

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, JUNE 21, 2017, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:02 a.m.

PRESENT: Supervisors Dianne Jacob, Chairwoman; Kristin Gaspar, Vice Chairwoman; Greg Cox, Ron Roberts, Bill Horn; also, Andrew Potter, Assistant Clerk of the Board.

- B. Closed Session Report

- C. Approval of the Statement of Proceedings/Minutes for the meetings of April 26, 2017 and May 3, 2017.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meetings of April 26, 2017 and May 3, 2017.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

- D. 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.
- E. Formation of Consent Calendar
- F. Discussion Items

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.

Board of Supervisors' Agenda Items

Agenda #	Subject
1.	NOTICED PUBLIC HEARING: SAN VICENTE CONNECTION - ACQUISITION OF 69.49 ACRES OF OPEN SPACE EAST OF STATE ROUTE 67 FOR INCLUSION IN A NETWORK OF PRESERVED LAND (MOORE FAMILY REVOCABLE LIVING TRUST, THE MOFFETT FAMILY TRUST, MOORE-ALLEN REVOCABLE TRUST, AND THE MOORE FAMILY TRUST) (5/3/2017 - SET HEARING; 6/21/2017 - HOLD HEARING) [FUNDING SOURCES: MSCP ACQUISITIONS FUND AND DEPARTMENT OF PARKS AND RECREATION GENERAL PURPOSE REVENUE]
2.	NOTICED PUBLIC HEARING: MEMORANDUM OF UNDERSTANDING AND AUTHORIZATION FOR A COMPETITIVE SOLICITATION TO PREPARE A GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN LUIS REY VALLEY GROUNDWATER BASIN [FUNDING SOURCE: GENERAL FUND FUND BALANCE]
3.	NOTICED PUBLIC HEARING: MEMORANDUM OF UNDERSTANDING AND AUTHORIZATION TO PREPARE A GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN DIEGO RIVER VALLEY GROUNDWATER BASIN [FUNDING SOURCE: GENERAL FUND FUND BALANCE]
4.	NOTICED PUBLIC HEARING: MEMORANDUM OF UNDERSTANDING AND AUTHORIZATION TO PREPARE A GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN PASQUAL VALLEY GROUNDWATER BASIN [FUNDING SOURCE: GENERAL FUND FUND BALANCE]
5.	NOTICED PUBLIC HEARING: COUNTRY ESTATES TENTATIVE MAP TIME EXTENSION LOCATED IN THE NORTH COUNTY METROPOLITAN SUBREGIONAL PLAN AREA

6. NOTICED PUBLIC HEARING: LOAN REQUEST AND PUBLIC HEARING TO CONFIRM FISCAL YEAR 2017-18 LEVIES FOR PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 101 - JOHNSON LAKE ROAD IN LAKESIDE
[(4 VOTES)]
7. MCCLELLAN-PALOMAR AIRPORT - AMENDMENTS TO AVIATION LEASES WITH CIVIC HELICOPTERS, INC. AND ROYAL JET, INC.
[FUNDING SOURCE: RENT INCREASES FROM LESSEES (4 VOTES)]
8. ESTABLISH APPROPRIATIONS AND APPROVE THE TENTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE VALLEY CENTER PARKS AND RECREATION DISTRICT AND THE COUNTY OF SAN DIEGO
[FUNDING SOURCE: AVAILABLE PRIOR YEAR PLDO AREA 38 VALLEY CENTER FUND FUND BALANCE (4 VOTES)]
9. COUNTY OF SAN DIEGO TRACT NO. 4823-1 (FINAL MAP NO. 14462): FIRST AMENDMENT TO THE IMPROVEMENT AGREEMENT FOR THE INCREASE OF SECURITY AND TO EXTEND TIME TO COMPLETE PUBLIC AND PRIVATE IMPROVEMENTS FOR LIVE OAK RANCH LOCATED IN THE FALLBROOK COMMUNITY PLAN AREA
10. COUNTY OF SAN DIEGO TRACT NO. 4831-1 (FINAL MAP NO. 13008): THIRD AMENDMENT TO JOINT AGREEMENT AND SECOND AMENDMENT TO LIEN CONTRACT TO SUBSTITUTE PARTIES AND EXTEND THE TIME TO COMPLETE IMPROVEMENTS FOR GOOD EARTH NURSERY FINAL MAP LOCATED IN THE FALLBROOK COMMUNITY PLAN AREA

11. ESTABLISH APPROPRIATIONS AND AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR FELICITA PARK RECREATIONAL IMPROVEMENTS [FUNDING SOURCE: OPERATING TRANSFER IN FROM THE GENERAL FUND BASED ON THE CANCELLATION OF REMAINING APPROPRIATIONS IN COMPLETED CAPITAL PROJECT 1019898, FELICITA PARK TURF AND PLAYGROUND IMPROVEMENTS (4 VOTES)]
12. COUNTY OF SAN DIEGO TRACT NO. 5426-1: APPROVAL OF FINAL MAP AND APPROVAL OF JOINT SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR ROBLE GRANDE ESTATES TENTATIVE MAP LOCATED IN THE ALPINE COMMUNITY PLAN AREA
13. AUTHORIZATION TO APPLY FOR AND ACCEPT STATE GRANTS TO MITIGATE BURN SITES AND LANDFILLS
14. ADOPT RESOLUTION AUTHORIZING THE GENERAL FUND TO ADVANCE FUND FUTURE ROAD MAINTENANCE AND REHABILITATION PROJECT COSTS AND FOR THE SUBSEQUENT SCHEDULED REIMBURSEMENT TO THE GENERAL FUND BY THE ROAD FUND, AND MAINTENANCE OF WORKING CAPITAL OF THE ROAD FUND [FUNDING SOURCE: AVAILABLE GENERAL FUND FUND BALANCE]
15. APPROVE REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA FOR ENFORCEMENT OF THE STATE RADIATION CONTROL LAW [FUNDING SOURCES: REVENUE AGREEMENT WITH CDPH, RADIOLOGIC HEALTH BRANCH AND 1991 REALIGNMENT REVENUE]

16. NOTICED PUBLIC HEARING: PUBLIC HEARING AND
CONFIRMATION OF LEVIES FOR MOSQUITO, VECTOR, AND
DISEASE CONTROL BENEFIT ASSESSMENT AND MOSQUITO
ABATEMENT AND VECTOR CONTROL SERVICE CHARGE
FOR FISCAL YEAR 2017-18
[FUNDING SOURCES: MOSQUITO, VECTOR AND DISEASE
CONTROL BENEFIT ASSESSMENT, MOSQUITO ABATEMENT
AND VECTOR CONTROL SERVICE CHARGE, VECTOR
CONTROL DISTRICT TRUST FUND FUND BALANCE, AND
INCOME FROM INTEREST AND OTHER SERVICE
CONTRACTS]
17. PUBLIC COMMUNICATION

**1. SUBJECT: NOTICED PUBLIC HEARING: SAN VICENTE
CONNECTION - ACQUISITION OF 69.49 ACRES OF
OPEN SPACE EAST OF STATE ROUTE 67 FOR
INCLUSION IN A NETWORK OF PRESERVED LAND
(MOORE FAMILY REVOCABLE LIVING TRUST, THE
MOFFETT FAMILY TRUST, MOORE-ALLEN
REVOCABLE TRUST, AND THE MOORE FAMILY
TRUST) (5/3/2017 - SET HEARING; 6/21/2017 - HOLD
HEARING (DISTRICT: 2))**

OVERVIEW

On May 3, 2017 (11), the Board of Supervisors set a Hearing for June 21, 2017.

Since 1998, the County of San Diego (County) has been acquiring open space land for the County's Multiple Species Conservation Program (MSCP) in order to ensure the long-term survival of sensitive plant and animal species balanced with public needs. More than 19,000 acres of land has been purchased to date for the existing South County MSCP and future MSCP plans.

The County has identified 69.49 acres available for acquisition in the northern Lakeside area for the MSCP. The property is a portion of Assessor's Parcel Number (APN) 326-020-03 and is located east of State Route 67 (SR-67) and south of Scripps-Poway Parkway (57th Edition Thomas Guide page 1191, G-7). The acquisition would add to a network of land in the immediate vicinity already preserved by the County and other partners. The property is within the MSCP South County Plan Pre-Approved Mitigation Area, an area in which land is considered to be important for sensitive species and where conservation efforts are focused. This acquisition will create a larger block of preserved habitat and a portion of the Trans County Trail could be sited through the property, subject to future environmental analysis and funding.

Today's request requires two steps. On May 3, 2017, it is requested that the Board set a hearing for June 21, 2017 to consider the purchase and direct the Clerk of the Board of Supervisors to provide public notice of the hearing. If the Board takes the actions recommended for May 3, 2017, then on June 21, 2017, after making the necessary findings, the Board is requested to approve the purchase of APN 326-020-03 (portion) from the trustees of the Moore Family Revocable Living Trust, The Moffett Family Trust, Moore-Allen Revocable Trust, and The Moore Family Trust at the appraised value of \$627,670.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15325 and 15304 because it involves the acquisition of land to preserve open space or lands for park purposes and existing natural conditions, and involves vegetation management and stormwater/erosion protection measures.
2. Authorize the Director of the Department of General Services to exercise the option to purchase from the trustees of the Moore Family Revocable Living Trust, The Moffett Family Trust, Moore-Allen Revocable Trust, and The Moore Family Trust 69.49 acres of APN 326-020-03 for the appraised value of \$627,670.
3. Authorize the Director of the Department of General Services, or designee, to execute all escrow and related documents necessary to complete the purchase.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan for the Multiple Species Conservation Program (MSCP) Acquisitions Fund. If approved, this request will result in current year costs of \$929,670 itemized as follows: \$627,670 for property acquisition; \$30,000 for staff, appraisal and ancillary costs to complete the transaction; \$3,000 for closing and title costs; and \$269,000 in one-time land protection costs which include initial stewardship featuring a boundary survey, signage, vegetation management and stormwater/erosion protection measures (\$17,000) and the production of a Resource Management Plan for the proposed 69.49-acre acquisition, 122 acres of existing preserve in the area and a 22-acre acquisition scheduled for summer 2017 (\$252,000). The funding source is the MSCP Acquisitions Fund.

Future total annual costs for land monitoring and management of the 69.49 acres are estimated at \$3,750. In addition, there will be an estimated future annual cost of \$103 for fixed charge assessments including a fire district special tax and vector control. The funding source for these costs will be Department of Parks and Recreation General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

2. **SUBJECT: NOTICED PUBLIC HEARING: MEMORANDUM OF UNDERSTANDING AND AUTHORIZATION FOR A COMPETITIVE SOLICITATION TO PREPARE A GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN LUIS REY VALLEY GROUNDWATER BASIN (DISTRICT: 5)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider approving a Memorandum of Understanding (MOU) for the San Luis Rey Valley Groundwater Basin (Basin). Staff further requests authorization to prepare a Groundwater Sustainability Plan (Plan) for the Basin to comply with the requirements of the Sustainable Groundwater Management Act (SGMA). The MOU is between the County of San Diego (County), Pauma Valley Community Services District, Upper San Luis Rey Resource Conservation District, and Yuima Municipal Water District, collectively, the “partner agencies.” The purpose of the MOU is to memorialize the roles and responsibilities of the County and partner agencies in developing the Plan that is required to achieve long-term groundwater sustainability and to eliminate the overlap of each agency. When multiple local agencies declare to become a Groundwater Sustainability Agency (GSA) over the same basin areas, SGMA requires the parties to reach an agreement to eliminate the overlap.

Between May and August 2016, each partner agency held a public hearing and approved a resolution to become a GSA over its portion of the Basin. On August 3, 2016 (3), the Board adopted a resolution authorizing the County to become a GSA over a portion of the Basin and to provide notice to the California Department of Water Resources of the County’s intent to become a GSA. The Board further authorized the Director of Planning & Development

Services (PDS), to conduct negotiations and develop an inter-agency agreement between the County and partner agencies. The MOU is the result of these efforts as directed by the Board.

Today's recommendations include: 1) approving the MOU between the partner agencies; and 2) authorizing the Director of PDS to enter into a contract with consultant(s) to prepare a Plan for the Basin.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(1) and Water Code Section 10728.6.
2. Adopt the Memorandum of Understanding (MOU) entitled:
MEMORANDUM OF UNDERSTANDING: DEVELOPMENT OF A
GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN LUIS REY
VALLEY GROUNDWATER BASIN (Attachment A).
3. Approve and authorize execution of the MOU (Attachment A) by the Clerk of the Board of Supervisors.
4. Designate Planning & Development Services as the department responsible for carrying out the terms of the MOU (Attachment A).
5. Authorize the Director of Department of Purchasing and Contracting, in accordance with Section 401, Article XXIII of the County Administrative Code, to issue a Competitive Solicitation: COUNTY OF SAN DIEGO, PLANNING & DEVELOPMENT SERVICES AGREEMENT FOR DEVELOPMENT OF THE GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN LUIS REY VALLEY GROUNDWATER BASIN, and upon successful negotiations and determination of a fair and reasonable price, award contract(s) for a term of two years, with two option years and up to an additional six months if needed; and to amend the contracts as needed to reflect changes to services and funding.

FISCAL IMPACT

Approval of this request will result in costs of \$700,000 in Fiscal Year (FY) 2017-18 and \$1,000,000 in FY 2018-19. Funds for FY 2017-18 are included in the FY 2017-18 CAO Recommended Operational Plan in Planning & Development Services. The funding source is General Fund fund balance. There

will be no additional staff years. A request for funding for FY 2018-19 will be included in the FY 2018-19 CAO Recommended Operational Plan.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

3. **SUBJECT: NOTICED PUBLIC HEARING: MEMORANDUM OF UNDERSTANDING AND AUTHORIZATION TO PREPARE A GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN DIEGO RIVER VALLEY GROUNDWATER BASIN (DISTRICTS: 2 AND 3)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider approving a Memorandum of Understanding (MOU) for the San Diego River Valley Groundwater Basin (Basin). The MOU for the Basin is between the County of San Diego (County), City of San Diego, City of Santee, Lakeside Water District, and the Padre Dam Municipal Water District, known collectively as “partner agencies.” Additionally, staff requests authorization to enter into a cost reimbursement agreement with the partner agencies to prepare a Groundwater Sustainability Plan (Plan) for the Basin to comply with the requirements of the Sustainable Groundwater Management Act (SGMA).

On August 3, 2016 (3), the Board adopted a resolution authorizing the County to become a Groundwater Sustainability Agency (GSA) over the Basin and to provide notice to the California Department of Water Resources (DWR) of the County’s intent to become a GSA. Each partner agency adopted similar resolutions and provided notice to DWR. When multiple local agencies declare to become a GSA over the same basin areas, SGMA requires the parties to reach an agreement to eliminate the overlap. The Board further authorized the Director of Planning & Development Services (PDS) to conduct negotiations and develop an inter-agency agreement between the County and partner agencies to memorialize each agency’s role and responsibilities in developing the Plan that is

required to achieve long-term groundwater sustainability and to eliminate the overlap of each agency. The MOU is the result of these efforts as directed by the Board.

Today's recommendations include: 1) approving the MOU between the County and partner agencies for the Basin; and 2) authorizing the Director of PDS to enter into a cost reimbursement agreement to prepare the Plan for the Basin.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(1) and Water Code Section 10728.6.
2. Adopt the Memorandum of Understanding (MOU) entitled:
MEMORANDUM OF UNDERSTANDING: DEVELOPMENT OF A
GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN DIEGO
RIVER VALLEY GROUNDWATER BASIN (Attachment A).
3. Approve and authorize execution of the MOU (Attachment A) by the Clerk of the Board of Supervisors (Clerk).
4. Designate Planning & Development Services (PDS) as the department responsible for carrying out the terms of the MOU (Attachment A).
5. Authorize the PDS Director to negotiate a cost reimbursement agreement for development of the Groundwater Sustainability Plan for the San Diego River Valley Groundwater Basin.
6. Approve and authorize execution of the Cost Reimbursement Agreement by the Clerk.

FISCAL IMPACT

Approval of this request will result in costs of \$600,000 in Fiscal Year (FY) 2017-18 and \$700,000 in FY 2018-19. Funds for FY 2017-18 are included in the FY 2017-18 CAO Recommended Operational Plan in Planning & Development Services. The funding source is General Fund fund balance. There will be no additional staff years. A request for funding for FY 2018-19 will be included in the FY 2018-19 CAO Recommended Operational Plan.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

4. SUBJECT: NOTICED PUBLIC HEARING: MEMORANDUM OF UNDERSTANDING AND AUTHORIZATION TO PREPARE A GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN PASQUAL VALLEY GROUNDWATER BASIN (DISTRICTS: 2, 3 AND 5)

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider approving a Memorandum of Understanding (MOU) for the San Pasqual Valley Groundwater Basin (Basin) and to enter into a cost reimbursement agreement with the City of San Diego (City) to prepare a Groundwater Sustainability Plan (Plan) for the Basin to comply with the requirements of the Sustainable Groundwater Management Act (SGMA). The MOU for the Basin is between the County of San Diego (County) and City.

On August 3, 2016 (3), the Board adopted a resolution authorizing the County to become a Groundwater Sustainability Agency (GSA) over the Basin and to provide notice to the California Department of Water Resources (DWR) of the County's intent to become a GSA. The City adopted a similar resolution and provided notice to DWR. When multiple local agencies declare to become a GSA over the same basin areas, SGMA requires the parties to reach an agreement to eliminate the overlap. The Board further authorized the Director of Planning & Development Services (PDS) to conduct negotiations and develop inter-agency agreements between the County and City to memorialize each agency's role and responsibilities in developing the Plan that is required to achieve long-term groundwater sustainability and to eliminate agency overlap. The MOU is the result of these efforts as directed by the Board.

Today's recommendations include: 1) approving the MOU between the County and City for the Basin; and 2) authorizing the Director of PDS to enter into a cost reimbursement agreement to prepare the Plan for the Basin.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(1) and Water Code Section 10728.6.
2. Adopt the Memorandum Of Understanding (MOU) entitled:
MEMORANDUM OF UNDERSTANDING: DEVELOPMENT OF A
GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN PASQUAL
VALLEY GROUNDWATER BASIN (Attachment A).
3. Approve and authorize execution of the MOU (Attachment A) by the Clerk of the Board of Supervisors (Clerk).
4. Designate Planning & Development Services (PDS) as the department responsible for carrying out the terms of the MOU (Attachment A).
5. Authorize the PDS Director to negotiate a cost reimbursement agreement with the City of San Diego for development of the Groundwater Sustainability Plan for the San Pasqual Valley Groundwater Basin.
6. Approve and authorize execution of the Cost Reimbursement Agreement by the Clerk.

FISCAL IMPACT

Approval of this request will result in costs of \$350,000 in Fiscal Year (FY) 2017-18 and \$650,000 in FY 2018-19. Funds for FY 2017-18 are included in the FY 2017-18 CAO Recommended Operational Plan in Planning & Development Services. The funding source is General Fund fund balance. There will be no additional staff years. A request for funding for FY 2018-19 will be included in the FY 2018-19 CAO Recommended Operational Plan.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended and directed the Chief Administrative Officer to negotiate with the City of San Diego and work with property owners to develop options for governance structures that allow for meaningful input and public participation throughout the plan development and the review; create an issue resolution and appeal mechanism designed to resolve disputes,

including the unresolved issues from property owners and stakeholders; provide regular updates to the Board of Supervisors; allow for public review of the plan; and return to the Board in 120 days for an update.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

5. **SUBJECT: NOTICED PUBLIC HEARING: COUNTRY ESTATES
TENTATIVE MAP TIME EXTENSION LOCATED IN THE
NORTH COUNTY METROPOLITAN SUBREGIONAL
PLAN AREA (DISTRICT: 5)**

OVERVIEW

This is an appeal to the Board of Supervisors (Board) by Joseph Jaoudi (applicant) to overturn the Planning Commission's decision to deny the proposed Country Estates Tentative Map (TM) Time Extension TM-4700TE2.

The applicant requests a time extension of the previously approved Country Estates TM, which would subdivide 77.9 acres into 55 residential lots and three open space lots. On February 2, 2005 (3), the Board approved the Country Estates TM along with a Major Use Permit which allowed for a conservation subdivision design. The project site is located at the easterly end of Deeb Drive and northerly end of Hardell Lane in the Twin Oaks Valley Community portion of the North County Metropolitan Subregional Plan Area within unincorporated San Diego county (57th Edition Thomas Guide Page 1088, E-5/E-6 and F-5/F-6).

The Country Estates TM Time Extension was denied by the Planning Commission at a public hearing on August 5, 2016. The Planning Commission's decision of denial was consistent with the Director's Preliminary Notice of Decision to deny the TM Time Extension, dated June 24, 2016, due to lack of substantial conformance to the approved TM caused by relocation of the water line easement within open space and inconsistency with the General Plan.

RECOMMENDATION(S)

PLANNING COMMISSION

On August 5, 2016, the Planning Commission voted to deny the Country Estates Tentative Map (TM) Time Extension and made the following decision:

"Deny the Country Estates TM Time Extension for the reasons stated in the Preliminary Notice of Decision" (Attachment A).

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

Planning & Development Services concurs with the Planning Commission and recommends the Board of Supervisors (Board) take the following actions:

1. Find that the denial of the Country Estates TM Time Extension is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15270(a) of the CEQA Guidelines.
2. Deny the appeal (Attachment B) for the reasons discussed in the Preliminary Notice of Decision (Attachment A), the Planning Commission Report (Attachment C, Exhibit 1), and this Board Letter.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended.

AYES: Cox, Jacob, Gaspar, Horn

NOES: Roberts

6. **SUBJECT: NOTICED PUBLIC HEARING: LOAN REQUEST AND PUBLIC HEARING TO CONFIRM FISCAL YEAR 2017-18 LEVIES FOR PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 101 - JOHNSON LAKE ROAD IN LAKESIDE (DISTRICT: 2)**

OVERVIEW

A Permanent Road Division (PRD) Zone provides property owners a mechanism to pay for private road maintenance in a geographically defined area. There are currently 68 PRD Zones within the unincorporated county that provide maintenance of approximately 94 miles of private roads. Permanent Road Division Zone No. 101 - Johnson Lake Road (Johnson Lake Road) is one of the 68 and is located in the Lakeside area (2016 Thomas Guide Page 1211-H5, H6 & J5).

In January 2017 a culvert on Johnson Lake Road was damaged as a result of heavy rains, and a section of the road has been closed and is impassable to traffic and serves as a secondary access road. The Johnson Lake Road zone currently does not have sufficient funds to complete the necessary repairs. In April 2017, property owners voted and approved borrowing money to fund the culvert repair work and approved an increase to their assessment rate to fund a loan. The assessment rate will increase from \$45 to \$170 per benefit unit and is within the approved maximum rate of \$300 per benefit unit. Single-family residences are assessed two benefit units, therefore, the payment for single-family residences will increase from \$90 to \$340 annually. The levies will be used to finance a loan from the Permanent Road Division Internal Service Fund which will enable the work to commence sooner.

The repair cost for the Johnson Lake Road culvert is estimated to be approximately \$85,000 and will be funded by Fiscal Year 2016-17 funding (\$20,000), a loan (\$50,000), and fund balance (\$15,000). This is a request to adopt a resolution authorizing the transfer of loan money to the Johnson Lake Road fund for the culvert repair. It is also a request to establish an additional \$65,000 in appropriations to be added to the current Fiscal Year 2016-17 budget for the Johnson Lake Road fund, based on a loan from the Permanent Road Division Internal Service Fund (\$50,000) and available fund balance (\$15,000) so that the culvert repair can commence immediately. Upon Board approval, the Department of Public Works will complete the repair using a Job Order Contract administered through the Department of General Services. The repair is anticipated to be completed in late Summer 2017. Finally, this is also a request to adopt a resolution confirming levies to be placed on the tax roll for Fiscal Year 2017-18.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the State CEQA Guidelines because the activity involves approval of a funding mechanism for the purpose of the repair and maintenance of existing roads, involving negligible or no expansion of use.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING TRANSFER OF MONEY TO SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 101 - JOHNSON LAKE ROAD AND SCHEDULE FOR REPAYMENT TO THE COUNTY.

3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 101 - JOHNSON LAKE ROAD ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2017-18.
4. Establish appropriations of \$50,000 in Fiscal Year 2016-17 Permanent Road Division Zone No. 101 - Johnson Lake Road for road repairs based on a loan from the Permanent Road Division Internal Service Fund. **(4 VOTES)**
5. Establish appropriations of \$15,000 in Fiscal Year 2016-17 Permanent Road Division Zone No. 101 - Johnson Lake Road for road repairs based on available Permanent Road Division Zone No. 101 - Johnson Lake Road Fund fund balance. **(4 VOTES)**

FISCAL IMPACT

Funds for the Johnson Lake Road culvert repair are partially included in the Fiscal Year 2016-17 Operational Plan in the Department of Public Works, PRD Zone No. 101 - Johnson Lake Road Fund. If approved, this request will establish additional appropriations of \$65,000 in the Johnson Lake Road Fund based on available fund balance (\$15,000) and unanticipated loan revenue from the Permanent Road Division Internal Service Fund (\$50,000) to fund the culvert repair.

The loan amount will be for \$50,000 with a term of five years beginning in Fiscal Year 2016-17 at a fixed simple interest rate of 2.10 percent, which is the current rate per annum received on similar types of investments by the County as determined by the County Treasurer-Tax Collector.

If approved, the repayment of this loan for the culvert repair will be funded through future annual benefit assessments collected on the tax rolls within PRD Zone No. 101 - Johnson Lake Road beginning in Fiscal Year 2017-18. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 17-074, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING TRANSFER OF MONEY TO SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 101 - JOHNSON LAKE ROAD AND SCHEDULE FOR REPAYMENT TO THE COUNTY; and Resolution No. 17-075, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 101 - JOHNSON LAKE ROAD ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2017-18.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

7. **SUBJECT: MCCLELLAN-PALOMAR AIRPORT - AMENDMENTS TO AVIATION LEASES WITH CIVIC HELICOPTERS, INC. AND ROYAL JET, INC. (DISTRICTS: ALL)**

OVERVIEW

McClellan-Palomar Airport is a general aviation airport owned and operated by the County of San Diego located within the municipal limits of the City of Carlsbad (57th Edition Thomas Guide Page 1127, D3.). The airport is a gateway to and from San Diego's North County providing facilities and services to commercial, corporate and general aviation communities. The revenues generated from leases support proper maintenance, safe operation, and public use of all County airports.

On June 13, 2007 (5), the Board of Supervisors approved three 40-year aviation leases at McClellan-Palomar Airport: two leases with Civic Helicopters, Inc. (Contract Numbers 121961 and 121962) and one lease with BVP Associates, LLC (Contract Number 121934). BVP Associates, LLC was sold to Royal Jet, Inc., in September 2013. The leases require rent to be renegotiated every five years to keep current with market rates. The next negotiated adjustment for all three leases is August 1, 2017.

This is a request to approve the second amendment to Contract Numbers 121961 with Civic Helicopters, Inc., the third amendment to Contract Number 121962 with Civic Helicopters, Inc., and the fourth amendment to Contract

Number 121934 with Royal Jet, Inc. These amendments will increase monthly rent to reflect current market rates and update lease language to current standards. The amendment with Royal Jet will also revise the capital improvement timeline.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease amendments are categorically exempt from CEQA review as they consist of the leasing of existing facilities involving negligible or no expansion of existing use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the second amendment of the aviation lease with Civic Helicopters, Inc. (County Contract Number 121961) **(4 VOTES)**.
3. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the third amendment of the aviation lease with Civic Helicopters, Inc. (County Contract Number 121962) **(4 VOTES)**.
4. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the fourth amendment of the aviation lease with Royal Jet, Inc. (County Contract Number 121934) **(4 VOTES)**.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2017-18 CAO Recommended Operational Plan for the Airport Enterprise Fund. If approved, this request will result in combined annual revenue of \$89,918 in Fiscal Year 2017-18, an increase of \$4,202 over the budgeted amount, due to today's proposed lease rent increases. The funding source for additional revenue is rent increases from lessees. There will be no change in net General Fund cost and no additional staff years required.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

8. SUBJECT: ESTABLISH APPROPRIATIONS AND APPROVE THE TENTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE VALLEY CENTER PARKS AND RECREATION DISTRICT AND THE COUNTY OF SAN DIEGO (DISTRICT: 5)

OVERVIEW

The Valley Center Parks and Recreation District (VCPRD) is a community services district in the unincorporated community of Valley Center that owns and operates parks and recreational facilities for the benefit of its residents. On December 13, 1994 (79), the Board of Supervisors approved a Joint Exercise of Powers Agreement (JEPA) to fund recreational improvements within the VCPRD. To date, there have been nine amendments to the JEPA, which have provided Park Lands Dedication Ordinance (PLDO) funds for land acquisition and active recreation improvements that are operated and maintained by VCPRD.

VCPRD has proposed to resurface multi-sport courts, provide lighting, and acquire a modular building to hold classes in and house equipment for active recreation programs in Adams Park. These improvements will enable additional sports to be played on the courts, expand the hours the courts are available for visitors, and enable recreation classes to be held indoors. The Department of Parks and Recreation has evaluated the proposed improvements and determined the request is an eligible and reasonable use of PLDO funds.

The requested action will authorize the Director, Department of Parks and Recreation to execute the Tenth Amendment to the JEPA with VCPRD and will establish appropriations of \$125,252 in the PLDO Area 38 Valley Center Fund based on available prior year fund balance for park improvements at Adams Park. If approved, construction is expected to begin in fall 2017 with completion anticipated in winter 2018.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed improvements at Adams Park are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 and 15303 because the improvements are minor alterations of existing facilities involving negligible expansion of the existing uses and involve the construction and location of limited numbers of new, small facilities or structures.

2. Establish appropriations of \$125,252 in Park Lands Dedication Ordinance Area 38 Valley Center Fund, for park and recreational facility improvements at Adams Park based on available prior year fund balance. **(4 VOTES)**
3. Authorize the Director, Department of Parks and Recreation to execute the Tenth Amendment to Joint Exercise of Powers Agreement between the Valley Center Parks and Recreation District and the County of San Diego for the Development of Recreation Facilities in the Community of Valley Center.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2016-17 Operational Plan for the Park Lands Dedication Ordinance (PLDO) Area 38 Valley Center Fund. If approved, this request will result in current year costs of \$125,252 in the PLDO Area 38 Valley Center Fund for park and recreation improvements at Adams Park. The funding source is available prior year PLDO Area 38 Valley Center Fund fund balance. There will be no change in net General Fund cost and no additional staff years. Annual operations and maintenance costs of the improvements will be the responsibility of the Valley Center Parks and Recreation District.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

9. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 4823-1 (FINAL MAP NO. 14462): FIRST AMENDMENT TO THE IMPROVEMENT AGREEMENT FOR THE INCREASE OF SECURITY AND TO EXTEND TIME TO COMPLETE PUBLIC AND PRIVATE IMPROVEMENTS FOR LIVE OAK RANCH LOCATED IN THE FALLBROOK COMMUNITY PLAN AREA (DISTRICT: 5)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to review and approve the First Amendment to Agreement to Improve Major Subdivision (Amendment) in

order to increase security and allow an extension of time for County of San Diego (County) Tract No. 4823-1. This project, known as Live Oak Ranch (Final Map No. 14462), is a subdivision consisting of 19 single-family residential lots on 58.03 acres. It is located on the south side of Live Oak Park Road and northeasterly of Ridge Drive in the Fallbrook Community Plan Area within the unincorporated county (2009 Thomas Guide, Page 1028, C-2).

The Board's approval of the Amendment is requested to extend the time to complete the public and private improvements to June 21, 2021. The Amendment also increases the amount of security required to complete the required improvements.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that it can be seen with certainty that there is no possibility that the approval of the First Amendment to Agreement to Improve Major Subdivision (Amendment) and extension of time may have a significant effect of the environment, and that the project is therefore exempt from CEQA review.
2. Approve and authorize the Clerk of the Board of Supervisors (Clerk) to execute the Amendment to increase security (Attachment A on file with Clerk).
3. Extend the time for public and private improvements for County of San Diego Tract No. 4823-1 to June 21, 2021 (Attachment A on file with Clerk).

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

10. SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 4831-1 (FINAL MAP NO. 13008): THIRD AMENDMENT TO JOINT AGREEMENT AND SECOND AMENDMENT TO LIEN CONTRACT TO SUBSTITUTE PARTIES AND EXTEND THE TIME TO COMPLETE IMPROVEMENTS FOR GOOD EARTH NURSERY FINAL MAP LOCATED IN THE FALLBROOK COMMUNITY PLAN AREA (DISTRICT: 5)

OVERVIEW

This is a request for the Board of Supervisors to review and approve the third Amendment to the Joint Agreement to Improve Major Subdivision and the second Amendment to the Lien Contract and Holding Agreement (collectively Amendments) for County of San Diego Tract. No. 4831-1. The Amendments outline the substitution of parties and an extension of time to June 21, 2019, to complete required public and private improvements. The project, known as Good Earth Nursery (Final Map No. 13008), is a subdivision consisting of 12 single-family residential lots on 14.79 acres. It is located in the Fallbrook Community Plan Area on the northwesterly side of Brooke Road at Winterhaven Road (2009 Thomas Guide, Page 1027, J-7).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that it can be seen with certainty that there is no possibility that the approval of the third Amendment to the Joint Agreement to Improve Major Subdivision and the second Amendment to the Lien Contract and Holding Agreement (collectively Amendments) and associated actions may have a significant effect on the environment, and that the project is therefore exempt from CEQA review.
2. Approve and authorize the Clerk of the Board of Supervisors (Clerk) to execute the Amendments for public and private improvements (Attachment B on file with the Clerk).
3. Direct the Clerk, upon execution of the Amendments (Attachment B on file with the Clerk), to forward the document to the County Recorder for recordation.
4. Extend the performance completion date of improvements for County of San Diego Tract No. 4831-1 to June 21, 2019.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

- 11. SUBJECT: ESTABLISH APPROPRIATIONS AND AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR FELICITA PARK RECREATIONAL IMPROVEMENTS (DISTRICT: 3)**

OVERVIEW

Felicita Park is a 52-acre developed park in an unincorporated area southwest of the City of Escondido (Thomas Guide page 1149, J-1). The park offers a variety of recreational amenities including two playground areas, seven picnic areas, a special events area, and trail systems with historical and cultural signage, all within a natural oak woodland.

The Felicita Park Trail, Outdoor Exercise Areas, and Shade Structures project will add new recreational amenities, including: adult outdoor exercise stations, shade sails over an existing playground, trails with Native American interpretive signage, and pickleball courts. The project will also include removal of a deteriorated metal shade structure. The project is the second phase of a two-phased project and will enhance park visitors' experiences by offering additional opportunities for nature experiences, and will support health and fitness.

The requested actions will establish appropriations of \$613,085.37 in Capital Project 1021276, Felicita Park Trail, Outdoor Exercise Areas and Shade Structures and authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract to the lowest responsive and responsible bidder for the Felicita Park Trail, Outdoor Exercise Areas and Shade Structures project for an estimated cost of \$540,000, including

contingency. Remaining project funds of \$73,085.37 will be used for related project costs including design, inspection services, construction management and project administration. If approved, project construction is scheduled to begin in summer 2017 and be completed in spring 2018.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Felicita Park Trail, Outdoor Exercise Areas and Shade Structures project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301, 15302, 15303, and 15304.
2. Cancel appropriations of \$613,085.37 in the Capital Outlay Fund and related Operating Transfer from the General Fund for Capital Project 1017898, Felicita Park Turf and Playground Improvements to fund the Felicita Park Trail, Outdoor Exercise Areas and Shade Structures project.
3. Establish appropriations of \$613,085.37 in Capital Outlay Fund for Capital Project 1021276, Felicita Park Trail, Outdoor Exercise Areas and Shade Structures, based on an Operating Transfer In from the General Fund. **(4 VOTES)**
4. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of the Felicita Park Trail, Outdoor Exercise Areas and Shade Structures project.
5. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the Felicita Park Trail, Outdoor Exercise Areas and Shade Structures project, in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan in the Capital Outlay Fund for Capital Project 1019898, Felicita Park Turf and Playground Improvements. If approved, this request will transfer appropriations of \$613,085.37 from completed Capital Project 1019898, Felicita Park Turf and Playground Improvements and result in current year costs of \$613,085.37 for Capital Project 1021276, Felicita Park Trail, Outdoor Exercise Areas and Shade Structures. Construction costs for the proposed improvements are estimated at \$540,000 including contingency. Remaining project funds of \$73,085.37 will be

used for design, inspection services, construction management, and project administration. The funding source is an Operating Transfer In from the General Fund based on the cancellation of remaining appropriations in completed Capital Project 1019898, Felicita Park Turf and Playground Improvements (\$613,085.37). Upon project completion, annual operations and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

12. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5426-1:
 APPROVAL OF FINAL MAP AND APPROVAL OF JOINT
 SECURED AGREEMENT FOR PUBLIC AND PRIVATE
 IMPROVEMENTS FOR ROBLE GRANDE ESTATES
 TENTATIVE MAP LOCATED IN THE ALPINE
 COMMUNITY PLAN AREA (DISTRICT: 2)**

OVERVIEW

This item is a request for the Board of Supervisors to review and approve the Final Map for County of San Diego (County) Tract No. 5426-1 and execute the Joint Agreement to Improve Major Subdivision for public and private improvements. This project, known as Roble Grande Estates Tentative Map 5426RPL1, is a subdivision consisting of six single-family lots on 8.29 acres. It is located on the north side of Roble Grande Road and west of Tavern Road in the Alpine Community Plan Area within the unincorporated county (2009 Thomas Guide, Page 1233, J-7).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the Final Map, the Joint Agreement to Improve Major Subdivision (Agreement), and associated actions is not a project subject to review under the California Environmental Quality Act (CEQA)

pursuant to Sections 15060(c)(1) and (2) of the CEQA Guidelines because it does not involve the exercise of discretionary powers by a public entity and the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

2. Approve the Final Map for County of San Diego Tract No. 5426-1.
3. Approve and authorize the Clerk of the Board of Supervisors (Clerk) to execute the Agreement, which includes street improvements, drainage facilities, water facilities, and final monumentation (Attachment A on file with the Clerk).
4. Authorize the Clerk to forward the Final Map to the County Recorder for recordation.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

13. **SUBJECT: AUTHORIZATION TO APPLY FOR AND ACCEPT STATE GRANTS TO MITIGATE BURN SITES AND LANDFILLS (DISTRICTS: ALL)**

OVERVIEW

The former California Integrated Waste Management Board created the Solid Waste Disposal and Co-disposal Site Cleanup Program through which local governments can receive matching grants up to \$750,000 per site project to remediate old landfills or burn sites. Through this program and previous Board of Supervisors action, grants were awarded and projects were successfully completed at four burn sites (Alpine II, Fallbrook 1C, Jacumba I, Jacumba II) and one landfill (Bonsall). This grant program is now managed by the California Department of Resources, Recycling and Recovery also known as CalRecycle.

This is a request to adopt a resolution authorizing the Director, Department of Public Works, or designee, to submit, negotiate and sign all documents necessary to secure grant funding for remediation cleanup efforts of solid waste burn sites and landfills through June 30, 2022. These grants have a match requirement up to \$750,000, which would be funded with the County's Environmental Trust Fund established by the Board in 1997.

The Department of Public Works maintains 22 closed landfill and burn sites and monitors 10 additional privately-owned sites that the County had leased for use as burn sites when the sites were active. The authorization to apply for grants will help fund projects to protect public health and safety and the environment by securing or eliminating former solid waste sites. They will reduce the likelihood of future pollution and help protect the quality of San Diego county watersheds. If approved, applications will be submitted as site project plans are prepared. Upon projects' design completion, staff will conduct work as appropriate under existing contracts, or will return to the Board for approval to advertise and award new contracts.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines that delegating authority to apply for and acceptance of grant funding is exempt from CEQA review because it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment.
2. Adopt the resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING AND AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, SOLID WASTE DISPOSAL AND CO-DISPOSAL SITE CLEANUP PROGRAM GRANTS FROM CALRECYCLE FOR VARIOUS COUNTY LANDFILLS AND BURN SITES THROUGH JUNE 30, 2022.
3. Authorize the Director, Department of Public Works, or designee, to submit, negotiate and execute all documents necessary to secure and spend State grant funds for County Landfill and Burn Site Management projects through June 30, 2022.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2017-18 CAO Recommended Operational Plan in the Department of Public Works. If

approved, and grant funds are awarded, the Department will return to the Board to request the necessary appropriations and revenue from the Environmental Trust Fund for matching funds and/or will include the funds in future year Operational Plans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 17-076, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING AND AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, SOLID WASTE DISPOSAL AND CO-DISPOSAL SITE CLEANUP PROGRAM GRANTS FROM CALRECYCLE FOR VARIOUS COUNTY LANDFILLS AND BURN SITES THROUGH JUNE 30, 2022.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

- 14. SUBJECT: ADOPT RESOLUTION AUTHORIZING THE GENERAL FUND TO ADVANCE FUND FUTURE ROAD MAINTENANCE AND REHABILITATION PROJECT COSTS AND FOR THE SUBSEQUENT SCHEDULED REIMBURSEMENT TO THE GENERAL FUND BY THE ROAD FUND, AND MAINTENANCE OF WORKING CAPITAL OF THE ROAD FUND (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County) Department of Public Works (DPW) is responsible for maintaining nearly 2,000 centerline miles, or 4,000 lane miles of roads, in addition to 200 bridges, nearly 19,000 culverts, 188 traffic signals and 37,292 traffic signs.

Like counties across the state and nation, maintaining the County's aging road infrastructure has become increasingly challenging, particularly with rising construction costs, declining State revenues, and a gas tax funding system that has been challenged by the growth in increasingly fuel-efficient and zero emission vehicles.

The primary source of revenue used to maintain County roads comes from the Highway Users Tax, or State gas tax, which declined from 39.5 cents per gallon in Fiscal Year (FY) 2013-14 to 27.8 cents per gallon in FY 2016-17. Annual revenue from the State gas tax is less today than it was in the year 2000, and is insufficient for properly maintaining the County road network. The County has been bridging the funding gap using the SDG&E franchise fee revenue, TransNet revenue, Road Fund reserves, and Road Fund fund balance, but that funding does not cover the full costs of adequately maintaining the roads. As a result of the declining State revenues, the County's average Pavement Condition Index

(PCI), an industry standard rating system used to rate streets, dropped from 70 six years ago to 60 in 2016, the lowest PCI recorded by the County.

On April 28, 2017, the Governor approved the Road Repair & Accountability Act of 2017 (Road Repair Act) to address the funding gap statewide. The Road Repair Act established the Road Maintenance and Rehabilitation Program to be funded by increases in gasoline taxes and other charges to finance transportation related projects, including the repair and rehabilitation of roads maintained by cities and counties. The State Legislature projects the Road Repair Act will provide \$7.5 billion of additional road maintenance funding to California counties over the next decade. The California State Association of Counties projects that the County will receive approximately \$538 million of additional road maintenance revenues over the next 10 years, which is in addition to the existing funding the County receives to maintain County roads.

Based on the projected new transportation funding, DPW developed options for the Board of Supervisors (Board) to consider that would improve the condition of the County road network's average PCI. On May 2, 2017 (11), the Board directed the Chief Administrative Officer (CAO) to achieve an average PCI of 70 for the entire County road network in five years. To support this, the Board authorized the General Fund to advance funds to cover costs for resurfacing and reconditioning County roads. The Road Fund will repay the advance from the General Fund using revenue received from future Road Repair Act dollars made available pursuant to the Road Maintenance and Rehabilitation Program.

Today's first requested action is to adopt a resolution authorizing the General Fund to advance fund \$28 million in future road maintenance and rehabilitation project costs to improve the PCI to 70 in five years, and for the subsequent reimbursement of the advance by the Road Fund using revenue received from the Road Repair Act. The advance will be interest free and the reimbursement will be repaid to the General Fund in five annual installments on or before June 30

commencing in Fiscal Year 2022-23 through and including Fiscal Year 2026-27. If the Road Repair Act funds are more than anticipated the advance could be repaid more quickly. If approved, DPW will return to the Board to appropriate revenues anticipated from the advancement of funds in the Fiscal Year 2017-19 CAO Recommended Operational Plan Change Letter in the Road Fund.

As the County moves forward with its five-year road maintenance and rehabilitation projects, staff researched best practices to assure adequate cash balances to meet operating needs. The Government Finance Officers Association recommends maintaining a level of unreserved, unappropriated fund balance, called “working capital,” to provide a cushion for unforeseen expenditures or revenue shortfalls and to ensure that adequate cash flow is available to meet the cost of operations for both unanticipated events and other identified or planned needs. Given uncertainty in the amount and timing of revenue from the Road Repair Act that will be sent to the Road Fund, today’s third recommendation is to direct the CAO to maintain a minimum of ninety days of working capital in the Road Fund in future fiscal years. Targeting minimum available fund balance in the Road Fund will provide reserves for unforeseen revenue shortfalls and mitigate the need for short-term borrowing for cash flow needs ensuring the fund is self-sufficient.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that approving an advancement of funds in the amount of \$28 million from the General Fund to the Road Fund to be repaid with new revenue anticipated from the Road Repair and Accountability Act of 2017 is exempt from CEQA review because it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment.
2. Adopt a resolution entitled A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE GENERAL FUND TO ADVANCE FUND RESURFACING AND REHABILITATION COSTS TO ACHIEVE AN AVERAGE PAVEMENT CONDITION INDEX OF 70 ON COUNTY ROADS WITHIN FIVE YEARS IN AN AMOUNT NOT TO EXCEED \$28,000,000, AND FOR THE SUBSEQUENT SCHEDULED REIMBURSEMENT OF THE GENERAL FUND BY THE ROAD FUND (Attachment A).
3. Direct the CAO to maintain a minimum of ninety days or three months of available fund balance to serve as working capital in the Road Fund.

FISCAL IMPACT

If approved, today's recommendations will result in \$28,000,000 of costs and revenues. The funding source is available General Fund fund balance. Funds associated with this request will be included in the Fiscal Year 2017-19 CAO Recommended Operational Plan Change Letter in the Road Fund. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

If approved, expenditures for road maintenance and repair work should create private sector jobs and economic opportunities in San Diego County.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 17-077, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE GENERAL FUND TO ADVANCE FUND RESURFACING AND REHABILITATION COSTS TO ACHIEVE AN AVERAGE PAVEMENT CONDITION INDEX OF 70 ON COUNTY ROADS WITHIN FIVE YEARS IN AN AMOUNT NOT TO EXCEED \$28,000,000, AND FOR THE SUBSEQUENT SCHEDULED REIMBURSEMENT OF THE GENERAL FUND BY THE ROAD FUND.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

15. **SUBJECT: APPROVE REVENUE AGREEMENT WITH THE STATE
 OF CALIFORNIA FOR ENFORCEMENT OF THE STATE
 RADIATION CONTROL LAW (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego's Radiological Health Program (RHP) protects the environment and the residents of San Diego county from the harmful effects of radiation through local enforcement of the State Radiation Control Law by overseeing more than 2,700 facilities with x-ray machines and 125 facilities with radioactive material use. Since 1986, the California Department of Public Health (CDPH) has a negotiated agreement and reimbursed Department of Environmental Health (DEH) to enforce the State Radiation Control Law in San Diego. Although radiation is naturally present in the environment, it can have either beneficial or harmful effects, depending on its use and control. State

Radiation Control Law requires the use and storage of radioactive materials in a way that eliminates unnecessary exposure and protects radiation workers and the public.

On August 3, 2016 (9) the Board of Supervisors approved and authorized the Director, DEH, to execute a one-year revenue agreement with the CDPH, Radiologic Health Branch, to enforce the State Radiation Control Law in San Diego county for the period of July 1, 2016 through June 30, 2017.

This request of the Board is to enter into a three-year revenue agreement with the CDPH and adopt a Resolution authorizing the Director, DEH, or his/her designee to receive funds in the amount of \$2,892,414 (\$937,990 in Fiscal Year 2017-18, \$978,692 in Fiscal Year 2018-19, and \$975,732 in Fiscal Year 2019-20) to continue enforcement of the State Radiation Control Law for the period of July 1, 2017 through June 30, 2020. A waiver of Board Policy B-29 is requested because the DEH does not receive full cost reimbursement for this agreement.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3), since it can be seen with certainty that there is no possibility this project may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15308, since it is an action taken by a regulatory agency to assure the protection of the environment.
2. Waive Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, with respect to full cost recovery for the implementation of this agreement.
3. Authorize the Director, Department of Environmental Health, or his/her designee to execute a three-year revenue agreement with the California Department of Public Health, Radiologic Health Branch to enforce the State Radiation Control Law in San Diego County, in the amount of \$2,892,414 for the period July 1, 2017 through June 30, 2020.
4. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH/RADIOLOGIC HEALTH BRANCH FOR ENFORCEMENT OF THE RADIATION CONTROL LAW FOR FISCAL YEARS 2017-18, 2018-19, and 2019-20.

5. Authorize the Director, Department of Environmental Health, or his/her designee to execute any amendments, extensions, and/or revisions thereof that will allow the County to more closely achieve full cost recovery, or that do not materially impact or alter either the program or funding level.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2017-19 CAO Recommended Operational Plan in the Department of Environmental Health (DEH). The total amount of this three-year revenue agreement with California Department of Public Health (CDPH) is \$2,892,414. The total program costs and revenue of \$1,132,696 for FY 2017-18 are included in the CAO Recommended Operational Plan. The funding source is a revenue agreement with CDPH, Radiologic Health Branch (\$937,990) and 1991 Realignment Revenue (\$194,706). DEH receives a fixed amount of ongoing 1991 Realignment Revenue which is restricted to fund public health programs with insufficient funding, including the Radiological Health Program.

Projected total program costs in future years are estimated to be \$1,132,696 in FY 2018-19 and \$1,126,396 in FY 2019-20. These estimates do not include increases for expenditures such as salaries, retirement, health insurance, and overhead. The funding sources in future years are the revenue agreement with the CDPH, Radiologic Health Branch (\$978,692 in FY 2018-19 and \$975,732 in FY 2019-20) and 1991 Realignment Revenue (estimated funding required of \$154,004 in FY 2018-19 and \$150,664 in FY 2019-20). Funds for subsequent years of the agreement will be included in future Operational Plans in DEH.

A waiver of Board Policy, B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery is requested in the amount of \$194,706 for FY 2017-18 and for future years program costs (estimated at \$154,004 in FY 2018-19 and \$150,664 in FY 2019-20) that would be funded with 1991 Realignment Revenue. These amounts include external (County) support costs, which are disallowed by the CDPH agreement. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, Adopting Resolution No. 17-078, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF

PUBLIC HEALTH/RADIOLOGIC HEALTH BRANCH FOR
ENFORCEMENT OF THE RADIATION CONTROL LAW FOR FISCAL
YEARS 2017-18, 2018-19, and 2019-20.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

**16. SUBJECT: NOTICED PUBLIC HEARING: PUBLIC HEARING AND
CONFIRMATION OF LEVIES FOR MOSQUITO,
VECTOR, AND DISEASE CONTROL BENEFIT
ASSESSMENT AND MOSQUITO ABATEMENT AND
VECTOR CONTROL SERVICE CHARGE FOR FISCAL
YEAR 2017-18 (DISTRICTS: ALL)**

OVERVIEW

The Department of Environmental Health's (DEH) Vector Control Program (VCP) protects residents and visitors from health risks associated with mosquitoes such as West Nile virus, Zika and dengue; as well as other vector-borne disease like plague, hantavirus, Lyme disease and tularemia. The program conducts mosquito abatement throughout the region, performs surveillance and testing of vectors that can cause human disease, and educates residents, organizations and businesses on three public health messages: Prevent, Protect and Report. Prevent vectors, protect yourself from vectors, and report breeding sources. County Code defines a vector as "an animal capable of transmitting the causative agent of human disease and eye gnats."

The introduction and establishment of two invasive mosquitoes *Aedes aegypti* and *Aedes Albopictus* (*Aedes*) in San Diego county, in 2014 and 2015, respectively, has presented an increased risk to public health. Unlike native mosquitoes, *Aedes* live and breed in urbanized areas, including inside homes and backyards, and can breed in water sources as small as a thimble. Their eggs can survive without water for several months, and it is recommended that individuals check their property on a weekly basis to change out or eliminate standing water in sources like plant leaves, vases, buckets, or pet water bowls. *Aedes* mosquitoes can transmit diseases, including Zika, chikungunya, dengue and yellow fever, by biting travelers who return to the region with these illnesses and then biting another individual. DEH strives to prevent this from occurring by conducting canvassing, education, and chemical control of adult mosquitoes. Additionally, VCP has experienced an increase of 20.5% in requests for service, complaints, and treatments of known mosquito breeding sources, primarily due to *Aedes* mosquitoes. Due to these factors, DEH is seeking an increase in the

Mosquito, Vector and Disease Control Benefit Assessment to support seven (7.00) new positions included in the Fiscal Year 2017-18 CAO Recommended Operational Plan, and additional supplies for monitoring and control activities to provide timely investigations, monitoring, and treatments to reduce the risk to public health.

On June 22, 2016 (2), the Board of Supervisors (Board) approved the levy of assessments for the Mosquito, Vector, and Disease Control Benefit Assessment for Fiscal Year 2016-17. According to Article XIID of the State Constitution (Proposition 218), approved by the California voters in November 1996, property owners may approve a benefit assessment through a ballot measure and in subsequent years, the governing body approves the levy on properties.

This is a request to adopt a Resolution to approve the Engineer's Report which establishes the services to be funded and the costs for the services by the assessments for the fiscal year, confirm the assessment diagram and assessment, and order the levy of assessments for the Mosquito, Vector, and Disease Control Benefit Assessment for Fiscal Year 2017-18. The proposed single family equivalent rate is \$7.07 which is a 41.4% increase from the adopted rate of \$5.00 for Fiscal Years 2015-16 and 2016-17. The Board is also being asked to approve a Resolution confirming the levy for Mosquito Abatement and Vector Control Service Charge which was adopted by the Board prior to Proposition 218. The existing service charge for Fiscal Year 2009-10 would be levied within the authorized rate structure with no change in the rates of \$3.00, \$2.28, and \$2.28 for Subregions 1, 2, and 3 respectively.

Upon adoption, the Mosquito, Vector, and Disease Control Benefit Assessment and the Mosquito Abatement and Vector Control Service Charge will be placed on the tax roll for Fiscal Year 2017-18.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 21080(b)(8) of the Public Resources Code and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines that this action is exempt from CEQA, because it renews a charge to meet the operating expenses and necessary financial reserves for an existing program, specifically the County Vector Control Program as described herein and in the Engineer's Report.

2. Adopt a Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING ENGINEER'S REPORT, CONFIRMING ASSESSMENT DIAGRAM AND ASSESSMENT AND ORDERING THE CONTINUATION OF ASSESSMENTS FOR FISCAL YEAR 2017-18 FOR THE SAN DIEGO COUNTY VECTOR CONTROL PROGRAM'S MOSQUITO, VECTOR AND DISEASE CONTROL BENEFIT ASSESSMENT.
3. Adopt a Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS EXERCISING THE POWERS OF THE MOSQUITO ABATEMENT AND VECTOR SURVEILLANCE AND CONTROL DISTRICT ADOPTING SERVICE CHARGES AND CONFIRMING REPORTS REGARDING LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2017-18.

FISCAL IMPACT

Appropriations, revenue and staffing for these requests are included in the Fiscal Year 2017-18 CAO Recommended Operational Plan in the Department of Environmental Health. If approved, the proposed actions will result in increased costs and revenue of \$10.9 million. The funding sources are the Mosquito, Vector and Disease Control Benefit Assessment (\$6.5 million), Mosquito Abatement and Vector Control Service Charge (\$2.5 million), Vector Control District Trust Fund fund balance (\$1.8 million), and income from interest and other service contracts (\$0.1 million). Subsequent years' assessments will be based on the Vector Control Program budget, approved annually by the Board. There will be no change in net General Fund cost and an increase of 7.00 staff years.

BUSINESS IMPACT STATEMENT

Mosquitoes and other vectors hinder, annoy, and harm residents, businesses, and visitors. A vector-borne disease outbreak and other related public health risks would have a negative effect on agriculture, business, tourism, and residential activities in the county.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 17-079, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING ENGINEER'S REPORT, CONFIRMING ASSESSMENT DIAGRAM AND ASSESSMENT AND ORDERING THE CONTINUATION OF ASSESSMENTS FOR FISCAL YEAR 2017-18 FOR THE SAN DIEGO COUNTY VECTOR CONTROL PROGRAM'S

MOSQUITO, VECTOR AND DISEASE CONTROL BENEFIT ASSESSMENT; and adopting Resolution No. 17-080, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS EXERCISING THE POWERS OF THE MOSQUITO ABATEMENT AND VECTOR SURVEILLANCE AND CONTROL DISTRICT ADOPTING SERVICE CHARGES AND CONFIRMING REPORTS REGARDING LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2017-18.

AYES:Cox, Jacob, Gaspar, Roberts, Horn

17. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Martha Welch spoke to the Board regarding Section 8.

Josh Brock spoke to the Board regarding HERO PACE update.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:59 a.m.

DAVID HALL
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller

Discussion: Zurita

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.