS AMONG OLDER ADULTS (DISTRICTS: ALL)**

### **OVERVIEW**

Of the nearly 3.4 million people currently living in San Diego County, approximately 908,000 are over the age of 55. According to the California Department of Finance demographic projections, that number is expected to grow to more than 1 million by 2030. With a longstanding commitment to ensuring that all communities within San Diego County have the capacity to support the unique needs of the aging population, the San Diego County Board of Supervisors (Board), took action on August 29, 2023 (22) to address growing the homelessness among older adults. As part of this action, the Board directed staff to return with a program design, implementation plan, and evaluation framework for an older adult shared housing program. The County of San Diego (County) Health and Human Services Agency, Housing and Community Development Services conducted a comprehensive review of 16 different shared housing models as well as the December 2020 *Shared Housing in San Diego Report* by the Regional Task Force on Homelessness and collaborated with County departments of Aging & Independence Services, Homeless Solutions and Equitable Communities, and the Office of Evaluation, Performance, and Analytics to develop a pilot program called the Shared Housing for Older Adults Program (SHOAP).

SHOAP aims to prevent homelessness, reduce the burden of housing costs, support aging in place, and offer a means of companionship for the region's older adults by creating shared living arrangements. This will be achieved through recruiting, assessing, and matching low- to moderate-income older adults, aged 55 years and older, who may be struggling to find affordable housing with appropriate homeowners or renters with an extra bedroom. The program will aim to create and support approximately 25 housing matches a year over the two-year pilot.



Today's action requests the Board to approve the pilot SHOAP and to authorize the Agency Director, Health and Human Services Agency, or designee, to pursue future funding opportunities related to addressing the housing needs of older adults. This item supports the County's vision of a just, sustainable, and resilient future for all, as well as the ongoing commitment to the regional *Live Well San Diego* vision of healthy, safe, and thriving communities by creating new housing opportunities for older adults. Additionally, this item aligns with the County Framework for Ending Homelessness by creating homeless prevention measures for individuals with a high risk of housing instability. Finally, the proposed SHOAP also supports the County's Aging Roadmap priority area of Housing by increasing the supply of housing options for older adults.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Approve the pilot Shared Housing for Older Adults Program.
2. Authorize the Agency Director, Health and Human Services Agency, or designee, to pursue future funding opportunities related to addressing the housing needs of older adults.

## **EQUITY IMPACT STATEMENT**

According to the 2022 American Community Survey 1-year estimates, nearly 73% of San Diego County's householders over the age of 55 own their homes. However, in 2015 the San Diego Seniors Community Foundation reported that within the renter population, 55.8% of single older adults who live alone reported they struggle to make ends meet. The 2023 Point-in-Time Count found that 2,670 San Diegans aged 55 years and older are experiencing homelessness, representing more than a quarter of the homeless population. Additionally, a 2021 survey conducted by Serving Seniors found that among unsheltered older adults, 88% became homeless in San Diego County and 45% are experiencing homelessness for the first time in their lives. Furthermore, community feedback provided from listening sessions and focus groups for the development of the Aging Roadmap concluded that older adult renters in San Diego County reported affordability as a pervasive problem, especially for those living on a fixed income. Other concerns included the challenges in finding affordable housing options and a growing concern for environmental factors that impact their safety.

The highlighted data underscore the exponentially growing need for affordable housing options for older adults, but also present opportunities within the older adult population rate of homeownership. The Shared Housing for Older Adults Program aims to link older adults aged 55 years and older who are looking for housing with appropriate homeowners or renters with an extra bedroom. The program also provides ongoing support for a sustainable living arrangement.

## **SUSTAINABILITY IMPACT STATEMENT**

Today's actions support the County of San Diego Sustainability Goal #2 to provide just and equitable access, and Sustainability Goal #4 to protect health and well-being of San Diegans. Sustainability Goal #2 will be accomplished through the creation of a program that prioritizes older adults as an underserved population for affordable housing opportunities. Additionally, utilizing the shared housing model optimizes the efficiency of the current housing supply. Sustainability Goal #4 will be accomplished through providing older adult participants the ability to age in place, avoid homelessness, and foster new social relationships.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year (FY) 2023-25 Operational Plan in Health and Human Services Agency (HHS) and the Office of Evaluation Performance and Analytics (OEPA).

If approved, this request will result in estimated costs of \$161,000 in FY 2023-24 and \$135,000 in FY 2024-25 in HHS and an estimated cost of \$15,000 in FY 2024-25 in OEPA, for a total estimated cost of \$311,000.

These costs include one-time costs of up to \$200,000 in FY 2023-24 and FY 2024-25, and \$96,000 in staffing costs to implement the Request for Proposal and administration of the two-year contract. Of these, up to \$200,000 will be used to implement the two-year pilot Shared Housing for Older Adults Program. These costs will provide outreach, matching and other services for approximately 50 housing matches over two years administered through a contracted provider. The remaining \$15,000, needed only in FY 2024-25, will be required for program evaluation. These funds will cover data collection and related costs.

These costs will use existing appropriations and funds for subsequent years and will be incorporated into future Operational Plans. The funding source is existing one-time General Purpose Revenue. There will be no change in net General Fund costs and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

### **5. SUBJECT:     **ADVOCATING FOR DETENTION FACILITY NEEDS IN COUNTY LEGISLATIVE PROGRAM (DISTRICTS: ALL)****

#### **OVERVIEW**

On November 7, 2023 (26), the San Diego County Sheriff's Department (Sheriff's Department) presented to the San Diego County Board of Supervisors (Board) on the state of County detention facilities which included the Detention Facility Strategic Framework Plan (Detention Facility SFP). Upholding and modernizing San Diego County detention facilities infrastructure is paramount for those in its custodial care, as well as staff who are committed to deploying the best medical and mental health care in addition to modern programming for effective return into the community.

Today's action is a request to include in the County of San Diego's Legislative Program Priority Issues the ability for the County of San Diego, through its Sacramento and Washington, D.C. advocates, to pursue state and federal resources to support the infrastructure needs of County detention facilities to ensure proper medical and mental health care can be advanced and rehabilitative programming can be further administered in accordance with the Sheriff's Department holistic service delivery model.

**RECOMMENDATION(S)**

**SUPERVISOR JIM DESMOND AND SHERIFF**

Amend the County of San Diego's 2024 Legislative Program, Priority Issues section, to include the following statement:

Pursue state and federal resources to support the infrastructure needs of County detention facilities to ensure proper medical and mental health care can be advanced and rehabilitative programming can be further administered in accordance with the Sheriff's Department comprehensive service delivery model.

**EQUITY IMPACT STATEMENT**

The Sheriff's Department prioritizes providing quality medical and mental health care to everyone in custody beginning at intake. Infrastructure improvements are necessary to enhance delivery of services which will improve outcomes and reduce health disparities. Above and beyond the Constitutional minimum requirements, jail facilities should reflect the community standard of integrated healthcare and support incarcerated persons with a holistic approach. The Sheriff's Department is continually enhancing technology and programs in County detention facilities to enhance the level of care and increase access, thus creating a physical environment conducive to the health and well-being of all incarcerated persons. This approach maximizes the overall health and life trajectory of incarcerated persons, and better supports reentry to the community upon release.

**SUSTAINABILITY IMPACT STATEMENT**

Today's proposed amendment to the County of San Diego's 2024 Legislative Program supports the ability to advocate for additional resources at the State and Federal level for the necessary facility replacements and facility improvements systemwide. This contributes to the County of San Diego's sustainability goal to provide just and equitable access to County services. The Sheriff's Department has been committed to improving its service delivery to those in its custodial care. This effort will provide more coordinated medical and mental health care service delivery, with a person-centered approach to rehabilitate individuals, as well as provide equitable access for family members and collaborative spaces for criminal justice and community-based partners. By investing in modern infrastructure, the Sheriff's Department will be able to provide enhanced care and resources to individuals in custody.

**FISCAL IMPACT**

There is no fiscal impact associated with today's recommendation. There will be no change in Net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**6. SUBJECT: 2023 ESCHEATMENT OF UNCLAIMED MONEY IN COUNTY TRUST FUNDS (DISTRICTS: ALL)**

**OVERVIEW**

This is a request to approve the escheatment of specified unclaimed funds pursuant to California Government Code sections 50050-50057 and Penal Code 1420-1422. Public notice has been

given by the Treasurer-Tax Collector that 1) the amount of \$196,339.20 was deposited in Trust Funds in the Treasury of San Diego, 2) was not the property of the County of San Diego (the “County”), 3) has remained unclaimed for the requisite years, and 4) will become property of the local agency effective October 7, 2023, if no claim is received prior to that date. The final claim period ended on October 6, 2023.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Direct the Chief Administrative Officer to transfer total of \$106,143.49 from County Trust Funds from identified County Departments and deposit it as revenue in the County’s General Fund.
2. Direct the Chief Administrative Officer through the Office of Revenue and Recovery to transfer a total of \$90,195.71 from its Trust Funds and deposit it as revenue in the Office of Revenue and Recovery’s Victim Services Fund.

### **EQUITY IMPACT STATEMENT**

The Treasurer-Tax Collector recognizes the systemic impacts that inequitable policies may create for residents of the County of San Diego. Impacts have historically included outcomes related to racial justice and issues of belonging that are reflected in the programs, services and resources allocated to communities. County departments submit a list of unclaimed monies in their possession to the Treasurer-Tax Collector for inclusion in the Treasurer-Tax Collection escheatment noticing and advertising activity. The Treasurer-Tax Collector includes those unclaimed monies in all widespread public notice that these unclaimed monies are available to claim by displaying a full list of items on the Treasurer-Tax Collector website, and by placing display ads in local community news publications throughout the County and supplying local shelters with the display ad information to post in their establishment as means to notify the public of the upcoming deadline to claim the monies before they are escheated. The notices and display ads utilize “plain language” and graphics to convey the message and action that is needed to make a claim. Concurrent to these efforts staff perform extensive research and make attempts to contact the rightful owner of the money and encourage a claim be submitted. It is anticipated that these actions have a positive impact on groups to include Black, Indigenous, People of Color (BIPOC), women, people with disabilities, immigrants, youth, and the LGBTQ community.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed actions to escheat unclaimed refunds and return the revenue to the County General Fund are appropriate as they support the County of San Diego’s Strategic Initiative of Sustainability and the Goal of Economy, to align the County’s available resources with services to maintain fiscal stability and ensure long-term solvency. The proposed actions to escheat revenue are also in alignment with the County of San Diego’s Sustainability Goal of providing just and equitable access as the process to claim refunds is widely accessible to all claimants.

### **FISCAL IMPACT**

If approved, this request will result in \$106,143.49 of unanticipated revenue to be realized by the County’s General Fund and \$90,195.71 by the Office of Revenue and Recovery Victim Services Fund. There will be no change in net General Fund cost and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

7. **SUBJECT: APPROVAL OF THE CONFLICT OF INTEREST CODES FOR DCAO - PUBLIC SAFETY GROUP, GOMPERS PREPARATORY ACADEMY, GROSSMONT UNION HIGH SCHOOL DISTRICT, RAMONA UNIFIED SCHOOL DISTRICT & SAN YSIDRO SCHOOL DISTRICT (DISTRICTS: ALL)**

### **OVERVIEW**

The Board of Supervisors serves as the Code Reviewing Body for any local agency, other than city agencies, with jurisdiction wholly within the County, per Government Code Section 82011. The recommended action would approve the proposed amendments to the Conflict of Interest codes of DCAO - Public Safety Group, Gompers Preparatory Academy, Grossmont Union High School District, Ramona Unified School District and San Ysidro School District.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

Approve the Conflict of Interest codes of the following agencies:

1. DCAO - Public Safety Group
2. Gompers Preparatory Academy
3. Grossmont Union High School District
4. Ramona Unified School District
5. San Ysidro School District

### **EQUITY IMPACT STATEMENT**

County government includes standing and special citizen boards, commissions, committees and task forces formed to advise the Board of Supervisors and County staff on issues and policies and to serve as links to the community. Boards, commissions and committees provide an inter-relationship between the residents and the government of the County and as such must provide transparent bias-free decision-making. The Board of Supervisors serves as the Code Reviewing Body for any local agency, other than city agencies, with jurisdiction wholly within the County, pursuant to Government Code Section 82011. Under the California Political Reform Act, a public official has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on their personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The recommended action would approve the amended Conflict of Interest codes submitted by DCAO - Public Safety Group, Gompers Preparatory Academy, Grossmont Union High School District, Ramona Unified School District and San Ysidro School District. The Conflict of Interest code in this Board Letter enables the County of San Diego to provide transparency and accountability to individual residents, ensuring equitable operations of the government that are free from undue influence.

## **SUSTAINABILITY IMPACT STATEMENT**

Under the Political Reform Act, all public agencies are required to adopt a Conflict of Interest code that designates positions that are required to file the Statement of Economic Interests (Form 700). Conflict of Interest codes must be maintained as updated and accurate to ensure that necessary public officials report their personal financial interests. These required filings provide public transparency about possible conflicts of interest and to ensure governmental decisions are made in the best interest of the public. This board letter supports the County of San Diego's sustainability goal of, "Engaging the community to partner and participate in decisions that impact their lives and communities and transparently share results of outcomes."

## **FISCAL IMPACT**

The funding source for administration of this task is included in the Fiscal Year 2023-2024 Adopted Budget for the Clerk of the Board of Supervisors.

## **BUSINESS IMPACT STATEMENT**

N/A

8. **SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN  
ORDINANCE AMENDING THE COMPENSATION ORDINANCE AND  
ESTABLISHING COMPENSATION (12/5/23 - FIRST READING; 1/9/24 -  
SECOND READING, UNLESS THE ORDINANCE IS MODIFIED ON  
SECOND READING) (DISTRICTS: ALL)**

## **OVERVIEW**

On December 5, 2023 (12), the Board of Supervisors took action to further consider the Ordinance on January 9, 2024.

The Compensation Ordinance enacted by the Board of Supervisors establishes procedures for compensating County of San Diego employees. The Department of Human Resources provides recommendations for changes to the Compensation Ordinance based on legislative changes, environmental factors, and organizational changes with the goal of providing and retaining a skilled, adaptable, and diverse workforce. Today's actions reflect the compensation ordinance changes to accomplish this goal.

Today's recommendations are for the Board to approve the introduction of the ordinance (first reading) to amend the Compensation Ordinance. If the Board takes action as recommended, then on January 9, 2024, staff recommends the Board adopt the ordinances (second reading). If the proposed ordinance is altered on January 9, 2024, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

Approve the adoption of the Ordinance (second reading):

**AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE AND  
ESTABLISHING COMPENSATION.**

If the proposed ordinance is altered on January 9, 2024, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

**EQUITY IMPACT STATEMENT**

The Department of Human Resources is committed to assuring that equity is considered in classification and compensation. Today's recommendations provide amendments to the compensation ordinance that will assist the County of San Diego to provide and retain a skilled, adaptable, and diverse workforce for County departments and enables the County to deliver superior services to the residents and visitors of the County of San Diego.

**SUSTAINABILITY IMPACT STATEMENT**

The proposed actions amending the compensation ordinance aligns with the County of San Diego's Sustainability Goals by promoting sustainable economic growth for our community. The proposed actions included in this letter provide just and equitable wages.

**FISCAL IMPACT**

There is no fiscal impact for the recommendations. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**9. SUBJECT: APPOINTMENTS: VARIOUS (DISTRICTS: ALL)**

**OVERVIEW**

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

**RECOMMENDATION(S)**

**SUPERVISOR JOEL ANDERSON**

Appoint Corbin Sabol to the JAMUL/DULZURA COMMUNITY PLANNING GROUP, Seat No. 5, for a term to expire January 6, 2025.

Appoint Paul W. Lotze to the LAKE CUYAMACA RECREATION AND PARK DISTRICT, Seat No. 7, for a term to expire January 2, 2025.

Appoint Lorraine Kent to the SAN DIEGUITO COMMUNITY PLANNING GROUP, Seat No. 8, for a term to expire January 4, 2027.

**SUPERVISOR JIM DESMOND**

Appoint Donna Hein to CSA No. 138 - VALLEY CENTER PARK AND RECREATION ADVISORY COMMITTEE, Seat No. 1, for a term to expire January 4, 2027.

Re-appoint Toby Roy to the ENVIRONMENTAL HEALTH ADVISORY BOARD, SAN DIEGO COUNTY, Seat No. 7, for a term to expire November 17, 2026.

Appoint Jim Hamerly to the PALOMAR MOUNTAIN COMMUNITY SPONSOR GROUP, Seat No. 2, for a term to expire January 4, 2027.

Appoint Donald Armstrong to the PAUMA MUNICIPAL WATER DISTRICT, Seat No. 1, for a term to expire December 6, 2024.

Appoint Andrea Gonzalez to the SOCIAL SERVICES ADVISORY BOARD, Seat No. 9, for a term to expire January 4, 2027.

#### **CHIEF ADMINISTRATIVE OFFICE**

Appoint Larosa Watson to the ENVIRONMENTAL HEALTH ADVISORY BOARD, SAN DIEGO COUNTY, Seat No. 13, for a term to expire January 9, 2027.

Re-appoint Zohir Chowdhury to the ENVIRONMENTAL HEALTH ADVISORY BOARD, SAN DIEGO COUNTY, Seat No. 17, for a term to expire November 4, 2026.

Appoint Jason Nevarez to the HUMAN RELATIONS COMMISSION, LEON L. WILLIAMS SAN DIEGO COUNTY, Seat No. 3, for an indefinite term.

Appoint Susan Madison to the PERSONS WITH DISABILITIES, COMMITTEE FOR, Seat No. 11, for a term to expire January 9, 2026.

#### **EQUITY IMPACT STATEMENT**

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

#### **SUSTAINABILITY IMPACT STATEMENT**

The County of San Diego has over one hundred boards, commissions, committees, and task forces that serve as voice in the County government. Advisory bodies are an essential role in resident engagement that allow citizens to participate on issues relating to the welfare and quality of life in the County. They are fundamental to the County of San Diego's ability to navigate complex and dynamic policy challenges, are a conduit to the County Bureaucracy, and a broker to community voice. This board letter supports the County of San Diego Sustainability Goal No.1 by "encourage[ing] people and diverse stakeholders to partner and participate in decisions that impact their lives and communities."

#### **FISCAL IMPACT**

N/A

#### **BUSINESS IMPACT STATEMENT**

N/A



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

**OVERVIEW**

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

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

Note and file.

**EQUITY IMPACT STATEMENT**

N/A

**SUSTAINABILITY STATEMENT**

This board letter is a list of documents received by the Clerk of the Board of Supervisors and/or Board of Supervisors from other entities, other county departments, the public, and internal documents presented to the Clerk of the Board of Supervisors or the Board of Supervisors. This contributes to the overall sustainability of the county by engaging the community in meaningful ways and promote an environment that provides equitable access opportunities for public engagement.

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**11. SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:  
AN ORDINANCE AMENDING SECTION 363 OF ARTICLE XX OF  
THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING  
TO FILING FEES TO SEAL OR EXPUNGE A RECORD, PURSUANT  
TO ASSEMBLY BILL 134 (DISTRICTS: ALL)**

**OVERVIEW**

On December 5, 2023 (23), the Board of Supervisors took action to further consider the Ordinance on January 9, 2024.

Effective July 10, 2023, California Assembly Bill (AB) 134 eliminated filing fees to seal or expunge a record, commonly known as expungements. For those who requested expungements prior to AB 134's passage, the charges are still collectible; however, no new fees will be assessed.

Today's action seeks Board of Supervisors (Board) approval to amend Article XX of the San Diego County Administrative Code to reflect the County of San Diego's implementation of, and to be consistent with, the provisions of AB 134. As of July 10, 2023, the Probation department ended the assessment of fees to seal or expunge a record. The proposed changes to the San Diego County Administrative Code delete the references to these requests of dismissal filing fees which are no longer assessed, pursuant to the changes in state law. The ordinance will be introduced on December 5, 2023 and, if approved, it will be scheduled for adoption on January 9, 2024. If the proposed ordinance is altered on January 9, 2024, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

Consider and adopt the Ordinance (unless ordinance is modified on second reading):

**AN ORDINANCE AMENDING SECTION 363 OF ARTICLE XX OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FILING FEES TO SEAL OR EXPUNGE A RECORD.**

### **EQUITY IMPACT STATEMENT**

The proposed amendments to the San Diego County Administrative Code align with changes to state law to end the assessment of filing fees related to filing fees to seal or expunge a record. According to a report by the Ella Baker Center for Human Rights, the average debt incurred by defendants for court-ordered fines and fees was roughly equal to the annual income for many survey respondents. Because these fees are often assigned to people who cannot afford to pay them, they can be a contributing factor to poverty and limit economic opportunities among low-income individuals in our justice system. Community engagement was coordinated through advocacy efforts during the state legislative process. These actions to implement changes already passed through state law are anticipated to remove barriers to long-term success for justice-involved individuals.

### **SUSTAINABILITY IMPACT STATEMENT**

The implementation of an Ordinance amending the San Diego County Administrative Code contributes to the County of San Diego Sustainability Goals of providing just and equitable access to County services. Aligning the San Diego County Administrative Code with existing state law enables County programs, operations, and contracts to reflect the values of equity and sustainability set forth by the California State Legislature. Specifically, the proposed Ordinance reflects recognition of the economic impacts of filing fees to seal or expunge a record. By doing so, this request will help to remove some barriers for justice-involved individuals to have greater access to more economic opportunities.

### **FISCAL IMPACT**

There is minimal fiscal impact associated with the proposal to amend the San Diego County Administrative Code to be consistent with state law. The revenue collected from these filing fees to seal or expunge a record has not exceeded \$10,000 annually for the past three fiscal years. This amount can be absorbed within the current and future years budget for the Probation Department. The funding source is existing General Purpose Revenue. There will be no net change in General Fund costs and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

### **12. SUBJECT: COUNTY OF SAN DIEGO AMERICAN RESCUE PLAN ACT FRAMEWORK UPDATE (DISTRICTS: ALL)**

#### **OVERVIEW**

On June 8, 2021 (3), the San Diego County Board of Supervisors (Board) approved an American Rescue Plan Act of 2021 (ARPA) spending framework for the approximately \$650 million in ARPA funds received from the federal government to be used towards the County of San Diego's (County) response to the COVID-19 pandemic. This ARPA Framework not only addressed the needs of the region to test, trace and treat COVID-19 cases to reduce morbidity and mortality, but also addressed the economic and social impacts of the pandemic.

The ARPA Framework established by the Board was the culmination of input from every supervisorial district and comprehensive community engagement, which included community workshops held in March 2021 as well as review and consideration of correspondence received from community organizations and advocates. The ARPA Framework includes programs to respond to the COVID-19 pandemic as well as services for behavioral health, homelessness, food assistance, seniors and youth, small businesses, and critical infrastructure.

The ARPA funds allocated to the County represent a significant and extraordinary infusion of resources to the region, and the County has taken a leading role in utilizing these funds, employing a strategic three-pronged approach. The first prong prioritizes saving lives and protecting families, ensuring funds were directed towards critical initiatives such as testing, treatment, and vaccination sites. The second prong focuses on countering the economic impacts of the pandemic and making longer term investments for the region. This effort includes efforts to stimulate the economy and help San Diegans get back to work, marked by strategic investments like the small business and non-profit stimulus payments, aimed at revitalizing economic activity. The third prong includes resources for investing in our future, supporting programs such as child care, behavioral health, and evergreen funding initiatives. This structured approach highlights the County's commitment to addressing immediate needs while strategically planning for a resilient and prosperous future.

Of note, the federal guidelines require that ARPA funds are obligated by the end of 2024, and ultimately spent by the end of 2026. To ensure the ARPA funds are used most effectively and fully expended, County staff will be returning to the Board with recommended updates to the ARPA Framework based on discussion and actions taken today. County staff is currently reviewing the ARPA Framework as it relates to those programs that will have a funding need once ARPA funds are fully expended, as well as other programs that align with the ARPA Framework to provide essential services. In addition, consideration will be given to mitigate the impacts of any disallowances that the Federal Emergency Management Agency may have when reviewing the County's reimbursement submittals for COVID-19 programs.

Today's recommendations include receiving an update on the ARPA Framework, including projected spending levels and a report out on the Evergreen Fund recommendations of the Fiscal Subcommittee, and requesting direction from the Board related to allocation of any remaining resources of the ARPA Framework, to ensure these resources effectively respond to the priorities and needs across the region.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Receive the American Rescue Plan Act (ARPA) Framework Update report.
2. Direct the Chief Administrative Officer to develop recommendations to revise the ARPA Framework based on projected remaining ARPA funds and return to the Board.

### **EQUITY IMPACT STATEMENT**

Today's actions support the mechanism to present the County of San Diego's framework for the use of American Rescue Plan Act funding in support of the most vulnerable residents in the county. The COVID-19 pandemic has had a significant impact on the lives of individuals, businesses, and communities across San Diego County. To support the most vulnerable, an equity lens and a quantitative and qualitative data-driven approach were used to prioritize and integrate consideration of racial and gender equity in the recommendations to guide the distribution of COVID-19 response and recovery-related federal, State, and local funding and resources. Additionally, monitoring the impacts of the components of the ARPA Framework include the use of the Healthy Places Index to ensure equitable access and distribution of programs.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed actions to receive an update on the American Rescue Plan Act (ARPA) Framework and provide direction related to allocation of components of the ARPA Framework support the County of San Diego's Sustainability Goals #2, #4 and #5 by ensuring the ARPA Framework supports just and equitable access to County services, protecting the health and well-being of everyone in the region, and supporting stormwater infrastructure to protect the quality of our region's groundwater.

### **FISCAL IMPACT**

There is no immediate fiscal impact associated with these requests. The remaining balance of American Rescue Plan Act (ARPA) funds is included in the Fiscal Year (FY) 2023-24 Operational Plan. County of San Diego (County) staff would return to the San Diego County Board of Supervisors (Board) as needed with additional actions tied to any future fiscal impacts that may result from today's recommendations.

Today's recommendation is to receive the ARPA Framework Update report (*Attachment A on file with the Clerk of the Board*). As of the last submitted quarterly report to the United States Department of the Treasury, the County had spent \$323.8 million of the approximately \$650 million in funds received. This included leveraging an ARPA lost revenue strategy in some areas to redirect General Purpose Revenue. Based on current program activity and Board directive to expend funds by the end of FY 2024-25, \$67 million is projected to remain at the end of the period. Combined with the unused Evergreen Fund amount of \$66.6 million, the total

projected balance for the ARPA Framework is \$133.6 million, which does not include infrastructure projects with a multi-year timeline. This balance presents an opportunity to continue to fund ARPA framework activities with ongoing costs for another fiscal year, still within the Treasury's expenditure timeframes, as well as mitigate some budgetary pressures related to these programs over the next couple of years.

While many programs initiated under ARPA were intended to be one-time to meet immediate needs resulting from the pandemic, ARPA funds were also used to accelerate the development of additional County programs supporting vulnerable populations. These programs, primarily supporting homeless services, do not have sustainable funding identified. ARPA funds remaining at the end of FY 2024-25 could be used to prevent a budgetary gap in these areas beginning in FY 2025-26. Additionally, these funds could be used to address an imminent gap in funding beginning in FY 2024-25 for the Regional Homeless Assistance Program, and to help mitigate impacts of any potential disallowances that the Federal Emergency Management Agency may have when reviewing the County's reimbursement submittals for COVID-19 programs (*Attachment C on file with the Clerk of the Board*).

The Evergreen Fund component of the ARPA Framework is funded in the amount of \$80.6 million, based on funding from the ARPA Framework (\$79 million) and another amount from the Local Assistance and Tribal Consistency Fund (\$1.6 million). The Board has already taken action on \$14.0 million (Supportive Services for Asylum Seeking Migrants and Housing Every Homeless Person in Addiction Recovery). The remaining balance of the Evergreen Fund, currently \$66.6 million, would be brought back to the Board for action on recommended options. The \$66.6 million may be reduced by actions taken by the Board today or at any meeting prior to staff's return. These ARPA funds would be used directly or leveraged through a lost revenue strategy to redirect existing General Purpose Revenue.

## **BUSINESS IMPACT STATEMENT**

N/A

- 13. SUBJECT: NOTICED PUBLIC HEARING:  
ORDINANCE REVISION EXTENDING THE COUNTY'S ACCESSORY  
DWELLING UNIT (ADU) FEE WAIVER PROGRAM  
(DISTRICTS: ALL)**

## **OVERVIEW**

Although the housing crisis continues to severely impact our region, there have been recent positive examples of steps the County took to make a dent to address the region's need for more housing. One such example is the County's fee waiver program for Accessory Dwelling Units (ADUs). On October 10, 2018 (2), the Board of Supervisors (Board) received the report *Options to Improve Housing Affordability in the Unincorporated Area* and directed staff to develop a trial program to waive plan check fees, permit fees, and County development impact fees for Accessory Dwelling Units (ADU) projects located on a lot with an existing single-family dwelling. ADUs are structures that are accessory to a primary residence, constructed with independent living facilities for one or more persons. Broadly speaking, they are allowed up to 1,200 square feet in size, can be attached or detached from the primary residence, and are an incredibly important tool to increase the availability of housing that can be built within our existing communities.

On January 30, 2019 (1), the Board adopted ordinances to create a five-year trial fee waiver program that would waive plan check fees (staff review of submitted materials), permit fees (such as building and septic system fees) and County development impact fees (such as transportation, park, and drainage fees) for newly constructed ADUs located on a lot with an existing single-family dwelling in the unincorporated County. This program has been running successfully and expires (or “sunsets”) on January 9, 2024. By its sunset date, the program is expected to have waived fees for roughly 1,500 ADU projects and will result in an estimated cumulative savings to applicants of nearly \$15 million - a definite success.

Beyond the fee waiver program, the County has other processes in place to streamline the production of ADUs. For example, staff developed six sets of unique building plans (“Pre-Approved Plans”) that applicants can use to construct an ADU. These range in size from 600 to 1,200 square feet and there are no costs to use them. For applicants proposing privately designed ADUs (not using the Pre-Approved Plans), County staff offer an expedited plan check at no additional cost, which provides a first-round review in half the time of a review for a new single-family residential unit. Neither the Pre-Approved Plans nor the expedited review process for ADUs are sunsetting on January 9, 2024 - only the fee waiver program. Although the Pre-Approved Plans and expedited review efforts are beneficial on their own, the fee waiver program can increase the cumulative positive impacts, especially when taken as part of the broader suite of efforts to streamline ADU production. The housing crisis is a perilous situation that impacts all communities in our region, and we need every tool available to us to address the severe lack of housing. At this time, it would be misguided to let the program expire. It’s important we continue to offer a multifaceted approach to incentivizing and streamlining homebuilding in the unincorporated county, and waiving fees for relatively affordable ADUs has proven to help do exactly that.

Today’s action is for the Board to adopt ordinances authorizing the extension of the County’s Fee Waiver Programs for development impact fees (Transportation Impact, Park Lands Dedication Ordinance, and Drainage) and permit fees (building and onsite wastewater system) for ADUs located on lots with existing single-family dwellings for another five-year trial period commencing January 9, 2024 until January 9, 2029. Initial funding of \$16M dollars will be provided to support these efforts. Once this funding has been used, the fees will need to be paid by the applicant. Today’s request would also ~~establish appropriations through revising~~ revise the American Rescue Plan Act (ARPA) Framework to reallocate \$16.0 million of amounts anticipated to be allocated to the Evergreen element of the ARPA Framework to make the necessary funding available to extend the program.

**RECOMMENDATION(S)**  
**SUPERVISOR JIM DESMOND**

Acting as the San Diego County Board of Supervisors:  
On January 9, 2023:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified in Section 15061(b)(3) of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption dated December 21, 2023, on file with the Department of Planning & Development Services (PDS), and approve the findings in Attachment A (on file with the Clerk of the Board) pursuant to the CEQA Guidelines Section 15061(b)(3).

2. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, for the waiver of plan check and building permit fees, onsite wastewater system permit fees, special drainage area fees, Park Lands Dedication Ordinance (PLDO) fees and Transportation Impact fees (TIF) for Accessory Dwelling Units (ADU) for a five-year trial period commencing January 9, 2024 until January 9, 2029. During this five-year trial, fees would be waived provided there is sufficient funding remaining to cover the fees charged. Once funding has been used the fees would no longer be waived.
3. Revise the American Rescue Plan Act (ARPA) Framework to reallocate \$16.0 million of amounts anticipated to be allocated to the Evergreen element of the ARPA Framework to make funding available to extend the County's ADU Fee Waiver Program for an additional 5 years. During this five-year trial, fees would be waived provided there is sufficient funding remaining to cover the fees charged. Once funding has been used the fees would no longer be waived.
4. Direct the CAO to utilize a lost revenue strategy under the final ARPA guidance as necessary for Recommendation #3, based on previously allocated General Purpose Revenue, and make the appropriate budget adjustments in future operational plan status letter updates. ~~in the Land Use and Environmental Group (LUEG) General Relief Program and transfer revenue of \$16.0 million from Finance Other, Intergovernmental Revenue to LUEG, based on ARPA revenue to replace previously allocated General Purpose Revenue for the General Relief Program and transfer appropriations of \$16.0 million from Finance Other, Other Charges, to LUEG to fund extending the County's Fee Waiver Program by an additional 5 years. During this five-year trial, fees would be waived provided there is sufficient funding remaining to cover the fees charged. Once funding has been used the fees would no longer be waived.~~
5. ~~Establish appropriations of \$13.6M in the Department of Planning & Development Services, Services & Supplies for plan check review, building permit, PLDO, TIF and drainage fees for ADUs utilizing the funds provided from the reallocation of the ARPA funding. (4 VOTES)~~
6. ~~Establish appropriations of \$2.4M in the Department of Environmental Health, Salaries & Benefits, for new construction layout/percolation tests and onsite wastewater system inspections permit fee waivers for ADUs utilizing the funds provided from the reallocation of the ARPA funding. (4 VOTES)~~
7. Approve the introduction of the Ordinance, (first reading), read title and waive further reading of the Ordinance (Attachment B, on file with the Clerk of the Board):  
ORDINANCE REVISION EXTENDING THE COUNTY'S ACCESSORY DWELLING UNIT (ADU) FEE WAIVER PROGRAM

If, on January 9, 2024, the Board takes action as recommended, then on January 23, 2024:  
Consider and adopt the Ordinance (second reading):  
ORDINANCE REVISION EXTENDING THE COUNTY'S ACCESSORY DWELLING UNIT (ADU) FEE WAIVER PROGRAM

Acting as the Board of Directors of the San Diego County Flood Control District:

On January 9, 2023:

1. Find that the proposed project is exempt from CEQA as specified in Section 15061(b)(3) of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption dated December 21, 2023, on file with PDS, and approve the findings in Attachment A (on file with the Clerk of the Board) pursuant to the CEQA Guidelines Section 15061(b)(3).
2. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance (Attachment C, on file with the Clerk of the Board):  
**ORDINANCE REVISION EXTENDING THE COUNTY'S ACCESSORY DWELLING UNIT (ADU) FEE WAIVER PROGRAM**

If, on January 9, 2024, the Board takes action as recommended, then on January 23, 2024:

Consider and adopt the Ordinance (second reading):

**ORDINANCE REVISION EXTENDING THE COUNTY'S ACCESSORY DWELLING UNIT (ADU) FEE WAIVER PROGRAM**

### **EQUITY IMPACT STATEMENT**

Both low and middle-income families, as well as other vulnerable communities such as those currently experiencing homelessness, by far bear the brunt of the negative impacts associated with the lack of housing and severely inflated home prices. By extending the County's Fee Waiver Program for ADUs, we have an opportunity to reduce development barriers and streamline housing production for the unincorporated communities.

### **SUSTAINABILITY IMPACT STATEMENT**

The County's commitment to sustainability requires us to consider the long-term consequences of our actions on the environment, economy, and social well-being of the communities we serve. Currently, our communities are suffering from a severe lack of housing and skyrocketing home prices. It is the County's responsibility to ensure our residents are thriving in all aspects of life, which must include access to available and affordable housing.

### **FISCAL IMPACT**

Extending the ADU Fee Waiver Program is expected to result in \$3.2 million per year in uncollected County fees that the County would be subsidizing. Today's action would fund \$16 million in subsidized fees to be used over the next five years. Available American Rescue Plan Act (ARPA) funds of \$16 million will be recognized as lost revenue and redirected to the ADU Fee Waiver Program. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

The waiver of impact and permit fees for Accessory Dwelling Units (ADUs) supports the local economy by creating new incentives for increasing the supply of housing in the unincorporated area. These types of programs remove financial barriers and create incentives for improved affordability of smaller housing types available to households that may include young people, couples, students, professionals, and seniors. New development of ADUs will also create local job growth and support the local economy.

(RELATES TO FLOOD CONTROL DISTRICT ITEM FLO1)



**14. SUBJECT: FISCAL SUBCOMMITTEE RECOMMENDATIONS FOR EVERGREEN FUND FRAMEWORK: BEHAVIORAL HEALTH SERVICES, HOMELESSNESS SERVICES, HOUSING, CLIMATE AND ECONOMIC PROSPERITY (DISTRICTS: ALL)**

**OVERVIEW**

Over the past three years, this County Board of Supervisors (Board) has made unprecedented commitments to delivering services that meet urgent community needs and invest in long-standing deficits in behavioral health, homelessness, affordable housing, and advancing climate justice and shared economic prosperity across our region. The commitments and actions of the Board are moving us forward towards a more equitable and inclusive future for those who live and work in San Diego County.

As part of this effort, a Fiscal Management and Budget Strategy Subcommittee (Fiscal Subcommittee) was established in 2021 to work with County staff to develop long-term fiscal strategies to advance the key priorities of the Board.

On August 30, 2022, the Board directed the establishment of an “Evergreen Fund”, using a total of \$80.6 million in projected remaining balances and/or the use of a lost revenue strategy employed with a portion of American Rescue Plan Act (ARPA) funding. Rather than immediately spending these one-time revenues on one-time expenses that would permanently deplete the funds, the Board created the Evergreen Fund to prioritize investments in programs with self-sustaining revenue sources, or that draw down and leverage external matching funds.

On December 13, 2022 (30), the Board directed the CAO and the Fiscal Subcommittee to develop Evergreen Fund recommendations in collaboration with County experts from behavioral health, housing, homelessness, economic development, and the Chief Financial Officer and the Finance and General Governmental Group team, and to report back to the Board with program recommendations for consideration and approval. The Board directed the Fiscal Subcommittee to explore promising opportunities in the areas of Behavioral Health Workforce, Affordable Housing, Homelessness, and Other Key Board Priorities. An initial memo of program concepts was circulated to the Board on April 28, 2023 as an early status update prior to full final recommendations being brought back to the Board for a vote. The programs have continued to be refined since that time.

The Fiscal Subcommittee was prepared to report back with this Evergreen Framework in July 2023 but decided to wait to bring back the Evergreen Framework for Board consideration until the Fourth District vacancy could be filled. This Evergreen Fund report back has therefore been timed for January 9, 2024, to ensure all five districts could be represented at the vote.

Today’s item outlines a framework of Evergreen Fund program options for consideration, developed by the Fiscal Subcommittee in collaboration with County experts from behavioral health, housing, homelessness, economic development, as well as the Chief Financial Officer, and the Finance and General Government Group team. It is based on the concepts outlined in the April 28, 2023, memo, that have been refined and updated to better support program implementation and respond to emerging Board priorities.

It includes recommendations to take immediate action on three programs based on the urgency of these issues and the critical need to implement prompt solutions without delay; Program 3 supports SB-43 implementation and the serious concerns about hospital emergency room overcrowding by expanding recuperative care homeless bed capacity, Program 4 addresses the critical shortages in our behavioral health workforce, which needs to add 18,500 new workers in order to meet the mental health and addiction treatment needs of our communities, and Program 5 responds to the impact of rising healthcare costs on County workers and the impact to our County workforce recruitment and retention efforts.

This item further includes recommendations to support two programs, not for immediate implementation, but for inclusion as options for the Board to consider in the forthcoming ARPA update from the Chief Administrative Officer, which is anticipated to come to Board in February 2024. These include Program 6, which proposes a first-ever workforce housing program at the County of San Diego to add affordable housing stock and bolster recruitment and retention efforts, and Program 7, which supports economic prosperity, small business expansion, and climate action by better leveraging federal grants resources and supporting small businesses with loan fund resources.

Taken together, these programs align with and build on prior actions taken by this Board to invest in critical infrastructure that strengthens the County's long-term ability to deliver on its commitment to tackling homelessness, providing behavioral health and addiction treatment, address rising housing costs with affordable housing options, advancing sustainability and climate justice, and catalyzing equitable and inclusive economic prosperity for our region.

**The program recommendations are as follows:**

**1. Enhancing Humanitarian Emergency Response and Relief: Supportive Services for Asylum Seeking Migrants**

**Program:** Chairwoman Vargas and Supervisor Anderson brought forward proposals on October 10, 2023 (14), and December 5, 2023 (30) to allocate a total of \$6 million to support local partners in their work with asylum seeking migrants and mitigate street releases. This funding supports a range of essential services to asylum-seeking migrants to facilitate their onward move from San Diego County to their final destination.

**Why:** The current humanitarian and migrant crisis impacting our border community reflect the significant federal immigration issue that has overwhelmed local communities. The expiration of Title 42 has brought an influx of asylum-seeking migrants to border communities, with over 42,000 individuals released in San Diego County between September and November of 2023.

**Funding:** \$6 million, approved by the Board on October 10, 2023 (14) and December 5, 2023, (30).

**2. Housing Every Homeless Person in Addiction Recovery**

**Program:** Supervisor Desmond brought forward a proposal on December 5, 2023 (24), to allocate \$8 million to expand residential recovery beds for all homeless persons with an open admission to County-funded outpatient substance use treatment or recovery services in San Diego County. The one-time allocation of funding will support expansion

of recovery residences to cover up to 909 individuals over a two-year period and bridge the gap until anticipated new funding becomes available from the State through changes to the Mental Health Services Act.

**Why:** Over a third of our homeless population also have a substance use disorder that compounds their challenges to address housing instability and episodes of homelessness. Stable housing would support recovery, improve health outcomes, and reduce episodes of homelessness.

**Funding:** \$8 million, approved by the Board on December 5, 2023 (24).

**3. Supporting SB-43 Implementation and Addressing Hospital Overcrowding with Recuperative Care Homeless Beds**

**Program:** Allocate capital funding to support the development of new recuperative care shelter capacity to provide critically needed step down beds to support SB-43 implementation and address hospital overcrowding for medically vulnerable homeless individuals.

**Why:** Senate Bill 43 expands the eligibility for conservatorship for people with severe substance use disorder and is expected to put more pressure on already strained hospital emergency rooms. Recuperative care facilities offer one lower-cost alternative that allows some homeless patients with medical and behavioral health vulnerabilities to step down from a hospital to a residential setting while still receiving medical care and treatment. However, unlike homeless shelters, these facilities receive operational funding not from local governments but through reimbursements from hospitals, the VA, and the managed care plans under the new CalAIM initiative. This model frees up space in our hospitals and expands shelter for homeless individuals, while leveraging external funding sources for long-term operational costs. The County has seen success with this model, investing \$9 million in capital funding to support the creation of the 106-bed Abraham and Lillian Turk Recuperative Care Center, which opened in May 2022.

**Funding:** \$8 million in capital funding, which could leverage up to \$35 million in operational funding from health plans over a five-year period.

**4. Expanding the County of San Diego's Public Behavioral Health Workforce**

**Program:** Allocate funding to support investments toward enhancing and expanding the public behavioral health workforce across the County. This proposal aims to address the behavioral health workforce shortage through investments that (1) support the training, education, recruitment and retention of public behavioral health staff, including better pay, more voice in the workplace, and tuition assistance, and (2) engage and expand the pool of organizations equipped to provide behavioral health care within the public behavioral health system, including diverse community-based organizations to participate in the provision of Medi-Cal funded behavioral health services, broadening the diversity and representation of organizations offering mental health and substance use services.

The purpose of this program is to leverage public resources to shift both the supply and demand curves in the healthcare workforce and create incentives for employers who prioritize high-quality jobs and workforce investments. The program will be designed in collaboration with healthcare workforce unions and other key stakeholders, to ensure the program is effectively designed to permanently shift the labor market in behavioral health. County staff will also explore opportunities to draw additional state and federal funding to support San Diego's behavioral health needs.

The effort compliments other actions approved by the Board, including the approval of the first-of-its-kind *Public Behavioral Health Workforce Development and Retention Program* approved by the Board on May 2, 2023 (5), which establishes a regional workforce training fund to support recruitment, training, and education of public behavioral health workers. It also builds on successful models throughout California of public sector focused workforce training that draw on partnerships between healthcare providers, local government, and unionized healthcare professionals and labor partners. A similar approach was successfully modeled by Futuro-Health, a partnership between Kaiser Permanente and SEIU-UHW to train and place 10,000 new healthcare workers into high-quality unionized healthcare jobs.

**Why:** The County of San Diego has adopted a bold vision for tackling the behavioral health crisis to address the intersection of mental health and addiction treatment and is investing to expand the continuum of services across prevention, treatment, and recovery. Simultaneously, the region is facing a significant behavioral health workforce shortage that continues to impact the ability to recruit and retain a qualified workforce. A 2022 report titled *Addressing San Diego's Behavioral Health Worker Shortage* found that the San Diego region is currently 8,000 behavioral health workers short of the estimated 25,000 professionals needed to address growing rates of substance use and psychological distress in our communities. Furthermore, the San Diego region needs to educate, train, attract, employ, and retain 18,500 new behavioral health professionals by 2027.

**Funding:** \$24 million of County funding and anticipated to also leverage additional funding partners.

**5. Supporting County Workforce Well-Being and Addressing Hiring and Retention Shortfalls in Key Positions by Investing in Wellness One-Time Payments**

**Program:** Allocate funds to provide County workforce wellness one-time payments to address the impact of projected increases in healthcare costs, to support County employee well-being and hiring and retention goals. Program design, structure, and terms will be designed in negotiation with labor organization(s) representing County workers during the meet and confer process.

**Why:** The County is facing a rapid increase in healthcare costs for the upcoming Fiscal Year 2024-25, but the available flexible credit resources for County employees is not keeping pace. As a result, these rising healthcare costs are effectively reducing salaries and wages, making it harder to attract, train, recruit and retain an already understaffed workforce. This Board has voted to expand our workforce by 13.5% over the past three years, reflecting the urgent need for more services driven by the COVID-19 pandemic

response, changes in state legislation mandating new areas of County work, as well as a deepened commitment to respond to regional challenges around behavioral health and homelessness. However, we currently have over 2,000 positions that remain vacant. This program would help recruitment and retention to address this County workforce shortage. County represented classified employees and union representation have raised this issue and this program is included to authorize our County labor negotiators to respond to these concerns.

**Funding:** \$13 million to enhance wellness one-time payments for County employees.

**6. Creating County Employee Workforce Housing**

**Program:** Allocate funding to find impactful and effective options to support affordable housing opportunities to support the County workforce. This bold step will be the first ever for the County to make investments into workforce affordable housing. As part of this effort, staff should assess a pilot project option to develop workforce housing for County employees to support County recruitment and retention goals. Funding could support predevelopment and site acquisition activities. County staff would identify and pursue options for suitable parcels as well as funding, development, and property management partners. Eligibility criteria would include low-and-moderate income County workers earning up to 120% of the area median income (currently \$126,150 for a family of three), with prioritization of our lowest wage County workers, and prioritization of our hardest to recruit job classifications. To ensure these investments best meet the needs of our workforce, projects will be co-created with significant engagement from potentially eligible employees and employee-bargaining groups. As part of this effort, staff should report back with any legislative changes may be needed to effectuate such pilot programs.

**Why:** Across the state, high housing costs are hitting public employees hard, leading to staffing shortages in essential fields and challenges with recruitment and retention. The County has expanded its workforce by 13.5% in the past three years and currently has over 2,000 unfilled positions, such as probation officers, psychiatric nurses, licensed mental health clinicians, and child welfare specialists. Other public agencies, such as San Diego Unified, Alpine School District, and Chula Vista Elementary School District, are developing workforce housing to support recruitment and retention.

**Funding:** At least \$7.6 million but up to \$25 million if additional funding resources can be identified. These funds support predevelopment and site acquisition activities and are anticipated to be leveraged by additional funding sources such as philanthropic impact investments, bonds, and tax credits.

**7. Advancing Economic Prosperity, Climate Justice, and Small Businesses by Growing the Green Economy**

**Program:** Launch two programs to accelerate economic prosperity, support small businesses, and drive inclusive regional growth in the green economy by securing more federal resources, creating high-quality green jobs, and advancing the County's climate justice, sustainability and decarbonization efforts.

- Economic Prosperity and Climate Justice Matching Flex Fund - Create a regional matching fund to provide a source of local dollars needed to secure state and federal economic development, infrastructure, and climate justice grants. Matching dollars are the biggest challenge for local entities and prevent our communities from maximizing our fair share of the billions in federal grant resources, especially from the Economic Development Administration.
- Green Jobs and Cleantech Small Business Fund - Collaborate with industry organizations and academic institutions to create a Green Jobs and Cleantech Small Business Fund to provide small business loans and technical assistance to support the growth of local small businesses in the green economy. Loan funds would be repaid over time to allow for a return on investment.

**Why:** This Board has taken bold action to advance equity, shared economic prosperity, climate justice, and regional competitiveness in the world economy. Chairwoman Nora Vargas championed the creation of a new office to advance Economic Prosperity, housed within the Office of Economic Development and Government Affairs, which completed the region’s first Comprehensive Economic Development Strategy in 2022. The green economy is poised for major growth in the coming years with hundreds of billions in federal investments coming, and the San Diego region is well-positioned to capture the growth of this sector to drive inclusive economic prosperity and support sustainability efforts. However, accessing these state and federal funds require a local matching source, which is currently missing in San Diego County. This action would allow our County and regional partners to access billions of dollars in federal funding by providing the 20-50% local match required to draw down these grants.

**Funding:** Allocate \$14 million to launch these two funds. Both would be leveraged with additional funding sources to increase the size of the funds.

<b>Evergreen Fund Framework Programs</b>	<b>Amount (million)</b>
1. Enhancing Humanitarian Emergency Response and Relief: Supportive Services for Asylum Seeking Migrants	\$6.0
2. Housing Every Homeless Person in Addiction Recovery	\$8.0
3. Supporting SB-43 Implementation and Addressing Hospital Overcrowding with Recuperative Care Homeless Beds	\$8.0
4. Expanding the County of San Diego’s Behavioral Health Workforce	\$24.0
5. Supporting County Workforce Well-Being and Hiring and Retention Goals by Investing in Wellness One-Time Payments	\$13.0
6. Creating County Employee Workforce Housing	\$7.6
7. Advancing Economic Prosperity, Climate Justice, and Small Businesses by Growing the Green Economy	\$14.0
<b>Total</b>	<b>\$80.6</b>

The Evergreen Fund Framework advances the key priority areas that the Board has committed to tackling including: responding to the migrant crisis, tackling the homeless and behavioral health crisis, addressing the acute shortages in our behavioral health workforce, building more affordable housing, driving economic prosperity and small business growth, taking action on climate change and environmental justice, and investing in our County workforce to support hiring and retention goals.

## **RECOMMENDATION(S)**

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

1. Accept the Evergreen fund framework report back as developed by staff and the Fiscal Subcommittee.
2. Take immediate action to address urgent needs related to SB-43 implementation, behavioral health workforce shortages, and County workforce healthcare by implementing Program 3 (Supporting SB-43 Implementation and Addressing Hospital Overcrowding with Recuperative Care Homeless Beds), Program 4 (Expanding the County of San Diego's Behavioral Health Workforce), and Program 5 (Supporting County Workforce Well-Being and Hiring and Retention Goals by Investing in Healthcare Stipends).

Direct the Chief Administrative Officer to allocate \$45.0 million in funding, including \$8.0 million for Program 3, \$24 million for Program 4, and \$13.0 million for Program 5, as described in this letter, and utilize a lost revenue strategy under the final ARPA guidance as necessary based on previously allocated General Purpose Revenue and to make the appropriate budget adjustments in future operational status letter updates.

3. Direct the Chief Administrative Officer to include Program 6 (Creating County Employee Housing) and Program 7 (Advancing Economic Prosperity, Climate Justice, and Small Businesses by Growing the Green Economy) as described in this Board Letter as options for Board consideration for the Evergreen component of the ARPA Framework in the return back within 60 days.

## **EQUITY IMPACT STATEMENT**

The proposed actions will assist the County of San Diego in expanding services to underserved populations including asylum-seeking migrants, homeless individuals with medically vulnerabilities and/or participating in recovery services, and communities needing more behavioral health and addiction treatment services. These actions also align with regional efforts to ensure economic prosperity and equitable access to high-quality jobs in the green economy especially for underrepresented populations in these fields, and provide and retain a skilled, adaptable, and diverse workforce for County departments and enable the County to deliver superior services to the residents and visitors of the County of San Diego.

## **SUSTAINABILITY IMPACT STATEMENT**

The proposed actions align with the County of San Diego's Sustainability Goals by protecting health and wellbeing for all San Diego residents, promoting sustainable and inclusive economic growth and expansion of the green economy, promoting sustainable development technologies, as well as promoting just and equitable wages and quality job opportunities for all San Diego County residents.

## **FISCAL IMPACT**

Funds associated with this request are included in the Fiscal Year 2023-24 Adopted Operational Plan. The Board has already taken action on \$14.0 million outlined in proposed Program 1 (Supportive Services for Asylum Seeking Migrants), and Program 2 (Housing Every Homeless Person in Addiction Recovery). If approved, this request will result in one-time costs and revenue of \$45.0 million for Program 3, Program 4, and Program 5. The funding sources will be American Rescue Plan Act (ARPA) funds allocated to the Evergreen component of the ARPA Framework and ARPA Local Assistance and Tribal Consistency Funds (\$1.6 million, which may also be used for Evergreen items). These ARPA funds may be used directly or leveraged through a lost revenue strategy to redirect existing General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

- 15. SUBJECT: RESOLUTION AMENDING THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS (DISTRICTS: ALL)**

### **OVERVIEW**

Public discourse, dissent, and critical debate are vital components of a healthy democratic institution. Disruptive activity obstructs the right of the public to debate and exchange ideas in the public square, hear diverse points of view, and air and advocate for competing viewpoints. The “marketplace of ideas” allows people to form opinions and make decisions based on healthy debates and a level playing field to share different points of view.

Since Justice Holmes first invoked the “marketplace of ideas” in his landmark dissent in 1919, this theory of free expression has become a powerful idea, underpinning the majority of First Amendment jurisprudence. Central to the “marketplace of ideas” is the protection of a level playing field for different viewpoints to be both expressed by speakers and heard.

A well-functioning marketplace of ideas requires that people are safe to express their opinions and participate in a public dialogue, and that meetings be conducted in an orderly fashion to create equal opportunity for all members of the public to participate.

Disruptive conduct in the Board Chamber compromises the ability of all members of the public to engage with the Board through the public comment process. To minimize disruptions to the meeting, the following changes to the Rules of Procedure are proposed.

Today’s action recommends that the Board approve amendments to the Rules of Procedure that protect the Board’s ability to conduct business in an orderly manner while ensuring all have an equal opportunity to observe and participate.



**RECOMMENDATION(S)**

**SUPERVISOR TERRA LAWSON-REMER**

1. Approve amendments to the Board of Supervisors Rules of Procedure and adopt a Resolution entitled: RESOLUTION AMENDING THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS.
2. Approve amendments to the 2024 Board of Supervisors Meeting Calendar and adopt a Resolution entitled: RESOLUTION AMENDING THE SAN DIEGO COUNTY BOARD OF SUPERVISORS CALENDAR 2024
3. Direct County Counsel to work with Board Offices to explore options for reducing the threat to free speech posed by those who engage in a pattern and practice of disruptive behavior, and report to the Board in 90 days.

**EQUITY IMPACT STATEMENT**

As publicly elected officials, our number one duty is to serve the people of San Diego County. We prioritize transparency and accessibility to improve public understanding of how the County of San Diego (County) operates and participation in shaping future priorities. These efforts towards accessibility are particularly important to reach those communities that have been previously disconnected from the County civic process. It is anticipated that through these changes to the Rules of Procedure we will ensure that the diverse voices of our community can be heard in an equitable and civilized manner, and as such, can provide input that is vital to a healthy democratic institution.

**SUSTAINABILITY IMPACT STATEMENT**

The changes to the Rules of Procedure allow stakeholders to plan for community engagement and identify meaningful ways to continually seek input to foster inclusive and sustainable communities.

**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

- 16. SUBJECT: APPOINTMENT OF ACTING CHIEF ADMINISTRATIVE OFFICER AND APPROVING TEMPORARY ASSIGNMENT COMPENSATION FOR THE ACTING CAO (DISTRICTS: ALL)**

**OVERVIEW**

The County of San Diego's Chief Administrative Officer (CAO) retired on March 30, 2023 and returned shortly after to serve as the County's interim CAO as a retiree-rehire. As a retired member of San Diego County Employees' Retirement Association (SDCERA), she cannot exceed 960 working hours in a fiscal year and therefore, it is anticipated her last day of employment will be January 9, 2024. An active recruitment for the CAO position has been

ongoing, but a permanent appointment will not be made before the current interim's CAO departure. Today's recommendation is for the Board to appoint Deputy Chief Administrative Officer, Sarah Aghassi, as the temporary Acting CAO and approve a temporary compensation increase for Ms. Aghassi in accordance with the County Compensation Ordinance.

**RECOMMENDATION(S)**  
**CHAIRWOMAN NORA VARGAS**

1. Approve the temporary assignment and appointment of Sarah Aghassi as Acting Chief Administrative Officer, commencing January 10, 2024.
2. Approve a temporary base salary increase for Sarah Aghassi equal to 10% of her current salary rate while serving as Acting Chief Administrative Officer pursuant to Section 3.2.5(d) of the Compensation Ordinance.

**EQUITY IMPACT STATEMENT**

The Chief Administrative Officer is responsible for carrying out the Board of Supervisors' policy decisions, supervising the affairs of the County, and coordinating the function and operations of the County. The CAO exercises the Board's administrative supervision over all organizational units within the Office of the Chief Administrative Officer, including the Office of Ethics, Compliance and Labor Standards and Office of Equity and Racial Justice. Today's action will ensure continuity of operations under the supervision of the Acting CAO, including effective implementation of the Board's diversity, equity and inclusion policies and programs.

**SUSTAINABILITY IMPACT STATEMENT**

The proposed action provides stability and continuity in County operations and in carrying out the Board of Supervisors' sustainability initiatives until a new appointee is prepared to fully assume the functions of the Office of Chief Administrative Officer. With Ms. Aghassi's institutional knowledge, experience, and professional relationships, the Office of Chief Administrative Officer will continue to align the County's available resources with services to maintain fiscal stability, as well as ensuring the capability of the County to respond and recover to the immediate needs of the region.

**FISCAL IMPACT**

The funding source is General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years until a new Chief Administrative Officer begins employment. There will be a short-term 10% increase to the base salary rate of Ms. Aghassi as compensation for temporary assignment to a higher classification. This temporary compensation will increase Ms. Aghassi's base salary rate to \$355,721.60 per year and is consistent with the provisions of the County's Compensation Ordinance.

**BUSINESS IMPACT STATEMENT**

N/A

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

**OVERVIEW**

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Ronnie Sandoval, et al v. County of San Diego, et al.; United States District Court, Southern District No. 3:16-cv-01004-BEN-SBC
  
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Estate of Michael Wilson v. County of San Diego, et al.; United States District Court, Southern District No. 3: 20-cv-0457-RBM-DEB
  
- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases – 1)
  
- D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of litigation pursuant to paragraph 4 of subdivision (d) of Government Code section 54956.9: (Number of Cases – 1)
  
- E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Nicholas Yphantides v. County of San Diego; United States District Court, Southern District No. 3:21-cv-1575-GPC-BLM
  
- F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Nicholas Yphantides v. County of San Diego, et al.; San Diego Superior Court Case No. 37-2021-00026013-CU-OE-CTL

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