

County of Santa Barbara
BOARD OF SUPERVISORS



First District - Salud Carbajal, Vice-Chair

Second District - Janet Wolf

Third District - Doreen Farr, Chair

Fourth District - Joni Gray

Fifth District - Steve Lavagnino

Chandra L. Wallar, County Executive Officer

Action Summary

Tuesday, March 13, 2012

9:00 AM

**JOSEPH CENTENO BETTERAVIA GOVERNMENT
ADMINISTRATION BUILDING
BOARD HEARING ROOM
511 EAST LAKESIDE PARKWAY, SANTA MARIA**

The Board of Supervisors meets concurrently as the Board of Directors of the Flood Control & Water Conservation District, Water Agency, Redevelopment Agency, the Santa Barbara Fund for Public and Educational Access and other Special Districts.

Live Web Streaming of the Board of Supervisors Meetings, Agendas, Supplemental Materials and Minutes of the Board of Supervisors are available on the internet at: www.countyofsb.org.

9:00 A.M. Convened to Regular Session

CONVENED 9:03 A.M.

Roll Call

Present: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

Pledge of Allegiance

Approval of Minutes of the March 6, 2012 Meeting

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, to Approve the Minutes. The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

12:00 P.M. Recess to Closed Session

Report from Closed Session

COUNTY COUNSEL

[12-00009](#)

Closed Session Agenda

No reportable action taken.

[12-00001](#)

Public Comment

Persons desiring to address the Board must complete and deliver to the Clerk the form which is available at the Hearing Room entrance prior to the commencement of this comment period. THE PUBLIC COMMENT PERIOD IS RESERVED FOR COMMENT ON MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD OF SUPERVISORS. EACH PERSON MAY ADDRESS THE BOARD FOR UP TO THREE MINUTES AT THE DISCRETION OF THE CHAIR, FOR A TOTAL PUBLIC COMMENT PERIOD OF NO MORE THAN 15 MINUTES. (Resolution No. 09-368) (12-00001)

RE: Issues Related to Agricultural Operations - Richard Vail, Brenda Artopoulos, Carl Artopoulos, Jeff Pawley and Kevin Keinert addressed the Board.

RE: Local Government Corruption - Dr. Robert L. Johns addressed the Board

RE: Criminal Prosecutions - Kali Zulu addressed the Board.

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WHEN TESTIFYING BEFORE THE BOARD OF SUPERVISORS, PERSONAL ATTACKS AND OTHER DISRUPTIVE BEHAVIOR ARE NOT APPROPRIATE.

RE: Issues Related to Agricultural Operations - Richard Vail, Brenda Artopoulos, Carl Artopoulos, Jeff Pawley and Kevin Keinert addressed the Board.

RE: Local Government Corruption - Dr. Robert L. Johns addressed the Board

RE: Criminal Prosecutions - Kali Zulu addressed the Board.

Administrative Agenda

HEARING TIME: 9:04 A.M. - 9:13 A.M. (9 MIN.)

All matters listed hereunder constitute a consent agenda, and will be acted upon by a single roll call vote of the Board. Matters listed on the Administrative Agenda will be read only on the request of a member of the Board or the public, in which event the matter shall be removed from the administrative agenda and considered as a separate item.

Resolutions to be Presented at 9:00 A.M.A-1) SUPERVISOR CARBAJAL[12-00208](#)

Adopt a Resolution proclaiming the week of March 10, 2012 through March 18, 2012 as AmeriCorps Week in Santa Barbara County.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Adopted.

RESOLUTION NO. 12-47

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

Honorary Resolutions

A-2) SUPERVISOR CARBAJAL [12-00221](#)

Adopt a Resolution of Commendation honoring the International Women’s Festival upon its 5th anniversary.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Adopted.

RESOLUTION NO. 12-48

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-3) SUPERVISOR CARBAJAL [12-00222](#)

Adopt a Resolution of Commendation celebrating the accomplishments of the International Women’s Festival’s 2012 Woman of the Year.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Adopted.

RESOLUTION NO. 12-49

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-4) SUPERVISOR GRAY [12-00211](#)

Adopt a Resolution of Commendation honoring Sheriff’s Deputy Christopher Nelson upon his retirement from the Sheriff’s Department after over 26 years of faithful and distinguished service to the citizens of Santa Barbara County.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Adopted.

RESOLUTION NO. 12-50

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-5) SUPERVISOR GRAY[12-00212](#)

Adopt a Resolution of Commendation honoring Custody Deputy Anita Grace Diaz upon her retirement from the Sheriff's Department after 25 years of faithful and distinguished service to the citizens of Santa Barbara County.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Adopted.

RESOLUTION NO. 12-51

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

Administrative Items

Item A-6) is amended as follows:**A-6) COMMUNITY SERVICES****12-00213**

Consider recommendations regarding a Final Mitigated Negative Declaration for the Franklin Trail Project in the Carpinteria Area, First District, as follows:

- a) Approve certification that the Board has reviewed and considered the information contained in Final Mitigated Negative Declaration (MND) No. 12NGD-00000-00003, including revisions specified in the Memorandum submitted by Community Services dated March 9, 2012, and including any modifications made by the Board in the public hearing, and the public comments received, prior to project approval;
- b) Determine that the Final MND for the Franklin Trail Project has been completed in compliance with the California Environmental Quality Act (CEQA);
- c) Adopt the MND, including revisions specified in the Memorandum submitted by Community Services dated March 9, 2012, and including any modifications made by the Board in the public hearing, along with the CEQA findings; and
- d) Adopt the project description (Proposed Project) and mitigation measures, with their corresponding monitoring requirements, including revisions specified in the Memorandum submitted by Community Services dated March 9, 2012, and including any modifications made by the Board in the public hearing, as the Mitigation Monitoring Program for this project.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Acted on as follows.:

a) and b) Approved;

c) and d) Adopted.

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-7) COMMUNITY SERVICES[12-00216](#)

Consider recommendations regarding the Dahlia Court II (Expansion) Subordination Agreements, as follows:

- a) Approve and authorize the Chair of the Board of Supervisors to execute one Subordination Agreement, for a construction loan by Rabobank, N.A., in the amount of \$10,522,000.00;
- b) Authorize the Director of the Community Services Department or his/her designee to execute a Consent and Subordination to the Easement, Joint Use and Maintenance Agreement; and
- c) Authorize the Community Services Director to enter into a subordination agreement with a permanent lender after the completion of construction of the Project in a form approved by County Counsel.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Acted on as follows:.

- a) **Approved; Chair to execute;**
- b) **and c) Authorized.**

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-8) PUBLIC WORKS[12-00214](#)

Consider recommendations regarding a Memorandum of Understanding for the Wine Country Express Lompoc to Solvang Transit Service, as follows:

- a) Approve and authorize the Chair to execute a Memorandum of Understanding between the Cities of Lompoc, Solvang, Buellton and the County of Santa Barbara to continue regular, fixed-route transit service on the Highway 246 corridor between Lompoc and Solvang;
- b) Find that the proposed action(s) do not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to 14 CCR 15378(b)(2) (continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making); and
- c) Approve the filing of a Notice of Exemption on that basis.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Acted on as follows.:

- a) Approved; Chair to execute;**
- b) and c) Approved.**

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-9) PUBLIC WORKS, BOARD OF DIRECTORS, LAGUNA COUNTY SANITATION DISTRICT

12-00219

Acting as the Board of Directors, Laguna County Sanitation District:

Consider recommendations regarding deed acceptance for a sewer main serving the Crystal Creek development, Fourth District, as follows:

- a) Approve the acceptance of Easement Deeds from the following:
 - i) Crystal Creek Homeowner’s Association;
 - ii) Robert and Barbara Diyorio; and
 - iii) Margaret Heath and Joel Heath trusts; and
- b) Authorize the Clerk of the Board to execute the Certificates of Acceptance regarding the sewer main serving the Crystal Creek development.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Acted on as follows.:

- a) i) ii) iii) Approved; and**
- b) Authorized.**

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-10) PUBLIC WORKS[12-00220](#)

Consider recommendations regarding the Tajiguas Landfill Phase IIC Groundwater Protection System, County Project No. 828356, Third District, as follows:

a) Approve the Statement of Final Quantities for work performed and materials supplied for this project by the contractor, Papich Construction Co., Inc. (not a local vendor), in the amount of \$3,132,628.23; and

b) Find, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162, that no substantial changes are proposed, and no new information of substantial importance has come to light regarding environmental effects of the Phase IIC project. The Notice of Completion and Statement of Final Quantities implement the Phase IIC project which was analyzed in the Tajiguas Landfill Expansion Project EIR, 01-EIR-05, and Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project Subsequent EIR, 08-EIR-00000-00007, certified by the Board of Supervisors on August 13, 2002 and May 5, 2009 respectively.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Acted on as follows:.

a) and b) Approved.

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

Board of SupervisorsA-11) SUPERVISOR CARBAJAL[12-00218](#)

Approve the appointment of Dan Eidelson to the Mosquito and Vector Management District of Santa Barbara County, term ending December 31, 2015, First District.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Approved. The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

Administrative ItemA-12 PUBLIC WORKS[12-00224](#)

Approve the appointment of Aleksandar Jevremovic as the County Surveyor to commence on March 19, 2012.

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Approved. The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

Departmental Agenda
Planning Items and Public Hearings

1) TREASURER-TAX COLLECTOR 12-00217

HEARING - Consider recommendations regarding Montecito Retirement Association Conduit Financing, as follows: (EST. TIME: 15 MIN.)

- a) Adopt a Resolution approving the form and authorizing the execution of certain documents in connection with the installment sale financing of facilities for Montecito Retirement Association and directing certain actions with respect thereto;
- b) Approve and authorize the Chair to execute a Contract appointing Quint & Thimmig to perform legal services as bond counsel, in the amount of \$35,000.00;
- c) Approve and authorize the Chair to execute a Contract appointing Orrick, Herrington & Sutcliffe to perform legal services as special issuer’s counsel, in the amount of \$10,000.00;
- d) Authorize the County to be reimbursed for costs pursuant to the financing in an amount not to exceed \$30,000.00; and
- e) Determine that the above actions are government fiscal activities that are not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) of the CEQA Guidelines.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: APPROVE

HEARING TIME: 9:43 AM - 9:50 AM (7 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Acted on as follows:

a) Adopted.

RESOLUTION NO. 12-52

b) and c) Approved, Chair to execute.

d) and e) Authorized and approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

2) PLANNING AND DEVELOPMENT12-00210

HEARING - Consider recommendations of the County Planning Commission to approve Case Nos. 11ORD-00000-00017 and 11ORD-00000-00018 which would amend, respectively, the County Land Use and Development Code and the County Coastal Zoning Ordinance to implement amendments establishing a permit process for the closure of mobilehome parks, as follows: (EST. TIME: 1 HR. 30 MIN.)

a) Consider recommendations regarding Case No. 11ORD-00000-00017, Land Use and Development Code Amendment, as follows:

i) Make the findings for approval of the proposed amendments;

ii) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA; and

iii) Adopt Case No. 11ORD-00000-00017, an Ordinance amending Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code; and

b) Consider recommendations regarding Case No. 11ORD-00000-00018, Coastal Zoning Ordinance Amendment, as follows:

i) Make the findings for approval of the proposed amendments;

ii) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA; and

iii) Adopt Case No. 11ORD-00000-00018, an Ordinance amending the County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:00 AM - 11:12 AM (1HR 12 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Wolf, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

- a)
 - i - Adopted required findings;
 - ii - Determined; and
 - iii - Adopted per amended Attachment C to the staff report as presented at the hearing of March 13, 2012.

ORDINANCE NO. 4828

- b)
 - i - Adopted required findings;
 - ii - Determined; and
 - iii - Adopted per amended Attachment D to the staff report as presented at the hearing of March 13, 2012.

ORDINANCE NO. 4829

Directed staff to amend Sections 2.1.1 and 2.2.1 of Attachment A (findings) replacing the word "May" with the word "Shall".

The motion carried by the following vote:

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

3) COUNTY EXECUTIVE OFFICE[12-00215](#)

HEARING - Consider recommendations regarding the funding of Santa Barbara County Fire Protection District ongoing operations, as follows: (EST. TIME: 45 MIN.)

- a) Receive and file a report from the County Executive Office on possible funding sources for ongoing Fire Department Operations; and
- b) Approve the deferral of funding decisions and direct ongoing funding of Fire Department Operations to be discussed as part of the Fiscal Year 2012/2013 County Executive Office proposed budget.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 11:17 AM - 12:11 PM (54 MIN.)

Conducted public hearing.

A motion was made by Supervisor Lavagnino, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

- a) **Received and filed.**
- b) **Directed staff to return with recommendations for consideration of a property tax transfer agreement effective for FY 2012-13 increasing the base composite average of all tax rate areas within the County Fire District to an equivalent of \$5.9 million. Further directed staff to provide options for an increase to an average of 16 or 17 percent base composite average of all tax rate areas within the County Fire District through a phased in 20-25% per year increase in the incremental property tax growth. Directed staff to provide an analysis of the applicability of Revenue and Taxation Code Section 99.02 as it relates to potential action by the Board of Supervisors.**

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

4) PUBLIC HEALTH

12-00209

HEARING - Consider recommendations regarding a Homeless Death Review Team Report for 2011, as follows: (EST. TIME: 45 MIN.)

a) Receive and file an Executive Summary Report and presentation on homeless deaths in Santa Barbara County from the Homeless Death Review Team; and

b) Determine that these activities are exempt from California Environmental Quality Act review per CEQA Guideline Section 15061(b) (3), since it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: APPROVE

HEARING TIME: 1:07 PM - 2:07 PM (1 HR.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Acted on as follows:

a) Received and filed.

b) Approved.

Directed staff to return as appropriate with recommendations for appropriate follow up actions/initiatives.

The motion carried by the following vote:

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

5) PLANNING AND DEVELOPMENT

12-00137

HEARING - Consider the Planning Commission’s recommendation for denial of the Key Site 3 project, Case Nos. 06GPA-00000-00016, 06RZN-00000-00007, 06DVP-00000-00015, 06TRM-00000-0004/TM 14,714, and 10CUP-00000-00001, APN 129-151-026, located approximately 0.5 miles south of the Clark Avenue /U.S. Highway 101 intersection in the Orcutt area, Fourth District, as follows: (EST. TIME: 1 HR. 15 MIN.)

- a) Make the required findings to deny the project specified in the findings;
- b) Determine the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15270 of CEQA;
- c) Approve the filing of a Notice of Exemption; and
- d) Deny the project, Case Nos. 06GPA-00000-00016, 06RZN-00000-00007, 06DVP-00000-00015, 06TRM-00000-0004/TM14,714, and 10CUP-00000-00001.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: POLICY

HEARING TIME: 2:15 PM - 3:30 PM (1 HR. 15 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Gray, seconded by Supervisor Lavagnino, that this matter be Acted on as follows:

- a) Adopted required findings to deny project.**
- b) Approved.**
- c) Approved.**
- d) Denied project.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

The Santa Barbara County Board of Supervisors Adjourned the Meeting of March 13, 2012 in Honor of Rosemary "Rosie" Centeno Keith of Santa Maria and Selma Rubin of Santa Barbara

Adjourned at 3:35 PM

Adjourned to

March 20, 2012

County Administration Building
Board Hearing Room
105 East Anapamu Street , Fourth Floor
Santa Barbara

Challenges

IF YOU CHALLENGE A DETERMINATION MADE ON A MATTER ON THIS AGENDA IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE BOARD OF SUPERVISORS AT, OR PRIOR TO, THE PUBLIC HEARING.

Announcements

The meeting of Tuesday, March 13, 2012 will be telecast live on County of Santa Barbara TV channel 20 at 9:00 AM, and will be rebroadcast on Thursday, March 15, 2012, at 5:00 PM and on Saturday, March 17, 2012, at 10:00 AM on CSBTV Channel 20.

THE BOARD OF SUPERVISORS WILL NOT MEET ON TUESDAY, MARCH 27, 2012; THIS IS A FOURTH TUESDAY. THE NEXT REGULAR MEETING WILL BE HELD ON TUESDAY, APRIL 3, 2012 IN SANTA BARBARA.

<http://www.countyofsb.org>