

County of Santa Barbara
BOARD OF SUPERVISORS



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

Mona Miyasato, County Executive Officer

Agenda

Tuesday, March 17, 2020

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, 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 to Regular Session**Roll Call****Pledge of Allegiance****Approval of Minutes of the March 10, 2020 Meeting****County Executive Officer's Report**[20-00001](#)

The County Executive Officer's Report will include, but not be limited to, a brief update on the Coronavirus Disease 2019 (COVID-19) and Santa Barbara County's preparations.

12:00 P.M. Recess to Closed Session**Closed Session**[20-00002](#)

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

French v. County of Santa Barbara, et al., United States District Court for the Central District of California, case number 2:19-cv-04734-JFW.

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

- A-1) SUPERVISOR LAVAGNINO [20-00193](#)

Adopt a Resolution of Commendation honoring Jon Amate upon his retirement from the Behavioral Wellness Department after 25 years of faithful and distinguished service to the citizens of Santa Barbara County.

- A-2) SUPERVISOR LAVAGNINO [20-00197](#)

Adopt a Resolution of Commendation honoring Becky Badenell upon her retirement from the Santa Maria Cemetery District after 13 years of dedicated service.

Honorary Resolutions

- A-3) SUPERVISOR HARTMANN [20-00194](#)

Adopt a Resolution of Commendation honoring Sergeant Alexander Josef Tipolt upon his retirement from the Sheriff's Office after 30 years of faithful and distinguished service to the citizens of Santa Barbara County.

- A-4) SUPERVISOR ADAM [20-00198](#)

Adopt a Resolution of Commendation honoring Monica Mosqueda upon her retirement from the Department of Social Services after 41 years of faithful and distinguished service to the citizens of Santa Barbara County.

- A-5) SUPERVISOR ADAM [20-00199](#)

Adopt a Resolution of Commendation honoring Mark Mosqueda upon his retirement from the Department of Social Services after 24 years of faithful and distinguished service to the citizens of Santa Barbara County.

Administrative Items**A-6) BEHAVIORAL WELLNESS**[20-00202](#)

Consider recommendations regarding approval for the County of Santa Barbara to participate in the Pet Assistance and Support (PAS) Program Grant, as follows:

- a) Approve, ratify and authorize the County to submit an application for the PAS grant funds from the State of California Department of Housing and Community Development, in an amount not to exceed \$200,000.00, for crates, pet food, veterinary services, staffing, and administrative services for use at a Navigation Respite Center that Behavioral Wellness is currently developing;
- b) Adopt a Resolution that authorizes the County to participate in the PAS Program; and if funds are awarded, authorizes and directs the Department of Behavioral Wellness to act on behalf of the County in connection with the award of PAS grant funds subject to final approval by the Board; and
- c) Determine that the recommended actions are not the approval of a project that is subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5) and 15378(b)(4), finding that the recommended actions consist of administrative or fiscal activities of governments that will not result in direct or indirect physical changes in the environment.

A-7) COMMUNITY SERVICES[20-00189](#)

Consider recommendations regarding Loan Subordination Agreements for West Cox Apartments affordable housing project (Project) in Santa Maria, Fifth District, as follows:

- a) Approve and authorize the Chair to execute a Subordination Agreement that subordinates the County's Homeless Emergency Aid Program (HEAP) Loan Promissory Note and HEAP Loan Deed of Trust, Assignment of Rents, and Security Agreement to a Pacific Western Bank loan of up to \$7,450,000.00; and
- b) Determine that the recommended actions are not the acceptance and approval of a project that is subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), finding that the project is a creation 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) COMMUNITY SERVICES[20-00190](#)

Consider recommendations regarding a Funding Reservation to the Buellton Senior Village Apartments affordable housing project (Project) in Buellton, Third District, as follows:

- a) Approve a reservation of County funds for the Buellton Village Senior Apartments Project that will (i) be in an amount not to exceed \$895,941.00; (ii) consist of HOME and/or In-Lieu funds; and (iii) be released if Cabrillo Economic Development Corporation does not receive notification of an award of low-income housing tax credits (LIHTC) for the Project by March 17, 2021;
- b) Authorize the Director of Community Services Department (CSD) to sign a letter to the Buellton Village Senior Apartments project applicant indicating the approved reservation; and
- c) Determine that the approval of the reservation of funding is not the approval of a project that is subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(4), finding that the actions are not a project as they are the creation 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 impact on the environment.

ADDENDUM**Item A-9) on the Administrative Agenda is amended, as follows:****A-9) COUNTY EXECUTIVE OFFICE**[20-00191](#)

Approve Budget Revision Request No. 0006799; [0006819](#) (4/5 Vote Required); and Budget Revision Request No. 0006745 (Majority Vote Required).

A-10) FIRE[20-00195](#)

Consider recommendations regarding Grant Agreement No. Q1975073 with the California Department of Fish and Wildlife-Office of Spill Prevention and Response, as follows: (4/5 Vote Required)

- a) Adopt a Resolution authorizing the Fire Chief or designee to approve and execute Grant Agreement No. Q1975073 with the State of California Department of Fish and Wildlife Office of Spill Prevention Response for the acceptance of \$10,000.00 of grant funds to purchase oil spill response equipment;
- b) Approve Budget Revision Request No. 0006815; and
- c) Determine this action is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4), finding that the action is a creation 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 impact on the environment.

A-11) GENERAL SERVICES[20-00188](#)

Consider recommendations regarding Renewable Energy Systems Financing at Santa Barbara County Betteravia Campus, Fifth District, as follows: (4/5 Vote Required)

a) Approve and authorize the Chair to execute a loan agreement and promissory note, and related documents in the amount of \$2,736,751.00, an increase of \$614,221.00 from the prior authorized amount of \$2,122,530.00 approved by the Board on November 19, 2019, for an Energy Efficiency 1% interest loan with a 10-year term from the California Energy Resources Conservation and Development Commission for the Betteravia Campus renewable energy project; and

b) Find that the recommended action is not a project under the California Environmental Quality Act (CEQA) pursuant to sections 15378(b)(4) and 15378(b)(5) of the CEQA Guidelines, because they consist of administrative and fiscal activities of government that will not result in direct or indirect physical changes in the environment.

A-12) PLANNING AND DEVELOPMENT[20-00186](#)

Consider recommendations regarding the 2019 Comprehensive Plan Annual Progress Report, as follows:

a) Receive and file the 2019 Comprehensive Plan Annual Progress Report; and

b) Determine that the annual progress report is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5).

A-13) PUBLIC WORKS[20-00187](#)

Consider recommendations regarding a Second Amendment to the Landfill Gas Lease and Operating Agreement with NEO Tajiguas, LLC for the Tajiguas Landfill, County Project No. 129903, Third District, as follows:

a) Approve and authorize the Chair to execute the Second Amendment to the Landfill Gas Lease and Operating Agreement with NEO Tajiguas, LLC which addresses changes to the Agreement terms for liquid disposal costs and allows the County to terminate the Agreement as early as July 30, 2020 in exchange for a \$1.85 million payment to NEO Tajiguas, LLC for the contract buyout and equipment to be left in place upon termination; and

b) Find that the proposed action does not constitute a "Project" within the meaning of the California Environmental Quality Act pursuant to 15378(b)(5), organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment.

ADDENDUM**Item A-14) is added to the Administrative Agenda, as follows:**A-14) PUBLIC HEALTH[20-00231](#)

Consider recommendations regarding the Ratification of a Declaration of Local Health Emergency and Ratification of the Proclamation of Local Emergency Regarding COVID-19, as follows:

- a) Receive an update on the novel coronavirus (COVID-19);
- b) Adopt a Resolution ratifying the declaration by the local health officer declaring a Local Health Emergency due to an imminent and proximate threat to the public health, within the meaning of Section 101080 of the Health and Safety Code, by the declaration of COVID-19 as a pandemic by the World Health Organization;
- c) Upon termination of the State Emergency, direct the local health officer to return every 30-days for re-ratification of the Local Health Emergency until such time that the response and recovery conditions dictate otherwise;
- d) Adopt a Resolution ratifying the Proclamation of Local Emergency related to COVID-19 declared by the Director of Emergency Services on March 12, 2020, when the Board of Supervisors was not in session, pursuant to Government Code Section 8550 et. seq. and Chapter 12, Section 12-5(a) of the Santa Barbara County Code;
- e) Upon termination of the State Emergency, direct the Office of Emergency Management to return every 60-days for re-ratification of the Local Emergency until such time that the response and recovery conditions dictate otherwise; and
- f) Determine the above actions are not 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 organizational or administrative activities of the government that will not result in direct or indirect physical changes in the environment.

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) (20-00004)

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

Departmental Agenda
Planning Items and Public Hearings

1) GENERAL SERVICES[20-00196](#)

HEARING - Consider recommendations regarding Northern Branch Jail (NBJ) Construction Costs, Contingencies and Funding Requirements, Third District, as follows: (4/5 Vote Required) (EST. TIME: 30 MIN.)

a) Receive and file an update from staff on the progress and construction costs of the NBJ AB900 Phase II Project;

b) Approve Budget Revision Request No. 0006817 to increase appropriations within the general fund and authorize funding in the amount of \$5,000,000.00 from the NBJ Operating Fund to address the anticipated funding requirements this Fiscal Year for the Northern Branch Jail project;

c) Re-authorize the General Services Director or designee to approve additional change orders to the County's contract with SJ Amoroso Construction Company Inc. (BC16215) for a contingency amount up to \$5,000,000.00 for the construction of the AB900 Phase II Northern Branch Jail Project Bid Package 1 (BP-1) for a total project authorization of \$10,405,727.00; and

d) After considering the Final Subsequent Environmental Impact Report (SEIR), State Clearinghouse No. 2007111099, that the Board of Supervisors certified on March 11, 2008, the December 6, 2011 SEIR addendum, and the October 8, 2013 SEIR addendum, determine pursuant to 14 CCR Section 15162(a) that no subsequent EIR or Negative Declaration is required for this project because: i) No substantial changes are proposed in the project which require major revisions of the 2008 Final Subsequent EIR; ii) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which require major revisions of the 2008 Final Subsequent EIR; and iii) No new information of substantial importance concerning the project's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the Final Subsequent EIR was certified in 2008, has been received.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

2) COUNTY EXECUTIVE OFFICE[20-00192](#)

HEARING - Consider recommendations regarding an update on Cannabis Compliance, Enforcement and Taxation - Second Quarter, Fiscal Year (FY) 2019-2020; Approval of a Memorandum of Understanding (MOU) with the California Department of Food and Agriculture (CDFA) for Participation in a Track-and-Trace Pilot Program, as follows: (EST. TIME: 45 MIN.)

a) Receive and file an update on the status of cannabis tax collection, land use permitting, business licensing, State licensing, and enforcement;

b) Approve and authorize the County Executive Officer to execute an MOU with the CDFA, etc. to establish a pilot program whereby the County will be provided access to the State's Track-and-Trace data for up to 250 State licenses located in the unincorporated area of the County; and

c) Find that the proposed actions are administrative activities of the County, which will not result in direct or indirect changes to the environment and therefore are not a "project" as defined for the purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5).

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

3) COUNTY EXECUTIVE OFFICE[20-00201](#)

HEARING - Consider recommendations regarding Storefront Retail Cannabis Selection Procedures within the unincorporated areas of Santa Barbara County, as follows: (EST. TIME: 1 HR.)

a) Receive and file staff's report on the methodology for issuing storefront retail cannabis licenses;

b) Approve the Cannabis Storefront Retail Criteria-based Scoresheet-Business Operations Proposal; and

c) Find that the proposed actions are administrative activities of the County, which will not result in direct or indirect changes to the environment and therefore are not a project as defined for the purposes of the California Environmental Quality Act (CEQA) under state CEQA Guidelines Section 15378(b)(5).

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

4) PLANNING AND DEVELOPMENT 20-00200

HEARING - Consider recommendations regarding two appeals filed by Busy Bee's Organics, Inc. (Case No. 19APL-00000-00030) and the SB County Coalition for Responsible Cannabis (Case No. 19APL-00000-00031) of the Planning Commission's November 7, 2019 approval of the Busy Bee's Organics Cannabis Cultivation Project (Case No. 18LUP-00000-00496), Third District, as follows: (EST. TIME: 3 HR.)

- a) Deny the appeals, Case Nos. 19APL-00000-00030 and 19APL-00000-00031;
- b) Make the required findings for approval of the Proposed Project including California Environmental Quality Act (CEQA) findings;
- c) Determine that the previously certified Program Environmental Impact Report (17EIR-00000-00003) constitutes adequate environmental review and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections 15162 and 15168 (c)(2); and
- d) Grant de novo approval of the Project, affirming the decision of the Planning Commission, Case No. 18LUP-00000-00496 subject to the conditions of approval; or

Alternatively, if your Board wishes to uphold the Busy Bee Organics, Inc. appeal (Case No. 19APL-00000-00030) and deny the SB County Coalition for Responsible Cannabis (Case No. 19APL-00000-00031), staff recommends that your Board take the following actions to approve the project as proposed by the Applicant:

- a) Uphold the appeal by Busy Bee Organics, Inc. (Case No. 19APL-00000-00030);
- b) Deny the appeal by SB County Coalition for Responsible Cannabis (Case No. 19APL-00000-00031);
- c) Make the required findings for approval of the Proposed Project including California Environmental Quality Act (CEQA) findings;
- d) Determine that the previously certified Program EIR (17EIR-00000-00003) constitutes adequate environmental review and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections 15162 and 15168 (c)(2); and
- e) Grant de novo approval of the Project, modifying the decision of the Planning Commission, Case No. 18LUP-00000-00496 subject to the conditions of approval.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Adjourn to**Tuesday, March 24, 2020****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, March 17, 2020 will be telecast live on County of Santa Barbara TV Channel 20 at 9:00 AM, and will be rebroadcast on Thursday, March 19, 2020, at 5:00 PM and on Saturday, March 21, 2020, at 10:00 AM on CSBTV Channel 20.

<http://www.countyofsb.org>