

CLERK OF THE BOARD OF SUPERVISORS
BOARD OF SUPERVISORS MEETING
TUESDAY, JUNE 2, 2020
Legislative Services Section: (619) 531-5434

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KING-CHAVEZ ACADEMY OF EXCELLENCE, LAKESIDE FIRE
PROTECTION DISTRICT, MAAC COMMUNITY CHARTER SCHOOL,
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ELIMINATING JUVENILE JUSTICE FEES TO SUPPORT REHABILITATIVE GOALS FOR YOUTH AND FAMILIES
[FUNDING SOURCE: GENERAL PURPOSE REVENUE]

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20. COMMUNICATIONS RECEIVED

Appointments

21. APPOINTMENTS: VARIOUS

Finance and General Government

22. EXTENDING PROTECTIONS FOR TENANTS AND SMALL BUSINESSES AFFECTED BY THE NOVEL CORONAVIRUS PANDEMIC

Closed Session

23. CLOSED SESSION

The Board of Supervisors has supported the County of San Diego's efforts to move toward a positive youth development model in our juvenile justice system and Chairman Cox highlighted this proposal in his State of the County Address. The County of San Diego spends one dollar for every dollar and sixty-seven cents collected and has only collected six percent of past fee debts since 2018. By eliminating these fees, we are strengthening families and freeing them from this financial burden so they can focus on their relationship with their child resulting in safer and more thriving communities.

California Senate Bill 190 ended the assessment of juvenile fees statewide on January 1, 2018, but it did not end the collection of fees that were assessed before 2018. To further these goals, pending legislation, Senate Bill 1290, in the State of California proposes eliminating past juvenile fee debt.

Today's action amends the San Diego County Administrative Code to be consistent with Senate Bill 190, and repeals and codifies portions of Ordinance No. 10227, which was accidentally not codified due to a clerical error after it was adopted in 2012. Today's action also directs staff to cease the collection of outstanding juvenile delinquency debt and provide relief of liability. This will enable our County to quickly respond to anticipated State legislation while ensuring alignment with our County's goals outlined in the Youth in Custody Practice Model to achieve the maximum public benefit from investments in new approaches to juvenile justice.

These actions would take effect immediately and the ordinance will have retroactive effect as of February 14, 2020, to provide urgent and direct financial relief to these families who are already facing unprecedented financial hardships due to the unintended consequences of the COVID-19 global pandemic.

RECOMMENDATION(S)

CHAIRMAN GREG COX AND SUPERVISOR KRISTIN GASPAR

Adopt the Ordinance entitled:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO JUVENILE DELINQUENCY FEES.

FISCAL IMPACT

If approved, the action to cease collection of fees assessed prior to December 31, 2017, and to provide relief of liability, will result in additional costs and lost revenues. The action will reduce revenue to County departments by approximately \$300,000 in the current Fiscal Year 2019-20 and will reduce revenues by approximately \$1.5 million in Fiscal Year 2020-21. Future fiscal year collections of amounts assessed prior to December 31, 2017, would not be received. If approved, the action will also result in costs of \$26,000 in Fiscal Year 2019-20 related to the \$2 fee (\$18 of the \$20 charged by the County Recorder is waived) to record satisfaction of judgements. Funds for the increased costs are included in the Fiscal Year 2019-20 Adopted Operational Plan for the Office of Revenue and Recovery and the funding source is General Purpose Revenue.

BUSINESS IMPACT STATEMENT

N/A

20. 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.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

21. SUBJECT: APPOINTMENTS: VARIOUS (DISTRICTS: ALL)

OVERVIEW

These appointments are in accordance with applicable Board Policy A-135, "Process for Board of Supervisors Appointments to the Retirement Board," Board Policy I-1, "Planning and Sponsor Group Policies and Procedures," and 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-74, "Citizen Participation in County Boards, Commissions and Committees."

RECOMMENDATION(S)

CHAIRMAN GREG COX

Appoint Marchita Masters to the SOCIAL SERVICES ADVISORY BOARD, Seat No. 2, for a term to expire on January 4, 2021.

CHAIRMAN GREG COX AND SUPERVISOR DIANNE JACOB

Waive Board Policy A-135, "Process for Board of Supervisors Appointments to the Retirement Board" and appoint Thomas Hebrank to the BOARD OF RETIREMENT, Seat No. 9, to complete the remainder of the term expiring June 30, 2020 and re-appoint for the upcoming term to begin on July 1, 2020 and expire on June 30, 2023.

SUPERVISOR DIANNE JACOB

Appoint Thomas Hathorn to the BEHAVIORAL HEALTH ADVISORY BOARD (BHAB), COUNTY OF SAN DIEGO, Seat No. 8, for a term to expire March 12, 2022.

Appoint Danielle Weizman to the VALLE DE ORO COMMUNITY PLANNING GROUP, Seat No. 3, for a term to expire January 4, 2021.

Appoint Jay Steiger to the VALLE DE ORO COMMUNITY PLANNING GROUP, Seat No. 4, for a term to expire January 2, 2023.

Appoint Nick Zundel to the VALLE DE ORO COMMUNITY PLANNING GROUP, Seat No. 12, for a term to expire January 2, 2023.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

- 22. SUBJECT: EXTENDING PROTECTIONS FOR TENANTS AND SMALL BUSINESSES AFFECTED BY THE NOVEL CORONAVIRUS (DISTRICTS: ALL)**

OVERVIEW

The World Health Organization has declared a worldwide pandemic of the COVID-19 disease, also known as “novel coronavirus.” As of this writing, there are 7,100 positive cases and 260 deaths in San Diego County.

Because of the need to limit the spread of the virus, businesses have shuttered and the region’s unemployment rate continues to climb to unprecedented heights. According to the San Diego Association of Governments (SANDAG), the unemployment rate in San Diego County is now estimated to be 30.1 percent. The economic reality posed by COVID-19 impacts the ability of residents and businesses to pay rent. While our region moves cautiously to reopen in a safe manner, the economic impacts will continue to be felt by San Diego residents. Many businesses have permanently shuttered or partially reopened at reduced capacity. As such, a full recovery is a long time away. At a time when we are asking people to continue to stay at home, relief is needed.

San Diego County issued a Local Health Emergency on February 14, 2020, which was followed by a State of Emergency from the California Governor on March 4, 2020. The Governor issued Executive Order N-28-20 on March 16, 2020 which provided local jurisdictions with the authority to enact moratoriums to prevent residential and commercial evictions based on impacts related to the COVID-19 virus. San Diego County adopted an eviction moratorium on March 24, 2020 to protect residential and commercial tenants in the unincorporated area. Executive Order N-28-20 provided eviction moratorium relief through May 31, 2020, and thus the protections in San Diego County expire on May 31, 2020. Because it has been determined by the Public Health Officer that our Local Health Emergency is still warranted and there is still a health and safety risk associated with COVID-19, a one-month extension of the County’s Eviction Moratorium is necessary. Renters are encouraged to pay as much rent as they can, and to set up a rental payment program with their landlord, if feasible.

This action will approve the amended resolution extending the County’s current moratorium by 30-days on evictions for renters and small businesses unable to pay rent or a commercial lease due to COVID-19 (through June 30, 2020).

RECOMMENDATION(S)

CHAIRMAN GREG COX AND SUPERVISOR NATHAN FLETCHER

Adopt the Resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO EXERCISING THE COUNTY'S POLICE POWER TO IMPOSE SUBSTANTIVE LIMITATIONS ON RESIDENTIAL AND COMMERCIAL EVICTIONS IN THE UNINCORPORATED AREA OF SAN DIEGO COUNTY BY EXTENDING RESOLUTION 20-027.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

This action will help support individuals, families and small businesses impacted by COVID-19.

23. SUBJECT: CLOSED SESSION (DISTRICTS: ALL)

OVERVIEW

- A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
Jane Doe v. County of San Diego, et al.; United States District Court, Southern District, No. 19-cv-2335-JM-AGS

- B. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club v. County of San Diego; San Diego County Superior Court No. 37-2018-00043084-CU-TT-CTL

- C. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases – 1)

- D. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases – 1)

- E. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases – 1)

- F. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Initiation of litigation pursuant to paragraph 4 of subdivision (d) of Government Code section 54956.9: (Number of Cases – 1)

- G. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
City of Chula Vista v. Tracy Sandoval, et al.; California Third District Court of Appeal No. C080711



COUNTY OF SAN DIEGO

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: June 2, 2020

21

TO: Board of Supervisors

SUBJECT

APPOINTMENTS: VARIOUS (DISTRICTS: ALL)

OVERVIEW

These appointments are in accordance with applicable Board Policy A-135, "Process for Board of Supervisors Appointments to the Retirement Board," Board Policy I-1, "Planning and Sponsor Group Policies and Procedures," 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," and Board Policy A-74, "Citizen Participation in County Boards, Commissions and Committees."

RECOMMENDATION(S)

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CHAIRMAN GREG COX AND SUPERVISOR DIANNE JACOB

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SUPERVISOR DIANNE JACOB

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Appoint Jay Steiger to the VALLE DE ORO COMMUNITY PLANNING GROUP, Seat No. 4, for a term to expire January 2, 2023.

SUBJECT: APPOINTMENTS: VARIOUS (DISTRICTS: ALL)

Appoint Nick Zundel to the VALLE DE ORO COMMUNITY PLANNING GROUP, Seat No. 12, for a term to expire January 2, 2023.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

County government includes those standing and special citizen boards, commissions, committees, and task forces formed to advise the Board of Supervisors and County staff on issues of policy and to serve as links to the community. County committees are created as a result of State and Federal legislation, agreements with public or private agencies, and local needs.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The proposed appointments enable the standing and special citizen Boards, Commissions, Committees, Groups, and Task Forces to continue to function, as designed, without interruption. This appointment enables the County of San Diego to provide individual citizens the opportunity to impart valuable insight and input into the operation of the government. Recommendations made by these Boards, Commissions, Committees, Groups, and Task Forces pertain to the environment and quality of life of the citizens of the County of San Diego.

Respectfully submitted,



HELEN N. ROBBINS-MEYER
Chief Administrative Officer

ATTACHMENT(S)

Nomination Letters

SUBJECT: APPOINTMENTS: VARIOUS (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:

Board Policy A-135, "Process for Board of Supervisors Appointments to the Retirement Board."
Board Policy I-1, "Planning and Sponsor Group Policies and Procedures." 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-74, "Citizen Participation in County Boards, Commissions and Committees."

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

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

N/A

ORIGINATING DEPARTMENT: Clerk of the Board of Supervisors

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Erin Demorest

Name

619-531-5432

Phone

Erin.demorest@sdcounty.ca.gov

E-mail

Name

Phone

E-mail

Approval Log For:

6.2.2020 BOS Appointments.docx

6.2.2020 Supporting Docs.pdf

Approver's Name	Approvers Job Title	Approver's Department	Time and Date of Final Approval
Erin Demorest		Clerk Board/Supervisors	5/29/2020 8:33:23 AM



COUNTY OF SAN DIEGO
2020 MAY 27 PM 1:58
CLERK OF THE BOARD
OF SUPERVISORS

GREG COX
CHAIRMAN
SUPERVISOR, FIRST DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM

DATE: June 2, 2020

TO: Board of Supervisors

SUBJECT
**APPOINTMENT TO THE SOCIAL SERVICES ADVISORY BOARD (DISTRICTS:
ALL)**

OVERVIEW
Appointment to the Social Services Advisory Board.

RECOMMENDATION(S)
CHAIRMAN GREG COX
Appoint Marchita Masters to the Social Services Advisory Board, Seat No. 2 for a term to expire on 1/4/2021.

FISCAL IMPACT

n/a

BUSINESS IMPACT STATEMENT

n/a

ADVISORY BOARD STATEMENT

n/a

BACKGROUND

Application attached

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

n/a

Respectfully submitted,


GREG COX
Chairman

SUBJECT: APPOINTMENT TO THE SOCIAL SERVICES ADVISORY BOARD

ATTACHMENT(S)
Application

SUBJECT: APPOINTMENT TO THE SOCIAL SERVICES ADVISORY BOARD

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: Board of Supervisors, District 1n/a

OTHER CONCURRENCE(S): n/a

CONTACT PERSON(S):

Khea Pollard

Name

619-531-5511

Phone

Khea.Pollard@sdcountry.ca.gov

E-mail

Name

Phone

E-mail



COUNTY OF SAN DIEGO

APPLICATION FOR COUNTY OF SAN DIEGO BOARD, COMMISSION, OR COMMITTEE

COUNTY OF SAN DIEGO
2020 MAY 28 AM 11:00
CLERK OF THE BOARD OF SUPERVISORS

(For Official Use Only)

INSTRUCTIONS: Please complete this form in its entirety. Be sure to include the full title of the Board, Commission or Committee for which you desire consideration. Note the additional requirements listed at the bottom of the second page.

Please note that this application is a public record subject to disclosure. This application will be maintained for a period of one year. After one year, it is necessary to file a new application for another year of eligibility

Submit the completed application to the Clerk of the Board of Supervisors, BCC Desk, 1600 Pacific Highway, Room 402, San Diego, CA 92101-2471 or via e-mail at bcc@sdcounty.ca.gov

Masters <i>Last Name</i>	Marchita <i>First Name</i>
Social Services Advisory Board <i>Name of Board, Committee, or Commission to Which You are Applying for Membership</i>	3 <i>Supervisorial District You Live In</i>

County boards, commissions, and committees meet at times mutually satisfactory to the members. Day meetings are more common than evening meetings. Will you be able to schedule your time accordingly? Yes No

Please list any time restrictions

What are your principal areas of interest in County Government?
Mental health, social services, homelessness, substance abuse, adoption, foster care, justice system.

List all County Boards, Commissions or Committees of which you are a current member.

<i>Committee Name</i>	<i>Date Appointed</i>

List past County appointments with dates served, and other past or present community or public service appointments.

<i>Committee/Organization Name</i>	<i>Dates Served</i>

STATEMENT OF OCCUPATIONAL EXPERIENCE

<u>Telemed2u</u>	
<i>Current Employer</i>	
<u>Contract Psychologist</u>	<u>1.5 yrs</u>
<i>Job Title</i>	<i>Length of Employment</i>

Previous Employers	Position Title	Length of Employment
<u>American Well</u>	<u>Contract Psychologist</u>	<u>1.5 yrs</u>
<u>San Ysidro Health</u>	<u>Staff Psychologist</u>	<u>5.75 yrs</u>
<u>RJ Donovan Correctional Institution</u>	<u>Contract Psychologist</u>	<u>10 mths</u>
<u>County of San Diego</u>	<u>Sr. Clinical Psychologist</u>	<u>10 yrs</u>

What experience or special knowledge can you bring to your area(s) of interest?

I am a licensed Clinical Psychologist with over thirty years of therapeutic experience with children, adolescents, adults, couples and families as well ethnically diverse populations and the LGBTQ community. I have worked in a variety of treatment environments, including private practice, psychiatric hospitals, non-profit organizations, public schools, juvenile halls, probation honor camps, prisons and community medical clinics. I have demonstrated abilities encompassing a broad spectrum of skills including, but not limited to, individual, group and marital/family therapy; psychological assessment; trauma treatment; cognitive therapy; psycho-educational groups; program development and supervision of clinicians and doctoral interns.


Please list community organizations to which you belong:

Association of Black Psychologists

NOTE: Candidates for the Air Pollution Control District Hearing Board, Assessment Appeals Board, County Hearing Officer, Eye Gnat Abatement Appeals Board, Fly Abatement and Appeals Board and/or Planning Commission, are required to submit evidence of their qualifications and a Statement of Incompatible Activities Related to County Duties (Form 519) that can be found on the Clerk of the Board's website at: www.sandiegocounty.gov/content/sdc/cob/forms.html. Candidates may be asked to provide additional information.

Membership qualifications for all County Boards, Commissions and Committees may be accessed through the Clerk of the Board's website at www.sandiegocounty.gov/cob/bcac/ or by calling (619) 531-5600. This Application will be considered complete when such requirements are provided by the applicant.

By signing below, I declare that the information provided above is accurate and complete to the best of my knowledge.



Applicant's Signature

2/25/20

Date

CONTACT INFORMATION

Note: Personal information may be withheld from public view as allowed by law.

Masters <i>Last Name</i>	Marchita <i>First Name</i>
Social Services Advisory Board <i>Name of Board, Committee, or Commission to Which You are Applying for Membership</i>	3 <i>Supervisorial District You Live In</i>

Home Street Address	City	State	Zip
Mailing Address (if different than home address)	City	State	Zip
Business Street Address	City	State	Zip
Home Phone #	Business Phone #		
Mobile Phone #	Fax #		
E-Mail Address			

COUNTY OF SAN DIEGO

2020 MAY 28 PM 1:06

CLERK OF THE BOARD
OF SUPERVISORS

DATE: June 2, 2020

TO: BOARD OF SUPERVISORS

SUBJECT: Appointment to BEHAVIORAL HEALTH ADVISORY BOARD
(BHAB), COUNTY OF SAN DIEGO, Seat No. 8

Recommendation:
SUPERVISOR DIANNE JACOB

Appoint Thomas Hathorn to the BEHAVIORAL HEALTH ADVISORY BOARD
(BHAB), COUNTY OF SAN DIEGO, Seat No. 8 for a term to expire on March 12,
2022.

Background information:
Thomas Hathorn

[REDACTED]

Respectfully submitted,



DIANNE JACOB
Supervisor, Second District



COUNTY OF SAN DIEGO

APPLICATION FOR COUNTY OF SAN DIEGO BOARD, COMMISSION, OR COMMITTEE

COUNTY OF SAN DIEGO

2020 MAY 28 PM 1:06

CLERK OF THE BOARD OF SUPERVISORS (For Official Use Only)

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Submit the completed application to the Clerk of the Board of Supervisors, BCC Desk, 1600 Pacific Highway, Room 402, San Diego, CA 92101-2471 or via e-mail at bcc@sdcounty.ca.gov

Form with fields for Last Name (Hathorn), First Name (Thomas), Name of Board (Behavioral Health Advisory), and Supervisorial District (4).

Form asking if applicant can schedule time for meetings, with Yes/No options and a field for time restrictions.

Form asking for principal areas of interest in County Government, with handwritten response: Substance abuse, homelessness, mental health, job creation.

Form asking for current County Boards, Commissions or Committees, with a table for Committee Name and Date Appointed.

Form asking for past County appointments with dates served, with a table for Committee/Organization Name and Dates Served.

STATEMENT OF OCCUPATIONAL EXPERIENCE

Genesis Recovery, Inc. & Boardwalk Recovery Center	
<i>Current Employer</i>	
Exec. Dir. & Owner/ CEO	8 yrs & 2 yrs
<i>Job Title</i>	<i>Length of Employment</i>

Previous Employers	Position Title	Length of Employment
Grani Installations	Foreman	15 yrs

What experience or special knowledge can you bring to your area(s) of interest?

Since 2004 my experience in the area of substance abuse and mental health has given me a unique perspective on effective treatment and recovery. I have built 3 successful and effective treatment programs that have produced some of the highest success rates in the county. My first hand experience in providing treatment to individuals that struggle with addiction and mental illness will be beneficial to any board or team I am a part of. I currently utilize evidence based modalities that yield positive results in these areas.


Please list community organizations to which you belong:

N/a

NOTE: Candidates for the Air Pollution Control District Hearing Board, Assessment Appeals Board, County Hearing Officer, Eye Gnat Abatement Appeals Board, Fly Abatement and Appeals Board and/or Planning Commission, are required to submit evidence of their qualifications and a Statement of Incompatible Activities Related to County Duties (Form 519) that can be found on the Clerk of the Board's website at: www.sandiegocounty.gov/content/sdc/cob/forms.html. Candidates may be asked to provide additional information.

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By signing below, I declare that the information provided above is accurate and complete to the best of my knowledge.









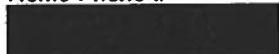

 _____

Applicant's Signature Date 5/27/2020

CONTACT INFORMATION

Note: Personal information may be withheld from public view as allowed by law.

Hathorn <i>Last Name</i>	Thomas <i>First Name</i>
Behavioral Health Advisory <i>Name of Board, Committee, or Commission to Which You are Applying for Membership</i>	4 <i>Supervisorial District You Live In</i>

 <i>Home Street Address</i>	 <i>City</i>		 <i>Zip</i>
<i>Mailing Address (if different than home address)</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
 <i>Business Street Address</i>	 <i>City</i>		 <i>Zip</i>
<i>Home Phone #</i> 	<i>Business Phone #</i>		
<i>Mobile Phone #</i> 	<i>Fax #</i>		
<i>E-Mail Address</i>			



COUNTY OF SAN DIEGO

2020 MAY 29 AM 11:49

CLERK OF THE BOARD
OF SUPERVISORS

COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

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

AGENDA ITEM

DATE: June 2, 2020

22

TO: Board of Supervisors

SUBJECT

**EXTENDING PROTECTIONS FOR TENANTS AND SMALL BUSINESSES
AFFECTED BY THE NOVEL CORONAVIRUS PANDEMIC (DISTRICTS: ALL)**

OVERVIEW

The World Health Organization has declared a worldwide pandemic of the COVID-19 disease, also known as "novel coronavirus." As of this writing, there are 7,100 positive cases and 260 deaths in San Diego County.

Because of the need to limit the spread of the virus, businesses have shuttered and the region's unemployment rate continues to climb to unprecedented heights. According to the San Diego Association of Governments (SANDAG), the unemployment rate in San Diego County is now estimated to be 30.1 percent. The economic reality posed by COVID-19 impacts the ability of residents and businesses to pay rent. While our region moves cautiously to reopen in a safe manner, the economic impacts will continue to be felt by San Diego residents. Many businesses have permanently shuttered or partially reopened at reduced capacity. As such, a full recovery is a long time away. At a time when we are asking people to continue to stay at home, relief is needed.

San Diego County issued a Local Health Emergency on February 14, 2020, which was followed by a State of Emergency from the California Governor on March 4, 2020. The Governor issued Executive Order N-28-20 on March 16, 2020 which provided local jurisdictions with the authority to enact moratoriums to prevent residential and commercial evictions based on impacts related to the COVID-19 virus. San Diego County adopted an eviction moratorium on March 24, 2020 to protect residential and commercial tenants in the unincorporated area. Executive Order N-28-20 provided eviction moratorium relief through May 31, 2020, and thus the protections in San Diego County expire on May 31, 2020. Because it has been determined by the Public Health Officer that our Local Health Emergency is still warranted and there is still a health and safety risk associated with COVID-19, a one-month extension of the County's Eviction Moratorium is necessary. Renters are encouraged to pay as much rent as they can, and to set up a rental payment program with their landlord, if feasible.

SUBJECT: EXTENDING PROTECTIONS FOR TENANTS AND SMALL BUSINESSES AFFECTED BY THE NOVEL CORONAVIRUS PANDEMIC (DISTRICTS: ALL)

This action will approve the amended resolution extending the County's current moratorium by 30-days on evictions for renters and small businesses unable to pay rent or a commercial lease due to COVID-19 (through June 30, 2020).

RECOMMENDATION(S)

CHAIRMAN GREG COX and SUPERVISOR NATHAN FLETCHER

Adopt the Resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO EXERCISING THE COUNTY'S POLICE POWER TO IMPOSE SUBSTANTIVE LIMITATIONS ON RESIDENTIAL AND COMMERCIAL EVICTIONS IN THE UNINCORPORATED AREA OF SAN DIEGO COUNTY BY EXTENDING RESOLUTION 20-027

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

This action will help support individuals, families and small businesses impacted by COVID-19.

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The World Health Organization has declared a worldwide pandemic of the COVID-19 disease, also known as "novel coronavirus." As of this writing, there are 7,100 positive cases and 260 deaths in San Diego County.

Because of the need to limit the spread of the virus, businesses have shuttered and the region's unemployment rate continues to climb to unprecedented heights. According to the San Diego Association of Governments (SANDAG), the unemployment rate in San Diego County is now estimated to be 30.1 percent. The economic reality posed by COVID-19 impacts the ability of residents and businesses to pay rent. While our region moves cautiously to reopen in a safe manner, the economic impacts will continue to be felt by San Diego residents. Many businesses have permanently shuttered and a full recovery is a long time away. At a time when we are asking people to continue to stay at home, relief is needed.

San Diego County issued a Local Health Emergency on February 14, 2020, which was followed by a State of Emergency from the California Governor on March 4, 2020. The Governor issued Executive Order N-28-20 on March 16, 2020 which provided local jurisdictions with the authority to enact moratoriums to prevent residential and commercial evictions based on impacts related to the COVID-19 virus. San Diego County adopted an eviction moratorium on March 24, 2020 to protect residential and commercial tenants in the unincorporated area. Executive Order N-28-20 provided eviction moratorium relief through May 31, 2020, and thus the protections in San Diego County expire on May 31, 2020. Because it has been determined by the Public Health Officer that

**SUBJECT: EXTENDING PROTECTIONS FOR TENANTS AND SMALL
BUSINESSES AFFECTED BY THE NOVEL CORONAVIRUS PANDEMIC
(DISTRICTS: ALL)**

our Local Health Emergency is still warranted and there is still a health and safety risk associated with COVID-19, a one-month extension of the County's Eviction Moratorium is necessary. Renters are encouraged to pay as much rent as they can, and to set up a rental payment program with their landlord, if feasible.

This action will approve the amended resolution extending the County's current moratorium by 30 days on evictions for renters and small businesses unable to pay rent or a commercial lease due to COVID-19 (through June 30, 2020).

We urge your support.

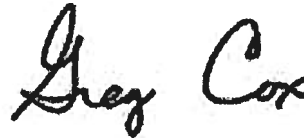
LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action to place a moratorium on evictions for renters and commercial tenants supports the Thriving Strategic Initiative in the County of San Diego's 2020-2025 Strategic Plan by keeping San Diegans housed and small businesses in operation.

Respectfully submitted,



NATHAN FLETCHER
Supervisor, 4th District



GREG COX
Supervisor, 1st District

ATTACHMENT:
RESOLUTION 20-027

SUBJECT: EXTENDING PROTECTIONS FOR TENANTS AND SMALL
BUSINESSES AFFECTED BY THE NOVEL CORONAVIRUS PANDEMIC
(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:

March 24, 2020 (19), Protecting Tenants, Homeowners and small businesses affected by the novel coronavirus pandemic

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 4 and 1 Board of Supervisors

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

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**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SAN DIEGO EXERCISING THE COUNTY'S
POLICE POWER TO IMPOSE SUBSTANTIVE LIMITATIONS ON
RESIDENTIAL AND COMMERCIAL EVICTIONS IN THE
UNINCORPORATED AREA OF SAN DIEGO COUNTY BY
EXTENDING RESOLUTION 20-027**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared a Public Health Emergency of International Concern as a result of the COVID-19 virus. On January 31, 2020, the United States Secretary of Health and Human Services also declared a Public Health Emergency of the COVID-19 virus; and

WHEREAS, on February 14, 2020, the San Diego County Health Officer declared a Local Health Emergency as a result of the COVID-19 virus, which was subsequently ratified by the Board of Supervisors on February 19, 2020; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19. The declaration was issued as the number of positive California cases continued to rise and following one official COVID-19 death; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Public Health, and the San Diego County Department of Public Health have all issued recommendations, including, but not limited to, social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, on March 12, 2020 and as subsequently amended the County Order prohibits all public or private "gatherings," an event or convening that brings together 10 or more people in a single room or single space at the same time, the closure of all bars, adult entertainment establishments, and other business establishments that serve alcohol and do not serve food, the

closure of on-site dining of all restaurants and other business establishments that serve food, and cessation of classes or other school activities where students gather on the school campus for all public or private schools, colleges, and universities; and

WHEREAS, pursuant to Health and Safety Code section 120175.5(b) and the County Order, all governmental entities in San Diego County are required to take necessary measures within the governmental entity's control to ensure compliance with the County Order; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities to address the COVID-19 virus, many tenants in the unincorporated areas of the County of San Diego have experienced or are expected to soon experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, displacing renters who are unable to pay rent due to these types of financial impacts will worsen the present crisis by making it difficult for them to follow the health guidance of social distancing and isolation, which will put tenants and many others at great risk; and

WHEREAS, it is in the public interest to take steps to ensure that people remain housed during this public health emergency; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures; and

WHEREAS promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS, on March 24, 2020, the County of San Diego enacted Resolution No. 20-027 imposing limitations on evictions for residential and commercial tenants of the unincorporated areas of San Diego County through May 31, 2020; and

WHEREAS, there is an urgent need for the County of San Diego to continue such substantive limitations set forth in Resolution No. 20-027 to protect the health, safety and welfare of its citizens in light of the emergency declared regarding the COVID-19 pandemic; and

WHEREAS, the Board of Supervisors for the County of San Diego desires to extend the temporary moratorium on residential and commercial evictions due to the uncertainty of the public health projections that require people to remain at home and the significant number of workers who have suddenly lost jobs, along with the instability in housing and the general economic forecasts all due to the impacts of the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors for the County of San Diego as follows:

1. The provisions of the Governor's Executive Order N-28-20, including its recitals, are incorporated herein as if fully set forth.
2. The above recitals, and the recitals in the Governor's declaration, are true and correct.
3. There is an urgent need for the County of San Diego to continue such substantive limitations set forth in Resolution No. 20-027 to protect the health, safety and welfare of its citizens in light of the emergency declared regarding the COVID-19 pandemic;
4. Lease-Rent Eviction Moratorium. Pursuant to the general police power of the County to protect the health, safety and welfare of its citizens, a temporary moratorium on eviction for non-payment of rent by residential or commercial tenants (collectively "tenant") impacted by the COVID-19 virus and located in the unincorporated areas of the County of San Diego is hereby enacted as follows:
 - a. It shall be unlawful and prohibited for a landlord to evict or otherwise recover possession of a residential or commercial tenant for nonpayment of rent due on or after March 4, 2020, if the tenant has provided notice to the landlord within 7 days after the date rent was due, or within 7 days after March 24, 2020, the effective date of this resolution, whichever is later, that the tenant is unable to pay rent due to financial impacts related to COVID -19.
 - b. For purposes of this resolution, "financial impacts related to COVID-19" is defined as follows:
 - i. a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - ii. The decrease in household or business income or the out-of-pocket medical expenses describe in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and
 - iii. The decrease in household or business income or the out-of-pocket

medical expenses described in subparagraph (i) and causation by COVID-19 described in subparagraph (ii) must be documented in writing.

- c. For purposes of this resolution, "notice" must be given in writing and delivered pursuant to the notice required under the terms of a lease. If no lease exists, the notice must be delivered personally, mail or email to landlord, landlord's representative or agent, at the address where rent is customarily paid.
 - d. Upon receipt of notice from the tenant pursuant to this resolution, a landlord who already commenced eviction proceedings must immediately stop.
 - e. Within two weeks of providing notice under subsections (a) and (c), the tenant shall provide the landlord documentation or other objectively verifiable information that due to financial impacts related to COVID-19, the tenant is unable to pay rent. Documentation may include, but is not limited to, letters from employers, financial statements, business records, physician's letter, bills, and/or a combination thereof.
 - f. If the tenant does not provide evidence of financial impacts related to COVID-19 within the time frame described in subsection (e), the landlord may pursue any enforcement action in accordance with state and local laws.
 - g. Nothing in this resolution shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.
 - h. On **July 1, 2020**, a tenant who provided the notice and documentation required under subsections (a) through (e) shall have up to three months to pay the rent owed to the landlord before the landlord may recover possession due to missed rent payments covered by this resolution. If the tenant remains unable to pay the rent due to the financial impacts related to COVID-19, the tenant may provide the landlord another notice and additional documentation pursuant to subsections (a) through (e) and thereby extend the payment date by an additional one month. The landlord and tenant can agree voluntarily to extend the payment date beyond the five-month period provided in this resolution, but it is not covered by this resolution.
 1. A landlord may not charge or collect a late for rent covered by this resolution that is delayed for the reasons stated in this resolution.
5. This resolution shall be effective June 1, 2020 and shall remain in effect through June 30, 2020.

Approved as to form and legality
THOMAS E. MONTOMGERY

By Laura E. Dolan, Senior Deputy

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COUNTY OF SAN DIEGO

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: June 2, 2020

TO: Board of Supervisors

SUBJECT
CLOSED SESSION (DISTRICTS: ALL)

OVERVIEW

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Jane Doe v. County of San Diego, et al.; United States District Court, Southern District, No. 19-cv-2335-JM-AGS
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club v. County of San Diego; San Diego County Superior Court No. 37-2018-00043084-CU-TT-CTL
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases – 1)
- D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases – 1)
- E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases – 1)
- F. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph 4 of subdivision (d) of Government Code section 54956.9: (Number of Cases – 1)

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CLERK OF THE BOARD
OF SUPERVISORS

2020 MAY 29 PM 12:08

COUNTY OF SAN DIEGO

SUBJECT: CLOSED SESSION (DISTRICTS: ALL)

G. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
City of Chula Vista v. Tracy Sandoval, et al.; California Third District
Court of Appeal No. C080711

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER
At the direction of the Board.

FISCAL IMPACT
N/A

BUSINESS IMPACT STATEMENT
N/A

ADVISORY BOARD STATEMENT
N/A

BACKGROUND
N/A

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN
N/A

Respectfully submitted,

Thomas D. Bunton

THOMAS E. MONTGOMERY
County Counsel

ATTACHMENT(S)
N/A

SUBJECT: CLOSED SESSION (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: Office of County Counsel

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Thomas E. Montgomery

Name

531-4860

Phone

E-mail

Name

Phone

E-mail

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