

CLERK OF THE BOARD OF SUPERVISORS
BOARD OF SUPERVISORS MEETING

WEDNESDAY, DECEMBER 11, 2019

Legislative Services Section: (619) 531-5434

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8. ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20
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11. NOTICED PUBLIC HEARING:
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16. HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET
(4 VOTES)

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3. 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 Lincoln Acres Park Expansion project.
4. Designate the Director, Department of Parks and Recreation, or designee, as the County of San Diego Officer responsible for administering the construction contract, in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2019-20 Operational Plan in the Capital Outlay Fund. If approved, this request will result in costs of \$2,800,000 for Capital Project 1022612, Lincoln Acres Park Expansion. Construction costs are estimated at \$2,000,000, including contingency. Remaining funds of \$800,000 will be used for land acquisition and project related costs including design, environmental documentation, construction management, and project administration. The funding sources are General Fund fund balance component decrease - Parks Expansion and Improvement Commitment (\$655,000), Park Land Dedication Ordinance Area 4 Lincoln Acres Fund available prior year fund balance (\$45,000) and General Purpose Revenue (\$2,100,000) budgeted in the Capital Outlay Fund for Capital Project 1022612, Lincoln Acres Park Expansion. There will be no change in net General Fund cost and no additional staff years in the current fiscal year.

BUSINESS IMPACT STATEMENT

N/A

10. **SUBJECT: APPROVE AND RATIFY FISCAL YEAR 2019-20 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 January 30, 2019 (5), authorizing DEH to execute a revenue agreement with the SWRCB for the period of July 1, 2018 through June 30, 2019.

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 2019-20 from the SWRCB on September 24, 2019.

Because this agreement was not received from the SWRCB until after the July 1, 2019 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 \$995,984 for the period of July 1, 2019 through June 30, 2020, 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 \$995,984 for the period of July 1, 2019 through June 30, 2020 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 2019-20.
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 2019-20 Operational Plan in the Department of Environmental Health. If approved, this request will result in current year costs and revenue of \$995,984. The funding source is a revenue agreement with State Water Resources Control Board, which 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.

11. **SUBJECT: NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE TO AMEND ADMINISTRATIVE CODE XXVI
- FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS (12/11/2019
- ADOPT RECOMMENDATIONS; 1/15/2020 - SECOND READING OF
AN ORDINANCE) (DISTRICTS: ALL)**

OVERVIEW

In accordance with Board Policy A-76, Sunset Review Process, County of San Diego (County) departments periodically review Board of Supervisors (Board) policies and provisions of the County Administrative Code and County Regulatory Code to ensure obsolete policies and Code provisions are deleted and remaining requirements reflect current Board standards and practices.

County Administrative Code XXVI - Functions of the Department of Public Works, has been reviewed by County staff and staff recommend approval of a sunset review date of December 31, 2026 as well as some revisions. The recommended changes are to clarify roles and functions within the department, remove duplicative information, or remove information that is no longer relevant. Since the recommended changes include the deletion of entire sections within the administrative code and has a larger quantity of changes than a typical sunset review item, this item was reviewed outside of the general sunset review process.

The Board's action on these items would revise the San Diego County Administrative Code and would require two steps. On December 11, 2019, the Board would consider the items. If the Board takes action on December 11, 2019, then on January 15, 2020, a second reading of an ordinance amending Administrative Code XXVI would be necessary to implement the Board's direction.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that amending portions of the County Administrative Code is not a "project" as defined in Section 15378 of the state CEQA Guidelines.
2. Approve the introduction, read title, and waive further reading of the following Ordinance:
ORDINANCE AMENDING PORTIONS OF ADMINISTRATIVE CODE SECTIONS 451-467 REGARDING THE FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS

If, on December 11, 2019, the Board takes action as recommended, then, on January 15, 2020:

Consider and adopt the following Ordinance:

ORDINANCE AMENDING PORTIONS OF ADMINISTRATIVE CODE SECTIONS 451-467 REGARDING THE FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

N/A

12. **SUBJECT: NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE TO AMEND SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES - TITLE 7 HIGHWAYS AND TRAFFIC (12/11/2019 - ADOPT RECOMMENDATIONS; 1/15/2020 - SECOND READING OF AN ORDINANCE) (DISTRICTS: ALL)**

OVERVIEW

In accordance with Board Policy A-76, Sunset Review Process, County of San Diego (County) departments periodically review Board of Supervisors (Board) policies and provisions of the County Administrative Code and County Regulatory Code to ensure obsolete policies and Code provisions are deleted and remaining requirements reflect current Board standards and practices.

The San Diego County Code of Regulatory Ordinances is a compilation and codification of regulatory ordinances of the County of San Diego. Title 7 of this code entitled “Highways and Traffic” includes regulatory provisions including, but not limited to, protection of highways, traffic enforcement codes, and the regulation of the use of streets and highways. Title 7 has been reviewed by County staff and staff recommend approval of a sunset review date of December 31, 2026 as well as some revisions. The recommended changes are to amend language to be consistent with the California Manual on Uniform Traffic Control Devices, delete traffic ordinances from communities that have been incorporated, remove references to the County Marshall, delete the rule to collect a punitive tripling of abatement costs for abandoned vehicles. Since the recommended changes include the deletion of entire sections within the regulatory code and has a larger quantity of changes than a typical sunset review item, this item was reviewed outside of the general sunset review process.

The Board’s action on these items would revise the San Diego County Code of Regulatory Ordinances (County Code) and would require two steps. On December 11, 2019, the Board would consider the items. If the Board takes action on December 11, 2019, then on January 15, 2020, a second reading of an ordinance amending County Code would be necessary to implement the Board’s direction.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that amending various sections in Title 7 of the San Diego County Code of Regulatory Ordinances is not a “project” as defined in Section 15378 of the state CEQA Guidelines.
2. Approve the introduction, read title, and waive further reading of the following Ordinance:
ORDINANCE AMENDING VARIOUS SECTIONS IN TITLE 7 REGARDING
HIGHWAYS AND TRAFFIC IN THE SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES

If, on December 11, 2019, the Board takes action as recommended, then, on January 15, 2020:
Consider and adopt the following Ordinance:
ORDINANCE AMENDING VARIOUS SECTIONS IN TITLE 7 REGARDING HIGHWAYS
AND TRAFFIC IN THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

N/A

BUSINESS IMPACT STATEMENT

N/A

15. **SUBJECT: RECEIVE TRANSPORTATION IMPACT FEE AND REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM FISCAL YEAR 2018-19 COMPREHENSIVE ANNUAL AND FIVE-YEAR MITIGATION FEES REPORT (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego's Transportation Impact Fees (TIF) program allows developers to mitigate cumulative traffic impacts in accordance with the California Environmental Quality Act guidelines. Developers of large and small development projects can mitigate cumulative traffic impacts by paying into the TIF program instead of constructing physical road improvements. The TIF program includes the collection of the Regional Transportation Congestion Improvement Program (RTCIP) fee to ensure future development contributes its proportional share of funding needed for RTCIP roads as required under the TransNet Extension Ordinance, administered by the San Diego Association of Governments. TIF funds are collected on a regional and community basis to ensure road improvements will serve the development project for which fees are paid and the funds can only be used in unincorporated communities based on an approved list of roads.

The State Mitigation Fee Act requires the agency collecting the fee to annually review and make available to the public a report accounting for the development fees held by the agency. The Mitigation Fee Act also requires that the agency find that fees that were collected more than five years ago are still needed for the improvements for which the fees were collected. The annual report and five-year findings are combined into a single report.

Today's request is for the Board of Supervisors to receive the Transportation Impact Fee and Regional Transportation Congestion Improvement Program Fiscal Year 2018-19 Comprehensive Annual and Five-Year Mitigation Fees Report, which contains the Mitigation Fee Act annual report and five-year findings.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the receipt of this report is exempt from the California Environmental Quality Act (CEQA), as specified under Section 15061(b)(3) of the CEQA guidelines.
2. Receive the Transportation Impact Fee (TIF) and Regional Transportation Congestion Improvement Program (RTCIP) Fiscal Year 2018-19 Comprehensive Annual and Five-Year Mitigation Fees Report and adopt the findings included therein.

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

N/A

16. SUBJECT: HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET (DISTRICTS: ALL)

OVERVIEW

A Boil Water Advisory (BWA) went into effect on November 30th in the City of Poway, causing 190 food processing facilities, such as restaurants, markets and other kitchens in licensed health care facilities and schools to immediately cease operations. If potable water cannot be provided, the food facility cannot safely prepare food, wash produce, properly clean and sanitize utensils, and food handlers cannot wash their hands, putting the facility at risk to spread foodborne or waterborne illness and requiring closure of the facility. Abruptly closing their doors has been crippling for restaurant owners and employees.

The Department of Environmental Health (DEH) has been working with locally impacted restaurants to find temporary revised ways to safely prepare and serve food, in compliance with the California Retail Food Code (CRFC). If certain food safety operational conditions can be met, DEH is able to authorize a temporary modified health permit, which allows food facilities to restore their operations under restricted conditions such as limiting the menu provided to foods that required minimal or no food preparation, utilizing produce that is sold pre-sliced and washed, using only bottled water for food preparation and food employee handwashing, serving only bottled beverages, using single-use disposable utensils, using boiled or bottled water for utensil washing, and purchasing hand washing set ups that allowed for washing of hands with bottled water under a continuous flow of water.

As of December 5th, 21 of the 190 impacted restaurants have already obtained a modified health permit to operate and serve food to the public. The modified health permit is helpful to establishments that want to quickly open their doors, but the \$459 processing fee is a financial hit when they are already losing thousands of dollars. In an effort to assist restaurant owners whose operations have been impacted by the Poway BWA, this Board action would allow a waiver of the \$459 fee for a DEH modified health permit.

RECOMMENDATION(S)

CHAIRWOMAN DIANNE JACOB

1. Find that this fee waiver is exempt from CEQA pursuant to section 15061(b)(3) of the CEQA guidelines because it can be seen with certainty that affected food facilities will not have a significant effect on the environment, individually or cumulatively.
2. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery to eliminate Department of Environmental Health's fees for a modified health permit for restaurants within the City of Poway who had to close due to the Boil Water Advisory.
3. Reimburse the costs for restaurants in the City of Poway who already received a modified health permit.
4. Adopt an urgency ordinance adding the San Diego County Administrative Code section 360.1, relating to Fee Waivers to read as follows: SEC 360.1 FEE WAIVERS The Board of Supervisors may by resolution waive any fee adopted by ordinance and contained in the San Diego County Code of Administrative Ordinances or the San Diego County Code of Regulatory Ordinances. (4 VOTES)

5. Adopt a resolution entitled: "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE FEES FOR MODIFIED HEALTH PERMITS FOR FOOD FACILITIES IMPACTED BY THE BOIL WATER ADVISORY ISSUED BY THE CITY OF POWAY BEGINNING ON NOVEMBER 30, 2019 AND FUTURE BOIL WATER ADVISORIES".

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

N/A

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COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

KRISTIN GASPAR
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: December 11, 2019

08

TO: Board of Supervisors

SUBJECT

ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20 (DISTRICTS: 1, 2, 3, & 5)

OVERVIEW

On April 28, 2017, the Governor approved Senate Bill 1 (SB 1) to address the statewide funding gap for road maintenance. SB 1 is estimated to generate \$54 billion in revenue statewide over a ten-year period to fund transportation infrastructure needs across California. The California State Association of Counties projected that the County of San Diego (County) would receive approximately \$538 million of SB 1 revenues during that ten-year period. On May 2, 2017 (11), the Board of Supervisors (Board) approved the use of SB 1 funding to achieve an average Pavement Condition Index of 70 within the entire County road network. In order to be eligible to receive SB 1 revenue, the Board must adopt a resolution each year approving a list of proposed projects, or road resurfacing locations, and submit the resolution and proposed list to the California Transportation Commission (CTC).

On March 27, 2019 (5), the Board adopted the annual resolution and proposed list of roads to be resurfaced during Fiscal Year 2019-20 using SB-1 revenue, and on April 19, 2019 the resolution and proposed list of roads was submitted to the CTC. Following submission of the proposed list, the Department of Public Works (DPW) performed a thorough review of the roads to confirm initial design assumptions and coordinate planned activities with stakeholders. The reviews and coordination resulted in changes to the proposed CTC list. Under certain circumstances, changes are allowed by the CTC. All proposed changes will be included in DPW's annual SB 1 program reporting. DPW's current list has identified approximately 143 centerline miles of County-maintained roads to be resurfaced with available road resurfacing funding included in the Fiscal Year 2019-20 Operational Plan (Attachment A). This current road list is now ready for advertisement. The actual number of miles resurfaced will be dependent on bid prices received for the planned work.

DPW also provides road maintenance services for 67 Permanent Road Division Zones (PRD Zones). PRD's are separate districts which provide property owners a mechanism to pay for private road maintenance within a specific area. Road maintenance activities for PRD Zones are managed by DPW and funded by property owners through benefit assessments and special taxes.

SUBJECT: ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20 (DISTRICTS: 1, 2, 3, & 5)

DPW has identified up to 31.4 centerline miles of PRD Zone roads for maintenance in Fiscal Year 2019-20 (Attachment B). The PRD Zone roads were also selected based on priorities identified through field reviews and community input and will improve the overall condition of the roads by protecting the roads from deterioration and future costly repairs.

This is a request for the Board to approve the advertisement and subsequent award of multiple construction contracts to the lowest responsive and responsible bidders for asphalt concrete overlay and slurry seal treatments on County-maintained roads and PRD Zone roads. The estimated construction cost for the County-maintained roads is \$46,300,000 and the estimated cost for the PRD Zone roads is \$3,276,500, for a total estimated construction cost, including contingency, of \$49,576,500. The funding sources for the County-maintained roads are SB 1, SDG&E Franchise Fees, TransNet, and available prior year Road Fund balance. The funding sources for the PRD Zone roads are assessment and special tax levies from property owners within PRD Zones. Costs associated with PRD Zone roads will be tracked and managed separately. Construction is scheduled to begin in spring 2020 and be completed by the end of 2020.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) that the proposed project is categorically exempt from CEQA review because it involves the maintenance of existing public roads involving no or negligible expansion of existing use.
2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award multiple construction contracts and to take any other actions authorized by Section 401 et seq. of the Administrative Code with respect to contracting for asphalt concrete overlay and slurry seal treatment projects on county-maintained and PRD Zone roads.
3. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contracts in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of Public Works Road Fund Detailed Work Program and the Permanent Road Divisions Program. If approved, construction costs are estimated to be \$49,576,500, including contingency. The funding sources are SB 1 (\$28,705,000), SDG&E Franchise Fees (\$4,035,000), TransNet (\$5,700,000), available prior year Road Fund balance (\$7,860,000), and PRD Zones' available prior year fund balance, benefit assessments and special taxes from property owners (\$3,276,500). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

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

SUBJECT: ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20 (DISTRICTS: 1, 2, 3, & 5)

ADVISORY BOARD STATEMENT

Community planning and sponsor groups (Alpine, Bonsall Borrego Springs, Boulevard, Campo-Lake Morena, Crest-Dehesa, Cuyamaca, Descanso, Fallbrook, Hidden Meadows, Jacumba, Jamul, Julian, Lakeside, Pala-Pauma, Pine Valley, Potrero, Rainbow, Ramona, San Dieguito, Spring Valley, Sweetwater, Twin Oaks, Valle De Oro, and Valley Center) in the affected areas have been notified this matter is being considered today. Each of the PRD Zones have a chairperson who communicates with property owners within the PRD Zone. The chairpersons have been notified that this matter is being considered today.

BACKGROUND

The County of San Diego (County) Department of Public Works (DPW) maintains nearly 2,000 centerline miles of roads, or 4,000 lane miles of roads, in unincorporated San Diego county. The County's average Pavement Condition Index (PCI), an industry standard rating system used to rate streets, dropped from 70 in 2012 to 60 in 2016. Like other counties across the state and nation, maintaining the aging road infrastructure had become increasingly challenging, particularly with rising construction costs, declining state revenues, and a gas tax funding system that has been challenged by growth in increasingly fuel-efficient and zero-emission vehicles.

Senate Bill 1

On April 28, 2017, the Governor approved Senate Bill 1 (SB 1), which provides new revenues so that counties and cities can address the shortfall of funding needed to adequately maintain the existing network of local streets and roads. These revenues provide needed funding to improve the overall condition of local streets and roads and protect roads from deterioration and costly future repairs. SB-1 is estimated to generate \$54 billion statewide in revenue over a ten-year period to fund transportation infrastructure needs across California. Based on revenue projections provided by the California State Association of Counties (CSAC), the County expects to receive approximately \$538 million of SB 1 revenue during that 10-year period, which is in addition to existing funding DPW receives to maintain County roads. The County received \$43.8 million of SB 1 revenue in Fiscal Year 2018-19 and based on the preliminary revenue estimates from CSAC, will receive \$39.2 million in Fiscal Year 2019-20.

On May 2, 2017 (11), the Board of Supervisors (Board) approved the use of SB 1 revenue to achieve an average Pavement Condition Index of 70 within the entire County-maintained road network. In order to be eligible to receive SB 1 revenue, the Board must adopt a resolution each year approving a list of proposed projects, or road resurfacing locations, and submit the resolution and proposed list to the California Transportation Commission (CTC). The CTC list is considered a plan and does not limit the County's ability to fund other projects or roads besides those included in the proposed list after this list is submitted, so long as the projects are consistent with Streets and Highways Code section 2030, which indicates funding will be used for road maintenance and rehabilitation. On March 27, 2019 (05), the Board adopted the annual resolution and a proposed list of roads to be resurfaced with the SB 1 revenue for Fiscal Year 2019-20. The resolution and list was submitted to the CTC on April 19, 2019.

SUBJECT: ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20 (DISTRICTS: 1, 2, 3, & 5)

Fiscal Year 2019-20 Road Resurfacing Program

DPW conducts a thorough design process which includes in-depth road reviews, coordination with utilities and other stakeholders implementing construction projects on County-maintained roads, and coordination with the community groups to update and refine their priorities. Information collected during the design process is used to refine the project list. The reviews and coordination resulted in changes to the proposed CTC list. Under certain circumstances, changes are allowed by the CTC. All proposed changes will be included in DPW's annual SB 1 program reporting. While refining the proposed list in previous years typically involved removing projects and reducing the list, the availability of rollover funding for the current fiscal year allowed projects to be added the project list. The current project list includes 143 centerline miles of County-maintained roads that will be resurfaced with the funding included in the Fiscal Year 2019-20 Operational Plan (Attachment A). The current road list is now ready for advertisement. Road resurfacing funding includes SB 1, SDG&E Franchise Fees, TransNet, and available prior year Road Fund balance. Actual lane miles resurfaced will be dependent on bid prices received for the planned work. Additional road miles may be added if additional funding is identified or other cost savings are realized.

Permanent Road Division Zones

DPW has identified up to 31.4 centerline miles of Permanent Road Division Zone (PRD Zone) roads for maintenance in Fiscal Year 2019-20 (Attachment B). PRD's are separate districts which provides property owners a mechanism to pay for private road maintenance in a geographically defined area. There are currently 67 PRD Zones within the unincorporated county which provide maintenance for approximately 94 miles of roads. Road maintenance services are funded by property owners through benefit assessments or special taxes that are placed on the tax roll. Some PRD Zones receive a portion of the County's property tax that was assigned under Proposition 13. Each PRD Zone has a specific fund to track revenues and expenses. Construction costs will be applied to the specific fund for each PRD Zone to ensure that only PRD funds are used to pay for PRD road maintenance services.

DPW Road Resurfacing Program

DPW's Road Resurfacing Program includes strategies for pavement preservation, rehabilitation, and reconstruction designed to protect the roads from deterioration and costly future repairs. For roads that are in good condition, DPW uses a variety of surface seals, which are thin layers of material consisting of oil, sand, and gravel, that are placed on top of an existing asphalt road to protect and preserve that road in a good condition. For older roads that are too deteriorated to benefit from a surface seal, DPW uses asphalt overlays, which may include grinding off a thin layer of asphalt to make the road surface smoother and then placing a few inches of new asphalt to rehabilitate the road to new condition. The existing condition of a road determines the method and materials that will be selected to restore the road. DPW also uses a combination of innovative and sustainable asphalt and seal materials, including rubberized asphalt, rubberized slurry, and reclaimed asphalt pavement (RAP), to reduce costs and improve the quality and performance of our roads.

Prior to the start of construction, notifications such as mailers, doorknob-type notices, and signage will be provided to surrounding residences and business. During construction, traffic control

SUBJECT: ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20 (DISTRICTS: 1, 2, 3, & 5)

measures will be in place to limit impacts to the community and traveling public. All work will be within the existing public right of way or the limits of PRD Zone roads. Plans for the project are complete and the project is ready to be advertised.

This is a request for the Board to approve the advertisement and subsequent award of multiple construction contracts to the lowest responsive and responsible bidders for asphalt concrete overlay and slurry seal treatments on County-maintained roads and PRD Zone roads. The estimated construction cost for the County-maintained roads is \$46,300,000 and the estimated cost for the PRD Zone roads is \$3,276,500, for a total estimated construction cost, including contingency, of \$49,576,500. The funding sources for the County-maintained roads are SB 1, SDG&E Franchise Fees, TransNet, and available prior year Road Fund balance. The funding sources for the PRD Zone roads are assessment and special tax levies from property owners within PRD Zones. Costs associated with PRD Zone roads will be tracked and managed separately. Construction is scheduled to begin in spring 2020 and be completed by the end of 2020.

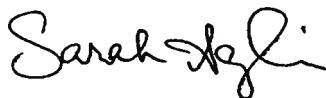
ENVIRONMENTAL STATEMENT

Section 15301 of the CEQA Guidelines exempts from CEQA review the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” This includes the maintenance of existing highways, streets, sidewalks, gutters, bicycle and pedestrian trails. The key consideration in determining whether this exemption applies is whether the project involves “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The proposed project consists of the award of numerous contracts for maintenance activities consisting of asphalt concrete road resurfacing within existing County-maintained roadways. The project includes activities that are necessary to ensure existing right-of-way facilities continue to function as designed. Therefore, the project is categorically exempt in accordance with Section 15301 of the CEQA Guidelines because it involves the maintenance of existing public roads involving no or negligible expansion of existing use.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s recommendations support the Operational Excellence, Living Safely, and Sustainable Environments/Thriving initiatives in the County of San Diego’s 2019-2024 Strategic Plan by providing funding for infrastructure that strengthens the local economy and provides adequate maintenance to ensure safe communities that improve the quality of life of all residents.

Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer

SUBJECT: ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20 (DISTRICTS: 1, 2, 3, & 5)

ATTACHMENT(S)

- A. Department of Public Works Road Maintenance Project List for Fiscal Year 2019-20
- B. Permanent Road Division Zone Maintenance Project List for Fiscal Year 2019-20
- C. ~~Project List for Permanent Road Division Zone Maintenance in Fiscal Year 2019-20~~

SUBJECT: ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20 (DISTRICTS: 1, 2, 3, & 5)

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

March 27, 2019 (05), Adopt a Resolution approving a list of projects proposed to be funded by SB 1: The Road Repair and Accountability Act of 2017 for Fiscal Year 2019-20; December 12, 2018 (03), Advertise and award construction contracts for countywide asphalt concrete overlay and slurry seal treatments for Fiscal Year 2018-19; April 25, 2018 (03), adopted a Resolution approving a list of projects proposed to be funded by SB 1: The Road Repair and Accountability Act of 2017 for Fiscal Year 2018-19; October 11, 2017 (03), adopted a Resolution approving a list of projects funded by SB 1 and advertise and award construction contracts for construction of countywide asphalt concrete overlay and slurry seal treatments for Fiscal Year 2017-18; August 1, 2017 (14), County of San Diego Fiscal Year 2017-18 Adopted Budget Resolution for County Family of Funds, Enterprise Funds and Internal Service Funds; and Prior Year Encumbrances; June 21, 2017 (14), adopted a resolution authorizing General Fund to advance funds for future road maintenance based on the reimbursement by the Road Fund; May 2, 2017 (11), approved the use of Road Repair & Accountability Act of 2017 to achieve an average Pavement Condition Index of 70 for the entire county road network; February 14, 2017 (13), received a presentation on the County's Road Maintenance Funding Challenges and Impacts to Pavement Conditions.

BOARD POLICIES APPLICABLE:

Board Policy F-41

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

Streets and Highways Code Section 2034 outlines reporting requirements to the California Transportation Commission (CTC) that cities and counties must meet in order to be eligible to receive SB 1 funding and the responsibility of the CTC to report eligible jurisdictions to the state Controller. Section 2034(a) requires that a list of projects be submitted to the CTC prior to receiving an apportionment of SB 1 funds. Section 2034(b) requires that the details of all expenditures from SB 1 funds be reported.

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

Oracle #s: 1022882; 1022884 and various other projects

ORIGINATING DEPARTMENT: Department of Public Works

SUBJECT: ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20 (DISTRICTS: 1, 2, 3, & 5)

OTHER CONCURRENCE(S): Department of Purchasing and Contracting

CONTACT PERSON(S):

Brian Albright

Name

858-694-2233

Phone

Brian.Albright@sdcounty.ca.gov

E-mail

William P. Morgan

Name

858-694-3087

Phone

William.Morgan@sdcounty.ca.gov

E-mail

Approval Log For:

Attachment B PRD Project List FY 19-20.pdf

Attachment A FY DPW Project List FY 19-20.pdf

Attachment C, PRD Road Resurfacing List.pdf

DPW BL - RMRA.docx

Approver's Name	Approvers Job Title	Approver's Department	Time and Date of Final Approval
Renee Loewer	Group Finance Director	Land Use & Env Group	11/26/2019 3:34:30 PM
Nicole Temple			11/27/2019 8:46:28 AM
Jack Pellegrino	Director, Department of Purchasing & Contracting	Purchasing-Is Revolving	11/26/2019 8:47:26 PM
Emily Helms		County Counsel	11/26/2019 4:07:36 PM
Brian Albright		Public Works, Dept Of, Road	11/26/2019 2:21:52 PM

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COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: December 11, 2019

16

TO: Board of Supervisors

SUBJECT

HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET (DISTRICTS: ALL)

OVERVIEW

A Boil Water Advisory (BWA) went into effect on November 30th in the City of Poway, causing 190 food processing facilities, such as restaurants, markets and other kitchens in licensed health care facilities and schools to immediately cease operations. If potable water cannot be provided, the food facility cannot safely prepare food, wash produce, properly clean and sanitize utensils, and food handlers cannot wash their hands, putting the facility at risk to spread foodborne or waterborne illness and requiring closure of the facility. Abruptly closing their doors has been crippling for restaurant owners and employees.

The Department of Environmental Health (DEH) has been working with locally impacted restaurants to find temporary revised ways to safely prepare and serve food, in compliance with the California Retail Food Code (CRFC). If certain food safety operational conditions can be met, DEH is able to authorize a temporary modified health permit, which allows food facilities to restore their operations under restricted conditions such as limiting the menu provided to foods that required minimal or no food preparation, utilizing produce that is sold pre-sliced and washed, using only bottled water for food preparation and food employee handwashing, serving only bottled beverages, using single-use disposable utensils, using boiled or bottled water for utensil washing, and purchasing hand washing set ups that allowed for washing of hands with bottled water under a continuous flow of water.

As of December 5th, 21 of the 190 impacted restaurants have already obtained a modified health permit to operate and serve food to the public. The modified health permit is helpful to establishments that want to quickly open their doors, but the \$459 processing fee is a financial hit when they are already losing thousands of dollars. In an effort to assist restaurant owners whose operations have been impacted by the Poway BWA, this Board action would allow a waiver of the \$459 fee for a DEH modified health permit.

**SUBJECT: HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET
(DISTRICTS: ALL)**

**RECOMMENDATION(S)
CHAIRWOMAN DIANNE JACOB**

1. Find that this fee waiver is exempt from CEQA pursuant to section 15061(b)(3) of the CEQA guidelines because it can be seen with certainty that affected food facilities will not have a significant effect on the environment, individually or cumulatively.
2. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery to eliminate Department of Environmental Health's fees for a modified health permit for restaurants within the City of Poway who had to close due to the Boil Water Advisory.
3. Reimburse the costs for restaurants in the City of Poway who already received a modified health permit.
4. Adopt an urgency ordinance adding the San Diego County Administrative Code section 360.1, relating to Fee Waivers to read as follows: SEC 360.1 FEE WAIVERS The Board of Supervisors may by resolution waive any fee adopted by ordinance and contained in the San Diego County Code of Administrative Ordinances or the San Diego County Code of Regulatory Ordinances. (4 votes)
5. Adopt a resolution entitled: "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE FEES FOR MODIFIED HEALTH PERMITS FOR FOOD FACILITIES IMPACTED BY THE BOIL WATER ADVISORY ISSUED BY THE CITY OF POWAY BEGINNING ON NOVEMBER 30, 2019 AND FUTURE BOIL WATER ADVISORIES"

FISCAL IMPACT

If approved, the waiver of the modified health permit fees associated with restaurants within the City of Poway impacted by the November 30, 2019 issued Boil Water Advisory will reduce revenues. To date, 21 restaurants have been approved for a modified health permit at the cost of \$459. Another 15 restaurants are in process of being considered for a modified health permit. To date, estimated costs associated with this fee waiver would be \$16,524. Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of Environmental Health (DEH). If approved, this request will result in reduced revenues of up to \$25,000 for these fee waivers based on existing appropriations in the DEH, Salaries and Benefits funded by General Purpose Revenue. There will be no increase in staff years.

**SUBJECT: HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET
(DISTRICTS: ALL)**

BUSINESS IMPACT STATEMENT
N/A

ADVISORY BOARD STATEMENT
N/A

BACKGROUND

A Boil Water Advisory (BWA) went into effect on November 30th in the City of Poway, causing 190 food processing facilities, such as restaurants, markets and other kitchens in licensed health care facilities and schools to immediately cease operations. If potable water cannot be provided, the food facility cannot safely prepare food, wash produce, properly clean and sanitize utensils, and food handlers cannot wash their hands, putting the facility at risk to spread foodborne or waterborne illness and requiring closure of the facility. Abruptly closing their doors has been crippling for restaurant owners and employees.

The Department of Environmental Health (DEH) has been working with locally impacted restaurants to find temporary revised ways to safely prepare and serve food, in compliance with the California Retail Food Code (CRFC). If certain food safety operational conditions can be met, DEH is able to authorize a temporary modified health permit, which allows food facilities to restore their operations under restricted conditions such as limiting the menu provided to foods that required minimal or no food preparation, utilizing produce that is sold pre-sliced and washed, using only bottled water for food preparation and food employee handwashing, serving only bottled beverages, using single-use disposable utensils, using boiled or bottled water for utensil washing, and purchasing hand washing set ups that allowed for washing of hands with bottled water under a continuous flow of water.

As of December 5th, 21 of the 190 impacted restaurants have already obtained a modified health permit to operate and serve food to the public. The modified health permit is helpful to establishments that want to quickly open their doors, but the \$459 processing fee is a financial hit when they are already losing thousands of dollars. In an effort to assist restaurant owners whose operations have been impacted by the Poway BWA, this Board action would allow a waiver of the \$459 fee for a DEH modified health permit.

Respectfully submitted,



DIANNE JACOB
Chairwoman, 2nd District

ATTACHMENT(S)

Attachment A – ORDINANCE ADDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE SECTION 360.1, RELATING TO FEE WAIVERS

**SUBJECT: HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET
(DISTRICTS: ALL)**

Attachment B – “A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE FEES FOR MODIFIED HEALTH PERMITS FOR FOOD FACILITIES IMPACTED BY THE BOIL WATER ADVISORY ISSUED BY THE CITY OF POWAY BEGINNING ON NOVEMBER 30, 2019 AND FUTURE BOIL WATER ADVISORIES”

SUBJECT: HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET
(DISTRICTS: ALL)

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**
N/A

ORIGINATING DEPARTMENT: Districts 2, Board of Supervisors

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Name

Phone

E-mail

Name
(

Phone

E-mail

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ORDINANCE NO. _____(N.S.)
AN URGENCY ORDINANCE ADDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE
SECTION 360.1, RELATING TO FEE WAIVERS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that there exists an urgent need to assist food facilities impacted by the Boil Water Advisory issued by the City of Poway beginning on November 30, 2019 (“the Advisory”). The public health and safety is not adequately preserved in that the Advisory and the lack of potable water in the City of Poway have caused those food facilities in the affected area to immediately cease operations. The Department of Environmental Health has worked with the affected food facilities to establish temporary means to prepare and serve healthy and safe food, which actions require a modified health permit from the Department of Environmental Health. Due to the economic hardship caused by the immediate closure of these food facilities, the fees charged by the Department of Environmental Health for the modified health permit place an economic burden on the food facilities’ ability to make the temporary changes necessary to provide safe and healthy food. This ordinance provides the Board of Supervisors with the ability to waive county fees by resolution and in the present case would provide assistance for food facilities to preserve the ability to provide the public healthy and safe food.

Section 2. Section 360.1 is hereby added to the San Diego County Administrative Code to read as follows:

SEC. 360.1 FEE WAIVERS

The Board of Supervisors may by resolution waive any fee adopted by ordinance and contained in the San Diego County Code of Administrative Ordinances or the San Diego County Code of Regulatory Ordinances.

Section 3. This ordinance shall take effect and be in force on the date of its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the _____, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: Geoffrey Holbrook, Senior Deputy County Counsel

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Resolution No.:

Meeting Date:

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO
AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE FEES
FOR MODIFIED HEALTH PERMITS FOR FOOD FACILITIES IMPACTED BY THE BOIL
WATER ADVISORY ISSUED BY THE CITY OF POWAY BEGINNING ON
NOVEMBER 30, 2019 AND FUTURE BOIL WATER ADVISORIES**

WHEREAS, beginning on November 30, 2019 the City of Poway (“Poway”) issued a Boil Water Advisory (“Advisory”) to the residents of Poway and due to the Advisory and the lack of potable water, food facilities in Poway immediately ceased their operations; and

WHEREAS, during the time period that the Advisory remains in effect, food facilities may only reopen if they provide for the temporary means to prepare and serve healthy and safe food and meet certain food safety operational conditions; and

WHEREAS, the Department of Environmental Health (DEH) has assisted affected food facilities in finding such temporary methods to provide safe and healthy food and to meet those required food safety operational conditions; and

WHEREAS, a modified health permit from DEH is required when DEH approves these temporary changes and there are fees associated; and

WHEREAS, the fees associated with a modified health permit is an economic burden on those food facilities which have not been able to operate during this time period due to the Advisory and lack of potable water; and

WHEREAS, the Board of Supervisors has determined that while Boil Water Advisories are necessary in protecting the public health, such advisories may also result in the immediate closure of food facilities impacting both the food facilities and the general public; and

WHEREAS, the Board of Supervisors wishes to assist those food facilities affected by the current Advisory, as well as those affected by future boil water advisories, by waiving fees charged by DEH for a modified health permit so that these food facilities can begin modified operations and re-establish their ability to provide safe and healthy food to the public.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO HEREBY FINDS AND RESOLVES AS FOLLOWS:

1. Temporarily waiving fees charged by DEH for a modified health permit to food

facilities impacted by the Boil Water Advisory issued by the City of Poway beginning on November 30, 2019 and future boil water advisories will provide a public benefit and provides for the health and safety of the public by assisting affected food facilities in providing safe and healthy food.

2. The Director, Department of Environmental Health, is hereby authorized to waive fees charged for modified health permits for food facilities impacted by the Boil Water Advisory issued by the City of Poway beginning on November 30, 2019. This authorization is limited to a period of one year from the date of adoption of this resolution, or until fee revenues of \$25,000 in total have been foregone, whichever occurs first.
3. Where alternative funding has been provided, the Director, Department of Environmental Health, is hereby authorized to waive fees charged for modified health permits for food facilities impacted by future Boil Water Advisories in the County of San Diego issued by a jurisdiction with authority.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By:

Geoffrey P. Holbrook, Senior Deputy County Counsel