

County of Santa Barbara
BOARD OF SUPERVISORS



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

Mona Miyasato, County Executive Officer

Agenda

Tuesday, February 5, 2019

9:00 AM

**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, the Santa Barbara Fund for Public and Educational Access and other Special Districts.

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 of Supervisors' Conference 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 and Ex-Parte Communication

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>. Any written ex-parte communication subject to disclosure by members of the Board of Supervisors may be published online as an attachment to the corresponding item.

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 12:00 P.M. and 1:00 P.M. and at 7:50 A.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 and Recess to Closed Session (EST. TIME: 3 HR. 30 MIN.)

Roll Call

Pledge of Allegiance

Approval of Minutes of the January 29, 2019 Meeting

County Executive Officer's Report

19-00001

Closed Session

19-00002

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

Homar v. State of California, et. al., Santa Barbara County Superior Court case number
18CV02674.

County of Santa Barbara v. Plains Pipeline, L.P. et al., United States District Court for the Central
District of California case number 2:17-cv-09304-PSG-JEM.

PUBLIC EMPLOYEE APPOINTMENT

(Paragraph (1) of subdivision (b) of Government Code section 54957)

Human Resources Director and Planning & Development Director.

Report from Closed Session

1:30 P.M. Reconvene to Regular 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**A-1) SUPERVISOR WILLIAMS [19-00121](#)**

Adopt a Resolution proclaiming the month of February 2019 as Black History Month in Santa Barbara County.

A-2) SUPERVISOR HARTMANN [19-00113](#)

Adopt a Resolution proclaiming the month of February 2019 as National Children's Dental Health Month in Santa Barbara County.

A-3) SUPERVISOR LAVAGNINO [19-00120](#)

Adopt a Resolution of Commendation honoring the District Attorney's Domestic Violence Investigations Training Team as the February 2019 Employees of the Month in Santa Barbara County.

Honorary Resolutions**A-4) SUPERVISOR LAVAGNINO [19-00119](#)**

Adopt a Resolution of Commendation honoring Detective Perry Gene Kuhl upon his retirement from the Sheriff's Office after 20 years of faithful and distinguished service to the citizens of Santa Barbara County.

Administrative Items**A-5) COUNTY EXECUTIVE OFFICE [19-00114](#)**

Consider recommendations regarding a Resolution and Agreement to accept State Funding for Census 2020 Complete Count Outreach, as follows:

- a) Adopt a Resolution accepting an allocation of \$354,319.00 from the State of California to fund local Census 2020 Complete Count outreach activities;
- b) Authorize the signing by the County Executive Officer or the County Executive Officer's designee of the County Opt-In Agreement with the State of California; and
- c) Determine that these actions do not constitute a project under the California Environmental Quality Act (CEQA) based on CEQA Guideline 15378 (b)(4) since the actions are a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

A-6) COUNTY EXECUTIVE OFFICE [19-00116](#)

Approve Budget Revision Requests (SEE EXHIBIT A POSTED WITH AGENDA). (4/5 Vote Required).

A-7) DISTRICT ATTORNEY [19-00117](#)

Consider recommendations regarding an amendment to the Agreement with the California Department of Insurance for an Automobile Insurance Fraud Prosecution Unit in the District Attorney's Office, Fiscal Year 2018 - 2019, as follows:

- a) Adopt a Resolution approving, ratifying, and authorizing the District Attorney to execute a Grant Award Amendment with the California Department of Insurance for an Automobile Insurance Fraud Prosecution Unit for the period of July 1, 2018 through June 30, 2019 in the amount of \$52,900.00, for a new grant award total of \$167,900.00; and
- b) Determine that the above action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), because it consists of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

A-8) DISTRICT ATTORNEY[19-00118](#)

Consider recommendations regarding California Governor's Office of Emergency Services (Cal OES) Victim/Witness Program Grant Award, as follows: (4/5 Vote Required)

- a) Adopt a Board Resolution approving, ratifying, and authorizing the District Attorney to accept a Grant Agreement from the Cal OES for the Victim/Witness Program grant subaward for the award period of October 1, 2018 through September 30, 2019 in the amount of \$704,093.00;
- b) Approve Budget Revision Request No. 0006125 to increase appropriations in the amount of \$126,532.00 in District Attorney's Office General Fund for Salaries and Employee Benefits funded by unanticipated revenue from Intergovernmental Revenue-Federal;
- c) Adopt the Salary Resolution effective February 11, 2019 adding one (1) 1.0 FTE Team/Project Leader - General position to the District Attorney's Office, which will be fully-funded by the Victim/Witness grant; and
- d) Determine that the above action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), because it consists of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and approve the filing of a Notice of Exemption on that basis.

A-9) PLANNING AND DEVELOPMENT[19-00107](#)

Consider recommendations regarding Montecito Debris Flow Protection Plan - Emergency Permit for 11 Debris Nets, Case No. 18EMP-00000-00007, Montecito Community Plan Area, First District, as follows:

- a) Receive and file this report on the Montecito Debris Flow Protection Plan Emergency Permit 18EMP-00000-00007, which authorized the installation of 11 Geobrugg flexible debris control nets to reduce the volume and intensity of potential future debris flows in the canyons located above the community of Montecito; and
- b) Determine that receiving and filing this report is not a project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5), as it is an administrative government activity that will not result in direct or indirect physical changes in the environment.

A-10) PLANNING AND DEVELOPMENT[19-00109](#)

Consider recommendations regarding California Coastal Commission Conditional Certification of an Amendment to the Local Coastal Program - Highway 101 HOV: Carpinteria to Santa Barbara (Case Nos. 17GPA-00000-00003 and 18ORD-00000-00004), First District, as follows:

- a) Receive the California Coastal Commission's Conditional Certification with one suggested modification of an amendment to the County's Local Coastal Program (Coastal Commission Case No. LCP-4-STB-18-0071-2-Part A);
- b) Adopt a Resolution acknowledging receipt of the California Coastal Commission's Resolution of conditional certification with the suggested modification, accepting and agreeing to the modification, agreeing to issue Coastal Development Permits for the total area included in the conditionally certified Local Coastal Program; and adopting the Local Coastal Program Amendment with the suggested modification;
- c) Determine that the Board of Supervisors' action is not subject to the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9. The County relied upon California Environmental Quality Act (CEQA) Guidelines Section 15265 for CEQA review of Case Nos. 17GPA-00000-00003 and 18ORD-00000-00004; and
- d) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the California Coastal Commission.

A-11) PUBLIC HEALTH[19-00037](#)

Consider recommendations regarding Ordinances repealing certain articles in Chapters 15 and 18, adopting Chapter 18C, Article III, and amending Chapter 24A for Environmental Health Services, as follows:

- a) Consider and approve the adoption (Second Reading) of an Ordinance to repeal Chapter 15, Article VII, entitled “Fire Department Administration of Hazardous Materials/Wastes Laws”, section 15-126 through 15-132;
- b) Consider and approve the adoption (Second Reading) of an Ordinance to repeal Chapter 18, Article III, entitled “Hazardous Waste Materials Storage Ordinance”, sections 18-21 and 18-22 and Article IV, entitled “Hazardous Waste Generator Ordinance”, sections 18-30 through 18-34.2;
- c) Consider and approve the adoption (Second Reading) of an Ordinance (adopting Chapter 18C, Article III, entitled “Certified Unified Program Agency”;
- d) Consider and approve the adoption (Second Reading) of an Ordinance to repeal Chapter 18, Article V, entitled “Infectious Waste Generator Ordinance”, sections 18-36 through 18-40.2;
- e) Consider and approve the adoption (Second Reading) of an Ordinance amending Chapter 24A entitled “Administrative Fines”; and
- f) Determine that the recommended activities are not a Project and are exempt from California Environmental Quality Act review per California Environmental Quality Act (CEQA) Guideline Sections 15378(b)(4) and 15378(b)(5) because the actions are administrative activities of a local government and government fiscal activities which do not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment and direct staff to file a Notice of Exemption.

A-12) PUBLIC HEALTH[19-00110](#)

Consider recommendations regarding a First Amendment to the Memorandum of Understanding (MOU) between the Public Health Department (PHD) and Santa Barbara Neighborhood Clinics (SBNC), as follows:

- a) Approve and authorize the Chair to execute the First Amendment to the MOU between the PHD and SBNC which facilitates patient referrals between the agencies to add administrative clauses that will not change the scope of work, term, or amount;
- b) Approve and authorize the Director of the PHD, or designee, to make immaterial changes in accordance with Section Six: General Provisions, subsection L of the MOU; and
- c) Determine that the recommended actions do not constitute a “Project” within the meaning of the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(5) of the CEQA Guidelines, because the actions consist of the organization and administrative activities of the government that will not result in direct or indirect physical changes in the environment.

A-13) PUBLIC HEALTH[19-00111](#)

Consider recommendations regarding a First Amendment to the Memorandum of Understanding (MOU) with the Public Health Department (PHD) and American Indian Health and Services, as follows:

- a) Approve and authorize the Chair to execute the First Amendment to the MOU between the PHD and American Indian Health and Services which facilitates patient referrals between the agencies to add administrative clauses that will not change the scope of work, term, or amount;
- b) Approve and authorize the Director of the PHD, or designee, to make immaterial changes in accordance with Section Six: General Provisions, subsection L of the MOU; and
- c) Determine that the recommended actions do not constitute a “Project” within the meaning of the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(5) of the CEQA Guidelines, because the actions consist of the organization and administrative activities of the government that will not result in direct or indirect physical changes in the environment.

A-14) PUBLIC HEALTH[19-00112](#)

Consider recommendations regarding a First Amendment to the Federally Qualified Health Center (FQHC) Co-Applicant Agreement, as follows:

- a) Approve and authorize the Chair to execute the First Amendment to the FQHC Co-Applicant Agreement between the County of Santa Barbara Board of Supervisors and the County of Santa Barbara Health Center Board to reflect recent updates to requirements by the Health Resources and Services Administration (HRSA); and
- b) Determine that the above activity is not a project and is therefore exempt from California Environmental Quality Act (CEQA) review per CEQA Guideline Section 15378(b)(5), as organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

A-15) SHERIFF[19-00115](#)

Consider recommendations regarding the donation of a Winnebago WF423S Hostage Negotiation Response Vehicle to the Sheriff’s Office, as follows: (4/5 Vote Required)

- a) Accept the donation of one Winnebago WF423S Hostage Negotiation Response Vehicle from the SET Foundation with the total value of the donation at \$158,019.86;
- b) Approve Budget Revision Request No. 0006129 recognizing the donation; and
- c) Determine that the above actions are not a project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5), as it is an administrative government activity that will not result in direct or indirect physical changes in the environment.

Board of SupervisorsA-16) SUPERVISOR HARTMANN[19-00122](#)

Approve the reappointment of Robert “Bob” Coe to the Assessment Appeals Board No. 2, term ending August 31, 2021, Third District.

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) (19-00004)

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

Departmental Agenda
Planning Items and Public Hearings

- 1) PUBLIC WORKS, BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT, BOARD OF DIRECTORS, WATER AGENCY [19-00090](#)

HEARING - Consider recommendations regarding the State Water Project Contract and Cachuma Project Water Service Contract Renewal, as follows: (EST. TIME: 1 HR. 30 MIN.)

Acting as the Board of Directors, Flood Control and Water Conservation District:

a) Receive a report on the request from the Central Coast Water Authority for the assignment of the State Water Project Contract from the County Flood Control District to the Central Coast Water Authority;

b) Direct staff to either:

i) Receive comments from the Board regarding the transfer of the State Water Project Contract from the Flood Control District to the Central Coast Water Authority and return to the Board with analysis of these issues and to receive a presentation by the Central Coast Water Authority on their request; or

ii) Take no action on the assignment request from the Central Coast Water Authority; and

c) Determine that the proposed actions are not a project under the California Environmental Quality Act, pursuant to Guidelines Section 15378(b)(5), organizational or administrative activities that will not result in a direct or indirect physical change in the environment;

Acting as the Board of Directors, Water Agency:

d) Receive a report on the status of the Cachuma Project Water Service Contract Renewal Process; and

e) Determine that the proposed actions are not a project under the California Environmental Quality Act, pursuant to Guidelines Section 15378(b)(5), organizational or administrative activities that will not result in a direct or indirect physical change in the environment.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

2) PLANNING AND DEVELOPMENT[18-01004](#)

HEARING - Consider recommendations regarding options for appeal case number 18APL-00000-00019, filed by Mr. Matt Turrentine of Brodiaea, Inc., the project applicant, of the County Planning Commission's, September 12, 2018, determination that the proposed Final Mitigated Negative Declaration (MND), case number 16NGD-00000-00004 prepared for the North Fork Ranch Frost Ponds project, case number 16CUP-00000-00005, located at 7400 Highway 166, approximately nine miles west of the community of New Cuyama, Fifth District, as follows: (EST. TIME: 1 HR.)

Option 1:

a) Conceptually determine that the Mitigated Negative Declaration, case no. 17NGD-000-00004, is inadequate and that an Environmental Impact Report (EIR) is required because there is substantial evidence in the record supporting a fair argument that the project may have a significant effect on the environment;

b) Conceptually deny the appeal, case no. 18APL-00000-00019, thereby affirming the Planning Commission's action;

c) Conceptually direct staff to prepare an EIR focused on issues associated with evaporative water losses resulting from the proposed project, potential biological resource impacts, and potential flooding impacts to State Highway 166; and to bring the project back to the Planning Commission for further consideration upon completion of the EIR; and

d) Continue the hearing in order to adopt findings that an EIR is required to evaluate the environmental impacts of the proposed project; or

Option 2:

a) Conceptually determine that an EIR is not required at this time because the current evidence in the record does not support that there is substantial evidence of a fair argument that the project as analyzed in the Mitigated Negative Declaration, case no. 17NGD-00000-00004 may have significant effect on the environment;

b) Conceptually approve the appeal, case no. 18APL-00000-00019, thereby reversing the County Planning Commission's action;

c) Conceptually direct staff to bring the project back to the County Planning Commission for full consideration of the project; and

d) Continue the hearing in order to adopt findings that an EIR is not required at this time.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

3) GENERAL SERVICES[19-00108](#)

HEARING - Consider recommendations regarding the Public Safety Radio System Replacement Project Report, as follows: (EST. TIME: 1 HR.)

a) Receive and file the Public Safety Radio Replacement Project Report, prepared by Federal Engineering, Inc. (hereafter Federal Engineering);

b) Approve and authorize the Chair to execute the attached Professional Services Agreement (PSA) with Federal Engineering for consulting services associated with specification writing and management of the Request for Proposal for the Public Safety Radio System Replacement Project in the amount not to exceed \$86,997.00; and

c) Determine under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b) (3) that this activity is exempt from review on the basis that it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

Adjourn to

Tuesday, February 12, 2019

Joseph Centeno Betteravia Government Administration Building

Board Hearing Room

511 East Lakeside Parkway

Santa Maria

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, February 5, 2019 will be telecast live on County of Santa Barbara TV Channel 20 at 9:00 AM, and will be rebroadcast on Thursday, February 7, 2019, at 5:00 PM and on Saturday, February 9, 2019, at 10:00 AM on CSBTV Channel 20.

<http://www.countyofsb.org>