

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, JANUARY 10, 2023**

MINUTE ORDER NO. 6

**SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: COUNTY
COUNSEL AUTHORITY TO INITIATE RECEIVERSHIP PROCESS
(DISTRICTS: ALL)**

OVERVIEW

On December 13, 2022 (36), the Board of Supervisors took action to further consider and adopt the Ordinance on January 10, 2023.

On August 17, 2021, the Board of Supervisors directed County Counsel to return to the Board with an ordinance authorizing County Counsel to initiate County requested receivership actions where other enforcement efforts have been unsuccessful. Court-authorized receiverships provide a pathway for the County to resolve issues involving real property where the property owner's code violations and repeated failure to remediate those violations negatively impacts, among other things, the community's health, and safety. The California Health and Safety Code and other provisions in State law authorize receivership actions, however those actions are not listed in the County Counsel litigation authority set forth in section 142 of the County Code of Administrative Ordinances. As a result, each time a County department wishes to initiate a receivership action, County Counsel must request authorization from the Board of Supervisors to initiate and litigate the matter.

Today's action introduces an ordinance that will expedite the receivership process by authorizing County Counsel to initiate receivership actions upon request by the director of a County department. The ordinance was developed by County Counsel in consultation and collaboration with Planning & Development Services.

**RECOMMENDATION(S)
COUNTY COUNSEL**

Submit the ordinance (Attachment A, on file with the Clerk of the Board) for further Board consideration and adoption (second reading):

AN ORDINANCE ADDING A NEW SUBSECTION TO SECTION 142 OF ARTICLE IX OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES AND NEW SECTION 18.310 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO RECEIVERSHIP PROCEEDINGS.

EQUITY IMPACT STATEMENT

Substandard properties in the unincorporated area have threatened the health and safety of many economically disadvantaged communities. The recommended ordinance change will improve processes used by County Counsel and County departments, including Planning & Development Services, to utilize the tool of receivership to promptly address certain code violations through the receivership process.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to approve the ordinance will result in sustainability enhancements in terms of health, well-being, and environment. Making the receivership process more efficient will enable the County to more effectively address code violations and rehabilitate dilapidated properties.

FISCAL IMPACT

There is no fiscal impact associated with these recommended actions. There will be no change in net General Fund costs and no additional staff years. Staff will return to the Board for approval and authorization of any future related actions with a financial impact.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10825 (N.S.), entitled: AN ORDINANCE ADDING A NEW SUBSECTION TO SECTION 142 OF ARTICLE IX OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES AND NEW SECTION 18.310 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO RECEIVERSHIP PROCEEDINGS.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

NOT PRESENT: Fletcher

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

