



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: January 10, 2023

06

TO: Board of Supervisors

SUBJECT

**COUNTY COUNSEL AUTHORITY TO INITIATE RECEIVERSHIP PROCESS
(DISTRICTS: ALL)**

OVERVIEW

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.

RECOMMENDATIONS

COUNTY COUNSEL

1. Approve introduction of the proposed amendments to the San Diego County Code of Administrative Ordinances and the San Diego County Code of Regulatory Ordinances (first reading); read title and waive further reading of the following ordinance (Attachment A, on file with the Clerk of the Board):

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

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PROCESS (DISTRICTS: ALL)**

**CODE OF REGULATORY ORDINANCES RELATING TO RECEIVERSHIP
PROCEEDINGS**

If, on December 13, 2022, the Board takes the action recommended above, then, on January 10, 2023:

2. 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

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

State law allows the County to place into receivership certain dilapidated, abandoned and/or nuisance properties. Under this process, the court directly controls the property via a court-appointed receiver. The County can utilize the expertise of the receiver to address code violations and to supervise the property's rehabilitation at the property owner's expense. This action protects community members who are subjected to substandard conditions by absentee or recalcitrant

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property owners. Receiverships can potentially be used for properties with health and safety related code violations. Currently, County Counsel must obtain the Board of Supervisor's prior authorization to initiate a receivership proceeding. The proposed ordinance adds a new subsection to the County Code of Administrative Ordinances allowing County Counsel to initiate those proceedings on behalf of County departments upon request.

This board letter introduces an ordinance that would provide County Counsel authority to initiate receivership actions at the request of County departments and as allowed under State law, including the Health and Safety Code (Section 17980.7) and the Business and Professions Code (Section 17203). The proposed ordinance also allows County Counsel to pursue the County's enforcement costs through the receivership process or through any other appropriate legal means.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's actions support the County of San Diego's (County) 2023-2028 Strategic Initiatives of Sustainability and Community by facilitating actions that create healthy, safe and thriving environments to positively impact residents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Helen N. Robbins-Meyer", written in a cursive style.

HELEN N. ROBBINS-MEYER,
Chief Administrative Officer

ATTACHMENTS

Attachment A – Ordinance Adding a New Subsection to Section 142 of the San Diego County Code of Administrative Ordinances (Clean Copy)

Attachment B – Ordinance Adding a New Subsection to Section 142 of the San Diego County Code of Administrative Ordinances (Informational Copy)

Attachment C – Summary of Proposed Ordinance