

County of Santa Barbara
BOARD OF SUPERVISORS

ACTION SUMMARY

November 02, 2004

**COUNTY ADMINISTRATION BUILDING
BOARD HEARING ROOM, FOURTH FLOOR
105 EAST ANAPAMU STREET, SANTA BARBARA**

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.

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

7:50 A.M. Convened and Recessed to Closed Session

9:00 A.M. Reconvened to Regular Session

Roll Call

Present: Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: Supervisor Rose

Invocation: Jerry Gray, Sheriff's Department

Report from Closed Session

No reportable action taken.

Approval of Minutes of the October 26, 2004 meeting

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, to Approve the Minutes. The motion carried by the following vote:

Ayes: 3 - Supervisor Schwartz, Supervisor Marshall and Supervisor Centeno
Absent: 2 - Supervisor Rose and Supervisor Gray

Administrative Agenda

Resolutions to be Presented at 2:00 PM

A-1) SUPERVISOR CENTENO [File Reference No. 04-01045](#)

Adopt a Resolution of Commendation for Joe Pacello and Yuon Cheung (Clerk-Recorder-Assessor's Office) as Santa Barbara County Employees of the Month for November 2004.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Continued, as follows: November 23, 2004 The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-2) SUPERVISOR SCHWARTZ [File Reference No. 04-01057](#)

Adopt a resolution honoring Claire Gottsdanker upon being selected as Montecito's Citizen of the Year by the Montecito Association.

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

RESOLUTION NO. 04-305

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-3) SUPERVISOR ROSE [File Reference No. 04-01058](#)

Adopt a resolution of commendation for Tom Umenhofer upon his retirement from LAFCO (Local Agency Formation Commission).

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

RESOLUTION NO. 04-306

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

Administrative ItemsA-4) ARTS COMMISSION [File Reference No. 04-01040](#)

Approve and execute an agreement with the City of Santa Barbara for the period of July 1, 2004 through June 30, 2005, for implementation of Art in Civic Culture grants program, Community Events and Festivals funding, Operation Development grants and staffing costs in the amount of \$522,770.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-5) AUDITOR-CONTROLLER [File Reference No. 04-01046](#)

Consider recommendations regarding the Proposition 4/111 Appropriations Limit, as follows:

- a) Accept the KPMG LLP Independent Auditors' Report on the Appropriations Limit Worksheet for the year ended June 30, 2004;
- b) Accept the report of the Proposition 4/111 Appropriation Limits (GANN Initiative) as shown in Exhibits I through IV;
- c) Set date for November 23, 2004 to adopt ten (10) fiscal year 2004-2005 resolutions setting appropriation limits for the County of Santa Barbara and the special districts governed by the Board;
- d) Select the change in the local assessment roll due to the addition of non-residential new construction as the price factor in determining the fiscal year 2004-2005 limit for Santa Barbara County and the special districts, and ratify selections by recorded vote. (The price factor selected for the County of Santa Barbara's prior year limit is being revised as a base for the 2004-2005 limit.)
- e) Select the change in population within Santa Barbara County and all contiguous counties as the population factor in determining the fiscal year 2004-2005 limit for Santa Barbara County, and the change in population within Santa Barbara County for the special districts, and ratify selections by recorded vote.

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

a) and b) Accepted.

c) Set November 23, 2004 for adoption.

d) and e) Approved.

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-6) BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT

[File Reference No. 04-01052](#)

Accept the Permanent Easement and Temporary Construction Easement for the acquisition of easements on portions of County APN 117-191-007, from US Trust as trustee of the Vecchioli Family Trust to the District for the West Green Canyon Flood Control Project (Project No. R-062), in the amount of \$136,067, by authorizing the Clerk of the Board to sign the Certificates of Acceptance, Fifth District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Accepted. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-7) BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT

[File Reference No. 04-01053](#)

Approve and authorize the Chair to execute the Subdivider's Agreement to construct and maintain private drainage improvements with Harris Grade Limited Partnership, owners of Bluffs at Mesa Oaks Phases II and III, Tract 14,499 (APNs: 097-250-47, 097-250-48, and 097-250-66), Fourth District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-8) COUNTY EXECUTIVE OFFICE

[File Reference No. 04-01047](#)

Approve Budget Revision requests. (SEE EXHIBIT A WITH POSTED AGENDA)

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

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-9) COUNTY COUNSEL

[File Reference No. 04-01038](#)

Set date to consider and approve the revised amendment of the conflict of interest code for the Carpinteria-Summerland Fire Protection District pursuant to Government Code § 87303(b). (SET DATE FOR NOVEMBER 9, 2004 ON ADMINISTRATIVE AGENDA)

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set on the Administrative Agenda, as follows: November 23 2004. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-10) COUNTY COUNSEL

[File Reference No. 04-01039](#)

Set date to consider and approve the revised amendment of the conflict of interest code for the Santa Barbara School District and the Santa Barbara High School District pursuant to Government Code § 87303(b). (SET DATE FOR NOVEMBER 9, 2004 ON ADMINISTRATIVE AGENDA)

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set on the Administrative Agenda, as follows: November 23 2004. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-11) GENERAL SERVICES

[File Reference No. 04-01041](#)

Approve and execute Amendment No. 3 to the agreement (BC98-344) with ServiceMaster, Santa Maria (a local vendor) for janitorial services at County facilities to extend the contract from January 11, 2005 through June 30, 2006, in the amount of \$571,788 and a total revised contract amount not to exceed \$3,275,824, Fourth and Fifth Districts.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-12) GENERAL SERVICES

[File Reference No. 04-01042](#)

Approve and execute Amendment No. 3 to the agreement (BC98-346) with Pacific Building Maintenance (a local vendor) for janitorial services at County facilities to extend the contract from March 30, 2005 through June 30, 2006, in the amount of \$386,535 and a total revised contract amount

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-13) GENERAL SERVICES

[File Reference No. 04-01043](#)

Approve and execute Amendment No. 3 to the agreement (BC98-345) with Pacific Building Maintenance (a local vendor) for janitorial services at County facilities to extend the contract from January 11, 2005 through June 30, 2006, in the amount of \$125,864 and a total revised contract amount not to exceed \$828,848, Goleta area, Third District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-14) HOUSING AND COMMUNITY DEVELOPMENT

[File Reference No. 04-01055](#)

Consider recommendations regarding the Housing and Community Development's Economic Vitality Committee Bylaws, and appointment of Committee members, as follows:

- a) Approve and adopt the Economic Vitality Committee (EVC) by-laws;
- b) Approve appointments of city and industry representatives recommended to the EVC.

A motion was made by Supervisor Marshall, seconded by Supervisor Gray, that this matter be Continued, as follows: November 9, 2004 in Santa Maria The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-15) PLANNING AND DEVELOPMENT

[File Reference No. 04-00998](#)

Approve and direct execution and recordation by the Clerk of the Board of the Grimes-Giuliani Agricultural Preserve Replacement Contract (03AGP-00000-00013), replacing a portion of the original Agricultural Preserve 71-AP-003A, located at 3352 Foothill Road (APN 155-160-021, formerly 155-280-001, 155-160-006 and a portion of 155-160-001), Carpinteria area, First District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-16) PLANNING AND DEVELOPMENT

[File Reference No. 04-00999](#)

Approve and direct execution and recordation by the Clerk of the Board of the Grimes-Giuliani Agricultural Preserve Replacement Contract (03AGP-00000-00014), replacing a portion of the original Agricultural Preserve 71-AP-003A, located at 3350 Foothill Road (APN 155-150-005), Carpinteria area, First District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-17) PLANNING AND DEVELOPMENT [File Reference No. 04-01035](#)

Approve the Naylor Act waiver request of the Santa Barbara High School District to streamline disposition of school property.

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

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-18) PLANNING AND DEVELOPMENT [File Reference No. 04-01036](#)

Approve and execute Amendment No. 1 to the professional services contract with California Code Check (not a local vendor) to increase the contract amount by \$80,000 for a total not to exceed \$210,000 due to increased workload and plan check staff shortage.

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

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-19) PUBLIC HEALTH [File Reference No. 04-01037](#)

Approve the continued Local Emergency, Resolution Number 00-193, due to the spread and on-going epidemic of blood-borne viral hepatitis (Hepatitis B and C) and human immunodeficiency virus (HIV) infections among injection drug users and authorize Pacific Pride Foundation as the agent of the County to carry out the Syringe Exchange and Education Program.

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

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-20) PUBLIC WORKS [File Reference No. 04-01051](#)

Consider recommendations regarding Tract No. 14,499, Bluffs at Mesa Oaks, Phases 2 & 3, Fourth District, as follows:

- a) Approve the Final Map of Tract No.14, 499, Phases 2 & 3;
- b) Accept offer of dedication for Onstott Road for public road easement purposes.

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

- a) **Approved.**
- b) **Accepted.**

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-21) SHERIFF [File Reference No. 04-01048](#)

Consider recommendations regarding procurement of Taser weapon systems, as follows:

- a) Authorize sole source procurement of Taser equipment necessary to conduct initial training for Sheriff's Department employees in an amount not to exceed \$60,000;
- b) Approve the acquisition of the above safety equipment.

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

- a) **Authorized.**
- b) **Approved.**

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Absent: 1 - Supervisor Rose

A-22) TREASURER-TAX COLLECTOR [File Reference No. 04-01054](#)

Consider recommendations regarding the Treasurer's Investment Pool, 2004-2005 First Quarter (July-September), as follows:

- a) Accept for filing the 2004-2005, First Fiscal Quarter (July-September) report on the Treasurer's Investment Pool;
- b) Receive and file the Auditor-Controller's Review Report on the assets held in the Santa Barbara County Treasurer's Investment Pool for the quarter ended September 30, 2004.

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

- a) **Accepted.**
- b) **Received and filed.**

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Absent: 1 - Supervisor Rose

Board of Supervisors

A-23) SUPERVISOR CENTENO [File Reference No. 04-01050](#)

Approve the reappointment of Ted Zenich to the Housing Authority Board of Commissioners, Fifth District.

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

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Absent: 1 - Supervisor Rose

Hearing Requests

A-24) PLANNING AND DEVELOPMENT[File Reference No. 04-01044](#)

Set hearing to consider the Bratt/ Johnson/ Prilepine appeal of the Zoning Administrator's September 13, 2004 approval of the Foxen-Alamos, LLC Tentative Parcel Map (03TPM-00000-00016; TPM 14,637)), a three-way split of a 26,000 square foot parcel addressed as 480 Foxen Lane (APN 101-260-023), Los Alamos, Third District, as follows:

- a) Adopt the required findings for the project, specified in the Zoning Administrator Action Letter dated September 23, 2004;
- b) Deny the appeal, upholding the Zoning Administrator's approval of the Foxen-Alamos Tentative Parcel Map, 03TPM-00000-00016/ (TPM 14,637).

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: December 14, 2004 in Santa Maria (EST. TIME: 60 MIN.) The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-25) SUPERVISOR MARSHALL[File Reference No. 04-01056](#)

Set a hearing to consider recommendations regarding restriction of consumption of alcohol within the community of Isla Vista, County Service Area 31, Third District, as follows:

- a) Consider the introduction (First Reading) of an ordinance to amend Chapter 26 of the County Code which provides for alcohol consumption by permit only in certain County parks, recreation areas, beach access ways and or properties owned by the Redevelopment Agency within the community of Isla Vista, County Service Area 31, Third District,;
- b) Consider adoption of Resolution to provide for use of alcohol by permit only in certain County parks, recreation areas, beach access ways and Redevelopment Agency recreation areas within the Community of Isla Vista.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: December 7, 2004 (EST. TIME: 30 MIN.) The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-26) PLANNING AND DEVELOPMENT[File Reference No. 04-00687](#)

Reschedule the time for the Coastal Resource Enhancement Fund (CREF) special Monday hearing on November 22, 2004 from 5:00 p.m. to 1:00 p.m. .

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Rescheduled, as follows: Special Hearing set for Monday, November 22, 2004 at 1:00 P.M. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

A-27) SUPERVISOR MARSHALL[File Reference No. 04-01059](#)

Adopt a resolution recognizing Holly Delaney for her valuable contribution to the youth in the Santa Ynez Valley.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Continued, as follows:
November 23, 2004. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

Approval of Administrative Agenda

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, to Approve the Administrative Agenda as Amended. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

[File Reference No. 04-00316](#)

PUBLIC COMMENT

Accepted Public Comment

People 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. 92-398) (04-00,316)**

RE: Announced the Passing of the Father of Santa Barbara County Public Health Director Roger Heroux - Fifth District Supervisor Joe Centeno addressed the Board.

RE: Emergency Permit issued for 6757 Del Playa Drive (Mills Property), Isla Vista area, Third District - Planning and Development Director Val Alexiff addressed the Board.

RE: Orcutt Plaza and Water Issues - Ernest Armenta addressed the Board.

RE: Prescription Drugs - Sister Janet Corcoran addressed the Board.

RE: Vote / Health Issues / Political Loyalty - George Alvarez addressed the Board.

RE: Toro Canyon Property Issues - John Thorndike IV addressed the Board.

Departmental Agenda -- Public Hearings

1) COUNTY EXECUTIVE OFFICE

[File Reference No. 04-01001](#)

HEARING - Appoint one member of the Board of Supervisors as the 2005 Santa Barbara County representative on the CSAC Board of Directors and one member as the alternate representative. (EST. TIME: 5 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

Appointed Supervisor Gray as the 2005 Santa Barbara County representative on the CSAC Board of Directors and appointed Supervisor Rose as the alternate representative. Appointments to become effective as of January 1, 2005. Supervisor Schwartz to remain the CSAC Board member representing Santa Barbara County for the purposes of the CSAC Annual meeting in November 2004.

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Absent: 1 - Supervisor Rose

2) SOCIAL SERVICES

[File Reference No. 04-00882](#)

HEARING - Receive a report on the status of the Workforce Investment Act and the Workforce Investment Board. (EST. TIME: 30 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

Conducted public hearing. Received and filed staff presentation.

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Absent: 1 - Supervisor Rose

3) SUPERVISOR MARSHALL

[File Reference No. 04-01034](#)

HEARING - Consider recommendations regarding design and planning of a Community Center, Isla Vista, Third District, as follows:

a) Consider dedicating funds from the Redevelopment Agency's Isla Vista Project Area to the Isla Vista Recreation and Park District to be used for the design and planning of a Community Center;

b) Direct the Planning and Development Department and County Counsel to develop the necessary agreements to facilitate the contribution and assist in the design and planning of the community center.

A motion was made by Supervisor Marshall, seconded by Supervisor Gray, that this matter be Continued, as follows: December 7, 2004.

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

4) SHERIFF [File Reference No. 04-01029](#)

HEARING - Consider approval of \$735,026 in resource and use allocation of State COPS funds for supplemental law enforcement equipment, programs and/or personnel in Fiscal Year 2004-05. (EST. TIME: 15 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

5) AUDITOR-CONTROLLER [File Reference No. 04-00991](#)

HEARING - Consider recommendations regarding the County of Santa Barbara Comprehensive Annual Financial Report (CAFR) for FY 2003-04, as follows: (EST. TIME: 30 MIN.)

a) Receive and file the County of Santa Barbara Comprehensive Annual Financial Report (CAFR) and Financial Highlights for the fiscal year ending June 30, 2004;

b) Receive a presentation that provides an overview of the CAFR, the County's financial position and results of operations for the Fiscal Year ending June 30, 2004.

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

Conducted public hearing.

a) and b) Received and filed.

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno
Absent: 1 - Supervisor Rose

6) PUBLIC HEALTH [File Reference No. 04-01019](#)

HEARING - Consider establishment of a Maddy Emergency Medical Services Fund in Santa Barbara County, as follows: (EST. TIME: 30 MIN.)

a) Adopt a resolution to establish a Maddy EMS Fund for Santa Barbara County using funds generated by SB 635;

b) Direct the Emergency Medical Services (EMS) Agency staff to work with other interested parties to assess options for providing a permanent source of funding for a Maddy EMS Fund in Santa Barbara County once SB 635 sunsets on January 1, 2007.

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

Received and filed staff report and conducted public hearing.

a) Adopted.

RESOLUTION NO. 04-307

b) Directed.

Further directed staff to return to the Board with recommendations for the establishment of an oversight mechanism and disbursement process for Maddy EMS Funds.

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Absent: 1 - Supervisor Rose

7) PUBLIC HEALTH

[File Reference No. 04-00961](#)

HEARING - Consider Environmental Health Services Fee Adjustment for the Solid Waste Enforcement Program, as follows: (EST. TIME: 30 MIN.)

a) Adopt a resolution establishing fees for Environmental Health Services relating to Administration of the California Integrated Waste Management Act of 1989;

b) Approve the Notice of Exemption pursuant to California Environmental Quality Act (CEQA) guidelines.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Marshall, seconded by Supervisor Gray, that this matter be Continued, as follows: December 14, 2004 in Santa Maria.

The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Absent: 1 - Supervisor Rose

2:00 P.M. Presentation of Resolutions and Awards**Planning Items and Public Hearings**8) PLANNING AND DEVELOPMENT[File Reference No. 04-01008](#)

HEARING - Receive and file report regarding the operation of the Montecito Planning Commission and Montecito Board of Architectural Review. (EST. TIME: 20 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

Received and filed staff report and conducted public hearing.

The motion carried by the following vote:

Ayes: 3 - Supervisor Schwartz, Supervisor Marshall and Supervisor Centeno

Absent: 2 - Supervisor Rose and Supervisor Gray

9) COUNTY COUNSEL[File Reference No. 04-00955](#)

HEARING - Consider the Petitions for Review filed by the Homeowners of Nomad Village Mobile Home Park and by Nomad Village Mobile Home Park, as follows: (EST. TIME: 1 HR. 30 MIN.)

ISSUE #3:

a) Affirm the decision of the Arbitrator that Homeowners did not prove by a preponderance of the evidence that no Meet and Confer was held by Nomad Village

ISSUE #8:

b) Find that the Arbitrator abused his discretion when he erroneously interpreted and applied County's Mobile Home Rent Control Ordinance (§11A-5) contrary to its plain meaning and in a manner not permitted by law concerning the automatically allowable rent increase; and

c) Remand Issue #8 to the Arbitrator with directions to calculate the automatically allowable rent increase in the manner required by law by using the percent increase over the 12 months immediately preceding January 2004 (i.e. 2.0%), instead of the averaged annual 12 month percent increase for 2003 (i.e. 3.0%), consistent with the plain meaning of Ordinance section 11A-5(a) and applicable data available from the U.S. Department of Labor;

ISSUE #9:

d) Find that the Arbitrator abused his discretion when he failed to support his decision to allow the Park to pass through the cost of utility meter replacement to the residents of the park pursuant to Ordinance §11A-5 with the findings that (1) the Park's notice of rent increase complies with state law as a threshold matter, and (2) the replacement of the utility meters is a capital expense "required by a

change in governmental law or regulation".

e) Remand Issue #9 to the Arbitrator with the directions to cite, on the basis of the record of the hearings held on July 26 and July 30, 2004 before the Arbitrator, the substantial evidence, if any, which supports his determination that the Park may pass through the cost of replacing the water, gas, and electrical meters.

ISSUE #6:

OPTION #1:

f) Affirm the Arbitrator's decision as it is based on substantial evidence in the record that the Park sought to impose a fee outside of the rent, which was not permitted by the rental agreement drafted by the Park and executed by the parties.

OR

OPTION #2:

g) Find that the Arbitrator elevated form over substance by considering the noticed of the "mandatory fee" to not be a notice of "rent increase" and in so doing abused his discretion by not following the procedures for reviewing increases above the maximum rent schedule pursuant to County's Mobile Home Rent Control Ordinance §11A-5; and

h) Remand the matter of the recycling fee to the Arbitrator with directions to follow the procedure in §11A-5 for evaluating proposed increases above the maximum rent schedule, and to determine whether the Park's recycling fee is justifiable pursuant to §11A-5, based on substantial evidence, if any, contained in the record of the hearings held on July 26 and July 30, 2004 before the Arbitrator.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Acted on and continued, as follows:

Received and filed staff report and conducted public hearing.

Continued the matter to December 14, 2004 in Santa Maria.

The motion carried by the following vote:

Ayes: 3 - Supervisor Schwartz, Supervisor Marshall and Supervisor Centeno

Absent: 2 - Supervisor Rose and Supervisor Gray

Adjourn to November 9, 2004

Betteravia Government Center

Board Hearing Room

511 East Lakeside Parkway

Santa Maria

Adjourn

Announcements

THE MEETING OF NOVEMBER 2, 2004 WILL BE TELECAST LIVE ON GOVERNMENT ACCESS TV CHANNEL 20 AT 9:00 A. M., AND WILL BE REBROADCAST ON THE FOLLOWING THURSDAY, NOVEMBER 4, 2004 AT 5:00 P.M. ON GATV CHANNEL 20.

<http://www.countyofsb.org>