

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING  
**TUESDAY, FEBRUARY 01, 2011**  
Board of Supervisors North Chamber  
1600 Pacific Highway, Room 310, San Diego, California

Order of Business

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance
- D. Presentation or Announcement of Proclamations and Awards
- E. Approval of Statement of Proceedings/Minutes for Meeting of January 11, 2011.
- F. Public Communication Speakers
- G. Formation of Consent Calendar
- H. Discussion Items

Supporting documentation and attachments for items listed on this agenda can be viewed online at [www.sdcounty.ca.gov/cob/bosa/](http://www.sdcounty.ca.gov/cob/bosa/) or in the Office of the Clerk of the Board of Supervisors at the County Administration Center, 1600 Pacific Highway, Room 402, San Diego, CA 92101.

<b>Category</b>	<b>Agenda No.</b>	<b>Subject</b>
Public Safety	1.	LOCAL EMERGENCY REVIEW: FLOODING
	2.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: ORDINANCES AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES AND THE COUNTY ZONING ORDINANCE RELATING TO MEDICAL MARIJUANA COLLECTIVE FACILITIES
Health and Human Services	3.	MENTAL HEALTH SERVICES – FISCAL YEAR 2010-11 FEDERAL BLOCK GRANT SPENDING PLAN [FUNDING SOURCE(S): SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION GRANT]
Land Use and Environment	4.	AMEND COUNTY CODE TO ALLOW A MENTORED, YOUTH-ONLY WILD TURKEY HUNT AT WILLIAM HEISE REGIONAL PARK
Financial and General Government	5.	NEIGHBORHOOD REINVESTMENT PROGRAM (DISTRICT: 3) [FUNDING SOURCE(S): NEIGHBORHOOD REINVESTMENT PROGRAM]
	6.	PROCUREMENT OF UNDERWRITING SERVICES FOR THE COUNTY ADMINISTRATION CENTER WATERFRONT PARK AND CEDAR & KETTNER DEVELOPMENT PROJECTS AND THE FISCAL YEAR 2011-12 TAX AND REVENUE ANTICIPATION NOTES

Category	Agenda No.	Subject
Communications Received	7.	SET HEARING FOR 2/8/11: AMENDMENTS TO THE COMPENSATION ORDINANCE RELATING TO TENTATIVE AGREEMENTS FOR ELEVEN EMPLOYEE BARGAINING UNITS, TEN RATIFIED AND ONE PENDING RATIFICATION, REPRESENTED BY SAN DIEGO COUNTY DEPUTY DISTRICT ATTORNEYS ASSOCIATION, DISTRICT ATTORNEY INVESTIGATORS ASSOCIATION, PUBLIC DEFENDER ASSOCIATION OF SAN DIEGO COUNTY, SAN DIEGO DEPUTY COUNTY COUNSELS ASSOCIATION, SAN DIEGO COUNTY PROBATION OFFICERS' ASSOCIATION, AND SUPERVISING PROBATION OFFICERS' ASSOCIATION [FUNDING SOURCE(S): COMBINATION OF GENERAL PURPOSE REVENUES AND VARIOUS PROGRAM REVENUES]
	8.	COMMUNICATIONS RECEIVED



**1. SUBJECT: LOCAL EMERGENCY REVIEW: FLOODING  
(DISTRICTS: ALL)**

**OVERVIEW:**

On December 28, 2010, the Chief Administrative Officer, serving as the County's Director of Emergency Services and as Coordinator of the Unified San Diego County Emergency Services Organization, issued a Proclamation of Local Emergency due to the conditions resulting from a series of winter storms. On January 4, 2011 (2), your Board ratified the Proclamation of Local Emergency.

**FISCAL IMPACT:**

There is no fiscal impact associated with this request.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

Find that there is a need for continuing the local emergency and that the local emergency shall continue subject to review requirements until terminated pursuant to Government Code section 8630.

**2. SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF  
ORDINANCE: ORDINANCES AMENDING THE SAN  
DIEGO COUNTY CODE OF REGULATORY ORDINANCES  
AND THE COUNTY ZONING ORDINANCE RELATING TO  
MEDICAL MARIJUANA COLLECTIVE FACILITIES  
(DISTRICTS: ALL)**

**OVERVIEW:**

On January 25, 2010 (1), the Board of Supervisors introduced Ordinance for further consideration and adoption on February 1, 2011.

This is a request to adopt an ordinance amending Sections 21.102, 21.107, 21.1901, 21.2502, 21.2504 and 21.2505 of the San Diego County Code of Regulatory ordinances relating to the Uniform Licensing Procedure, Fees and Medical Marijuana Collective Facilities. The ordinance will (a) amend various sections of the existing ordinance to establish a fee for the regulation of medical marijuana collective facilities, (b) allow for fingerprint clearance from the Federal Bureau of Investigation as part of the licensing procedures for a Medical Marijuana Operation Certificate, (c) correct certain clerical errors and (d) clarify definitions and add provisions relating to off-site transportation and transactions. The fees and charges are based on a comprehensive review of the actual costs and projected workloads associated with the licensing and regulation of medical marijuana collective facilities, and have been approved by the

Auditor & Controller. The proposed annual fee of \$11,017 reflects the full cost incurred by the Sheriff in the issuing process, investigation, and compliance inspection of medical marijuana collective facilities.

This is also a request to adopt an ordinance amending Section 6935 of the San Diego County Zoning Ordinance relating to medical marijuana collective facilities to update and clarify its applicability and nonconforming use provisions.

**FISCAL IMPACT:**

The anticipated revenues from the amended ordinance are not included in the Fiscal Year 2010-11 Operational Plan in the Sheriff's Department. It is unknown how many license applications will be received. Accordingly, the Sheriff is not requesting appropriations at this time. The Sheriff will monitor the license requests and adjust the budget, as necessary. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

If approved, this recommendation will have an impact on the business community for those who operate medical marijuana collective facilities. A medical marijuana operation certificate is required by Title 2, Division 1, Chapter 25, Medical Marijuana, of the San Diego County Code of Regulatory Ordinances. The operation certificate is necessary to protect the public health, safety and welfare of communities within the unincorporated county.

**RECOMMENDATION:**

**SHERIFF AND CHIEF ADMINISTRATIVE OFFICER**

Adopt Ordinance entitled:

AN ORDINANCE AMENDING SECTIONS 21.102, 21.107, 21.1901, 21.2502, 21.2504 AND 21.2505 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE UNIFORM LICENSING PROCEDURE, FEES AND MEDICAL MARIJUANA COLLECTIVE FACILITIES.

3. **SUBJECT: MENTAL HEALTH SERVICES – FISCAL YEAR 2010-11  
FEDERAL BLOCK GRANT SPENDING PLAN  
(DISTRICTS: ALL)**

**OVERVIEW:**

The County's Health and Human Services Agency (HHS) annually receives funding from a federal block grant source, Substance Abuse and Mental Health Services Administration (SAMHSA). SAMHSA funds must be used for services to mentally ill adults, adolescents, and children. To comply with California Department of Mental Health (DMH) requirements, a spending plan for the use of these funds must be developed annually. The Board approved the Fiscal Year 2009-10 SAMHSA spending plan on February 23, 2010 (4). Today's action will accept the SAMHSA Federal Block Grant funds in the amount of \$3,238,202 and approve the spending plan for

Fiscal Year 2010-11. In line with previous Board direction, this action also seeks authorization for the Director, Health and Human Services Agency, to approve the revised mid-year Fiscal Year 2010-11 spending plan.

**FISCAL IMPACT:**

Funds for this request are included in the Fiscal Year 2010-11 Operational Plan for the Health and Human Services Agency. If approved, this request will result in Fiscal Year 2010-11 costs and revenue of \$3,238,202. The funding source is the Substance Abuse and Mental Health Services Administration Grant. There will be no change in net General Fund costs and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Approve the Substance Abuse and Mental Health Service Administration (SAMHSA) funding in the amount of \$3,238,202 and accept the SAMHSA spending plan for Fiscal Year 2010-11.
2. Authorize the Director, Health and Human Services Agency, to approve the revised mid-year Fiscal Year 2010-11 spending plan.

4. **SUBJECT: AMEND COUNTY CODE TO ALLOW A MENTORED, YOUTH-ONLY WILD TURKEY HUNT AT WILLIAM HEISE REGIONAL PARK (DISTRICT: 2)**

**OVERVIEW:**

Hunting was an integral part of the settlement and the expansion of the United States. Whether it is for recreation, to provide food or as part of a range/habitat management program, hunting continues to be practiced across the country. Currently, the Director of the Department of Parks and Recreation has the authority to allow hunting on County of San Diego owned park land. However, existing ordinances restrict the possession and use of weapons in a County park, making hunting illegal.

The San Diego Chapter of the National Wild Turkey Federation has approached the County with a proposal to sponsor and administer a mentored, juniors-only wild turkey hunt on County park land. This event would provide guidance to youth on safe hunting and expose them to the sport in a controlled and structured environment.

This Board letter proposes amendments to the County's Code of Regulatory Ordinances. The amendments would allow the use of firearms or archery equipment at William Heise Regional Park for a mentored, juniors-only wild turkey hunt. As a result, the San Diego Chapter of the National Wild Turkey Federation could conduct a mentored, juniors-only turkey hunt at this park. This action will also authorize the Director of the Department of Parks and Recreation to enter into an agreement with the San Diego Chapter of the National Wild Turkey Federation regarding the hunt.

**FISCAL IMPACT:**

There is no fiscal impact as a result of this action.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**SUPERVISOR JACOB**

1. Find that the ordinance amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15304 because the proposed ordinance amendments will allow for a minor temporary use of land having negligible or no permanent effects on the environment.
2. Approve the introduction of the Ordinance (First Reading) on February 1, 2011, read title and waive further reading of the Ordinance:

AN ORDINANCE AMENDING SECTIONS 33.101 AND 41.117 OF THE COUNTY CODE OF REGULATORY ORDINANCES RELATING TO NO SHOOTING NEAR HABITATION AND WEAPONS AND FIREWORKS IN COUNTY PARKS.

**If on February 1, 2011, the Board takes the actions recommended in Items 1-2 above then, on February 8, 2011:**

3. Submit the Ordinance for further Board consideration and adoption (Second Reading).
  4. Authorize the Director of the Department of Parks and Recreation to enter into an agreement, upon review and approval by County Counsel, with the San Diego Chapter of the National Wild Turkey Federation to sponsor and oversee a mentored, juniors-only turkey hunt. The agreement will define the responsibilities of the parties, hunting dates and hours, hunting locations within the park, restrictions/rules during the hunt, insurance, defense and indemnification, etc.
- 5. SUBJECT: NEIGHBORHOOD REINVESTMENT PROGRAM  
(DISTRICT: 3)**

**OVERVIEW:**

Funding for the Neighborhood Reinvestment Program was included in the fiscal year 2010-2011 adopted budget in order to further public purposes throughout San Diego County.

**FISCAL IMPACT:**

The current year total combined cost of these projects is \$253,101. The funding source is the Neighborhood Reinvestment Program (Org 15660). This will result in the addition of no staff years and no future year costs.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**SUPERVISOR SLATER-PRICE**

1. Amend the purpose of the June 22, 2010 (15) allocation of \$5,000 to the Friends of the Cardiff-by-the-Sea Library to include contracted labor, water pipes, sprinkler heads, cement, and plants to construct a small flagstone patio with a palm and rose garden at Carpentier Parkway between Chesterfield and Birmingham in downtown Cardiff-by the Sea. Authorize the Chief Financial Officer to amend the grant agreement accordingly.
2. Allocate \$5,000 from the Neighborhood Reinvestment Program Budget (Org 15660) to the New Children's Museum to assist with costs for arts education materials for the "Check Out the New Children's Museum" program.
3. Allocate \$3,700 from the Neighborhood Reinvestment Program Budget (Org 15660) to the San Diego Science Alliance to assist with the purchase of event signage and the Adobe Illustrator software package for the High Tech Fair at the Del Mar Fairgrounds on February 8 and 9, 2011.
4. Amend the purpose of the April 27, 2010 (18) allocation of \$50,000 to the Boys & Girls Club of San Dieguito to include infrastructure improvements and repairs at the Griset Branch, 1221 Encinitas Boulevard, Encinitas, CA 92024. Authorize the Chief Financial Officer to amend the grant agreement accordingly.
5. Allocate \$45,540 from the Neighborhood Reinvestment Program Budget (Org 15660) to the North County Serenity House, Inc. to assist with costs to paint and repair the exterior of the Serenity Residential Center at 1341-1347 N. Escondido Blvd., Escondido, CA 92026.
6. Allocate \$5,219 from the Neighborhood Reinvestment Program Budget (Org 15660) to the Young Audiences of San Diego to assist with the purchase of office furniture, storage cabinets, filing cabinets, and office equipment such as a paper cutter, laminator, and printer.
7. Allocate \$11,400 from the Neighborhood Reinvestment Program Budget (Org 15660) to the Pacific Beach Women's Club to assist with costs to paint and repair the exterior of Hornblend Hall, 1721 Hornblend Street, San Diego, CA 92109.

8. Allocate \$50,000 from the Neighborhood Reinvestment Program Budget (Org 15660) to the San Diego Society of Natural History to assist with the purchase of a van, and the purchase of education materials and supplies for the Environmental Science Education Center.
9. Transfer appropriations of \$15,000 from the Neighborhood Reinvestment Program Budget (Org 15660) to the Sheriff's Department (Org 39585) to assist with costs for Start Smart education materials, overtime, and a teen safe driving fair in District 3.
10. Rescind the February 23, 2010 (6) allocation of \$15,000 from the Neighborhood Reinvestment Program Budget (Org 15660) to the Fairbanks Ranch Association for the Teens Driving for Life defensive driving program so the funds can be reallocated to other projects.
11. Allocate \$134,373 from the Neighborhood Reinvestment Program Budget (Org 15660) to the San Diego Opera Association to assist with the purchase of ticket printers and scanners, the purchase of computer hardware and software, and costs for roof repairs at 3064 Commercial Street, San Diego, CA 92114.
12. Reduce the amount of the November 18, 2008, allocation from the Neighborhood Reinvestment Program Budget (Org 15660) to the Rancho Bernardo Veterans Memorial Association from \$2,500 to \$369 to assist with the purchase of flags and maintenance for the memorial as well as food and entertainment costs for three patriotic ceremonies held on Veterans Day, Memorial Day, and Independence Day, 2009.
13. Find that the allocation in Recommendation 1 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15304 and that the allocations in Recommendations 4, 5 and 7 are exempt from CEQA pursuant to CEQA Guidelines section 15301.
14. Authorize the Chief Financial Officer to take all actions necessary to execute grant agreements with these organizations establishing terms for receipt of the funds described above, and to make minor amendments to the agreements that are consistent with the general purpose of the grant but do not increase the grant.
15. Find that all grant awards described above have a public purpose.

**6. SUBJECT: PROCUREMENT OF UNDERWRITING SERVICES FOR THE COUNTY ADMINISTRATION CENTER WATERFRONT PARK AND CEDAR & KETTNER DEVELOPMENT PROJECTS AND THE FISCAL YEAR 2011-12 TAX AND REVENUE ANTICIPATION NOTES (DISTRICTS: ALL)**

**OVERVIEW:**

On January 25, 2011 (10), your Board authorized the preparation of planning documents for the development of the County Administration Center (CAC) Waterfront Park Development Project (Project 1000042) and the related contract to demolish the J.B. Askew Building. On December 7, 2010 (12), your Board took the related action of authorizing the preparation and planning documents for the County Cedar & Kettner Development Project (Project 1015093, and together with Project 1000042 will be referred to as the "Projects"). Upon conclusion of the preparation and planning activities for the Projects, County staff intends to return to the Board for authorization to move forward with the procurement process for construction and for additional appropriations sufficient to complete the Projects. Pending further approval, the development of the CAC Waterfront Park is anticipated to begin in the first half of Fiscal Year 2011-12; in anticipation of this, your Board is requested to authorize the formation of a financing team for the Projects. At this time, the Board is also requested to authorize the formation of a financing team for the sale and delivery of the County's Fiscal Year 2011-12 Tax and Revenue Anticipation Notes (2011 TRANs).

Today's recommendations will allow for the formation of the financing team(s), specifically, to procure underwriting services, for the aforementioned anticipated financings. The underwriter will be responsible for the marketing, sale, and underwriting of the obligations of the County. Staff will return to the Board for the approval of the related financing documents if the authorization of these financings is recommended.

**FISCAL IMPACT:**

Fees paid for these services are contingent upon the sale and delivery of financial obligations of the County. An estimate of the fees will be provided in the financing costs presented to your Board at the time staff returns with a recommendation to authorize the financing and related financing documents.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with Section 401, et seq., of the County Administrative Code, authorize the Director, Department of Purchasing and Contracting to issue a competitive solicitation to procure underwriting services on behalf of the Finance and General Government Group for the CAC Waterfront Park Development and Cedar and Kettner Development Projects.

2. In accordance with Section 401. et seq., of the County Administrative Code, authorize the Director, Department of Purchasing and Contracting to issue a competitive solicitation to procure underwriting services on behalf of the Finance and General Government Group for the 2011 TRANs.

7. **SUBJECT: SET HEARING FOR 2/8/11:  
AMENDMENTS TO THE COMPENSATION ORDINANCE  
RELATING TO TENTATIVE AGREEMENTS FOR  
ELEVEN EMPLOYEE BARGAINING UNITS, TEN  
RATIFIED AND ONE PENDING RATIFICATION,  
REPRESENTED BY SAN DIEGO COUNTY DEPUTY  
DISTRICT ATTORNEYS ASSOCIATION, DISTRICT  
ATTORNEY INVESTIGATORS ASSOCIATION, PUBLIC  
DEFENDER ASSOCIATION OF SAN DIEGO COUNTY,  
SAN DIEGO DEPUTY COUNTY COUNSELS  
ASSOCIATION, SAN DIEGO COUNTY PROBATION  
OFFICERS' ASSOCIATION, AND SUPERVISING  
PROBATION OFFICERS' ASSOCIATION  
(DISTRICTS: ALL)**

**OVERVIEW:**

This action 1) presents Compensation Ordinance amendments for the first reading of negotiated provisions of an extension of the Memoranda of Agreement between the County and the San Diego County Deputy District Attorneys Association, District Attorney Investigators Association, Public Defender Association of San Diego County, San Diego Deputy County Counsels Association, San Diego County Probation Officers' Association, and Supervising Probation Officers' Association; 2) provides for a one-time monetary payment equivalent to 2% of base pay for all eligible regular employees covered by these agreements; 3) increases employees' flex credits in 2012 and in 2013; and 4) reduces the County's portion of the employee paid retirement offset in 2011 and 2012.

The tentative agreements for a two-year extension that have been reached with the Deputy District Attorneys Association, District Attorney Investigators Association, Public Defenders Association of San Diego County, San Diego Deputy County Counsels Association, and San Diego County Probation Officers' Association have been ratified by their respective associations. The tentative agreement for a two-year extension that has been reached with the Supervising Probation Officers' Association is pending ratification. All units that ratify will be presented to your Board of Supervisors for consideration and approval on February 1, 2011.

**FISCAL IMPACT:**

Today's recommendations will result in no current fiscal year costs or revenues. If approved, funding associated with today's recommendations will be reflected in the CAO's Proposed Fiscal Year 2011-2013 Operational Plan. In Fiscal Year 2011-2012, the 2% one-time monetary payment is estimated to result in one-time costs of

\$4.3 million, flex credits are estimated to increase by \$0.3 million and employee paid retirement offsets are estimated to decrease by \$1.5 million. In Fiscal Year 2012-2013, flex credits are estimated to increase by \$0.6 million and the County's portion of the employee paid retirement offsets are estimated to decrease by \$2.2 million. The funding source is a combination of General Purpose revenues and various program revenues.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

**On February 1, 2011 (First Reading)**

1. Approve introduction (first reading) of the following ordinances; read title and waive further reading of these ordinances (MAJORITY VOTE):

AMENDMENTS TO THE COMPENSATION ORDINANCE RELATING TO TENTATIVE AGREEMENTS FOR ELEVEN EMPLOYEE BARGAINING UNITS, TEN RATIFIED AND ONE PENDING RATIFICATION, REPRESENTED BY SAN DIEGO COUNTY DEPUTY DISTRICT ATTORNEYS ASSOCIATION, DISTRICT ATTORNEY INVESTIGATORS ASSOCIATION, PUBLIC DEFENDER ASSOCIATION OF SAN DIEGO COUNTY, SAN DIEGO DEPUTY COUNTY COUNSELS ASSOCIATION, SAN DIEGO COUNTY PROBATION OFFICERS' ASSOCIATION, AND SUPERVISING PROBATION OFFICERS' ASSOCIATION.

If the Board takes the action recommended in item 1, then on February 8, 2011 (second reading):

2. Submit ordinance for further Board consideration and adoption (second reading on February 8, 2011).
3. Set February 8, 2011 as the date for consideration and approval of the two-year extension of the Memoranda of Agreements between the County and the San Diego County Deputy District Attorneys Association, the District Attorney Investigators Association, the Public Defender Association of San Diego County, the San Diego Deputy County Counsels Association, the San Diego County Probation Officers' Association, and the Supervising Probation Officers' Association.

**8. SUBJECT: COMMUNICATIONS RECEIVED (DISTRICTS: ALL)**

**OVERVIEW:**

Board Policy A-72, Board of Supervisors Agenda and Related Process, authorizes the Clerk of the Board to prepare a Communications Received for Board of Supervisors' Official Records. Routine informational reports, which need to be brought to the attention of the Board of Supervisors yet not requiring action, are listed on this document. Communications Received documents are on file in the Office of the Clerk of the Board.

**FISCAL IMPACT:**

N/A

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

Note and File.