

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, JANUARY 30, 2024**

MINUTE ORDER NO. 1

SUBJECT: COMMUNITY RESPONSE AND RECOVERY; AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO EXERCISING THE COUNTY’S POLICE POWER TO PROHIBIT RESIDENTIAL EVICTIONS WITHOUT JUST CAUSE AND TO ENACT A DELAY ON CERTAIN RESIDENTIAL RENT INCREASES; FEE WAIVERS; CONTRACT AMENDMENTS (DISTRICTS: ALL)

OVERVIEW

On January 22, 2024, San Diego County experienced the heaviest rainfall in a single day in over one hundred years. As the rain subsided, our communities were left with significant damage.

One of the biggest responsibilities we have as local governments is to protect the health and safety of our community members. In the San Diego region, we have worked to strengthen the partnerships across federal, state and local agencies, and with non-profit and private sectors to come together in times of emergencies. Our first responders, public servants and volunteers who work tirelessly during the diversity of emergencies we have faced in our region are a testament to our County of San Diego (County) Motto: The Noblest Motive is the Public Good. But more can be done to support them in their efforts. According to FEMA, there are four phases to emergency management: mitigation, preparedness, response, and recovery.

Mitigation involves the type of activity that can be taken to prevent future emergencies or minimize their effects. This can include activities that prevent an emergency, reduce the chance of an emergency happening, or reduce the damaging effects of unavoidable emergencies. Mitigation activities take place before and after emergencies occur.

Preparedness is about how we prepare to handle an emergency. This includes plans or preparations made to save lives and to help response and rescue operations such as evacuation plans and stocking food and water. Preparedness activities take place before an emergency occurs.

Response includes actions taken to save lives and prevent further property damage in an emergency situation. It is about putting the preparedness plans into action. Response activities take place during an emergency.

Recovery from an emergency includes actions taken to return to a normal or even safer situation following an emergency. It includes obtaining resources needed to help rebuild and restore a community.

To successfully navigate these four phases, also referred to as the life cycle of an emergency, we must know and understand the unique needs of our communities during each phase. This can be achieved by partnering with trusted community partners, conducting trainings in threshold languages, increasing Community Emergency Response Teams, and completing Emergency Plans for communities, families, and individuals.

Additionally, planning for the Recovery phase of an emergency cannot wait until after the Response phase. Protocols and plans for Recovery should be in place and activated at the same time the Response is occurring so that the Recovery phase can begin immediately based on the needs of the community and the type of emergency. It could mean providing for housing or standing up Local Assistance Centers within the first 24 hours of an emergency.

Today's recommendations seek to help with both the immediate need in aftermath of the most recent catastrophic atmospheric river, as well as ensure the resiliency of our communities for the future.

RECOMMENDATION(S)

CHAIRWOMAN VARGAS AND SUPERVISOR MONTGOMERY STEPPE

1. In accordance with Board Policy A-87, Competitive Procurement, and Administrative Code Section 401, authorize the Director, Department of Purchasing and Contracting, subject to successful negotiations and a determination of a fair and reasonable price, to amend the contracts' terms to expand services, subject to the availability of funds; and amend the contracts as required in order to reflect changes to services and funding allocations, subject to the approval of the Director of the Office Emergency Services and Interim Director of the Health and Human Services Agency.
 - a. Arbor E&T, LLC dba Equus Workforce Solutions (Contract #564750)
 - b. Legal Aid Society of San Diego Inc. (Contract #567549)
 - c. Hagerty Consulting, Inc. (Contract #564118)
2. Adopt the Ordinance:
AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO EXERCISING THE COUNTY'S POLICE POWER TO PROHIBIT Residential Evictions Without Just Cause AND TO ENACT A DELAY ON CERTAIN RESIDENTIAL RENT INCREASES **(4 VOTES)**
3. Direct the Interim Chief Administrative Officer to work with community stakeholders to develop a plan to avoid unjust evictions and/or provide rental or other assistance to those affected by the storm. A plan may include an additional ordinance to protect unjust evictions on a case-by-case basis as well as other possibilities.
4. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, for the waiver of plan check, building, septic system and water well permit fees for homes and plan check fees for hazmat or restaurant businesses affected by the catastrophic storm event for a five-year trial period commencing January 31, 2024 until January 31, 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.

5. Authorize the Director of Environmental Health and Quality to waive the fee required for hazmat facilities impacted by the catastrophic storm event for hazardous materials non-notification.
6. Authorize the Director of Planning & Development Services (PDS) to work with the Office of Emergency Services (OES) and the Office of Evaluation, Performance and Analytics (OEPA) and other entities as needed to finalize the map to be used to determine the exact boundaries of the geographic areas eligible for the fee waivers based on the data collected during the emergency response effort for the 2024 catastrophic storm event.
7. Adopt a resolution entitled:
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO
DECLARING THE REBUILDING OF STRUCTURES IN THE UNINCORPORATED AREA
DAMAGED BY JANUARY 2024 CATASTROPHIC STORM EVENT TO BE ELIGIBLE
FOR PERMIT FEE WAIVERS.
8. Direct the Interim Chief Administrative Officer to assess and report back within 60 days on what more can be done to strengthen our regional capabilities in the four phases of emergency management, including but not limited to resources needed to establish a Recovery division in the County's Office of Emergency Services,
9. Convene community outreach meetings to understand the needs of our diverse communities during emergencies and throughout the recovery so that their input can be incorporated into the assessment.
10. Revise the American Rescue Plan Act (ARPA) Framework to reallocate \$10 million of the Evergreen component of the ARPA Framework to make funding available to meet the emergency caused by the severe atmospheric river resulting in conditions of extreme peril to the safety of persons and properties as described in the proclamation ratified by the Board of Supervisors on January 24, 2024 (8).
11. Direct the Interim Chief Administrative Officer to utilize a lost revenue strategy under the final ARPA guidance based on previously allocated General Purpose Revenue, which includes the following actions:
 - a. Transfer revenue of \$10 million from Finance Other, Intergovernmental Revenue to the Public Defender based on ARPA revenue to replace previously allocated General Purpose Revenue and;
 - b. Transfer appropriations of \$10 million from Finance Other, Other Charges to Office of Emergency Services, Services and Supplies, to fund immediate relief for those impacted by the emergency based on General Purpose Revenue.
12. Authorize the Interim Chief Administrative Officer or designee(s) to seek reimbursement from federal, State, or other possible resources, for funds expended by the County for emergency relief in the region.

13. Direct the Interim Chief Administrative Officer to have all County departments continually assess opportunities to assist the community as they recover from this storm, and to come back to the Board for additional action on any items identified.

EQUITY IMPACT STATEMENT

The consequences of years of inequitable community investments become starkly apparent during natural disasters, disproportionately affecting communities of color and low income. When disasters strike, these underfunded communities face disastrous outcomes, exacerbating the already existing disparities. To combat the lack of resources and preparedness that significantly amplifies the impact on residents, compounding the challenges they face during and after natural disasters, we will take a whole community approach in emergency management.

SUSTAINABILITY IMPACT STATEMENT

A critical component to the sustainability of the region is resiliency, as outlined in the County's Strategic Plan. The ability to respond to, and recover from, disasters is essential. Repairs of needed infrastructure such as homes and roads are essential, as well financial security for those who experience loss. Today's actions support immediate assistance and long-term planning to ensure the viability of our communities as future storms are inevitable due to climate change.

FISCAL IMPACT

Funds associated with this request are included in the Fiscal Year 2023-24 Operational Plan. If approved, this request will result in one-time costs of up to \$10 million to fund immediate relief for those impacted by the emergency. The funding source will be General Purpose Revenue. \$10 million of American Rescue Plan Act (ARPA) funds allocated to the Evergreen component of the ARPA Framework will be recognized as lost revenue and redirected to the Public Defender to replace previously allocated General Purpose Revenue, which will in turn be available for the Office of Emergency Services. Staff will return to the Board as needed with recommendations to transfer these appropriations to other County departments from the Office of Emergency Services based on needs of the community. There will be no change in net General Fund cost and no additional staff years. This action will impact the amount of remaining balance of the Evergreen Fund, for which the Board directed, on January 9, 2024 (12), the CAO to return with recommendations.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

Noting for the record that an Errata was submitted that made changes to the Resolution and Ordinance; ON MOTION of Supervisor Vargas, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took the following actions, as recommended:

1. In accordance with Board Policy A-87, Competitive Procurement, and Administrative Code Section 401, authorized the Director, Department of Purchasing and Contracting, subject to successful negotiations and a determination of a fair and reasonable price, to amend the contracts' terms to expand services, subject to the availability of funds; and amend the contracts as required in order to reflect changes to services and funding allocations, subject to the approval of the Director of the Office Emergency Services and Interim Director of the Health and Human Services Agency.

- a. Arbor E&T, LLC dba Equus Workforce Solutions (Contract #564750)
 - b. Legal Aid Society of San Diego Inc. (Contract #567549)
 - c. Hagerty Consulting, Inc. (Contract #564118)
2. Adopted Ordinance No. 10887 (N.S.) entitled: AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO EXERCISING THE COUNTY'S POLICE POWER TO PROHIBIT RESIDENTIAL EVICTIONS WITHOUT JUST CAUSE AND TO ENACT A DELAY ON CERTAIN RESIDENTIAL RENT INCREASES **(4 VOTES)**
3. Directed the Interim Chief Administrative Officer to work with community stakeholders to develop a plan to avoid unjust evictions and/or provide rental or other assistance to those affected by the storm. A plan may include an additional ordinance to protect unjust evictions on a case-by-case basis as well as other possibilities.
4. Waived Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, for the waiver of plan check, building, septic system and water well permit fees for homes and plan check fees for hazmat or restaurant businesses affected by the catastrophic storm event for a five-year trial period commencing January 31, 2024 until January 31, 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.
5. Authorized the Director of Environmental Health and Quality to waive the fee required for hazmat facilities impacted by the catastrophic storm event for hazardous materials non-notification.
6. Authorized the Director of Planning & Development Services (PDS) to work with the Office of Emergency Services (OES) and the Office of Evaluation, Performance and Analytics (OEPA) and other entities as needed to finalize the map to be used to determine the exact boundaries of the geographic areas eligible for the fee waivers based on the data collected during the emergency response effort for the 2024 catastrophic storm event.
7. Adopted Resolution No. 24-010 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THE REBUILDING OF STRUCTURES IN THE UNINCORPORATED AREA DAMAGED BY JANUARY 2024 CATASTROPHIC STORM EVENT TO BE ELIGIBLE FOR PERMIT FEE WAIVERS.
8. Directed the Interim Chief Administrative Officer to assess and report back within 60 days on what more can be done to strengthen our regional capabilities in the four phases of emergency management, including but not limited to resources needed to establish a Recovery division in the County's Office of Emergency Services.
9. Convened community outreach meetings to understand the needs of our diverse communities during emergencies and throughout the recovery so that their input can be incorporated into the assessment.

10. Revised the American Rescue Plan Act (ARPA) Framework to reallocate \$10 million of the Evergreen component of the ARPA Framework to make funding available to meet the emergency caused by the severe atmospheric river resulting in conditions of extreme peril to the safety of persons and properties as described in the proclamation ratified by the Board of Supervisors on January 24, 2024 (8).
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 - b. Transfer appropriations of \$10 million from Finance Other, Other Charges to Office of Emergency Services, Services and Supplies, to fund immediate relief for those impacted by the emergency based on General Purpose Revenue.
12. Authorized the Interim Chief Administrative Officer or designee(s) to seek reimbursement from federal, State, or other possible resources, for funds expended by the County for emergency relief in the region.
13. Directed the Interim Chief Administrative Officer to have all County departments continually assess opportunities to assist the community as they recover from this storm, and to come back to the Board for additional action on any items identified.

AYES: Vargas, Lawson-Remer, Montgomery Steppe, Desmond

NOES: Anderson

State of California)

County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER

Clerk of the Board of Supervisors



Signed

by Andrew Potter

