County of Santa Barbara

BOARD OF SUPERVISORS



First District - Das Williams, Vice Chair Second District - Gregg Hart Third District - Joan Hartmann, Chair Fourth District - Bob Nelson Fifth District - Steve Lavagnino

Mona Miyasato, County Executive Officer

Action Summary

Tuesday, March 8, 2022 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, 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

Roll Call

Present:

 Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino

Pledge of Allegiance

Approval of Minutes of the March 1, 2022 Meeting

A motion was made by Supervisor Nelson, seconded by Supervisor Lavagnino, to approve the minutes. The motion carried by the following vote:

Ayes:

 Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino

County Executive Officer's Report

22-00001

County Executive Officer's Report: Receive a report from the County Executive Officer (CEO) on County programs, County staff updates and achievements, staff recognitions, updates on major projects, updates on state and federal legislation, and upcoming events of interest to the Board and the public. There will be no Board discussion except to ask questions or refer matters to staff; and no action will be taken unless listed on a subsequent agenda.

No report from the County Executive Officer, Mona Miyasato.

12:00 P.M. Recessed to Closed Session

Closed Session

22-00193

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code section 54956.9)

New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. County of Santa Barbara, United States District Court for the Central District of California, Case No. 2:20-cv-11804

County of Santa Barbara v. The State of California Department of Health Care Services, Los Angeles County Superior Court Case No. 19STCP04522

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code section 54956.8)

Property: Assessor's Parcel Number 037-192-001, 315 West Haley Street, Santa Barbara, CA 93101 (First Supervisorial District). Agency negotiator: General Services Director Janette D. Pell. Negotiating party: President/CEO of PathPoint Harry Bruell. Under negotiation: Price and terms of payment.

Report from Closed Session

No reportable action taken.

Administrative Agenda

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.

Administrative Items

A-1) <u>AGRICULTURAL COMMISSIONER AND WEIGHTS & MEASURES</u> <u>22-00176</u> <u>DEPARTMENT</u>

Consider recommendations regarding the California Department of Food and Agriculture (CDFA) Industrial Hemp Cultivation Program Agreement No. 21-0618-000-SA, as follows:

- a) Approve, ratify and authorize the Chair to execute an agreement with the CDFA in an amount not to exceed \$28,779.50 to reimburse the County for the registration of industrial hemp growers and seed breeders and the enforcement of laws and regulations pertaining to industrial hemp for the period of January 1, 2022 through June 30, 2022; and
- b) Determine that the above action involves government funding mechanisms and/or fiscal activities and is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(4).

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be acted on as follows:

- a) Approved, ratified and authorized; Chair to execute; and
- b) Approved.

The motion carried by the following vote:

A-2) COMMUNITY SERVICES DEPARTMENT

22-00187

Consider recommendations regarding execution of the State of California Permanent Local Housing Allocation (PLHA) Sub-recipient Agreement with the Housing Trust Fund of Santa Barbara County, as follows:

- a) Approve and authorize the Chair to execute a sub-recipient agreement for the distribution of \$444,960.00 in State of California PLHA grant funds with the Housing Trust Fund of Santa Barbara County for delivery of a Homebuyer Down Payment Assistance Program for a term that begins March 8, 2022 and ends June 30, 2024;
- b) Authorize the County's Community Services Department Director or designee to approve at his or her discretion and execute amendments on behalf of the County to approve changes to the sub-recipient operating budget, to extend the sub-recipient agreement's term or award time of performance by up to 12 months, and approve necessary administrative changes, throughout the term of the sub-recipient agreement; and
- c) Determine that the approval of the recommended actions is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378(b)(4) since the recommended actions are government fiscal activities which do not involve commitment to any specific project which may result in potentially significant physical impact on the environment.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be acted on as follows:

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

The motion carried by the following vote:

A-3) COUNTY EXECUTIVE OFFICE

22-00175

Consider recommendations regarding the circumstances of the Existing State of Emergency, as follows:

- a) Reconsider the circumstances of the Existing State of Emergency;
- b) Consider whether state or local officials continue to impose or recommend measures to promote social distancing;
- c) Find that the Board of Supervisors has considered the circumstances of the state of emergency, and that State or local officials continue to impose or recommend measures to promote social distancing; and
- d) Direct staff to notice and hold hearings as remote hearings consistent with Government Code Section 54953(e)(3).

A motion was made by Supervisor Hartmann, seconded by Supervisor Williams, that this matter be acted on as follows:

- a) through c) Approved; and
- d) Directed.

The motion carried by the following vote:

Ayes: 3 - Supervisor Williams, Supervisor Hart, and Supervisor Hartmann

Noes: 2 - Supervisor Nelson, and Supervisor Lavagnino

A-4) <u>COUNTY EXECUTIVE OFFICE</u>

22-00178

Approve Budget Revision Request No. 0008106 (4/5 Vote Required).

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be approved. The motion carried by the following vote:

A-5) COUNTY EXECUTIVE OFFICE

22-00181

Consider recommendations regarding Authorized Agents for the County during disasters (3-year Renewal), as follows:

- a) Adopt a Resolution designating the County officials listed in the Resolution to execute applications, grants, financial information, conduct site inspections, represent the County at briefings, and conduct all matters necessary for financial recovery to the County for emergency or disaster recovery and relief from the federal government under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or from the State under the California Disaster Assistance Act;
- b) Adopt and direct the Clerk of the Board or designee to execute a Designation of Applicant's Agent Resolution;
- c) Direct the Clerk of the Board or designee to submit to the California Office of Emergency Services a letter identifying the Authorized Agents by name and title; and
- d) Determine the above actions are not a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(5) of the CEQA Guidelines, because the actions consist of organizational or administrative activities of the government that will not result in direct or indirect physical changes in the environment.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be acted on as follows:

a) Adopted;

RESOLUTION NO. 22-35

- b) Adopted and directed;
- c) Directed; and
- d) Approved.

The motion carried by the following vote:

A-6) COUNTY EXECUTIVE OFFICE

22-00184

Consider recommendations regarding the Fiscal Year (FY) 2021-2022 Second Quarter Budget Status Report and Cannabis Taxation, Compliance and Enforcement Update, as follows:

- a) Receive and file the FY 2021-2022 Second Quarter Budget Status Report and Cannabis Taxation, Compliance and Enforcement Update as of December 31, 2021;
- b) Provide other direction as appropriate; and
- c) Determine that the above actions are not a project under the California Environmental Quality Act (CEQA), because pursuant to sections 15378(b)(4) and 15378(b)(5) the recommended actions consist of organizational, administrative, or fiscal activities of government that will not result in direct or indirect physical changes in the environment.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be acted on as follows:

- a) Received and filed; and
- b) and c) Approved.

Ayes:

The motion carried by the following vote:

A-7) COUNTY EXECUTIVE OFFICE

22-00185

Consider recommendations regarding a response to the 2021 Grand Jury Report entitled "Lompoc Police Department: Moving Toward a Safe and Proud Community", as follows:

- a) Consider and adopt the responses as the Board of Supervisors' response to the 2021 Grand Jury report entitled "Lompoc Police Department: Moving Toward a Safe and Proud Community";
- b) Authorize the Chair to sign the letter and forward the letter and responses to the Presiding Judge of Santa Barbara County Superior Court; and
- c) Determine pursuant to the California Environmental Quality Act (CEQA) Guidelines 15378(b) (5) that the above actions are not a project subject to CEQA review, because they are is
- government administrative activities that do not result in direct or indirect physical changes to the environment.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be acted on as follows:

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

Ayes:

The motion carried by the following vote:

A-8) COUNTY EXECUTIVE OFFICE

22-00190

Consider recommendations regarding a response to the 2021 Grand Jury Report: Idle Oil Wells in Santa Barbara County, as follows:

- a) Consider and adopt the responses as the Board of Supervisors' response to the 2021 Grand Jury report entitled "Idle Oil Wells in Santa Barbara County";
- b) Authorize the Chair to sign the letter and forward the letter and responses to the Presiding Judge of Santa Barbara County Superior Court; and
- c) Determine pursuant to the California Environmental Quality Act (CEQA) Guidelines 15378(b)
- (5) that the above actions are not a project subject to CEQA review, because they are is government administrative activities that do not result in direct or indirect physical changes to the environment.

A motion was made by Supervisor Williams, seconded by Supervisor Hart, that this matter be acted on as follows:

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

The motion carried by the following vote:

Ayes: 3 - Supervisor Williams, Supervisor Hartmann, and Supervisor Lavagnino

Noes: 2 - Supervisor Hart, and Supervisor Nelson

A-9) COUNTY EXECUTIVE OFFICE

22-00191

Consider recommendations regarding a response to the 2021 Grand Jury Report entitled "Suicide in Santa Barbara County Main Jail: A Challenge for Law Enforcement and Health Professionals", as follows:

- a) Consider and adopt the responses as the Board of Supervisors' response to the 2021 Grand Jury report entitled "Suicide in Santa Barbara County Main Jail: A Challenge for Law Enforcement and Health Professionals";
- b) Authorize the Chair to sign the letter and forward the letter and responses to the Presiding Judge of Santa Barbara County Superior Court; and
- c) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines 15378(b)(5) that the above actions are not a project subject to CEQA review, because they are government administrative activities that do not result in direct or indirect physical changes to the environment.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be acted on as follows:

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

The motion carried by the following vote:

A-10) GENERAL SERVICES DEPARTMENT

22-00186

Consider recommendations regarding the Proposed Probation Headquarters Building Project and Professional Services Agreement (PSA) for programming verification, professional design, planning, cost estimating, and commissioning consulting services, Project No. 19014, First District, as follows:

- a) Approve and authorize the Chair to execute the PSA with Roesling Nakamura Terada Architects, Inc., a California corporation dba RNT Architects, to provide programming verification, professional design, planning, cost estimating, commissioning and construction administration consulting services for the proposed new Probation Headquarters Building, located on Garden Street, Santa Barbara, CA (APNs 029-212-011 and 029-212-019), in an amount not to exceed \$2,200,000.00;
- b) Approve a not to exceed amount of \$2,200,000.00 for temporary cashflow transfers from the Advance Construction Reserve in the General Fund; and
- c) Find that this contract is determined by your Board to be exempt from the provisions of the California Environmental Quality Act (CEQA) under State CEQA Guidelines per the Notice of Exemption.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be acted on as follows:

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

The motion carried by the following vote:

A-11) PLANNING AND DEVELOPMENT DEPARTMENT

22-00183

Consider recommendations regarding a 2021 Comprehensive Plan Annual Progress Report, as follows:

- a) Receive and file the 2021 Comprehensive Plan Annual Progress Report; and
- b) Determine that the annual progress report is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5).

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be acted on as follows:

- a) Received and filed; and
- b) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor

A-12) SHERIFF-CORONER OFFICE

22-00169

Consider recommendations regarding an acceptance of grant funding from the California Department of Justice (DOJ) to allow for effective enforcement of firearm laws, as follows: (4/5 Vote Required)

Nelson, and Supervisor Lavagnino

- a) Accept a grant of \$539,660.00 from the Office of the attorney General, California DOJ, which will fund proactive enforcement of firearm laws prohibiting certain individuals from possessing firearms and ammunition for Fiscal Year (FY) 2021-2022, FY 2022-2023, and FY 2023-2024;
- b) Authorize the Sheriff to enter into a Memorandum of Understanding (MOU) with the California DOJ, accepting the grant described in section a;
- c) Approve Budget Revision Request No. 0008068, appropriating \$539,660.00 in grant revenue and corresponding expense; and
- d) Find that the approval of the acceptance of this grant is government funding mechanism which is not a project pursuant to section 15378(b)(4) of the California Environmental Quality Act (CEQA) Guidelines.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be acted on as follows:

- a) Accepted;
- b) Authorized; and
- c) and d) Approved.

The motion carried by the following vote:

Ayes:

 Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino

Resolutions to be Presented

A-13) SUPERVISOR WILLIAMS

22-00179

Adopt a Resolution proclaiming March 8, 2022 as Arbor Day in Santa Barbara County.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be adopted. The motion carried by the following vote:

RESOLUTION NO. 22-36

Ayes:

 Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino

A-14) <u>SUPERVISOR WILLIAMS</u>

22-00177

Adopt a Resolution proclaiming March 10, 2022 as Tibet Day in Santa Barbara County.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be adopted. The motion carried by the following vote:

RESOLUTION NO. 22-37

Ayes:

A-15) SUPERVISOR HARTMANN

22-00168

Adopt a Resolution of commendation honoring Lesley Stewart of the Probation Department as Employee of the Month for March 2022.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be adopted. The motion carried by the following vote:

RESOLUTION NO. 22-38

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino

A-16) <u>SUPERVISOR HARTMANN</u>

22-00189

Adopt a Resolution recognizing March 8, 2022 as International Women's Day in Santa Barbara County.

A motion was made by Supervisor Nelson, seconded by Supervisor Hart, that this matter be adopted. The motion carried by the following vote:

RESOLUTION NO. 22-39

22-00002

Public 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) (22-00002)

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

Re: Concerns with the Direction of the Countywide Recreation Master Plan-Scott Wenz addressed the Board

Re: Fair Wage Request for In Home Supportive Services (IHSS) Care Providers - Erika Culley and Yolanda Navarro addressed the Board

Re: Expressed Concerns with the War in the Ukraine and Concerns with the County Related COVID-19 Vaccine Mandates – Dr. Aimee Smith and Maria Kestner addressed the Board

<u>Departmental Agenda</u> <u>Planning Items and Public Hearings</u>

1) PUBLIC WORKS DEPARTMENT, BOARD OF DIRECTORS, WATER AGENCY 22-00038

HEARING - Consider recommendations regarding the Santa Barbara County Water Resources Update, as follows: (EST. TIME: 45 MIN.)

Acting as the Board of Directors, Water Agency:

- a) Receive and file an update on water resources throughout the County of Santa Barbara; and
- b) Determine that this action is not subject to California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15378(b) (5), as it is an administrative action that will not result in direct or indirect changes to the environment.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 11:01 AM - 11:31 AM (30 MIN.)

Received and filed staff presentation and conducted a public hearing.

Acting as the Board of Directors, Water Agency:

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

- a) Received and filed; and
- b) Approved.

The motion carried by the following vote:

2) PLANNING AND DEVELOPMENT DEPARTMENT

22-00182

HEARING - Consider recommendations regarding the PR Investments, LLC and Far Western Liquor, Inc. appeal, Case Nos. 21APL-00000-00062 and 21APL-00000-00063, of the Planning Commission's approval of the Orcutt Gas Station Development Plan and Minor Conditional Use Permit, Case Nos. 18DVP-00000-00001 and 18CUP-00000-00001, Fourth District, as follows: (EST. TIME: 1 HR. 30 MIN.)

- a) Deny the appeals, Case Nos. 21APL-00000-00062 and 21APL-00000-00063;
- b) Make the required findings for approval of the modified Project, Case Nos. 18DVP-00000-00001 and 18CUP-00000-00001, including California Environmental Quality Act (CEQA) findings;
- c) Adopt the Mitigated Negative Declaration, Case No. 19NGD-00000-00001, and adopt the mitigation monitoring program contained in the conditions of approval; and
- d) Grant de novo approval of the modified Project, Case Nos. 18DVP-00000-00001 and 18CUP-00000-00001, subject to the conditions of approval.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 11:32 AM - 11:37 AM (5 MIN.)

A motion was made by Supervisor Lavagnino, seconded by Supervisor Nelson, that this matter be continued, as follows: May 3, 2022 on the Departmental Agenda in Santa Barbara. The motion carried by the following vote:

3) PLANNING AND DEVELOPMENT DEPARTMENT

22-00047

HEARING - Consider recommendations regarding the Planning Commission's recommendation for denial of the ExxonMobil Interim Trucking for Santa Ynez Unit Phased Restart Project (Case No. 17RVP-00000-00081), Third and Fourth Districts, as follows: (EST. TIME: 2 HR. 30 MIN.)

- a) Make the required findings for denial of the Modified Project, Case No. 17RVP-00000-00081;
- b) Determine that denial of the Modified Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270(a) and approve the filing of a Notice of Exemption; and
- c) Deny the Modified Project, Case No. 17RVP 00000 000081.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 12:40 PM - 5:23 PM (4 HR. 43 MIN.)

Received and filed staff presentation and conducted a public hearing.

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

Accepted into the record the following documents: Public Comment - Mary Ellen Brooks for the Citizens Planning Association; Public Comment - City of Santa Barbara Councilmember Friedman; Public Comment - OST Trucks & Cranes; Public Comment - Project Applicant Comments; Public Comment - SLO Climate Coalition; Public Comment - Los Padres Forestwatch; Public Comment - Sierra Club; Public Comment - Central Valley Business Federation; Public Comment - Clean Coalition; Public Comment - The Climate Reality Project; Group 7: March 7, 2022 email from Griselda Olvera and attached Excel spreadsheet, March 7, 2022 email from Tristan Partridge, March 7, 2022 email from Vita Miller, March 4, 2022 (10:36 PM) email from Roberta Weissglass and attached letter; Group 10: March 7, 2022 email from Caillian Sheehy and attached letter; Group 10-3: March 7, 2022 email from Nadia Lee Abushanab; Group 10-4: March 7, 2022 email from Megan Gamble; Group 11: March 7, 2022 email from Rosemary Verheyen, March 7, 2022 email from Ivor John and attached letter.

The motion carried by the following vote:

Ayes:

A motion was made by Supervisor Williams, seconded by Supervisor Hart, that this matter be acted on as follows:

- a) Adopted required findings for denial of the Modified Project, Case No. 17RVP-00000-00081 as revised and presented at the March 8, 2022 Board of Supervisors Hearing;
- b) Approved; and
- c) Denied the Modified Project, Case No. 17RVP-00000-00081.

The motion carried by the following vote:

Ayes: 3 - Supervisor Williams, Supervisor Hart, and Supervisor Hartmann

Noes: 2 - Supervisor Nelson, and Supervisor Lavagnino

Adjourned at: 5:24 PM

Adjourned to

Tuesday, March 15, 2022

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 8, 2022 will be telecast live on County of Santa Barbara TV Channel 20 at 9:00 AM, and will be rebroadcast on Thursday, March 10, 2022, at 5:00 PM and on Saturday, March 12, 2022, at 10:00 AM on CSBTV Channel 20.

http://www.countyofsb.org