

CLERK OF THE BOARD OF SUPERVISORS
BOARD OF SUPERVISORS MEETING
TUESDAY, SEPTEMBER 15, 2020
Legislative Services Section: (619) 531-5434

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SEPTEMBER 2020 VALLEY FIRE (DISTRICT: 2)
- 32. SUPPORT FOR CALIFORNIA PROPOSITION 20, THE REDUCING CRIME
AND KEEPING CALIFORNIA SAFE ACT OF 2020 (DISTRICTS: ALL)
- 33. INVESTING IN SAN DIEGO FAMILIES: EXPLORING LEARNING
HUBS ON COUNTY CAMPUSES TO SUPPORT OUR EMPLOYEES
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COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
TUESDAY, SEPTEMBER 15, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance
- D. Presentation or Announcement of Proclamations and Awards
- E. Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.
- F. Approval of the Statement of Proceedings/Minutes for the meeting of August 04, 2020; the Board of Supervisors Budget Hearings of August 10, 2020 and August 12, 2020; and, the Board of Supervisors Budget Deliberations of August 25, 2020.
- G. Formation of Consent Calendar
- H. Discussion Items
- I. Time Certain: 10 a.m.**
Item 06: RECEIVE PRESENTATION ON THE HEALTH OF THE SAN DIEGO
COUNTY REGION AS IT RELATES TO THE IMPACT OF THE COVID-19
PANDEMIC (DISTRICTS: ALL)

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

Supporting documentation and attachments for items listed on this agenda can be viewed online at www.sandiegocob.com or in the Office of the Clerk of the Board of Supervisors at the County Administration Center, 1600 Pacific Highway, Room 402, San Diego, CA 92101.

ASSISTANCE FOR PERSONS WITH DISABILITIES:

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

Board of Supervisors' Agenda Items

Category	#	Subject
Public Safety	1.	NOTICED PUBLIC HEARING: SAN DIEGO COUNTY FIRE AUTHORITY - FIRE MITIGATION FEE PROGRAM RESOLUTION TO ADOPT THE FIVE-YEAR CAPITAL FACILITIES AND EQUIPMENT PLAN FOR COUNTY SERVICE AREA NO. 135 AND RECEIVE THE FISCAL YEAR 2018-19 COMPREHENSIVE ANNUAL AND FIVE-YEAR REPORT
	2.	ACCEPTANCE OF A DONATION FROM THE SAN DIEGO FIRE-RESCUE FOUNDATION FOR THE USE OF REGIONAL INTERRA SOFTWARE BY COUNTY FIRE (4 VOTES)
	3.	FIRE AUTHORITY - ACCEPTANCE OF DONATIONS FROM THE SAN DIEGO REGIONAL FIRE FOUNDATION
	4.	SAN DIEGO COUNTY FIRE AUTHORITY - REQUEST TO EXECUTE ASSISTANCE-BY-HIRE REVENUE AGREEMENTS [FUNDING SOURCE: ASSISTANCE-BY-HIRE REVENUE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)]
	5.	SHERIFF - RATIFY THE ACCEPTANCE OF A DONATION FROM A NEW PATH
Health and Human Services	6.*	RECEIVE PRESENTATION ON THE HEALTH OF THE SAN DIEGO COUNTY REGION AS IT RELATES TO THE IMPACT OF THE COVID-19 PANDEMIC <u>TIME CERTAIN: 10:00 A.M.</u>
	7.*	RECEIVE UPDATE ON THE COVID-19 RESPONSE, RATIFY ACTIONS, RECEIVE UPDATE ON ALLOCATION OF CARES ACT FUNDS FOR TESTING, TRACING AND TREATMENT, AUTHORIZE ACCEPTANCE OF COVID-19 EPIDEMIOLOGY AND LABORATORY CAPACITY ENHANCING DETECTION FUNDING, AUTHORIZE A SINGLE SOURCE CONTRACT WITH THE UNIVERSITY OF CALIFORNIA, SAN DIEGO, AND AUTHORIZE ANY OTHER ACTION NECESSARY TO ADDRESS THE COVID-19 PANDEMIC
	8.*	RECEIVE UPDATE ON THE AGING ROADMAP AND THE COUNTY'S AGING INITIATIVES
	9.	RECEIVE UPDATE ON BOLSTERING THE OFFICE OF MILITARY & VETERANS AFFAIRS

*Presentation

10. ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE JOINT APPLICATION TO THE HOMEKEY PROGRAM
[FUNDING SOURCES: STATE ALLOCATED FUNDING FROM THE HOMEKEY PROGRAM AND EXISTING RESOURCES WITHIN HHSA THAT MAY INCLUDE HHSA MANAGEMENT RESERVES OR CARES ACT CORONAVIRUS RELIEF FUND ALLOCATIONS DEPENDING ON AVAILABILITY]
11. AUTHORIZATION TO APPLY FOR AND ACCEPT FUNDING FOR THE HOUSING NAVIGATORS PROGRAM AND ADOPT A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF ALLOCATION AWARD UNDER THE HOUSING NAVIGATORS PROGRAM
[FUNDING SOURCES: FUNDING FROM THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE HOUSING NAVIGATORS PROGRAM]
12. APPROVAL OF AND AUTHORIZATION TO EXECUTE THE CALIFORNIA MUTUAL AID REGION I AND VI INTER-REGION COOPERATIVE AGREEMENT FOR EMERGENCY MEDICAL AND HEALTH DISASTER SERVICES, AND TO PURSUE FUTURE FUNDING OPPORTUNITIES TO SUPPORT THIS MUTUAL AID COLLABORATION
13. AUTHORIZATION FOR AMENDMENTS TO EXTEND EXISTING BEHAVIORAL HEALTH SERVICES CONTRACTS, EXECUTE REVENUE AGREEMENT AND AMEND A MEMORANDUM OF UNDERSTANDING
14. INSTALLATION OF WATER FILLING STATIONS AT COUNTY FACILITIES TO REDUCE PLASTIC WATER BOTTLE USE
15. NOTICED PUBLIC HEARING:
ISSUANCE OF REVENUE BONDS BY THE COLORADO HEALTH FACILITIES AUTHORITY FOR THE BENEFIT OF COVENANT LIVING COMMUNITIES AND SERVICES (F/K/A COVENANT RETIREMENT COMMUNITIES, INC.) AND CERTAIN AFFILIATES, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$90,000,000

Land Use and
Environment

Financial and
General
Government

16. NOTICED PUBLIC HEARING:
ISSUANCE OF REVENUE OBLIGATIONS BY THE
CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY
FOR THE BENEFIT OF JUNIOR ACHIEVEMENT OF SAN
DIEGO, INC. IN AN AGGREGATE AMOUNT NOT TO
EXCEED \$3,000,000
17. NEIGHBORHOOD REINVESTMENT AND COMMUNITY
ENHANCEMENT PROGRAM GRANTS (DISTRICT: 1)
[FUNDING SOURCES: GENERAL PURPOSE REVENUE AND
TRANSIENT OCCUPANCY TAX REVENUES]
(4 VOTES)
18. SAN DIEGO COUNTY SMALL BUSINESS STIMULUS
PROGRAM GRANTS (DISTRICT: 1)
[FUNDING SOURCE: FEDERAL CARES ACT
CORONAVIRUS RELIEF FUND]
19. SAN DIEGO COUNTY SMALL BUSINESS STIMULUS
PROGRAM GRANTS (DISTRICT: 5)
[FUNDING SOURCE: FEDERAL CARES ACT
CORONAVIRUS RELIEF FUND]
20. SAN DIEGO COUNTY SMALL BUSINESS STIMULUS
PROGRAM GRANTS (DISTRICT: 2)
[FUNDING SOURCE: FEDERAL CARES ACT
CORONAVIRUS RELIEF FUND]
21. SAN DIEGO COUNTY SMALL BUSINESS STIMULUS
PROGRAM GRANTS (DISTRICT: 4)
[FUNDING SOURCE: FEDERAL CARES ACT
CORONAVIRUS RELIEF FUND]
(4 VOTES)
22. NEIGHBORHOOD REINVESTMENT AND COMMUNITY
ENHANCEMENT PROGRAM GRANTS (DISTRICT: 4)
[FUNDING SOURCES: GENERAL PURPOSE REVENUE AND
TRANSIENT OCCUPANCY TAX REVENUES]
- 23.* RECEIVE UPDATE ON THE OFFICE OF EQUITY AND
RACIAL JUSTICE AND THE COUNTY'S DIVERSITY AND
INCLUSION INITIATIVE
- 24.* CITIZENS' LAW ENFORCEMENT REVIEW BOARD
REPORT BACK
25. ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA
MUNICIPAL FINANCE AUTHORITY FOR THE BENEFIT OF
PH FBI SD, LLC, IN AN AGGREGATE AMOUNT NOT TO
EXCEED \$225,000,000

*Presentation

26. ENCINITAS UNION SCHOOL DISTRICT 2020 GENERAL OBLIGATION REFUNDING BONDS, SERIES A AND SERIES B
27. PROPERTY TAX RATES FOR FISCAL YEAR 2020-21
28. AMENDMENTS TO THE COMPENSATION ORDINANCE AND ADMINISTRATIVE CODE (9/15/2020 - FIRST READING; 9/29/2020 - SECOND READING)
[FUNDING SOURCES: COMBINATION OF GENERAL PURPOSE REVENUES AND VARIOUS PROGRAM REVENUES]

Communications Received 29. COMMUNICATIONS RECEIVED

Appointments 30. APPOINTMENTS: VARIOUS

Financial and General Government 31. FEE WAIVERS FOR PROPERTY OWNERS IMPACTED BY THE SEPTEMBER 2020 VALLEY FIRE

32. SUPPORT FOR CALIFORNIA PROPOSITION 20, THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020

33. INVESTING IN SAN DIEGO FAMILIES: EXPLORING LEARNING HUBS ON COUNTY CAMPUSES TO SUPPORT OUR EMPLOYEES AND THEIR CHILDREN WITH DISTANCE LEARNING

34. OPPOSITION TO CALIFORNIA PROPOSITION 15, TAX ON COMMERCIAL AND INDUSTRIAL PROPERTIES FOR EDUCATION AND LOCAL GOVERNMENT FUNDING INITIATIVE

Closed Session 35. CLOSED SESSION

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29. 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

30. SUBJECT: APPOINTMENTS: VARIOUS (DISTRICTS: ALL)**OVERVIEW**

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

RECOMMENDATION(S)**CHAIRMAN GREG COX**

Waive Board Policy A-74, "Citizen Participation in County Boards, Commissions, and Committees," and re-appoint Alleda Harrison as a regular member to the ASSESSMENT APPEALS BOARD 1 (AAB), Seat No. 1, for a term to expire September 4, 2023.

Re-appoint Daniel H. Dennison Jr. as a regular member to the ASSESSMENT APPEALS BOARD 2 (AAB), Seat No. 1, for a term to expire September 4, 2023.

Appoint Yvette McShan to the SOCIAL SERVICES ADVISORY BOARD, Seat No. 2, for a term to expire January 4, 2021.

VICE-CHAIRMAN JIM DESMOND

Appoint Mark S. Wozmak to the HIDDEN MEADOWS COMMUNITY SPONSOR GROUP, Seat No. 5, for a term to expire January 4, 2021.

SUPERVISOR DIANNE JACOB

Appoint Oday Yousif to the VALLE DE ORO COMMUNITY PLANNING GROUP, Seat No. 15, for a term to expire January 4, 2021.

SUPERVISOR NATHAN FLETCHER

Re-appoint Sharon Humphreys to the FLOOD CONTROL DISTRICT ADVISORY COMMISSION, Seat No. 5, for a term to expire January 2, 2023.

CHIEF ADMINISTRATIVE OFFICER

Re-appoint Michael T. Wimpie II to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 1, for a term to expire May 21, 2023.

Re-appoint James C. Dunn to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 2, for a term to expire September 13, 2024.

Re-appoint Raul Robles to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 7, for a term to expire September 13, 2024.

Re-appoint Robert Lewis to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 17, for a term to expire September 13, 2024.

Re-appoint Rhea Van Brocklin to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 18, for a term to expire October 15, 2023.

Re-appoint Regina Underwood to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 19, for a term to expire September 13, 2024.

Re-appoint Delores A. Jacobs to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 20, for a term to expire September 13, 2024.

Re-appoint Cheryl Houk to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 21, for a term to expire September 13, 2024.

Re-appoint Myres Tilghman to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 23, for a term to expire October 18, 2024.

Re-appoint Abigail West to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 29, for a term to expire March 12, 2023.

Re-appoint Karla Torres to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 38, for a term to expire September 13, 2024.

Re-appoint Moira Mar-Tang to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 39, for a term to expire September 13, 2024.

Re-appoint Susan Little to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 41, for a term to expire September 13, 2024.

Appoint Tammy Gillies to the HUMAN RELATIONS COMMISSION, LEON L. WILLIAMS SAN DIEGO COUNTY, Seat No. 10, for a term to expire on September 15, 2022.

Appoint Estela De Los Rios to the HUMAN RELATIONS COMMISSION, LEON L. WILLIAMS SAN DIEGO COUNTY, Seat No. 11, for a term to expire on September 15, 2022.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

31. SUBJECT: FEE WAIVERS FOR PROPERTY OWNERS IMPACTED BY THE SEPTEMBER 2020 VALLEY FIRE (DISTRICT: 2)

OVERVIEW

On March 6, 2002 (18), the Board of Supervisors amended the San Diego County Administrative Code to allow the waiver of plan check review and permit fees for the rebuilding of structures in the unincorporated area or areas in other jurisdictions needing County approvals that were damaged or destroyed by a wildfire or other natural disaster. When this occurs, the Board of Supervisors may adopt a resolution identifying the geographic areas affected by the disaster that are eligible for plan check review and permit fee waivers.

On May 20, 2014 (20), the Board of Supervisors authorized the Assessor/Recorder/County Clerk's Office to issue replacement marriage, birth, and death certificates free of charge for victims of wildfires and future declared emergencies whose documents were destroyed.

On September 5, 2020, a large catastrophic wildfire broke out near Alpine in the Cleveland National Forest prompting evacuations and road closures in numerous communities. Due to severe weather conditions, characterized by extreme high temperatures, Santa Ana wind gusts and low humidity, this wildfire quickly began to burn out of control.

As of September 10, 2020, more than 17,500 acres have been charred by the Valley Fire, with at least 30 homes and 29 accessory structures destroyed and roughly 11 structures damaged by the Valley Fire. In addition, there are nearly 900 fire personnel working around the clock trying to put out the fire which stands currently at 32% containment.

In an effort to assist property owners who lost legal structures in this wildfire, and who now must work through the grief and pain to rebuild their lives, today's action will formally declare the areas damaged by the September 2020 Valley Fire and declare property owners that are impacted by this disaster to be eligible for plan check review and permit fee waivers.

RECOMMENDATION(S)

SUPERVISOR DIANNE JACOB

1. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery to eliminate the plan check review and building permit fees related to the rebuilding of legal structures of like size and location in the unincorporated area that were damaged or destroyed by the September 2020 Valley Fire.
2. Waive the Assessor/Recorder/County Clerk's portion of fees collected pursuant to Health and Safety Code Section 103625 for fees collected for birth certificates, death certificates and marriage certificates, and grant the Assessor/Recorder/County Clerk's Office the authority to issue replacements of these documents free of charge for local residents who have lost their documents during the September 2020 Valley Fire.

3. Waive the Assessor/Recorder/County Clerk's fee for any copy of any property related document recorded or filed in the office of the recorder and grant the Assessor/Recorder/County Clerk's Office the authority to issue replacements of these documents free of charge for local residents who have lost their documents during the September 2020 Valley Fire.
4. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery and grant the Assessor/Recorder/County Clerk's Office the authority to issue birth certificates, death certificates and marriage certificates as well as replacement deeds and other property related documents free of charge for local residents who have lost their documents in the unincorporated area, or areas in other jurisdictions in which county approvals are required, within the perimeter of the areas affected by the September 2020 Valley Fire.
5. Adopt a resolution entitled: "A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS DECLARING THE REBUILDING OF LEGAL STRUCTURES IN THE UNINCORPORATED AREA THAT WERE DAMAGED OR DESTROYED IN THE SEPTEMBER 2020 VALLEY FIRE TO BE ELIGIBLE FOR PLAN CHECK REVIEW AND PERMIT FEE WAIVERS AND TO SUPPORT VICTIMS IN RECOVERING THEIR MARRIAGE CERTIFICATES, BIRTH CERTIFICATES, DEATH CERTIFICATES, DEEDS AND OTHER PROPERTY RELATED DOCUMENTS".
6. Authorize the Director of Planning & Development Services and the San Diego County Fire Authority to work with CALFIRE and other regional fire entities to finalize a map showing the boundaries of the September 2020 Valley Fire and the geographical area eligible for the waivers.

FISCAL IMPACT

If approved, the waiver of plan check review and permit fees associated with rebuilding damaged or destroyed homes, accessory structures and any property related documents will reduce revenues and increase the net general fund allocation by an unknown amount at this time. There will be no increase in staff years.

BUSINESS IMPACT STATEMENT

N/A

32. **SUBJECT: SUPPORT FOR CALIFORNIA PROPOSITION 20, THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020 (DISTRICTS: ALL)**

OVERVIEW

California Proposition 20, The Reducing Crime and Keeping California Safe Act of 2020, provides systematic fixes to problematic sections in AB 109, Proposition 47 and Proposition 57 by addressing loopholes that allow the promulgation of criminal activity.

The adoption of the resolution will indicate the San Diego County Board of Supervisors formal support for the Reducing Crime and Keeping California Safe Act.

RECOMMENDATION(S)

VICE-CHAIRMAN JIM DESMOND AND SUPERVISOR DIANNE JACOB

Adopt the resolution titled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO SUPPORTING PROPOSITION 20, REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020 IN THE NOVEMBER 3, 2020 ELECTION.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

- 33. SUBJECT: INVESTING IN SAN DIEGO FAMILIES: EXPLORING LEARNING HUBS ON COUNTY CAMPUSES TO SUPPORT OUR EMPLOYEES AND THEIR CHILDREN WITH DISTANCE LEARNING (DISTRICTS: ALL)**

OVERVIEW

The beginning of the school year has already started for children across San Diego County, and our employees and families are faced with incredible childcare and technology challenges as they try to adapt to distance learning. Additionally, there are many families across our county that still do not have access to reliable internet service and parents are struggling to help their children be successful in a virtual learning environment.

In January of this year, our Board unanimously approved an initiative to explore opportunities for on-site childcare at County of San Diego campuses. Even before our region was grappling with the unintended consequences of the global pandemic, this Board committed to take a closer look into the regional childcare crisis and the needs of our employees who often struggle to find reliable and affordable childcare. County staff was directed to bring an innovative solution forward to support our employees and the community by identifying available space on County campuses that could be utilized for childcare. While the urgency of the public health crisis took center stage, this initiative is more critical than ever before. We have an immediate opportunity to build upon this enterprise-wide effort and explore opportunities for on-site childcare in the form of “learning hubs” for school-aged children. This model will address two significant challenges facing our County employees – the lack of available and affordable childcare options to support distance learning and the lack of reliable internet service.

Learning hubs are an innovative model that have already been implemented extensively throughout the City of San Francisco, utilizing City-owned spaces to provide community learning hubs in partnership with community-based providers. Today’s action will direct the Chief Administrative Officer to immediately convene a multi-disciplinary team focused on this initiative and to move forward with a sense of urgency to address this need for our employees and families across the county. This pandemic has forced us to redesign nearly every aspect of our daily life, including how we work and how our children learn. As a County government, we are being pressed to think and respond quickly to serve beyond our normal scope and responsibility. We will continue to adapt and assisting our employees and their school-aged children with nontraditional spaces for learning is critical.

RECOMMENDATION(S)

SUPERVISOR KRISTIN GASPAR

1. Direct the Chief Administrative Officer to immediately explore providing spaces for learning hubs to operate on County of San Diego campuses or other County facilities, in partnership with community-based providers, to increase support for our employees and their children as they adapt to distance learning.
2. Direct the Chief Administrative Officer to report back to the Board in 45 days and 90 days with updates on the progress and implementation of learning hubs.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

34. **SUBJECT: OPPOSITION TO CALIFORNIA PROPOSITION 15, TAX ON COMMERCIAL AND INDUSTRIAL PROPERTIES FOR EDUCATION AND LOCAL GOVERNMENT FUNDING INITIATIVE (DISTRICTS: ALL)**

OVERVIEW

Proposition 15 is a ballot initiative that is scheduled to be presented to California Voters on November 3, 2020. Proposition 15 would amend the California State Constitution to eliminate Proposition 13 protections by creating a *split tax* roll, where Proposition 13 protections for commercial and industrial properties will be eliminated and reassessed on current market value.

Passage of Proposition 15 would create the largest property tax increase in California history at a time when small businesses are already struggling to keep afloat during the historic COVID-19 Pandemic.

Additionally, the San Diego County Assessor's Office will need to substantially increase staff to complete real estate appraisals in San Diego and other counties, audit mixed-use housing projects, audit small businesses for number of employees, process a significant increase in assessment appeals, and defend and litigate valuations.

Today's action will ask the San Diego County Board of Supervisors to go on record opposing Proposition 15 by supporting the recommendation.

RECOMMENDATION(S)

VICE-CHAIRMAN JIM DESMOND AND ASSESSOR ERNEST J. DRONENBURG, JR.

Adopt the resolution titled: RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY OPPOSING PROPOSITION 15, THE CALIFORNIA SCHOOLS AND LOCAL COMMUNITIES FUNDING ACT OF 2020, IN THE NOVEMBER 3, 2020. ELECTION.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

35. SUBJECT: CLOSED SESSION (DISTRICTS: ALL)

OVERVIEW

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
Kimberly Casey v. County of San Diego.; Workers' Compensation Appeals Board, San Diego District No. ADJ112283221
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
Kimberly Casey v. County of San Diego.; Workers' Compensation Appeals Board, San Diego District No. ADJ9132769
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
David Roberts v. County of San Diego; Workers' Compensation Appeals Board, San Diego District No. ADJ10692023
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
Douglas Hansen v. County of San Diego Sheriff's Department; Workers' Compensation Appeals Board, San Diego District No. ADJ8536892
- E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
State of California ex rel. OnTheGo Wireless, LLC v. Cellco Partnership d/b/a Verizon, et al.; Sacramento Superior Court Case No. 34-2012-00127517
- F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
In re: E.V.; San Diego County Superior Court Case No. 00520239
- G. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
Andrew Santillan, et al. v. Ruben Medina, et al.; United States District Court, Southern District, No. 19cv1552-WQH-NLS
- H. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
S.A.C., a minor, et al. v. Christopher Villanueva; United States District Court, Southern District, No. 17cv01893-LAB-BLM
- I. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
James Soler v. County of San Diego, et al.; United States District Court, Southern District, No. 14cv2470-MMA-RBB

- J. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Michael A. Hartsell v. County of San Diego, et al.; United States District Court,
Southern District, No. 16cv1094-LAB-LL
- K. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
D.C., et al. v. County of San Diego, et al.; United States District Court, Southern
District, No. 18cv00013-WQH-DEB
- L. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club, et al. v. County of San Diego; San Diego County Superior Court No.
37-2018-0001-14081-CU-TT-CTL
- M. PUBLIC EMPLOYEE APPOINTMENT
(Government Code section 54957)
Title: County Counsel

**SUBJECT: SAN DIEGO COUNTY SMALL BUSINESS STIMULUS PROGRAM
GRANTS (DISTRICT: 4)**

21

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: ☒ Yes ☒ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

☐ Yes ☒ No

PREVIOUS RELEVANT BOARD ACTIONS:

08/04/2020 (03) Approval of additional funding for Economic Stimulus Program dedicated to food service businesses; 05/19/2020 (28) Approval of Economic Stimulus Program

BOARD POLICIES APPLICABLE:

B-58

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 4

OTHER CONCURRENCE(S): County Counsel

CONTACT PERSON(S):

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DATE: September 15, 2020

TO: Board of Supervisors

RE: Schedule of Proposed Grant Recipients

The table below are recommendations from District 4 submitted as allocations from the San Diego County Small Business Stimulus Program Budget (Org 31590) to be used for the purposes by the listed organizations.

Recommendation	Organization Name	Purpose	Allocation
1	Clear Vision Advertisement LLC	Payroll; Rent/Mortgage; Technology	\$5,000
2	100S SEAFOOD BUFFET INC	Payroll; PPE; Rent/Mortgage; Invoices; Reopening Assessment	\$5,000
3	3 Bandas Corporation	Rent/Mortgage	\$5,000
4	3LX Insurance Agency, LLC	Payroll; Rent/Mortgage; Marketing	\$5,000
5	4276 54th place LLC	Rent/Mortgage; Technology; Marketing; Invoices; Cleaning; Training	\$5,000
6	94th Aero Squadron SD Inc.	Innovation; Payroll; PPE; Rent/Mortgage; Invoices; Cleaning	\$5,000
7	A Bunz Burger Joint	Payroll; PPE; Rent/Mortgage; Technology; Cleaning	\$5,000
8	A&C Tires Services Auto Repair Body	Payroll; Rent/Mortgage	\$5,000
9	A. & C. Bobritchi Corp.	Payroll; Rent/Mortgage; Business Activities; Marketing; Invoices	\$5,000
10	Account On Me LLC	Payroll; Marketing; Invoices	\$5,000
11	Achtung Body	Innovation; Payroll; PPE; Rent/Mortgage; Marketing; Cleaning	\$5,000
12	Adams Avenue Business Association	Innovation; Payroll	\$10,000
13	Advanced Machines, Inc	PPE; Technology; Marketing; Cleaning	\$5,000
14	AERO HAIR & NAILS	Innovation; Payroll; PPE; Rent/Mortgage; Invoices; Cleaning	\$5,000
15	afsaneh zokaei dds a professional corporation	Payroll; PPE; Rent/Mortgage; Business Activities; Invoices; Cleaning; Training	\$5,000
16	AguiarJustina Sirenitas daycare	Payroll; PPE; Rent/Mortgage; Technology; Cleaning	\$5,000



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: September 15, 2020

30

TO: Board of Supervisors

SUBJECT

APPOINTMENTS: VARIOUS (DISTRICTS: ALL)

OVERVIEW

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

RECOMMENDATION(S)

CHAIRMAN GREG COX

Waive Board Policy A-74, "Citizen Participation in County Boards, Commissions, and Committees," and re-appoint Alleda Harrison as a regular member to the ASSESSMENT APPEALS BOARD 1 (AAB), Seat No. 1, for a term to expire September 4, 2023.

Re-appoint Daniel H. Dennison Jr. as a regular member to the ASSESSMENT APPEALS BOARD 2 (AAB), Seat No. 1, for a term to expire September 4, 2023.

Appoint Yvette McShan to the SOCIAL SERVICES ADVISORY BOARD, Seat No. 2, for a term to expire January 4, 2021.

VICE-CHAIRMAN JIM DESMOND

Appoint Mark S. Wozmak to the HIDDEN MEADOWS COMMUNITY SPONSOR GROUP, Seat No. 5, for a term to expire January 4, 2021.

SUPERVISOR DIANNE JACOB

Appoint Oday Yousif to the VALLE DE ORO COMMUNITY PLANNING GROUP, Seat No. 15, for a term to expire January 4, 2021.

SUPERVISOR NATHAN FLETCHER

Re-appoint Sharon Humphreys to the FLOOD CONTROL DISTRICT ADVISORY COMMISSION, Seat No. 5, for a term to expire January 2, 2023.

SUBJECT: APPOINTMENTS: VARIOUS (DISTRICTS: ALL)

CHIEF ADMINISTRATIVE OFFICER

Re-appoint Michael T. Wimpie II to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 1, for a term to expire May 21, 2023.

Re-appoint James C. Dunn to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 2, for a term to expire September 13, 2024.

Re-appoint Raul Robles to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 7, for a term to expire September 13, 2024.

Re-appoint Robert Lewis to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 17, for a term to expire September 13, 2024.

Re-appoint Rhea Van Brocklin to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 18, for a term to expire October 15, 2023.

Re-appoint Regina Underwood to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 19, for a term to expire September 13, 2024.

Re-appoint Delores A. Jacobs to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 20, for a term to expire September 13, 2024.

Re-appoint Cheryl Houk to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 21, for a term to expire September 13, 2024.

Re-appoint Myres Tilghman to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 23, for a term to expire October 18, 2024.

Re-appoint Abigail West to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 29, for a term to expire March 12, 2023.

Re-appoint Karla Torres to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 38, for a term to expire September 13, 2024.

Re-appoint Moira Mar-Tang to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 39, for a term to expire September 13, 2024.

Re-appoint Susan Little to the HIV PLANNING GROUP, COUNTY OF SAN DIEGO, Seat No. 41, for a term to expire September 13, 2024.

Appoint Tammy Gillies to the HUMAN RELATIONS COMMISSION, LEON L. WILLIAMS SAN DIEGO COUNTY, Seat No. 10, for a term to expire on September 15, 2022.

Appoint Estela De Los Rios to the HUMAN RELATIONS COMMISSION, LEON L. WILLIAMS SAN DIEGO COUNTY, Seat No. 11, for a term to expire on September 15, 2022.

SUBJECT: APPOINTMENTS: VARIOUS (DISTRICTS: ALL)

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

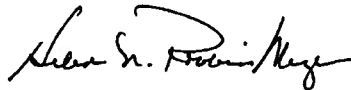
BACKGROUND

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-74, "Citizen Participation in County Boards, Commissions and Committees,"
Board Policy A-77, "Appointments to Fill Vacancies and Cancellation of Election where
Insufficient Nominations Filed Prior to Uniform District Election and Citizen Planning Group
Election," and Board Policy I-1, "Planning and Sponsor Group Policies and Procedures."

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

RE: Appts for final docket



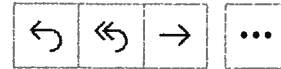
Demorest, Erin

To  Lanham, Samantha

Cc  Porter, Jocelyn N.

Retention Policy: Inbox/Subfolders (Never)

Expires: Never



10:30 AM

Hi Sam,

These appointments haven't come through in the EA system, so please use this email for approval of this item.

Thank you,

Erin Demorest | Assistant Clerk of the Board
County of San Diego Clerk of the Board of Supervisors
1600 Pacific Highway, Rm. 402, San Diego, CA 92101
Office: (619) 531-5432

✉ erin.demorest@sdcounty.ca.gov

🌐 www.sandiegocob.com

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COUNTY OF SAN DIEGO
2020 SEP 10 PM 12:24
CLERK OF THE BOARD
OF SUPERVISORS



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

AGENDA ITEM

DATE: September 15, 2020

TO: Board of Supervisors

SUBJECT

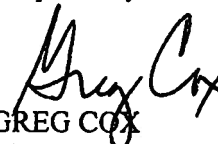
Re-appointment to Assessment Appeals Board Vacancies, District 1 (DISTRICTS: ALL)

RECOMMENDATION(S)

CHAIRMAN GREG COX

1. Waive Board Policy A-74, "Citizen Participation in County Boards, Commissions and Committees," and re-appoint Alleda Harrison to the Assessment Appeals Board 1, Seat No. 1. for a term to expire September 4, 2023.
2. Re-appoint Daniel Dennison to the Assessment Appeals Board 2, Seat No. 1, for a term to expire September 4, 2023.

Respectfully submitted,


GREG COX
Chairman

SUBJECT: RE-APPOINTMENT TO ASSESSMENT APPEALS BOARD VACANCIES,
DISTRICT 1 (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: District 1, Board of Supervisors

OTHER CONCURRENCE(S): n/a

CONTACT PERSON(S):

Marvin Mayorga

Name

619-531-5511

Phone

Marvin.Mayorga@sdcounty.ca.gov

E-mail

Name

Phone

E-mail

COUNTY OF SAN DIEGO
2020 SEP 10 PM 1:15
CLERK OF THE BOARD
OF SUPERVISORS



NATHAN FLETCHER

SUPERVISOR, FOURTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: September 15, 2020

TO: BOARD OF SUPERVISORS

SUBJECT: Appointment to FLOOD CONTROL DISTRICT ADVISORY COMMISSION,
Seat No. 5

Recommendation:

SUPERVISOR NATHAN FLETCHER

Re-appoint Sharon Humphreys to the FLOOD CONTROL DISTRICT ADVISORY
COMMISSION, Seat No. 5 for a term to expire January 2, 2023.

Background information:

Sharon Humphreys



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nathan Fletcher".

NATHAN FLETCHER
Supervisor, Fourth District



County of San Diego

HELEN N. ROBBINS-MEYER
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6228
FAX (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE
1600 PACIFIC HIGHWAY, SUITE 209 SAN DIEGO, CA 92101-2422

TRACY M. SANDOVAL
ASST. CHIEF ADMINISTRATIVE OFFICER
(619) 531-4940
FAX (619) 557-4060

September 9, 2020

TO: Andrew Potter
Clerk of the Board

FROM: Helen Robbins-Meyer
Chief Administrative Officer

CONFIRMATION OF MEMBERS TO THE LEON L. WILLIAMS SAN DIEGO COUNTY HUMAN RELATIONS COMMISSION

1. **Action Required:** recommend the Board of Supervisors confirm the following individuals to the Leon L. Williams San Diego County Human Relations Commission (HRC) who will serve a two-year term and until their successor has been appointed.

Commission Seat No. 10: Tammy Gillies
Commission Seat No. 11: Estela de los Rios

2. **Background:** On May 19, 2020 (26), the Board established the HRC, comprised of 31 members. In establishing the HRC, seven seats (Commission seats 9-15) were identified as specific appointments to be nominated by the HRC by majority and confirmed by the Board. These seven seats shall serve a two-year term and until their successor has been appointed.

On September 8, 2020 the HRC took action to nominate the above-mentioned individuals to their commission.

3. **Reason for Requested Action and Impact:** Confirmation by the Board of Supervisors is needed to seat these individuals on the Commission.

Thank you for your attention on this matter. Please contact Claudia Silva at [REDACTED] should you have any questions.

Sincerely,

HELEN N. ROBBINS-MEYER
Chief Administrative Officer



COUNTY OF SAN DIEGO

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

COUNTY OF SAN DIEGO

2020 JUN 11 AM 10:18

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@sdcountry.ca.gov

Gillies

Last Name

Tammy

First Name

Human Relations Commission

Name of Board, Committee, or Commission to Which You are Applying for Membership

3

Supervisorial District
You Live In

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?

Human Relations Commission

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

Committee Name

Date Appointed

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

Committee/Organization Name

Dates Served

SD City Human Relations Commission

2019-current

STATEMENT OF OCCUPATIONAL EXPERIENCE

Anti-Defamation League

Current Employer

Regional Director

Job Title

13 years

Length of Employment

Previous Employers

Position Title

Length of Employment

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

I have been working with the ADL fighting hate in San Diego for 13 years. In my role I build bridges between all diverse communities, provide anti-bias education to k-12 schools, and train law enforcement in hate crimes, counterterrorism and preventing violent extremism. We track extremist groups and provide information to law enforcement to help secure our community. We also work with faith communities on security.

Please list community organizations to which you belong:

San Diego Regional Hate Crimes Coalition

San Diego Immigrant Rights Consortium

San Diego Regional Interfaith Collaborative

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.

Tammy Gillies

Applicant's Signature

5/26/2020

Date

CONTACT INFORMATION

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

Gillies	Tammy
<i>Last Name</i>	<i>First Name</i>
San Diego County Human Relations Commission	3
<i>Name of Board, Committee, or Commission to Which You are Applying for Membership</i>	<i>Supervisorial District You Live In</i>

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

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

: 37

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.

(For Official Use Only)

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

De Los Rios

Last Name

Estela

First Name

Human Relations Commission

Name of Board, Committee, or Commission to Which You are Applying for Membership

2

Supervisory District
You Live In

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?

I would like to assure citizens' quality of life and ensure social justice and equality for all communities in our San Diego region.

I would like to serve and represent underserved and under represented communities.

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

Committee Name

Date Appointed

No county boards, commissions or committees

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

Committee/Organization Name

Dates Served

N/A

STATEMENT OF OCCUPATIONAL EXPERIENCE

CSA San Diego County	
<i>Current Employer</i>	
Executive Director	15 years
<i>Job Title</i>	<i>Length of Employment</i>

Previous Employers	Position Title	Length of Employment
Center for Social Advocacy	Director of Human Rights	6 years

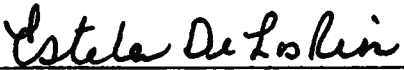
What experience or special knowledge can you bring to your area(s) of interest?
I have addressed human rights and civil rights for over 40 years and continue to do so.
As a sociologist, I have worked with a diverse group of people with different backgrounds, cultures, religions, languages. I have knowledge in the following areas: fair housing, affordable housing, homelessness issue, human trafficking, immigrant and refugee rights, anti-hate crimes, youth mentoring and civic engagement. I have over 40 years of management experience, and prides myself in the work I do as a civil rights activist. I worked side by side with 52-faith and community leaders to forge a coalition known as United for a Hate Free San Diego in 2008.

Please list community organizations to which you belong:
President of the San Diego Fair Housing Regional Alliance Board, Board member of Lemon Grove Thrive.
Board member of Latinos y Latinas en Accion. Board member of the National Executive Council for World Without Exploitation. Chair of Welcome Newcomer Network and Board member of East County Justice Coalition. I am an operating member of the National Fair Housing Alliance in Washington D.C..
I am a board member of Justice Overcoming Boundaries of San Diego.

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.

	8/25/20
<i>Applicant's Signature</i>	<i>Date</i>

CONTACT INFORMATION

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

De Los Rios	Estela
<i>Last Name</i>	<i>First Name</i>
Human Relations Commission	2
<i>Name of Board, Committee, or Commission to Which You are Applying for Membership</i>	<i>Supervisorial District You Live In</i>

			
<i>Home Street Address</i>	<i>City</i>	<i>State</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>State</i>	<i>Zip</i>
<i>Home Phone #</i>	<i>Business Phone #</i>		
<i>Mobile Phone #</i>	<i>Fax #</i>		
			
<i>E-Mail Address</i>			



DIANNE JACOB
SUPERVISOR, SECOND DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

COUNTY OF SAN DIEGO
2020 SEP 10 PM 3:05
CLERK OF THE BOARD
OF SUPERVISORS

DATE: September 15, 2020

31

TO: Board of Supervisors

SUBJECT

FEE WAIVERS FOR PROPERTY OWNERS IMPACTED BY THE SEPTEMBER 2020 VALLEY FIRE (DISTRICTS: 2)

OVERVIEW

On March 6, 2002 (18), the Board of Supervisors amended the San Diego County Administrative Code to allow the waiver of plan check review and permit fees for the rebuilding of structures in the unincorporated area or areas in other jurisdictions needing County approvals that were damaged or destroyed by a wildfire or other natural disaster. When this occurs, the Board of Supervisors may adopt a resolution identifying the geographic areas affected by the disaster that are eligible for plan check review and permit fee waivers.

On May 20, 2014 (20), the Board of Supervisors authorized the Assessor/Recorder/County Clerk's Office to issue replacement marriage, birth, and death certificates free of charge for victims of wildfires and future declared emergencies whose documents were destroyed.

On September 5, 2020, a large catastrophic wildfire broke out near Alpine in the Cleveland National Forest prompting evacuations and road closures in numerous communities. Due to severe weather conditions, characterized by extreme high temperatures, Santa Ana wind gusts and low humidity, this wildfire quickly began to burn out of control.

As of September 10, 2020, more than 17,500 acres have been charred by the Valley Fire, with at least 30 homes and 29 accessory structures destroyed and roughly 11 structures damaged by the Valley Fire. In addition, there are nearly 900 fire personnel working around the clock trying to put out the fire which stands currently at 32% containment.

In an effort to assist property owners who lost legal structures in this wildfire, and who now must work through the grief and pain to rebuild their lives, today's action will formally declare the areas damaged by the September 2020 Valley Fire and declare property owners that are impacted by this disaster to be eligible for plan check review and permit fee waivers.

**SUBJECT: FEE WAIVERS FOR PROPERTY OWNERS IMPACTED BY THE
SEPTEMBER 2020 VALLEY FIRE (DISTRICTS: 2)**

RECOMMENDATION(S)

SUPERVISOR DIANNE JACOB:

1. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery to eliminate the plan check review and building permit fees related to the rebuilding of legal structures of like size and location in the unincorporated area that were damaged or destroyed by the September 2020 Valley Fire.
2. Waive the Assessor/Recorder/County Clerk's portion of fees collected pursuant to Health and Safety Code Section 103625 for fees collected for birth certificates, death certificates and marriage certificates, and grant the Assessor/Recorder/County Clerk's Office the authority to issue replacements of these documents free of charge for local residents who have lost their documents during the September 2020 Valley Fire.
3. Waive the Assessor/Recorder/County Clerk's fee for any copy of any property related document recorded or filed in the office of the recorder and grant the Assessor/Recorder/County Clerk's Office the authority to issue replacements of these documents free of charge for local residents who have lost their documents during the September 2020 Valley Fire.
4. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery and grant the Assessor/Recorder/County Clerk's Office the authority to issue birth certificates, death certificates and marriage certificates as well as replacement deeds and other property related documents free of charge for local residents who have lost their documents in the unincorporated area, or areas in other jurisdictions in which county approvals are required, within the perimeter of the areas affected by the September 2020 Valley Fire.
5. Adopt a resolution entitled "A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS DECLARING THE REBUILDING OF LEGAL STRUCTURES IN THE UNINCORPORATED AREA THAT WERE DAMAGED OR DESTROYED IN THE SEPTEMBER 2020 VALLEY FIRE TO BE ELIGIBLE FOR PLAN CHECK REVIEW AND PERMIT FEE WAIVERS AND TO SUPPORT VICTIMS IN RECOVERING THEIR MARRIAGE CERTIFICATES, BIRTH CERTIFICATES, DEATH CERTIFICATES, DEEDS AND OTHER PROPERTY RELATED DOCUMENTS"
6. Authorize the Director of Planning & Development Services and the San Diego County Fire Authority to work with CALFIRE and other regional fire entities to finalize a map showing the boundaries of the September 2020 Valley Fire and the geographical area eligible for the waivers.

FISCAL IMPACT

If approved, the waiver of plan check review and permit fees associated with rebuilding damaged or destroyed homes, accessory structures and any property related documents will reduce

**SUBJECT: FEE WAIVERS FOR PROPERTY OWNERS IMPACTED BY THE
SEPTEMBER 2020 VALLEY FIRE (DISTRICTS: 2)**

revenues and increase the net general fund allocation by an unknown amount at this time. There will be no increase in staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On March 6, 2002 (18), the Board of Supervisors amended the San Diego County Administrative Code to allow the waiver of plan check review and permit fees for the rebuilding of structures in the unincorporated area or areas in other jurisdictions needing County approvals that were damaged or destroyed by a wildfire or other natural disaster. When this occurs, the Board of Supervisors may adopt a resolution identifying the geographic areas affected by the disaster that are eligible for plan check review and permit fee waivers.

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On September 5, 2020, a large catastrophic wildfire broke out near Alpine in the Cleveland National Forest prompting evacuations and road closures in numerous communities. Due to severe weather conditions, characterized by extreme high temperatures, Santa Ana wind gusts and low humidity, this wildfire quickly began to burn out of control.

As of September 10, 2020, more than 17,500 acres have been charred by the Valley Fire, with at least 30 homes and 29 accessory structures destroyed and roughly 11 structures damaged by the Valley Fire. In addition, there are nearly 900 fire personnel working around the clock trying to put out the fire which stands currently at 32% containment.

In an effort to assist property owners who lost legal structures in the Valley Fire, and who now must work through the grief and pain to rebuild their lives, today's action will formally declare the area damaged by the September 2020 Valley Fire and make the property owners impacted by this catastrophic wildfire eligible for plan check review and permit fee waivers set forth in the County Administrative Code, Section 362.1 (d), Item 17, Section 362.2 (c), Item 1 and San Diego County Code of Regulatory Ordinance Section 65.107(m)(10). If approved, this action will allow the waiver of plan check fees and permit fees for the rebuilding of legal structures damaged or destroyed in the unincorporated area impacted by the Valley Fire which occurred in September 2020.

This recent event is another perennial reminder of the constant threat and danger this region faces when it comes to major wildfires. In an effort to help minimize the region's threat from future wildfires, the County of San Diego has invested over \$500 million since 2003 to improve fire protection and emergency medical services.

**SUBJECT: FEE WAIVERS FOR PROPERTY OWNERS IMPACTED BY THE
SEPTEMBER 2020 VALLEY FIRE (DISTRICTS: 2)**

Today's action will help individual property owners with plan check and permit fee waivers in order for them to move forward and begin the rebuilding process so they can get back into their homes.

Today's action will also allow the property owners impacted by this wildfire to obtain replacement copies of certificates of birth, death, marriage, and dissolution of marriage records at no cost by waiving the Assessor/Recorder/County Clerk's portion of fees collected pursuant to Health and Safety Code Section 103625. Further, it would support victims who lost their property documents during the September 2020 Valley Fire by waiving Assessor/Recorder/County Clerk fees for the replacement of deeds and other property related documents

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

This recommendation supports the Living Safely and Building Better Health Initiatives of the County of San Diego's 2018-2023 Strategic Plan by protecting and preserving public health and safety.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dianne Jacob", written in a cursive style.

DIANNE JACOB
Supervisor, Second District

ATTACHMENT(S)
Resolution

**SUBJECT: FEE WAIVERS FOR PROPERTY OWNERS IMPACTED BY THE
SEPTEMBER 2020 VALLEY FIRE (DISTRICTS: 2)**

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: ☐ Yes ☒ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

☐ Yes ☐ No

PREVIOUS RELEVANT BOARD ACTIONS:

July 25, 2018 (5) Adopt a Resolution of the County of San Diego Board of Supervisors Declaring the Rebuilding of legal structures in the unincorporated area that were damaged or destroyed in the July 2018 Wildfires to be eligible for plan check review and permit fee waivers and to support victims in recovering their marriage certificates, birth certificates, death certificates, deeds and other property related documents.

December 11, 2017 (2) Adopt a Resolution Declaring the Rebuilding of Structures Damaged or Destroyed by the December 2017 Wildfires Eligible For Permit Fee Waivers In The Unincorporated Area or Areas In Other Jurisdictions Needing County Approvals.

August 5, 2015 (6) Assisting Residents And Businesses Impacted by the July 2015 Rainstorm

May 20, 2014 (20) Support Firestorm Victims In Recovering Their Marriage Licenses and Birth Certificates.

May 20, 2014 (21) Adopt a Resolution Declaring the Rebuilding of Structures Damaged or Destroyed by the May 2014 Wildfires And Eligible For Permit Fee Waivers In The Unincorporated Area or Areas In Other Jurisdictions Needing County Approvals.

October 31, 2012 (6) Adopt A Resolution Declaring The Rebuilding of Structures In the Unincorporated Area Damaged or Destroyed In The Shockey Fire to be Eligible for Permit Fee Waivers.

October 24, 2007 () Adopt A Resolution Declaring Rebuilding Of Structures In The Unincorporated Area Damaged in the Harris, Witch and Rice Canyon Fires to be Eligible For Permit Fee Waivers.

BOARD POLICIES APPLICABLE:

B-29, Fees, Grants and Revenue Contracts, Department Responsibility For Full Cost Recovery

BOARD POLICY STATEMENTS:

Pursuant to Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery, a waiver is requested to waive specified plan check review and permit fees related to the rebuilding of legal structures damaged or destroyed by the September 2020 Valley Fire.

MANDATORY COMPLIANCE:

N/A

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

N/A

ORIGINATING DEPARTMENT: Board of Supervisors – District 2

SUBJECT: FEE WAIVERS FOR PROPERTY OWNERS IMPACTED BY THE
SEPTEMBER 2020 VALLEY FIRE (DISTRICTS: 2)

OTHER CONCURRENCE(S):

CONTACT PERSON(S):

Adam Wilson

Name

619-531-5522

Phone

adam.wilson@sdcounty.ca.gov

E-mail

Name

Phone

E-mail

A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS DECLARING THE REBUILDING OF LEGAL STRUCTURES IN THE UNINCORPORATED AREA THAT WERE DAMAGED OR DESTROYED IN THE SEPTEMBER 2020 VALLEY FIRE TO BE ELIGIBLE FOR PLAN CHECK REVIEW AND PERMIT FEE WAIVERS AND TO SUPPORT VICTIMS IN RECOVERING THEIR MARRIAGE CERTIFICATES, BIRTH CERTIFICATES, DEATH CERTIFICATES, DEEDS AND OTHER PROPERTY RELATED DOCUMENTS

WHEREAS, on September 5, 2020, a catastrophic wildfire broke out near the community of Alpine in the Cleveland National Forest which quickly prompted evacuations and road closures; and

WHEREAS, due to severe weather conditions, characterized by extreme high temperatures, dangerous Santa Ana wind gusts and low humidity, this wildfire quickly began to burn out of control charring over 17,000 acres as of September 8, 2020; and

WHEREAS, as of September 10, 2020, at least 30 homes, 29 accessory structures have been destroyed and 11 structures have been damaged by the Valley Fire, with nearly 900 fire personnel working around the clock to gain full containment on the fire; and

WHEREAS, in an effort to assist property owners in the unincorporated areas of San Diego County who lost legal structures within the perimeter of this fire, and who now must fight through the strenuous pain to rebuild their lives; and

WHEREAS, the San Diego County Administrative Code, Section 362.1(d), Item 17, Section 362.2(c), Item 1 and San Diego County Code of Regulatory Ordinance, Section 65.107(m)(10) authorizes the Board of Supervisors to waive plan check review and permit fees for an applicant who is rebuilding legally built structures of like size and location in the area which has been damaged or destroyed by a wildfire or other natural disaster and which are located within the boundaries of a geographic area which has been declared by resolution of the Board of Supervisors to be eligible for this fee waiver; and

WHEREAS, on May 20, 2014, (20) the San Diego County Board of Supervisors authorized the Assessor/Recorder/County Clerk's Office to issue replacement marriage, birth, and death certificates free of charge for victims of wildfires and future declared emergencies whose documents were destroyed as a result of the disaster and that such authorization applies to the victims within the boundaries of the affected wildfire areas; and

WHEREAS, the County of San Diego desires to assist property owners in the areas of San Diego County who lost marriage, birth, and death certificates and other property related documents as a result of the Valley Fire; and

WHEREAS, the exact boundaries of the affected wildfire area will be formalized by the County's Planning & Development Services and the San Diego County Fire Authority, in conjunction with CAL FIRE officials and other regional fire entities, and

NOW, THEREFORE, BE IT RESOLVED on this 15th day of September, 2020 by the San Diego County Board of Supervisors, property owners victimized by the September 2020 Valley Fire in the area of San Diego County, and within the approved geographic boundary, shall be eligible for plan check review and permit fee waivers as authorized by the County Administrative Code.

IT IS FURTHER RESOLVED that property owners victimized by the September 2020 Valley Fire in the areas of San Diego County, and within the approved geographic boundary, shall be eligible for the

replacement of lost marriage certificates, birth certificates, death certificates, deeds and other property related documents free of charge from the San Diego County Assessor/Recorder/County Clerk's Office.

IT IS FURTHER RESOLVED AND ORDERED that the Director of Planning & Development Services and the San Diego County Fire Authority shall be authorized to work with CAL FIRE and other regional fire entities to finalize the map to be used in determining the exact boundaries of the geographic area eligible for fee waivers.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on the 15th day of September, 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By Justin A. Crumley
Senior Deputy County Counsel

COUNTY OF SAN DIEGO
2020 SEP 11 AM 8:04
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: September 15, 2020

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TO: Board of Supervisors

SUBJECT

SUPPORT FOR CALIFORNIA PROPOSITION 20, THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020 (DISTRICTS: ALL)

OVERVIEW

California Proposition 20, The Reducing Crime and Keeping California Safe Act of 2020, provides systematic fixes to problematic sections in AB 109, Proposition 47 and Proposition 57 by addressing loopholes that allow the promulgation of criminal activity.

The adoption of the resolution will indicate the San Diego County Board of Supervisors formal support for the Reducing Crime and Keeping California Safe Act.

RECOMMENDATION(S)

SUPERVISOR JIM DESMOND AND SUPERVISOR DIANNE JACOB

Adopt the resolution titled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO SUPPORTING PROPOSITION 20, REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020 IN THE NOVEMBER 3, 2020 ELECTION.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The Reducing Crime and Keeping California Safe Act of 2020 is a ballot initiative that is scheduled to be presented to the California Voters on November 3, 2020.

In summary the initiative addresses the following issues:

**SUBJECT: SUPPORT FOR CALIFORNIA PROPOSITION 20, THE REDUCING
CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020 (DISTRICTS:
ALL)**

The definition of “violent crime,” in Proposition 57, made certain prisoners available for early parole and release from state prison. However, those convicted of violent crimes were not intended to be eligible for early release. Unfortunately, many of the felonies listed in the penal code are not specifically defined as violent felonies statutorily. With the passage of Proposition 57 and the lack of designation it is now necessary to designate certain felonies as violent and ensure these offenders are not released before their full sentence has been served. Under Proposition 20, the definition of violent felonies will be expanded to many crimes that are already considered serious such as sex trafficking of children, felony assault with a deadly weapon, rape of an unconscious person, felony domestic violence and battery on a police officer or firefighter.

Serial theft has impacted our county significantly and has had a negative effect on merchants throughout the county. In Proposition 47 the felony threshold amount was changed from \$450 to \$950 for each occurrence. To address this problem, Proposition 20 revises the theft threshold by adding a felony for serial theft when a person is caught for the third time stealing with a value of \$250 or more.

AB 109, the Public Safety Realignment that was signed into law in 2011, mandated that an offender’s entire criminal history could not be used when determining the release of inmates. This resulted in inmates being released with serious and violent criminal histories. Moreover, parolees who repeatedly violate the terms of their parole currently face few consequences, allowing them to remain on the street. Proposition 20 will require the Board of Parole Hearings to consider an inmate’s entire criminal history when deciding parole and requires a mandatory hearing to determine whether parole should be revoked for any parolee who violates the terms of their parole for a third time.

Proposition 47 also eliminates DNA collections for certain drug and theft crimes. Proposition 20 will restore DNA collections from persons convicted for these offenses. The collection of DNA samples will help to identify suspects, clear the innocent and free the wrongly convicted. The measure does not affect existing legal safeguards in place that protect the privacy of individuals by allowing for the removal of their DNA profiles if they are not charged with a crime.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s proposed action supports the Living Safely Strategic Initiative in the County of San Diego’s 2020-2025 Strategic Plan by further protecting residents from crime or abuse and ensuring San Diego County remains a safe community.

Respectfully submitted,



JIM DESMOND
Supervisor, 5th District



DIANNE JACOB
Supervisor, 2nd District

SUBJECT: SUPPORT FOR CALIFORNIA PROPOSITION 20, THE REDUCING
CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020 (DISTRICTS:
ALL)

ATTACHMENT(S)

Attachment A - Draft Resolution

Attachment B – Reducing Crime and Keeping Californians Safe Act of 2020

SUBJECT: SUPPORT FOR CALIFORNIA PROPOSITION 20, THE REDUCING
CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020 (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: Supervisor Jim Desmond and Supervisor Dianne Jacob

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

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RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO SUPPORTING
PROPOSITION 20, REDUCTING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020, IN THE
NOVEMBER 3, 2020 ELECTION

WHEREAS, the safety of every Californian is paramount to good government. Supporting initiatives that promote good public safety and address the early release of violent criminals is of the utmost importance; and

WHEREAS, the recent changes to parole laws allow the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, and felony domestic violence to be considered "non-violent" offenders; and

WHEREAS, as a result, these "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge; and

WHEREAS, this measure will hold felons who violate the terms of their release accountable; and

WHEREAS, nothing in the Act is intended to create additional "strike" offenses which would increase the state prison population; nor is it intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits; and

WHEREAS, recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal; and

WHEREAS, California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs, and this measure would enact such reforms; and

WHEREAS, recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes, but this Act restores DNA collection from persons convicted for such offenses; and

WHEREAS, permitting collection and more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted; and

WHEREAS, this Act does not affect existing legal safeguards that protect the privacy of individuals by allowing for their removal of their DNA profile if they are not charged with a crime, are acquitted, or are found innocent.

NOW, THEREFORE BE IT RESOLVED that the San Diego County Board of Supervisors hereby supports Proposition 20, the Reducing Crime and Keeping California Safe Act of 2020, on the ballot for the November 3, 2020 election.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By Rachel Witt, Chief Deputy County Counsel

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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

SEC. 1. TITLE

This act shall be known and may be cited as the Reducing Crime and Keeping California Safe Act of 2018.

SEC. 2. PURPOSES

This measure will fix three related problems created by recent laws that have threatened the public safety of Californians and their children from violent criminals. This measure will:

- A. Reform the parole system so violent felons are not released early from prison, strengthen oversight of post release community supervision and tighten penalties for violations of terms of post release community supervision;
- B. Reform theft laws to restore accountability for serial thieves and organized theft rings; and
- C. Expand DNA collection from persons convicted of drug, theft and domestic violence related crimes to help solve violent crimes and exonerate the innocent.

SEC. 3. FINDINGS AND DECLARATIONS

A. Prevent Early Release of Violent Felons

1. Protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters and other violent criminals should not be released early from prison.
2. Since 2014, California has had a larger increase in violent crime than the rest of the United States. Since 2013, violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI.
3. Recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "non-violent offenders."
4. As a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge.
5. Violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, like the gang member charged with the murder of Whittier Police Officer, Keith Boyer.
6. Californians need better protection from such violent criminals.
7. Californians need better protection from felons who repeatedly violate the terms of their post release community supervision.
8. This measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations.
9. Californians need better protection from such violent criminals. This measure reforms the law to define such crimes as "violent felonies" for purposes of early release.

10. Nothing in this act is intended to create additional “strike” offenses which would increase the state prison population.

11. Nothing in this act is intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits.

B. Restore Accountability for Serial Theft and Organized Theft Rings

1. Recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal.

2. As a result, between 2014 and 2016, California had the 2nd highest increase in theft and property crimes in the United States, while most states have seen a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in at least ten years.

3. Individuals who repeatedly steal often do so to support their drug habit. Recent changes to California law have reduced judges’ ability to order individuals convicted of repeated theft crimes into effective drug treatment programs.

4. California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs. This measure enacts such reforms.

C. Restore DNA Collection to Solve Violent Crime

1. Collecting DNA from criminals is essential to solving violent crimes. Over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals.

2. DNA collected in 2015 from a convicted child molester solved the rape-murders of two six-year-old boys that occurred three decades ago in Los Angeles County. DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape-murder of an 83-year-old woman.

3. Recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses.

4. Permitting collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted.

5. This measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent.

SEC. 4. PAROLE CONSIDERATION

Section 3003 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Except as otherwise provided in this section, an inmate who is released on parole or postrelease supervision as provided by Title 2.05 (commencing with Section 3450) shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration. For purposes of this subdivision, “last legal residence” shall not be construed to mean the county wherein the inmate committed an offense while confined in a state prison or local jail facility or while confined for treatment in a state hospital.

(b) Notwithstanding subdivision (a), an inmate may be returned to another county if that would be in the best interests of the public. If the Board of Parole Hearings setting the conditions of

parole for inmates sentenced pursuant to subdivision (b) of Section 1168, as determined by the parole consideration panel, or the Department of Corrections and Rehabilitation setting the conditions of parole for inmates sentenced pursuant to Section 1170, decides on a return to another county, it shall place its reasons in writing in the parolee's permanent record and include these reasons in the notice to the sheriff or chief of police pursuant to Section 3058.6. In making its decision, the paroling authority shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community:

(1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.
 (2) Public concern that would reduce the chance that the inmate's parole would be successfully completed.

(3) The verified existence of a work offer, or an educational or vocational training program.

(4) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate's parole would be successfully completed.

(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2960.

(c) The Department of Corrections and Rehabilitation, in determining an out-of-county commitment, shall give priority to the safety of the community and any witnesses and victims.

(d) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.

(e)(1) The following information, if available, shall be released by the Department of Corrections and Rehabilitation to local law enforcement agencies regarding a paroled inmate or inmate placed on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) who is released in their jurisdictions:

(A) Last, first, and middle names.

(B) Birth date.

(C) Sex, race, height, weight, and hair and eye color.

(D) Date of parole or placement on postrelease community supervision and discharge.

(E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.

(F) California Criminal Information Number, FBI number, social security number, and driver's license number.

(G) County of commitment.

(H) A description of scars, marks, and tattoos on the inmate.

(I) Offense or offenses for which the inmate was convicted that resulted in parole or postrelease community supervision in this instance.

(J) Address, including all of the following information:

(i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.

(ii) City and ZIP Code.

(iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.

(K) Contact officer and unit, including all of the following information:

(i) Name and telephone number of each contact officer.

(ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.

(L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.

(M) A geographic coordinate for the inmate's residence location for use with a Geographical Information System (GIS) or comparable computer program.

(N) Copies of the record of supervision during any prior period of parole.

(2) Unless the information is unavailable, the Department of Corrections and Rehabilitation shall electronically transmit to the county agency identified in subdivision (a) of Section 3451 the inmate's tuberculosis status, specific medical, mental health, and outpatient clinic needs, and any medical concerns or disabilities for the county to consider as the offender transitions onto postrelease community supervision pursuant to Section 3450, for the purpose of identifying the medical and mental health needs of the individual. All transmissions to the county agency shall be in compliance with applicable provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191), the federal Health Information Technology for Clinical Health Act (HITECH) (Public Law 111-005), and the implementing of privacy and security regulations in Parts 160 and 164 of Title 45 of the Code of Federal Regulations. This paragraph shall not take effect until the Secretary of the United States Department of Health and Human Services, or his or her designee, determines that this provision is not preempted by HIPAA.

(3) Except for the information required by paragraph (2), the information required by this subdivision shall come from the statewide parolee database. The information obtained from each source shall be based on the same timeframe.

(4) All of the information required by this subdivision shall be provided utilizing a computer-to-computer transfer in a format usable by a desktop computer system. The transfer of this information shall be continually available to local law enforcement agencies upon request.

(5) The unauthorized release or receipt of the information described in this subdivision is a violation of Section 11143.

~~(f) Notwithstanding any other law, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7), inclusive, and paragraph (16) of subdivision (e) of Section 667.5 or a felony in which the defendant inflicts great bodily injury on a person other than an accomplice that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation finds that there is a need to protect the life, safety, or well-being of a victim or witness.~~ the victim or witness, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, any of the following crimes:

(1) A violent felony as defined subdivision (c) of Section 667.5 or subdivision (a) of Section 3040.1.

(2) A felony in which the defendant inflicts great bodily injury on a person, other than an accomplice, that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9.

(g) Notwithstanding any other law, an inmate who is released on parole for a violation of Section 288 or 288.5 whom the Department of Corrections and Rehabilitation determines poses a high risk to the public shall not be placed or reside, for the duration of his or her parole, within one-

half mile of a public or private school including any or all of kindergarten and grades 1 to 12, inclusive.

(h) Notwithstanding any other law, an inmate who is released on parole or postrelease community supervision for a stalking offense shall not be returned to a location within 35 miles of the victim's or witness' actual residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate on parole or postrelease community supervision, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation, or the supervising county agency, as applicable, finds that there is a need to protect the life, safety, or well-being of the victim. If an inmate who is released on postrelease community supervision cannot be placed in his or her county of last legal residence in compliance with this subdivision, the supervising county agency may transfer the inmate to another county upon approval of the receiving county.

(i) The authority shall give consideration to the equitable distribution of parolees and the proportion of out-of-county commitments from a county compared to the number of commitments from that county when making parole decisions.

(j) An inmate may be paroled to another state pursuant to any other law. The Department of Corrections and Rehabilitation shall coordinate with local entities regarding the placement of inmates placed out of state on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450).

(k)(1) Except as provided in paragraph (2), the Department of Corrections and Rehabilitation shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) in conformance with subdivision (e). County agencies supervising inmates released to postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) shall provide any information requested by the department to ensure the availability of accurate information regarding inmates released from state prison. This information may include all records of supervision, the issuance of warrants, revocations, or the termination of postrelease community supervision. On or before August 1, 2011, county agencies designated to supervise inmates released to postrelease community supervision shall notify the department that the county agencies have been designated as the local entity responsible for providing that supervision.

(2) Notwithstanding paragraph (1), the Department of Justice shall be the agency primarily responsible for the proper release of information under LEADS that relates to fingerprint cards.

(l) In addition to the requirements under subdivision (k), the Department of Corrections and Rehabilitation shall submit to the Department of Justice data to be included in the supervised release file of the California Law Enforcement Telecommunications System (CLETS) so that law enforcement can be advised through CLETS of all persons on postrelease community supervision and the county agency designated to provide supervision. The data required by this subdivision shall be provided via electronic transfer.

Section 3040.1 is added to the Penal Code to read:

(a) For purposes of early release or parole consideration under the authority of Section 32 of Article I of the Constitution, Sections 12838.4 and 12838.5 of the Government Code, Sections 3000.1, 3041.5, 3041.7, 3052, 5000, 5054, 5055, 5076.2 of this Code and the rulemaking authority granted by Section 5058 of this Code, the following shall be defined as "violent felony offenses":

(1) Murder or voluntary manslaughter;

- (2) Mayhem;
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262;
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286;
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a;
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288;
- (7) Any felony punishable by death or imprisonment in the state prison for life;
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55;
- (9) Any robbery;
- (10) Arson, in violation of subdivision (a) or (b) of Section 451;
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289;
- (12) Attempted murder;
- (13) A violation of Section 18745, 18750, or 18755;
- (14) Kidnapping;
- (15) Assault with the intent to commit a specified felony, in violation of Section 220;
- (16) Continuous sexual abuse of a child, in violation of Section 288.5;
- (17) Carjacking, as defined in subdivision (a) of Section 215;
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1;
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22;
- (20) Threats to victims or witnesses, as defined in subdivision (c) of Section 136.1;
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary;
- (22) Any violation of Section 12022.53;
- (23) A violation of subdivision (b) or (c) of Section 11418;
- (24) Solicitation to commit murder;
- (25) Felony assault with a firearm in violation of subsections (a)(2) and (b) of Section 245;
- (26) Felony assault with a deadly weapon in violation of paragraph (1) of subdivision (a) of Section 245;
- (27) Felony assault with a deadly weapon upon the person of a peace officer or firefighter in violation of subdivisions (c) and (d) of Section 245;
- (28) Felony assault by means of force likely to produce great bodily injury in violation of paragraph (4) of subdivision (a) of Section 245;
- (29) Assault with caustic chemicals in violation of Section 244;
- (30) False imprisonment in violation of Section 210.5;
- (31) Felony discharging a firearm in violation of Section 246;
- (32) Discharge of a firearm from a motor vehicle in violation of subsection (c) of Section 26100;
- (33) Felony domestic violence resulting in a traumatic condition in violation of Section 273.5;
- (34) Felony use of force or threats against a witness or victim of a crime in violation of Section 140;

- (35) Felony resisting a peace officer and causing death or serious injury in violation of Section 148.10;
- (36) A felony hate crime punishable pursuant to Section 422.7;
- (37) Felony elder or dependent adult abuse in violation of subdivision (b) of Section 368;
- (38) Rape in violation of paragraphs (1), (3), or (4) of subdivision (a) of Section 261;
- (39) Rape in violation of Section 262;
- (40) Sexual penetration in violation of subdivision (b), (d) or (e) of Section 289;
- (41) Sodomy in violation of subdivision (f), (g), or (i) of Section 286;
- (42) Oral copulation in violation of subdivision (f), (g), or (i) of Section 288a;
- (43) Abduction of a minor for purposes of prostitution in violation of Section 267;
- (44) Human trafficking in violation of subdivision (a), (b), or (c) of Section 236.1;
- (45) Child abuse in violation of Section 273ab;
- (46) Possessing, exploding, or igniting a destructive device in violation of Section 18740;
- (47) Two or more violations of subsection (c) of Section 451;
- (48) Any attempt to commit an offense described in this subdivision;
- (49) Any felony in which it is pled and proven that the Defendant personally used a dangerous or deadly weapon;
- (50) Any offense resulting in lifetime sex offender registration pursuant to Sections 290 through 290.009.
- (51) Any conspiracy to commit an offense described in this Section.
- (b) The provisions of this section shall apply to any inmate serving a custodial prison sentence on or after the effective date of this section, regardless of when the sentence was imposed.

Section 3040.2 is added to the Penal Code to read:

- (a) Upon conducting a nonviolent offender parole consideration review, the hearing officer for the Board of Parole Hearings shall consider all relevant, reliable information about the inmate.
- (b) The standard of review shall be whether the inmate will pose an unreasonable risk of creating victims as a result of felonious conduct if released from prison.
- (c) In reaching this determination, the hearing officer shall consider the following factors:
 - (1) Circumstances surrounding the current conviction;
 - (2) The inmate's criminal history, including involvement in other criminal conduct, both juvenile and adult, which is reliably documented;
 - (3) The inmate's institutional behavior including both rehabilitative programming and institutional misconduct;
 - (4) Any input from the inmate, any victim, whether registered or not at the time of the referral, and the prosecuting agency or agencies;
 - (5) The inmate's past and present mental condition as documented in records in the possession of the Department of Corrections and Rehabilitation;
 - (6) The inmate's past and present attitude about the crime;
 - (7) Any other information which bears on the inmate's suitability for release.
- (d) The following circumstances shall be considered by the hearing officer in determining whether the inmate is unsuitable for release:
 - (1) Multiple victims involved in the current commitment offense;
 - (2) A victim was particularly vulnerable due to age or physical or mental condition;
 - (3) The inmate took advantage of a position of trust in the commission of the crime;

- (4) The inmate was armed with or used a firearm or other deadly weapon in the commission of the crime;
- (5) A victim suffered great bodily injury during the commission of the crime;
- (6) The inmate committed the crime in association with a criminal street gang;
- (7) The inmate occupied a position of leadership or dominance over other participants in the commission of the crime, or the inmate induced others to participate in the commission of the crime;
- (8) During the commission of the crime, the inmate had a clear opportunity to cease but instead continued;
- (9) The inmate has engaged in other reliably documented criminal conduct which was an integral part of the crime for which the inmate is currently committed to prison;
- (10) The manner in which the crime was committed created a potential for serious injury to persons other than the victim of the crime;
- (11) The inmate was on probation, parole, post release community supervision, mandatory supervision or was in custody or had escaped from custody at the time of the commitment offense;
- (12) The inmate was on any form of pre- or post-conviction release at the time of the commitment offense;
- (13) The inmate's prior history of violence, whether as a juvenile or adult;
- (14) The inmate has engaged in misconduct in prison or jail;
- (15) The inmate is incarcerated for multiple cases from the same or different counties or jurisdictions.
- (e) The following circumstances shall be considered by the hearing officer in determining whether the inmate is suitable for release:
 - (1) The inmate does not have a juvenile record of assaulting others or committing crimes with a potential of harm to victims;
 - (2) The inmate lacks any history of violent crime;
 - (3) The inmate has demonstrated remorse;
 - (4) The inmate's present age reduces the risk of recidivism;
 - (5) The inmate has made realistic plans if released or has developed marketable skills that can be put to use upon release;
 - (6) The inmate's institutional activities demonstrate an enhanced ability to function within the law upon release;
 - (7) The inmate participated in the crime under partially excusable circumstances which do not amount to a legal defense;
 - (8) The inmate had no apparent predisposition to commit the crime but was induced by others to participate in its commission;
 - (9) The inmate has a minimal or no criminal history;
 - (10) The inmate was a passive participant or played a minor role in the commission of the crime;
 - (11) The crime was committed during or due to an unusual situation unlikely to reoccur.

Section 3040.3 is added to the Penal Code to read:

- (a) An inmate whose current commitment includes a concurrent, consecutive or stayed sentence for an offense or allegation defined as violent by subdivision (c) of Section 667.5 or 3040.1 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.

- (b) An inmate whose current commitment includes an indeterminate sentence shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
- (c) An inmate whose current commitment includes any enhancement which makes the underlying offense violent pursuant to subdivision (c) of Section 667.5 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
- (d) For purposes of Section 32 of Article I of the Constitution, the "full term" of the "primary offense" shall be calculated based only on actual days served on the commitment offense.

Section 3040.4 is added to the Penal Code to read:

Pursuant to subsection (b) of Section 28 of Article I of the Constitution, the Department shall give reasonable notice to victims of crime prior to an inmate being reviewed for early parole and release. The Department shall provide victims with the right to be heard regarding early parole consideration and to participate in the review process. The Department shall consider the safety of the victims, the victims' family, and the general public when making a determination on early release.

- (a) Prior to conducting a review for early parole, the Department shall provide notice to the prosecuting agency or agencies and to registered victims, and shall make reasonable efforts to locate and notify victims who are not registered.
- (b) The prosecuting agency shall have the right to review all information available to the hearing officer including, but not limited to the inmate's central file, documented adult and juvenile criminal history, institutional behavior including both rehabilitative programming and institutional misconduct, any input from any person or organization advocating on behalf of the inmate, and any information submitted by the public.
- (c) A victim shall have a right to submit a statement for purposes of early parole consideration, including a confidential statement.
- (d) All prosecuting agencies, any involved law enforcement agency, and all victims, whether or not registered, shall have the right to respond to the board in writing.
- (e) Responses to the Board by prosecuting agencies, law enforcement agencies, and victims must be made within 90 days of the date of notification of the inmate's eligibility for early parole review or consideration.
- (f) The Board shall notify the prosecuting agencies, law enforcement agencies, and the victims of the Nonviolent Offender Parole decision within 10 days of the decision being made.
- (g) Within 30 days of the notice of the final decision concerning Nonviolent Offender Parole Consideration, the inmate and the prosecuting agencies may request review of the decision.
- (h) If an inmate is denied early release under the Nonviolent Offender Parole provisions of Section 32 of Article I of the Constitution, the inmate shall not be eligible for early Nonviolent Offender parole consideration for two (2) calendar years from the date of the final decision of the previous denial.

Section 3041 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

- (a)(1) In the case of any inmate sentenced pursuant to any law, other than Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, the Board of Parole Hearings shall meet with each inmate during the sixth year before the inmate's minimum eligible parole date for the purposes of reviewing and documenting the inmate's activities and conduct pertinent to parole

eligibility. During this consultation, the board shall provide the inmate information about the parole hearing process, legal factors relevant to his or her suitability or unsuitability for parole, and individualized recommendations for the inmate regarding his or her work assignments, rehabilitative programs, and institutional behavior. Within 30 days following the consultation, the board shall issue its positive and negative findings and recommendations to the inmate in writing.

(2) One year before the inmate's minimum eligible parole date a panel of two or more commissioners or deputy commissioners shall again meet with the inmate and shall normally grant parole as provided in Section 3041.5. No more than one member of the panel shall be a deputy commissioner.

(3) In the event of a tie vote, the matter shall be referred for an en banc review of the record that was before the panel that rendered the tie vote. Upon en banc review, the board shall vote to either grant or deny parole and render a statement of decision. The en banc review shall be conducted pursuant to subdivision (e).

(4) Upon a grant of parole, the inmate shall be released subject to all applicable review periods. However, an inmate shall not be released before reaching his or her minimum eligible parole date as set pursuant to Section 3046 unless the inmate is eligible for earlier release pursuant to his or her youth offender parole eligibility date or elderly parole eligibility date.

(5) At least one commissioner of the panel shall have been present at the last preceding meeting, unless it is not feasible to do so or where the last preceding meeting was the initial meeting. Any person on the hearing panel may request review of any decision regarding parole for an en banc hearing by the board. In case of a review, a majority vote in favor of parole by the board members participating in an en banc review is required to grant parole to any inmate.

(b)(1) The panel or the board, sitting en banc, shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. The panel or the board, sitting en banc, shall consider the entire criminal history of the inmate, including all current or past convicted offenses, in making this determination.

(2) After July 30, 2001, any decision of the parole panel finding an inmate suitable for parole shall become final within 120 days of the date of the hearing. During that period, the board may review the panel's decision. The panel's decision shall become final pursuant to this subdivision unless the board finds that the panel made an error of law, or that the panel's decision was based on an error of fact, or that new information should be presented to the board, any of which when corrected or considered by the board has a substantial likelihood of resulting in a substantially different decision upon a rehearing. In making this determination, the board shall consult with the commissioners who conducted the parole consideration hearing.

(3) A decision of a panel shall not be disapproved and referred for rehearing except by a majority vote of the board, sitting en banc, following a public meeting.

(c) For the purpose of reviewing the suitability for parole of those inmates eligible for parole under prior law at a date earlier than that calculated under Section 1170.2, the board shall appoint panels of at least two persons to meet annually with each inmate until the time the person is released pursuant to proceedings or reaches the expiration of his or her term as calculated under Section 1170.2.

(d) It is the intent of the Legislature that, during times when there is no backlog of inmates awaiting parole hearings, life parole consideration hearings, or life rescission hearings, hearings

will be conducted by a panel of three or more members, the majority of whom shall be commissioners. The board shall report monthly on the number of cases where an inmate has not received a completed initial or subsequent parole consideration hearing within 30 days of the hearing date required by subdivision (a) of Section 3041.5 or paragraph (2) of subdivision (b) of Section 3041.5, unless the inmate has waived the right to those timeframes. That report shall be considered the backlog of cases for purposes of this section, and shall include information on the progress toward eliminating the backlog, and on the number of inmates who have waived their right to the above timeframes. The report shall be made public at a regularly scheduled meeting of the board and a written report shall be made available to the public and transmitted to the Legislature quarterly.

(e) For purposes of this section, an en banc review by the board means a review conducted by a majority of commissioners holding office on the date the matter is heard by the board. An en banc review shall be conducted in compliance with the following:

(1) The commissioners conducting the review shall consider the entire record of the hearing that resulted in the tie vote.

(2) The review shall be limited to the record of the hearing. The record shall consist of the transcript or audiotape of the hearing, written or electronically recorded statements actually considered by the panel that produced the tie vote, and any other material actually considered by the panel. New evidence or comments shall not be considered in the en banc proceeding.

(3) The board shall separately state reasons for its decision to grant or deny parole.

(4) A commissioner who was involved in the tie vote shall be recused from consideration of the matter in the en banc review.

Section 3454 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Each supervising county agency, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, shall establish a review process for assessing and refining a person's program of postrelease supervision. Any additional postrelease supervision conditions shall be reasonably related to the underlying offense for which the offender spent time in prison, or to the offender's risk of recidivism, and the offender's criminal history, and be otherwise consistent with law.

(b) Each county agency responsible for postrelease supervision, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, may determine additional appropriate conditions of supervision listed in Section 3453 consistent with public safety, including the use of continuous electronic monitoring as defined in Section 1210.7, order the provision of appropriate rehabilitation and treatment services, determine appropriate incentives, and determine and order appropriate responses to alleged violations, which can include, but shall not be limited to, immediate, structured, and intermediate sanctions up to and including referral to a reentry court pursuant to Section 3015, or flash incarceration in a city or county jail. Periods of flash incarceration are encouraged as one method of punishment for violations of an offender's condition of postrelease supervision.

(c) As used in this title, "flash incarceration" is a period of detention in a city or county jail due to a violation of an offender's conditions of postrelease supervision. The length of the detention period can range between one and 10 consecutive days. Flash incarceration is a tool that may be used by each county agency responsible for postrelease supervision. Shorter, but if necessary

more frequent, periods of detention for violations of an offender's postrelease supervision conditions shall appropriately punish an offender while preventing the disruption in a work or home establishment that typically arises from longer term revocations.

(d) Upon a decision to impose a period of flash incarceration, the probation department shall notify the court, public defender, district attorney, and sheriff of each imposition of flash incarceration.

Section 3455 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) If the supervising county agency has determined, following application of its assessment processes, that intermediate sanctions as authorized in subdivision (b) of Section 3454 are not appropriate, or if the supervised person has violated the terms of his or her release for a third time, the supervising county agency shall petition the court pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision. At any point during the process initiated pursuant to this section, a person may waive, in writing, his or her right to counsel, admit the violation of his or her postrelease community supervision, waive a court hearing, and accept the proposed modification of his or her postrelease community supervision. The petition shall include a written report that contains additional information regarding the petition, including the relevant terms and conditions of postrelease community supervision, the circumstances of the alleged underlying violation, the history and background of the violator, and any recommendations. The Judicial Council shall adopt forms and rules of court to establish uniform statewide procedures to implement this subdivision, including the minimum contents of supervision agency reports. Upon a finding that the person has violated the conditions of postrelease community supervision, the revocation hearing officer shall have authority to do all of the following:

- (1) Return the person to postrelease community supervision with modifications of conditions, if appropriate, including a period of incarceration in a county jail.
- (2) Revoke and terminate postrelease community supervision and order the person to confinement in a county jail.
- (3) Refer the person to a reentry court pursuant to Section 3015 or other evidence-based program in the court's discretion.

(b) (1) At any time during the period of postrelease community supervision, if a peace officer, including a probation officer, has probable cause to believe a person subject to postrelease community supervision is violating any term or condition of his or her release, or has failed to appear at a hearing pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision, the officer may, without a warrant or other process, arrest the person and bring him or her before the supervising county agency established by the county board of supervisors pursuant to subdivision (a) of Section 3451. Additionally, an officer employed by the supervising county agency may seek a warrant and a court or its designated hearing officer appointed pursuant to Section 71622.5 of the Government Code shall have the authority to issue a warrant for that person's arrest.

(2) The court or its designated hearing officer shall have the authority to issue a warrant for a person who is the subject of a petition filed under this section who has failed to appear for a hearing on the petition or for any reason in the interests of justice, or to remand to custody a person who does appear at a hearing on the petition for any reason in the interests of justice.

(3) Unless a person subject to postrelease community supervision is otherwise serving a period of flash incarceration, whenever a person who is subject to this section is arrested, with or without a warrant or the filing of a petition for revocation, the court may order the release of the person under supervision from custody under any terms and conditions the court deems appropriate.

(c) The revocation hearing shall be held within a reasonable time after the filing of the revocation petition. Except as provided in paragraph (3) of subdivision (b), based upon a showing of a preponderance of the evidence that a person under supervision poses an unreasonable risk to public safety, or that the person may not appear if released from custody, or for any reason in the interests of justice, the supervising county agency shall have the authority to make a determination whether the person should remain in custody pending the first court appearance on a petition to revoke postrelease community supervision, and upon that determination, may order the person confined pending his or her first court appearance.

(d) Confinement pursuant to paragraphs (1) and (2) of subdivision (a) shall not exceed a period of 180 days in a county jail for each custodial sanction.

(e) A person shall not remain under supervision or in custody pursuant to this title on or after three years from the date of the person's initial entry onto postrelease community supervision, except when his or her supervision is tolled pursuant to Section 1203.2 or subdivision (b) of Section 3456.

SEC. 5. DNA COLLECTION

Section 296 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) The following persons shall provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to this chapter for law enforcement identification analysis:

(1) Any person, including any juvenile, who is convicted of or pleads guilty or no contest to any felony offense, or is found not guilty by reason of insanity of any felony offense, or any juvenile who is adjudicated under Section 602 of the Welfare and Institutions Code for committing any felony offense.

(2) Any adult person who is arrested for or charged with any of the following felony offenses:

(A) Any felony offense specified in Section 290 or attempt to commit any felony offense described in Section 290, or any felony offense that imposes upon a person the duty to register in California as a sex offender under Section 290.

(B) Murder or voluntary manslaughter or any attempt to commit murder or voluntary manslaughter.

(C) Commencing on January 1, 2009, any adult person arrested or charged with any felony offense.

(3) Any person, including any juvenile, who is required to register under Section 290 through 290.009 or 457.1 because of the commission of, or the attempt to commit, a felony or misdemeanor offense, or any person, including any juvenile, who is housed in a mental health facility or sex offender treatment program after referral to such facility or program by a court after being charged with any felony offense.

(4) Any person, excluding a juvenile, who is convicted of, or pleads guilty or no contest to, any of the following offenses:

(A) A misdemeanor violation of Section 459.5;

(B) A violation of subdivision (a) of Section 473 that is punishable as a misdemeanor pursuant to subdivision (b) of Section 473;

(C) A violation of subdivision (a) of Section 476a that is punishable as a misdemeanor pursuant to subdivision (b) of Section 476a;

(D) A violation of Section 487 that is punishable as a misdemeanor pursuant to Section 490.2;

(E) A violation of Section 496 that is punishable as a misdemeanor;

(F) A misdemeanor violation of subdivision (a) of Section 11350 of the Health and Safety Code;

(G) A misdemeanor violation of subdivision (a) of Section 11377 of the Health and Safety Code;

(H) A misdemeanor violation of paragraph (1) of subdivision (e) of Section 243;

(I) A misdemeanor violation of Section 273.5;

(J) A misdemeanor violation of paragraph (1) of subdivision (b) of Section 368;

(K) Any misdemeanor violation where the victim is defined as set forth in Section 6211 of the Family Code;

(L) A misdemeanor violation of paragraph (3) of subdivision (b) of Section 647.

~~(4)~~(5) The term "felony" as used in this subdivision includes an attempt to commit the offense.

~~(5)~~(6) Nothing in this chapter shall be construed as prohibiting collection and analysis of specimens, samples, or print impressions as a condition of a plea for a non-qualifying offense.

(b) The provisions of this chapter and its requirements for submission of specimens, samples and print impressions as soon as administratively practicable shall apply to all qualifying persons regardless of sentence imposed, including any sentence of death, life without the possibility of parole, or any life or indeterminate term, or any other disposition rendered in the case of an adult or juvenile tried as an adult, or whether the person is diverted, fined, or referred for evaluation, and regardless of disposition rendered or placement made in the case of juvenile who is found to have committed any felony offense or is adjudicated under Section 602 of the Welfare and Institutions Code.

(c) The provisions of this chapter and its requirements for submission of specimens, samples, and print impressions as soon as administratively practicable by qualified persons as described in subdivision (a) shall apply regardless of placement or confinement in any mental hospital or other public or private treatment facility, and shall include, but not be limited to, the following persons, including juveniles:

(1) Any person committed to a state hospital or other treatment facility as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(2) Any person who has a severe mental disorder as set forth within the provisions of Article 4 (commencing with Section 2960) of Chapter 7 of Title 1 of Part 3 of the Penal Code.

(3) Any person found to be a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(d) The provisions of this chapter are mandatory and apply whether or not the court advises a person, including any juvenile, that he or she must provide the data bank and database specimens, samples, and print impressions as a condition of probation, parole, or any plea of guilty, no contest, or not guilty by reason of insanity, or any admission to any of the offenses described in subdivision (a).

(e) If at any stage of court proceedings the prosecuting attorney determines that specimens, samples, and print impressions required by this chapter have not already been taken from any person, as defined under subdivision (a) of Section 296, the prosecuting attorney shall notify the court orally on the record, or in writing, and request that the court order collection of the specimens, samples, and print impressions required by law. However, a failure by the prosecuting attorney or any other law enforcement agency to notify the court shall not relieve a person of the obligation to provide specimens, samples, and print impressions pursuant to this chapter.

(f) Prior to final disposition or sentencing in the case the court shall inquire and verify that the specimens, samples, and print impressions required by this chapter have been obtained and that this fact is included in the abstract of judgment or dispositional order in the case of a juvenile. The abstract of judgment issued by the court shall indicate that the court has ordered the person to comply with the requirements of this chapter and that the person shall be included in the state's DNA and Forensic Identification Data Base and Data Bank program and be subject to this chapter.

However, failure by the court to verify specimen, sample, and print impression collection or enter these facts in the abstract of judgment or dispositional order in the case of a juvenile shall not invalidate an arrest, plea, conviction, or disposition, or otherwise relieve a person from the requirements of this chapter.

SEC. 6. SHOPLIFTING

Section 459.5 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to ~~commit larceny~~ steal retail property or merchandise while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

(c) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.

(d) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(e) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

Section 490.2 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.

(c) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

SEC. 7. SERIAL THEFT**Section 490.3 is added to the Penal Code to read:**

(a) This section applies to the following crimes:

- (1) petty theft;
- (2) shoplifting;
- (3) grand theft;
- (4) burglary;
- (5) carjacking;
- (6) robbery;
- (7) a crime against an elder or dependent adult within the meaning of subdivision (d) or (e) of Section 368;
- (8) any violation of Section 496;
- (9) unlawful taking or driving of a vehicle within the meaning of Section 10851 of the Vehicle Code.
- (10) Forgery.
- (11) The unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e.
- (12) Forgery of an access card pursuant to Section 484f.
- (13) The unlawful use of an access card pursuant to Section 484g.
- (14) Identity theft pursuant to Section 530.5.
- (15) The theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

(b) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, any person who, having been previously convicted of two or more of the offenses specified in subdivision (a), which offenses were committed on separate occasions, and who is subsequently convicted of petty theft or shoplifting where the value of the money, labor, or real or personal

property taken exceeds two hundred fifty dollars (\$250) shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

(c) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 8. ORGANIZED RETAIL THEFT

Section 490.4 is added to the Penal Code to read:

(a) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.

(b) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(c) Any person, who, acting in concert with one or more other persons, commits two (2) or more thefts pursuant to Sections 459.5 or 490.2 of retail property or merchandise having an aggregate value exceeding two hundred fifty dollars (\$250) and unlawfully takes such property during a period of one hundred eighty days (180) is guilty of organized retail theft.

(d) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, organized retail theft shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

(e) For purposes of this section, the value of retail property stolen by persons acting in concert may be aggregated into a single count or charge, with the sum of the value of all of the retail merchandise being the values considered in determining the degree of theft.

(f) An offense under this section may be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

(g) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 9. AMENDMENTS

This act shall not be amended by the Legislature except by a statute that furthers the purposes, findings and declarations of the Act and is passed in each house by roll call vote entered in the journal, three-fourths of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.

SEC. 10. SEVERABILITY

If any provision of this Act, or any part of any provision, or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications which can be given effect without the invalid or unconstitutional provision or application shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SEC. 11. CONFLICTING INITIATIVES

(a) In the event that this measure and another measure addressing parole consideration pursuant to Section 32 of Article I of the Constitution, revocation of parole and post release community supervision, DNA collection, or theft offenses shall appear on the same statewide ballot, the

provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

COUNTY OF SAN DIEGO
2020 SEP 11 AM 8:24
CLERK OF THE BOARD
OF SUPERVISORS



KRISTIN GASPAR
SUPERVISOR, THIRD DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

33

DATE: September 15, 2020

TO: Board of Supervisors

SUBJECT

**INVESTING IN SAN DIEGO FAMILIES: EXPLORING LEARNING HUBS ON
COUNTY CAMPUSES TO SUPPORT OUR EMPLOYEES AND THEIR CHILDREN
WITH DISTANCE LEARNING (DISTRICTS: ALL)**

OVERVIEW

The beginning of the school year has already started for children across San Diego County, and our employees and families are faced with incredible childcare and technology challenges as they try to adapt to distance learning. Additionally, there are many families across our county that still do not have access to reliable internet service and parents are struggling to help their children be successful in a virtual learning environment.

In January of this year, our Board unanimously approved an initiative to explore opportunities for on-site childcare at County of San Diego campuses. Even before our region was grappling with the unintended consequences of the global pandemic, this Board committed to take a closer look into the regional childcare crisis and the needs of our employees who often struggle to find reliable and affordable childcare. County staff was directed to bring an innovative solution forward to support our employees and the community by identifying available space on County campuses that could be utilized for childcare. While the urgency of the public health crisis took center stage, this initiative is more critical than ever before. We have an immediate opportunity to build upon this enterprise-wide effort and explore opportunities for on-site childcare in the form of "learning hubs" for school-aged children. This model will address two significant challenges facing our County employees – the lack of available and affordable childcare options to support distance learning and the lack of reliable internet service.

Learning hubs are an innovative model that have already been implemented extensively throughout the City of San Francisco, utilizing City-owned spaces to provide community learning hubs in partnership with community-based providers. Today's action will direct the Chief Administrative Officer to immediately convene a multi-disciplinary team focused on this initiative and to move forward with a sense of urgency to address this need for our employees and families across the county. This pandemic has forced us to redesign nearly every aspect of our daily life, including how we work and how our children learn. As a County government, we

SUBJECT: INVESTING IN SAN DIEGO FAMILIES: EXPLORING LEARNING HUBS ON COUNTY CAMPUSES TO SUPPORT OUR EMPLOYEES AND THEIR CHILDREN WITH DISTANCE LEARNING (DISTRICTS: ALL)

are being pressed to think and respond quickly to serve beyond our normal scope and responsibility. We will continue to adapt and assisting our employees and their school-aged children with nontraditional spaces for learning is critical.

RECOMMENDATION(S)

SUPERVISOR KRISTIN GASPAR

1. Direct the Chief Administrative Officer to immediately explore providing spaces for learning hubs to operate on County of San Diego campuses or other County facilities, in partnership with community-based providers, to increase support for our employees and their children as they adapt to distance learning.
2. Direct the Chief Administrative Officer to report back to the Board in 45 days and 90 days with updates on the progress and implementation of learning hubs.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The beginning of the school year has already started for children across San Diego County, and our employees and families are faced with incredible childcare and technology challenges as they try to adapt to distance learning. Additionally, there are many families across our county that still do not have access to reliable internet service and parents are struggling to help their children be successful in a virtual learning environment.

In January of this year, our Board unanimously approved an initiative to explore opportunities for on-site childcare at County of San Diego campuses. Even before our region was grappling with the unintended consequences of the global pandemic, this Board committed to take a closer look into the regional childcare crisis and the needs of our employees who often struggle to find reliable and affordable childcare. County staff was directed to bring an innovative solution forward to support our employees and the community by identifying available space on County campuses that could be utilized for childcare. While the urgency of the public health crisis took center stage, this initiative is more critical than ever before. We have an immediate opportunity to build upon this enterprise-wide effort and explore opportunities for on-site childcare in the form of “learning hubs” for school-aged children. This model will address two significant challenges facing our County employees – the lack of available and affordable childcare options to support distance learning and the lack of reliable internet service.

Learning hubs are an innovative model that have already been implemented extensively throughout the City of San Francisco, utilizing City-owned spaces to provide community

**SUBJECT: INVESTING IN SAN DIEGO FAMILIES: EXPLORING LEARNING HUBS
ON COUNTY CAMPUSES TO SUPPORT OUR EMPLOYEES AND THEIR
CHILDREN WITH DISTANCE LEARNING (DISTRICTS: ALL)**

learning hubs in partnership with community-based providers. In addition to our numerous County campuses across the region, our San Diego County Library system operates 33 branches countywide with multiple branches in the rural parts of our county where limited connectivity exists. All our branches are equipped with the necessary technology and broadband or wi-fi capacity to provide students with the tools to be successful with online learning. Our Parks and Recreation Department operates a portfolio of community and teen centers, day-use parks, sports parks, and historic sites that can also serve as innovative solutions for bringing our learning spaces outside and further reducing the risk for transmission of COVID-19. Our Live Well Centers also provide an opportunity to utilize large conference and meeting spaces, intended to be community gathering spaces, that are currently prohibited due to the public health orders.

Today's action will direct the Chief Administrative Officer to immediately convene a multi-disciplinary team focused on this initiative and to move forward with a sense of urgency to address this need for our employees and families across the county. This pandemic has forced us to redesign nearly every aspect of our daily life, including how we work and how our children learn. As a County government, we are being pressed to think and respond quickly to serve beyond our normal scope and responsibility. We will continue to adapt and assisting our employees and their school-aged children with nontraditional spaces for learning is critical.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's action supports the County's 2020-2025 Strategic Plan and the Operational Excellence initiative to "make San Diego County the best place to work in the nation" and the goal to develop, maintain and attract a skilled, adaptable and diverse workforce by providing opportunities for our employees to feel valued, engaged, and trusted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kristin Gaspar", written over a circular stamp or seal.

KRISTIN GASPAR
Supervisor, Third District

ATTACHMENT(S)

N/A

SUBJECT: INVESTING IN SAN DIEGO FAMILIES: EXPLORING LEARNING HUBS
ON COUNTY CAMPUSES TO SUPPORT OUR EMPLOYEES AND THEIR
CHILDREN WITH DISTANCE LEARNING (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:

January 28, 2020 (7) – Investing in San Diego Families: Exploring Opportunities for On-Site
Childcare at County of San Diego Campuses

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: Third District

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Christi Knight

Name

619-531-5533

Phone

christi.knight@sdcounty.ca.gov

E-mail

Name

Phone

E-mail

COUNTY OF SAN DIEGO
2020 SEP 11 AM 8:34
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: September 15, 2020

TO: Board of Supervisors

SUBJECT

OPPOSITION TO CALIFORNIA PROPOSITION 15, TAX ON COMMERCIAL AND INDUSTRIAL PROPERTIES FOR EDUCATION AND LOCAL GOVERNMENT FUNDING INITIATIVE (DISTRICTS: ALL)

OVERVIEW

Proposition 15 is a ballot initiative that is scheduled to be presented to California Voters on November 3, 2020. Proposition 15 would amend the California State Constitution to eliminate Proposition 13 protections by creating a *split tax* roll, where Proposition 13 protections for commercial and industrial properties will be eliminated and reassessed on current market value.

Passage of Proposition 15 would create the largest property tax increase in California history at a time when small businesses are already struggling to keep afloat during the historic COVID-19 Pandemic.

Additionally, the San Diego County Assessor's Office will need to substantially increase staff to complete real estate appraisals in San Diego and other counties, audit mixed-use housing projects, audit small businesses for number of employees, process a significant increase in assessment appeals, and defend and litigate valuations.

Today's action will ask the San Diego County Board of Supervisors to go on record opposing Proposition 15 by supporting the recommendation.

RECOMMENDATION(S)

SUPERVISOR JIM DESMOND AND ASSESSOR ERNEST J. DRONENBURG, JR.

Adopt the resolution titled: RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY OPPOSING PROPOSITION 15, THE CALIFORNIA SCHOOLS AND LOCAL COMMUNITIES FUNDING ACT OF 2020, IN THE NOVEMBER 3, 2020 ELECTION

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SUBJECT: OPPOSITION TO CALIFORNIA PROPOSITION 15, TAX ON
COMMERCIAL AND INDUSTRIAL PROPERTIES FOR EDUCATION
AND LOCAL GOVERNMENT FUNDING INITIATIVE (DISTRICTS:
ALL)

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

In 1978, California voters approved Proposition 13, which protected property owners from excessive taxation by requiring residential, commercial, and industrial properties be taxed based on their purchase price. The tax is limited to no more than one percent of the purchase price, with an annual adjustment equal to the California Consumer Price Index inflation rate or two percent, whichever is lower.

Proposition 15 would repeal Proposition 13 protections on commercial and industrial properties. If repealed this property tax increase would burden business owners who are already facing immense financial challenges due to the COVID-19 pandemic.

Proposition 15 creates significant administrative cost and increases government processing and red tape. The California Assessors Association estimates the cost to implement Proposition 15 to be more than \$1 billion statewide. Additionally, the San Diego County Assessor would have to hire between 60 and 100 new employees to handle Proposition 15 increased appraisal work and tax assessment appeals. In Fiscal Year 2019-20, the San Diego County Tax Assessor conducted 3,000 appeals; if Proposition 15 were to pass, and the property owners appeals they estimate over 25,000 properties would have tax assessment appeals each year.

In San Diego it is estimated that more than three quarters of commercial and industrial properties would be impacted by the passage of Proposition 15. Although proponents of Proposition 15 state it will close corporate property tax loopholes for the top 10% landowners, the San Diego County Assessor data shows this would most impact the “mom and pop” corner store property owners and renters by creating an unaffordable increase to operate and a fluctuating and inconsistent tax rate based on market conditions beyond their control.

The ultimate result will be the closure of small independent businesses, leaving the large chains that can afford the higher taxes. Many of California’s largest corporations, such as AT&T, COX, Exxon, SDG&E are already reassessed annually by State law.

At a time when California businesses are struggling, imposing additional tax burdens on California’s business community would be misguided.

SUBJECT: OPPOSITION TO CALIFORNIA PROPOSITION 15, TAX ON
COMMERCIAL AND INDUSTRIAL PROPERTIES FOR EDUCATION
AND LOCAL GOVERNMENT FUNDING INITIATIVE (DISTRICTS:
ALL)

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's Board action opposing Proposition 15 supports the Sustainable Environments/Thriving initiative in the County of San Diego's 2020-2025 Strategic Plan by protecting local business owners from tax increases during the COVID-19 Pandemic.

Respectfully submitted,



JIM DESMOND
Supervisor, 5th District



ERNEST J. DRONENBURG, JR
Assessor/Recorder/County Clerk

ATTACHMENT(S)

Attachment A-Draft Resolution
Attachment B -Proposition 15

SUBJECT: OPPOSITION TO CALIFORNIA PROPOSITION 15, TAX ON
COMMERCIAL AND INDUSTRIAL PROPERTIES FOR EDUCATION
AND LOCAL GOVERNMENT FUNDING INITIATIVE (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: Supervisor Jim Desmond

OTHER CONCURRENCE(S): Assessor Ernest Dronenburg

CONTACT PERSON(S):

Donna Cleary and Kristal Jabara

Name

619-531-5555

Phone

Donna.cleary@sdcounty.ca.gov

E-mail

Jordan Marks, Esq.

Name

619-372-0226

Phone

Jordan.marks@sdcounty.ca.gov

E-mail

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY
OPPOSING PROPOSITION 15, THE CALIFORNIA SCHOOLS AND LOCAL COMMUNITIES FUNDING ACT OF
2020, IN THE NOVEMBER 3, 2020 ELECTION**

WHEREAS, preserving the constitutional protections of all Californians is paramount to good government. Opposing initiatives that endanger those protections is of the utmost importance; and

WHEREAS, the voters of California approved Proposition 13, in 1978, requiring all residential, commercial, and industrial properties be taxed on not more than one percent of their purchase price and an annual adjustment equal to the rate of inflation or two percent, whichever is lower; and

WHEREAS, Proposition 15 would eliminate those Proposition 13 protections for commercial and industrial properties, creating a split tax roll; and

WHEREAS, Proposition 15 would create the largest property tax increase in California history, impacting small business owners at the worst possible time;

WHEREAS; Proposition 15 small business exemptions will not protect majority of the small businesses in San Diego County from the largest property tax increase in California history;

WHEREAS; Proposition 15 increases the cost of good, services, and living for the struggling families of San Diego County; and

WHEREAS, Proposition 15 increases government administration costs and reducing revenue for small counties, including their water and fire districts; and

WHEREAS, eliminating Proposition 13 for properties will create a more unstable, unpredictable tax revenue base for the County, school districts, fire districts and municipalities; and

WHEREAS, Proposition 13 has provided a long standing, stable, revenue source for California schools and local government; and

NOW, THEREFORE BE IT RESOLVED that the San Diego County Board of Supervisors hereby opposes Proposition 15, Initiative Constitutional Amendment known as the California Schools and Local Communities Funding Act of 2020.

**APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL**

By Rachel Witt, Chief Deputy County Counsel

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Attachment B

SECTION 1. Title

This measure shall be known as "The California Schools and Local Communities Funding Act of 2020."

SEC. 2. Findings

- (a) California is the fifth largest economy in the world, but if we don't invest in our future, we'll fall behind. To grow our economy and provide a better quality of life now, and for future generations of Californians, we need to do a better job of investing in our schools, community colleges, and local communities, and do more to encourage small businesses and start-ups.
- (b) Our competitiveness begins with making children and their education a priority. Decades of cuts and underfunding have undermined California schools. A recent national study ranked the performance of California schools in the bottom half of all states. The top ranked states spend thousands of dollars more per student than California.
- (c) California's funding shortfall has direct consequences for our kids: we're dead last in the nation in teacher-to-student ratios, last in guidance counselor to student ratios, and last in librarian-to-student ratios.
- (d) The quality of life in our local communities is also critical to our economic future. It depends on streets that are safe and clean, emergency services we can count on, parks and recreation programs that keep our youth off the streets, and roads that are well maintained. Our cities, counties and local agencies are on the front line facing the consequences of the lack of affordable housing and increasing homelessness as well as worsening risks from wildfires and other disasters.
- (e) Property taxes on commercial and industrial properties are a principal source of funding for our schools and local communities. While virtually every other state assesses commercial and industrial property based on its fair market value, California allows commercial and industrial property taxes to go many years, even decades, without reassessment. This unusual system is prone to abusive tax avoidance schemes, diverts funds away from schools and local communities, contributes to the shortage of affordable housing, distorts business competition, and disadvantages business start-ups.
- (f) California's under-assessment of commercial and industrial properties is a growing problem. Large investors and corporations, many of whom are from other states and countries, are using a variety of schemes to get around the law and buy and sell properties without being reassessed, costing our schools and local communities billions of dollars.
- (g) A recent study by the University of Southern California has found that under-assessed commercial and industrial property allows owners to avoid over \$11 billion in local property taxes each year that should be going to support our schools and local communities.

- (h) California's unusual commercial and industrial property tax system contributes to California's affordable housing crisis. Studies by the Legislative Analyst Office and the University of California have demonstrated that California's property tax system incentivizes owners to hold idle vacant and under-utilized commercial and industrial property. A reformed system, that assesses all properties based on their fair market value, would create a powerful new incentive to build new housing.
- (i) Every commercial and industrial property owner benefits from local schools and services like public safety and infrastructure. It is unfair and anti-competitive that the property tax system forces some businesses to pay higher property taxes to support our schools and local communities while their competitors pay much lower property taxes because their properties are assessed far below their fair market value.
- (j) California's unusual property tax system not only distorts competition, it discourages business investments. Under the current system, businesses that invest in improving their properties trigger reassessment and higher property taxes. But businesses that don't invest in improving their properties continue to enjoy the low cost of under assessment.
- (k) A study done at the University of California demonstrates that reassessing commercial property will have a net positive benefit on jobs and the California economy.
- (l) If we reformed California's under-assessment problem on business properties, California would still rank among the lowest states for business property taxes in the nation because of the California Constitution's provisions related to the 1% limitation on property tax rates.
- (m) Thriving small businesses and start-ups are essential to California's economy now and for our future. The property tax on equipment and fixtures discourages new start-ups, small businesses and larger businesses from making new productive investments. By requiring under-assessed large properties to be assessed at fair market value, small businesses can be fully exempted from the property tax on equipment and fixtures and the tax can be substantially reduced for other businesses, removing this disincentive without harm to funding for our schools and local communities.
- (n) Reassessing under-assessed commercial and industrial property in California would primarily impact a small number of properties owned by the largest corporations and wealthiest investors. Almost 80% of the tax benefits of the under-assessment allowed by the current system go to just 8% of the properties.
- (o) The benefits to our schools, local communities and economy resulting from ending the under-assessment of commercial and industrial property can be achieved while protecting small businesses through exemptions and deferrals of reassessment and at the same time encouraging small businesses by creating a more level playing field and by eliminating the property tax on business equipment and fixtures.

- (p) Reforming commercial and industrial property assessments to fair market value will result in a fairer system for our schools, our local communities and our businesses. All businesses will compete on a level playing field, generating billions of dollars in additional support for our schools and local communities.

SEC. 3. Purpose and Intent.

It is the intent of the People of the State of California to do all of the following in this measure:

- (a) Preserve in every way Proposition 13's protections for homeowners and for residential rental properties. This measure only affects the assessment of taxable commercial and industrial property.
- (b) Provide for increased and stable revenues for schools, cities, counties and other local agencies by requiring under-assessed commercial and industrial properties to be assessed based on their fair market value.
- (c) Distribute the new revenues resulting from this measure to schools and local communities, not to the State.
- (d) Ensure that the portion of any new revenues going to local schools and community colleges as a result of this measure is treated as new revenues that are in addition to all other funding for schools and community colleges, including Proposition 98.
- (e) Guarantee every school district and community college will receive additional funding from this measure and that funds going to schools and community colleges are allocated in a manner that is consistent with local control funding formulas intended to advance equity.
- (f) Ensure that any new revenues going to cities, counties, and special districts as a result of this measure will be allocated in the same manner as other property tax revenues, consistent with prior ballot measures approved by voters, to improve the quality of life in local communities in all parts of California.
- (g) Make certain there is complete public transparency by requiring schools, community colleges, cities, counties, and special districts to publicly disclose the new revenues they receive and how those revenues are spent in a manner that is widely available and easily understood.
- (h) Be very clear that this measure only applies to taxable commercial and industrial real property by including provisions stating that:
 - 1) All residential property is exempt so homeowners and renters will not be affected in any way by this measure.
 - 2) This measure makes no change to existing laws affecting the taxation or preservation of agricultural land.

- (i) Make no change to Proposition 13's constitutional provisions relating to the 1% limitation on property tax rates for all taxable real property so local property taxes on commercial and industrial property will continue to be among the lowest in the country after this measure is approved by voters.
- (j) Ensure stability for owners of small business properties by providing an exclusion for small commercial and industrial real property owners. The intent of this provision is to provide an exclusion that applies only to the true owners of small businesses and that large property owners shall be prevented from using the exclusion for their own benefit.
- (k) Defer reassessments for properties in which small businesses account for 50% or more of the occupied space until the 2025-2026 lien date to provide those small business tenants additional time to choose the leasing option that works for them, recognizing that the impact of this measure will be different for each property, depending on how close the current assessment is to the fair market value and whether or not it qualifies for the small property exclusion for properties with a fair market value of \$3 million or less.
- (l) Encourage new and existing businesses to make new investments by eliminating the business tangible personal property tax on equipment and fixtures for small businesses and providing a \$500,000 per year exemption for all other businesses. The Legislature may not reduce this exemption, but it may increase it.
- (m) Provide greater equity in the taxation of commercial and industrial properties by assessing all of them based on their actual fair market value just like start-ups and new commercial and industrial properties that already are being assessed based on their actual fair market value. The intent is for all businesses to compete on a more level playing field and make sure all businesses are paying their share to support the schools and local communities from which they benefit.
- (n) Require the Legislature, after conferring with a Task Force on Property Tax Administration, to provide by statute for the phase-in of reassessments of under-assessed commercial and industrial real properties so that county assessors may effectively implement the new law. Such phase-in will begin with the lien date for the 2022-23 fiscal year and occur over several years. Affected owners shall only be obligated to pay the taxes based on the new assessed value beginning with the lien date for the fiscal year when the assessor has completed the reassessment.
- (o) Require the Legislature to ensure that the phase-in provisions provide affected owners of under-assessed commercial and industrial real properties reasonable time to pay any increase in their tax obligations resulting from this measure.
- (p) Provide for the recovery of actual direct administrative costs incurred by counties to effectively implement the new law.

- (q) Ensure that the General Fund and other funds of the State are held harmless by reimbursing the State for reductions in tax revenue caused by the deductibility of the property tax.
- (r) Maintain the Board of Equalization's oversight over the property tax system to assure the public that assessments of commercial and industrial real property in every county are equitable and uniform as required by this measure, and to further ensure that the Board of Equalization provides statewide assistance as necessary to support the efficient implementation of this measure within all 58 counties.

SEC. 4. Section 8.7 of Article XVI of the California Constitution is added to read:

SEC. 8.7. (a) The Local School and Community College Property Tax Fund is hereby created in the State Treasury, to be held in trust, and is continuously appropriated for the support of local education agencies as that term is defined in section 421 of the Education Code as that statute read on January 1, 2020, and for the support of community college districts. The moneys deposited in the Local School and Community College Property Tax Fund shall be held in trust for schools, and shall be distributed as follows:

(1) Eleven percent (11%) of the moneys shall be allocated by the Board of Governors of the California Community Colleges to community college districts in proportion to the funding calculated for each district pursuant to the distribution formulas operative in statute as of January 1, 2020, or any successor statute, provided that property tax revenues calculated pursuant to section 84751 of the Education Code, or any successor statute, that exceed the total funding calculated for a district pursuant to the then-operative distribution formulas shall be subtracted from that district's proportionate share of the Local School and Community College Property Tax Fund.

(2) Eighty-nine percent (89%) of the moneys shall be allocated by the Superintendent of Public Instruction to school districts, charter schools and county offices of education as follows:

(A) To school districts and charter schools, in proportion to each school district's or charter school's total funding calculated pursuant to subdivisions (a)-(i), inclusive, of section 42238.02 of the Education Code, as those provisions read on July 1, 2019. Any school district or charter school that qualifies as a "basic aid school district" or "excess tax entity" under subdivision (o) of that section shall have subtracted from its proportionate share of the Local School and Community College Property Tax Fund the amount by which the sum calculated in subdivision (j) of that section exceeds the amount calculated pursuant to subdivisions (a)-(i), inclusive, as each of those provisions read on July 1, 2019.

(B) To county offices of education, in proportion to each office's total funding calculated pursuant to section 2574 of the Education Code as that section read on July 1, 2019.

(3) Notwithstanding the above, no school district or charter school shall receive from the Local School and Community College Property Tax Fund less than \$100 per unit of average daily attendance, adjusted annually upward or downward by the same percentage that the Local School and Community College Property Tax Fund grew or declined from the previous year, and no community college district shall receive from the Local School and Community College

Property Tax Fund less than \$100 per enrolled full time equivalent student, adjusted annually upward or downward by the same percentage that the Local School and Community College Property Tax Fund grew or declined from the previous year.

(b) Except as provided in paragraph (2) of subdivision (d) of Section 8.6 of this Article, notwithstanding any other law, the moneys deposited in the Local School and Community College Property Tax Fund shall not be subject to appropriation, reversion, or transfer by the Legislature, the Governor, the Director of Finance, or the Controller for any purpose other than those specified in this section, nor shall these revenues be loaned to the General Fund or any other fund of the State or any local government fund.

(c) Moneys allocated to local education agencies, as that term is defined in section 421 of the Education Code as that statute read on January 1, 2020, and to community college districts from the Local School and Community College Property Tax Fund shall supplement, and shall not replace, other funding for education. Funds deposited into or allocated from the Local School and Community College Property Tax Fund shall not be part of "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes" for purposes of paragraphs (2) and (3) of subdivision (b) of Section 8 of this Article or for purposes of Section 21 of this Article. Except as provided in subdivision (c) of Section 8.6 of this Article, revenues generated by Section 2.5 of Article XIII A shall not be deemed to be General Fund revenues which may be appropriated pursuant to Article XIII B for purposes of paragraph (1) of subdivision (b) of Section 8 of this Article, nor shall they be considered in the determination of per capita General Fund revenues for purposes of subdivisions (b) and (e) of Section 8 of this Article.

(d) Except as provided in subdivision (c) of Section 8.6 of this Article, revenues generated by Section 2.5 of Article XIII A shall not be deemed to be General Fund proceeds of taxes that may be appropriated pursuant to Article XIII B for purposes of Section 20 or Section 21 of this Article.

SEC. 5. Section 8.6 of Article XVI of the California Constitution is added to read:

SEC. 8.6. (a) The Legislature shall provide by statute a methodology, based on historical experience, for determining the additional revenue generated in each county each fiscal year as a result of the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A and the application of Section 2.5 of Article XIII A. The determination as to the amount of additional revenue in each county shall be transmitted to the county auditor annually for use for the calculations required by this section.

(b) After transferring the necessary funds pursuant to subdivisions (c), (d) and (e) and subparagraph (B) of paragraph (1) of this subdivision, all additional revenue resulting from the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A and the

application of Section 2.5 of Article XIII A shall be allocated and transferred by the county auditor as follows:

(1) (A) First, to the Local School and Community College Property Tax Fund created pursuant to Section 8.7 of this Article, in an amount equal to the school entities' share of property taxes as determined pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, as that chapter read on January 1, 2020.

(B) Prior to making the transfer pursuant to subparagraph (A) of this subdivision, the county auditor shall subtract an amount equal to the county's share of the increase in appropriations of State General Fund proceeds of taxes for the support of school districts and community college districts pursuant to Section 8 of Article XVI due to the revenue loss resulting from the exemptions provided by Section 3.1 of Article XIII, as determined by the Director of Finance. The county's share of additional State General Fund appropriations shall be transferred by the county auditor to the General Fund prior to the allocation specified in subparagraph (A) of this subdivision. The amount determined by the Director of Finance pursuant to this subparagraph shall for each fiscal year be apportioned by county in proportion to the revenue loss resulting from the exemptions provided by Section 3.1 of Article XIII.

(2) Second, among cities, counties, and special districts pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, as that chapter read on January 1, 2020.

(c) The Franchise Tax Board shall determine the reduction to the General Fund and any other affected state fund of revenues derived from the taxes imposed by the Personal Income Tax Law (Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code) and the Corporation Tax Law (Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code), as those laws read on January 1, 2020, due to the deduction of any net increase in property taxes resulting from the implementation of Section 2.5 of Article XIII A and subdivision (a) of Section 3.1 of Article XIII. The amount of reduction as determined by the Franchise Tax Board shall be transferred by the county auditor to the General Fund and any other affected state fund prior to the allocation specified in subdivision (b). For purposes of making the determinations required by Section 8, 20 and 21 of this Article, the amount transferred to the General Fund pursuant to this subdivision shall be deemed to be General Fund revenues which may be appropriated pursuant to Article XIII B and General Fund proceeds of taxes appropriated pursuant to Article XIII B, and shall be included in the calculation of per capita General Fund revenues. The amount transferred pursuant to this subdivision shall for each fiscal year be apportioned among the counties in proportion to each county's contribution to the total additional revenue resulting from the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A and the application Section 2.5 of Article XIII A determined for all counties.

(d) (1) Each county or city and county shall be annually compensated for the actual direct administrative costs of implementing Section 2.5 of Article XIII A and Section 3.1 of Article XIII as identified by the board of supervisors of the county or city and county consistent with statutes identifying those costs. The Legislature shall determine by statute what constitutes actual direct administrative costs for purposes of this subdivision. Such costs shall at a minimum

include the costs of assessment, assessment appeals, legal counsel, tax allocation and distribution, and auditing and enforcement of the provisions of Section 3.1 of Article XIII and Section 2.5 of Article XIII A. It is the intent of this subdivision to provide full adequate funding to counties to cover all costs associated with implementation of the Act.

(2) The Legislature shall determine by statute the initial start-up costs necessary for each county or city and county and the Board of Equalization to implement the Act and shall appropriate State General Fund monies to pay for such startup costs until sufficient funds are available to pay for all ongoing costs to implement the Act, at which time the statute shall provide for the State General Fund to be reimbursed.

(e) Each county or city and county shall annually be reimbursed for actual refunds of property taxes paid in the prior fiscal year as a result of corrections to assessments made pursuant to Section 2.5 of Article XIII A. The amount reimbursed pursuant to this subdivision shall for each fiscal year be subtracted from each county's contribution to the total additional revenue resulting from the application of Section 2.5 of Article XIII A as a result of the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A.

(f) All local education agencies, community colleges, counties, cities and counties, cities, and special districts that receive funds from the revenues generated by Section 2.5 of Article XIII A shall publicly disclose for each fiscal year, including in their annual budgets, the amount of property tax revenues they received for that fiscal year as the result of Section 2.5 of Article XIII A and how those revenues were spent. Such disclosure shall be made so that it is widely available to the public and written so as to be easily understood.

SEC. 6. Section 2.5 of Article XIII A of the California Constitution is added to read:

SEC. 2.5. (a) (1) Notwithstanding Section 2 of this Article, for the lien date for the 2022-23 fiscal year and each lien date thereafter, the "full cash value" of commercial and industrial real property that is not otherwise exempt under the Constitution is the fair market value of such real property as of that date as determined by the county assessor of the county in which such real property is located, except as provided by the Legislature pursuant to subdivision (b).

(2) Paragraph (1) of this subdivision shall not apply to residential property as defined in this section, whether it is occupied by a homeowner or a renter. Residential property as defined in this section shall be assessed as required by Section 2 of this Article. Paragraph (1) of this subdivision shall also not apply to real property used for commercial agricultural production as defined in this section. Real property used for commercial agricultural production as defined in this section shall be assessed as required by Section 2 of this Article.

(b) The Legislature shall establish a Task Force on Property Tax Administration immediately after this section is enacted, including a county assessor or designee, a Board of Equalization member or designee, a proponent of this Act or designee, a taxpayer representative, and a member of the Legislature or designee. The Task Force shall publicly convene immediately upon its creation to examine and recommend to the Legislature all statutory and regulatory changes

necessary for the equitable implementation of this measure consistent with its purpose and intent. The Legislature, after conferring with the Task Force, shall provide by statute for the phase-in of the reassessment of commercial and industrial real property as required by paragraph (1) of subdivision (a). Any such phase-in shall provide for reassessment of a percentage of all commercial and industrial real properties within each county commencing with the lien date for the 2022-23 fiscal year and extending over two or more lien dates each fiscal year thereafter, in order to ensure a reasonable workload and implementation period for county assessors, including provision for processing and timing of assessment appeals. An owner shall first be obligated to pay the taxes based on the new assessed value beginning with the lien date for the fiscal year when the county assessor has completed the reassessment. The phase-in also shall provide taxpayers whose property has been reassessed a reasonable timeframe within which to pay any increase in taxes. After the initial reassessment of commercial and industrial real property pursuant to this subdivision, such commercial and industrial real property shall be periodically reassessed no less frequently than every three years as determined by the Legislature. Notwithstanding existing statutes, the Legislature shall, in consultation with county assessors, develop a process for hearing appeals resulting from the reassessment of properties pursuant to this section that is consistent with the following:

- (1) The process shall not include automatic acceptance of the applicant's opinion of values within a given time-frame.
- (2) The process shall impose on the taxpayer the burden of proof that the property was not properly valued.
- (3) The process shall require the taxpayer to provide evidence relevant to any appeal in the initial application before the local assessment appeals board.
- (4) The process shall ensure that decisions by local administrative hearing bodies such as assessment appeals boards, if subject to judicial review, are subject only to de novo judicial review on issues of law, while issues of fact, including valuation, shall be reviewed under the substantial evidence standard.

(c) For purposes of this section:

- (1) "Commercial and industrial real property" means any real property that is used as commercial or industrial property, or is vacant land not zoned for residential use and not used for commercial agricultural production. For purposes of this paragraph, vacant land shall not include real property that is used or protected for open space, a park, or the equivalent designation for land essentially free of structures, natural in character to provide opportunities for recreation and education, and intended to preserve scenic, cultural, or historic values.
- (2) "Mixed-use real property" means real property on which both residential and commercial or industrial uses are permitted.
- (3) "Real property used for commercial agricultural production" means land that is used for producing commercial agricultural commodities.
- (4)(A) "Residential property" shall include real property used as residential property, including both single-family and multi-unit structures, and the land on which those structures are constructed or placed.

(B) The Legislature shall provide by statute that any property zoned as commercial or industrial but used as long-term residential property shall be classified as residential for purposes of paragraph (2) of subdivision (a). For mixed-use real property, the Legislature shall ensure only that portion of the property that is used for commercial and industrial purposes shall be subject to reassessment as required by paragraph (1) of subdivision (a). The Legislature shall also define and provide by statute that limited commercial uses of residential property, such as home offices, home-based businesses or short-term rentals, shall be classified as residential for purposes of paragraph (2) of subdivision (a). The Legislature may provide for an exclusion from reassessment for the commercial share of mixed use property provided seventy-five percent (75%) or more of the property by square footage or value is residential.

(d) (1) Subject to paragraph (2) of this subdivision, upon reassessment pursuant to subdivisions (a) and (b), each commercial and industrial real property with a fair market value of three million dollars (\$3,000,000) or less shall not be subject to reassessment pursuant to paragraph (1) of subdivision (a) and shall be assessed as required by Section 2 of this Article. The amount specified in this paragraph shall be adjusted for inflation every two years commencing January 1, 2025, as determined by the State Board of Equalization. The State Board of Equalization shall calculate the adjustment separately for each county taking into consideration differences in average commercial and industrial market values among counties.

(2) Notwithstanding paragraph (1) of this subdivision, real property that would otherwise comply with the exclusion set forth in paragraph (1) of this subdivision shall be subject to reassessment pursuant to paragraph (1) of subdivision (a) if any of the direct or indirect beneficial owners of such real property own a direct or indirect beneficial ownership interest(s) in other commercial and/or industrial real property located in the State, which such real property in the aggregate (including the subject property) has a fair market value in excess of three million dollars (\$3,000,000). The amount specified in this paragraph shall be adjusted for inflation every two years commencing January 1, 2025, as determined by the State Board of Equalization.

(3) All determinations of fair market value under this subdivision shall be determined by the county assessor of the county in which the property is located, and such determinations by the county assessor shall be conclusive and subject only to judicial review for abuse of discretion.

(4) In order to be eligible for the exclusion provided by paragraph (1) of this subdivision, the owner of the real property shall make a claim and certify annually to the county assessor under penalty of perjury that the conditions required by paragraphs (1) and (2) of this subdivision for exemption from reassessment have been met and shall be subject to audit by the county or the State as to that certification. The Board of Equalization shall have the authority to conduct any audits on behalf of the State.

(5) Any real property excluded from reassessment under paragraph (1) of this subdivision shall only be excluded from reassessment so long as it meets the conditions imposed by paragraphs (1) and (2) of this subdivision. If there is any change in the direct or indirect beneficial ownership of such real property, a new claim and certification must be made to the county assessor.

(6) Any appeals by taxpayers who are found not to be excluded from reassessment pursuant to paragraph (1) of this subdivision shall be subject to the process for hearing appeals as provided in subdivision (b).

(e) (1) Provided fifty percent (50%) or more of the occupied square footage of a commercial or industrial real property is occupied by a small business as defined in paragraph (4) of this subdivision, the provisions of paragraph (1) of subdivision (a) shall not take effect prior to the lien date for the 2025-26 fiscal year; provided, however, that if the Legislature establishes by statute pursuant to subdivision (b) that a real property qualified under this paragraph shall be reassessed on a lien date subsequent to the 2025-26 fiscal year, then such property shall be reassessed commencing on that subsequent lien date.

(2) In order to be eligible for the deferral provided by paragraph (1) of this subdivision, the owner of the property shall make a claim and certify annually to the county assessor under penalty of perjury that the conditions required by paragraph (1) of this subdivision for deferral from reassessment have been met and shall be subject to audit by the county or the Board of Equalization as to that certification.

(3) Any real property for which reassessment is deferred under paragraph (1) of this subdivision shall only be eligible for deferral so long as it meets the conditions imposed by paragraph (1) of this subdivision and if there is any change in the direct or indirect beneficial ownership of such real property, a new claim and certification must be made to the county assessor. Upon termination of the deferral, the property shall be subject to paragraph (1) of subdivision (a).

(4) For purposes of this subdivision, the term small business shall include only those businesses which meet all of the following conditions:

(A) The business has fewer than 50 annual full-time equivalent employees.

(B) The business is independently owned and operated such that the business ownership interests, management and operation are not subject to control, restriction, modification or limitation by an outside source, individual or another business.

(C) The business owns real property located in California.

(f) For purposes of this section the failure in any year to claim, in a manner required by the laws in effect at the time the claim is required to be made, an exclusion or classification which reduces or defers an assessment or reassessment shall be deemed a waiver of the exclusion or classification for that year.

(g) Using the methodology prescribed by the Legislature pursuant to subdivision (a) of Section 8.6 of Article XVI, the percentage change in gross taxable assessed valuation within a city, county, or a city and county used to calculate an entity's vehicle license fee adjustment amount pursuant to Section 97.70 of the Revenue and Taxation Code shall not include the additional assessed valuation that results from the application of this section.

(h) Notwithstanding Section 16 of Article XVI or any other law, the additional assessed valuation that results from the application of this section shall not be factored into to any division

of taxes or calculation of growth for treatment as tax increment and shall not be diverted in any manner whatsoever.

SEC. 7. Section 3.1 of Article XIII of the California Constitution is added to read:

SEC. 3.1. (a) (1) For each taxpayer paying the tax on tangible personal property, including business equipment and fixtures, used for business purposes, either of the following shall apply:

(A) (i) For a taxpayer that is a small business, as defined in paragraph (4) of subdivision (e) of Section 2.5 of Article XIII A, all tangible personal property owned and used for business purposes is exempt from taxation.

(ii) A taxpayer shall make a claim and certify annually to the county assessor under penalty of perjury that the condition required by this subparagraph for exemption has been met and such claim shall be subject to audit by the county or the state as to that certification.

(B) Except for a taxpayer subject to subparagraph (A) of paragraph (1) of this subdivision, an amount of up to five hundred thousand dollars (\$500,000) of combined tangible personal property and fixtures, per taxpayer, is exempt from taxation.

(2) Aircraft and vessels shall not be subject to this exemption.

(3) The Legislature shall not lower the exemption amounts provided by this subdivision or change their application, but may increase the exemption amount specified in subparagraph (B) of paragraph (1) of this subdivision consistent with the authority enumerated in Section 2 of this Article.

(b) The Legislature shall provide by statute that all related entities, including but not limited to any subsidiaries, holding companies, or parent corporations, are considered one "taxpayer" for the purposes of this section.

SEC. 8. Section 16 of Article XIII B of the California Constitution is added to read:

SEC. 16. (a) For purposes of this article, "proceeds of taxes" shall not include the additional revenues generated by Section 2.5 of Article XIII A.

(b) For purposes of this article, appropriations subject to limitation of each entity of government shall not include appropriations of the additional revenues collected as a result of the implementation of Section 2.5 of Article XIII A.

SEC. 9. Effective Date.

This measure shall become operative on January 1, 2022, except that subdivision (a) of Section 3.1 of Article XIII shall become operative on January 1, 2024, and subdivision (d) of Section 8.6 of Article XVI and subdivision (b) of Section 2.5 of Article XIII A shall become operative immediately upon passage of this measure.

SEC. 10. Severability

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid. Notwithstanding the foregoing, Section 7 of this Act is non-severable from Section 6 of this Act.

SEC. 11. Liberal Construction

This Act shall be liberally construed in order to effectuate its purposes as articulated in Section 3 of this Act.

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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: September 11, 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)
Kimberly Casey v. County of San Diego.; Workers' Compensation Appeals
Board, San Diego District No. ADJ112283221
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Kimberly Casey v. County of San Diego.; Workers' Compensation Appeals
Board, San Diego District No. ADJ9132769
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
David Roberts v. County of San Diego; Workers' Compensation Appeals Board,
San Diego District No. ADJ10692023
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Douglas Hansen v. County of San Diego Sheriff's Department; Workers'
Compensation Appeals Board, San Diego District No. ADJ8536892
- E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
State of California ex rel. OnTheGo Wireless, LLC v. Cellco Partnership d/b/a
Verizon, et al.; Sacramento Superior Court Case No. 34-2012-00127517
- F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
In re: E.V.; San Diego County Superior Court Case No. 00520239

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COUNTY OF SAN DIEGO
2020 SEP 11 AM 9:41
CLERK OF THE BOARD
OF SUPERVISORS

SUBJECT: CLOSED SESSION (DISTRICTS: ALL)

- G. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Andrew Santillan, et al. v. Ruben Medina, et al.; United States District Court,
Southern District, No. 19cv1552-WQH-NLS
- H. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
S.A.C., a minor, et al. v. Christopher Villanueva; United States District Court,
Southern District, No. 17cv01893-LAB-BLM
- I. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
James Soler v. County of San Diego, et al.; United States District Court, Southern
District, No. 14cv2470-MMA-RBB
- J. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Michael A. Hartsell v. County of San Diego, et al.; United States District Court,
Southern District, No. 16cv1094-LAB-LL
- K. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
D.C., et al. v. County of San Diego, et al.; United States District Court, Southern
District, No. 18cv00013-WQH-DEB
- L. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club, et al. v. County of San Diego; San Diego County Superior Court No.
37-2018-0001-14081-CU-TT-CTL
- M. PUBLIC EMPLOYEE APPOINTMENT
(Government Code section 54957)
Title: County Counsel

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

FISCAL IMPACT
N/A

BUSINESS IMPACT STATEMENT
N/A

SUBJECT: CLOSED SESSION (DISTRICTS: ALL)

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

N/A

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

N/A

Respectfully submitted,

Thomas Burton

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