

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING  
MEETING AGENDA  
**TUESDAY, OCTOBER 10, 2023, 9:00 AM**  
COUNTY ADMINISTRATION CENTER, ROOM 310  
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order Of Business

- A. Roll Call
- B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Supervisor, if applicable.
- C. Invocation
- D. Pledge of Allegiance
- E. Presentation or Announcement of Proclamations and Awards
- F. Non-Agenda 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.
- G. Approval of the Statement of Proceedings/Minutes for the meeting of September 26, 2023.
- H. Consent Calendar
- I. Discussion Items
- J. Board Member Committee Updates. This is an opportunity for Members of the Board to provide informational updates on their committee assignments. No action may be taken.

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.

Supporting documentation and attachments for items listed on this agenda can be viewed online at [www.sandiegocob.com](http://www.sandiegocob.com) 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. To access the meeting virtually and offer public comment via a call-in option, please go to: [www.sandiegocounty.gov/telecomments](http://www.sandiegocounty.gov/telecomments) for instructions.

**ASSISTANCE FOR PERSONS WITH DISABILITIES:**

Agendas and records are available in alternative formats upon request. Contact the Clerk of the Board of Supervisors office at 619-531-5434 with questions or to request a disability-related accommodation. Individuals requiring sign language interpreters should contact the Countywide ADA Title II Coordinator at (619) 531-4908. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 72 hours in advance of the meeting so that arrangements may be made. An area in the front of the room is designated for individuals requiring the use of wheelchair or other accessible devices.

**LANGUAGE TRANSLATION ASSISTANCE:**

Language translation services for public speakers are available upon request to the Clerk of the Board of Supervisors at least 72 hours prior to the meeting (refer to Board Policy A-139 for additional information). Please contact the Clerk of the Board's office at (619) 531-5434 or via e-mail at publiccomment@sdcountry.ca.gov.

**LEVINE ACT NOTICE: DISCLOSURES REQUIRED ON SPECIFIED ITEMS (GOVERNMENT CODE § 84308)**

The Levine Act states that parties to any proceeding involving a license, permit or other entitlement for use pending before the Board must disclose on the record of the proceeding any campaign contributions of more than \$250 (aggregated) made by the parties or their agents to Board Members within the preceding 12 months. Participants with financial interests, and agents of either parties or participants, are requested to disclose such contributions also. The disclosure must include the name of the party or participant and any other person making the contribution; the name of the recipient; the amount of the contribution; and the date the contribution was made. This disclosure can be made orally during the proceeding or in writing on a request to speak.

**Board of Supervisors' Agenda Items**

**CONSENT CALENDAR**

All agenda items listed under this section are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the Board of Supervisors or the Chief Administrative Officer so requests, in which event, the item will be considered separately in its normal sequence.

<b>Category</b>	<b>#</b>	<b>Subject</b>
Public Safety	1.	PROBATION - AUTHORITY TO ADD HOUSING SUPPORTIVE SERVICES FOR PRE-TRIAL CLIENTS TO PROBATION'S CONTRACT WITH HOME START, INC [FUNDING SOURCE: THE JUDICIAL COUNCIL OF CALIFORNIA]
Health and Human Services	2.	ADOPT A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT FOR THE STATE EMERGENCY SOLUTIONS GRANT PROGRAM, AUTHORIZE APPLICATION FOR FUNDS, AND AUTHORIZE ISSUANCE OF NOTICES OF FUNDING AVAILABILITY [FUNDING SOURCE: STATE EMERGENCY SOLUTIONS GRANT FUNDS]

- |                                  |     |   |
|----------------------------------|-----|---|
|                                  | 3.  | AUTHORIZE ACCEPTANCE OF CENTERS FOR DISEASE CONTROL AND PREVENTION FUNDING FOR RACIAL AND ETHNIC APPROACHES TO COMMUNITY HEALTH, AND AUTHORIZE APPLICATIONS FOR FUTURE FUNDING OPPORTUNITIES [FUNDING SOURCE: CENTERS FOR DISEASE CONTROL AND PREVENTION]   |
|                                  | 4.  | APPROVE COMPENSATION AGREEMENT REGARDING 921-929 NATIONAL CITY BOULEVARD PROPERTY RETAINED BY CITY OF NATIONAL CITY FOR FUTURE DEVELOPMENT [FUNDING SOURCE: PAYMENT FROM THE CITY OF NATIONAL CITY]   |
| Financial and General Government | 5.  | APPROVAL OF AMENDMENT TO EMPLOYMENT AGREEMENT FOR COUNTY COUNSEL  |
|                                  | 6.  | OPPOSITION TO PER MILE TRAVELED ROAD USER CHARGES   |
|                                  | 7.  | GENERAL SERVICES - APPROVAL IN PRINCIPLE TO LEASE OFFICE SPACE FOR THE HEALTH AND HUMAN SERVICES AGENCY   |
|                                  | 8.  | APPROVE THE SAN DIEGO COUNTY ARTS AND CULTURE COMMISSION BYLAWS AND ADOPT THE ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE IIIW, RELATING TO THE ARTS AND CULTURE COMMISSION (October 10, 2023 - First Reading; October 24, 2023 - Second Reading, unless the ordinance is modified on second reading) |
| Appointments                     | 9.  | APPOINTMENTS: VARIOUS   |
| Communications Received          | 10. | COMMUNICATIONS RECEIVED   |

**DISCUSSION ITEMS**

- | <b>Category</b>           | <b>#</b> | <b>Subject</b>  |
|---------------------------|----------|---|
| Public Safety             | 11.      | ENDING TAXPAYER FUNDED DEPORTATION DEFENSE FOR CRIMINAL NONCITIZENS                                 |
| Health and Human Services | 12.      | HOMELESS DIVERSION: INVESTING IN AN EVIDENCE-BASED, COST-EFFECTIVE APPROACH TO ADDRESS HOMELESSNESS |

13. RECEIVE AND APPROVE THE UPDATED OPIOID SETTLEMENT FRAMEWORK; DIRECT REPORT BACK ON SIGNIFICANT UPDATES TO THE OPIOID SETTLEMENT FRAMEWORK; AND AUTHORIZE ONE STAFF YEAR FOR TOXICOLOGY SERVICES TO EXPAND SURVEILLANCE OF EMERGING DRUG TRENDS  
[FUNDING SOURCE: OPIOID SETTLEMENT FUNDS]

Financial and  
General  
Government

14. HUMANITARIAN EMERGENCY RESPONSE AND RELIEF:  
SUPPORTIVE SERVICES FOR ASYLUM SEEKING MIGRANTS  
[FUNDING SOURCE: GENERAL PURPOSE REVENUE]

Closed Session

15. CLOSED SESSION

**1. SUBJECT: PROBATION - AUTHORITY TO ADD HOUSING SUPPORTIVE SERVICES FOR PRE-TRIAL CLIENTS TO PROBATION'S CONTRACT WITH HOME START, INC (DISTRICTS: ALL)**

**OVERVIEW**

In 2021, Senate Bill (SB) 129 authorized state funding for counties to provide a variety of services to pre-trial clients, including housing support. The San Diego County Probation Department (Probation) operates the County's pre-trial services program. On January 23, 2023, Probation executed contract number 567429 with Home Start, Inc to provide Housing and Resource Navigation Services to Probation clients who are not on pre-trial status. Today's request is to amend this contract to add similar housing supportive services for pre-trial clients, which will result in the contract's value exceeding \$1,250,000, thereby requiring Board approval.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

Waive Board Policy A-87, Competitive Procurement, and in accordance with Administrative Code Section 401, approve and authorize the Director, Department of Purchasing and Contracting to amend contract number 567429 with Home Start, Inc. to add housing supportive services for pre-trial clients subject to the availability of funds and a need for services, and subsequently to amend as needed to reflect the changes to services and funding that do not materially impact or alter the program, subject to the approval of the Chief Probation Officer.

**EQUITY IMPACT STATEMENT**

This action supports justice-involved clients in overcoming systemic barriers by providing housing, assistance with seeking employment opportunities, facilitating self-sufficiency, and encouraging compliance with applicable laws throughout the transitional period of the pre-trial process. After pre-trial clients are assessed by the Sheriff and a pre-trial release is ordered by the Court, Probation's pre-trial program provides enhanced public safety monitoring and supportive services to promote efforts to reduce the incarceration of individuals with pending case resolutions.

**SUSTAINABILITY IMPACT STATEMENT**

This action contributes to the County of San Diego's Sustainability Goals of providing equitable access to economic opportunity and reducing outcomes of poverty (homelessness and joblessness) for pre-trial clients. This program works with justice-involved individuals to assess needs and to create a plan and provide resources to promote self-sufficiency to improve clients' lives and community safety.

**FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2023-24 Operational Plan for the Probation Department. If approved, today's recommendation will result in estimated costs and revenue of up to \$1,000,000. The funding source is from the Judicial Council of California. Subsequent year costs and revenues will be included in future year Operational Plans for the Probation Department. There will be no change in net General Fund cost and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

2. **SUBJECT: ADOPT A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT FOR THE STATE EMERGENCY SOLUTIONS GRANT PROGRAM, AUTHORIZE APPLICATION FOR FUNDS, AND AUTHORIZE ISSUANCE OF NOTICES OF FUNDING AVAILABILITY (DISTRICTS: ALL)**

### **OVERVIEW**

The State of California Emergency Solutions Grant (State ESG) is a program that serves individuals and families who are experiencing or are at risk of homelessness. The State ESG program provides grant funding to (1) engage homeless individuals and families living on the street, (2) rapidly re-house homeless individuals and families, (3) help operate and provide essential services in emergency shelters for homeless individuals and families, and (4) prevent individuals and families from becoming homeless. The County of San Diego (County), as a recurring subrecipient of the State Department of Housing and Community Development (State HCD) State ESG program, applies for funding each year through the State ESG Notice of Funding Availability (NOFA). The County Health and Human Services Agency, Housing and Community Development Services (HCDS) State ESG program supports ongoing emergency shelter, rapid rehousing, and data management programs for individuals experiencing homelessness. In Fiscal Year 2022-23, HCDS State ESG program provided emergency shelter to 1,820 households and rapid rehousing to 163 households.

The State ESG grant funds are made available to current United States Department of Housing and Urban Development ESG entitlement recipients through an annual application process. The State released its ESG NOFA on August 15, 2023, and the application is due by October 16, 2023. Today's action requests the San Diego County Board of Supervisors adopt a resolution for authority to apply for, accept, and administer State ESG funds. If successful, the County is estimated to receive an allocation of up to \$500,000 in ESG funds from the State.

This item supports the County's vision of a just, sustainable, and resilient future for all, specifically those communities and populations in San Diego County that have been historically left behind, as well as the ongoing commitment to the regional *Live Well San Diego* vision of healthy, safe, and thriving communities. This will be accomplished by engaging people experiencing homelessness on the street, rapidly rehousing and providing shelter to unhoused individuals, and providing services that prevent and end homelessness for County residents. In addition, the accomplishments described in this item support the five strategic domains outlined in the County's Framework for Ending Homelessness by securing annual funding that sustains emergency housing options for San Diego County's most vulnerable residents. State HCD programs help to provide stable, safe homes affordable to veterans, seniors, young families, farm workers, tribes, people with disabilities, and individuals and families experiencing homelessness.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

1. Adopt a Resolution entitled: A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2023-2024 FUNDING YEAR OF THE STATE ESG PROGRAM, CONTINUUM OF CARE ALLOCATION NOFA.
2. Authorize the Agency Director, Health and Human Services Agency, or designee, to apply for State Emergency Solutions Grant (ESG) grant funds of up to \$500,000.
3. Authorize the Agency Director, Health and Human Services Agency, or designee, to accept, if awarded, State ESG grant funds, and issue Notices of Funding Availability; publish notices; execute agreements; amend agreements as needed to reflect changes to services and funding; execute certification forms; prepare and execute all necessary documents for the submittal, regulatory processing and program implementation; and take any other actions necessary as required by the State for projects funded with State of California ESG program funds.

**EQUITY IMPACT STATEMENT**

The County of San Diego (County) is an Administrative Entity, as approved by the State of California Department of Housing and Community Development (State HCD). As an Administrative Entity, the County Health and Human Services Agency, Housing and Community Development Services (HCDS) is responsible for awarding State Emergency Solutions Grant (ESG) funds to eligible service providers. Selected service providers are identified through a process that includes data analysis and community input to identify unmet needs, prioritize activities that address the greatest unmet needs. The process includes collaborating with the local Continuum of Care, the local program designated by the United States Department of Housing and Urban Development (HUD) to promote communitywide commitment to the goal of ending homelessness.

The State ESG program serves as a supplement to HUD federal entitlement programs, particularly the federal ESG program. Together, these programs increase housing opportunities, availability of services, and the livability of communities for low-income residents. Within the county housing and community development investment needs have increased, particularly among the region's most vulnerable residents. According to 2022 HUD Comprehensive Housing Affordability Strategy data, 68% of low- and moderate-income households in San Diego County are housing-cost burdened and nearly 61% experience some form of housing problem, such as overcrowding or nonfunctional utilities. Additionally, seniors, persons experiencing homelessness, those living with disabilities, and those living with HIV/AIDS are more susceptible to poverty and housing affordability issues. For example, data from the 2021 American Community Survey indicated that individuals with a disability are nearly twice as likely to live at or below 30% Area Median Income compared to individuals without a disability.

As the administrator of State HCD programs in the region and in alignment with HUD funded programs, HCDS holds community forums across the region to ensure all residents, including low-income and historically underserved residents, can express their communities' needs. The input gathered from the community forums guide the County on how best to utilize grant funds

equitably. Robust community engagement is held every five years for the development of the Consolidated Plan, as well as annual community forums to update the community and receive feedback on HUD entitlement programs. All projects selected for funding by the County are aligned to key Consolidated Plan goals prioritizing affordable housing, homelessness, community infrastructure, and housing for individuals living with HIV/AIDS.

### **SUSTAINABILITY IMPACT STATEMENT**

Today's action supports the County of San Diego's Sustainability Goal #2 to provide just and equitable access, and Sustainability Goal #4 to protect health and well-being. Sustainability Goal #2 will be accomplished through programs that prioritize underserved populations and communities and create opportunities for emergency housing, shelter, and supportive services for the San Diego County region's most vulnerable residents. Sustainability Goal #4 will be accomplished through Emergency Solutions Grant eligible activities such as homeless prevention, rapid rehousing and emergency shelter programs that provide a variety of housing options that protect the health and well-being of homeless and at risk of homelessness individuals.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2023-25 Operational Plan in the Health and Human Services Agency. If awarded and approved, this request will result in estimated costs and revenue of up to \$500,000 in Fiscal Year 2023-24. The funding source is State Emergency Solutions Grant funds. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

Projects funded through the State Emergency Solutions Grant program positively impact the business community, as funded projects involve local nonprofits that employ members of the region's workforce through emergency housing, homeless prevention, and supportive services programs.

3. **SUBJECT: AUTHORIZE ACCEPTANCE OF CENTERS FOR DISEASE CONTROL AND PREVENTION FUNDING FOR RACIAL AND ETHNIC APPROACHES TO COMMUNITY HEALTH, AND AUTHORIZE APPLICATIONS FOR FUTURE FUNDING OPPORTUNITIES (DISTRICTS: 1 & 4)**

### **OVERVIEW**

Racial and Ethnic Approaches to Community Health (REACH) is a national program administered by the Centers for Disease Control and Prevention (CDC) to reduce racial and ethnic health disparities. Through the REACH grant, recipients plan and carry out local, culturally appropriate programs to address a wide range of health issues for priority populations. On February 2, 2023, the CDC announced the next funding opportunity for this grant program. The County of San Diego (County) Health and Human Services Agency (HHS) applied for and successfully obtained a grant in the amount of \$1,021,899 per year for five years. The purpose of this funding is to provide communities the opportunity to improve health, prevent chronic diseases, and reduce health disparities among racial and ethnic populations with the highest risk of chronic disease. Services support culturally tailored interventions to address preventable risk



behaviors related to four strategy areas: nutrition, physical activity, breastfeeding, and adult vaccinations. In San Diego County, this program is known as San Diego Racial and Ethnic Approaches to Community Health (SDREACH). HHSA is a past local awardee of REACH grant funding for the period of September 30, 2018, through September 29, 2023.

Today's action requests the San Diego County Board of Supervisors (Board) approve and accept funding for the REACH grant and authorize the Agency Director, HHSA to execute the new grant agreement for the period September 30, 2023, to September 29, 2028. Today's action also requests the Board authorize the Agency Director, HHSA to apply for additional funding opportunities to further support chronic disease prevention and management efforts.

Today's action supports the County's vision of a just, sustainable, and resilient future for all, specifically those communities and populations in San Diego County that have been historically left behind, as well as our ongoing commitment to the regional *Live Well San Diego* vision of healthy, safe, and thriving communities. This will be accomplished by engaging county residents to support healthy eating, physical activity, breastfeeding, and adult vaccinations.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

1. Authorize acceptance of \$1,021,899 annually, for a total of \$5,109,495 in grant funds from the Centers for Disease Control and Prevention, for the period of September 30, 2023 to September 29, 2028, for Racial and Ethnic Approaches to Community Health and authorize the Agency Director, Health and Human Services Agency, to execute all required grant documents, including any annual extensions, amendments, and/or revisions thereto that do not materially impact or alter the services or funding level.
2. Authorize the Agency Director, Health and Human Services Agency, or designee, to pursue future funding opportunities related to the support of chronic disease prevention and management efforts.

**EQUITY IMPACT STATEMENT**

The San Diego Racial and Ethnic Approaches to Community Health (SDREACH) program is administered by the County of San Diego, Health and Human Services Agency, Public Health Services, Maternal, Child, and Family Health Services Branch. Communities to be served are selected according to Centers for Disease Control and Prevention criteria which include utilizing information from a recent Community Health Assessment (CHA), and prioritizing communities with higher rates of chronic disease. CHA priorities for San Diego County Central Region include equity, access to fresh fruits/vegetables, and access to public transit. Disease rates in the Central Region reflect longstanding disparities. Diabetes and obesity rates are highest in communities of color. In the Central Region, rates of diabetes for Latinos is 14.9% and 13.7% for African Americans. Additionally, rates of obesity for Latinos is 70.5% and 61.5% for African Americans. These rates are substantially higher than those for Caucasians whose rates of diabetes and obesity are 6.6% and 52.5%. CHA results for the South Region of the county prioritized walkable and bikeable communities, access to fresh fruits/vegetables, and access to public transit. Obesity in the South Region also disproportionately affects communities of color. Rates of obesity are highest among African Americans at 81.7% and Latinos at 69.7%, in comparison, the rate of obesity for Caucasians is 61.7%.

The SDREACH program addresses inequities through upstream strategies such as improving built environments supportive of physical activity, advancing healthy nutrition and food systems policies, improving continuity of care for breastfeeding families, and promoting adult vaccinations. These policy, systems, and environmental change approaches include evidence-based education, outreach, policy adoption, and priority planning centered around equity, trauma-informed practices, and addressing systemic barriers faced by many communities of color. The SDREACH program will work towards equal opportunity for health and wellbeing through community partnerships and innovative community and systems-level interventions.

### **SUSTAINABILITY IMPACT STATEMENT**

Today's actions support the County of San Diego's Sustainability Goal #1 engaging the community in meaningful ways, Sustainability Goal # 2 providing just and equitable access, and Sustainability Goal #4 to protect the health and well-being of everyone in the region by implementing a sustainable, equitable, and local food sourcing program to address countywide food service, nutrition guidelines, and healthy food procurement. This includes selecting food from organizations with elevated labor standards, organic or regenerative certification, low-carbon intensity farming, and nutritional co-benefit. The San Diego Racial and Ethnic Approaches to Community Health (SDREACH) will expand existing fruit and vegetable voucher incentives and fruit and vegetable prescription programs that address health disparities. Additionally, physical activity strategies will also be employed, including implementing local-level policies and activities to connect pedestrian, bicycle, or transit transportation networks to everyday destinations through the SDREACH Safe & Equitable Access to Green Spaces and Parks project.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year (FY) 2023-25 Operational Plan in the Health and Human Services Agency. If approved, this request will result in approximate costs and revenue of \$766,424 in FY 2023-24 and costs and revenue of \$1,021,899 in FY 2024-25. The funding source is the Centers for Disease Control and Prevention. This federally funded grant is allocated on a Federal Fiscal Year basis and the amounts have been prorated to correspond with the County of San Diego Fiscal Year. Funds for this program will use existing appropriations and will be included in future Operational Plans, as needed. There will be no change in net General Fund costs and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

4. **SUBJECT: APPROVE COMPENSATION AGREEMENT REGARDING 921-929 NATIONAL CITY BOULEVARD PROPERTY RETAINED BY CITY OF NATIONAL CITY FOR FUTURE DEVELOPMENT (DISTRICTS: ALL)**

### **OVERVIEW**

On February 1, 2012, California redevelopment agencies were dissolved, and successor agencies were appointed to wind down redevelopment affairs, including the disposition of real estate owned. Assembly Bill (AB) 1484 and ABx1 26 (collectively known as the "Dissolution Act") provide the methods of disposition available to successor agencies subsequent to the preparation and approval of a Long Range Property Management Plan (LRPMP). Following several

amendments, the California Department of Finance approved the City of National City (City) Successor Agency's LRPMP on October 15, 2015. One of the properties included in the City's approved LRPMP is the property located at 921-929 National City Boulevard, National City, CA 91950.

Per California Health and Safety Code Section 34180, should the City intend to retain a property for development, a compensation agreement must be established between the City and the affected taxing entities (ATEs) associated with the former redevelopment area, wherein the ATEs received payments in proportion to their shares of the base property tax for the value of the property retained for future development. The County of San Diego (County) is one such ATE associated with the 921-929 National City Boulevard property. Today's action requests the San Diego County Board of Supervisors approve the Compensation Agreement between the City and the County regarding the 921-929 National City Boulevard property.

Today's actions support the County's vision of a just, sustainable, and resilient future for all, specifically those communities and populations in San Diego County that have been historically left behind, as well as our ongoing commitment to the regional *Live Well San Diego* vision of healthy, safe, and thriving communities.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

Approve the Compensation Agreement regarding the 921-929 National City Boulevard, National City, CA 91950 property retained by the City of National City for future development and direct the Clerk of the Board to execute the Compensation Agreement.

### **EQUITY IMPACT STATEMENT**

The dissolution of redevelopment agencies throughout the State has assisted local jurisdictions to better preserve funding for core public services by allowing them to have more decision-making input of the development of communities as well as resulting revenues. If approved, today's action will result in a fair compensation agreement to redevelop property retained by National City Successor Agency to build a seven-story, mixed-use building with 127 residential dwelling units, 40% or 51 units of which will be rented at rates affordable to households that meet income requirements. Today's action, as well as similar future efforts will be accomplished with special attention to community engagement and will be presented to the San Diego County Board of Supervisors for approval as applicable.

### **SUSTAINABILITY IMPACT STATEMENT**

Today's proposed action supports the County of San Diego's (County) Sustainability Goal #2 to provide just and equitable access to housing needs to chronically underserved communities. This will be accomplished by negotiating a fair compensation agreement to redevelop property retained by National City Successor Agency to build a seven-story, mixed-use building with 127 residential dwelling units to include 63 studios, 56 one-bedroom, and 8 two-bedroom units. This development would serve as a critical contributor to improving the region's housing supply in the midst of a statewide housing crisis.

**FISCAL IMPACT**

Funds for this request are not included in the Fiscal Year 2023-25 Operational Plan in Health and Human Services Agency. If approved, this request may result in a one-time revenue of approximately \$7,464 in Fiscal Year 2023-24. This estimate is based on Exclusive Negotiating Agreement entered into by the City of National City on January 17, 2023 with Tower 999, LLC, a Nevada limited liability company (“Developer”). The Developer shall pay the taxing entities \$50,000 as the purchase price for the property located at 921-929 National City Boulevard, National City, CA 91950, multiplied by the County of San Diego’s proportional share of the base property tax for the property (approximately 14.93%). The funding source is a payment from the City of National City. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

- 5. **SUBJECT: APPROVAL OF AMENDMENT TO EMPLOYMENT AGREEMENT FOR COUNTY COUNSEL (DISTRICTS: ALL)**

**OVERVIEW**

Today's action approves the Board's amendment to the employment agreement with the County Counsel.

**RECOMMENDATION(S)**

**CHAIRWOMAN NORA VARGAS**

Approve the amendment to the Employment Agreement between the County of San Diego and the County Counsel and authorize the Chair of the Board of Supervisors to execute the agreement.

**EQUITY IMPACT STATEMENT**

This action is requested to compensate an experienced leader in their capacity as County Counsel. The County Counsel plays a vital role in overseeing all legal services associated with County governance which impacts the daily operations of the County.

**SUSTAINABILITY IMPACT STATEMENT**

N/A

**FISCAL IMPACT**

Funds associated with this request are included in the fiscal year 2023-24 Operational Plan.

**BUSINESS IMPACT STATEMENT**

N/A

**6. SUBJECT: OPPOSITION TO PER MILE TRAVELED ROAD USER CHARGES  
(DISTRICTS: ALL)**

**OVERVIEW**

On December 10, 2021, the San Diego Association of Governments (SANDAG) Board of Directors voted to approve the Final 2021 Regional Plan which included a per vehicle mile traveled “Road User Charge” as a funding source for their \$163 billion regional transportation plan. Following several votes by the SANDAG Board directing staff to remove the Road User Charge from the 2021 Regional Plan, and the preparation of a Supplemental Environmental Impact Report, a final SANDAG Board of Directors vote on the amendment to officially remove the Road User Charge from the 2021 Regional Plan is expected to occur on October 27, 2023.

On September 22, 2023, the SANDAG Board of Directors again expressed its opposition to the concept of a per vehicle mile traveled Road User Charge by voting to direct staff to exclude the use of a Road User Charge in the development of the 2025 Regional Plan, and all future plans developed by SANDAG staff. The SANDAG Board of Directors’ action also included direction to those representing SANDAG, both staff and Board members, to not pursue or support any legislation that supports a regional Road User Charge or any other per mile charge. This direction was overwhelmingly approved by a vote of 15 to 4.

As the County of San Diego Board of Supervisors also collectively serves as the local government entity representing the interests of all County residents, it is important that we support the actions taken by the SANDAG Board of Directors to confirm our commitment to opposing the imposition of any per vehicle mile traveled Road User Charge on commuters. I am, therefore, recommending that the Board of Supervisors adopt a position opposing the inclusion of any per milage Road User Charge in any Regional Plan developed by SANDAG and direct the County’s legislative team to actively oppose the imposition of any per mile road user charge on San Diegans by the California State Legislature.

**RECOMMENDATION(S)**

**SUPERVISOR JOEL ANDERSON**

1. Adopt an official position opposing the inclusion of a per vehicle mile traveled Road User Charge in the development of the 2025 Regional Plan, and any future regional plans, prepared by the San Diego Association of Governments (SANDAG) and communicate the County of San Diego’s position to the SANDAG Board of Directors and Chief Executive Officer.
2. Direct the Chief Administrative Officer to include in the Board’s Legislative Program opposition to legislation that would impose a per vehicle mile traveled Road User Charge, or any other per mile charge.

**EQUITY IMPACT STATEMENT**

Per mile vehicle charges serve as a regressive tax as they more significantly impact those who own older, less fuel-efficient vehicles, and individuals who choose to live in more affordable rural communities away from more affluent coastal cities. Many of these individuals work as members of the “toolbelt” economy and require the use of their vehicles during the day to accomplish their work. Those and others, who often live in “transit deserts” have little, if any, options to use alternate modes of transportation such as transit and micro-mobility devices. The

avoidance of paying additional per mile charges, in addition to the existing gas taxes they already pay, will prevent these motorists from shouldering more than their fair share, or inequitably subsidizing the infrastructure and programs that comprise the regional transportation system.

### **SUSTAINABILITY IMPACT STATEMENT**

County of San Diego residents continue to experience an ever-increasing cost of living with the average price of a gallon of gasoline exceeding \$6.00, frequent electricity and water rate increases, and a median single-family home price now over \$1 million. At the same time, local and state governments are spending record levels of funding on homelessness. Preventing the imposition of a new transportation charge on our region's residents will help ease future burdens, protecting their ability to remain in their homes and enjoy a healthy quality of life in San Diego County.

### **FISCAL IMPACT**

There is no fiscal impact associated with the proposed recommendation. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

**7. SUBJECT: GENERAL SERVICES - APPROVAL IN PRINCIPLE TO LEASE OFFICE SPACE FOR THE HEALTH AND HUMAN SERVICES AGENCY (DISTRICTS: ALL)**

### **OVERVIEW**

The County of San Diego Health and Human Services Agency (HHS), Facilities Management Division has been operating out of HHS's Health Services Complex since the 1990's. The Facilities Management Division needs to relocate due to issues with the aging facility.

Today's request is for the San Diego County Board of Supervisors to approve, in principle, the lease of office space for HHS's Facilities Management Division. Upon successful negotiation of a lease agreement, staff will return to the Board to request approval of the transaction.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed action is not an approval of a project as defined by the California Environmental Quality Act (CEQA) pursuant to Section 15352 and 15378 (b)(5) of the State CEQA Guidelines.
2. Approve in principle the lease of space for the Health and Human Services Agency's Facilities Management Division.
3. Authorize the Director, Department of General Services, to conduct a search for suitable sites, negotiate a lease, and return to the San Diego County Board of Supervisors for approval of the agreement.

## **EQUITY IMPACT STATEMENT**

The Health and Human Services Agency (HHSA), Facilities Management Division is part of Financial & Support Services Division (FSSD) and provides facilities support, document services and other operational support to HHSA. The 33 employees in the Facilities Management Division continuously strive to maintain high standards of excellence in services provided to other departments and the public. Approval, in principle, of the lease of office space for the HHSA Facilities Management Division will ensure continued support of essential public health services for all groups that benefit from the FSSD.

## **SUSTAINABILITY IMPACT STATEMENT**

Implementing effective sustainability objectives is crucial to ensuring safe and healthy communities and contributing to the overall success of the region. The approval in principle for the Health and Human Services Agency Facilities Management Division is appropriate as it supports the County's Strategic Initiative of Sustainability to ensure the capability to respond to immediate needs for individuals, families, and the region.

## **FISCAL IMPACT**

There is no fiscal impact associated with the requested approval in principle to lease property for the Health and Human Services Agency Facilities Management Division. If approved, there may be future fiscal impacts based on recommendations from today's action. The costs for lease will be determined during negotiations including funding for future costs and will be provided when staff return to the San Diego County Board of Supervisors to request approval of the lease. There will be no change in net General Fund cost and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

- 8. SUBJECT: APPROVE THE SAN DIEGO COUNTY ARTS AND CULTURE COMMISSION BYLAWS AND ADOPT THE ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE IIIW, RELATING TO THE ARTS AND CULTURE COMMISSION (October 10, 2023 - First Reading; October 24, 2023 - Second Reading, unless the ordinance is modified on second reading) (DISTRICTS: ALL)**

## **OVERVIEW**

On June 28, 2022 (16), the San Diego County Arts and Culture Commission ("Commission") was created. One of their first orders of business was to create bylaws to govern their Commission. After multiple working meetings, the Commission completed a set of bylaws, as well as proposed edits to San Diego County Administrative Code Article IIIw, for approval by the Board of Supervisors. Changes to the Administrative Code would recast and modify the duties of the Arts and Culture Commission in order to align with the proposed bylaws, provide clear guidance, and ensure that the needs of the arts and culture sector are met. It also proposes to modify the provisions for removal of Commissioners for absences to removal for unexcused absences in order to ensure the continued work of the Commission. The ordinance also makes non-substantive changes in language.

The ordinance will be introduced on October 10, 2023, and, if approved, it will be scheduled for adoption on October 24, 2023. If the proposed ordinance is altered on October 24, 2023, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Approve the San Diego County Arts and Culture Commission Bylaws (Attachment A, on file with the Clerk of the Board.)
2. Approve the introduction of the Ordinance (first reading):  
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE IIIW, RELATING TO THE ARTS AND CULTURE COMMISSION (Attachment B, on file with the Clerk of the Board.)
3. If, on October 10, 2023, the Board takes action as recommended, then on October 24, 2023, consider and adopt:  
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE IIIW, RELATING TO THE ARTS AND CULTURE COMMISSION (Attachment B, on file with the Clerk of the Board.)

### **EQUITY IMPACT STATEMENT**

The proposed action to approve the Arts and Culture Commission bylaws and adopt the amendments to the ordinance should improve equity in the arts, including representation in which works and artists are selected, in the County and regionally, as well as access to the arts and arts education. There is more work that needs to be done to learn about where the gaps and needs are when it comes to equity in the arts, though observationally, people have commented on differences in representation when it comes to age and race. The Commission plans on examining the matter further and is committed to ensuring equity in the arts and culture sector.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed action to approve the Arts and Culture Commission bylaws and adopt the amendments to the ordinance may lead to positive impacts to sustainability through the work that the Commission will do. They may advise on use of sustainable materials in art, as well as use of art to support sustainability efforts and topics.

### **FISCAL IMPACT**

There is no fiscal impact associated with approval of the bylaws and introduction and adoption of the ordinance. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

If approved, these recommendations will have a positive impact on the business community, specifically the creative sector which consists largely of entrepreneurs and small-scale enterprises. The Arts and Culture Commission will be focused on promoting equity and opportunities for this sector as part of their duties and responsibilities.



**9. SUBJECT: APPOINTMENTS: VARIOUS (DISTRICTS: ALL)**

**OVERVIEW**

These appointments are in accordance with applicable Board Policy A-74, “Citizen Participation in County Boards, Commissions and Committees,” Board Policy A-77, "Appointments to Fill Vacancies and Cancellation of Election where Insufficient Nominations Filed Prior to Uniform District Election and Citizen Planning Group Election," Board Policy A-134, “Procedures for Appointment to Resource Conservation District Board of Directors.” and Board Policy I-1, “Planning and Sponsor Group Policies and Procedures.”

**RECOMMENDATION(S)**

**SUPERVISOR JOEL ANDERSON**

Appoint Rita Walker to the PINE VALLEY COMMUNITY PLANNING GROUP, Seat No. 5 for a term to expire January 6, 2025.

Appoint Jennifer Corona to the PINE VALLEY COMMUNITY PLANNING GROUP, Seat No. 11 for a term to expire January 6, 2025.

Appoint Diana Herrera to the PINE VALLEY COMMUNITY PLANNING GROUP, Seat No. 12, for a term to expire January 4, 2027.

Appoint Peter San Nicolas to the RAMONA DESIGN REVIEW BOARD, Seat No. 3, for a term to expire June 11, 2024.

Appoint Michael McGrath to the RESOURCE CONSERVATION DISTRICT OF GREATER SAN DIEGO COUNTY, Seat No. 2, for a term to expire November 27, 2026.

**EQUITY IMPACT STATEMENT**

County government includes standing and special citizen boards, commissions, committees and task forces formed to advise the Board of Supervisors and County staff on issues and policy and to serve as links to the community. Boards, commissions and committees provide an inter-relationship between the residents and the government of the County. The nominations in this Board Letter enable the County of San Diego to provide individual residents the opportunity to impart valuable insight and input into the operation of the government.

**SUSTAINABILITY IMPACT STATEMENT**

The County of San Diego has over one hundred boards, commissions, committees, and task forces that serve as voice in the County government. Advisory bodies are an essential role in resident engagement that allow citizens to participate on issues relating to the welfare and quality of life in the County. They are fundamental to the County of San Diego’s ability to navigate complex and dynamic policy challenges, are a conduit to the County Bureaucracy, and a broker to community voice. This board letter supports the County of San Diego Sustainability Goal No.1 by “encourage[ing] people and diverse stakeholders to partner and participate in decisions that impact their lives and communities.”

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**10. 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.

**RECOMMENDATION(S)  
CHIEF ADMINISTRATIVE OFFICER**

Note and file.

**EQUITY IMPACT STATEMENT**

N/A

**SUSTAINABILITY STATEMENT**

This board letter is a list of documents received by the Clerk of the Board of Supervisors and/or Board of Supervisors from other entities, other county departments, the public, and internal documents presented to the Clerk of the Board of Supervisors or the Board of Supervisors. This contributes to the overall sustainability of the county by engaging the community in meaningful ways and promote an environment that provides equitable access opportunities for public engagement.

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**11. SUBJECT: ENDING TAXPAYER FUNDED DEPORTATION DEFENSE FOR  
CRIMINAL NONCITIZENS (DISTRICTS: ALL)**

**OVERVIEW**

Historically, San Diego County (County) has served as a welcoming binational border community. Our region continues to welcome thousands of refugees and immigrants from all over the world. The diversity of our County's residents benefits us culturally, socially and economically. We have a responsibility to protect these new arrivals to our country from becoming victims of crime, of which research shows they are at a greater risk.

In May 2021, the Immigrant Rights Legal Defense Program (IRLDP) was approved by a majority of the Board of Supervisors and implemented by the County. The IRLDP has been funded at a level of \$5 million annually beginning Fiscal Year (FY) 2021-22, to provide free legal defense to detained individuals facing deportation. As established, the program did not create any eligibility criteria for participants to receive a county-funded immigration legal defense - the program is described by County staff as “merit-blind.”

Upon thorough review of the first annual IRLDP report, I learned that County funds are being used to provide free legal defense in immigration court for non-citizens with very serious criminal convictions. In fact, the report specifically mentions 34 individuals who have convictions related to criminal activities that include:

- Trafficking Controlled Substances which could include **fantanyl, heroin, cocaine**, or other drugs (8)
- Money Laundering (1)
- Aggravated Felony Convictions which could include **drug offenses, murder, or rape** (13)
- Controlled Substances Offenses which could include **fantanyl, heroin, cocaine**, or other drugs (3)
- Trafficking which could include humans or drugs (1)
- Crime Involving Moral Turpitude (CIMT) which could include **murder, rape, aggravated assault, child abuse, domestic violence** (6)
- Multiple Criminal Convictions (2)

*(number in parenthesis indicates the number of individuals with those charges)*

For those residents of our unincorporated communities, the County is responsible for providing them all public services, such as public safety, roads, parks, and libraries. Every general-purpose dollar spent to defend convicted felons in immigration court means there is less critical funding for our underserved communities. My constituents demand that I make progress in addressing the critical issues facing our community, such as the homelessness and fentanyl crisis. Without a framework for eligibility, our limited public dollars will continue to go to people federally ineligible to become citizens.

#### **RECOMMENDATION(S)**

##### **SUPERVISOR JOEL ANDERSON**

1. Direct the Chief Administrative Officer to conduct further research into the Immigrant Rights Legal Defense Program in the following areas and report back to the Board within 120 days addressing and providing:
  - a. the specific criminal convictions that would disqualify an individual from becoming a U.S. citizen either temporarily or permanently;
  - b. if any Immigrant Rights Legal Defense Program participants have any of these types of convictions on their record;
  - c. a list of the exact convictions, and how many convictions, for each individual.
2. Direct the Chief Administrative Officer to suspend any and all work on immigration case assistance to any individual with a criminal conviction or charge identified in Recommendation 1.

3. Direct the Chief Administrative Officer to amend the Immigrant Rights Legal Defense Program to preclude participants with criminal convictions identified in Recommendation 1.

**EQUITY IMPACT STATEMENT**

This Board action promotes the County’s values and principles of equity through a focus on underserved communities.

**SUSTAINABILITY IMPACT STATEMENT**

This Board action aligns with the County of San Diego’s Sustainability Goal to provide just and equitable access to County services and to focus investment in chronically underserved communities.

**FISCAL IMPACT**

There is no fiscal impact associated with research and report back to the Board regarding the IRLDP. There will be no change in net General Fund cost and no additional staff years. There may be fiscal impacts associated with future related recommendations which staff would return to the Board for consideration and approval.

**BUSINESS IMPACT STATEMENT**

N/A

12. **SUBJECT: HOMELESS DIVERSION: INVESTING IN AN EVIDENCE-BASED, COST-EFFECTIVE APPROACH TO ADDRESS HOMELESSNESS (DISTRICTS: ALL)**

**OVERVIEW**

Homelessness continues to be one of the most pervasive issues facing the San Diego region. The 2023 Point-in-Time Count (PITC) found 10,264 individuals experiencing homelessness across the County on one night in January, a 20% increase from 2022. Each month, more people are falling into homelessness for the first-time than are exiting homelessness to stable housing. The Regional Task Force on Homelessness (RTFH) publishes monthly dashboards, showing an 18-month average of 1,234 people entering homelessness each month, but only 866 exiting to housing. While people are getting off the streets and into housing, people are falling into homelessness at an even faster rate, causing the overall numbers to fall further behind.



Our regional homeless response system is like a leaky boat. Even though we're bailing out water faster than ever before, the boat will continue to sink until we focus on patching the leaks and stopping the inflows.

Today's action is focused on stopping the inflows into homelessness and providing unhoused people timely help *at the moment of crisis*, rather than waiting for problems to spiral out of control. This approach is cost-effective, trauma-informed, builds on the strengths of our regional partnerships, and aligns with the County's Framework for Ending Homelessness and the County's Homeless Action Plan.

RTFH launched a regional homeless diversion program in 2019. Since then, it has helped nearly 1,500 households (totaling nearly 2,000 individuals) avoid emergency shelters and instead quickly reconnect with stable housing opportunities within their own networks. RTFH provides training for frontline homeless service providers to utilize a "housing problem solving" approach and have a flexible fund available that can pay for one-time expenses, such as first-month rent, moving expenses, or even car repairs. Over the past 4 years, RTFH has found that on average, \$1,500 in one-time flexible funding was enough to keep 85% of households stably housed. These promising findings are similar to other homeless diversion programs across the nation, including the outcomes from a Washington State study conducted by Building Changes and the Bill and Melinda Gates Foundation (see Attachment 1).

RTFH's flexible fund is currently supported with approximately \$300,000 per year from State funding. Today's action seeks to leverage local partnerships to quadruple the size of the flexible fund by adding an additional \$1,000,000. The County would contribute up to \$350,000 towards the flexible fund and leverage additional funding commitments from philanthropic and local government partners including: the Conrad Prebys Foundation, Cushman Foundation, Funders Together to End Homelessness, Jewish Community Foundation of San Diego, Lucky Duck Foundation, San Diego Foundation, and the City of San Diego. In addition, the County would also set-aside approximately \$150,000 towards a program evaluation.

The \$1,000,000 program expansion is anticipated to provide approximately 600 households (totaling 800 individuals) with the support they need to avoid a prolonged and costly experience of homelessness and instead quickly transition to stable housing. This represents a potential regional public cost savings of over \$8 million in emergency sheltering costs (800 beds \* \$60 per bed per night \* 169 nights average length of homelessness). This effort will include regular outcome reporting of key program metrics as well as a longer-term program evaluation to study the effectiveness of diversion strategies.

Today's action asks the Board in accordance with Board Policy A-87, to approve authority to award a single source contract to the RTFH for the Homeless Diversion Program for an initial term of one year, with one option year if additional funding is identified, and an additional six months if needed. Due to its role as the lead of the San Diego Continuum of Care (CoC) and the administrator of the regional Resolution Strategies diversion program, RTFH is the only provider that can provide this service on behalf of the County and qualifies for a single source contract to administer the diversion program pursuant to Board Policy A-87.

## **RECOMMENDATION(S)**

### **SUPERVISOR TERRA LAWSON-REMER**

1. Find that the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and (3), 15061(b)(3), and 15378 because the action is an administrative action, does not commit County to a specific project, and will not have a reasonably foreseeable direct or indirect effect on the environment.
2. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director of the Department of Purchasing and Contracting to enter into negotiations with the Regional Task Force on Homelessness, and subject to successful negotiations and determination of a fair and reasonable price, award a contract for The Homeless Diversion Program for an initial term of up to one year, and up to one option year if additional funding is identified, with an additional six months if needed, and to amend the contract as needed to reflect changes to requirements and funding, subject to the approval of the Agency Director, Health and Human Services Agency, or his designee.
3. Direct the Chief Administrative Officer to identify and prioritize potential funding sources to support additional investments into homeless prevention and homeless diversion programs, including, but not limited to, state and federal funds including grant funding opportunities, ARPA funds, as well as private and philanthropic funding. Analyze and prioritize opportunities for additional investments into homeless prevention and homeless diversion initiatives within the Homeless Action Plan.
4. Direct the Chief Administrative Officer and the Office of Evaluation, Performance, and Analytics to collaborate with regional partners, including the Regional Task Force on Homelessness, to develop an evaluation study to assess the impact of diversion programs in addressing homelessness.

### **EQUITY IMPACT STATEMENT**

The increase in homelessness is an issue of concern to our entire County, even more so in disadvantaged communities. Continuing to explore ways to create equity by decreasing homelessness in individuals and families is a benefit to the entire region.

### **SUSTAINABILITY IMPACT STATEMENT**

Today's proposed actions are aligned with Sustainability Goal #2, assisting in providing just and equitable access to housing. These actions will assist persons experiencing homelessness to quickly reconnect to stable home, reducing the impacts on the justice, education, and public health systems. Addressing and ending the growing crisis of people experiencing homelessness in San Diego would lead to positive social and economic enhancements, contributing to the overall sustainability of the region.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2023-24 Operational Plan for the Health and Human Services Agency. If approved, this request will result in one-time costs of up to \$500,000 which includes up to \$150,000 for program evaluation. There will be no change in General Fund cost and additional staff years to complete this request.

## **BUSINESS IMPACT STATEMENT**

N/A

- 13. SUBJECT: RECEIVE AND APPROVE THE UPDATED OPIOID SETTLEMENT FRAMEWORK; DIRECT REPORT BACK ON SIGNIFICANT UPDATES TO THE OPIOID SETTLEMENT FRAMEWORK; AND AUTHORIZE ONE STAFF YEAR FOR TOXICOLOGY SERVICES TO EXPAND SURVEILLANCE OF EMERGING DRUG TRENDS (DISTRICTS: ALL)**

### **OVERVIEW**

In response to the regional overdose crisis, the San Diego County Board of Supervisors (Board) has approved the following actions including, but not limited to:

- Adoption of the County of San Diego's (County) Comprehensive Harm Reduction Strategy (June 8, 2021 (4));
- Approval of a media campaign to prevent fentanyl overdoses in youth (October 19, 2021 (2));
- Declaring Illicit Fentanyl a Public Health Crisis (June 28, 2022 (22));
- Enhancing Fentanyl Education and Strengthening Harm Reduction Efforts for Young People (October 11, 2022 (11));
- Adoption of the San Diego County Opioid Settlement Framework (October 25, 2022 (20); and
- Update on Opioid Settlement Framework Implementation and Harm Reduction Media Campaigns (May 23, 2023 (26)).

Pursuant to Board direction on May 23, 2023 (26), today's action authorizes approval of the updated Opioid Settlement Framework (Framework) priorities that are in alignment with allowable spending uses defined in the Opioid Settlement Agreements guidelines set forth by the California Department of Health Care Services and directs the Chief Administrative Officer to report back on significant updates to the Framework. This action also requests authorization for the Public Safety Group, Medical Examiner's Office to add one staff year for toxicology services to expand surveillance of emerging drug trends.

This item supports the County's vision of a just, sustainable, and resilient future for all, specifically those communities and populations in San Diego County which historically have been left behind, as well as the ongoing commitment to the regional *Live Well San Diego* vision of healthy, safe, and thriving communities. This will be accomplished by investing in access for care, support, outreach, and education for those impacted by the opioid crisis.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Receive and approve the updated Opioid Settlement Framework, which is aligned with Opioid Settlement Agreements and new State guidance by approving Option A or Option B:

- A. Authorize the spending plan, as outlined in Attachment A, inclusive of \$0.5 million of one-time Opioid Settlement Funds for a focused pilot program to distribute drug disposal bags to individuals prescribed opioids after a medical procedure (reduced from an approved amount of \$8.0 million per prior San Diego County Board of Supervisors action on October 25, 2022 (20), supporting ongoing investments through Fiscal Year 2030-31 with revenue from finalized and anticipated near-term settlements, or,
  - B. Authorize the same spending plan referenced in Option A but also include a one-time investment of \$7.5 million to support funding for the East County Recovery Bridge Center, part of Capital Project 1024603, replacing the \$7.5 million unspent on the initially recommended drug disposal pilot program. Under this option ongoing investments would be supported through Fiscal Year 2028-29, instead of Fiscal Year 2030-31, with revenue from finalized and anticipated near-term settlements.
2. Direct the Chief Administrative Officer to report back on significant updates to the Opioid Settlement Framework that will include adjustments based on ongoing review of existing programs and according to any new guidelines for Opioid Settlement Funds.
  3. Approve and authorize the Public Safety Group, Medical Examiner’s Office to add one staff year for toxicology services to expand surveillance of emerging drug trends and direct the Department of Human Resources to classify the positions at the appropriate level.

### **EQUITY IMPACT STATEMENT**

San Diego County residents may experience the world differently and have unique circumstances and opportunities that can impact health, lifestyle behaviors, and overall well-being, leading to differences in health outcomes, or health inequities. These health disparities exist among communities, including when it comes to overdose and substance use. Although no single age group, race/ethnicity, gender, or socioeconomic status is immune to the current overdose crisis, data from the County of San Diego (County) Medical Examiner Office and the San Diego Association of Governments reveal trends over time and disproportionate impacts among varying groups in San Diego County. From 2017 to 2021, the rate of opioid overdose deaths increased by 209%, with the fentanyl overdose death rate increasing by 885% in that same period. However, opioid overdose death rates were highest among those between the ages of 18-45 years old, as well as Native American/Alaska Native and Black/African American residents compared to all other groups. In fact, these groups experienced opioid overdose death rates that were two to three times as high as the overall county rate. Based on this, efforts are underway in collaboration with regional stakeholders to learn the unique needs of San Diego County’s communities.

Although overdose deaths reached a high in 2021, preliminary data show a 10% decrease in overdose deaths in the first two quarters of 2022 compared to 2021, which may indicate a plateau and demonstrates the critical need to continue the work laid out by the Opioid Settlement Framework (Framework). Today’s update builds on the San Diego County Board of Supervisors’ prior actions, including the adoption of the Framework, to specifically address the



opioid and illicit fentanyl public health crisis. Through the implementation and performance monitoring of programs and services driven by the Framework's key components, as well as the current and future responsive behavioral health public messaging, outreach, and education efforts, the County strives to reduce harm to San Diego County residents impacted by this crisis.

### **SUSTAINABILITY IMPACT STATEMENT**

Today's actions support the County of San Diego's (County) Sustainability Goal #2 to provide just and equitable access to County services with investments focused on chronically underserved communities. The implementation of the Opioid Settlement Framework ensures that programs and services are informed by the community and are available countywide to address the opioid and overdose crisis. This item also supports Sustainability Goal #4 to protect the health and well-being of everyone in the San Diego County region, through broad public messaging campaigns designed to enhancing community awareness of the harms associated with opioid misuse, overdose prevention and the availability of community resources.

### **FISCAL IMPACT**

#### **Opioid Settlement Fund Distribution Assumptions (Attachment B)**

The distributions for the two ongoing settlements finalized to date (Janssen and Distributor) are estimated at \$6.1 million combined annually through Fiscal Year (FY) 2029-30 when the Janssen settlement payments are scheduled to end. Additionally, it is the County of San Diego's (County) understanding that settlements for TEVA, Allergan, Walmart, Walgreens, and CVS are being finalized, and it is expected the first annual payments will be received in the last quarter of 2023 or first quarter of 2024. Final County amounts and timing are not yet known. Assumptions were made based on the size of the nationwide settlement amounts to calculate estimates of \$3.2 million per year for the County for planning purposes. Spending would be rightsized to manage to resources available, as necessary.

Recommendation #1 Recommendation #1 Option B, using the revenue assumptions for Janssen and Distributor, as well as the planning estimates for TEVA, Allergan, Walmart, Walgreens, and CVS. Amounts for various other settlements in the pipeline were not included in Attachment B but will be monitored and costs adjusted accordingly as needed to meet available revenues and priorities, with a recognition that these are one-time funds over a finite number of years. Under both options of Recommendation #1, unspent funds from FY 2022-23 are being used to help support ongoing operations in the out years. However, Option B reprograms some of these unspent funds to help cover a gap in funding for the East County Recovery Bridge Center, shortening the period of funding for ongoing operational costs. Under either option, to promote sustainability of programs implemented where possible, County Health and Human Services Agency (HHS) and County Public Safety Group (PSG) will explore additional Medi-Cal billing opportunities and grants and federal and State allocations, should they become available.

#### **Recommendation #1- Option A**

Funds for this request are partially included in the FY 2023-25 Operational Plan in HHS and San Diego County Fire, Emergency Medical Services. The FY 2023-25 Operational Plan includes a total of \$7.1 million for the Opioid Settlement Framework (Framework), including \$6.8 million in the HHS and \$0.3 million San Diego County Fire, Emergency Medical Services, respectively.

If approved, this request will result in estimated additional FY 2023-24 costs and revenues estimated at \$1.57 million, inclusive of \$0.97 million in the HHSA, \$0.5 million within the Sheriff's Department for evidence-based treatment and recovery support services for individuals within or transitioning out of the County's correctional facilities, and \$0.1 million within the Medical Examiner's Office for toxicology services to expand surveillance of emerging drug trends.

Total costs and revenues associated with implementation of the Framework as presented today in Attachment A are estimated to be \$8.67 million in FY 2023-24 and \$10.65 million in FY 2024-25. The funding source is Opioid Settlement Funds. HHSA will use existing appropriations and the PSG will return to the San Diego County Board of Supervisors (Board) to establish appropriations by the third quarter budget adjustment. Funds for subsequent years will be incorporated into future operational plans. There will be no change in net General Fund cost. There will be an increase of 1.0 staff year in the Medical Examiner.

Under Recommendation #1 Option A, it is anticipated that ongoing operational costs would be sustained through FY 2030-31.

### **Recommendation #1- Option B**

This fiscal impact for Recommendation #1 Option B is the same as Recommendation #1 Option A, with one addition. Recommendation #1 Option B includes all of the same operational costs listed in Attachment A, but also includes an additional up-front investment of \$7.5 million to support the East County Recovery Bridge Center (RBC), part of the East County Crisis Stabilization Unit (CSU) and RBC Capital Project. The CSU/RBC project previously had grant funding added as part of the FY 2023-24 Operational Plan, however HHSA's initial grant application was not awarded. Under this option, staff would return to the Board as part of the quarterly status letter update to exchange \$7.5 million of grant funding with Opioid Settlement Funds for the RBC portion. HHSA is exploring Mental Health Services Act funds for the CSU portion and would use existing appropriations under this option. If this option is adopted, HHSA will still pursue future infrastructure grants should they become available. If any future grant funding were to be awarded, staff would return to the Board to suggest an alternative use for the Opioid Settlement Funds, including potential infrastructure projects.

The initial Framework approved by the Board on October 25, 2022 (20), included \$8.0 million to distribute drug disposal bags to all households across San Diego County. In Attachment A this amount has been reduced to \$0.5 million to focus on individuals prescribed opioids after a medical or dental procedure in hospitals in the Central and East service regions, where increased rates of overdose mortality have been documented. Recommendation #1 Option B reprograms the \$7.5 million balance to support the East County Recovery Bridge capital project.

Under Recommendation #1 Option B, it is anticipated that ongoing operational costs for services as outlined in Attachment A would be sustained through FY 2028-29, meaning the operational gap would start two years earlier in Recommendation #1 Option B.

### **BUSINESS IMPACT STATEMENT**

N/A

**14. SUBJECT: HUMANITARIAN EMERGENCY RESPONSE AND RELIEF:  
SUPPORTIVE SERVICES FOR ASYLUM SEEKING MIGRANTS  
(DISTRICTS: ALL)**

**OVERVIEW**

San Diego County has continuously welcomed asylum seeking migrants and refugees fleeing persecution in their home countries. Over the past seven years, the U.S.–Mexico border has seen an increase in asylum seeking migrants from humanitarian crises around the globe. Federal law allows people from other countries to seek asylum in the United States if they fear persecution at home. Seeking asylum is a legal right in the United States as established in 1952 by the Immigration and Nationality Act.

Although the County of San Diego has experienced varying waves of migration, we are facing an unprecedented humanitarian crisis. Starting September 13, 2023, Customs and Border Protection (CBP) began triaging asylum seeking migrants, sending only those that fit certain vulnerability criteria to the existing federally and state funded migrant shelters and street releasing the rest. Asylum seeking migrants released at transit centers across the County found themselves in need of brief interventions to support their onward movement to be reunited with loved ones, namely in other parts of the U.S. Of those asylum seeking migrants coming through San Diego, 98% move on to other parts of the country.

In direct response to this scenario, a coordinated network of NGOs, grassroots groups, and community members have stepped up to support over 13,000 asylum seeking migrants released to the streets since September 13, 2023. In South County, the operation was temporarily centralized at Casa Familiar’s San Ysidro Civic Center. This site alone, with the help of multiple NGOs, served over 8,000 asylum seeking migrants, connecting them to basic necessities, facilitating communication with their families, and coordinating transportation for onward movement, among other services.

It is critical for the County to work closely with organizations on the ground to maximize resources and provide the basic needs for asylum seeking migrants and to assist them in their onward movement. To date, the County of San Diego has been working diligently to support the work of the community-based organizations that have been working to respond to this humanitarian crisis.

Today’s request is to dedicate \$3.0 million in County resources to our local partners to perform essential services such as translation assistance, geographic information, transportation services, access to equipment and Wi-Fi to contact sponsor relatives, food snacks, water, hygiene kits, restrooms and other services as needed to facilitate their onward movement beyond San Diego County. This fiscal commitment is necessary to keep the humanitarian crisis from deepening and securing the health and safety of our region while maintaining the human dignity of asylees fleeing oppressive regimes. The funding is expected to provide these services for up to 3 months while continuing a relentless pursuit for a long-term funding source from the federal government.

**RECOMMENDATION(S)**

**CHAIR NORA VARGAS**

1. Revise the American Rescue Plan Act (ARPA) Framework to use \$3.0 million of amounts anticipated to be allocated to the Evergreen element of the ARPA Framework to fund the grant agreement in recommendation 6.
2. Direct the Chief Administrative Officer to utilize a lost revenue strategy under the final ARPA guidance based on previously allocated General Purpose Revenue in the Health and Human Services Agency (HHSA) General Relief Program and transfer revenue of \$3.0 million from Finance Other, Intergovernmental Revenue to HHSA, based on ARPA revenue to replace previously allocated General Purpose Revenue for the General Relief Program and transfer appropriations of \$3.0 million from Finance Other, Other Charges, to the HHSA, Services and Supplies, to fund a grant to provide supportive services to asylum seeking migrants using General Purpose Revenue.
3. Pursuant to Government Code section 26227, find that the provision of supportive services to asylum seeking migrants released in San Diego County is necessary to meet the humanitarian and social needs of the population in the areas of health, public safety, and welfare.
4. Pursuant to Government Code section 26227, authorize the Director, Department of General Services, to execute short-term leases and/or licenses with service providers for use of County real property and/or for use of County-owned vehicles for the purposes of providing supportive services to asylum seeking migrants.
5. In accordance with Government Code section 26227, authorize the Chief Administrative Officer, or designee, to make available on a short-term basis any other County property and resources in furtherance of providing supportive services to asylum seeking migrants, and to execute all agreements and other documents necessary to make such property or resources available.
6. Authorize the Chief Administrative Officer to enter into a grant agreement or agreements with nongovernmental organization(s) for the provision of supportive services to asylum seeking migrants released in San Diego County by the federal government, in an aggregate amount of up to \$3.0 million, and to make minor amendments to the agreement(s) that do not change the purpose or amount of the grant.
7. Direct the Chief Administrative Officer to pursue federal funding and seek reimbursement from the federal government for costs associated with these recommendations.

**EQUITY IMPACT STATEMENT**

All San Diego residents deserve the opportunity to live in a dignified manner in communities that provide them a safe and supportive environment. The County and its partner organizations can assist in this effort by supporting the organizations on the ground that are helping asylum seeking migrants arriving in our region with supportive services that will meet the humanitarian and social needs of this population.

**SUSTAINABILITY IMPACT STATEMENT**

Through these collaborative efforts between the County of San Diego and the local nonprofit organizations that have the expertise and ability to assist asylum seeking migrants, and identifying funding opportunities, we can ensure our region has the necessary resources to assist this population during a humanitarian crisis. The work local non-profit organizations have done to provide a framework for support has remained crucial. These County efforts will further address support service needs through connecting incoming asylum seeking migrants to essential human basic needs.

**FISCAL IMPACT**

Funds associated with today’s request are included in the Fiscal Year 2023-24 Adopted Operational Plan. The funding source for the \$3.0 million grant award is General Purpose Revenue. Available American Rescue Plan Act (ARPA) funds of \$3.0 million will be recognized as lost revenue and redirected to the General Relief Program. One-time costs for short-term activities including utilizing County facilities, vehicles and other resources for providing supportive services to asylum seeking migrants will be absorbed within the Fiscal Year 2023-24 Operational Plan. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

The County of San Diego is the public safety net for all its inhabitants. As such, the implementation of support services for asylum seeking migrants is crucial to ensuring proactive population health in our region. Furthermore, the bolstering of asylum seeking migrants’ access to essential services brings the County’s public health commitment to the forefront. It is imperative that we meet the humanitarian and social needs of the population in the areas of health, public safety, and welfare.

**15. SUBJECT: CLOSED SESSION (DISTRICTS: ALL)**

**OVERVIEW**

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Arthur Price, et al. v. County of San Diego, et al.; San Diego Superior Court No. 37-2020-00019535-CU-MC-CTL

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Dominic Purcell v. County of San Diego, et al.; San Diego Superior Court Case No. 37-2022-00000632-CU-OE-CTL

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Scott Lyles v. County of San Diego, et al.; San Diego Superior Court Case No. 37-2020-00048333-CU-PA-CTL

- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
D.S. v. County of San Diego, et al.; United States District Court, Southern District,  
No. 23-cv-00459-AJB-BLM