



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

NORA VARGAS  
First District

JOEL ANDERSON  
Second District

TERRA LAWSON-REMER  
Third District

NATHAN FLETCHER  
Fourth District

JIM DESMOND  
Fifth District

**DATE:** November 15, 2022 and December 13, 2022

**22**

**TO:** Board of Supervisors

### **SUBJECT**

**SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, COUNTY REGULATORY CODE, AND CERTAIN PROGRAM GUIDELINES ASSIGNED TO THE FINANCE AND GENERAL GOVERNMENT GROUP (November 15, 2022-Introduce Ordinances; December 13, 2022-Adopt Ordinances) (DISTRICTS: ALL)**

### **OVERVIEW**

In accordance with Board of Supervisors Policy A-76, Sunset Review Process, the Finance and General Government Group (“FG3”) periodically reviews certain Board Policies, provisions of the San Diego County Code of Administrative Ordinances (“Administrative Code”), provisions of the San Diego County Code of Regulatory Ordinances (“Regulatory Code”), and program guidelines to ensure that they reflect current Board of Supervisors (“Board”) standards and practices, and recommends amendments accordingly.

Today’s recommendations are the culmination of these efforts. Staff recommends the following actions: 1) determine that no amendments are necessary to certain policies and codes, 2) determine that amendments are necessary to certain policies, codes, and program guidelines, and 3) delete one Board Policy.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

#### **On November 15, 2022:**

1. Determine no change is necessary and approve the sunset review date of December 31, 2029 for the following Board of Supervisors Policies:
  - a. A-126, Proposition 172 and New Program Revenues in the Sheriff’s Department, Office of the District Attorney and the Probation Department
  - b. A-129, Compliance with the Countywide Records Management Program
  - c. B-31, Risk Management
  - d. B-63, Competitive Determination of Optimum Service Delivery Method
2. Approve amendments and the sunset review date of December 31, 2029, for the following Board of Supervisors Policies:
  - a. A-29, County Counsel Review and Approval as to Form and Legality of Documents Submitted to the Board of Supervisors or County Officers for Approval

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- b. A-71, San Diego County Economic Development
  - c. A-77, Appointment to Fill Vacancies and Cancellation of Election where Insufficient Nominations Filed Prior to Uniform District Election and Citizen Planning Group Election
  - d. A-121, Violence and Threats in the Workplace: Zero Tolerance
  - e. A-135, Process for Board of Supervisors Appointments to the Retirement Board
  - f. A-137, Environmentally Responsible Use of Copy and Printing Paper
  - g. B-28, Limitation of Liability on Service Agreements
  - h. B-39a, Veteran Owned Business (VOB) and Disabled Veterans Business Enterprise (DVBE) Program
  - i. B-43, Drawing of New Warrants by the County Auditor and Controller
3. Approve amendments and the sunset review date of December 31, 2029 to Board of Supervisors Policy A-131, Privacy Protection, and rename Policy A-131 to “Protecting Personally Identifiable Information.”
  4. Approve amendments for the following Board of Supervisors Policies:
    - a. B-58, Funding of the Community Enhancement Program
    - b. B-72, Neighborhood Reinvestment Program
    - c. M-1, Legislative Proposals – Sponsored by the Board of Supervisors
    - d. M-2, Legislative Policy: Legislative Advocacy
  5. Approve amendments to the Small Business Stimulus Program guidelines (Attachment FF, on file with the Clerk of the Board).
  6. Approve the deletion of Board Policy G-17, Participation in the Art Halls/Art Walls Program.
  7. Approve the introduction of Ordinances (First Reading), read title, and waive further reading of the Ordinances entitled:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE XXVIa, RELATING TO OUT-OF-COUNTY/IN-COUNTY BUSINESS

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE VIIa, RELATING TO TEMPORARY TRANSFERS OF FUNDS TO SPECIFIED AGENCIES WITHIN THE COUNTY OF SAN DIEGO

AN ORDINANCE AMENDING TITLE 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO GENERAL REGULATIONS, INCLUDING DIVISIONS 1 (GENERAL PROVISIONS), 2 (DEFINITIONS), 3 (CITATIONS IN LIEU OF ARREST), 5 (APPLICATIONS FOR REASSESSMENT DUE TO MISFORTUNE, CALAMITY OR NATURAL DISASTER), 6 (APPEALS AND NUISANCE ABATEMENT), AND 8 (ADMINISTRATIVE REMEDIES)

**SUBJECT:** SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, COUNTY REGULATORY CODE, AND CERTAIN PROGRAM GUIDELINES ASSIGNED TO THE FINANCE AND GENERAL GOVERNMENT GROUP (November 15, 2022-Introduce Ordinances; December 13, 2022-Adopt Ordinances) (DISTRICTS: ALL)

AN ORDINANCE AMENDING DIVISION 3 OF TITLE 2 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO LOBBYING ACTIVITIES

**If, on November 15, 2022, the Board takes the action as recommended by recommendation 7, then, on December 13, 2022:**

1. Submit the Ordinances for further Board consideration and adoption (Second Reading):

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE XXVIa, RELATING TO OUT-OF-COUNTY/IN-COUNTY BUSINESS

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE VIIa, RELATING TO TEMPORARY TRANSFERS OF FUNDS TO SPECIFIED AGENCIES WITHIN THE COUNTY OF SAN DIEGO

AN ORDINANCE AMENDING TITLE 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO GENERAL REGULATIONS, INCLUDING DIVISIONS 1 (GENERAL PROVISIONS), 2 (DEFINITIONS), 3 (CITATIONS IN LIEU OF ARREST), 5 (APPLICATIONS FOR REASSESSMENT DUE TO MISFORTUNE, CALAMITY OR NATURAL DISASTER), 6 (APPEALS AND NUISANCE ABATEMENT), AND 8 (ADMINISTRATIVE REMEDIES)

AN ORDINANCE AMENDING DIVISION 3 OF TITLE 2 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO LOBBYING ACTIVITIES

2. Approve the sunset review date of December 31, 2029 for these Ordinances.

#### **EQUITY IMPACT STATEMENT**

The County of San Diego's (County) policies impact residents of the County. In the review of policies, staff considered and accounted for impacts to all communities. In addition, the policies and codes before the Board today were reviewed and amended to ensure use of inclusive pronouns.

#### **SUSTAINABILITY IMPACT STATEMENT**

Reviewing and, where necessary, making amendments to existing codes, policies, and program guidelines aligns with the County's sustainability goal of providing just and equitable access by ensuring that programs and operations reflect the County's values and priorities, including equity and sustainability. The recommendations before the Board include updates to Board Policies that include updating the Board's policy on economic development in the region and the environmentally responsible use of copy and printing paper.

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**FISCAL IMPACT**

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

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

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

**Recommendation #1**

The Board Policies listed in recommendation #1 have been reviewed by County staff, and staff recommends that no changes are necessary for policies. The recommendation requests approval of a new sunset date of December 31, 2029, for these policies.

**Recommendation #2**

The Board Policies listed in recommendation #2 have been reviewed by County staff. Staff recommends the following changes to these policies, as well as the approval of a sunset date of December 31, 2029:

- a. A-29, County Counsel Review and Approval as to Form and Legality of Documents Submitted to the Board of Supervisors or County Officers for Approval

Staff recommends that County Counsel maintain a file of County Counsel Standard Forms (“CCSFs”) instead of the Clerk of the Board. Staff recommends County Counsel be required to review CCSFs when the agreement reflected in the CCSF requires a security, or when the form will be sent to the Board of Supervisors for approval. Staff recommends additional minor changes to provide more flexibility within the Document Review Guidelines.

- b. A-71, San Diego County Economic Development

Recommended amendments reflect the changes in the priorities of the Board from the last sunset review until now, namely through the Board's direction in the creation of three new offices: the Office of Economic Development and Government Affairs, the Office of Equity and Racial Justice, and the Health and Human Services Agency's Office of Equitable Communities.

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- c. A-77, Appointment to Fill Vacancies and Cancellation of Election where Insufficient Nominations Filed Prior to Uniform District Election and Citizen Planning Group Election  
Minor changes are recommended to clarify the appointment process when boundaries of a district or citizen planning group spans multiple supervisorial districts through its geographic boundaries.
- d. A-121, Violence and Threats in the Workplace: Zero Tolerance  
In addition to other minor changes, a change is recommended to clarify that immediate life-safety threats should be reported via 9-1-1 with other less immediate threats being reported through department procedures and to the Department of Human Resources, Risk Management.
- e. A-135, Process for Board of Supervisors Appointments to the Retirement Board  
In addition to other minor changes, it recommended to remove the birthdate and place of birth of applicants from the applications for those seeking to be appointed to the Retirement Board as it is not legally required.
- f. A-137, Environmentally Responsible Use of Copy and Printing Paper  
Policy updates are recommended in alignment with the County’s sustainability goals. The proposed amendments include encouraging departments to consider implementing or continuing more sustainable options when printing is operationally necessary.
- g. B-28, Limitation of Liability on Service Agreements  
Minor changes are recommended to align the policy’s language with the underlying California Government Code.
- h. B-39a, Veteran Owned Business (VOB) and Disabled Veterans Business Enterprise (DVBE) Program  
Minor changes are recommended for general clarity, clarification on accelerated payment terms, and to ensure continuity of the policy if there is a change to programs at the federal level.
- i. B-43, Drawing of New Warrants by the County Auditor and Controller  
A minor change is recommended to address a pronoun reference to the Auditor and Controller.

**Recommendation #3**

Staff recommends amending the name of Board Policy A-131 to “Protecting Personally Identifiable Information” to align the name of the policy with its stated purpose. In addition, changes are recommended throughout to clarify responsibilities of County officials and employees regarding handling personally identifiable information in accordance with State and federal law.

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**Recommendations #4 and #5**

Associated with the Board’s creation of the Office of Economic Development and Government Affairs (“EDGA”), the Board of Supervisors policies and program guidelines listed in recommendations #4 and #5 have been reviewed by County staff, and staff recommends approving amendments to the policies and program guidelines to reflect the transfer of responsibility for these programs to EDGA:

- a. B-58, Funding of the Community Enhancement Program
- b. B-72, Neighborhood Reinvestment Program
- c. M-1, Legislative Proposals – Sponsored by the Board of Supervisors
- d. M-2, Legislative Policy: Legislative Advocacy
- e. Small Business Stimulus Program guidelines

**Recommendation #6**

The Board Policy listed in recommendation #6 has been reviewed by County staff. With the Board’s recent establishment of the Arts and Culture Commission, staff recommends ending this program. Staff will bring options for art within the County Administration Center before the Commission for its recommendation to the Board that is consistent with Board priorities and has the option for stakeholder and community feedback.

**November 15, 2022, Recommendation #7 & December 13, 2022, Recommendations**

County staff have reviewed and recommend changes to the below listed Administrative Code and Regulatory Code sections. Recommendation #7 is the first of two steps in approving changes to the Administrative Code and Regulatory Code. If approved, the ordinances that are being submitted for introduction and first reading on November 15, 2022, would return for a second reading and consideration on December 13, 2022. On December 13, 2022, the Board may also consider a sunset review date of December 31, 2029 for these codes.

- a. Administrative Code Article XXVIa - Out-of-County/In-County Business  
In addition to other minor clarifications, staff recommends codifying the current practice of ride share services, such as Uber and Lyft, being included as an allowable and reimbursable expense.
- b. Administrative Code Article VIIa - Temporary Transfers of Funds to Specified Agencies within the County of San Diego.  
A minor change is recommended to address a pronoun reference to the Auditor and Controller.
- c. Regulatory Code Title 1 - General Regulations  
In addition to other minor changes, changes are recommended to address pronoun references as well as clarifying when fines may be imposed due to violations of the County Building Code, Electrical Code, Plumbing Code, Mechanical Code, or Fire Code.

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d. Regulatory Code Title 2, Division 3 – Lobbying Activities

Minor changes are recommended to address pronoun references as well as a clarification that registration forms shall be as prescribed by the Clerk of the Board. The changes also remove the San Diego Air Pollution Control District Hearing Board as a required reporting entity.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Approval of these recommended actions will support the Strategic Initiatives of Sustainability, Equity, Empower, Community, and Justice in the County of San Diego’s 2022-2027 Strategic Plan

Respectfully submitted,



HELEN N. ROBBINS-MEYER  
Chief Administrative Officer

**ATTACHMENT(S)**

*Note: Due to the size of the attachments, the documents are available online through the Clerk of the Board’s website at [www.sandiegocounty.gov/content/sdc/cob/bosa.html](http://www.sandiegocounty.gov/content/sdc/cob/bosa.html).*

Attachment A - Board Policies with No Changes

Attachment B - A-29 (Clean)

Attachment C - A-29 (Info)

Attachment D - A-71 (Clean)

Attachment E - A-71 (Info)

Attachment F - A-77 (Clean)

Attachment G - A-77 (Info)

Attachment H - A-121 (Clean)

Attachment I - A-121 (Info)

Attachment J - A-135 (Clean)

Attachment K - A-135 (Info)

Attachment L - A-137 (Clean)

Attachment M - A-137 (Info)

Attachment N - B-28 (Clean)

Attachment O - B-28 (Info)

Attachment P - B-39a (Clean)

Attachment Q - B-39a (Info)

Attachment R - B-43 (Clean)

Attachment S - B-43 (Info)

Attachment T - A-131 (Clean)

Attachment U - A-131 (Info)

Attachment V - B-58 (Clean)

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Attachment W - B-58 (Info)

Attachment X - B-72 (Clean)

Attachment Y - B-72 (Info)

Attachment Z - M-1 (Clean)

Attachment AA - M-1 (Info)

Attachment BB - M-2 (Clean)

Attachment CC - M-2 (Info)

Attachment DD - San Diego County Small Business Stimulus Grant Program Guidelines (Clean)

Attachment EE - San Diego County Small Business Stimulus Grant Program Guidelines (Info)

Attachment FF - G-17

Attachment GG - AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE XXVIa, RELATING TO OUT-OF-COUNTY/IN-COUNTY BUSINESS (Clean)

Attachment HH - AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE XXVIa, RELATING TO OUT-OF-COUNTY/IN-COUNTY BUSINESS (Info)

Attachment II - AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE VIIa, RELATING TO TEMPORARY TRANSFERS OF FUNDS TO SPECIFIED AGENCIES WITHIN THE COUNTY OF SAN DIEGO (Clean)

Attachment JJ - AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE VIIa, RELATING TO TEMPORARY TRANSFERS OF FUNDS TO SPECIFIED AGENCIES WITHIN THE COUNTY OF SAN DIEGO (Info)

Attachment KK - AN ORDINANCE AMENDING TITLE 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO GENERAL REGULATIONS, INCLUDING DIVISIONS 1 (GENERAL PROVISIONS), 2 (DEFINITIONS), 3 (CITATIONS IN LIEU OF ARREST), 5 (APPLICATIONS FOR REASSESSMENT DUE TO MISFORTUNE, CALAMITY OR NATURAL DISASTER), 6 (APPEALS AND NUISANCE ABATEMENT), AND 8 (ADMINISTRATIVE REMEDIES) (Clean)

Attachment LL - AN ORDINANCE AMENDING TITLE 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO GENERAL REGULATIONS, INCLUDING DIVISIONS 1 (GENERAL PROVISIONS), 2 (DEFINITIONS), 3 (CITATIONS IN LIEU OF ARREST), 5 (APPLICATIONS FOR REASSESSMENT DUE TO MISFORTUNE, CALAMITY OR NATURAL DISASTER), 6 (APPEALS AND NUISANCE ABATEMENT), AND 8 (ADMINISTRATIVE REMEDIES) (Info)

Attachment MM - AN ORDINANCE AMENDING DIVISION 3 OF TITLE 2 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO LOBBYING ACTIVITIES (Clean)

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Attachment NN - AN ORDINANCE AMENDING DIVISION 3 OF TITLE 2 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO LOBBYING ACTIVITIES (Info)

Attachment OO – Summary of Proposed Ordinances