

County of Santa Barbara
BOARD OF SUPERVISORS



First District - Salud Carbajal
Second District - Janet Wolf
Third District - Doreen Farr, Vice Chair
Fourth District - Joni Gray, Chair
Fifth District - Steve Lavagnino

Chandra L. Wallar, County Executive Officer

Agenda

Tuesday, November 8, 2011

9:00 AM

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

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

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

Persons may address the Board of Supervisors in person or by using the remote video testimony system located at the County Administration Building, Board Hearing Room, Fourth Floor, 105 East Anapamu Street, in Santa Barbara or at the Betteravia Government Center, Board Hearing Room, 511 East Lakeside Parkway, Santa Maria. Persons may address the Board on any matter listed on the agenda by completing and delivering to the Clerk a speaker slip before the item is considered. Matters not listed on the agenda may be addressed during the public comment period at the conclusion of the administrative agenda. Further information on agenda items can be obtained in the Clerk of the Board Office, Room 407, in the County Administration Building in Santa Barbara.

Board Meeting Procedures

The Board of Supervisors is the legislative body for the County of Santa Barbara. Persons are encouraged to attend and testify before the Board on any matter appearing on the agenda. Correspondence to the Board regarding items appearing on the agenda should be directed to the Clerk of the Board, 105 East Anapamu Street, Room 407, Santa Barbara CA 93101. For information regarding the meetings of the Board of Supervisors including specific meeting times contact the Clerk of the Board at (805) 568-2240. Procedures for the conduct of the meetings of the Board of Supervisors can be found in Board Resolutions 09-368 (General) and 91-333 (Land Use).

The schedule of the Board of Supervisors, meeting agendas, supplemental hearing materials and minutes of the Board meetings are available on the Internet at: www.countyofsb.org

Board Meetings are televised live on County of Santa Barbara TV channel 20. For information about obtaining a videotape of a public hearing or a schedule of CSBTV broadcasts please call (805) 568-3427.

Late Distribution

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to all or a majority of the members of the Board of Supervisors less than 72 hours prior to that meeting are available for inspection in the Clerk of the Board Office, 105 East Anapamu Street, Room 407, Santa Barbara, CA, at the Office of the Board of Supervisors, Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria, CA and on the Internet at: <http://santabarbara.legistar.com/Calendar.aspx#current>.

Disability Access

The Board of Supervisors Hearing Room in Santa Barbara is located on the Fourth Floor of the County Administration Building, 105 East Anapamu Street. The Hearing Room is wheelchair accessible. Accessible public parking is available behind the County Administration Building and in City Parking Lot #6 located at the corner of Anacapa Street and Anapamu Street.

The Board of Supervisors Hearing Room in Santa Maria is located at the Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria. The Hearing Room is wheelchair accessible. Accessible public parking is available at the Betteravia Government Center.

American Sign Language interpreters, Spanish language interpretation and sound enhancement equipment may be arranged by contacting the Clerk of the Board of Supervisors by 4:00 p.m. on Friday before the Board meeting. For information about these services please contact the Clerk of the Board at (805) 568-2240.

Closed Session

The Board of Supervisors conducts a Closed Session every Tuesday between 8:00 A.M. and 9:00 A.M. and between 1:00 P.M. and 2:00 P.M. as necessary. Closed Sessions are not open to the public. Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Actions taken by the Board during Closed Session will be announced during open session (Gov. Code Sections 54957.1(a) & (b), Ralph M. Brown Act). The Closed Session agenda is posted as an addendum to the Board's agenda each Friday in the Office of the Clerk of the Board. For information related to Closed Session announcements please contact County Counsel at (805) 568-2950.

9:00 A.M. Convene to Regular Session**Roll Call****Pledge of Allegiance****Approval of Minutes of the November 1, 2011 Meeting****12:00 P.M. Recess to Closed Session****Report from Closed Session****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.

Resolutions to be Presented at 11:30 A.M.**A-1) SUPERVISOR WOLF [11-00825](#)**

Adopt a Resolution proclaiming the month of November 2011 as National Adoption and Permanency Month in Santa Barbara County.

A-2) SUPERVISOR LAVAGNINO [11-00818](#)

Adopt a Resolution of Commendation honoring Bill Knowlton, Park Ranger, upon his retirement from the Parks Department after 36 years of faithful, loyal and committed public service to the County of Santa Barbara.

A-3) SUPERVISOR LAVAGNINO [11-00819](#)

Adopt a Resolution recognizing New Hope Missionary Baptist Church upon their 50th Anniversary.

Honorary Resolutions**A-4) SUPERVISOR CARBAJAL [11-00822](#)**

Adopt a Resolution of Commendation honoring Silvio Dante Di Loreto upon receiving the Military Ball of Santa Barbara Greatest Generation Award.

Administrative Items**A-5) AUDITOR-CONTROLLER****11-00831**

Acting as the Board of Supervisors, Board of Directors, Fire Protection District, and Board of Directors, Flood Control and Water Conservation Districts:

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

- a) Accept the Brown Armstrong CPAs Accountant's Report on the Appropriations Limit Worksheet for the year ended June 30, 2011;
- b) Accept the report of the Proposition 4/111 Appropriation Limits (GANN Initiative);
- c) Set hearing on the Administrative Agenda of December 6, 2011 to adopt the following Resolutions:
 - i) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2011/2012 for the County of Santa Barbara;
 - ii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2011/2012 for Santa Barbara County Service Area No. 3;
 - iii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2011/2012 for Santa Barbara County Service Area No. 4;
 - iv) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2011/2012 for Santa Barbara County Service Area No. 5;
 - v) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2011/2012 for Santa Barbara County Service Area No. 12;
 - vi) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2011/2012 for Santa Barbara County Service Area No. 32;
 - vii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2011/2012 for Santa Barbara County Service Area No. 41;
 - viii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2011/2012 for the Santa Barbara County Fire Protection District;
 - ix) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2011/2012 for the Santa Barbara North County Lighting District; and
 - x) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2011/2012 for the Santa Barbara County Flood Control and Water Conservation Districts;
- d) Select the change in the non-residential new construction as the price factor in determining the Fiscal Year 2011/2012 limit for Santa Barbara County and the California Per Capita Personal Income for special districts, and ratify selections by recorded vote; and
- e) Select the change in population within Santa Barbara County and all contiguous counties as the population factor in determining the Fiscal Year 2011/2012 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-6) AUDITOR-CONTROLLER[11-00821](#)

Receive and file the Auditor-Controller's Audit Reports on the Sheriff's Office, California Department of Corrections and Rehabilitation Agreement No. C06.444, for the period February 1, 2007 through June 30, 2009.

A-7) GENERAL SERVICES[11-00826](#)

Consider recommendations regarding the renewal of the Contractor on Payroll (COP) Contract for Richard Whirty in the General Services, Support, Facilities Division, as follows:

a) Approve and authorize the Chair to execute the Professional Services Contract with Richard Whirty as Contractor on Payroll in the Facilities Division of General Services Department in the amount of \$38,700.40 for the 7 month period from January 1, 2012 through August 3, 2012; and

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

A-8) GENERAL SERVICES[11-00827](#)

Consider recommendations regarding the grant of a Permanent Easement to Caltrans and acceptance of ownership and maintenance of future improvements for the Union Valley Parkway Extension Project, Folio No. 003618, Fourth District, as follows: (4/5 Vote Required)

a) Adopt a Notice of Resolution of Intention to Maintain County Roadway Improvements relating to the County accepting ownership and maintenance of the improvements (culvert, headwalls and rock slope protection) within Caltrans and County future easements at the State Route 135/ Union Valley Parkway intersection in connection with Union Valley Parkway Project; and

b) Approve and authorize the Chair to execute the Highway Easement Deed conveying a permanent easement over a portion of County owned property located at the future State Route 135/ Union Valley Parkway intersection in connection with Union Valley Parkway Project in the unincorporated area of Orcutt in the County of Santa Barbara, CA.

A-9) HOUSING AND COMMUNITY DEVELOPMENT[11-00839](#)

Consider recommendations regarding the Braddock House HOME Investment Partnerships Program (HOME) Loan Agreement, Second District, as follows:

a) Approve and authorize the Chair to execute a Loan Agreement in the amount of \$235,000.00; and

b) Approve and authorize the Chair to execute the HOME Regulatory Agreement with Surf Development Company for the Braddock House Project.

A-10) PLANNING AND DEVELOPMENT**[11-00833](#)**

Consider recommendations regarding the Sunburst Sanctuary Agricultural Preserve Non-Renewal, Lompoc area, Third District, as follows:

- a) Accept the request for nonrenewal of Agricultural Preserve Contract 68-AP-32; and
- b) Approve and authorize the Chair to execute a Notice of Nonrenewal of the County Land Conservation Contract for APNs 083-410-007 and 083-480-026, located approximately 4.5 miles west of Highway 101 in the Lompoc area.

A-11) PLANNING AND DEVELOPMENT**[11-00834](#)**

Consider recommendations regarding Case No. 08AGP-00000-00025 for approval of one Agricultural Preserve Replacement Contract for Magali Farms, LLC., a limited liability company, Third District, as follows:

- a) Approve and authorize the Chair to execute Agricultural Preserve Replacement Contract 08AGP-00000-00025, involving APN 141-041-097 located at 4050 Casey Ave, in the Santa Ynez Area; and
- b) Authorize recordation by the Clerk of the Board.

A-12) PLANNING AND DEVELOPMENT**[11-00835](#)**

Consider recommendations regarding Case No. 08AGP-00000-00026 for approval of one Agricultural Preserve Replacement Contract for Magali Farms, LLC., a limited liability company, Third District, as follows:

- a) Approve and authorize the Chair to execute Agricultural Preserve Replacement Contract 08AGP-00000-00026, involving APN 141-041-098 located at 4050 Casey Ave, in the Santa Ynez Area; and
- b) Authorize recordation by the Clerk of the Board.

A-13) PLANNING AND DEVELOPMENT**[11-00836](#)**

Consider recommendations regarding Case No. 08AGP-00000-00027 for approval of one Agricultural Preserve Replacement Contract for Magali Farms, LLC., a limited liability company, Third District, as follows:

- a) Approve and authorize the Chair to execute Agricultural Preserve Replacement Contract 08AGP-00000-00027, involving APN 141-041-099 located at 4050 Casey Ave, in the Santa Ynez Area; and
- b) Authorize recordation by the Clerk of the Board.

A-14) PUBLIC WORKS, BOARD OF DIRECTORS, WATER AGENCY**[11-00828](#)**

Acting as the Board of Directors, Water Agency:

Consider recommendations regarding a Joint Funding Agreement for the Cooperative Streamgaging Program, as follows:

- a) Approve and authorize the Chair to execute the Joint Funding Agreement with the United States Geological Survey (USGS) to continue the cooperative streamgaging program from November 1, 2011 through October 31, 2012, in the amount of \$453,940.00, of which \$300,830.00 will be funded by the County Water Agency; and
- b) Find that the Cooperative Streamgaging Program Study is exempt under California Environmental Quality Act (CEQA) guidelines, Section 15262; Feasibility and Planning Studies and Section 15306 (Class 6) Basic data collection, research, experimental management, and resource evaluation activities.

A-15) PUBLIC WORKS, BOARD OF DIRECTORS, WATER AGENCY**[11-00829](#)**

Acting as the Board of Directors, Water Agency:

Consider recommendations regarding the Cuyama Groundwater Basin Study, First District, as follows:

- a) Approve and authorize the Chair to execute the Joint Funding Agreement (No. 09W4CAD03910, Amendment 4) with the United States Geological Survey (USGS) to continue and complete a comprehensive study of the Cuyama Groundwater Basin in order to assess current and future water availability in the amount of \$185,000.00 for Fiscal Year 2011/2012, total project period being October 1, 2008 through December 31, 2012, in which \$137,000.00 to be funded by the County Water Agency and \$48,000.00 will be funded by the USGS; and
- b) Find that the Cuyama Groundwater Study is exempt under California Environmental Quality Act (CEQA) guidelines, Section 15262; Feasibility and Planning Studies and Section 15306 (Class 6) Basic data collection, research, experimental management, and resource evaluation activities.

A-16) PUBLIC WORKS, BOARD OF DIRECTORS, WATER AGENCY [11-00837](#)

Acting as the Board of Directors, Water Agency:

Consider recommendations regarding the Cloud Seeding Program 2011-2012, as follows:

- a) Approve the 2011-2012 Cloud Seeding Program;
- b) Approve and authorize the Chair to execute the Agreement with North American Weather Consultants Inc. (not a local vendor) for cloud seeding for the period of November 15, 2011 through June 30, 2012 unless earlier terminated, in an amount not to exceed \$119,060.00; and
- b) Concur with the Planning and Development Department's finding that CEQA Section 15164 is applicable to 00-ND-29 and that this document is adequate to meet the requirements of CEQA for the Santa Barbara County-Twitchell Reservoir Cloud Seeding Program.

A-17) TREASURER-TAX COLLECTOR [11-00830](#)

Receive and file the Fiscal Year 2011/2012 First Quarter (July - September, 2011) report on the Treasurer's Investment Pool, pursuant to Government Code section 53646(b).

A-18) AUDITOR-CONTROLLER [11-00841](#)

Receive and file the Auditor-Controller's Report on the Statement of Assets of the Santa Barbara County Treasurer's Investment Pool, as of September 30, 2011.

Board of Supervisors**A-19) SUPERVISOR FARR [11-00840](#)**

Approve the appointment of Brett Ettinger to the Board of Architectural Review - Central, term ending December 31, 2012, Third District.

A-20) SUPERVISOR LAVAGNINO [11-00820](#)

Approve the appointment of Trent J. Benedetti to the Santa Barbara County Assessment Appeals Board No. 1, term ending September 1, 2013, Fifth District.

A-21) SUPERVISOR LAVAGNINO [11-00832](#)

Approve the appointment of Luis Escobar to the Riding and Hiking Trails Committee, for an open term, Fifth District.

Hearing RequestsA-22) FIRE[11-00838](#)

Set hearing to consider recommendations regarding the Hazardous Materials Program Fee Ordinance, as follows:

(Set hearing for 12/6/11. Time estimate 10 minutes.)

a) Consider the introduction (first reading) of an Ordinance that amends Chapter 15 of the Santa Barbara County Code to:

i) Adopt an updated fee schedule for the Fire Department's administration and enforcement of the California Health and Safety Code, Chapters 6.5 Hazardous Waste Control, 6.7 Underground Storage of Hazardous Substances, 6.95 Hazardous Materials Release Response Plans and Inventory, 6.11 State of California Unified Program Oversight Fees;

ii) Adopt a fee schedule for the administration and enforcement of the California Health and Safety Code, Chapter 6.67 Aboveground Petroleum Storage Act (APSA); and

iii) Adopt a fee schedule for the delinquent payment of fee(s); and

b) Set hearing on the Administrative Agenda of December 13, 2011 to consider recommendations, as follows:

i) Consider the adoption (second reading) of an Ordinance amending Chapter 15 of the Santa Barbara County Code; and

i) Approve a Notice of Exemption and find that these fee increases enable the operation of the Hazardous Materials regulatory programs and as such are statutorily exempt under section 15273 of the California Environmental Quality Act guidelines.

Approval of Administrative Agenda**Public Comment Period**

Persons desiring to address the Board must complete and deliver to the Clerk the form which is available at the Hearing Room entrance prior to the commencement of this comment period. THE PUBLIC COMMENT PERIOD IS RESERVED FOR COMMENT ON MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD OF SUPERVISORS. EACH PERSON MAY ADDRESS THE BOARD FOR UP TO THREE MINUTES AT THE DISCRETION OF THE CHAIR, FOR A TOTAL PUBLIC COMMENT PERIOD OF NO MORE THAN 15 MINUTES. (Resolution No. 09-368) (11-00001)

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

Departmental Agenda
Planning Items and Public Hearings

1) **TREASURER-TAX COLLECTOR** [11-00824](#)

HEARING - Receive and file a presentation on the Tax Collector's secured tax billing and collection practices. (EST. TIME: 10 MIN.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

2) **COUNTY EXECUTIVE OFFICE** [11-00823](#)

HEARING - Consider recommendations regarding the Crude Oil Production Tax, as follows: (EST. TIME: 45 MIN.)

- a) Receive and file a staff report on options for enacting a crude oil production tax;
- b) Authorize staff to begin the process to place a local tax measure on the production of crude oil within Santa Barbara County on the November 2012 ballot;
- c) Determine that actions taken do not constitute a project under CEQA; and
- d) Direct staff to return to Board in January or February 2012 to receive survey findings and consider further direction to staff.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

3) **PLANNING AND DEVELOPMENT** [11-00795](#)

HEARING - Consider recommendations regarding an appeal filed by the Cuyama Valley Conservancy (11APL-00000-00010) of the County Planning Commission's June 8, 2011 approval of a Revision to the Diamond Rock Sand and Gravel Mine and Processing Facility (Case Nos. 11RVP-00000-00032 to 03CUP-00000-00037), located on the west side of Highway 33, approximately 5.9 miles south of its junction with Highway 166 (APNs 149-220-02; 149-220-11; and 149-220-65) in the Cuyama/Ventucopa area, First District, as follows: (EST. TIME: 1 HR.)

- a) Make the required findings for approval of Case No. 11RVP-00000-00032, including the California Environmental Quality Act (CEQA) findings;
- b) Adopt the Addendum to Environmental Impact Report No. 05EIR-00000-00001 pursuant to Section 15164 of the State Guidelines for Implementation of CEQA;
- c) Deny the Appeal, Case No. 11APL-00000-00010, thereby upholding the County Planning Commission's approval of 11RVP-00000-00032; and
- d) Grant de novo approval of Case No. 11RVP-00000-00032 subject to the Conditions of Approval.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Board Member Reports

Adjourn to

November 15, 2011

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, November 8, 2011 will be telecast live on County of Santa Barbara TV channel 20 at 9:00 AM, and will be rebroadcast on Thursday, November 10, 2011, at 5:00 PM and on Saturday, November 12, 2011, at 10:00 AM on CSBTV Channel 20.

<http://www.countyofsb.org>