

County of Santa Barbara
BOARD OF SUPERVISORS



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

Chandra L. Wallar, County Executive Officer

Action Summary

Tuesday, November 9, 2010

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**

CONVENED: 9:17 A.M.

Roll Call

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

Pledge of Allegiance**Report from Closed Session**COUNTY COUNSEL[10-01017](#)

Closed Session Agenda

County Counsel reported that, by unanimous vote, the Board took the following actions:

- i) To begin litigation in the matter of a fictitious business license application (party will be identified after service is made); and
- ii) In Ponce v. County (WCAB Case No. ADJ1605911, ADJ6745808), settled for approximately \$30,000.

No other reportable action taken. Details of this announcement may be obtained from the Office of County Counsel.

Approval of Minutes of the November 2, 2010 Meeting

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

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

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 WOLF****[10-01011](#)**

Adopt a Resolution proclaiming the month of November 2010 as American Diabetes Month in Santa Barbara County.

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

RESOLUTION NO. 10-298

The motion carried by the following vote:

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

A-2) SUPERVISOR FARR**[10-01013](#)**

Adopt a Resolution naming the Oak Canyon Trail the Don Wimpres Nature Trail.

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

RESOLUTION NO. 10-299

The motion carried by the following vote:

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

A-3) SUPERVISOR CENTENO**[10-00989](#)**

Adopt a Resolution proclaiming the month of November 2010 as National Court Adoption and Permanency Month in Santa Barbara County.

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

RESOLUTION NO. 10-300

The motion carried by the following vote:

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

Resolution to be Presented at 11:45 A.M**A-4) BOARD OF SUPERVISORS****[10-00995](#)**

Adopt a Resolution naming the Betteravia Government Administration Building in honor of Fifth District Supervisor Joseph Centeno.

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

RESOLUTION NO. 10-301

The motion carried by the following vote:

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

Administrative Items**A-5) AUDITOR-CONTROLLER****[10-00991](#)**

Receive and file the Auditor-Controller's Report on the Statement of Assets of the Santa Barbara County Treasurer, as of September 30, 2010.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Received and filed. The motion carried by the following vote:

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

A-6) AUDITOR-CONTROLLER**[10-00993](#)**

Receive and file the County of Santa Barbara Final Budget for Fiscal Year 2010/2011.

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

Trailed matter to be considered with Departmental Agenda Item #6.

The motion carried by the following vote:

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

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

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

A-7) AUDITOR-CONTROLLER, BOARD OF DIRECTORS, FIRE PROTECTION DISTRICT, BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT [10-00992](#)

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

Consider recommendations regarding the Proposition 4/111 Appropriations Limit (GANN Initiative), as follows:

- a) Receive and file the Brown Armstrong CPAs Accountant's Report on the Appropriations Limit Worksheet for the year ended June 30, 2010;
- b) Receive and file a report of the Proposition 4/111 Appropriation Limits (GANN Initiative);
- c) Set hearing for the Administrative Agenda of December 7, 2010 to consider the adoption of the following ten (10) Resolutions:
 - i) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for the County of Santa Barbara;
 - ii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 3;
 - iii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 4;
 - iv) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 5;
 - v) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 12;
 - vi) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 32;
 - vii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for Santa Barbara County Service Area No. 41;
 - viii) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for the Santa Barbara County Fire Protection District;
 - ix) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 for the Santa Barbara North County Lighting District; and
 - x) Adopt a Resolution establishing an appropriation limit for Fiscal Year 2010/2011 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 2010/2011 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 2010/2011 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 motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

a) and b) Received and filed;

c) Set for November December 7, 2010 on Administrative Agenda; and

d) and e) Approved.

The motion carried by the following vote:

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

A-8) GENERAL SERVICES

10-01010

Consider recommendations regarding the Notice of Completion and Contract Amendment No. 1 to the Courthouse Temporary Chiller Replacement Contract, Project No. F02003, First District, as follows:

a) Approve and authorize the Chair to execute Amendment No. 1 to the Contract with Environmental Heating and Air (not a local vendor) for the Courthouse Temporary Chiller Project, in the amount of \$5,607.00, increasing the total to \$142,725.00; and

b) Accept the Notice of Completion for the Courthouse Temporary Chiller Project.

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

a) Approved; Chair to execute; and

b) Accepted.

The motion carried by the following vote:

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

A-9) GENERAL SERVICES[10-01012](#)

Approve and authorize the Chair to execute a Real Property Purchase Contract and Temporary Construction Easement with Live Oaks Ranch, a California General Partnership, for a temporary construction easement over a portion of the owner's property, known as APN 083-180-017, in the amount of \$2,500.00, in connection with the Santa Rosa Road Bridge Replacement, County Project No. 863038, Third District.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, 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-10) GENERAL SERVICES**10-01015**

Consider recommendations regarding the Anderson Purisima Hills Conservation Easement for the Santa Barbara Land Trust, Lompoc area, APNs 099-060-021 and 099-070-036, Fourth District, as follows: (4/5 Vote Required)

- a) Approve the Notice of Exemption pursuant to the County's California Environmental Quality Act (CEQA) guidelines for the project;
- b) Accept the Planning Commission's report showing that the acquisition of a conservation easement to be held by the Santa Barbara Land Trust is consistent with the Comprehensive Plan of the County of Santa Barbara pursuant to Government Code 65402;
- c) Approve and authorize the Chair to execute an Agreement and Escrow Instructions between the County of Santa Barbara, Santa Barbara Land Trust (Land Trust) and Sonia Chantal Anderson to acquire a Conservation Easement from Sonia Anderson consisting of 15.40 acres located on that certain property commonly known as 3200 Gypsy Canyon Road, Lompoc, California, and identified as APNs 099-060-021 and 099-070-036, consisting of approximately 160 acres, and located in the unincorporated portion of the County of Santa Barbara, State of California, in the purchase amount of \$240,000.00, which Conservation Easement will be held by the Land Trust, in perpetuity;
- d) Approve and authorize the Chair to execute the Restoration, Management, Monitoring Plan (RMMP) between the County of Santa Barbara, the United States Fish and Wildlife Service (FWS), and Sonia Anderson to assist with the restoration of a known California Tiger Salamander (CTS) pond, management of the easement, and monitoring of the pond-restoration site and easement area; and
- e) Approve a Budget Revision to transfer \$400,000.00 from the General Fund Designation (990-0001-9730-8300) to the General Services Capital Outlay Fund 30 (063-0030-1930-003585), and return the unused remainder to the General Fund Designation upon completion of the project.

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

- a) Approved;**
- b) Accepted;**
- c) Approved; Chair to execute;**
- d) Approved; Chair to execute; and**
- e) Approved.**

The motion FAILED by the following vote:

Ayes: 1 - Supervisor Farr

Noes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Gray, and Supervisor Centeno

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

That the Board of Supervisors rescind and vacate the previous motion of the Board.

The motion carried by the following vote:

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

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

That the Board of Supervisors add this matter to the Closed Session Agenda to be considered at 12:00 noon.

The motion carried by the following vote:

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

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

a) Approved;

b) Accepted;

c) Approved; Chair to execute;

d) Approved; Chair to execute; and

e) Approved.

The motion carried by the following vote:

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

Noes: 1 - Supervisor Wolf

A-11) HOUSING AND COMMUNITY DEVELOPMENT**10-01003**

Consider recommendations regarding a Grant Application for United States Department of Housing and Urban Development (HUD) Continuum of Care Homeless Assistance Programs, as follows:

- a) Authorize the Director of the Department of Housing and Community Development to submit a countywide comprehensive application to the HUD, for the Fiscal Year 2010/2011 Continuum of Care Homeless Assistance Programs; and
- b) Authorize the Director of Housing and Community Development to execute all certifications, standard forms, and other related documents required for submission of the 2010 Continuum of Care Grant Application.

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

a) and b) Authorized.

The motion carried by the following vote:

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

A-12) PARKS**10-01008**

Authorize the Parks Department to utilize pre-qualified consultants in various fields of expertise, as selected by the Public Works Department through its most recent Pre-Qualified Consultant Selection Process.

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

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

A-13) PLANNING AND DEVELOPMENT**10-01005**

Authorize the Planning and Development Department to approve and issue a grading permit, 10GRD-00000-00142, and a Land Use Permit, 10LUP-00000-00312 Haas Grading, prior to recordation of the Haas Tract Map, 08TRM-00000-00005, contingent upon all pre-grading conditions having been met for APN 099-600-045, located on the west side of the intersection of Camino San Carlos and Jonata Park Road, in the Buellton area, Third District.

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

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

A-14) PLANNING AND DEVELOPMENT**10-00923**

Consider recommendations regarding Amendments to Chapter 14 of the Santa Barbara County Code relating to grading, drainage, erosion, sediment and pollution control regulations and permitting, as follows:

a) Consider the adoption (second reading) of an Ordinance amending Chapter 14 of the Santa Barbara County Code relating to grading, drainage, erosion, sediment and pollution control regulations and permitting; and

b) Approve a Notice of Exemption in compliance with Section 15307 and Section 15308 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).

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

a) Adopted; and

ORDINANCE NO. 4766

b) Approved.

The motion carried by the following vote:

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

A-15) PUBLIC HEALTH**10-01002**

Approve and authorize the Public Health Director to execute Agreement No. EPO 10-42 with the California Department of Public Health Emergency Preparedness Office for 2010/2011 CDC Public Health Emergency Preparedness (PHEP), State General Fund (GF) Pandemic Influenza, and HHS Hospital Preparedness Program (HPP) funding, in an amount not to exceed \$751,974.00.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, 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-16) PUBLIC WORKS**10-00999**

Adopt a Resolution accepting portions of Foxen Lane and Coiner Street in the Third District, and Jensen Ranch Road, Soloman View Road, Canyon Creek Road, South Creek Court, Sycamore Creek Court, and Pine Creek Court in the Fourth District, into the County Road Maintained System.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Withdrawn from the agenda. The motion carried by the following vote:

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

A-17) PUBLIC WORKS**10-01000**

Approve a Notice of Completion for work performed by the contractor, Elevation General Engineering Construction, Inc. (a local vendor), located at 2333 A Street, Santa Maria, California 93455, for construction of the 2009 ARRA Miscellaneous Concrete Repair in Old Town Orcutt, County Project No. 820620, Fourth District.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, 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-18) PUBLIC WORKS, BOARD OF DIRECTORS, FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

[10-00997](#)

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

Consider recommendations regarding the Final Subsequent Environmental Impact Report (Final SEIR) for Flood Control Maintenance Activities in Goleta Slough, as follows:

- a) Certify that the Final Subsequent Environmental Impact Report (SEIR), State Clearing House (SCH) No. 2000031092, for the Flood Control Maintenance Activities in Goleta Slough has been completed in compliance with the California Environmental Quality Act (CEQA);
- b) Certify that the Board has reviewed and considered the information contained in the Final SEIR, SCH No. 2000031092, as well as information presented during the public hearing prior to the approval of the project, and adopt the CEQA Findings and Statement of Overriding Considerations;
- c) Approve the project identified as the preferred alternative (Proposed Project) in the Final SEIR, SCH No. 2000031092;
- d) Adopt the preferred project description (Proposed Project) and mitigation measures, with their corresponding monitoring requirements, as the Mitigation Monitoring Program for this project; and
- e) Direct the District to apply for local, State, and Federal permits to the extent required by law for implementation of the project.

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

- a) through c) Approved;**
- d) Adopted; and**
- e) Directed.**

The motion carried by the following vote:

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

A-19) TREASURER-TAX COLLECTOR**[10-00998](#)**

Consider recommendations regarding the Treasurer's Investment Pool for Fiscal Year 2010/2011 First Quarter, July 2010 through September 2010, as follows:

- a) Receive and file the Fiscal Year 2010/2011 First Quarter report, for the period of July 2010 through September 2010, on the Treasurer's Investment Pool, pursuant to Government Code section 53646(b); and
- b) Approve the Investment Policy Statement.

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

- a) Received and filed; and**
- b) Approved.**

The motion carried by the following vote:

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

Board of Supervisors**A-20) SUPERVISOR CARBAJAL****[10-00994](#)**

Approve the appointment of Ralph Baxter to the Air Pollution Control District Community Advisory Council, term ending January 1, 2012, First District.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, 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-21) SUPERVISOR CARBAJAL**[10-00916](#)**

Consider recommendations regarding the amendment of Chapter 37A of the Santa Barbara County Code, relating to the Tobacco Control Ordinance for Santa Barbara County, as follows:

- a) Consider the adoption (second reading) of an Ordinance Amending Chapter 37A of the Santa Barbara County Code; and
- b) Direct staff to return to the Board of Supervisors in 24-36 months with data to report on the effectiveness of any amendment to the Tobacco Control Ordinance approved by the Board.

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

a) Adopted; and

ORDINANCE NO. 4767

b) Approved.

The motion carried by the following vote:

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

Hearing Requests**A-22) AUDITOR-CONTROLLER****10-01016**

Set hearing to consider recommendations regarding GASB 54 Fund Balance Reporting and Fund Balance Policy, as follows:

(Set hearing for 12/7/10. Time estimate 1 hour.)

- a) Reaffirm that the County of Santa Barbara's Special Revenue Funds comply with GASB 54, with the potential exception of County Service Area 32 and the Santa Barbara County Fire Protection District;
- b) Take under consideration the recommended changes related to County Service Area 32 and the Santa Barbara County Fire Protection District for final adoption on January 11, 2011;
- c) Authorize the Auditor-Controller to reclassify existing reserve and designation accounts into the new classifications required by Governmental Accounting Standards Board Statement No. 54 (GASB 54) retroactive to July 1, 2010; and
- d) Consider for review a draft of the Santa Barbara County Fund Balance Policy for final adoption on January 11, 2011.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Set for a hearing, as follows: December 7, 2010 in Santa Barbara (EST. TIME: 60 MIN.). The motion carried by the following vote:

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

A-23) FIRE[10-00990](#)

Set hearing to consider recommendations regarding an Ordinance amending Chapter 15 of the Santa Barbara County Code to adopt the 2010 California Fire Code, as follows:
(Set hearing for 12/7/10. Time estimate 1 hour.)

- a) Consider the introduction (first reading) of an Ordinance amending Chapter 15 of the Santa Barbara County Code to adopt the 2010 California Fire Code, with amendments replacing the amended 2007 California Fire Code as the enforcement Code in all areas within the Santa Barbara County Fire Protection District and all other unincorporated areas of the County, except the areas within the Carpinteria/Summerland Fire Protection District, Montecito Fire Protection District, Vandenberg Air Force Base, and Bureau of Indian Affairs Lands, unless otherwise specified by this Ordinance;
- b) Set hearing on the Administrative Agenda of December 14, 2010 to consider the adoption (second reading) of an Ordinance amending Chapter 15 of the Santa Barbara County Code to adopt the 2010 California Fire Code as set forth above; and
- c) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3).

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Set for a hearing, as follows: December 7, 2010 in Santa Barbara (EST. TIME: 60 MIN.). The motion carried by the following vote:

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

A-24) HOUSING AND COMMUNITY DEVELOPMENT[10-01014](#)

Set hearing to consider recommendations regarding an Ordinance amending Chapter 44 of the Santa Barbara County Code pertaining to the rights and duties of landlords and tenants of residential property, as follows:

(Set hearing for 12/7/10. Time estimate 1 hour.)

- a) Consider the introduction (first reading) of an Ordinance amending Chapter 44 of the Santa Barbara County Code pertaining to the rights and duties of landlords and tenants of residential property;
- b) Set hearing on the Departmental Agenda of December 14, 2010 to consider the adoption (second reading) of an Ordinance amending Chapter 44 of the Santa Barbara County Code pertaining to the rights and duties of landlords and tenants of residential property; and
- c) Determine that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA and direct filing of the Notice of Exemption.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Set for a hearing, as follows: December 7, 2010 in Santa Barbara (EST. TIME: 60 MIN.). The motion carried by the following vote:

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

A-25) PLANNING AND DEVELOPMENT**10-01007**

Set hearing to consider Small Wind Energy Systems Ordinance amendments to the County and Montecito Land Use and Development Codes, as follows:

(Set hearing for 12/7/10. Time estimate 30 minutes.)

a) Consider the following recommendations of the County Planning Commission regarding Case No. 10ORD-00000-00003:

i) Adopt findings for approval of the proposed Ordinance including California Environmental Quality Act (CEQA) findings;

ii) Approve a Notice of Exemption in compliance with Section 15308 of the Guidelines for Implementation of CEQA; and

iii) Adopt an Ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to implement a permit process regarding the development of Small Wind Energy Systems; and

b) Consider the following recommendations of the County Planning Commission regarding Case No. 10ORD-00000-00004:

i) Adopt findings for approval of the proposed Ordinance including CEQA findings;

ii) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15308 of the Guidelines for implementation of CEQA; and

iii) Adopt an Ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code to implement a permit process regarding the development of Small Wind Energy Systems.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Set for a hearing, as follows: December 7, 2010 in Santa Barbara (EST. TIME: 30 MIN.). The motion carried by the following vote:

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

A-26) PLANNING AND DEVELOPMENT10-01006

Set hearing to consider recommendations regarding an extension of the Interim Urgency Ordinance regarding Medical Marijuana Dispensaries, as follows: (4/5 Vote Required)
(Set hearing for 12/7/10. Time estimate 1 hour.)

- a) Adopt an Ordinance extending the current Interim Urgency Ordinance for a Moratorium on Approval of Medical Marijuana Dispensaries for one (1) year from December 7, 2010, in order to provide staff (County Counsel, Planning and Development, Sheriff, and Probation Departments) with adequate time for studying and considering tools to draft language, regulate, restrict, or ban the operation of medical marijuana dispensaries (MMDs);
- b) Issue this report pursuant to Government Code section 65858(d); and
- c) Determine that the adoption of this Countywide Urgency Ordinance is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15060(c)(2) and 15060(c)(3), and direct staff to file the Notice of Exemption.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Set for a hearing, as follows: December 7, 2010 in Santa Barbara (EST. TIME: 60 MIN.). The motion carried by the following vote:

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

A-27) PLANNING AND DEVELOPMENT**10-01004**

Set hearing to consider the designation of the Frances Rich Beach Cabana as a Historic Landmark, as follows:

(Set hearing for 12/7/10. Time estimate 1 hour.)

- a) Confirm the action of the Historic Landmarks Advisory Commission and adopt a Resolution designating the Frances Rich Beach Cabana as a County historic landmark, and imposing certain conditions on the property, and approve a Notice of Exemption pursuant to California Environmental Quality Act (CEQA) Section 15308; or
- b) Designate the Frances Rich Beach Cabana as a County place of historic merit; or
- c) Take no action, thereby allowing the action of the Historic Landmark Advisory Commission (HLAC) to designate the Frances Rich Beach Cabana as a County historic landmark to expire.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Set for a hearing, as follows: December 7, 2010 in Santa Barbara (EST. TIME: 60 MIN.). The motion carried by the following vote:

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

A-28) PLANNING AND DEVELOPMENT**10-01009**

Set hearing to consider recommendations regarding amendments to Chapter 10 of the Santa Barbara County Code relating to building construction, as follows:

(Set hearing for 12/7/10. Time estimate 30 minutes.)

- a) Consider the introduction (first reading) of an Ordinance amending Chapter 10 of the Santa Barbara County Code relating to building construction;
- b) Set hearing on the Administrative Agenda of December 14, 2010 to consider the adoption (second reading) of an ordinance amending Chapter 10 of the Santa Barbara County Code relating to building construction; and
- c) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3).

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Set for a hearing, as follows: December 7, 2010 in Santa Barbara (EST. TIME: 30 MIN.). The motion carried by the following vote:

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

A-29) PUBLIC WORKS**[10-00996](#)**

Set hearing to consider recommendations regarding an Ordinance amending Chapter 17 of the Santa Barbara County Code regarding solid waste services, as follows:
(Set hearing for 12/7/10. Time estimate 10 minutes.)

- a) Consider the introduction (first reading) of an Ordinance amending Chapter 17 of the Santa Barbara County Code regarding solid waste services;
- b) Set hearing on the Administrative Agenda of December 14, 2010 to consider the adoption (second reading) of an Ordinance amending Chapter 17 of the Santa Barbara County Code regarding solid waste services; and
- c) Approve a Notice of Exemption pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA)

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Set for a hearing, as follows: December 7, 2010 in Santa Barbara (EST. TIME: 10 MIN.). The motion carried by the following vote:

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

Administrative Item**A-30) PUBLIC HEALTH****[10-01018](#)**

Authorize the Director of the Public Health Department to execute Agreement No. 10-95402 with the California Department of Public Health for the Immunization Action Project for the period of July 1, 2010 through June 30, 2011 in an amount not to exceed \$161,605.00.

A motion was made by Supervisor Gray, seconded by Supervisor Carbajal, that this matter be Authorized. 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: 9:17 A.M. - 10:15 A.M. (58 MIN.)

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

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

Board Member Reports

HEARING TIME: 10:17 A.M. - 10:38 A.M. (21 MIN.)

RE: Attendance at UCSB Student Environmental Appeal Board, Santa Barbara County Channelkeeper and Santa Barbara Chamber of Commerce Economic Roundtable - Third District Supervisor Doreen Farr Addressed the Board.

RE: Reported on concerns of local business owners and attendance Rotary Club fundraiser - Fourth District Supervisor Joni Gray Addressed the Board.

RE: Attendance at Santa Barbara Chamber of Commerce Economic Roundtable - First District Supervisor Salud Carbajal Addressed the Board.

RE: Attendance at Santa Barbara Food Bank event, Girls, Inc. fundraiser, County Boards & Commissions breakfast, Santa Barbara Chamber of Commerce Economic Roundtable; County Elections on November 2, 2010 and hosted First Thursday Student Arts Show in Second District offices at County Administration Building - Second District Supervisor Janet Wolf Addressed the Board.

Public Comment Period

HEARING TIME: 9:44 A.M. - 9:53 A.M. (9 MIN.)

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) (10-00001)

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

RE: Lompoc Veterans Office staffing issues - Fifth District Supervisor Joseph Centeno and Treasurer-Tax Collector Bernice James Addressed the Board.

RE: Endangered Species Act / Agricultural issues - Andy Caldwell Addressed the Board.

RE: Diablo Canyon Nuclear Power Plant issues - Geof Bard Addressed the Board.

RE: Santa Barbara County Courthouse Legacy Foundation Report - Tom Thomas Addressed the Board.

Departmental Agenda
Planning Items and Public Hearings

1) **PLANNING AND DEVELOPMENT**

10-00252

HEARING - Consider recommendations regarding Coastal Commission Suggested Modifications to County and Montecito Land Use and Development Codes, as follows:
(EST. TIME: 1 HR.)

- a) Receive and file a report on the four informational sessions conducted by the Planning and Development Department;
- b) Review the status of suggested modifications (based on newest Coastal Commission staff report);
- c) Provide direction to the Planning and Development Department regarding how the Board of Supervisors would like to proceed in presenting its comments regarding the recommended modifications to the Coastal Commission for their consideration at the November 18, 2010 hearing;
- d) Approve and authorize the Chair to execute the letter to the Coastal Commission as revised by the Board of Supervisors;
- e) Select up to two Board members to represent the County of Santa Barbara at the Coastal Commission hearing on November 18, 2010; and
- f) Continue this hearing until December 14, 2010 so that the Board of Supervisors may provide direction to the Planning and Development Department as to how it wants to proceed should the Coastal Commission take final action at their November 18, 2010 hearing.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 11:07 A.M. - 11:45 A.M. (38 MIN.) / 1:07 P.M. - 3:30 P.M. (2 HRS., 23 MIN.)

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

a) Received and filed a report on the four informational sessions conducted by the Planning and Development Department;

Conducted public hearing and received and filed report.

b) Reviewed the status of suggested modifications (based on newest Coastal Commission staff report);

Reviewed and considered suggested modifications.

c) Provided direction to the Planning and Development Department regarding how the Board of Supervisors would like to proceed in presenting its comments regarding the recommended modifications to the Coastal Commission for their consideration at the November 18, 2010 hearing;

Appointed Supervisor Farr and Supervisor Wolf as representatives of the Board of Supervisors to attend and provide testimony as appropriate at the November 18, 2010 Coastal Commission Meeting.

d) Approved and authorized the Chair to execute the letter to the Coastal Commission as revised by the Board of Supervisors;

Authorized Supervisor Farr to work with staff to draft a revised letter for execution by the Chair expression the serious concerns of the County of Santa Barbara regarding the proposed modifications.

e) Selected Supervisor Farr and Supervisor Wolf to represent the County of Santa Barbara at the Coastal Commission hearing on November 18, 2010; and

f) Continued this hearing until December 14, 2010 so that the Board of Supervisors may provide direction to the Planning and Development Department as to how it wants to proceed should the Coastal Commission take final action at their November 18, 2010 hearing.

The motion carried by the following vote:

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

2) PUBLIC WORKS[10-00891](#)

HEARING - Consider recommendations regarding Ordinances amending Chapter 15A of the Santa Barbara County Code relating to Flood Plain Management and Chapter 15B of the Santa Barbara County Code relating to Development along Watercourses, as follows: (EST. TIME: 10 MIN.)

a) Consider the introduction (first reading) of an Ordinance amending Chapter 15A of the Santa Barbara County Code relating to Flood Plain Management;

b) Consider the introduction (first reading) of an Ordinance amending Chapter 15B of the Santa Barbara County Code relating to Development along Watercourses; and

c) Set a hearing on the Administrative Agenda of December 7, 2010 to consider the following recommendations:

i) Consider the adoption (second reading) of an Ordinance amending Chapter 15A of the Santa Barbara County Code relating to Flood Plain Management;

ii) Consider the adoption (second reading) of an Ordinance amending Chapter 15B of the Santa Barbara County Code relating to Development along Watercourses; and

iii) Approve a CEQA Notice of Exemption to adopt Amendments to Ordinances of the Santa Barbara County Code relating to Flood Plain Management and Development along Water Courses.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME 3:42 PM - 3:57 PM (15 MIN.)

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

Conducted public hearing.

a) Read title, waived further reading of the Ordinance. Introduction approved; adoption (second reading) set for December 7, 2010 on Administrative Agenda;

b) Read title, waived further reading of the Ordinance. Introduction approved; adoption (second reading) set for December 7, 2010 on Administrative Agenda; and

c) i, ii, iii) Set for December 7, 2010 on the Administrative Agenda.

The motion carried by the following vote:

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

3) PUBLIC HEALTH[10-00981](#)

HEARING - Consider recommendations regarding the Maddy Emergency Medical Services Fund Report to Legislature, as follows: (EST. TIME: 20 MIN.)

- a) Receive and file a report on the Maddy Emergency Medical Services Fund; and
- b) Authorize staff to submit the report to the California legislature.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 11:06 AM - 11:07 AM (1 MIN.)

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

December 14, 2010 in Santa Maria.

The motion carried by the following vote:

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

4) HOUSING AND COMMUNITY DEVELOPMENT[10-00960](#)

HEARING - Consider recommendations regarding a Notice of Funding Availability (NOFA) Workshop for the Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Shelter Grant Funding, as follows: (EST. TIME: 1 HR. 30 MIN.)

a) Receive and file a staff report regarding the 2011 Draft Notice of Funding Availability (NOFA) and proposed funding process for federal funding received through the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) programs; and

b) Direct staff to proceed with the NOFA process and return to the Board of Supervisors in April 2011 to provide an update and present the 2011 Action Plan, including projects recommended for funding.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 3:59 PM - 4:22 PM (23 MIN.)

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

Conducted public hearing.

a) Received and filed; and

b) Directed.

The motion carried by the following vote:

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

5) COUNTY EXECUTIVE OFFICE, AUDITOR-CONTROLLER[10-00976](#)

HEARING - Receive and file, per the provisions of Government Code Section 29126.2, the Fiscal Year 2010/2011 First Quarter Financial Status Report as of September 30, 2010, showing the status of appropriations and financing for all departmental budgets adopted by the Board of Supervisors. (EST. TIME: 45 MIN.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME 4:23 PM - 4:37 PM (14 MIN.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Gray, that this matter be Received and filed. The motion carried by the following vote:

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

6) COUNTY EXECUTIVE OFFICE[10-00974](#)

HEARING - Adopt budget development policies for the Fiscal Year 2011/2012 operating budget, and provide policy direction to the County Executive Office and departmental staff as the Board of Supervisors deems necessary. (EST. TIME: 1 HR.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 4:38 PM - 4:52 PM (14 MIN.)

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

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

7) COUNTY EXECUTIVE OFFICE[10-00959](#)

HEARING - Consider recommendations regarding the new Orcutt Library tenant improvements, as follows: (4/5 Vote Required) (EST. TIME: 30 MIN.)

a) Approve a Budget Revision to transfer \$270,000.00 from the Orcutt Library AB 1600 Development Impact Fees and \$130,000.00 from Contingency to General County Programs for tenant improvements at the new Orcutt Public Library with the understanding that the General Fund Contingency will be repaid over time from future Orcutt Library AB 1600 Development Impact Fees; and

b) Approve and authorize the Chair to execute an Agreement with the City of Santa Maria for funding of tenant improvements at the new Orcutt Public Library.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 4:53 PM - 5:23 PM (30 MIN.)

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

a) Approved; and

b) Approved; Chair to execute.

The motion carried by the following vote:

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

Adjourned at 5:23 PM

Adjourned to

December 7, 2010

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

Announcements

The meeting of Tuesday, November 9, 2010 will be telecast live on County of Santa Barbara TV channel 20 at 9:00 AM, and will be rebroadcast on Thursday, November 11, 2010, at 5:00 PM and on Saturday, November 13, 2010, at 10:00 AM on CSBTv Channel 20.

THE BOARD OF SUPERVISORS WILL NOT MEET ON THE FOLLOWING DATES: TUESDAY, NOVEMBER 16, 2010, TUESDAY, NOVEMBER 23, 2010, AND TUESDAY, NOVEMBER 30, 2010 (THIS IS A FIFTH TUESDAY ORDINANCE NO. 3352).

THE NEXT REGULAR BOARD OF SUPERVISORS HEARING WILL BE HELD DECEMBER 7, 2010 IN SANTA BARBARA.

<http://www.countyofsb.org>