

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING  
MEETING AGENDA  
**WEDNESDAY, JANUARY 30, 2019, 9:00 AM**  
BOARD OF SUPERVISORS NORTH CHAMBER  
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

**Order of Business**

- A. Roll Call
- B. Closed Session Report
- C. 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.
- D. Approval of the Statement of Proceedings/Minutes for the meeting of January 9, 2019.
- E. Formation of Consent Calendar
- F. Discussion Items

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Supporting documentation and attachments for items listed on this agenda can be viewed online at <http://www.sdcountry.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.

**Board of Supervisors' Agenda Items**

- | <b>Agenda #</b> | <b>Subject</b>                                                                                                                                                                                                                                                                                                                         |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.              | ADMINISTRATIVE ITEM:<br>SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: WAIVER OF DEVELOPMENT IMPACT AND PERMIT FEES FOR ACCESSORY DWELLING UNITS (1/9/2019 - FIRST READING; 1/30/2019 - SECOND READING)<br>[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE]<br><br>(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL1) |
| 2.              | ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR WINTER GARDENS BOULEVARD SIDEWALK PROJECT<br>[FUNDING SOURCES: FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM AND STATE EXCHANGE FUNDS]<br>(4 VOTES)                                                                                                             |

3. AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE WOODHAVEN WELL AND FITNESS TRAIL PROJECT [FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE APPROVED BY THE BOARD OF SUPERVISORS IN THE FISCAL YEAR 2017-18 SECOND QUARTER OPERATIONAL PLAN BUDGET ADJUSTMENTS AND CARRIED FORWARD IN THE FISCAL YEAR 2018-19 OPERATIONAL PLAN]
  
4. AUTHORIZATION TO APPLY FOR AND ACCEPT GRANT FUNDING FOR TIJUANA RIVER VALLEY PROJECTS, ESTABLISH APPROPRIATIONS, AND AUTHORIZE ADVERTISEMENT AND AWARD OF A CONSTRUCTION CONTRACT FOR THE TIJUANA RIVER VALLEY REGIONAL PARK CAMPGROUND  
(4 VOTES)
  
5. APPROVE AND RATIFY FISCAL YEAR 2018-19 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM  
[FUNDING SOURCE: REVENUE AGREEMENT WITH STATE WATER RESOURCES CONTROL BOARD AND IS A FULL COST RECOVERY AGREEMENT]

**1. SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:  
WAIVER OF DEVELOPMENT IMPACT AND PERMIT FEES FOR  
ACCESSORY DWELLING UNITS (1/9/2019 - FIRST READING; 1/30/2019  
- SECOND READING) (DISTRICTS: ALL)**

**OVERVIEW**

On January 9, 2019 (08), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on January 30, 2019.

In response to the housing shortage in California, on April 18, 2018 (5), the Board of Supervisors (Board) directed the Chief Administrative Officer to investigate options that would further promote the expedient building of homes and close the housing affordability gap in the County of San Diego's (County) unincorporated area. On October 10, 2018 (2), the Board received the report "Options to Improve Housing Affordability in the Unincorporated Area," and directed staff to implement several actions under the following five categories: Process Streamlining, Regulatory Reform, Participation and Incentives (PI), General Plan and Community Plans, and Land Development Code. Under the PI category, the Board directed staff to develop a program to waive development impact and permit fees for Accessory Dwelling Units (ADUs) located on a lot with an existing single family dwelling for a five-year trial period. The Board also directed staff to return in year five of the trial period to report on the status of this program.

Today's request is for the Board to adopt ordinances that will authorize the waiver of development impact fees (Transportation Impact, Park Lands Dedication Ordinance, and Drainage) and permit fees (building and onsite wastewater system) for ADUs located on lots with existing single family dwellings for the five-year trial period commencing January 9, 2019 until January 9, 2024. Additionally, the request is to establish appropriations from fund balance to offset the loss in fee revenue.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

Acting as the San Diego County Board of Supervisors:

Consider and adopt the Ordinance (second reading):

**AN ORDINANCE AMENDING THE COUNTY CODE RELATED TO THE WAIVER OF DEVELOPMENT IMPACT AND PERMIT FEES FOR ACCESSORY DWELLING UNITS.**

Acting as Board of Directors of the San Diego County Flood Control District:

Consider and adopt the Ordinance (second reading):

**AN ORDINANCE AMENDING FLOOD CONTROL DISTRICT ORDINANCE NUMBERS 6 AND 7 TO WAIVE THE PAYMENT OF SPECIAL DRAINAGE AREA FEES.**

**FISCAL IMPACT**

Funds for this request are not included in the Fiscal Year (FY) 2018-19 Operational Plan in the Department of Planning & Development Services (PDS) and the Department of Environmental Health (DEH). If approved, this request will result in costs of \$1,100,000 in PDS (\$930,000) and DEH (\$170,000) in FY 2018-19 to offset the waiver of development impact and permit fees for Accessory Dwelling Units (ADUs). The funding source is available from prior year General Fund fund balance. Future costs for the fee waivers, currently estimated at \$2,200,000 annually, will be included in future Operational Plans in PDS and DEH throughout the proposed five-year trial period ending in FY 2023-24.

A waiver of Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) is requested since the proposed waiver of fees will not recover full operating costs for services provided. The total unrecovered cost per Board Policy B-29 is approximately \$1,100,000 for Fiscal Year 2018-19 and will be funded with available prior year General Fund fund balance. There will be no additional staff years.

### **BUSINESS IMPACT STATEMENT**

The waiver of impact and permit fees for Accessory Dwelling Units (ADUs) supports the local economy by creating new incentives for increasing the supply of housing in the unincorporated area. These types of programs remove financial barriers and create incentives for improved affordability of smaller housing types available to households that may include young people, couples, students, professionals, and seniors. New development of ADUs will also create local job growth and support the local economy.

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL1)

**2. SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR WINTER GARDENS BOULEVARD SIDEWALK PROJECT (DISTRICT: 2)**

### **OVERVIEW**

The Department of Public Works was successful in obtaining a Federal Highway Safety Improvement Program (HSIP) Grant for a sidewalk construction project on Winter Gardens Boulevard, between Woodside Avenue and Lemon Crest Drive, in the unincorporated community of Lakeside.

The Winter Gardens Boulevard Sidewalk Project will construct new sidewalk, curb ramps, pedestrian push button signal controls and crosswalk striping and will enhance pedestrian safety, accessibility and walkability in this area of Lakeside that attracts many pedestrians.

This is a request to establish appropriations and approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Winter Gardens Boulevard Sidewalk Project. Construction is scheduled to begin in summer 2019 and be completed by winter 2019. The construction cost is estimated at \$500,000, including contingency, and the funding sources are HSIP Grant and State Exchange funds.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that Winter Gardens Boulevard Sidewalk Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines because it involves the minor alteration of an existing public roadway involving no or negligible expansion of existing use.
2. Establish appropriations of \$500,000, in the Department of Public Works Road Fund Fiscal Year 2018-19 Detailed Work Program for the Winter Gardens Boulevard Sidewalk Project based on a Federal Highway Administration (FHWA) HSIP Grant (\$450,000) and State Exchange funds (\$50,000). **(4 VOTES)**

3. Authorize the Director of Purchasing and Contracting to advertise and award a construction contract and to take any action authorized by Section 401, et seq. of the Administrative Code, with respect to contracting for the Winter Gardens Boulevard Sidewalk Project.
4. Designate the Director, Department of Public Works, as County of San Diego Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

#### **FISCAL IMPACT**

Funds for this request are not included in the Fiscal Year 2018-19 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, construction project costs are estimated at \$500,000, including contingency. The funding sources are the federal Highway Safety Improvement Program (\$450,000) and State Exchange funds (\$50,000). There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

County of San Diego construction contracts are competitively bid and help stimulate the local economy.

3. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE WOODHAVEN WELL AND FITNESS TRAIL PROJECT (DISTRICT: 2)**

#### **OVERVIEW**

Woodhaven Park is an eight acre local park located in Rancho San Diego that offers a six acre lawn area surrounded by landscaping with benches and tables. The natural turf lawn area is irrigated with municipal water. To reduce reliance on potable water, reduce operational costs and expand recreational services for the community, the Department of Parks and Recreation is proposing an improvement project in Woodhaven Park. The project would convert the irrigation system from municipal water to well water, remove some of the park's turf grass and replace it with drought tolerant landscaping and an ADA compliant walking path with outdoor fitness stations. This project will reduce annual water usage by approximately 1.8 million gallons or 30%.

The requested action will authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract of approximately \$590,000, including contingency, for the Woodhaven Well and Fitness Trail Project. Remaining project funds of \$160,000 will be used for related project costs including well testing, project design, environmental analysis, inspections, construction management and project administration for a total project cost of \$750,000 based on available prior year General Fund fund balance. If approved, construction would begin in spring 2019 with completion anticipated in fall 2019.

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

##### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Woodhaven Well Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15303 and 15304.

2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401, et seq. of the Administrative Code with respect to contracting for the construction of the Woodhaven Well and Fitness Trail Project.
3. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Contracts.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2018-19 Operational Plan in the Capital Outlay Fund. If approved, this request will result in a total construction contract cost of approximately \$590,000 for Capital Project 1021494, Woodhaven Park Well and Fitness Trail Project. Remaining project funds of \$160,000 will be used for related project costs including well testing, project design, environmental analysis, construction management and project administration for a total project cost of \$750,000. The funding source is available prior year General Fund fund balance approved by the Board of Supervisors in the Fiscal Year 2017-18 Second Quarter Operational Plan Budget Adjustments and carried forward in the Fiscal Year 2018-19 Operational Plan.

Upon project completion, annual operation and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. There will be no change in current year net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

4. **SUBJECT: AUTHORIZATION TO APPLY FOR AND ACCEPT GRANT FUNDING FOR TIJUANA RIVER VALLEY PROJECTS, ESTABLISH APPROPRIATIONS, AND AUTHORIZE ADVERTISEMENT AND AWARD OF A CONSTRUCTION CONTRACT FOR THE TIJUANA RIVER VALLEY REGIONAL PARK CAMPGROUND (DISTRICT: 1)**

### **OVERVIEW**

The County's Tijuana River Valley Regional Park (TRVRP) encompasses approximately 1,800 acres of land west of Interstate 5 and just north of the international border. The park includes 22.5 miles of trails, a bird and butterfly garden, the County's largest community garden, baseball fields, soccer fields and natural open space. The Department of Parks and Recreation (DPR) prepared a master plan and conducted a Public Use Feasibility Study to identify future recreational enhancements within the TRVRP. A campground to provide overnight accommodations and nature education was identified as one of the recommended recreational enhancements. With its proximity to densely developed neighborhoods, this project represents a new location to connect underserved residents with nature. The proposed campground lies about one mile south of the Tijuana River and will provide opportunities for healthy, outdoor physical activity and exploration of the adjacent trail system with access to the beach nearby. DPR will seek new external funding sources as it implements the TRVRP Master Plan and develops future projects within the river valley.

Today's proposed actions are to: adopt the Mitigated Negative Declaration and the Mitigation, Monitoring and Reporting Program for the proposed TRVRP campground and Nature Education Activity Center; adopt a resolution authorizing DPR to apply for and accept funding from the State Coastal Conservancy; adopt a resolution authorizing DPR to apply for and accept funding from federal, state and local funding agencies for Tijuana River Valley projects; authorize the Director of DPR to accept awarded funds and enter into funding agreements for the proposed campground project; establish appropriations; and authorize advertisement and award of a Construction Manager At Risk (CMAR) contract for the proposed TRVRP campground and Nature Education Activity Center for an estimated Phase 1 construction cost of \$6,340,000. If a \$2,010,000 State Coastal Conservancy (SCC) grant is awarded in March 2019, a total of \$8,350,000 will be available for Phase 1 of the CMAR contract. Additional funding is needed to construct Phase 2 of the proposed campground and will be sought through a future SSC grant opportunity and added to the CMAR contract, if successful. If approved, Phase 1 construction will begin in fall 2019 and be completed in spring 2020.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find, on the basis of the whole record, that there is no substantial evidence that the project may have a significant effect on the environment. Consider the Mitigated Negative Declaration on file with the Department of Parks and Recreation and (Attachment B, State Clearinghouse #2018101023, together with comments received during public review (Attachment C), and adopt it, finding that the document reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment D) prepared pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15074(d), and authorize the Director, Department of Parks and Recreation to implement the identified mitigation measures.
3. Adopt the Resolution entitled: **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DIRECTOR, DEPARTMENT OF PARKS AND RECREATION TO TAKE ACTION TO SECURE GRANT FUNDING FROM THE STATE COASTAL CONSERVANCY FOR TIJUANA RIVER VALLEY RELATED PROJECTS.**
4. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County of San Diego, to conduct all negotiations and submit all documents necessary to apply for and accept grant funds from the State Coastal Conservancy for Tijuana River Valley related projects, including, but not limited to, applications, grant contracts, payment requests and, if funds are awarded, to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.
5. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County of San Diego, to conduct all negotiations and submit all documents necessary to enter into agreements with the State Coastal Conservancy as well as any extensions or amendments thereof, for Tijuana River Valley related projects.

6. Adopt the Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DIRECTOR, DEPARTMENT OF PARKS AND RECREATION TO TAKE ACTION TO SECURE GRANT FUNDING FROM FEDERAL, STATE AND LOCAL FUNDING AGENCIES FOR ALL TIJUANA RIVER VALLEY RELATED PROJECTS.
7. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County of San Diego, to conduct all negotiations and submit all documents necessary to apply for and accept grant funds from federal, state and local funding agencies for all Tijuana River Valley related projects, including, but not limited to, applications, grant contracts, payment requests and, if funds are awarded, to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.
8. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County of San Diego, to conduct all negotiations and submit all documents necessary to enter into agreements with federal, state and local funding agencies, as well as any extensions or amendments thereof, for all Tijuana River Valley related projects.
9. Transfer appropriations of \$150,000 from the Department of Parks and Recreation, Services & Supplies, to the Contribution to Capital Outlay Fund, Operating Transfer Out, for Capital Project 1021103 Tijuana River Valley Regional Park campground and Nature Education Activity Center. **(4 VOTES)**
10. Establish appropriations of \$150,000 in the Capital Outlay Fund for Capital Project 1021103 Tijuana River Valley Regional Park campground and Nature Education Activity Center, based on an Operating Transfer In from the General Fund. **(4 VOTES)**
11. Establish appropriations of \$1,590,000 in the Capital Outlay Fund for Capital Project 1021103 Tijuana River Valley Regional Park campground and Nature Education Activity Center, for the development of the campground, based on grant funding from the State of California Department of Parks and Recreation. **(4 VOTES)**
12. Authorize the Director, Department of Purchasing and Contracting to take any action authorized by Article XXIII, Section 401, et seq. of the Administrative Code and Public Contract Code section 20146 to advertise, award and amend a Construction Manager At Risk contract for the Tijuana River Valley Regional Park campground and Nature Education Activity Center.
13. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the awarded Construction Manager At Risk contract.

#### **FISCAL IMPACT**

Funds for this request are partially included in the Fiscal Year 2018-19 Operational Plan in the Capital Outlay Fund (\$5,700,000). If approved, these requests would establish additional appropriations of \$1,740,000 based on grant funding secured from the State of California Department of Parks and Recreation (\$1,590,000) and an Operating Transfer from the County of San Diego Department of Parks and Recreation (\$150,000) for total project funding of \$7,400,000. There will be no change in net General Fund cost and no additional staff years in the current fiscal year.



Today's actions include requests to apply for and accept funding of \$2,010,000 in March 2019 and approximately \$4,550,000 in July 2019 through two different California State Coastal Conservancy (SCC) programs for lower cost coastal accommodations. If both funding requests are successful, a total of \$14,000,000 will be available for the proposed Tijuana River Valley Regional Park campground and Nature Education Activity Center. A summary of the proposed project funding sources is below.

<b>Tijuana River Valley Regional Park Proposed Campground Funding Sources</b>	
Project funds included in the FY 2018-19 Operational Plan	\$5,700,000
DPR Funds Transfer	\$150,000
Senate Bill 507 Funding ( <i>expires June 2020</i> )	+ \$1,590,000
<b>Project Funding if today's actions are approved</b>	<b>\$7,440,000</b>
Coastal Conservancy In-Lieu Fee Request ( <i>March 2019</i> )	+ \$2,010,000
Coastal Conservancy Proposition 68 Grant Estimated Request ( <i>July 2019</i> )	+ \$4,550,000
<b>Total Estimated Proposed Campground Project Funding (All Phases)</b>	<b>\$14,000,000</b>

If today's requests are approved, the proposed project will initially be funded at \$7,440,000. Approximately \$1,100,000 has been set aside for project design and environmental analysis. The remaining funding of \$6,340,000 will be available for Phase 1 construction. If approved by the Board, a Phase 1 Construction Manager At Risk (CMAR) contract will be executed this Spring for approximately \$6,340,000. In a CMAR procurement, the County hires a Construction Manager (CM) during the design phase who brings construction expertise to the design. The CM will also put the project out to bid and manage the construction at a guaranteed maximum price.

If the March 2019 SCC funding request is awarded, an additional \$2,010,000 will be available for an expanded Phase 1 construction phase, and the CMAR contract will be amended from \$6,340,000 to \$8,350,000, which includes contingency, construction and Construction Manager Fee.

If the July 2019 SCC funding request is also awarded, approximately \$4,550,000 will be available for Phase 2 and the CMAR contract will be amended from \$8,350,000 to \$12,900,000 for construction of Phase 1 and Phase 2 of Capital Project 1021103, Tijuana River Valley Regional Park campground and Nature Education Activity Center.

A summary of project expenditures is below.

<b>Tijuana River Valley Regional Park Proposed Campground Cost Breakdown</b>			
<b>Project Phase</b>	<b>Phase 1 Project Cost</b>	<b>Expanded Phase 1 Project Cost</b>	<b>Expanded Phase 1 + Phase 2 Project Cost</b>
<b>Design &amp; Environmental Analysis Cost</b>	\$1,100,000	\$1,100,000	\$1,100,000
<b>Phase 1 Construction Cost</b>	\$6,340,000	\$6,340,000	\$6,340,000
<b>Expanded Phase 1 Construction Cost</b>		\$2,010,000	\$2,010,000
<b>Phase 2 Construction Cost</b>			\$4,550,000
<b>CMAR TOTAL</b>	\$6,340,000	\$8,350,000	\$12,900,000
<b>PROJECT TOTAL</b>	<b>\$7,440,000</b>	<b>\$9,450,000</b>	<b>\$14,000,000</b>

Operational costs to staff and operate the proposed campground are estimated at \$360,000 annually and will be included in future Operational Plans for the Department of Parks and Recreation beginning in Fiscal Year 2020-21.

#### **BUSINESS IMPACT STATEMENT**

N/A

- 5. SUBJECT: APPROVE AND RATIFY FISCAL YEAR 2018-19 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM (DISTRICTS: ALL)**

#### **OVERVIEW**

The Department of Environmental Health (DEH) has been the local agency responsible for oversight of the investigation and cleanup of petroleum leaks from underground storage tanks throughout the San Diego region since 1984 through its Local Oversight Program (LOP). When a petroleum tank leaks, the surrounding soils and groundwater can become contaminated. Early detection and cleanup of this contamination is important to prevent potential environmental and human health impacts from the contaminated soil and groundwater.

The LOP has been funded through a series of revenue agreements with the State Water Resources Control Board (SWRCB) since 1988. The most recent agreement was ratified by the Board of Supervisors (Board) on September 27, 2017 (3), authorizing DEH to execute a revenue agreement with the SWRCB for the period of July 1, 2017 through June 30, 2018.

Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, states that services cannot begin until the Board or Chief Administrative Officer and the contracting agency have approved the revenue agreement. The County of San Diego received a final revenue agreement for Fiscal Year 2018-19 from the SWRCB on November 14, 2018. Because this agreement was not received from the SWRCB until after the July 1, 2018 start date, this request is to waive Board Policy B-29, ratify the acceptance of the revenue agreement and authorize the DEH Director, or their designee, to execute a SWRCB Revenue Agreement, in the amount of \$1,368,155 for the period of July 1, 2018 through June 30, 2019, to fund the LOP, and adopt a Resolution authorizing DEH to receive funds.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines, find that it can be seen with certainty that there is no possibility this project may have a significant effect on the environment and that it is therefore exempt from CEQA.
2. Waive Board Policy B-29, ratify acceptance and authorize the Director, Department of Environmental Health, or their designee, to execute a revenue agreement with the State Water Resources Control Board in the amount of \$1,368,155 for the period of July 1, 2018 through June 30, 2019 to fund the Local Oversight Program.
3. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM FOR FISCAL YEAR 2018-19.
4. Authorize the Director, Department of Environmental Health, or their designee, to execute any extensions, amendments, and or revisions thereof that do not materially impact or alter either the program or funding level.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2018-19 Operational Plan in the Department of Environmental Health. If approved, this request will result in current year costs and revenue of \$1,368,155. The funding source is a revenue agreement with State Water Resources Control Board and is a full cost recovery agreement. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

This program benefits local business and the community at large by ensuring that site cleanups related to petroleum leaks from underground storage tanks meet state standards. Additionally, this program incentivizes petroleum tank owners or operators to seek reimbursement for investigation and cleanup costs through the State Water Resources Control Board's Underground Storage Tank Cleanup Fund.

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