

June 28, 2023

STATEMENT OF PROCEEDINGS

The Minutes of the

***FLOOD CONTROL DISTRICT
REGULAR MEETING***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO FLOOD CONTROL DISTRICT
REGULAR MEETING
WEDNESDAY, JUNE 28, 2023, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

A. **REGULAR SESSION:** Meeting was called to order at 9:02 a.m.

PRESENT: Directors Nora Vargas, Chair; Terra Lawson-Remer, Vice-Chair; Joel Anderson; Jim Desmond; also, Ryan Sharp, Assistant Clerk of the Board of Directors.

ABSENT: (District 4 Seat Vacant)

B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Director, if applicable.

C. **Non-Agenda Public Communication:** Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

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

Agenda Item

Agenda #

Subject

1. NOTICED PUBLIC HEARING:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2023-24 LEVIES FOR PERMANENT ROAD DIVISION ZONES, COUNTY SERVICE AREAS AND ZONES, SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ZONES, STORMWATER MAINTENANCE ZONES, ALLOCATE AND DISTRIBUTE INTEREST EARNINGS FOR SAN DIEGO COUNTY FIRE PROTECTION DISTRICT, AND RELATED CEQA EXEMPTION
[FUNDING SOURCE: ASSESSMENT LEVIES AND SPECIAL TAXES ON PROPERTY OWNERS WITHIN THE IDENTIFIED DISTRICTS; ASSESSMENT LEVIES AND SPECIAL TAXES ON PROPERTY OWNERS WITHIN THE IDENTIFIED DISTRICTS]

(RELATES TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT FP02 AND BOARD OF SUPERVISORS ITEM 05)

2. OFF-AGENDA CONSIDERATION:
STORM DRAIN EMERGENCY REPAIR IN THE UNINCORPORATED COMMUNITY OF BONITA, 2920 BRIARWOOD ROAD
[FUNDING SOURCE: AVAILABLE PRIOR YEAR FCDDT FUND BALANCE]
(4 VOTES)

1. **SUBJECT: NOTICED PUBLIC HEARING:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2023-24 LEVIES
FOR PERMANENT ROAD DIVISION ZONES, COUNTY SERVICE
AREAS AND ZONES, SAN DIEGO COUNTY FIRE PROTECTION
DISTRICT ZONES, STORMWATER MAINTENANCE ZONES,
ALLOCATE AND DISTRIBUTE INTEREST EARNINGS FOR SAN
DIEGO COUNTY FIRE PROTECTION DISTRICT, AND RELATED
CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

Special districts are created in order to provide new or enhanced local services and infrastructure to specific communities. Special District services are primarily funded by property owners through assessments or special taxes that are levied annually on each parcel's tax bill, reducing the cost to the ratepayer by eliminating the administrative costs that arise from annual billing and payment collection. District boundaries, services, and maximum rates were established by property owners at the time of formation or as a condition of development. The method for calculating the rate paid per parcel is established in the district ordinance adopted at the time of formation and may be based on a variety of factors, commonly including land use, parcel acreage, or use type (single-family or multi-family). The assessments or special taxes cannot exceed the maximum amount in the adopted ordinance without approval from the affected property owners. At the time of formation, residents in some districts voted to include cost escalators in their ordinances, which allow the maximum rate to increase each year to keep pace with inflation. The most commonly used cost indices are the Consumer Price Index (CPI) which measures the cost of consumer goods, and the Construction Cost Index (CCI) which measures the cost of construction materials and labor.

There are a variety of special districts, and each type is governed under different State laws. The County of San Diego (County), San Diego County Flood Control District (Flood Control District), and San Diego County Fire Protection District (Fire District) manage special districts that provide a wide array of services such as fire protection, flood control protection, private road landscape maintenance, parks, emergency communication, and paramedic services, across the unincorporated region and in six cities (Del Mar, Solana Beach, Encinitas, Santee, and portions of Poway and San Diego) in San Diego county. A list of all districts and proposed rates are included in Attachment I.

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies and individuals. Staff from the County, Flood Control District, and Fire District reviewed budgets for the districts included in today's action to determine if revenues were adequate for planned services in Fiscal Year (FY) 2023-24 or if rates should be adjusted. Staff determined the proposed rates for FY 2023-24 are needed to fund services and to ensure compliance with Board Policy B-29. Rates are also necessary to maintain financial reserves to fund future services, facility repairs, improvements, and replacements. The proposed rates subject to today's action are in accordance with Articles XIII A-D of the California Constitution, (Proposition 218) as amended to date and are within maximum rates set forth in each district's adopted ordinance.

Permanent Road Division Zones (County District)

There are 68 Permanent Road Division (PRD) Zones managed by the County Department of Public Works (DPW). Fifty (50) of the 68 PRD Zones levy property owner assessments or special taxes and are included in today's action. The rate each parcel is charged is determined by factors such as the type of land use, parcel size, and the number of dwelling units, which is represented by "benefit units." Benefit units are used to quantify the specific level of benefit each parcel receives from the services. Rates will remain the same in 44 of the 50 PRD Zones that levy property owner assessments or special taxes. Eighteen (18) PRD Zones do not currently levy property owner assessments or special taxes. Six (6) rate increases are being proposed to fund multi-year maintenance plans for road resurfacing, culvert repairs, and future road replacements.

Three PRD Zones will have rate increases based on approved cost escalators, and three PRD Zones will have rate increases based on property owner approval. The approved cost escalator for the three PRD Zones is the Los Angeles CCI. The proposed annual rate increases for this upcoming FY are listed below. Without the additional revenue, road and culvert maintenance will be deferred, which will result in future more costly repairs.

1. PRD Zone 6-Pauma Valley is located in the unincorporated community of Pauma Valley (District 5). The proposed rate will increase from \$23 to \$40 per benefit unit based on a property owner-approved rate increase, with the average single-family residence assigned three benefit units, or \$120 annually. The additional revenue will help fund planned pavement and culvert repairs and ongoing road and culvert maintenance.
2. PRD Zone 8-Magee Road is located in the unincorporated community of Pauma Valley (District 5). The proposed rate will increase from \$150 to \$400 per benefit unit based on a property owner-approved rate increase, with the average single-family residence assigned two benefit units, or \$800 annually. The additional revenue will help fund planned pavement repairs and ongoing road and culvert maintenance.
3. PRD Zone 106-Garrison Way is located in the unincorporated community of El Cajon (District 2). The proposed rate will increase from \$110 to \$300 per benefit unit based on a property owner-approved rate increase, with a single-family residence assigned two benefit units, or \$600 annually. The additional revenue will help fund planned pavement repairs and ongoing road maintenance.
4. PRD Zone 117-Legend Rock is located in the unincorporated community of Hidden Meadows (District 5). The proposed special tax will increase from \$1,508.84 to \$1,586.55 per parcel, based on the voter-approved cost escalator. The increase is due to rising inflation, based on a 5.15% escalation in the Los Angeles CCI for 2022. The additional revenue will help fund planned pavement repairs and ongoing road and culvert maintenance.

5. PRD Zone 133-Ranch Creek Road is located in the unincorporated community of Valley Center (District 5). The proposed rate will increase from \$1,517.50 to \$1,595.65 per benefit unit based on the property owner-approved cost escalator, with a single-family residence assigned one and one quarter benefit unit, for a total of \$1,994.56 annually. The increase is due to rising inflation, based on a 5.15% escalation in the Los Angeles CCI for 2022. The additional revenue will help fund planned pavement repairs and ongoing road and culvert maintenance.
6. PRD Zone 1017-Kalbaugh/Haley/Toub Streets is located in the unincorporated community of Ramona (District 2). The proposed rate will increase from \$263.76 to \$277.34 per benefit unit based on a property owner-approved cost escalator, with a single-family residence assigned two benefit units, for a total of \$554.69 annually. The increase is due to rising inflation, based on a 5.15% escalation in the Los Angeles CCI for 2022. The additional revenue will help fund ongoing annual grading of the unpaved roads.

County Services Areas (County District)

There are ten County Services Areas (CSA) that are managed by multiple County departments based on the services provided. CSAs provide maintenance and operations for parks, landscaping, flood control, open space management, and emergency medical/paramedic services. These CSAs provide services to multiple unincorporated communities and six incorporated cities (Del Mar, Solana Beach, Encinitas, Santee, and portions of Poway and the City of San Diego). Rates will remain the same in six of the ten CSAs that levy assessments because revenues can fully fund planned services. The cost escalator used for CSAs is the San Diego Consumer Price Index (CPI), which is based on a broad range of labor costs, goods, and services. Four rate increases are being proposed, which are based on the San Diego CPI increase of 6.45% for 2022:

1. CSA 83A-San Dieguito Local Parks District is managed by the Department of Parks and Recreation and provides park amenities and services in the unincorporated community of 4S Ranch (District 2). The rate will increase from \$141.75 to \$148.84 per single-family residence. The increase is due to rising inflation, based on a 6.45% escalation in the San Diego CPI for 2022, with a property owner approved maximum cost escalator of 5%. The additional revenue will ensure the delivery of park maintenance services and operations for FY 2023-24.
2. CSA 17-San Dieguito Emergency Medical Services is managed by San Diego County Fire and provides services to the cities of Del Mar, Solana Beach, Encinitas, and the City of San Diego communities of Del Mar Heights, and Del Mar Terrace, the unincorporated communities of Rancho Santa Fe, 4S Ranch, and a portion of Elfin Forest. (Districts 2 & 3). The proposed annual special tax will increase from \$34.47 to \$36.69 per single-family residence. The increase is due to rising inflation, based on a 6.45% escalation in the San Diego CPI for 2022. The additional revenue will ensure the CSA has adequate working capital.

3. CSA 26 Zone A-Cottonwood Village is managed by DPW and provides open space fire-fuel management and landscape maintenance services in the unincorporated community of Rancho San Diego (District 4). The proposed rate will increase from \$105.20 to \$112.00, with the average a single-family residence assigned one benefit unit, for a total of \$112.00 annually. The rate increase is due to rising inflation, based on a 6.45% escalation in the San Diego CPI for 2022. The additional revenue will ensure the continued delivery of annual fire-break services and help maintain adequate working capital.
4. CSA 26 Zone B-Monte Vista is managed by DPW and provides landscape maintenance services in the unincorporated community of Rancho San Diego (District 4). The proposed rate will increase from \$187.36 to \$199.44 per single-family residence. The rate increase is due to rising inflation, based on a 6.45% escalation in the San Diego CPI for 2022. The additional revenue will ensure the continued delivery of routine landscape maintenance services and help maintain adequate working capital.

San Diego County Fire Protection District (Fire Protection District)

There are eleven service areas in the San Diego County Fire Protection District (SDCFPD) funded by assessments or special taxes managed by San Diego County Fire that provide funds to supplement the cost of fire protection and emergency medical services across multiple unincorporated communities. The eleven service areas include the newly added Ramona Special Tax which was transferred from Ramona Municipal Water District to San Diego County Fire on August 1, 2022. A request for the Board to allocate and distribute the interest earnings from the Ramona Special Tax to the SDCFPD special revenue fund is also included in today's action. Rates will remain the same in ten of the eleven service areas that levy assessments or special taxes. One rate increase is being proposed.

1. Fire Service Area-Palomar Mountain provides services within the unincorporated community of Palomar Mountain (District 5). The proposed annual special tax will increase from \$170.50 to \$175.61 per single-family residence. The increase is due to rising inflation, based on a 6.45% escalation in the San Diego CPI for 2022, with a voter-approved maximum cost escalator of 3%. The additional revenue will be used to cover the cost of firefighting personnel and fire protection equipment and apparatus.

Flood Control District Stormwater Maintenance Zones (Flood Control District)

There are three Stormwater Maintenance Zones (SMZ) and one County Service Area (CSA) funded by assessments managed by DPW on behalf of the Flood Control District that provide maintenance of flood control facilities in multiple unincorporated communities. Rates will remain the same in all three SMZs and the one CSA because revenues can fully fund planned services.

Today's request is for the Board to adopt resolutions to confirm assessments and special taxes and authorize levies for 74 special districts administered by the County, the Fire District, and the Flood Control District. Upon adoption, the assessments and special taxes will be placed on the tax roll for FY 2023-24. The deadline to place these assessments on the FY 2023-24 tax rolls is August 10, 2023. A request is also included for the Board to authorize the Auditor and Controller to allocate and distribute interest earnings from the Ramona Fire Service Area to the special

revenue fund in San Diego County Fire Protection District. These actions are discretionary after consideration of public testimony. Upon approval, the annual levies will be placed on the tax roll so that the property owners can continue to pay the levy through their property tax bills.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

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

Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT ACTING AS THE GOVERNING BODY OF STORMWATER MAINTENANCE ZONES 3-4978-1 BLACKWOLF, 4-4249-3 LAKE RANCHO VIEJO, AND 3-5142-1 PONDEROSA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2023-24. (Attachment H)

EQUITY IMPACT STATEMENT

Today's action continues the County's commitment to providing programs and services that enhance our communities. Assessments and special taxes fund services for special districts which improve the health, safety, and economic interests of local communities. Levying charges on the Fiscal Year (FY) 2023-24 tax rolls for the special districts included in today's actions will have a direct impact on communities throughout the unincorporated areas of the county. These levies fund services that include fire protection, flood control protection, private road maintenance, landscaping, parks, emergency communication, and paramedic services to residents of approximately 144,000 parcels. Special district revenues also offset the need for the County to fund these services, which allow additional County funds to be allocated towards services in underserved communities.

SUSTAINABILITY IMPACT STATEMENT

Today's action supports the County's Sustainability Goals to protect the health and well-being of residents, support economic sustainability, and provide just and equitable access to County services. Maintaining roads in a timely manner prevents more costly maintenance in the future, contributing to economic sustainability. Fire protection, flood control protection, emergency communication and paramedic services protect the health and wellbeing of citizens and their properties. County Parks provide citizens equitable access to outdoor recreation and nature, promoting the health and wellbeing of citizens. Today's action will help maintain a strong and resilient community.

FISCAL IMPACT

The proposed assessment revenues are included in Fiscal Year (FY) 2023-24 Operational Plan for the Departments of Public Works (DPW), Department of Parks and Recreation (DPR), Sheriff, San Diego County Fire (County Fire), San Diego County Flood Control District (Flood Control District), and the San Diego County Fire Protection District (Fire Protection District). The proposed rate increases for eleven (11) special districts will result in increases in revenue from property owner assessments of \$75,698 in total for DPW, \$119,746 in total for County Fire from CSA 17-San Dieguito, \$32,108 for DPR, and \$2,083 in total for the Fire Protection District. There is no proposed change in rates for 62 special districts. The proposed tax revenue interest allocation and distribution will result in the apportionment of interest earnings to the special tax

revenue in the Fire Protection District. The funding source is assessment levies and special taxes on property owners within the identified districts. There will be no change in net General Fund cost and no additional staff years.

The proposed assessment levies and special taxes are evaluated annually in an amount sufficient to recover the full cost as required by Board Policy B-29: *Fees, Grants, Revenue Contracts-Department Responsibility for Cost Recovery*. Accordingly, there is no projected unrecovered cost, and a waiver of Board Policy B-29 is not needed. The funding source is assessment levies and special taxes on property owners within the identified districts.

If the Board of Supervisors, acting on behalf of the County and other independent districts, does not adopt the resolutions, the proposed assessments and special taxes cannot be placed on the tax rolls for FY 2023-24. The deadline to place these assessments on the FY 2023-24 tax rolls is August 10, 2023. Without the funds generated by assessments, services for flood control protection, private road maintenance, parks, and landscape services would be reduced, and maintenance would be deferred. Fund balance would be leveraged to fill the gap for public safety communications systems, structural fire protection, and emergency medical services, which would impact the funding available for working capital.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT FP02 AND BOARD OF SUPERVISORS ITEM 05)

ACTION:

ON MOTION of Director Vargas, seconded by Director Desmond, the Board of Directors of the San Diego County Flood Control District closed the Hearing and took action as recommended, adopting Resolution No. 23-100, entitled: RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT ACTING AS THE GOVERNING BODY OF STORMWATER MAINTENANCE ZONES 3-4978-1 BLACKWOLF, 4-4249-3 LAKE RANCHO VIEJO, AND 3-5142-1 PONDEROSA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2023-24.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

2. **SUBJECT: OFF-AGENDA CONSIDERATION:
STORM DRAIN EMERGENCY REPAIR IN THE UNINCORPORATED
COMMUNITY OF BONITA, 2920 BRIARWOOD ROAD (DISTRICT: 1)**

OVERVIEW

A sinkhole has formed in the parking lot of a condominium complex at 2920 Briarwood Road within the unincorporated community of Bonita. It was caused by the collapse of an existing corrugated metal storm drainpipe that passes through Caltrans and San Diego

County Flood Control District (District) rights-of-way. Due to the depth and current condition of the storm drain, it is not feasible to accurately determine the cause and exact location of the collapse without additional field investigation by excavating around the pipe to locate the point of failure and make any necessary repairs. For a time, the hole remained stable as the County attempted to video inspect the extent of the damage and develop a plan to repair. However, on Monday, June 26, 2023, Department of Public Works staff noticed that the sinkhole had begun to enlarge, bringing down a support post for the adjacent carport structure. The most appropriate action is to immediately stabilize and excavate the site to make the necessary repairs.

This report updates the Board of Directors on the status of the sinkhole and repair work and ratifies the actions necessary for accomplishing this effort. This is also a request to ratify the contract for emergency repairs in accordance with County Administrative Code section 402, as the District utilizes County ordinances and policies.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed project is statutorily exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 15269(b) and 15301 of the CEQA Guidelines because the proposed project is for emergency repairs to a publicly owned service facility necessary to maintain service essential to the public health, safety or welfare, and because it consists of the minor alteration of existing public facilities involving negligible or no expansion of existing use.
2. Pursuant to Public Contract Code Section 22050(b)(3)(a), receive the report set forth in this Board letter that the emergency sinkhole repair did not permit a delay resulting from competitive solicitations for bids and that the immediate award of a contract was necessary to respond to the emergency.
3. Pursuant to Public Contract Code Section 22050(c)(2)(a), find that there is a need to continue the emergency sinkhole repair without giving notice for bids to let a contract. **(4 VOTES)**
4. Pursuant to Section 402 of the County Administrative Code, ratify the contract with Flatiron West, Inc. for emergency sinkhole repairs, on the basis that public interest and necessity demanded immediate expenditure of funds on an emergency basis without competitive bidding.

EQUITY IMPACT STATEMENT

The failed storm drain is a publicly maintained facility that conveys rainfall runoff and flood waters off the roadways and properties in the immediate vicinity. The District is responsible for the continued maintenance and proper function of the storm drain system in this area. Approval of the emergency repairs will provide an overall benefit to the members of the community who live in the condominium complex and to those who use the public roads in the area.

SUSTAINABILITY IMPACT STATEMENT

The emergency repairs will reduce the risk to life and property caused by the sinkhole and restore the proper function of the storm drain to convey runoff and flood waters, which will ensure the safety of the public in the surrounding area.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2022-23 Operational Plan for Flood Control District (FCDT). If approved, this request will result in cost of \$1,000,000. The funding source will be available prior year FCDT fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION FL02.1:

ON MOTION of Director Vargas, seconded by Director Anderson, the Board of Directors of the San Diego County Flood Control District found that the need to take action arose subsequent to the Agenda being posted; adopted appropriate findings and placed the item on the agenda.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

ACTION FL02.2:

ON MOTION of Director Desmond, seconded by Director Vargas, the Board of Directors of the San Diego County Flood Control District took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

There being no further business, the Board of Directors of the San Diego County Flood Control District adjourned at 10:12 a.m.

ANDREW POTTER
Clerk of the Board of Directors of the
San Diego County Flood Control District

Notes: Perez

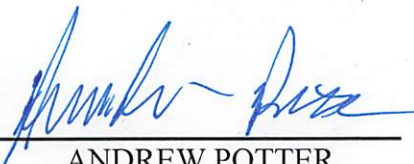
NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Flood Control District on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Directors, on July 19, 2023.



NORA VARGAS
Chair

Attest:



ANDREW POTTER
Clerk of the Board

06/28/2023 FLOOD CONTROL DISTRICT