

**CLERK OF THE BOARD OF SUPERVISORS**

**BOARD OF SUPERVISORS MEETING**

**TUESDAY, OCTOBER 8, 2024**

**Legislative Services Section: (619) 531-5434**

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16. ~~NOTICED PUBLIC HEARING:~~  
SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY CODE PROVISIONS ASSIGNED TO THE FINANCE AND GENERAL GOVERNMENT GROUP (10/8/24 - First Reading; 10/22/24 - Second Reading, unless the ordinances are modified on second reading)

Health and  
Human Services

17. COMMUNITY ENGAGEMENT FOR THE MIGRANT TRANSITION DAY CENTER AND A-72 WAIVER
18. CLOSED SESSION

On May 24, 2022 (24), the San Diego County Board of Supervisors directed staff to conduct a comprehensive assessment (Assessment) of reproductive health care services offered by County and County health contractors, including: barriers to care; opportunities to optimize these services; expanding partnerships with providers; and identifying opportunities to address and reduce health disparities for marginalized communities by advocating for regulatory, budgetary, and legislative efforts that strengthen access to reproductive rights and health care services, including abortion.

The Assessment focused on prevention, identification, and treatment of pregnancies that are unintended, undesired, non-viable, and/or a threat to the pregnant person's health. To complete the Assessment, staff held workgroup meetings and in-depth interviews with County department representatives to collect information on the aspects of reproductive health addressed in their programs. Staff also reviewed literature to identify evidence-based practices to support increasing access to services.

The Assessment found that while many programs and social services are available from the County and from community reproductive health service providers, conducting training to support County staff in discussing reproductive care options with patients and updating procedures focused on person-centered referral pathways are recommended to ensure people can connect with these important services.

A unit within the County dedicated to reproductive health, a unit within the County dedicated to reproductive health ensures comprehensive, accessible, and equitable care for our communities and will strengthen connections to person-centered reproductive health care services and related resources in San Diego County. The unit could serve as a centralized hub for coordinating reproductive health care resources and addressing the unique needs of the community through targeted programs and outreach. It could also advocate for policies that improve access to care, support education on reproductive health issues, and facilitate collaboration among local organizations. By focusing on reproductive health, we can reduce disparities in care, promote preventive measures, and provide essential resources for family planning, sexual health, and gender-affirming services. A dedicated unit ensures that reproductive health remains a priority, leading to better health outcomes and a more informed, empowered community.

Today's action authorizes staff to create a unit within the County of San Diego Health and Human Services Agency dedicated to reproductive health, justice, and equity, and seek grant and other funding opportunities to support the expansion of reproductive health efforts, during the Fiscal Year 2025-26 Operational Planning process.

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

##### **CHAIRWOMAN NORA VARGAS**

1. Direct the Chief Administrative Officer (CAO), during the Fiscal Year 2025-26 Operational Planning process, to create a unit within the County of San Diego Health and Human Services Agency, dedicated to reproductive health, justice, and equity, to serve as a centralized hub to coordinate reproductive health care resources, address the unique needs of the community through targeted programs and outreach, advocate for policies that improve access to care, support education on reproductive health issues, and facilitate collaboration among local organizations.

2. Authorize the Agency Director, Health and Human Services Agency, or designee, to apply for additional funding opportunities to support reproductive health efforts.

### **EQUITY IMPACT STATEMENT**

Black and Latina women experience higher rates of maternal mortality and severe maternal morbidity compared to white women. Specifically, Black women in San Diego face a maternal mortality rate that is 2.5 times higher than their white counterparts. Approximately 20% of low-income women of childbearing age lack access to necessary reproductive health services, including family planning and prenatal care. Nearly 25% of transgender and non-binary individuals report difficulties in accessing gender-affirming care due to lack of providers and financial barriers. Today's action represents a transformative step towards advancing equity in reproductive health care. Having an office dedicated to reproductive health, we can identify, target, and address disparities faced by marginalized communities, including communities of color, low-income individuals, and LGBTQ+ populations.

### **SUSTAINABILITY IMPACT STATEMENT**

Today's action aligns with the County of San Diego sustainability goals for providing just and equitable access to County services and engaging the community to develop communications and engagement strategies that include language and cultural considerations to ensure equitable access and participation.

### **FISCAL IMPACT**

There is no fiscal impact based on these recommendations at this time, although it may result in future fiscal impacts. Resource needs will be considered in the exploration of creation of a unit within the Health and Human Services Agency, dedicated to reproductive health, justice, and equity to serve as a centralized hub. The costs and funding sources associated with the establishment of a unit will be explored during the Fiscal Year 2025-26 Operational Planning process for budgetary consideration. Depending on the results, there may be additional staff years and a net General Fund cost. Any new General Fund resources required may result in budget reductions in other programs.

### **BUSINESS IMPACT STATEMENT**

N/A

11. **SUBJECT: RECEIVE THE ANALYSIS OF HOW CHANGES TO PROPOSITION 47, THROUGH THE POTENTIAL PASSAGE OF PROPOSITION 36, COULD IMPACT FUNDING FOR SERVICES OFFERED BY THE COUNTY OF SAN DIEGO; BOARD TO CONSIDER TAKING A POSITION ON PROPOSITION 36 (DISTRICTS: ALL)**

### **OVERVIEW**

On August 27, 2024 (5), the San Diego County Board of Supervisors (Board) directed the County of San Diego (County) Chief Administrative Officer to work with relevant groups and departments to provide an analysis of how changes to Proposition 47 of 2014, through the potential passage of Proposition 36, may impact funding for County services, with a specific focus on behavioral health services, housing and development services, and homelessness-related program so the Board can consider taking a position on Proposition 36. Proposition 36, *The Homelessness, Drug Addiction, and Theft Reduction Act*, will be included on the November 5, 2024, statewide ballot.

In 2014, voters passed Proposition 47, *The Safe Neighborhoods and School Act*, which reclassified some crimes from felonies to misdemeanors, including certain drug possession offenses, crimes when the amount involved was \$950 or less, unless the individual had previous convictions for violent crimes, and required resentencing for individuals serving felony sentences for these offenses, unless court found unreasonable safety risk. The savings generated from the implementation of Proposition 47 were to be applied to mental health and drug treatment programs, K-12 schools, and victim services, all of which were intended to reduce criminal justice system involvement and recidivism in California. According to the California Legislative Analyst's Office (LAO), Proposition 47 reduced the number of crimes punishable as felonies, thereby reducing the number of people that could be sentenced to state prison. LAO estimates statewide savings realized from Proposition 47 at approximately \$100 million annually, which were redirected to local jurisdictions implementing mental health and substance use services, truancy and dropout prevention programs, and victim services.

According to the LAO, if Proposition 36 is passed, it would reverse some of the felony-to-misdemeanor classifications imposed by Proposition 47. Proposition 36 would make several key changes related to punishments for theft and drug crimes, including increase punishment for some of these crimes, create a new court process for certain drug possession crimes that is treatment-focused, and require courts to warn individuals convicted of selling or providing illegal drugs that they may be charged with murder if someone dies from the drugs they provided or sold. The LAO analysis also indicates that Proposition 36 would have various fiscal effects on the state and local governments, although the overall impact would be dependent upon factors including but not limited to police and law enforcement actions, jail programming, and actions of local prosecutors.

Today's item provides an analysis of anticipated funding and service impacts of changes to Proposition 47 through the potential passage of Proposition 36, with a specific focus on behavioral health services, housing and development services, and homelessness-related programs. In addition, potential impacts have been included related to law enforcement and detention services, prosecution and defense of crimes, and supervision and support of clients in the community.

## **RECOMMENDATION(S)**

### **A. CHIEF ADMINISTRATIVE OFFICER**

Receive the analysis of how changes to Proposition 47, through the potential passage of Proposition 36, could impact funding for services offered by the County of San Diego.

### **B. BASED ON THE BOARD'S ACTION ON AUGUST 27, 2024**

Board to consider whether to take a position on Proposition 36.

## **EQUITY IMPACT STATEMENT**

Funding from Proposition 47 has assisted in addressing racial disparities by supporting several behavioral health, housing, and reentry programs which serve those at high risk of recidivism. This analysis is aligned with the County of San Diego commitment to equity, as it considers potential impacts that may result from the passage of Proposition 36.

## **SUSTAINABILITY IMPACT STATEMENT**

Proposition 47 funding aligns with the County of San Diego (County) Sustainability Goal #2 to provide just and equitable access to County services and programs that protect the health and well-being of justice-involved individuals and the community. Additionally, Proposition 47 funding supports Sustainability Goal #4 to protect health and well-being of communities.

## **FISCAL IMPACT**

There is no immediate fiscal impact associated with today's item. However, if Proposition 36 is passed by voters in November 2024, Proposition 47 funding for existing programs could be reduced or eliminated although the specificity and extent of the impact is unknown at this time. Currently, the County of San Diego (County) is using one-time Proposition 47 grant monies to support two distinct programs, each of which includes aspects of behavioral health care, housing and development, and/or support to people experiencing, or at-risk of homelessness.

The passage of Proposition 36 may eliminate future Proposition 47 grant opportunities that would support these types of programs into the future. Additionally, there could be additional costs for increased law enforcement and detention services, prosecution and defense of crimes, and supervision and support of clients in the community if Proposition 36 passes. At this time, there will be no immediate change in net General Fund cost and no additional staff years. Any future fiscal impacts based on results of the November 2024 election would need to be identified, and staff return to the San Diego County Board of Supervisors for any further action and consideration.

## **BUSINESS IMPACT STATEMENT**

N/A

12. **SUBJECT: EXPANSION OF EMERGENCY AIR QUALITY AND IMPROVEMENT RELIEF: PROCUREMENT AND DISTRIBUTION OF AIR PURIFIERS RELATED TO THE TIJUANA RIVER POLLUTION CRISIS AND A-72 WAIVER (DISTRICT: 1)**

### **OVERVIEW**

For decades, South County communities have endured significant impacts from transboundary pollutants, including sediment, trash, and raw sewage that flow across the border into the Tijuana River Valley and neighboring areas like Imperial Beach, Nestor and San Ysidro. The combination of inadequate aging infrastructure and increasingly frequent climate-related emergencies has resulted in severe environmental, economic, and property damage from persistent cross-border sewage pollution and contaminated ocean waters.

Recognizing the urgency of this crisis, I have led the charge to secure relief for impacted communities. Under my leadership, the Board of Supervisors declared a local emergency on June 27, 2023, and directed staff to pursue all available federal and state funding sources. I have also spearheaded efforts to collaborate with federal, state, and local agencies, as well as stakeholders, to develop projects and innovative solutions to address the root causes of pollution.

As part of these efforts, I secured funding from the U.S. Environmental Protection Agency (EPA) to provide an additional disbursement of California Air Resources Board (CARB) -certified air purifiers for the Emergency Air Quality and Improvement Relief pilot program in collaboration with the San Diego Air Pollution Control District (APCD) and the County of San Diego. This funding is for the purchase of air purifiers, for eligible participants of the County's pilot program. This pilot program, originally approved by the Board on June 4, 2024 (19), provided air purifiers to impacted residents to mitigate the odors caused by sewage flows in the most affected communities.



On September 12, 2024, as a member of the APCD Governing Board, I introduced a motion to direct the Air Pollution Control Officer, as the lead agency for protecting the air quality for all residents in the South County region, to return back to the San Diego County Air Pollution Control District Governing Board on November 14, 2024, with the following item:

- Develop a plan for the APCD to continue funding, procurement and distribution of the appropriate air purifiers or filters, and/or personal protective equipment. Funding options to explore include expanding grant eligibility for the AB617 program, reallocation of funds from state/federal agencies, and the use of the projected operating fund balance of the APCD Operating Fund.

Today's action requests Board approval to authorize the Chief Administrative Officer (CAO) to collaborate with the San Diego Air Pollution Control District (APCD) for the transfer of U.S. EPA funds from the APCD to the County of San Diego and enter into an agreement for acceptance of these funds. These funds would benefit the procurement and distribution of more air purifiers to mitigate the odors caused by sewage flows in partnership with APCD.

### **RECOMMENDATION(S)**

#### **CHAIRWOMAN NORA VARGAS**

1. Waive Board Policy A-72 Agenda and Related Process, Section 2.k.ii, which establishes required timelines for review when preparing a Board Letter.
2. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) because the recommended actions are administrative in nature and not a project as defined in CEQA Guidelines Section 15378(b)(5).
3. Pursuant to Government Code section 26227, and subject to the availability of funding:
  - a. Authorize the Chief Administrative Officer to negotiate and execute a Memorandum of Understanding with the San Diego County Air Pollution Control District (APCD) regarding funding for air purifiers, including the receipt and expenditure of funding pursuant to grant terms from the Environmental Protection Agency (EPA), including sole source procurement pursuant to 2 CFR 200.320, as well as reimbursement for County expenditures to support emergency air quality and improvement relief efforts such as equipment and program administration costs.
  - b. Direct the Chief Administrative Officer to conduct one or more rounds of distribution of air purifiers for eligible participants of the emergency air quality and improvement relief pilot program approved by the Board on June 4, 2024 (19), and authorize the Chief Administrative Officer to take any necessary actions to implement this initiative, and
  - c. Authorize the Director, Department of Purchasing and Contracting to procure air purifiers in support of such a program.
4. Establish appropriations of up to \$ 2,360,200,000 in the Land Use and Environment Executive Office, based on funds received from APCD for the purchase of air purifiers and ~~General Reserve Funds, contingent on feasibility of utilizing the General Fund Reserves~~ (4 VOTES).

5. Direct staff to support the APCD by exploring future partnerships and providing information on the County's pilot program as APCD develops future programs to purchase and distribute air purifiers and/or protective equipment for residents impacted by air pollution and ambient odors.
6. ~~Direct staff to provide a replenishment strategy for the General Fund Reserves utilized by this action.~~

### **EQUITY IMPACT STATEMENT**

The proposed efforts to continue providing immediate relief from the Tijuana River pollution crisis in the form of procurement for air purifiers will result in a positive, immediate impact on the residents affected by the gases emanating from the sewage pollution crisis.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed action to accept funds and continue providing immediate relief in the form of air purifiers will contribute to the health and overall well-being of South County residents, an underserved community, that has limited access to recreational activities due to the current pollution crisis affecting South County Beaches and protected areas.

### **FISCAL IMPACT**

Funds for this action are not included in the Fiscal Year 2024-25 Operational Plan for the Land Use and Environment Executive Office. If approved, this request will result in estimated costs and revenue of approximately \$2,360,200,000 to support emergency air quality and improvement relief efforts, including equipment and program administration costs, contingent on program requirements and funding availability for the Air Pollution Control District (APCD). The funding source is the General Fund Reserve. ~~In accordance with the San Diego County Code of Administrative Ordinances (Administrative Code) Section 113.1, related to General Fund Balances and Reserves, all appropriations of the General Fund Reserve will require at least four votes of the San Diego County Board of Supervisors. Up to \$2,200,000 of funding would be provided to the San Diego Air Pollution Control District (APCD) which would be repaid by revenue from the APCD, which is anticipating receiving funding from the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB), which have both committed to support the procurement of air purifiers on an emergency basis.~~

~~Today's recommended use of the General Fund Reserve will reduce the Reserve to below the minimum required balance, and restoration of the Reserve to the minimum balance will take place over the next one to three years, pursuant to the County of San Diego (County) Administrative Code. A plan and amounts to support the replenishment of the Reserve will be included in the FY 2025-26 Operational Plan, based on available funding sources, which may include anticipated FY 2024-25 budgetary operational results, General Purpose Revenue generated by growth in the County's assessed value, and payments made from APCD. There will be no additional staff years.~~

~~Operational Plans for each impacted department, pending availability of funding. Funding options may include the reallocation of existing resources when the costs cannot be covered by any external funding.~~

### **BUSINESS IMPACT STATEMENT**

N/A

## **FISCAL IMPACT**

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

## **BUSINESS IMPACT STATEMENT**

N/A

**15. SUBJECT: A RESOLUTION IN SUPPORT OF PROPOSITION 6 TO AMEND  
ARTICLE 1, SECTION 6 OF THE CALIFORNIA CONSTITUTION  
(DISTRICTS: ALL)**

### **OVERVIEW**

Prison labor has a long history in the United States penal system. In California, incarcerated people are paid little for performing difficult labor under threat of punishment. The California Penal Code currently “require[s] of every able-bodied prisoner imprisoned in any state prison as many hours of faithful labor in each day and every day during his or her term of imprisonment as shall be prescribed by the rules and regulations of the Director of Corrections.” Cal. Penal Code § 2700. Incarcerated persons who refuse to work sometimes face consequences such as losing the ability to make regular phone calls and the loss of good time credits, among other punitive measures. Proposition 6 would explicitly end this practice in California.

Article 1, Section 6 of the California Constitution states: “Slavery is prohibited. Involuntary servitude is prohibited *except to punish crime*.” Proposition 6 would amend this section and replace it with the following:

- (a) Slavery and involuntary servitude is prohibited.
- (b) The Department of Corrections and Rehabilitation shall not discipline any incarcerated person for refusing a work assignment.
- (c) Nothing in this section shall prohibit the Department of Corrections and Rehabilitation from awarding credits to an incarcerated person who voluntarily accepts a work assignment.
- (d) Amendments made to this section by the measure adding the subdivision shall become operative January 1, 2025.

The exploitation of prison labor is one example of the systemic issues that plague correctional facilities. California law currently allows incarcerated individuals to be subjected to inhumane treatment and abusive interactions resulting in trauma and impeding rehabilitation. Forced prison labor is one form of this. Black individuals make up a disproportionate share of California’s prison population-28% of men and 23% of women in California prisons are Black compared to 6% of California’s population overall. Passage of Proposition 6 would be a small but significant step toward fixing the abusive carceral system that disproportionately affects Black Californians and would eliminate a vestige of slavery that has remained codified in the California Constitution from 1849 through today.

Today, California is one of sixteen states with a penal exception loophole in its state constitution. In recent years, several states have taken action to remove penal exceptions from their state constitutions. In 2018, Colorado voters approved an initiative to remove a penal exception from their state constitution. Nebraska and Utah followed in 2020. In 2022, 76% of Alabama voters supported amending their state constitution to remove the penal exception. Voters in Oregon, Tennessee and Vermont did the same.

This Board Letter requests the San Diego County Board of Supervisors approve a resolution in support of Proposition 6 to amend Article 1, Section 6 of the California Constitution.

**RECOMMENDATION(S)****SUPERVISOR MONICA MONTGOMERY STEPPE**

Adopt the resolution entitled: A RESOLUTION IN SUPPORT OF PROPOSITION 6 TO AMEND ARTICLE 1, SECTION 6 OF THE CALIFORNIA CONSTITUTION

**EQUITY IMPACT STATEMENT**

Removing the penal exception clause from the California Constitution eliminates a vestige of slavery from the California Constitution and bans forced labor in state prisons. The County of San Diego's support of Proposition 6 demonstrates a commitment to promoting equity, justice, and inclusivity.

**SUSTAINABILITY IMPACT STATEMENT**

Supporting Proposition 6 will further the County of San Diego's commitment to promoting justice for all San Diegans.

**FISCAL IMPACT**

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

**BUSINESS IMPACT STATEMENT**

N/A

16. **SUBJECT: ~~NOTICED PUBLIC HEARING:~~  
SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES,  
COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY  
CODE PROVISIONS ASSIGNED TO THE FINANCE AND GENERAL  
GOVERNMENT GROUP (10/8/24 - First Reading; 10/22/24 - Second  
Reading, unless the ordinances are modified on second reading)  
(DISTRICTS: ALL)**

**OVERVIEW**

In accordance with Board of Supervisors (Board) Policy A-76, Sunset Review Process, the Finance and General Government Group (FG3) periodically reviews certain Board Policies, provisions of the San Diego County Code of Administrative Ordinances (Administrative Code), and provisions of the San Diego County Code of Regulatory Ordinances (Regulatory Code) to ensure that they reflect current Board standards and practices. FG3 also reviews for any changes in laws, policies, or regulations that govern County departmental operations and services and recommends amendments accordingly.

AN ORDINANCE AMENDING ARTICLE VIII OF THE SAN DIEGO COUNTY  
ADMINISTRATIVE CODE, RELATING TO THE CHIEF ADMINISTRATIVE  
OFFICER

2. Approve the sunset review date of December 31, 2031, for these ordinances.

**EQUITY IMPACT STATEMENT**

The County of San Diego's policies and code provisions impact residents of the county. In the review of them, staff considered and accounted for impacts to all communities. In addition, the recommended amendments to policies and code provisions before the Board ensure the use of inclusive pronouns.

**SUSTAINABILITY IMPACT STATEMENT**

County of San Diego (County) staff reviewed and, where necessary, is recommending amendments to existing policies and code provisions in alignment with our current County sustainability goals and practices. The recommendations before the Board include updates to Board Policies that incorporate the goal of proper use of county resources to work towards sustainability efforts. Recommendations also ensure policies reflect updated regulations provided by the California Resources Board (CARB). Additionally, the recommendations include updates that promote economic sustainability.

**FISCAL IMPACT**

Funds for Recommendations 2 and 4 as they relate to changes proposed for Board Policy B-74 are not included in the Fiscal Year 2024-25 Operational Plan for Public Works and Parks and Recreation. If approved, this request will result in increased estimated costs and revenue for Fiscal Year 2024-25 of approximately \$155,000 in Public Works and \$25,000 in Parks and Recreation. These are estimates based on prior implementation of Board Policy B-74 requirements in other County landscaping contracts. However, variables including scope and if a Request for Proposal is required could cause the actual fiscal impact to vary. For Parks and Recreation, the additional cost would be absorbed through reduced contracts scope and redirecting operations staff to perform certain activities otherwise performed by contract staff. The funding source would be redirection of existing one-time General Purpose Revenue for the Comprehensive Tree Program. For Public Works, the cost increase will be absorbed by the department through the redirection of existing revenue from various special revenue funds and through reduced contract scope. There will be no additional staff years.

The estimated annual ongoing fiscal impact starting in Fiscal Year 2025-26 is \$310,000 in Public Works and \$50,000 in Parks and Recreation. The funding source is anticipated to be various special revenue funds for Public Works and General Purpose Revenue for Parks and Recreation and will be included in the Fiscal Year 2025-26 Operational Plan based on available funding source. There will be no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

17. SUBJECT: COMMUNITY ENGAGEMENT FOR THE MIGRANT TRANSITION DAY CENTER AND A-72 WAIVER (DISTRICTS: ALL)

OVERVIEW

The County of San Diego is a welcoming county to asylum-seeking migrants and refugees fleeing persecution in their home countries. Over the past seven years, the United States–Mexico border has seen increases in asylum seeking migrants from humanitarian crises around the globe. Federal law allows people from other countries to seek asylum in the United States if they fear persecution at home.

San Diego is home to diverse communities, including significant populations of Somali, Iraqi, and Vietnamese refugees. Oftentimes, San Diego is simply a waypoint for migrants on a longer journey into other areas of the United States. Recently, our region has been impacted by the humanitarian migrant crisis at our international border. As a County we have been addressing the increase in street releases by U.S. Customs and Border Protection (“CBP”) by, among other things, working together with local community-based organizations (“CBOs”) to ensure asylum seekers reach their destination.

On February 6, 2024 (11), the Board of Supervisors directed the Interim Chief Administrative Officer (ICAO) to work with the region’s fiscal agent for the federal Shelter and Services Program (SSP), and if needed, the federal government, to return to the Board within 30 days with options to maximize the use of this funding stream to meet regional needs, including mitigating street releases. Additionally, staff was directed to develop a concept paper and advocacy plan for long-term, state and federally funded migrant transfer sites and respite shelters operated by local community-based organizations, supplemented by philanthropic and private sector funds.

In response to this direction, on February 27, 2024 (13), staff returned to the Board with a report titled "Concept Paper and Advocacy Plan for a Long-Term Migrant Transfer Site and Respite Shelter." The Board authorized the acceptance of the report and directed the CAO to update the Concept Paper as needed. Additionally, the Board added support for a Long-Term Migrant Transfer Site and Respite Shelter to the County’s 2024 Legislative Program and authorized the CAO to apply for any grant funds that provide advance funding for migrant sheltering and services.

On April 30, 2024 (34), the Board directed the Interim CAO to begin implementing the vision for a long-term migrant transfer site and respite shelter, as outlined in the Board’s approved Concept Paper. Staff returned on May 21, 2024, (27), when the Board authorized the acceptance of FY 2024 FEMA Shelter and Services Program-A (SSP-A) grant funding and authorized the Department of Purchasing and Contracting to issue a competitive solicitation for a Migrant Transition Day Center. This item is being late docketed due to the time-sensitivity of the federal grant-funded procurement process. The direction on community engagement is necessary to specify the Board’s intent on the provision of migrant services in a timely and collaborative manner.

Today's actions direct the CAO or designee to engage with the other regional SSP funding recipients and local CBOs to coordinate services to assist migrants under the SSP grant and report back to the Board on the status of this engagement 60 days after the conclusion of the procurement process.

**RECOMMENDATION(S)**  
**CHAIRWOMAN NORA VARGAS**

1. Waive Board Policy A-72 Agenda and Related Process, Section 2.k.ii, which establishes required timelines for review when preparing a Board Letter.
2. Direct the Chief Administrative Officer, after the conclusion of the procurement process for Migrant Transition Day Center, to conduct engagement with the other regional recipients of SSP funding and other local community-based organizations in alignment with contract requirements.
3. Direct the Chief Administrative Officer to report back to the Board within 60 days after the conclusion of the procurement process, with an update on community engagement in the operation of the Migrant Transition Day Center.

**EQUITY IMPACT STATEMENT**

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

**SUSTAINABILITY IMPACT STATEMENT**

Through these collaborative efforts between the County and the local community-based organizations that have the expertise and ability to assist asylum seeking migrants, and identifying funding opportunities, we can ensure our region has the necessary resources to assist this population during a humanitarian crisis. The recommended actions would allow the County to optimize resource utilization by streamlining the effectiveness of our response efforts, ensuring the continuous availability of critical services for affected communities. This approach will enhance our ability to efficiently coordinate resources and maintain the sustainability of essential programs and support services.

**FISCAL IMPACT**

There are no fiscal impacts associated with these recommendations at this time. There will be no change in General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

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

**OVERVIEW**

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
**(Paragraph (1) of subdivision (d) of Section 54956.9)**  
**Hinkle, et al. v. California Department of Health Care Services, et al.;**  
**U.S. District Court for the Northern District of California. 3:18-cv-06430**
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
**(Paragraph (1) of subdivision (d) of Section 54956.9)**  
**James Harold Lynch v. County of San Diego, et al.;**  
**San Diego County Superior Court, Case No. 37-2020-00016745-CU-PO-CTL**
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
**(Paragraph (1) of subdivision (d) of Section 54956.9)**  
**Nura Kanj, et al. v. County of San Diego, et al.;**  
**San Diego County Superior Court, Case No. 37-2023-000038557-CU-PA-CTL**
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
**(Paragraph (1) of subdivision (d) of Section 54956.9)**  
**Jamel Burt v. Nicolai Ramos, et al.;**  
**San Diego County Superior Court, Case No. 3:24-cv-00662-CAB-VET**





# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

NORA VARGAS  
First District

JOEL ANDERSON  
Second District

TERRA LAWSON-REMER  
Third District

MONICA MONTGOMERY STEPPE  
Fourth District

JIM DESMOND  
Fifth District

DATE: October 8, 2024

11

TO: Board of Supervisors

### SUBJECT

**RECEIVE THE ANALYSIS OF HOW CHANGES TO PROPOSITION 47, THROUGH THE POTENTIAL PASSAGE OF PROPOSITION 36, COULD IMPACT FUNDING FOR SERVICES OFFERED BY THE COUNTY OF SAN DIEGO; BOARD TO CONSIDER TAKING A POSITION ON PROPOSITION 36 (DISTRICTS: ALL)**

### OVERVIEW

On August 27, 2024 (5), the San Diego County Board of Supervisors (Board) directed the County of San Diego (County) Chief Administrative Officer to work with relevant groups and departments to provide an analysis of how changes to Proposition 47 of 2014, through the potential passage of Proposition 36, may impact funding for County services, with a specific focus on behavioral health services, housing and development services, and homelessness-related program so the Board can consider taking a position on Proposition 36. Proposition 36, *The Homelessness, Drug Addiction, and Theft Reduction Act*, will be included on the November 5, 2024, statewide ballot.

In 2014, voters passed Proposition 47, *The Safe Neighborhoods and School Act*, which reclassified some crimes from felonies to misdemeanors, including certain drug possession offenses, crimes when the amount involved was \$950 or less, unless the individual had previous convictions for violent crimes, and required resentencing for individuals serving felony sentences for these offenses, unless court found unreasonable safety risk. The savings generated from the implementation of Proposition 47 were to be applied to mental health and drug treatment programs, K-12 schools, and victim services, all of which were intended to reduce criminal justice system involvement and recidivism in California. According to the California Legislative Analyst's Office (LAO), Proposition 47 reduced the number of crimes punishable as felonies, thereby reducing the number of people that could be sentenced to state prison. LAO estimates statewide savings realized from Proposition 47 at approximately \$100 million annually, which were redirected to local jurisdictions implementing mental health and substance use services, truancy and dropout prevention programs, and victim services.

According to the LAO, if Proposition 36 is passed, it would reverse some of the felony-to-misdemeanor classifications imposed by Proposition 47. Proposition 36 would make several key changes related to punishments for theft and drug crimes, including increase punishment for some of these crimes, create a new court process for certain drug possession crimes that is treatment-focused, and require courts to warn individuals convicted of selling or providing illegal drugs that

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they may be charged with murder if someone dies from the drugs they provided or sold. The LAO analysis also indicates that Proposition 36 would have various fiscal effects on the state and local governments, although the overall impact would be dependent upon factors including but not limited to police and law enforcement actions, jail programming, and actions of local prosecutors.

Today's item provides an analysis of anticipated funding and service impacts of changes to Proposition 47 through the potential passage of Proposition 36, with a specific focus on behavioral health services, housing and development services, and homelessness-related programs. In addition, potential impacts have been included related to law enforcement and detention services, prosecution and defense of crimes, and supervision and support of clients in the community.

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

##### **A. CHIEF ADMINISTRATIVE OFFICER**

Receive the analysis of how changes to Proposition 47, through the potential passage of Proposition 36, could impact funding for services offered by the County of San Diego.

##### **B. BASED ON BOARD'S ACTION ON AUGUST 27, 2024**

Board to consider whether to take a position on Proposition 36.

#### **EQUITY IMPACT STATEMENT**

Funding from Proposition 47 has assisted in addressing racial disparities by supporting several behavioral health, housing, and reentry programs which serve those at high risk of recidivism. This analysis is aligned with the County of San Diego commitment to equity, as it considers potential impacts that may result from the passage of Proposition 36.

#### **SUSTAINABILITY IMPACT STATEMENT**

Proposition 47 funding aligns with the County of San Diego (County) Sustainability Goal #2 to provide just and equitable access to County services and programs that protect the health and well-being of justice-involved individuals and the community. Additionally, Proposition 47 funding supports Sustainability Goal #4 to protect health and well-being of communities.

#### **FISCAL IMPACT**

There is no immediate fiscal impact associated with today's item. However, if Proposition 36 is passed by voters in November 2024, Proposition 47 funding for existing programs could be reduced or eliminated although the specificity and extent of the impact is unknown at this time. Currently, the County of San Diego (County) is using one-time Proposition 47 grant monies to support two distinct programs, each of which includes aspects of behavioral health care, housing and development, and/or support to people experiencing, or at-risk of homelessness.

The passage of Proposition 36 may eliminate future Proposition 47 grant opportunities that would support these types of programs into the future. Additionally, there could be additional costs for increased law enforcement and detention services, prosecution and defense of crimes, and supervision and support of clients in the community if Proposition 36 passes. At this time, there

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will be no immediate change in net General Fund cost and no additional staff years. Any future fiscal impacts based on results of the November 2024 election would need to be identified, and staff return to the San Diego County Board of Supervisors for any further action and consideration.

## **BUSINESS IMPACT STATEMENT**

N/A

## **ADVISORY BOARD STATEMENT**

This Board Letter was shared with the Behavioral Health Advisory Board as an informational item on October 3, 2024.

## **BACKGROUND**

On August 27, 2024 (5), the San Diego County Board of Supervisors (Board) directed the County of San Diego (County) Chief Administrative Officer to work with relevant groups and departments to provide an analysis of how changes to Proposition 47, through the potential passage of Proposition 36, may impact funding for County services, with a specific focus on behavioral health services, housing and development services, and homelessness-related programs, and return to the Board on October 8, 2024 so the Board can consider taking a position on Proposition 36. Proposition 36, *The Homelessness, Drug Addiction, and Theft Reduction Act*, will be included on the November 5, 2024, statewide ballot. Today's item provides such an analysis. In addition, potential impacts have been included as it relates to law enforcement and detention services, prosecution and defense of crimes, and supervision and support of clients in the community.

### ***Overview of Proposition 47***

In 2014, voters passed Proposition 47, *The Safe Neighborhoods and Schools Act*, which reclassified some crimes from felonies to misdemeanors, including certain drug possession offenses, crimes when the amount involved was \$950 or less, unless the individual had previous convictions for violent crimes, and required resentencing for individuals serving felony sentences for these offenses, unless court found unreasonable safety risk. The savings resulting from Proposition 47 were then redirected to mental health and drug treatment programs, K-12 schools, and victim services.

According to the California Legislative Analyst's Office (LAO), Proposition 47 reduced the number of crimes punishable as felonies, thereby reducing the number of people that could be sentenced to State prison. LAO indicates savings estimated at approximately \$100 million annually across the state, which is redirected for mental health and substance use services, truancy and dropout prevention, and victim services.

An initial assessment of recidivism outcomes among Proposition 47-funded program participants by the San Diego Association of Governments (SANDAG) also point to the programs' impact on reducing further criminal justice system involvement. Approximately one-third of people participating in Proposition 47-funded programs as of December 31, 2023, had an arrest or conviction on their record after program enrollment. This is below statewide estimates that place

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the average recidivism rate for California at around 50%, according to the California Department of Corrections and Rehabilitation. Program partners also continue to report success linking program participants to permanent housing and supportive services such as behavioral health treatment and employment services.

#### ***Overview of Proposition 47-Funded Programs***

Locally, the County currently utilizes \$6.0 million of one-time Proposition 47 grant funding across two distinct programs, Community Care Coordination Reentry Support (C3RES) and Peer Reentry Leadership Academy, which also leverages \$4.7 million of County funding for a total of \$10.7 million. Each program includes aspects of behavioral health care, housing and development, and/or support to people experiencing, or at-risk of homelessness.

#### ***Community Care Coordination Reentry Support***

C3RES program provides comprehensive care coordination, service navigation, and housing assistance to justice-involved individuals with a history of behavioral health needs and at risk of or experiencing homelessness as they leave custody from local jails to return to their communities. This program was made possible by Proposition 47, an initiative that also enacted the *Safe Neighborhoods and Schools Act*, which designates that 65% of the State corrections savings from Proposition 47 to be used to fund housing support and connections to mental health and substance use disorder treatment programs to reduce recidivism. The County was awarded funds for Cohort III of the Proposition 47 Grant Program based on a project proposal developed in partnership with a Local Advisory Committee and with stakeholder and community input.

The C3RES contract term is projected for \$15,178,890 over five years with the last two option years currently unfunded. Total budgeted amount for the first three years of C3RES is \$5,190,000 from the State *Safe Neighborhoods and Schools Act* grant and \$4,226,490 from 2011 Local Revenue Fund, Community Corrections Subaccount, which is being utilized until the grant term expires in January 2026. Additional funding of \$6,071,556 will need to be identified to fund the last two option years of the program. While the County plans to apply for additional grant funding through Proposition 47 Cohort V, this may not be an option should Proposition 36 pass. If funding is not made available through Proposition 47, or if another source is not identified, this contract is set to expire at the end of the grant term.

This program is contracted to serve at any given time 100 individuals who are released from local jails and would otherwise experience homelessness. The services are provided for up to a year and include peer support and connecting each person, based on their individual needs, to behavioral health treatment, housing support, medical care, employment services, and other supportive services. Since becoming operational in May 2023, and up to July 31, 2024, the program has served 141 unique individuals and, of those released from custody, it has immediately housed 98% of them, connected 82% to medical care, 78% to mental health (MH) treatment and 76% to substance use disorder (SUD) treatment (for MH and SUD, the % is based only on those who needed it). Additionally, 74% of participants were connected to social services, including self-sufficiency benefits. This program was designed locally using evidence-based practices to address the cycle

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of incarceration and homelessness. SANDAG is performing an independent evaluation of this program.

#### *Peer Reentry Leadership Academy*

The Peer Reentry Leadership Academy provides expanded services offered by a community-based provider in which justice-involved individuals receive training on barriers to reentry, resources, and effective communication. This program trains individuals with criminal justice lived experience to deliver information related to the importance of accessing community supportive services, including substance use disorder and mental health treatment, as well as educational and employment resources, and overcoming reentry barriers to individuals in Sheriff's Office detention and reentry facilities. Participants also receive a stipend to share information gained, including their own inspirational story, with incarcerated people to help them build confidence, skills, networking prospects for employment, and access to income and community resources. The Peer Reentry Leadership Academy hosts two cohorts of up to 20 individuals each year.

Since its first Proposition 47-funded cohort launched in September 2023, 30 participants have graduated from the Peer Reentry Leadership Academy across two cohorts. Graduates of former cohorts continue to remain engaged by leading speaking engagements in carceral settings to educate people about reentry resources and help them strengthen community ties post-release to reduce recidivism. This total budget for the Peer Reentry Leadership Academy is \$510,000 of one-time funding, which is being utilized over a three-year period until the grant term expires in June 2026.

#### *Forensic Assertive Community Treatment Services (FACT) - Pending Award of Proposition 47 Grant Funding*

In Spring 2024, County Behavioral Health Services (BHS) applied for additional Proposition 47 Grant Program, Cohort 4 funding for the FACT program, and on September 17, 2024, BHS received a notice from the Board of State and Community Corrections (BSCC) indicating the application was recommended for funding, pending final approval by BSCC on October 3, 2024. The Cohort 4 grant funds will be utilized to expand the evidence-based Assertive Community Treatment (ACT) approach to create the Forensic ACT or FACT model. FACT serves people with serious mental illness who are involved with the criminal justice system. The needs of this population are complex and exacerbated by their involvement with the criminal justice system.

The FACT model provides customized adaptations based on criminogenic needs and risks while bridging the behavioral health and criminal justice systems. The program will expand available housing interventions and ancillary housing supports, embed criminal justice staff, provide substance use services and flexible funding for customized supports. It is anticipated these enhanced forensic services will reduce time spent in detention, avoid psychiatric visits to emergency rooms, reduce admissions to psychiatric hospitals, increase engagement with treatment, and increase public safety.

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The Proposition 47 grant funding would serve approximately 330 adult individuals, 18-59 years of age, who have serious mental illness and who are involved with the criminal justice system with medium to high criminogenic risk. These individuals may also have co-occurring substance use, physical health disorders, chronic homelessness, and a history of non-compliance with criminal justice mandates. Proposition 47 funding would be utilized for housing payments, deposit assistance, flexible funding based on criminogenic needs, peer support specialists, and substance use counselors.

If approved for full funding by the BSCC on October 3, 2024, the Cohort 4 grant will provide up to \$8.0 million of one-time grant funding for the FACT services from October 1, 2024, through June 30, 2028. BHS will return to the Board at a future date to seek additional authority to accept these funds. The enhancements to FACT services are anticipated to reduce time spent in detention, unnecessary emergency rooms visits, admissions to psychiatric hospitals, along with increasing engagement into mental health and substance abuse treatment and each participant's ability to function in the community.

***Overview of Anticipated Proposition 36 Impacts to Proposition 47-Funded Services***

LAO anticipates that Proposition 36 would reduce funding by tens of millions of dollars for mental health and substance use treatment, school truancy and dropout prevention, and victim services, for which funding is generated through savings from Proposition 47. Total statewide funding for these services is nearly \$100 million annually. The LAO also anticipates other fiscal impacts on state and local governments, if increased punishments or mandated treatment reduce crime, resulting in a potential reduction of state and local criminal justice costs.

Locally, if Proposition 36 is passed, Proposition 47-funded programs, including C3RES and the Peer Reentry Leadership Academy program, would likely see reduced or eliminated funding if criminal justice system costs significantly increase due to the implementation of Proposition 36. Consequently, justice-involved individuals receiving care and support through these programs risk losing access to key reentry supports and may face negative impacts as a result. It could also include reduced or eliminated funding for future Proposition 47 funding for Cohort V, which would shorten the C3RES program by two years. The Cohort V grant funding was anticipated to fund the last two years of this program.

Additionally, if Proposition 36 is passed, the \$8.0 million of Proposition 47 Cohort 4 grant funding that has been conditionally awarded could be potentially reduced or eliminated, resulting in the inability to expand housing options and services tailored to the justice involved population within FACT programs.

***Overview of Anticipated Proposition 36 Impacts to the Criminal Justice System***

According to the LAO, Proposition 36, if passed, seeks to reverse some felony-to-misdemeanor classifications imposed by Proposition 47 by making several key changes related to punishments for theft and drug crimes, as follows:

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- Increase punishment for some crimes by turning some misdemeanors into felonies, lengthening some felony sentences, and requiring some felonies be served in prison.
- Create a new court process for certain drug possession crimes that is treatment focused.
- Require courts to warn individuals convicted of selling or providing illegal drugs that they may be charged with murder if someone dies from the drugs they provided or sold.

The LAO's analysis also indicates that the implementation of Proposition 36 would have various fiscal effects on the state and local governments, although the size of these effects would be dependent on factors, which may include decisions made by local prosecutors.

#### ***Anticipated Impacts to the State Criminal Justice System***

The LAO anticipates that Proposition 36 would increase State criminal justice costs ranging from several tens of millions of dollars to the low hundreds of millions of dollars each annually. This is due to the requirement for some people currently serving sentences at the county level to serve them at the state level and potentially lengthening some prison sentences.

LAO estimates around 90,000 people currently in prison, which would likely increase by a few thousand people should Proposition 36 pass. Additionally, there would be an increase in State Court workloads because felonies take additional time to resolve when compared with misdemeanors and due to additional treatment-mandated felonies.

#### ***Anticipated Impacts to the Local Criminal Justice System***

The LAO anticipates Proposition 36 would increase local criminal justice costs by tens of millions of dollars annually. This is due to the net increase of the county jail and community supervision population. Proposition 36 would likely reduce the jail and community supervision population because some individuals would go to state prison; however, would increase this population in other ways because individuals would spend more time in county jail or on community supervision.

LAO estimates around 250,000 people statewide are currently in custody at the county level, which would likely increase by a few thousand people should Proposition 36 pass. Additionally, there would be an increase in Court-related work for local prosecutors and public defenders since felonies generally require more time to resolve than misdemeanors, and for local county agencies, including but not limited to BHS and Probation, associated with treatment-mandated felonies.

Locally, the County may experience a minimum increase of approximately \$58 million annually in criminal justice system costs due to Proposition 36-related impacts to law enforcement and detention services, prosecution and defense of crimes, and supervision and support of clients in the community.

#### ***Law Enforcement and Detention***

The Sheriff's Office anticipates an estimated initial influx of arrests for the offenses articulated by Proposition 36, which may result in more than 5,000-8,000 additional new field arrests and court

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remands/warrant bookings annually. Over time, these arrests may taper off as repeat offenders receive longer sentences, but the future impact of that is currently unknown. During the pandemic, the Sheriff's Office reduced the number of crimes that were deemed bookable. This was to reduce the health threat to individuals in our custody, while ensuring public safety. In addition, penalties for some crime types were reduced which made them a lesser offense and not bookable under local booking acceptance criteria. The Sheriff's Office has evaluated the current criteria and believes it strikes the right balance between keeping our communities safe, constitutionality and jail safety.

The current average daily population for the County's jails is about 4,000 people. The Sheriff's Office receives approximately 50,000 individual bookings per year. Proposition 36, if it passes, could increase the number of non-violent offenders being booked into custody and staying in jail, potentially pushing the incarcerated population beyond current system capacity. The ability to serve a larger population will be tested. More individuals in custody will translate to higher levels of medical needs, hospital/court/clinic transports, increased food, behavioral needs and a reduction of bed space and safe housing.

Increasing the incarcerated population will have three major effects on our detentions operations: 1) it will require Mandatory Overtime to be reinstituted to meet necessary staffing levels until existing authorized positions can be filled, 2) all Detention Services Bureau divisions would need additional authorized staffing to support current and future programs and services associated with this population, and 3) it will exacerbate the existing infrastructure and facility deterioration. Mandatory Overtime and additional authorized staffing would need to occur to best house and care for those booked into custody and specifically those designated as treatment-mandated felons under Proposition 36. Existing pilot programs and understaffed units such as the Medication Assisted Treatment Program, Americans with Disabilities Act (ADA) Unit, and Contraband Narcotics Interdiction Team would need to become fully funded units with full-time operational staffing. With constant occupancy and use, detention facilities have exceeded their useful life and are due for major renovations or replacement. The facilities have not only physically deteriorated, but require programmatic updates, additional staffing, and extensive ADA infrastructure accessibility accommodations to provide sufficient space for contemporary medical and mental health treatment, programming, and educational/vocational services for those in custody. An increase to the Supplemental Fund would be necessary to meet increased population demands on the infrastructure and facilities.

In addition, it is anticipated the Sheriff's Court Services Bureau will see an increase in individuals for court appearances. This, coupled with an already anticipated end to video arraignments, will severely impact current staffing levels. More court rooms will need to be opened, staffed, and operated.

Proposition 36, if it passes, will move some individuals from local custody to state prison. This will require more transports to prison facilities which are already closing, short staffed and relying on local jails to facilitate some of their operations. It is likely with the increased criminal justice system interactions defendants would face, that they will spend more time in local custody during



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the court process. This will be due to increased motion hearings, longer jury trials, and evaluations and sentencing reviews. In addition, the transportation unit will see an increase in runs to court, prisons, hospitals, clinics, and other daily operations. Based on this, the Sheriff's Office has calculated initial annual costs of approximately \$52.5 million for 230 additional staff should Proposition 36 pass. Although future annual costs may decrease over time due to potential arrests of repeat offenders tapering off as well as some individuals moving from local to state custody, that impact is currently unknown.

#### *Prosecution and Defense of Crimes*

The District Attorney's Office anticipates annual staffing cost increases ranging from \$1,000,000 to \$1,500,000 should Proposition 36 pass. This estimate is based on a minimum increase of approximately 600 additional criminal cases per year if Proposition 36 is enacted. The District Attorney's Office identified 583 misdemeanor theft and drug cases prosecuted by the City Attorney in Fiscal Year 2023-2024 that would be eligible for felony prosecution by the District Attorney under Proposition 36. This number represents non-unique defendants. Defendants with multiple cases would further reduce the demand on resources as these cases are consolidated. These are low-level, non-complex felonies that have a high rate of disposition.

The Public Defender's Office anticipates Proposition 36 will require additional staffing. Since the passage of Proposition 47, the Class 3 cases handled by Primary Public Defender (PPD) have decreased by 57% (14,387 Class 3 felonies in 2013 to 6,084 Class 3 felonies in 2023). Although the actual caseload impact is unknown, it is anticipated that for every 1,000 additional cases that would be handled by the PPD, the office would need to increase staff by 16.5 attorneys and 9 support staff. Due to this uncertainty, the estimated annual cost increase is based on a range of 1,000 to 8,000 individuals requiring felony representation. For every 1,000 additional cases the cost would be \$4.5 million annually.

#### *Community Supervision*

The Probation Department anticipates annual staffing cost increases ranging from \$230,000 to \$1,328,000 should Proposition 36 pass. This is based on an estimated increase of two to seven full time Supervising Probation Officer, Deputy Probation Officer, and/or Probation Aide positions to provide regionalized community supervision to 500 or more clients for those crimes that will now qualify as felonies under Proposition 36.

In addition, due to Proposition 36 designating these felonies as treatment-mandated felonies, the department anticipates increased costs for residential drug treatment, drug testing, and interim housing services for these clients. Current contracts exist for these services but there will be an increase in the number of referrals at an average cost between \$5,800 to \$10,500 per client.

#### *General Summary of Proposition 36 Impacts*

The passage of Proposition 36 will likely result in court-mandated mental health and drug treatment workload, along with a reduction to funding for existing Proposition 47-funded services; increased State criminal justice costs due mainly to an increase in the prison population; and

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increased local criminal justice costs primarily due to county jail population increases, additional court-related work for local prosecutors and public defenders, and increased community supervision. Today's item requests the Board receive the analysis of how changes to Proposition 47, through the potential passage of Proposition 36, could impact funding for services offered by the County of San Diego.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's action supports the Equity (Health), Community (Quality of Life), and Justice (Safety) Initiatives in the County of San Diego's (County) 2024-2029 Strategic Plan, and the regional *Live Well San Diego* vision by supporting all County departments that provide services for people who are involved with the justice system.

Respectfully submitted,



FOR

EBONY N. SHELTON  
Chief Administrative Officer

**ATTACHMENT(S)**

N/A



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

NORA VARGAS  
First District

JOEL ANDERSON  
Second District

TERRA LAWSON-REMER  
Third District

MONICA MONTGOMERY STEPPE  
Fourth District

JIM DESMOND  
Fifth District

**DATE:** October 8, 2024

**11**

**TO:** Board of Supervisors

### SUBJECT

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they may be charged with murder if someone dies from the drugs they provided or sold. The LAO analysis also indicates that Proposition 36 would have various fiscal effects on the state and local governments, although the overall impact would be dependent upon factors including but not limited to police and law enforcement actions, jail programming, and actions of local prosecutors.

Today's item provides an analysis of anticipated funding and service impacts of changes to Proposition 47 through the potential passage of Proposition 36, with a specific focus on behavioral health services, housing and development services, and homelessness-related programs. In addition, potential impacts have been included related to law enforcement and detention services, prosecution and defense of crimes, and supervision and support of clients in the community.

## **RECOMMENDATION(S)**

### **A. CHIEF ADMINISTRATIVE OFFICER**

Receive the analysis of how changes to Proposition 47, through the potential passage of Proposition 36, could impact funding for services offered by the County of San Diego.

### **B. BASED ON BOARD'S ACTION ON AUGUST 27, 2024**

Board to consider whether to take a position on Proposition 36.

## **EQUITY IMPACT STATEMENT**

Funding from Proposition 47 has assisted in addressing racial disparities by supporting several behavioral health, housing, and reentry programs which serve those at high risk of recidivism. This analysis is aligned with the County of San Diego commitment to equity, as it considers potential impacts that may result from the passage of Proposition 36.

## **SUSTAINABILITY IMPACT STATEMENT**

Proposition 47 funding aligns with the County of San Diego (County) Sustainability Goal #2 to provide just and equitable access to County services and programs that protect the health and well-being of justice-involved individuals and the community. Additionally, Proposition 47 funding supports Sustainability Goal #4 to protect health and well-being of communities.

## **FISCAL IMPACT**

There is no immediate fiscal impact associated with today's item. However, if Proposition 36 is passed by voters in November 2024, Proposition 47 funding for existing programs could be reduced or eliminated although the specificity and extent of the impact is unknown at this time. Currently, the County of San Diego (County) is using one-time Proposition 47 grant monies to support two distinct programs, each of which includes aspects of behavioral health care, housing and development, and/or support to people experiencing, or at-risk of homelessness.

The passage of Proposition 36 may eliminate future Proposition 47 grant opportunities that would support these types of programs into the future. Additionally, there could be additional costs for increased law enforcement and detention services, prosecution and defense of crimes, and supervision and support of clients in the community if Proposition 36 passes. At this time, there

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will be no immediate change in net General Fund cost and no additional staff years. Any future fiscal impacts based on results of the November 2024 election would need to be identified, and staff return to the San Diego County Board of Supervisors for any further action and consideration.

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

This Board Letter was shared with the Behavioral Health Advisory Board as an informational item on October 3, 2024.

**BACKGROUND**

On August 27, 2024 (5), the San Diego County Board of Supervisors (Board) directed the County of San Diego (County) Chief Administrative Officer to work with relevant groups and departments to provide an analysis of how changes to Proposition 47, through the potential passage of Proposition 36, may impact funding for County services, with a specific focus on behavioral health services, housing and development services, and homelessness-related programs, and return to the Board on October 8, 2024 so the Board can consider taking a position on Proposition 36. Proposition 36, *The Homelessness, Drug Addiction, and Theft Reduction Act*, will be included on the November 5, 2024, statewide ballot. Today's item provides such an analysis. In addition, potential impacts have been included as it relates to law enforcement and detention services, prosecution and defense of crimes, and supervision and support of clients in the community.

***Overview of Proposition 47***

In 2014, voters passed Proposition 47, *The Safe Neighborhoods and Schools Act*, which reclassified some crimes from felonies to misdemeanors, including certain drug possession offenses, crimes when the amount involved was \$950 or less, unless the individual had previous convictions for violent crimes, and required resentencing for individuals serving felony sentences for these offenses, unless court found unreasonable safety risk. The savings resulting from Proposition 47 were then redirected to mental health and drug treatment programs, K-12 schools, and victim services.

According to the California Legislative Analyst's Office (LAO), Proposition 47 reduced the number of crimes punishable as felonies, thereby reducing the number of people that could be sentenced to State prison. LAO indicates savings estimated at approximately \$100 million annually across the state, which is redirected for mental health and substance use services, truancy and dropout prevention, and victim services.

An initial assessment of recidivism outcomes among Proposition 47-funded program participants by the San Diego Association of Governments (SANDAG) also point to the programs' impact on reducing further criminal justice system involvement. Approximately one-third of people participating in Proposition 47-funded programs as of December 31, 2023, had an arrest or conviction on their record after program enrollment. This is below statewide estimates that place the average recidivism rate for California at around 50%, according to the California Department

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of Corrections and Rehabilitation. Program partners also continue to report success linking program participants to permanent housing and supportive services such as behavioral health treatment and employment services.

#### ***Overview of Proposition 47-Funded Programs***

Locally, the County currently utilizes \$6.0 million of one-time Proposition 47 grant funding across two distinct programs, Community Care Coordination Reentry Support (C3RES) and Peer Reentry Leadership Academy, which also leverages \$4.7 million of County funding for a total of \$10.7 million. Each program includes aspects of behavioral health care, housing and development, and/or support to people experiencing, or at-risk of homelessness.

#### ***Community Care Coordination Reentry Support***

C3RES program provides comprehensive care coordination, service navigation, and housing assistance to justice-involved individuals with a history of behavioral health needs and at risk of or experiencing homelessness as they leave custody from local jails to return to their communities. This program was made possible by Proposition 47, an initiative that also enacted the *Safe Neighborhoods and Schools Act*, which designates that 65% of the State corrections savings from Proposition 47 to be used to fund housing support and connections to mental health and substance use disorder treatment programs to reduce recidivism. The County was awarded funds for Cohort III of the Proposition 47 Grant Program based on a project proposal developed in partnership with a Local Advisory Committee and with stakeholder and community input.

The C3RES contract term is projected for \$15,178,890 over five years with the last two option years currently unfunded. Total budgeted amount for the first three years of C3RES is \$5,190,000 from the State *Safe Neighborhoods and Schools Act* grant and \$4,226,490 from 2011 Local Revenue Fund, Community Corrections Subaccount, which is being utilized until the grant term expires in January 2026. Additional funding of \$6,071,556 will need to be identified to fund the last two option years of the program. While the County plans to apply for additional grant funding through Proposition 47 Cohort V, this may not be an option should Proposition 36 pass. If funding is not made available through Proposition 47, or if another source is not identified, this contract is set to expire at the end of the grant term.

This program is contracted to serve at any given time 100 individuals who are released from local jails and would otherwise experience homelessness. The services are provided for up to a year and include peer support and connecting each person, based on their individual needs, to behavioral health treatment, housing support, medical care, employment services, and other supportive services. Since becoming operational in May 2023, and up to July 31, 2024, the program has served 141 unique individuals and, of those released from custody, it has immediately housed 98% of them, connected 82% to medical care, 78% to mental health (MH) treatment and 76% to substance use disorder (SUD) treatment (for MH and SUD, the % is based only on those who needed it). Additionally, 74% of participants were connected to social services, including self-sufficiency benefits. This program was designed locally using evidence-based practices to address the cycle

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of incarceration and homelessness. SANDAG is performing an independent evaluation of this program.

*Peer Reentry Leadership Academy*

The Peer Reentry Leadership Academy provides expanded services offered by a community-based provider in which justice-involved individuals receive training on barriers to reentry, resources, and effective communication. This program trains individuals with criminal justice lived experience to deliver information related to the importance of accessing community supportive services, including substance use disorder and mental health treatment, as well as educational and employment resources, and overcoming reentry barriers to individuals in Sheriff's Office detention and reentry facilities. Participants also receive a stipend to share information gained, including their own inspirational story, with incarcerated people to help them build confidence, skills, networking prospects for employment, and access to income and community resources. The Peer Reentry Leadership Academy hosts two cohorts of up to 20 individuals each year.

Since its first Proposition 47-funded cohort launched in September 2023, 30 participants have graduated from the Peer Reentry Leadership Academy across two cohorts. Graduates of former cohorts continue to remain engaged by leading speaking engagements in carceral settings to educate people about reentry resources and help them strengthen community ties post-release to reduce recidivism. This total budget for the Peer Reentry Leadership Academy is \$510,000 of one-time funding, which is being utilized over a three-year period until the grant term expires in June 2026.

*Forensic Assertive Community Treatment Services (FACT) - Pending Award of Proposition 47 Grant Funding*

In Spring 2024, County Behavioral Health Services (BHS) applied for additional Proposition 47 Grant Program, Cohort 4 funding for the FACT program, and on September 17, 2024, BHS received a notice from the Board of State and Community Corrections (BSCC) indicating the application was recommended for funding, pending final approval by BSCC on October 3, 2024. The Cohort 4 grant funds will be utilized to expand the evidence-based Assertive Community Treatment (ACT) approach to create the Forensic ACT or FACT model. FACT serves people with serious mental illness who are involved with the criminal justice system. The needs of this population are complex and exacerbated by their involvement with the criminal justice system.

The FACT model provides customized adaptations based on criminogenic needs and risks while bridging the behavioral health and criminal justice systems. The program will expand available housing interventions and ancillary housing supports, embed criminal justice staff, provide substance use services and flexible funding for customized supports. It is anticipated these enhanced forensic services will reduce time spent in detention, avoid psychiatric visits to emergency rooms, reduce admissions to psychiatric hospitals, increase engagement with treatment, and increase public safety.

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The Proposition 47 grant funding would serve approximately 330 adult individuals, 18-59 years of age, who have serious mental illness and who are involved with the criminal justice system with medium to high criminogenic risk. These individuals may also have co-occurring substance use, physical health disorders, chronic homelessness, and a history of non-compliance with criminal justice mandates. Proposition 47 funding would be utilized for housing payments, deposit assistance, flexible funding based on criminogenic needs, peer support specialists, and substance use counselors.

If approved for full funding by the BSCC on October 3, 2024, the Cohort 4 grant will provide up to \$8.0 million of one-time grant funding for the FACT services from October 1, 2024, through June 30, 2028. BHS will return to the Board at a future date to seek additional authority to accept these funds. The enhancements to FACT services are anticipated to reduce time spent in detention, unnecessary emergency rooms visits, admissions to psychiatric hospitals, along with increasing engagement into mental health and substance abuse treatment and each participant's ability to function in the community.

***Overview of Anticipated Proposition 36 Impacts to Proposition 47-Funded Services***

LAO anticipates that Proposition 36 would reduce funding by tens of millions of dollars for mental health and substance use treatment, school truancy and dropout prevention, and victim services, for which funding is generated through savings from Proposition 47. Total statewide funding for these services is nearly \$100 million annually. The LAO also anticipates other fiscal impacts on state and local governments, if increased punishments or mandated treatment reduce crime, resulting in a potential reduction of state and local criminal justice costs.

Locally, if Proposition 36 is passed, Proposition 47-funded programs, including C3RES and the Peer Reentry Leadership Academy program, would likely see reduced or eliminated funding if criminal justice system costs significantly increase due to the implementation of Proposition 36. Consequently, justice-involved individuals receiving care and support through these programs risk losing access to key reentry supports and may face negative impacts as a result. It could also include reduced or eliminated funding for future Proposition 47 funding for Cohort V, which would shorten the C3RES program by two years. The Cohort V grant funding was anticipated to fund the last two years of this program.

Additionally, if Proposition 36 is passed, the \$8.0 million of Proposition 47 Cohort 4 grant funding that has been conditionally awarded could be potentially reduced or eliminated, resulting in the inability to expand housing options and services tailored to the justice involved population within FACT programs.

***Overview of Anticipated Proposition 36 Impacts to the Criminal Justice System***

According to the LAO, Proposition 36, if passed, seeks to reverse some felony-to-misdemeanor classifications imposed by Proposition 47 by making several key changes related to punishments for theft and drug crimes, as follows:



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- Increase punishment for some crimes by turning some misdemeanors into felonies, lengthening some felony sentences, and requiring some felonies be served in prison.
- Create a new court process for certain drug possession crimes that is treatment focused.
- Require courts to warn individuals convicted of selling or providing illegal drugs that they may be charged with murder if someone dies from the drugs they provided or sold.

The LAO's analysis also indicates that the implementation of Proposition 36 would have various fiscal effects on the state and local governments, although the size of these effects would be dependent on factors, which may include decisions made by local prosecutors.

#### ***Anticipated Impacts to the State Criminal Justice System***

The LAO anticipates that Proposition 36 would increase State criminal justice costs ranging from several tens of millions of dollars to the low hundreds of millions of dollars each annually. This is due to the requirement for some people currently serving sentences at the county level to serve them at the state level and potentially lengthening some prison sentences.

LAO estimates around 90,000 people currently in prison, which would likely increase by a few thousand people should Proposition 36 pass. Additionally, there would be an increase in State Court workloads because felonies take additional time to resolve when compared with misdemeanors and due to additional treatment-mandated felonies.

#### ***Anticipated Impacts to the Local Criminal Justice System***

The LAO anticipates Proposition 36 would increase local criminal justice costs by tens of millions of dollars annually. This is due to the net increase of the county jail and community supervision population. Proposition 36 would likely reduce the jail and community supervision population because some individuals would go to state prison; however, would increase this population in other ways because individuals would spend more time in county jail or on community supervision.

LAO estimates around 250,000 people statewide are currently in custody at the county level, which would likely increase by a few thousand people should Proposition 36 pass. Additionally, there would be an increase in Court-related work for local prosecutors and public defenders since felonies generally require more time to resolve than misdemeanors, and for local county agencies, including but not limited to BHS and Probation, associated with treatment-mandated felonies.

Locally, the County may experience a minimum increase of approximately \$58 million annually in criminal justice system costs due to Proposition 36-related impacts to law enforcement and detention services, prosecution and defense of crimes, and supervision and support of clients in the community.

#### ***Law Enforcement and Detention***

The Sheriff's Office anticipates an estimated initial influx of arrests for the offenses articulated by Proposition 36, which may result in more than 5,000-8,000 additional new field arrests and court

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remands/warrant bookings annually. Over time, these arrests may taper off as repeat offenders receive longer sentences, but the future impact of that is currently unknown. During the pandemic, the Sheriff's Office reduced the number of crimes that were deemed bookable. This was to reduce the health threat to individuals in our custody, while ensuring public safety. In addition, penalties for some crime types were reduced which made them a lesser offense and not bookable under local booking acceptance criteria. The Sheriff's Office has evaluated the current criteria and believes it strikes the right balance between keeping our communities safe, constitutionality and jail safety.

The current average daily population for the County's jails is about 4,000 people. The Sheriff's Office receives approximately 50,000 individual bookings per year. Proposition 36, if it passes, could increase the number of non-violent offenders being booked into custody and staying in jail, potentially pushing the incarcerated population beyond current system capacity. The ability to serve a larger population will be tested. More individuals in custody will translate to higher levels of medical needs, hospital/court/clinic transports, increased food, behavioral needs and a reduction of bed space and safe housing.

Increasing the incarcerated population will have three major effects on our detentions operations: 1) it will require Mandatory Overtime to be reinstituted to meet necessary staffing levels until existing authorized positions can be filled, 2) all Detention Services Bureau divisions would need additional authorized staffing to support current and future programs and services associated with this population, and 3) it will exacerbate the existing infrastructure and facility deterioration. Mandatory Overtime and additional authorized staffing would need to occur to best house and care for those booked into custody and specifically those designated as treatment-mandated felons under Proposition 36. Existing pilot programs and understaffed units such as the Medication Assisted Treatment Program, Americans with Disabilities Act (ADA) Unit, and Contraband Narcotics Interdiction Team would need to become fully funded units with full-time operational staffing. With constant occupancy and use, detention facilities have exceeded their useful life and are due for major renovations or replacement. The facilities have not only physically deteriorated, but require programmatic updates, additional staffing, and extensive ADA infrastructure accessibility accommodations to provide sufficient space for contemporary medical and mental health treatment, programming, and educational/vocational services for those in custody. An increase to the Supplemental Fund would be necessary to meet increased population demands on the infrastructure and facilities.

In addition, it is anticipated the Sheriff's Court Services Bureau will see an increase in individuals for court appearances. This, coupled with an already anticipated end to video arraignments, will severely impact current staffing levels. More court rooms will need to be opened, staffed, and operated.

Proposition 36, if it passes, will move some individuals from local custody to state prison. This will require more transports to prison facilities which are already closing, short staffed and relying on local jails to facilitate some of their operations. It is likely with the increased criminal justice system interactions defendants would face, that they will spend more time in local custody during

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the court process. This will be due to increased motion hearings, longer jury trials, and evaluations and sentencing reviews. In addition, the transportation unit will see an increase in runs to court, prisons, hospitals, clinics, and other daily operations. Based on this, the Sheriff's Office has calculated initial annual costs of approximately \$52.5 million for 230 additional staff should Proposition 36 pass. Although future annual costs may decrease over time due to potential arrests of repeat offenders tapering off as well as some individuals moving from local to state custody, that impact is currently unknown.

#### *Prosecution and Defense of Crimes*

The District Attorney's Office anticipates annual staffing cost increases ranging from \$1,000,000 to \$1,500,000 should Proposition 36 pass. This estimate is based on a minimum increase of approximately 600 additional criminal cases per year if Proposition 36 is enacted. The District Attorney's Office identified 583 misdemeanor theft and drug cases prosecuted by the City Attorney in Fiscal Year 2023-2024 that would be eligible for felony prosecution by the District Attorney under Proposition 36. This number represents non-unique defendants. Defendants with multiple cases would further reduce the demand on resources as these cases are consolidated. These are low-level, non-complex felonies that have a high rate of disposition.

The Public Defender's Office anticipates Proposition 36 will require additional staffing. Since the passage of Proposition 47, the Class 3 cases handled by Primary Public Defender (PPD) have decreased by 57% (14,387 Class 3 felonies in 2013 to 6,084 Class 3 felonies in 2023). Although the actual caseload impact is unknown, it is anticipated that for every 1,000 additional cases that would be handled by the PPD, the office would need to increase staff by 16.5 attorneys and 9 support staff. Due to this uncertainty, the estimated annual cost increase is based on a range of 1,000 to 8,000 individuals requiring felony representation. For every 1,000 additional cases the cost would be \$4.5 million annually.

#### *Community Supervision*

The Probation Department anticipates annual staffing cost increases ranging from \$230,000 to \$1,328,000 should Proposition 36 pass. This is based on an estimated increase of two to seven full time Supervising Probation Officer, Deputy Probation Officer, and/or Probation Aide positions to provide regionalized community supervision to 500 or more clients for those crimes that will now qualify as felonies under Proposition 36.

In addition, due to Proposition 36 designating these felonies as treatment-mandated felonies, the department anticipates increased costs for residential drug treatment, drug testing, and interim housing services for these clients. Current contracts exist for these services but there will be an increase in the number of referrals at an average cost between \$5,800 to \$10,500 per client.

#### *General Summary of Proposition 36 Impacts*

The passage of Proposition 36 will likely result in court-mandated mental health and drug treatment workload, along with a reduction to funding for existing Proposition 47-funded services; increased State criminal justice costs due mainly to an increase in the prison population; and

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increased local criminal justice costs primarily due to county jail population increases, additional court-related work for local prosecutors and public defenders, and increased community supervision. Today's item requests the Board receive the analysis of how changes to Proposition 47, through the potential passage of Proposition 36, could impact funding for services offered by the County of San Diego.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's action supports the Equity (Health), Community (Quality of Life), and Justice (Safety) Initiatives in the County of San Diego's (County) 2024-2029 Strategic Plan, and the regional *Live Well San Diego* vision by supporting all County departments that provide services for people who are involved with the justice system.

Respectfully submitted,



FOR

EBONY N. SHELTON  
Chief Administrative Officer

**ATTACHMENT(S)**

N/A



**NORA VARGAS**  
**CHAIRWOMAN**  
SUPERVISOR, FIRST DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS  
**AGENDA ITEM**

**DATE:**           **October 8, 2024**

**12**

**TO:**               Board of Supervisors

**SUBJECT**

**EXPANSION OF EMERGENCY AIR QUALITY AND IMPROVEMENT  
RELIEF: PROCUREMENT AND DISTRIBUTION OF AIR PURIFIERS RELATED TO  
THE TIJUANA RIVER POLLUTION CRISIS AND A-72 WAIVER (DISTRICT: 1)**

**OVERVIEW**

For decades, South County communities have endured significant impacts from transboundary pollutants, including sediment, trash, and raw sewage that flow across the border into the Tijuana River Valley and neighboring areas like Imperial Beach, Nestor and San Ysidro. The combination of inadequate aging infrastructure and increasingly frequent climate-related emergencies has resulted in severe environmental, economic, and property damage from persistent cross-border sewage pollution and contaminated ocean waters.

Recognizing the urgency of this crisis, I have led the charge to secure relief for impacted communities. Under my leadership, the Board of Supervisors declared a local emergency on June 27, 2023, and directed staff to pursue all available federal and state funding sources. I have also spearheaded efforts to collaborate with federal, state, and local agencies, as well as stakeholders, to develop projects and innovative solutions to address the root causes of pollution.

As part of these efforts, I secured funding from the U.S. Environmental Protection Agency (EPA) to provide an additional disbursement of California Air Resources Board (CARB)-certified air purifiers for the Emergency Air Quality and Improvement Relief pilot program in collaboration with the San Diego Air Pollution Control District (APCD) and the County of San Diego. This funding is for the purchase of air purifiers, for eligible participants of the County's pilot program. This pilot program, originally approved by the Board on June 4, 2024 (19), provided air purifiers to impacted residents to mitigate the odors caused by sewage flows in the most affected communities.

On September 12, 2024, as a member of the APCD Governing Board, I introduced a motion to direct the Air Pollution Control Officer, as the lead agency for protecting the air quality for all

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WAIVER (DISTRICT:1)**

residents in the South County region, to return back to the San Diego County Air Pollution Control District Governing Board on November 14, 2024, with the following item:

- Develop a plan for the APCD to continue funding, procurement and distribution of the appropriate air purifiers or filters, and/or personal protective equipment. Funding options to explore include expanding grant eligibility for the AB617 program, reallocation of funds from state/federal agencies, and the use of the projected operating fund balance of the APCD Operating Fund.

Today's action requests Board approval to authorize the Chief Administrative Officer (CAO) to collaborate with the San Diego Air Pollution Control District (APCD) for the transfer of U.S. EPA funds from the APCD to the County of San Diego and enter into an agreement for acceptance of these funds. These funds would benefit the procurement and distribution of more air purifiers to mitigate the odors caused by sewage flows in partnership with APCD.

**RECOMMENDATION(S)  
CHAIRWOMAN NORA VARGAS**

1. Waive Board Policy A-72 Agenda and Related Process, Section 2.k.ii, which establishes required timelines for review when preparing a Board Letter.
2. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) because the recommended actions are administrative in nature and not a project as defined in CEQA Guidelines Section 15378(b)(5).
3. Pursuant to Government Code section 26227, and subject to the availability of funding:
  - a. Authorize the Chief Administrative Officer to negotiate and execute a Memorandum of Understanding with the San Diego County Air Pollution Control District (APCD) regarding funding for air purifiers, including the receipt and expenditure of funding pursuant to grant terms from the Environmental Protection Agency (EPA) , including sole source procurement pursuant to 2 CFR 200.320, as well as reimbursement for County expenditures to support emergency air quality and improvement relief efforts such as equipment and program administration costs
  - b. Direct the Chief Administrative Officer to conduct one or more rounds of distribution of air purifiers for eligible participants of the emergency air quality and improvement relief pilot program approved by the Board on June 4, 2024 (19), and authorize the Chief Administrative Officer to take any necessary actions to implement this initiative, and
  - c. Authorize the Director, Department of Purchasing and Contracting to procure air purifiers in support of such a program.

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4. Establish appropriations of up to \$ 2,360,000,000 in the Land Use and Environment Executive Office, based on funds received from APCD for the purchase of air purifiers and ~~General Reserve Funds, contingent on feasibility of utilizing the General Fund Reserves~~ (4 VOTES).
5. Direct staff to support the APCD by exploring future partnerships and providing information on the County's pilot program as APCD develops future programs to purchase and distribute air purifiers and/or protective equipment for residents impacted by air pollution and ambient odors.
6. ~~Direct staff to provide a replenishment strategy for the General Fund Reserves utilized by this action.~~

### EQUITY IMPACT STATEMENT

The proposed efforts to continue providing immediate relief from the Tijuana River pollution crisis in the form of procurement for air purifiers will result in a positive, immediate impact on the residents affected by the gases emanating from the sewage pollution crisis.

### SUSTAINABILITY IMPACT STATEMENT

The proposed action to accept funds and continue providing immediate relief in the form of air purifiers will contribute to the health and overall well-being of South County residents, an underserved community, that has limited access to recreational activities due to the current pollution crisis affecting South County Beaches and protected areas.

### FISCAL IMPACT

Funds for this action are not included in the Fiscal Year 2024-25 Operational Plan for the Land Use and Environment Executive Office. If approved, this request will result in estimated costs and revenue of approximately \$2,36200,000 to support emergency air quality and improvement relief efforts, including equipment and program administration costs, contingent on program requirements and funding availability for the Air Pollution Control District (APCD). The funding source is ~~the General Fund Reserve. In accordance with the San Diego County Code of Administrative Ordinances (Administrative Code) Section 113.1, related to General Fund Balances and Reserves, all appropriations of the General Fund Reserve will require at least four votes of the San Diego County Board of Supervisors. Up to \$2,200,000 of funding would be provided to the San Diego Air Pollution Control District (APCD) which would be repaid by revenue from the APCD, which is anticipating receiving funding from the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB), which have both~~ committed to support the procurement of air purifiers on an emergency basis.

~~Today's recommended use of the General Fund Reserve will reduce the Reserve to below the minimum required balance, and restoration of the Reserve to the minimum balance will take place over the next one to three years, pursuant to the County of San Diego (County) Administrative Code. A plan and amounts to support the replenishment of the Reserve will be included in the FY 2025-26 Operational Plan, based on available funding sources, which may include anticipated FY 2024-25 budgetary operational results, General Purpose Revenue~~

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~~generated by growth in the County's assessed value, and payments made from APCD. There will be no additional staff years.~~

~~Operational Plans for each impacted department, pending availability of funding. Funding options may include the reallocation of existing resources when the costs cannot be covered by any external funding.~~

## **BUSINESS IMPACT STATEMENT**

N/A

## **ADVISORY BOARD STATEMENT**

N/A

## **BACKGROUND**

Pollutants, such as trash and raw sewage, flow into the Tijuana River when it rains, which then moves across the border into the Tijuana River Valley. Additional raw sewage from wastewater plants with failing infrastructure across the border is discharged into the ocean and adversely impacts water quality in San Diego, especially in Imperial Beach where some beaches have remained closed for over 1,000 days.

As a result, on June 27, 2023 (16), the Board of Supervisors (Board) issued a Proclamation of Local Emergency (Proclamation) due to the continued conditions for detrimental impacts to the environment, economy, and property within San Diego County, caused by persistent impacts from cross-border sewage pollution and sewage impacted ocean waters. The Proclamation was issued pursuant to the San Diego County Code of Regulatory Ordinances sections 31.101 et seq. and California Government Code section 8630.

While the County will continue working to solve the cross-border sewage pollution and mitigate its impact on ocean waters, there is an immediate need for short-term solutions to alleviate the odors caused by sewage flows. Odors have been consistently reported by South County residents for the past year as affecting and diminishing their quality of life.

The U.S. EPA, the County of San Diego, and the San Diego County Air Pollution Control District (APCD), in coordination with the U.S. Agency for Toxic Substances and Disease Registry (ATSDR), are working together to better understand recent detections of odors and to prepare for the possibility of an increase in transborder flows during the upcoming rainy season. Local, state and federal authorities, including U.S. EPA, ATSDR, County of San Diego, and California Department of Public Health, have communicated to the public that current assessments indicate no imminent danger from gases however air and odor impacts continue to affect community health. State and Federal agencies are supporting local agencies to understand the extent of the community's exposure and potential health impacts due to long-term exposure.

Government Code section 26227 authorizes the County to establish programs that the Board deems necessary to meet the social needs of the population. Included in today's recommended actions is



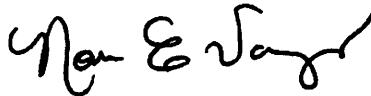
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WAIVER (DISTRICT:1)**

that the Board find that the provision of California Air Resources Board (CARB)-certified air purifiers to residents of South County impacted by the ambient odors is necessary to meet the social needs of the population of the County. Specifically, such a program would meet the needs of South County residents in the areas of health and welfare, as exposure to these odors at high levels can lead to health issues such as dizziness, headaches, insomnia, nausea, and eye irritation.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's proposed actions support Sustainability and Equity initiatives in the County's 2024-29 Strategic Plan by combatting environmental justice and providing an immediate and short-term solution to the health impacts, resulting from the decades long transboundary pollution environmental crisis.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nora E. Vargas", written in a cursive style.

NORA VARGAS  
Supervisor, First District

**ATTACHMENT(S)**

N/A

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**NORA VARGAS**  
**CHAIRWOMAN**  
SUPERVISOR, FIRST DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS  
**AGENDA ITEM**

**DATE:**           **October 8, 2024**

**12**

**TO:**             Board of Supervisors

**SUBJECT**

**EXPANSION OF EMERGENCY AIR QUALITY AND IMPROVEMENT  
RELIEF: PROCUREMENT AND DISTRIBUTION OF AIR PURIFIERS RELATED TO  
THE TIJUANA RIVER POLLUTION CRISIS AND A-72 WAIVER (DISTRICT: 1)**

**OVERVIEW**

For decades, South County communities have endured significant impacts from transboundary pollutants, including sediment, trash, and raw sewage that flow across the border into the Tijuana River Valley and neighboring areas like Imperial Beach, Nestor and San Ysidro. The combination of inadequate aging infrastructure and increasingly frequent climate-related emergencies has resulted in severe environmental, economic, and property damage from persistent cross-border sewage pollution and contaminated ocean waters.

Recognizing the urgency of this crisis, I have led the charge to secure relief for impacted communities. Under my leadership, the Board of Supervisors declared a local emergency on June 27, 2023, and directed staff to pursue all available federal and state funding sources. I have also spearheaded efforts to collaborate with federal, state, and local agencies, as well as stakeholders, to develop projects and innovative solutions to address the root causes of pollution.

As part of these efforts, I secured funding from the U.S. Environmental Protection Agency (EPA) to provide an additional disbursement of California Air Resources Board (CARB)-certified air purifiers for the Emergency Air Quality and Improvement Relief pilot program in collaboration with the San Diego Air Pollution Control District (APCD) and the County of San Diego. This funding is for the purchase of air purifiers, for eligible participants of the County's pilot program. This pilot program, originally approved by the Board on June 4, 2024 (19), provided air purifiers to impacted residents to mitigate the odors caused by sewage flows in the most affected communities.

On September 12, 2024, as a member of the APCD Governing Board, I introduced a motion to direct the Air Pollution Control Officer, as the lead agency for protecting the air quality for all

**SUBJECT: EXPANSION OF EMERGENCY AIR QUALITY AND IMPROVEMENT  
RELIEF: PROCUREMENT AND DISTRIBUTION OF AIR PURIFIERS  
RELATED TO THE TIJUANA RIVER POLLUTION CRISIS (DISTRICT:1)**

residents in the South County region, to return back to the San Diego County Air Pollution Control District Governing Board on November 14, 2024, with the following item:

- Develop a plan for the APCD to continue funding, procurement and distribution of the appropriate air purifiers or filters, and/or personal protective equipment. Funding options to explore include expanding grant eligibility for the AB617 program, reallocation of funds from state/federal agencies, and the use of the projected operating fund balance of the APCD Operating Fund.

Today's action requests Board approval to authorize the Chief Administrative Officer (CAO) to collaborate with the San Diego Air Pollution Control District (APCD) for the transfer of U.S. EPA funds from the APCD to the County of San Diego and enter into an agreement for acceptance of these funds. These funds would benefit the procurement and distribution of more air purifiers to mitigate the odors caused by sewage flows in partnership with APCD.

**RECOMMENDATION(S)  
CHAIRWOMAN NORA VARGAS**

1. Waive Board Policy A-72 Agenda and Related Process, Section 2.k.ii, which establishes required timelines for review when preparing a Board Letter.
2. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) because the recommended actions are administrative in nature and not a project as defined in CEQA Guidelines Section 15378(b)(5).
3. Pursuant to Government Code section 26227, and subject to the availability of funding:
  - a. Authorize the Chief Administrative Officer to negotiate and execute a Memorandum of Understanding with the San Diego County Air Pollution Control District (APCD) regarding funding for air purifiers, including the receipt and expenditure of funding pursuant to grant terms from the Environmental Protection Agency (EPA) , including sole source procurement pursuant to 2 CFR 200.320, as well as reimbursement for County expenditures to support emergency air quality and improvement relief efforts such as equipment and program administration costs
  - b. Direct the Chief Administrative Officer to conduct one or more rounds of distribution of air purifiers for eligible participants of the emergency air quality and improvement relief pilot program approved by the Board on June 4, 2024 (19), and authorize the Chief Administrative Officer to take any necessary actions to implement this initiative, and
  - c. Authorize the Director, Department of Purchasing and Contracting to procure air purifiers in support of such a program.
4. Establish appropriations of up to \$ 2,360,000 in the Land Use and Environment Executive Office, based on funds received from APCD for the purchase of air purifiers **(4 VOTES)**.

**SUBJECT:     EXPANSION OF EMERGENCY AIR QUALITY AND IMPROVEMENT  
RELIEF: PROCUREMENT AND DISTRIBUTION OF AIR PURIFIERS  
RELATED TO THE TIJUANA RIVER POLLUTION CRISIS (DISTRICT:1)**

5. Direct staff to support the APCD by exploring future partnerships and providing information on the County's pilot program as APCD develops future programs to purchase and distribute air purifiers and/or protective equipment for residents impacted by air pollution and ambient odors.

#### **EQUITY IMPACT STATEMENT**

The proposed efforts to continue providing immediate relief from the Tijuana River pollution crisis in the form of procurement for air purifiers will result in a positive, immediate impact on the residents affected by the gases emanating from the sewage pollution crisis.

#### **SUSTAINABILITY IMPACT STATEMENT**

The proposed action to accept funds and continue providing immediate relief in the form of air purifiers will contribute to the health and overall well-being of South County residents, an underserved community, that has limited access to recreational activities due to the current pollution crisis affecting South County Beaches and protected areas.

#### **FISCAL IMPACT**

Funds for this action are not included in the Fiscal Year 2024-25 Operational Plan for the Land Use and Environment Executive Office. If approved, this request will result in estimated costs and revenue of approximately \$2,360,000 to support emergency air quality and improvement relief efforts, including equipment and program administration costs, contingent on program requirements and funding availability for the Air Pollution Control District (APCD). The funding source is revenue from the APCD, which is anticipating receiving funding from the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB), which have both committed to support the procurement of air purifiers on an emergency basis.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ADVISORY BOARD STATEMENT**

N/A

#### **BACKGROUND**

Pollutants, such as trash and raw sewage, flow into the Tijuana River when it rains, which then moves across the border into the Tijuana River Valley. Additional raw sewage from wastewater plants with failing infrastructure across the border is discharged into the ocean and adversely impacts water quality in San Diego, especially in Imperial Beach where some beaches have remained closed for over 1,000 days.

As a result, on June 27, 2023 (16), the Board of Supervisors (Board) issued a Proclamation of Local Emergency (Proclamation) due to the continued conditions for detrimental impacts to the environment, economy, and property within San Diego County, caused by persistent impacts from cross-border sewage pollution and sewage impacted ocean waters. The Proclamation was issued pursuant to the San Diego County Code of Regulatory Ordinances sections 31.101 et seq. and California Government Code section 8630.

**SUBJECT:      EXPANSION OF EMERGENCY AIR QUALITY AND IMPROVEMENT  
RELIEF: PROCUREMENT AND DISTRIBUTION OF AIR PURIFIERS  
RELATED TO THE TIJUANA RIVER POLLUTION CRISIS (DISTRICT:1)**

While the County will continue working to solve the cross-border sewage pollution and mitigate its impact on ocean waters, there is an immediate need for short-term solutions to alleviate the odors caused by sewage flows. Odors have been consistently reported by South County residents for the past year as affecting and diminishing their quality of life.

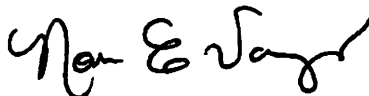
The U.S. EPA, the County of San Diego, and the San Diego County Air Pollution Control District (APCD), in coordination with the U.S. Agency for Toxic Substances and Disease Registry (ATSDR), are working together to better understand recent detections of odors and to prepare for the possibility of an increase in transborder flows during the upcoming rainy season. Local, state and federal authorities, including U.S. EPA, ATSDR, County of San Diego, and California Department of Public Health, have communicated to the public that current assessments indicate no imminent danger from gases however air and odor impacts continue to affect community health. State and Federal agencies are supporting local agencies to understand the extent of the community's exposure and potential health impacts due to long-term exposure.

Government Code section 26227 authorizes the County to establish programs that the Board deems necessary to meet the social needs of the population. Included in today's recommended actions is that the Board find that the provision of California Air Resources Board (CARB)-certified air purifiers to residents of South County impacted by the ambient odors is necessary to meet the social needs of the population of the County. Specifically, such a program would meet the needs of South County residents in the areas of health and welfare, as exposure to these odors at high levels can lead to health issues such as dizziness, headaches, insomnia, nausea, and eye irritation.

#### **LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's proposed actions support Sustainability and Equity initiatives in the County's 2024-29 Strategic Plan by combatting environmental justice and providing an immediate and short-term solution to the health impacts, resulting from the decades long transboundary pollution environmental crisis.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nora E. Vargas", written in a cursive style.

NORA VARGAS  
Supervisor, First District

#### **ATTACHMENT(S)**

N/A



**NORA VARGAS**  
**CHAIRWOMAN**  
SUPERVISOR, FIRST DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS  
**AGENDA ITEM**

**DATE:**           **October 8, 2024**

**17**

**TO:**             Board of Supervisors

**SUBJECT**

**COMMUNITY ENGAGEMENT FOR THE MIGRANT TRANSITION DAY CENTER  
AND A-72 WAIVER (DISTRICTS: ALL)**

**OVERVIEW**

The County of San Diego is a welcoming county to asylum-seeking migrants and refugees fleeing persecution in their home countries. Over the past seven years, the United States–Mexico border has seen increases in asylum seeking migrants from humanitarian crises around the globe. Federal law allows people from other countries to seek asylum in the United States if they fear persecution at home.

San Diego is home to diverse communities, including significant populations of Somali, Iraqi, and Vietnamese refugees. Oftentimes, San Diego is simply a waypoint for migrants on a longer journey into other areas of the United States. Recently, our region has been impacted by the humanitarian migrant crisis at our international border. As a County we have been addressing the increase in street releases by U.S. Customs and Border Protection (“CBP”) by, among other things, working together with local community-based organizations (“CBOs”) to ensure asylum seekers reach their destination.

On February 6, 2024 (11), the Board of Supervisors directed the Interim Chief Administrative Officer (ICAO) to work with the region’s fiscal agent for the federal Shelter and Services Program (SSP), and if needed, the federal government, to return to the Board within 30 days with options to maximize the use of this funding stream to meet regional needs, including mitigating street releases. Additionally, staff was directed to develop a concept paper and advocacy plan for long-term, state and federally funded migrant transfer sites and respite shelters operated by local community-based organizations, supplemented by philanthropic and private sector funds.

In response to this direction, on February 27, 2024 (13), staff returned to the Board with a report titled "Concept Paper and Advocacy Plan for a Long-Term Migrant Transfer Site and Respite

**SUBJECT: COMMUNITY ENGAGEMENT FOR THE MIGRANT TRANSITION DAY CENTER AND A-72 WAIVER (DISTRICTS: ALL)**

Shelter." The Board authorized the acceptance of the report and directed the CAO to update the Concept Paper as needed. Additionally, the Board added support for a Long-Term Migrant Transfer Site and Respite Shelter to the County's 2024 Legislative Program and authorized the CAO to apply for any grant funds that provide advance funding for migrant sheltering and services.

On April 30, 2024 (34), the Board directed the Interim CAO to begin implementing the vision for a long-term migrant transfer site and respite shelter, as outlined in the Board's approved Concept Paper. Staff returned on May 21, 2024, (27), when the Board authorized the acceptance of FY 2024 FEMA Shelter and Services Program-A (SSP-A) grant funding and authorized the Department of Purchasing and Contracting to issue a competitive solicitation for a Migrant Transition Day Center. This item is being late docketed due to the time-sensitivity of the federal grant-funded procurement process. The direction on community engagement is necessary to specify the Board's intent on the provision of migrant services in a timely and collaborative manner.

Today's actions direct the CAO or designee to engage with the other regional SSP funding recipients and local CBOs to coordinate services to assist migrants under the SSP grant and report back to the Board on the status of this engagement 60 days after the conclusion of the procurement process.

**RECOMMENDATION(S)**

**CHAIRWOMAN NORA VARGAS**

1. Waive Board Policy A-72 Agenda and Related Process, Section 2.k.ii, which establishes required timelines for review when preparing a Board Letter.
2. Direct the Chief Administrative Officer, after the conclusion of the procurement process for Migrant Transition Day Center, to conduct engagement with the other regional recipients of SSP funding and other local community-based organizations in alignment with contract requirements.
3. Direct the Chief Administrative Officer to report back to the Board within 60 days after the conclusion of the procurement process, with an update on community engagement in the operation of the Migrant Transition Day Center.

**EQUITY IMPACT STATEMENT**

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



**SUBJECT: COMMUNITY ENGAGEMENT FOR THE MIGRANT TRANSITION  
DAY CENTER AND A-72 WAIVER (DISTRICTS: ALL)**

**SUSTAINABILITY IMPACT STATEMENT**

Through these collaborative efforts between the County and the local community-based organizations that have the expertise and ability to assist asylum seeking migrants, and identifying funding opportunities, we can ensure our region has the necessary resources to assist this population during a humanitarian crisis. The recommended actions would allow the County to optimize resource utilization by streamlining the effectiveness of our response efforts, ensuring the continuous availability of critical services for affected communities. This approach will enhance our ability to efficiently coordinate resources and maintain the sustainability of essential programs and support services.

**FISCAL IMPACT**

There are no fiscal impacts associated with these recommendations at this time. There will be no change in General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

San Diego county is a binational, multilingual, and multicultural region, and immigrants and refugees are an integral part of the fabric of our community. The immigrant and refugee community are a huge part of the economic engine that keeps the economy strong and brings rich cultural diversity to the region. Although immigration policy and enforcement are a responsibility of our federal government, the County, State, and partner agencies have continued to welcome an increasing number of asylum-seeking migrants into our region, a pattern that will continue given our location as a permanent border community.

In September of 2023, street releases of migrants were occurring at transit stops in our communities as the capacity at the shelters had been reached. In our commitment to provide support during this humanitarian crisis, on October 10, 2023 (14), the Board approved reallocating \$3.0 million in federal American Rescue Plan Act (ARPA) funds to make these funds available to support our local partners in their work with asylum seeking migrants and mitigate street releases. This action improved the ability to manage asylum seeking migrant relocations efficiently. These funds were designated to provide essential services to individuals processed by Customs and Border Protection (CBP), such as translation assistance, geographic information, transportation services, access to equipment and Wi-Fi to contact U.S. sponsors, temporary overnight shelter if needed, and other services to facilitate their onward travel to their destination in the U.S. This assistance enabled asylum seeking migrants entering the United States to reunite with their U.S. sponsors. On December 5, 2023 (30) the Board approved an additional \$3.0 million. From September of

**SUBJECT: COMMUNITY ENGAGEMENT FOR THE MIGRANT TRANSITION DAY CENTER AND A-72 WAIVER (DISTRICTS: ALL)**

2023 through January of 2024, approximately 80,000 individuals were supported by these efforts, with over 99% leaving San Diego to make their way to their destination within the U.S.

On February 6, 2024 (11), the Board of Supervisors directed the Interim Chief Administrative Officer (CAO) to work with the region's fiscal agent for the federal Shelter and Services Program (SSP), and if needed, the federal government, to return to the Board within 30 days with options to maximize the use of this funding stream to meet regional needs, including mitigating street releases. Additionally, staff was directed to develop a concept paper and advocacy plan for long-term, state and federally funded migrant transfer sites and respite shelters operated by local community-based organizations, supplemented by philanthropic and private sector funds.

In response to this direction, on February 27, 2024 (13), staff returned to the Board with a report titled "Concept Paper and Advocacy Plan for a Long-Term Migrant Transfer Site and Respite Shelter." The Board authorized the acceptance of the report and directed the CAO to update the Concept Paper as needed. Additionally, the Board added support for a Long-Term Migrant Transfer Site and Respite Shelter to the County's 2024 Legislative Program and authorized the CAO to apply for any grant funds that provide advance funding for migrant sheltering and services.

On April 30, 2024 (34), the Board directed staff to begin implementing the vision for a long-term migrant transfer site and respite shelter, as outlined in the Board's approved Concept Paper. Staff was also instructed to return on May 21, 2024, with a request to appropriate General Fund Reserve funds, pending availability and necessity, and to apply for grant funds for migrant sheltering services without requiring upfront funding. These actions aimed to ensure the swift implementation of the Board's vision to provide a humane resource for migrants passing through the San Diego region.

On May 21, 2024, (27) the Board authorized acceptance of FY 2024 FEMA Shelter and Services Program-A (SSP-A) grant funding, authorized the Department of Purchasing and Contracting to issue a competitive solicitation for a Migrant Transition Day Center, and waive Board Policy B-29. The procurement was informed by an Industry Day that was held on May 7, 2024, and attended by over 40 individuals and representatives from 23 different organizations. Input from attendees, in addition to eight organizations who submitted via email and BuyNet, included recommendations for operationalizing a trauma-informed and culturally and linguistically responsive Migrant Transition Day Center. Insights shared focused on leveraging resources, avoiding duplication, and leading practices for providing essential services to migrants while prioritizing onward travel. Below is a summary of input received:

- 1) Provide multi-lingual, trauma-informed, and culturally responsive services by:
  - Ensuring essential services are provided in a culturally responsive and trauma-informed way (i.e., providing food that meets the dietary needs of diverse group of migrants); and



**SUBJECT: COMMUNITY ENGAGEMENT FOR THE MIGRANT TRANSITION DAY CENTER AND A-72 WAIVER (DISTRICTS: ALL)**

- Providing equitable access to information for migrants in their native language to avoid delays in facilitating onward travel.
- 2) Create a sustainable model that builds upon existing infrastructure and provides essential services for migrants by:
- Leveraging non-governmental organizations (NGOs) who have the expertise to operate migrant shelters and those who have experience serving asylum seekers and other immigration populations through a trauma informed lens;
  - Ensuring hygiene supplies, food, clothing, and other necessities as needed are available for onward travel and leveraging resources for migrants, like legal, health and mental health services; and
  - Communicating, collaborating, and coordinating with existing shelter infrastructure and service providers, including Federal, State, and local government agencies, such as the Department of Homeland Security and Customs and Border Patrol, Airport Authority, Transportation Security Administration, Metropolitan Transit System, NGOs, and philanthropic organizations, for a coordinated regional response and to ensure vulnerable populations can be referred and sheltered as needed and not duplicate services.
- 3) Prioritize onward travel in service delivery model by:
- Ensuring an efficient and short intake process, to maximize time to coordinate onward travel and reduce unnecessary resource expenditures when possible;
  - Prioritizing onward travel and movement to destination, limiting hotels and motels for vulnerable populations, and connecting those that may need to stay longer to local NGOs or churches that can assist to meet a temporary need;
  - Triaging transportation to travel hubs (centralized location), including airport, train, and bus stations; and
  - Placing resources at travel hubs, including airports, to assist with travel and navigation to final destination (e.g., staff, phones, Wi-Fi, packed meals).

In response to the Board direction, the County issued a Request for Proposal (RFP) 967 for the Migrant Transition Day Center. Since the initiation of the procurement began, another round of Federal SSP funding was also awarded to local CBOs. In order to ensure the maximum benefit to our region, it is essential that we coordinate with the other local recipients of these federal funds as well as community-based organizations providing services that support this work.

Today's actions direct the CAO or designee to engage with the other regional SSP funding recipients and local CBOs to coordinate services to assist migrants under the SSP grant and report back to the Board on the status of this engagement 60 days after the conclusion of the procurement process.

**SUBJECT: COMMUNITY ENGAGEMENT FOR THE MIGRANT TRANSITION  
DAY CENTER AND A-72 WAIVER (DISTRICTS: ALL)**

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's proposed actions support the Community (Partnership and Safety) and Sustainability (Economy) Initiatives in the County of San Diego 2024-2029 Strategic Plan by working with regional partners to implement a Migrant Transition Day Center to support migrants released in San Diego County.

Respectfully submitted,

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NORA VARGAS  
Supervisor, First District

**ATTACHMENT(S)**

N/A

**County of San Diego Board of Supervisors  
AGENDA ITEM INFORMATION SHEET**

**AGENDA ITEM SUBJECT/TITLE:**  
**COMMUNITY ENGAGEMENT FOR THE MIGRANT TRANSITION DAY CENTER AND A-72 WAIVER**  
**(DISTRICTS: ALL)**

**REQUIRES FOUR VOTES:**

Yes ☐ No ☒

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION §1000.1 REQUIRED:**

Yes ☐ No ☒

**NOTICED PUBLIC HEARING REQUIRED:**

Yes ☐ No ☒

**PROJECT UNDER CEQA:**

Yes ☐ No ☒

If Yes, approval of CEQA document required?

Yes ☐ No ☐

**DECISION WITHIN GOVERNMENT CODE SECTION 84308:**

Yes ☐ No ☒

**PREVIOUS RELEVANT BOARD ACTIONS:**

05-21-2024 (27); AUTHORIZE ACCEPTANCE OF FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, SHELTER AND SERVICES PROGRAM GRANT; AUTHORIZE COMPETITIVE PROCUREMENT FOR A MIGRANT TRANSITION DAY CENTER; AND WAIVE BOARD POLICY B-29 [FUNDING SOURCE: FEDERAL EMERGENCY MANAGEMENT AGENCY SHELTER AND SERVICES PROGRAM-ALLOCATED; EXISTING GENERAL PURPOSE REVENUE]

04-30-2024 (34) UPDATING AUTHORITY FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY, SHELTER AND SERVICES PROGRAM GRANT FUNDS

**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):**

**ORIGINATING DEPARTMENT:** District 1

**OTHER CONCURRENCE(S):** N/A

INTERNAL REVIEW COMPLETED:

YES ☐

NO ☒

Bardia.Moojedi@sd  
county.ca.gov

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Signature

Murtaza Baxamusa

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Signature



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

NORA VARGAS  
First District

JOEL ANDERSON  
Second District

TERRA LAWSON-REMER  
Third District

MONICA MONTGOMERY STEPPE  
Fourth District

JIM DESMOND  
Fifth District

**DATE:** October 8, 2024

18

**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)  
Hinkle, et al. v. California Department of Health Care Services, et al.;  
U.S. District Court for the Northern District of California. 3:18-cv-06430
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
James Harold Lynch v. County of San Diego, et al.;  
San Diego County Superior Court, Case No. 37-2020-00016745-CU-PO-CTL
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Nura Kanj, et al. v. County of San Diego, et al.;  
San Diego County Superior Court, Case No. 37-2023-000038557-CU-PA-CTL
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Jamel Burt v. Nicolai Ramos, et al.;  
San Diego County Superior Court, Case No. 3:24-cv-00662-CAB-VET

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

**EQUITY IMPACT STATEMENT**  
N/A

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

**SUSTAINABILITY IMPACT STATEMENT**

N/A

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

N/A

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

N/A

Respectfully submitted,

**Claudia.Silva@s** Digitally signed by  
**dcounty.ca.gov** Claudia.Silva@sdcountry.ca.gov  
Date: 2024.10.04 06:59:43 -0700

**CLAUDIA G. SILVA**  
County Counsel

**ATTACHMENT(S)**

N/A



**County of San Diego Board of Supervisors  
AGENDA ITEM INFORMATION SHEET**

**AGENDA ITEM SUBJECT/TITLE:**  
CLOSED SESSION (DISTRICTS: ALL)

**REQUIRES FOUR VOTES:**

Yes ☐ No ☒

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION §1000.1 REQUIRED:**

Yes ☐ No ☒

**NOTICED PUBLIC HEARING REQUIRED:**

Yes ☐ No ☒

**PROJECT UNDER CEQA:**

Yes ☐ No ☒

If Yes, approval of CEQA document required?

Yes ☐ No ☐

**DECISION WITHIN GOVERNMENT CODE SECTION 84308:**

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:** County Counsel

**OTHER CONCURRENCE(S):** N/A

**INTERNAL REVIEW COMPLETED:** YES ☒ NO ☐

Claudia.Silva@sdco  
nty.ca.gov

Signature

Digitally signed by  
Claudia.Silva@sdcounty.ca.gov  
Date: 2024.10.04 07:00:13 -07'00'

**CONTACT PERSON(S):**

Claudia Silva

Name

(619) 531-4860

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Date: 2024.10.04 07:00:22 -07'00'

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Signature

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