

County of Santa Barbara
BOARD OF SUPERVISORS



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

Michael F. Brown, County Executive Officer

Action Summary

Tuesday, October 27, 2009

9:00 AM

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.

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.

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

9:00 A.M. Reconvened to Regular Session

Roll Call

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

Pledge of Allegiance

Report from Closed Session

COUNTY COUNSEL

[09-00924](#)

Closed Session Agenda

County Council reported that the Board of Supervisors has approved the appointment of David Matson as Interim Director of Santa Barbara County Housing & Community Development. Details of this announcement may be obtained in the Office of the County Counsel.

Approval of Minutes of the October 20, 2009 Meeting

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

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

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 11:45 A.M.

A-1) SUPERVISOR CENTENO [09-00913](#)

Adopt a Resolution of Commendation honoring Patrick J. Quintana upon his retirement for his 42 years of committed public service and dedication to the Public Defender’s Office, and its clients, as well as his contributions to the County of Santa Barbara.

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

RESOLUTION NO. 09-320

The motion carried by the following vote:

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

Administrative Items

A-2) DISTRICT ATTORNEY [09-00914](#)

Approve and authorize the District Attorney to accept an American Recovery and Reinvestment Act (ARRA) Violence Against Women Grant Award from the Department of Justice Violence Against Women Act (VAWA) Vertical Prosecution Recovery Act Program for the period of July 1, 2009 through September 30, 2010, in the amount of \$207,232, along with \$69,077 in 25% required matching funds to serve victims of sexual assault and domestic violence.

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

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

A-3) DISTRICT ATTORNEY

[09-00916](#)

Approve and authorize the Chair to execute a five-year Agreement with National Corrective Group, Inc., dba CorrectiveSolutions, (not a local vendor) to provide Non-Sufficient Fund (NSF) Bad Check Merchant Recovery and Diversion Program services on behalf of the District Attorney, for the period of October 27, 2009 through October 26, 2014.

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

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

A-4) DISTRICT ATTORNEY

[09-00915](#)

Consider recommendations regarding the acceptance by the District Attorney’s Office of American Recovery and Reinvestment Act (ARRA) Grants for Victim Services, as follows: (4/5 Vote Required)

a) Approve and authorize the District Attorney to accept and receive two Grant Awards from the United States Department of Justice, including \$12,231 from the Violence Against Women Act (VAWA) Recovery Act Program and \$18,159 from the Victims of Crime Act (VOCA) Stimulus funds, to sustain a .5 Victim Advocate to provide services to victims of serious crimes in Fiscal Year 2009/2010; and

b) Approve Budget Revision Request No. 2008019 reflecting \$30,390 in unanticipated revenue from the Federal Government for two ARRA grants, along with \$8,617 in match funding from designation and \$2,911 from Trust, to finance increased Salaries and Benefits (\$41,369) and Services and Supplies (\$549) for Fiscal Year 2009/2010 in the County’s financial system.

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

a) and b) Approved.

The motion carried by the following vote:

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

A-5) FIRE

[09-00910](#)

Approve and authorize the Fire Department to accept donations of approximately \$35,000 worth of equipment from the Santa Barbara Firefighters Alliance (SBFA) which consists of one pickup truck to be used for the transport of the Search and Rescue canine unit and its necessary equipment.

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

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

A-6) GENERAL SERVICES

[09-00912](#)

Consider recommendations regarding the Santa Barbara Historical Museum Lease Agreement/Curation of Archaeological Collection, ORES 001115, First District, as follows:

- a) Receive and file the Santa Barbara Historical Museum Letter, dated August 20, 2009, seeking a facility to permanently curate the archaeological collection recovered during the remediation of the Santa Barbara I Manufactured Gas Plant site which is situated on a portion of property owned by the County of Santa Barbara, located at 136 East De La Guerra Street, Santa Barbara and leased by the Museum;
- b) Approve and authorize the Chair to execute a Letter request relinquishing all rights and ownership of the collection and its contents and authorize permanent curation of the collection in a State of California certified facility, and require the Santa Barbara Historical Museum to notify the County of Santa Barbara on the selection of that permanent curation facility; and
- c) Authorize the Santa Barbara Historical Museum, as the County’s representative, to ensure that the collection is made available to interested researchers, to retain the right to use and display material from the collection into the future, and to seek an alternative repository for permanent curation of the collection.

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

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

The motion carried by the following vote:

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

Board of Supervisors

A-7) SUPERVISOR CARBAJAL [09-00911](#)

Approve the appointment of David Novis to the Santa Barbara County Library Advisory Committee, term ending June 30, 2010, First District.

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

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

A-8) SUPERVISOR CENTENO [09-00918](#)

Approve the appointment of Robert J. Dickerson to the Santa Barbara County Housing Authority Board of Commissioners, term ending October 1, 2010, Fifth District.

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

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

Hearing Requests

A-9) AUDITOR-CONTROLLER [09-00917](#)

Set hearing to consider recommendations regarding the Mitigation Fee Act Program, Annual Reports and Five Year Report, as follows:

(Set hearing for 11/10/09. Time estimate 15 minutes.)

a) Receive and file the Fiscal Year 2008-2009 Combined Annual and Five Year Reports for the Countywide, Orcutt, and Goleta development impact fee programs including the five-year collection schedule; and

b) Adopt a Resolution Making Findings Required by Government Code 66001(d).

A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, that this matter be Set for a hearing, as follows: November 10, 2009 in Santa Maria (EST. TIME: 15 MIN.). The motion carried by the following vote:

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

A-10 SHERIFF, FIRE, PUBLIC HEALTH, PARKS [09-00919](#)

HEARING - Consider recommendations regarding a report on the Urgency Ordinance Prohibiting Use of Alcohol on Parks, Beaches, Recreational Areas and Beach Access Ways for Public Safety Purposes in the Community of Isla Vista and adoption of a Permanent Ordinance Prohibiting Use of Alcohol on Parks, Beaches, Recreational Areas, and Beach Access Ways for Public Safety Purposes in the Community of Isla Vista, Third District, as follows: (EST. TIME: 45 MIN.)

a) Receive and file a six month update on Urgency Ordinance Restricting Use of Alcohol in Certain Parks, Beaches, Access Ways and Recreation Areas located in the Community of Isla Vista;

b) Consider the introduction (first reading) of an Ordinance Restricting use of Alcohol in Certain Parks, Beaches, Access Ways, and Recreation Areas located in the Community of Isla Vista; and

c) Set hearing for December 1, 2009 to consider the adoption (second reading) of an Ordinance Restricting use of Alcohol in Certain Parks, Beaches, Access Ways and Recreation Areas located in the Community of Isla Vista.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, that this matter be Set for a hearing, as follows: November 3, 2009 in Santa Barbara (EST. TIME: 45 MIN.). The motion carried by the following vote:

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

Approval of Administrative Agenda

HEARING TIME: 9:13 A.M. - 9:19 A.M. (6 MIN.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, to Approve the Administrative Agenda. The motion carried by the following vote:

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

09-00001

Public Comment

9:20 A.M. - 9:25 A.M. (5 MIN.)

RE: County Animal Control Issues - David Diaz Addressed the Board.

RE: Santa Barbara County District Attorney Election - Dr. Robert L. Johns Addressed the Board.

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) (09-00001)

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

RE: County Animal Control Issues - David Diaz Addressed the Board.

RE: Santa Barbara County District Attorney Election - Dr. Robert L. Johns Addressed the Board.

Departmental Agenda
Planning Items and Public Hearings

1) PLANNING AND DEVELOPMENT

[09-00358](#)

HEARING - Consider recommendations regarding the Santa Barbara Ranch Development, as follows: (EST. TIME: 15 MIN.)

- a) Accept the Addendum dated October 5, 2009 to the Santa Barbara Ranch FEIR as adequate environmental review for the actions;
- b) Adopt a finding that the Coastal Development Agreement approved by Ordinance 4694 is not yet effective because certification by the Coastal Commission of the Local Coastal Program Amendments has not occurred; and
- c) Consider the adoption (second reading) of an Ordinance rescinding the Board's previous approval of the Coastal Development Agreement for Santa Barbara Ranch and vacating its previous authorization for the owners of Dos Pueblos Ranch to seek their own Development Agreement.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 9:26 A.M. - 9:58 A.M. - 10:59 A.M. - 11:07 A.M. (40 MIN.)

Received and filed a staff presentation and conducted a public hearing.

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

- a) **No action taken.**
- i) **Accepted the Addendum dated October 5, 2009 to the Santa Barbara Ranch FEIR as adequate environmental review for the actions; and**
- ii) **Adopted a finding that the Coastal Development Agreement approved by Ordinance 4694 is not yet effective because certification by the Coastal Commission of the Local Coastal Program Amendments has not occurred; and**
- iii) **Read title, waived reading of an amended Ordinance provided to the Board at the hearing of October 27, 2009, rescinding the Board's previous approval of the Coastal Development Agreement for Santa Barbara Ranch and vacating its previous authorization for the owners of Dos Pueblos Ranch to seek their own Development Agreement. Introduction (first reading) approved; adoption (second reading) set for November 3, 2009; and**
- iii) **Set a hearing for November 3, 2009 in Santa Barbara (EST. TIME: 15 MIN.) to consider adoption (second reading) of the Ordinance.**

The motion carried by the following vote:

- Ayes:** 3 - Supervisor Carbajal, Supervisor Wolf, and Supervisor Farr
- Noes:** 2 - Supervisor Gray, and Supervisor Centeno

2) PUBLIC WORKS

[09-00880](#)

HEARING - Consider recommendations regarding the Union Valley Parkway Extension/Interchange Project, County Project Nos. 863011 and 864010, Fourth District, as follows: (EST. TIME: 45 MIN.)

- a) Consider the environmental effects set forth in the Environmental Impact Report/Environmental Assessment (05-463800) in this matter pursuant to CEQA Guideline 15096(f);
- b) Approve the portion of the project within County jurisdiction and pursuant to CEQA Guideline 15096(g)(1), determine that the EIR adequately mitigates or avoids the direct or indirect environmental effects of the portion of the project undertaken by the County, including County actions necessary for roadway construction and acquisition of right of way within the County’s jurisdiction, and for the execution of an easement deed;
- c) Determine that the subset of the environmental mitigation monitoring program is adequate and adopt this portion of the program that is subject to County action to construct roadway within County jurisdiction pursuant to CEQA Guideline 15096(g)(2);
- d) Adopt the findings, consistent with the above determinations, pursuant to CEQA Guidelines 15091, 15093 and 15096(h);
- e) Direct issuance of a Notice of Determination that the EIR prepared by the City of Santa Maria has been considered by your Board pursuant to CEQA Guideline 15096(i);
- f) Authorize the County Public Works Department to proceed with negotiations for the acquisition of permanent easements and temporary rights-of-entry with adjacent property owners; and
- g) Approve and authorize the Chair to execute the Easement Deed (Permanent Easement) conveying to the City of Santa Maria a portion of land located on the property known as Santa Barbara County Assessor Parcel No. 111-231-004.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: APPROVE

HEARING TIME: 9:59 A.M. - 10:43 A.M. (44 MIN.)

Received and filed a staff presentation and conducted public hearing.

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

- a) and b) Approved;**
- c) and d) Adopted;**
- e) and f) Authorized; and**
- g) Approved; Chair to execute.**

The motion carried by the following vote:

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

3) PUBLIC WORKS

[09-00843](#)

HEARING - Consider recommendations regarding speed limits on various roads, First, Second, and Fourth Districts, as follows: (4/5 Vote Required) (EST. TIME: 20 MIN.)

a) Consider the adoption (second reading) of an Ordinance amending Chapter 23 Sections 23-15.3, 23-15.4, 23-15.5, 23-15.6 and 23-15.7 of the Santa Barbara County Code pertaining to speed limits on Rincon Hill Road and Via Real in the Carpinteria area, Middle Road in the Montecito area, Mission Canyon Road and Turnpike Road in the Santa Barbara area, and Rucker Road in the Mission Hills area.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: APPROVE

HEARING TIME: 11:08 A.M. - 12:20 P.M. (72 MIN.)

Received and filed staff presentation and conducted public hearing.

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

a) Read title, waived reading of Ordinance in it's entirety. Introduction approved; adoption (second reading) set for November 3, 2009.

b) Set for November 3, 2009 in Santa Barbara (EST. TIME: 10 MIN.)

Directed staff to inform the California Highway Patrol by letter of the Board's actions and to request enforcement of the new speed limits.

Further directed that this matter be referred to the Legislative Program Committee for a review of the State Law pertaining to the establishment and enforcement of speed limits and to report back to the Board as appropriate.

The motion carried by the following vote:

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

4) COUNTY EXECUTIVE OFFICE, AUDITOR-CONTROLLER

[09-00818](#)

HEARING - Receive and file, per the provisions of Government Code Section 29126.2, the Fiscal Year 2009-10 Financial Status Report as of September 30, 2009, showing the status of appropriations and financing for all departmental budgets adopted by the Board of Supervisors. (EST. TIME: 30 MIN.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 12:20 P.M. - 1:15 P.M. (55 MIN.)

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

Received and filed staff presentation.

The motion carried by the following vote:

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

5) COUNTY EXECUTIVE OFFICE

[09-00802](#)

HEARING - Consider the adoption of budget principles for use in developing the Fiscal Year 2010-2011 operating budget. (EST. TIME: 1 HR.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 1:45 P.M. 3:P.M. (75 MIN.)

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

Received and filed staff presentation.

Accepted the Budget Principles and directed the County Executive Officer to conduct budget workshops to assist the Board of Supervisors in establishing priorities and providing direction to staff with respect to managing the budget.

The motion carried by the following vote:

Ayes: 3 - Supervisor Carbajal, Supervisor Gray, and Supervisor Centeno

Noes: 2 - Supervisor Wolf, and Supervisor Farr

6) PUBLIC HEALTH

[09-00886](#)

HEARING - Consider recommendations regarding Environmental Health Services Fee Resolutions, as follows:
(EST. TIME: 30 MIN.)

- a) Adopt a Resolution amending fees for Environmental Health Services pursuant to the California Uniform Retail Food Facilities Law, Health and Safety Code §113700, et seq., including an option for Nonprofit Temporary Food Facilities;
- b) Adopt a Resolution amending fees for Environmental Health Services relating to Swimming Pool Sanitation, Organized Camps, Bacteriological Water Samples, Septic Tank Pumper Trucks and Sewage Violation Inspections pursuant to the California Health and Safety Code, and Chapter 16 of the Santa Barbara County Code;
- c) Adopt a Resolution amending fees for Environmental Health Services relating to Substandard Housing Complaint Inspections pursuant to Health and Safety Code §17910;
- d) Adopt a Resolution amending fees for Environmental Health Services relating to Tattooing, Body Piercing and Permanent Cosmetics pursuant to California Health and Safety Code §119300 et seq.;
- e) Adopt a Resolution amending fees for Environmental Health Services relating to Septic Systems, Graywater Systems, and Other On-site Sewage Disposal Systems;
- f) Adopt a Resolution amending fees for Environmental Health Services pursuant to the California Safe Drinking Water Act, Health and Safety Code §§116270-116751;
- g) Adopt a Resolution amending fees for Environmental Health Services relating to Water Wells and Private Water Systems;
- h) Adopt a Resolution amending fees for Environmental Health Services relating to Land Development Review;
and
- i) Pursuant to California Environmental Quality Act (CEQA) guidelines, approve the Notices of Exemption from the California Environmental Quality Act of 1970 (CEQA) for each of the Fee Resolutions.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 3:05 P.M. - 3:50 P.M. (45 MIN.)

Received and filed a staff presentation and conducted public hearing.

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

a) Adopted amended as follows: Approved Option 4 of Public Health Board Letter dated October 27, 2009 allowing the continued fee waiver for charitable non-profit temporary food facilities.

RESOLUTION NO. 09-321

b) Adopted.

RESOLUTION NO. 09-322

c) Adopted.

RESOLUTION NO. 09-323

d) Adopted.

RESOLUTION NO. 09-324

e) Adopted.

RESOLUTION NO. 09-325

f) Adopted.

RESOLUTION NO. 09-326

g) Adopted.

RESOLUTION NO. 09-327

h) Adopted.

RESOLUTION NO. 09-328

i) Approved.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

Noes: 1 - Supervisor Wolf

Adjourned at 3:55 PM

Adjourned to

November 3, 2009

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, October 27, 2009 will be telecast live on County of Santa Barbara TV channel 20 at 9:00 AM, and will be rebroadcast on Thursday, October 29, 2009, at 5:00 PM and on Saturday, October 31, 2009, at 10:00 AM on CSBTV Channel 20.

<http://www.countyofsb.org>