

**County of Santa Barbara**  
**BOARD OF SUPERVISORS**

**ACTION SUMMARY**

**December 14, 2004**

**BETTERAVIA GOVERNMENT CENTER  
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.

Agendas, Supplemental Materials and Minutes of the Board of Supervisors are available on the internet at:  
[www.countyofsb.org](http://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 Rose, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

**Invocation: Tim Wright, Parks Department**

**Report from Closed Session**

County Counsel Stephen Shane Stark announced the following:

By a vote of 5 to 0, the Board authorized acceptance of settlement of \$22,192.74 for fire suppression costs associated with the July 3, 2003 fire at El Capitan Beach.

Details of this announcement may be obtained in the Office of County Counsel.

**Approval of Minutes of the December 7, 2004 meeting**

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

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

**Administrative Agenda**

**Resolutions to be presented at 2:00 PM**

A-1) SUPERVISOR CENTENO [File Reference No. 04-01193](#)

Adopt a resolution commending Third District Supervisor Gail Marshall upon her retirement after eight years of service on the County of Santa Barbara Board of Supervisors.

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

**RESOLUTION NO. 04-353**

**The motion carried unanimously.**

**Honorary Resolutions**

A-2) SUPERVISOR CENTENO [File Reference No. 04-01192](#)

Adopt a resolution honoring Supervisor Naomi Schwartz upon her retirement from the Board of Supervisors and dedicating the Naomi Schwartz Office Building.

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

**RESOLUTION NO. 04-354**

**The motion carried unanimously.**

A-3) SUPERVISOR GRAY [File Reference No. 04-01195](#)

Adopt a resolution honoring the grand opening of the new Visitor Center at La Purisima Mission State Historic Park.

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

**RESOLUTION NO. 04-355**

**The motion carried unanimously.**

**Administrative Items**

A-4) BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT [File Reference No. 04-01179](#)

Approve and authorize the Chair to execute Amendment No. 1 to the Cooperative Agreement with the Natural Resources Conservation Service (NRCS) to increase construction and Flood Control District's costs by \$1,412,669.12 to a total of \$2,850,000 for the Carpinteria Salt Marsh Enhancement Plan.

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Approved; Chair to Execute. The motion carried unanimously.**

A-5) BOARD OF DIRECTORS, LAGUNA COUNTY SANITATION DISTRICT [File Reference No. 04-01187](#)

Approve and execute Amendment No. 1 to the Recycled Water Use Agreement with the Santa Maria Public Airport District to extend the term from December 31, 2022 to December 31, 2025 and revise the rate structure.

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

A-6) COUNTY EXECUTIVE OFFICE [File Reference No. 04-01162](#)

Adopt a resolution providing for the negotiated exchange of property tax revenue pertaining to the Triangle Park Reorganization, an annexation to the City of Solvang, Third District.

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

**RESOLUTION NO. 04-356**

**The motion carried unanimously.**

A-7) COUNTY EXECUTIVE OFFICE [File Reference No. 04-01194](#)

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

A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Approved. The motion carried unanimously.

A-8) COUNTY CLERK-RECORDER-ASSESSOR [File Reference No. 04-01185](#)

Accept and file the Certification of Results of the Official Canvass and Official Election Summary for the Presidential General Election held on November 2, 2004.

A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Accepted. The motion carried unanimously.

A-9) COUNTY CLERK-RECORDER-ASSESSOR [File Reference No. 04-01142](#)

Adopt a resolution directing property tax reassessment of certain Del Playa Drive properties due to coastal erosion damage pursuant to Revenue and Taxation Code Section 170, Isla Vista area, Third District.

A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Withdrawn from the agenda. The motion carried unanimously.

A-10) GENERAL SERVICES and PLANNING AND DEVELOPMENT [File Reference No. 04-01184](#)

Consider recommendations regarding Declaring Real Property as Surplus, Isla Vista, Third District, as follows:

a) Approve the Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines for the above referenced project;

b) Adopt a Resolution Declaring Real Property Surplus regarding the County owned property located along the frontage of the coastal bluffs on Del Playa Drive in Isla Vista (APN 075-202-037 (Lots 31 & 32) and APN 075-193-012 (Lot 40).

A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Continued, as follows: February 1, 2005. The motion carried unanimously.

A-11) GENERAL SERVICES and PLANNING AND DEVELOPMENT [File Reference No. 04-01167](#)

Consider recommendations regarding Real Property Purchase Contract and Escrow Instructions for

Yankwich/Adams Property, Isla Vista, Third District, as follows:

- a) Approve the Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines;
- b) Approve and execute a Real Property Purchase Contract and Escrow Instructions between and the County of Santa Barbara and Richard I. Yankwich and Elizabeth I. Yankwich, as trustees of the Yankwich Family Trust Dated July 15, 2002 and IYA Limited Partnership to acquire vacant property located on the 6700 block of Del Playa Drive which runs along the coastal bluffs (APNs 075-193-005, 075-193-008, 075-193-009, 075-193-010, and 075-193-013) in the amount of \$2,500,000;
- c) Approve a budget revision to appropriate \$2,600,000 (\$2,500,000 plus closing costs) for the purchase of the land from the County Capital Outlay fund. (4/5 vote required)

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Continued, as follows: February 1, 2005. The motion carried unanimously.**

A-12) GENERAL SERVICES

[File Reference No. 04-01177](#)

Consider recommendations regarding a ground lease for Solvang Senior Center (Folio No. 002121), Third District, as follows:

- a) Determine that the services provided by the Santa Ynez Valley Senior Advisory Council Inc. (SYVSAC), which include a daily noon time meal five (5) days a week, guidance and advice on tax and legal matters, transport to medical centers, Hospice counseling and other related activities that serve the senior residents in the Solvang and Santa Ynez communities, are necessary to meet the health, welfare, and social needs of seniors of the County, and that the SYVSAC therefore qualifies for a rent subsidy;
- b) Determine that the portion of that County-owned property currently occupied by the SYVSAC and located at 1745 Mission Drive, in Solvang, will not be needed for County purposes for the term of the Agreement;
- c) Approve the proposed ground lease granting the SYVSAC the right to operate a senior center on the Mission Drive property, for the five-year period of January 1, 2005 through December 31, 2009, including 3 renewal options of 5 years each, at no cost to the SYVSAC.

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

- a) through c) **Approved.**

**The motion carried unanimously.**

A-13) GENERAL SERVICES [File Reference No. 04-01178](#)

Consider recommendations regarding County Administration Building Penthouse Air Handler replacement (Project No. F01005), First District, as follows:

- a) Approve and execute a construction agreement with Smith Electric Service (a local vendor) in the amount of \$599,943 for the project, subject to the provisions of the documents and certifications as set forth in the plans and specifications, and as required by California Law;
- b) Authorize the Director of General Services to approve change orders in the aggregate amount of 10% of the contract amount.

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

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

**The motion carried unanimously.**

A-14) Historic Landmarks Advisory Committee [File Reference No. 04-01163](#)

Consider and approve amendments to the Santa Barbara County Historic Landmarks Advisory Commission Bylaws.

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Approved. The motion carried unanimously.**

A-15) COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES [File Reference No. 04-01164](#)

Consider recommendations regarding Memoranda of Understanding with recognized employee organizations, as follows:

- a) Approve Memorandum of Understanding with SEIU, Local 620, effective December 20, 2004, through October 7, 2007;
- b) Approve Memorandum of Understanding with the Engineers and Technicians Association, effective December 20, 2004, through October 7, 2007;
- c) Approve Memorandum of Understanding with SEIU, Local 535, effective December 20, 2004, through October 7, 2007;
- d) Adopt a resolution increasing salaries for Eligibility Worker classifications by 3% effective January 3, 2005;
- e) Adopt a resolution amending the Management Personnel Benefits Policy for unrepresented management and confidential employees.

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

a) through c) Approved.

d) Adopted.

RESOLUTION NO. 04-357

e) Adopted.

RESOLUTION NO. 04-358

The motion carried unanimously.

A-16) COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES

[File Reference No. 04-01171](#)

Adopt a resolution, effective December 20, 2004, implementing Employees' Retirement System job classification and position changes, as follows:

**SALARY INCREASE AND RETITLE EXISTING JOB CLASSIFICATION:**

Retirement Disability Manager to Retirement Disability Program Manager (Class 006652), Range 6024 (\$4,895 - \$5,975 per month) to Range 6594 (\$6,504 - \$7,940 per month).

**SALARY INCREASE:**

Retirement Benefits Specialist I (Class 006648) Range 4966 (\$2,888 - \$3,525 per month) to Range 5206 (\$3,255 - \$3,974 per month);

Retirement Benefits Specialist II (Class 006649) Range 5266 (\$3,354 - \$4,094 per month) to Range 5486 (\$3,743 - \$4,569 per month);

Retirement Benefits Supervisor (Class 006650) Range 5466 (\$3,706 - \$4,524) to Range 5686 (\$4,135 - \$5,048).

**ESTABLISH JOB CLASSIFICATIONS:**

Retirement Disability Assistant (Class 006656), Range 5206 (\$3,255 - \$3,974 per month);

Retirement Disability Specialist I (Class 006655), Range 5486 (\$3,743 - \$4,560 per month);

Retirement Financial & Systems Analyst II (Class 006654), Range 6256 (\$5,495 - \$6,708 per month)

**CHANGE EXISTING JOB CLASSIFICATIONS:**

Retirement Disability Specialist to Retirement Disability Specialist II (Class 006651), Range 5686 (\$4,135 - \$5,048 per month);

Retirement Financial & Systems Analyst to Retirement & Financial Systems Analyst I (Class 006653), Range 6156 (\$5,228 - \$6,382 per month).

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

RESOLUTION NO. 04-359

The motion carried unanimously.

A-17) PARKS

[File Reference No. 04-01186](#)

Consider recommendations regarding management of Lake Cachuma Recreation Area, Third District, as follows:

a) Approve extension to contract No. 14-06-200-600, between the County of Santa Barbara and the United States Department of the Interior Board of Reclamation to continue to administer the Lake

Cachuma Recreation Area for the period of January 12, 2005 to January 12, 2007;

b) Authorize the Chair to execute a letter accepting all terms and conditions as set forth in the Bureau of Reclamation letter dated November 19, 2004.

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

a) **Approved.**

b) **Authorized; Chair to execute.**

**The motion carried unanimously.**

A-18) PLANNING AND DEVELOPMENT

[File Reference No. 04-01083](#)

Consider the Knill Agricultural Preserve Non-Renewal (Case No. 75-AP-12) for non-renewal of an existing agricultural preserve contract located at 370 Ortega Ridge Road (APN 005-080-017), Montecito area, First District, as follows:

a) Accept the request for nonrenewal of Agricultural Preserve 75-AP-12, and;

b) Approve and execute the Notice of Nonrenewal by the County Land Conservation Contract for Knill Agricultural Preserve Non-Renewal (Case No. 75-AP-12).

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

a) **Accepted.**

b) **Approved; Chair to execute.**

**The motion carried unanimously.**

A-19) PLANNING AND DEVELOPMENT

[File Reference No. 04-01084](#)

Consider recommendations regarding Bixby Ranch Company Agricultural Preserve Contracts Non-Renewals (70-AP-124 to 70-AP-135, 72-AP-164 to 72-AP-168 and 72-AP-197) as follows:

a) Accept the request for Non-Renewal of Agricultural Preserve Contracts 70-AP-124 to 70-AP-135, 72-AP-164 to 72-AP-168 and 72-AP-197 and;

b) Approve and execute the Notice of Non-Renewal for each Agricultural Preserve Contract (APNs 083-260-02, 083-260-03 to -08, 083-360-06 to -10, 083-370-05 to -11, 083-380-01, 083-380-13 to -16, 083-440-04 to -12, 083-450-10, 083-450-13 to -16, 083-510-17, 083-510-19, 083-510-22, 083-510-23, 083-520-01, 083-520-05, 083-520-06, 083-520-08, 083-530-06, 083-530-10, 083-530-11, 083-530-14 to -17, 083-540-07, 083-540-09, 083-540-10, 083-550-09, 083-550-13 to -16, 083-550-19, 083-550-20, 083-600-11, 083-610-05, 083-610-09 and 083-610 13 to -17) which comprise approximately 24,535 acres, located on Jalama Road, bordered on the south and southeast by Hollister Ranch and the Pacific Ocean, on the west by Vandenberg Air Force Base, private ranches, and the Pacific Ocean, on the north by Vandenberg Air Force Base and private ranches, and on the east by private ranches, in the Jalama Beach/Point Conception area, Third District.

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

- a) Accepted.
- b) Approved; Chair to execute.

The motion carried unanimously.

A-20) PLANNING AND DEVELOPMENT

[File Reference No. 04-01085](#)

Consider the Pierce Agricultural Preserve Non-Renewal (Case No. 68-AP-2B) located approximately 800 feet northeast of the intersection of Patterson Avenue and Cathedral Oaks Road (APN 067-030-037), Santa Barbara area, Second District, as follows:

- a) Accept the request for nonrenewal of Agricultural Preserve 68-AP-2B;
- b) Approve and execute the Notice of Nonrenewal by the County Land Conservation Contract for the Pierce Agricultural Preserve Non-Renewal (Case No. 68-AP-2B).

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

- a) Accepted.
- b) Approved; Chair to execute.

The motion carried unanimously.

A-21) PLANNING AND DEVELOPMENT and PUBLIC WORKS

[File Reference No. 04-01161](#)

Consider recommendations regarding Caltrans Community Based Transportation Planning Grant Applications, as follows:

- a) Authorize Planning & Development and Public Works Department to submit grant applications to Caltrans to fund Old Town Orcutt Community Streetscapes Plan, in the amount of \$140,400, Fourth District and Hollister Corridor Community Planning Project, in the amount of \$176,720, Second District;
- b) Authorize the Planning and Development Department Director to sign all documents required for execution of the application.

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

- a) and b) Authorized.

The motion carried unanimously.

A-22) PLANNING AND DEVELOPMENT

[File Reference No. 04-01168](#)

Set date to consider the request of John Wiester, to consider Case No. 03AGP-00000-00027 for one Agricultural Preserve Replacement Contract, located south of Hwy 246 at 8250 and 8620 Santa Rosa Road, in the Buellton area (APN 083-180-020 (portion of) and 083-180-025 (portion of), Third District. (SET DATE ON JANUARY 4, 2005 ADMINISTRATIVE AGENDA)

A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Set on the Administrative Agenda, as follows: January 4, 2005. The motion carried unanimously.

A-23) PLANNING AND DEVELOPMENT

[File Reference No. 04-01169](#)



Set date to consider the request of John Wiester, to consider Case No. 03AGP-00000-00029 for one Agricultural Preserve Replacement Contract, located south of Hwy 246 at 8250 and 8620 Santa Rosa Road, in the Buellton area (APN 083-180-025 (portion of) and 083-180-026 (portion of), Third District. (SET DATE ON JANUARY 4, 2005 ADMINISTRATIVE AGENDA)

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Set on the Administrative Agenda, as follows: January 4, 2005. The motion carried unanimously.**

A-24) PLANNING AND DEVELOPMENT

[File Reference No. 04-01170](#)

Set date to consider the request of John Wiester, to consider Case No. 03AGP-00000-00028 for one Agricultural Preserve Replacement Contract, located south of Hwy 246 at 8250 and 8620 Santa Rosa Road, in the Buellton area (APN 083-180-020 (portion of) and 083-180-025 (portion of), Third District. (SET DATE ON JANUARY 4, 2005 ADMINISTRATIVE AGENDA)

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Set on the Administrative Agenda, as follows: January 4, 2005. The motion carried unanimously.**

A-25) PLANNING AND DEVELOPMENT

[File Reference No. 04-01176](#)

Approve and execute a letter to the California Coastal Commission (CCC) recommending denial of ARCO's application to partially abandon in-place their remnant oil pier structure off the Goleta coast, replacing the deteriorated infrastructure with new roosting/nesting platforms, thereby setting a precedent for other "rigs-to-reef" projects.

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Approved; Chair to Execute. The motion carried unanimously.**

A-26) PROBATION

[File Reference No. 04-01183](#)

Approve and execute the Board of Corrections' Standard Agreement Amendment #2 for the Santa Maria Juvenile Hall Expansion Construction Contract (013-99) extending the occupancy date from December 31, 2004 to no later than March 30, 2005.

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Approved; Chair to Execute. The motion carried unanimously.**

A-27) PUBLIC HEALTH

[File Reference No. 04-01180](#)

Approve and execute an Agreement with Santa Barbara File Storage (a local vendor) to provide professional business and medical records management for archived medical records for the County Health Clinics for the period January 10, 2005 through June 16, 2005 in an amount not to exceed \$120,000.

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Approved; Chair to Execute. The motion carried unanimously.**

A-28) PUBLIC HEALTH

[File Reference No. 04-01181](#)

Consider recommendations regarding Medical Services at the Carpinteria Community Clinic, as follows:

- a) Direct the Public Health Department (PHD) to proceed with the implementation of PHD-operated expanded services and staffing at Carpinteria Community Clinic;
- b) Adopt a Personnel Resolution effective December 20, 2004, in budget unit 5210 to add the following positions that are necessary to fully staff the Carpinteria Clinic.

## ADD

One (0.6 FTE) Staff Physician I/II (007102/007103), Range 7190-E/Range 7290-E,  
(\$6413/mo & \$6741/month)

One (0.6 FTE) Health Care Practitioner (003930), Range 6116, (\$3074/month-\$3754/month)

Two (2.0 FTE) Medical Assistant (005123), Range 4566, (\$2365/month-\$2888/month)

One (1.0 FTE) Office Assistant, Supervising (001660), Range 4796, (\$2653/month-\$3239/month)

One (1.0 FTE) Patient Representative (005644), Range 4626, (\$2437/month-\$2975/month)

One (1.0 FTE) Office Assistant II (001701), Range 4266, (\$2037/month-\$2486/month)

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

**a) Directed.**

**b) Adopted.**

**RESOLUTION NO. 04-360**

**The motion carried unanimously.**

A-29) PUBLIC HEALTH

[File Reference No. 04-01182](#)

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 Gray, seconded by Supervisor Schwartz, that this matter be Approved. The motion carried unanimously.**

A-30) PUBLIC WORKS

[File Reference No. 04-01165](#)

Consider recommendations regarding an Order to Vacate a portion of Main & Augusta Streets, Los Alamos, Third District, as follows:

a) Approve the Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines regarding vacating the County's right-of-way easement to portions of Main & Augusta Streets (adjacent to APN 101-221-010);

b) Adopt a Resolution entitled Summary Order to Vacate, vacating the above referenced portions of Main and Augusta Streets (4/5 vote).

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

**a) Approved.**

**b) Adopted.**

**RESOLUTION NO. 04-361**

**The motion carried unanimously.**

A-31) PUBLIC WORKS

[File Reference No. 04-01172](#)

Consider recommendations regarding Tract No. 14,303 (Mesa Verde - Larwin Company), Fourth District, as follows:

- a) Approve the Final Map of Tract No. 14,303;
- b) Accept Black Oak Drive, Oak Bluffs Drive, Chilmark Lane, Menemsha Lane, Old Tisbury Lane, Tuckernuck Lane and Aquinnah Lane as public road easements;
- c) Accept Lots 65 and 67 as easements to the County of Santa Barbara for open space, trail and drainage purposes;
- d) Request the subdivider to post a certified check in the amount of \$5,900 to guarantee the setting of the interior monumentation for tract 14,303 pursuant to Section 66496.36 of State Subdivision Map Act.

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

- a) **Approved.**
- b) and c) **Accepted.**
- d) **Approved.**

**The motion carried unanimously.**

A-32) PUBLIC WORKS

[File Reference No. 04-01173](#)

Authorize the Chair to execute the Memorandum of Understanding between the County of Santa Barbara, Cities of Santa Maria and Lompoc, and the Santa Barbara County Association of Governments for coordination of the Intercommunity Transit Service, Fourth and Fifth Districts.

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Approved; Chair to Execute. The motion carried unanimously.**

A-33) PUBLIC WORKS

[File Reference No. 04-01174](#)

Approve amending the Measure 'D' Program of Projects for FY 2003-04 to reallocate \$84,000 previously programmed for operations and maintenance costs associated with a shuttle operated by Santa Barbara Metropolitan Transit District (MTD), to the following projects, Second and Third Districts:

Obern Trail Solar Bikepath Lighting;

Maria Ygnacio Bikepath Bridge Resurfacing;

Monte Vista School Neighborhood Traffic Calming Improvements;

Bus service for the Bridge House Shelter, Sweeney Road;

Isla Vista Bus Stop Improvements.

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Approved. The motion carried unanimously.**

A-34) SHERIFF

[File Reference No. 04-01190](#)

Consider recommendations regarding the addition of 3 Communications Dispatcher positions, as follows:

a) Adopt a personnel resolution effective January 3, 2005 to add three (3.0 FTE) Communications Dispatcher I/II (Class 1803-1804; Range 5264-5464; \$3,350-\$4,519/ month) to be assigned to the County of Santa Barbara Public Safety Communications Center;

b) Approve a Budget Revision to transfer funds in the amount of \$64,660 from General Fund Contingency to Salaries to appropriate costs of these positions for the remainder of FY 2004-05.

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

a) **Adopted.**

**RESOLUTION NO. 04-362**

b) **Approved.**

**The motion carried unanimously.**

A-35) SHERIFF [File Reference No. 04-01191](#)

Adopt a personnel resolution effective December 20, 2004 to increase the number of Special Duty allowances in the Corrections Officer classification within the Sheriff's Department from 30 to 31.

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

**RESOLUTION NO. 04-363**

**The motion carried unanimously.**

A-36) SOCIAL SERVICES [File Reference No. 04-01175](#)

Approve and execute an agreement with the Santa Barbara Regional Health Authority to provide health benefits to qualified in-home caregivers who provide care to customers of the In-Home Supportive Services program for the period of January 1, 2005 through December 31, 2005, in an amount not to exceed \$1,338,225.

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Approved; Chair to Execute. The motion carried unanimously.**

## Hearing Requests

A-37) COUNTY EXECUTIVE OFFICE [File Reference No. 04-01188](#)

Set a hearing to consider adoption of the 2005 Board of Supervisors' schedule of meeting dates and locations.

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Set for a hearing, as follows: January 4, 2005. The motion carried unanimously.**

A-38) COUNTY EXECUTIVE OFFICE [File Reference No. 04-01189](#)

Set a hearing to consider Board of Supervisor appointments to Boards, Commissions and Committees.

**A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, that this matter be Set for a hearing, as follows: January 4, 2005. The motion carried unanimously.**

## Approval of Administrative Agenda

A motion was made by Supervisor Gray, seconded by Supervisor Schwartz, to Approve the Administrative Agenda. The motion carried unanimously.

### **Public Comment Period**

#### **Accepted 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. 03-282) (04-00,316)**

**RE: Santa Maria Public Library - Hinda Beaman addressed the Board.**

**RE: Acknowledging accomplishments of First District Supervisor Naomi Schwartz and Third District Supervisor Gail Marshall - Connie Hannah addressed the Board.**

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

**RE: Acknowledging accomplishments of First District Supervisor Naomi Schwartz and Third District Supervisor Gail Marshall - Lee Moldaver addressed the Board.**

**RE: Surfrider Thanks and Salutations - Cary Penniman addressed the Board.**

**RE: Acknowledging accomplishments of First District Supervisor Naomi Schwartz and Third District Supervisor Gail Marshall - David Fortson addressed the Board.**

**RE: Acknowledging accomplishments of First District Supervisor Naomi Schwartz and Third District Supervisor Gail Marshall - Linda Krop addressed the Board.**

**RE: Santa Barbara County Foodbank/ Medicare Legislation - Sister Janet Corcoran addressed the Board.**

**RE: Acknowledging accomplishments of First District Supervisor Naomi Schwartz and Third District Supervisor Gail Marshall - Diane Conn addressed the Board.**

**RE: Acknowledging accomplishments of First District Supervisor Naomi Schwartz and Third District Supervisor Gail Marshall - Fourth District Supervisor Joni Gray addressed the Board.**

**RE: The Passing of Three Santa Barbara County Residents in an Automobile Accident - Fifth District Supervisor Joe Centeno addressed the Board.**

**Departmental Agenda -- Public Hearings**

- 1) SUPERVISOR MARSHALL, PARKS and ALCOHOL, DRUG AND MENTAL HEALTH SERVICES [File Reference No. 04-01056](#)

HEARING - Consider recommendations regarding restriction of consumption of alcohol within the community of Isla Vista, Third District, as follows: (EST. TIME: 5 MIN.)

a) Consider the adoption (Second Reading) of an ordinance to amend Chapter 26 of the County Code to provide for restriction on alcohol consumption in certain County parks, recreation areas, beach access ways and/or recreation properties owned by the Redevelopment Agency:

b) Consider adoption of a 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 Marshall, seconded by Supervisor Schwartz, that this matter be Acted on as follows:**

a) **Adopted.**

**ORDINANCE NO. 4560**

b) **Adopted.**

**RESOLUTION NO. 04-364**

**The motion carried unanimously.**

- 2) PUBLIC WORKS [File Reference No. 04-01014](#)

HEARING - Consider annexation of Tract 14,303, Mesa Verde, into the Santa Barbara North County Lighting District and creation of the Zone of Benefit, Fourth District, as follows: (EST. TIME: 15 MIN.)

a) Receive testimony that a written protest has not been filed;

b) Count written property owner ballots;

c) Consider the adoption (second reading) of an ordinance approving the annexation of territory to Santa Barbara North County Lighting District, creating a new zone of benefit and imposing an annual assessment if there is majority support by the results of the ballots received.

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

- a) Received testimony that a written protest has not been filed;
- b) Counted written property owner ballots;
- c) Adopted.

**ORDINANCE NO. 4561**

The motion carried unanimously.

3) PLANNING AND DEVELOPMENT

[File Reference No. 04-00687](#)

HEARING - Consider adoption of a resolution changing the project description for Coastal Resource Grant No. 39-A-01 so that the County may use this grant of \$350,000 to assist the Trust for Public Lands in acquiring Ellwood-Mesa properties in fee. (EST. TIME: 5 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Adopted

**RESOLUTION NO. 04-365**

The motion carried unanimously.

4) HOUSING AND COMMUNITY DEVELOPMENT

[File Reference No. 04-01118](#)

HEARING - Consider recommendations regarding Recapitalization of Housing Finance Loan Portfolio, as follows: (EST. TIME: 15 MIN.)

- a) Approve Housing and Community Development Department's (HCD) negotiated loan of \$1.1 million dollars from South Coast Community Federal Credit Union to be collateralized solely by the \$3.2 million of its total loan portfolio, comprised of \$1.259 million Housing Rehabilitation (HR) and \$1.929 million Down Payment Assistance (DPA) programs loans, to be used by HCD to "write-down" the cost of housing in the private market place to attainable levels for low-income and workforce families who live and work in the County of Santa Barbara;
- b) Approve and execute the Loan Agreement in the total amount of \$1,100,000.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

- a) Approved.
- b) Approved; Chair to execute.

The motion carried unanimously.

5) SOCIAL SERVICES[File Reference No. 04-01093](#)

HEARING - Consider recommendations regarding amendments to General Relief Regulations, as follows: (EST. TIME: 30 MIN.)

- a) Approve amendment to General Relief Manual section 90-301.11 to extend the implementation of the three month eligibility limitation on employable recipients to February 1, 2005;
- b) Approve amendment to General Relief Manual section 90-500.2 to exempt hotels that provide extremely low cost rooms to indigents who would otherwise be homeless, and to facilities that operate programs that are supported by County funds, from the shared housing requirements;
- c) Approve amendment to General Relief Section 90-501.2 to authorize the department to waive vendor payment when the landlord/leaseholder refuses to accept vendor payments from the department.

## COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

- a) through c) Approved.

The motion carried unanimously.

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

HEARING - Consider recommendations regarding 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: (EST. TIME: 30 MIN.)

- a) Adopt the required findings for the project, included as Attachment B;
- b) Partially uphold the appeal, with revisions to the Zoning Administrator's approval of Tentative Parcel Map application 03TPM-00000-00016(TPM 14,637), based on a facilitated agreement between the appellants and applicant;
- c) Approve the revised Tentative Parcel Map 03TPM-00000-00016(TPM 14,637).

## COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

- a) Adopted.

b) Partially upheld the appeal, with revisions to the Zoning Administrator's approval of Tentative Parcel Map application 03TPM-00000-00016 (TPM 14,637), based on a facilitated agreement between the appellants and applicant.

- c) Approved.

The motion carried unanimously.



7) EMPLOYEES' RETIREMENT SYSTEM [File Reference No. 04-01060](#)

HEARING - Receive a presentation of Santa Barbara County Employees' Retirement System actuarial valuation for the year ending June 30, 2004 and consider establishing Employer Contribution Rates for fiscal year 2005-06. (EST. TIME: 30 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

Received the presentation of Santa Barbara County Employees' Retirement System Actuarial valuation for the year ending June 30, 2004 and established Employer Contribution Rates for fiscal year 2005-06.

The motion carried unanimously.

**2:00 P.M. .... Presentation of Resolutions and Awards**

The Board will recess for a reception honoring Supervisor Marshall and Supervisor Schwartz after presentation of resolutions. (EST. TIME: 15 MIN.)

**Planning Items and Public Hearings**

8) PLANNING AND DEVELOPMENT [File Reference No. 04-01114](#)

HEARING - Receive and file a quarterly report regarding energy platform/facility inspections, audits and emergency response drills. (EST. TIME: 10 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

Received and filed

9) PUBLIC HEALTH [File Reference No. 04-01064](#)

HEARING - Consider recommendations regarding the Tobacco Settlement Advisory Committee Funding Recommendations for Fiscal Year 2005-06. (EST. TIME: 30 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Approved. The motion carried unanimously.

10) 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 Schwartz, that this matter be Acted on as follows:

a) Adopted.

RESOLUTION NO. 04-366

b) Approved.

Directed staff to grant waiver of Flat Annual Fee to Valley Compost and Topsoil.

The motion carried unanimously.

11) PUBLIC HEALTH [File Reference No. 04-01026](#)

HEARING - Consider recommendations regarding contract for Advanced Life Support (ALS) Ambulance Services, as follows: (EST. TIME: 1 HR.)

- a) Approve and execute the Contract with American Medical Response (AMR) for Advanced Life Support (ALS) ambulance services within the Santa Barbara County Exclusive Operating Area (Service Area 1) and the Lompoc Area (Service Area 2) for the seven year period commencing on January 1, 2005 through December 31, 2011 with the potential for two (2) three year extensions based upon performance;
- b) Authorize the Public Health Department to adjust the ambulance rates annually according to the provisions in the Contract allowing for such increases based on a blended Consumer Price Index (CPI) as well as additional increases to mitigate the impact of any reduction in reimbursement from Medicare for ambulance transportation;
- c) Authorize the Public Health Department to adjust the ambulance rate accordingly if/when a fire services subcontract is implemented.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

- a) **Approved; Chair to execute.**
- b) **Authorized.**
- c) **Directed the Public Health Department Emergency Medical Services Agency to continue to work collaboratively with the Fire Chiefs' Association, Cities and American Medical Response to reach an agreement on Fire First Responder compensation and related issues, and return to the Board by July 1, 2005 with a recommendation.**

**The motion carried unanimously.**

12) 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)

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 Mobile Home Park.

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) Reverse the Arbitrator's decision and hold that under Ordinance §11A-5, the Park may automatically increase homeowners' rents by 1.5 %, which represents 75% of the 2.0% increase in the Consumer Price Index over the 12 months immediately preceding January 2004, the month the Park noticed its rent increase.

## 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) Reverse the Arbitrator's decision to allow the Park to pass through the cost of utility meter replacement to park residents, based on the finding that the record before the Arbitrator does not contain substantial evidence to support required findings that (1) the Park's notice of rent increase to cover the cost of replacing utility meters complies with state law; and that (2) the cost of replacement of utility meters was required by change in governmental law or regulation.

## ISSUE #6:

## OPTION #1:

f) Affirm the Arbitrator's decision and find that 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.

\* Recommendations concerning Issues #8 and #9 were revised following the Board hearing on November 2, 2004.

## COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

**ISSUE #3: Reversed the decision of the Arbitrator and found that the Homeowners did prove by a preponderance of the evidence that no Meet and Confer was held by Nomad Village Mobile Home Park.**

**ISSUE # 8: Reversed the decision of the Arbitrator and determined that the Park is permitted to use the automatic allowable rent increase according to the applicable Consumer Price index formula.**

**ISSUES # 6 & # 9: No action taken.**

**The motion carried unanimously.**

**Adjourn to January 4, 2005**

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

**Adjourn**

**Announcements**

THE MEETING OF DECEMBER 14, 2004 WILL BE TELECAST LIVE ON GOVERNMENT ACCESS TV CHANNEL 20 AT 9:00 A. M., AND WILL BE REBROADCAST ON THE FOLLOWING THURSDAY, DECEMBER 16, 2004 AT 5:00 P.M. ON GATV CHANNEL 20.

THE BOARD OF SUPERVISORS WILL NOT MEET ON TUESDAY, DECEMBER 21 OR DECEMBER 28, 2004; THE NEXT REGULAR MEETING WILL BE TUESDAY JANUARY 4, 2005 IN SANTA BARBARA.

**<http://www.countyofsb.org>**