



**PROCEEDINGS OF THE
COUNTY OF SANTA CRUZ BOARD OF SUPERVISORS**

October 06, 2020

APPROVED

ACTION SUMMARY MINUTES

1. CALL TO ORDER – 9:01 a.m.

Attendee Name	Title	Status
John Leopold	First District Supervisor	Present
Zach Friend	Second District Supervisor	Remote*
Ryan Coonerty	Third District Supervisor	Remote*
Greg Caput	Chair, Fourth District Supervisor	Present
Bruce McPherson	Vice Chair, Fifth District Supervisor	Remote*

*Supervisors Friend, Coonerty and McPherson attended via teleconference

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. CONSIDERATION OF LATE ADDITIONS TO THE AGENDA; ADDITIONS AND DELETIONS TO CONSENT AND REGULAR AGENDAS

Revision Sheet - Items 44, 46, 29.1

4. ANNOUNCEMENT BY BOARD MEMBERS OF ITEMS REMOVED FROM CONSENT TO REGULAR AGENDA

None

5. PUBLIC COMMENT

Twenty-one people addressed the Board

6. ACTION ON THE CONSENT AGENDA (ITEMS 15-48, AND ADDENDA ITEM 29.1)

Additional direction – Items 36, 37 and 38

REGULAR AGENDA

7. Presentation on CZU Lightning Complex Fire by representatives from California Governor's Office of Emergency Services and the Federal Emergency Management Agency, as outlined in the memorandum of the County Administrative Officer

RESULT: PRESENTATION

8. Consider the establishment of a County Office of Recovery and Resilience (ORR) in the County Administrative Office (CAO), to coordinate the County's response to the CZU August Lightning Complex Fire, respond to future disasters and increase resiliency of the County overall in response to climate change, direct the CAO to return November 10, 2020 with funding recommendations, and take related actions, as outlined in the memorandum of Supervisors Coonerty and McPherson

- 1) APPROVED the establishment of a County Office of Recovery and Resilience (ORR) in the County Administrative Office (CAO) to coordinate the County's response to the CZU August Lightning Complex Fire, respond to future disasters and increase resiliency of the County overall in response to climate change;
- 2) DIRECTED the CAO to appoint a full-time Manager of the ORR and provide interim resources as soon as possible, and report back to the Board with those details by memo;
- 3) DIRECTED the CAO to return to the Board on November 10, 2020 with recommendations for funding the ORR for the remainder of the fiscal year;
- 4) Set the start-up date for the ORR as no later than December 1, 2020;
- 5) DIRECTED the CAO to assign a total of three staff members from Planning, Public Works, and Environmental Health to work full-time in the ORR;
- 6) DIRECTED the ORR to provide reports at every regular Board meeting on the status of short term and long-term recovery and resilience related actions; and

Additionally, the last recommended action is amended to read:

- 7) Make it clear that the Board committee is an ad hoc committee, to monitor and oversee implementation of the County's recovery and resilience work related for the duration of 2021, and that Supervisors McPherson and Coonerty are on that committee; and then to look at a governance structure going forward and getting other supervisors on that committee if/when there are resilience projects that come up in their districts

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Bruce McPherson, Vice Chair, Fifth District Supervisor
SECONDER:	John Leopold, Ryan Coonerty
AYES:	Leopold, Friend, Coonerty, Caput, McPherson

9. Public hearing to consider report on the Year 2021 Growth Goal, refer the matter to Planning Commission for consideration, continue the public hearing to December 8, 2020, and take related actions, as outlined in the memorandum of the Planning Director

- 1) Public hearing held on the Year 2021 Growth Goal;
- 2) REFERRED this matter to the Planning Commission for consideration and recommendation to the Board; and
- 3) CONTINUED to December 8, 2020, the public hearing to establish the Year 2021 Growth Goal, and DIRECTED Planning staff to return with the recommendation of the Planning Commission and a resolution for final action by the Board

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Leopold, First District Supervisor
SECONDER:	Ryan Coonerty, Third District Supervisor
AYES:	Leopold, Friend, Coonerty, Caput, McPherson

10. Consider report on Cannabis Licensing Official's unappealable authority with regard to exception requests and options for appellate review of such decisions, as outlined in the memorandum of the County Administrative Officer

- 1) ACCEPTED AND FILED report detailing sections within the Santa Cruz County Code where the Cannabis Licensing Official has unappealable authority regarding licensing decisions;
- 2) Considered options provided by staff to appeal decisions based on this authority, and
- 3) DIRECTED that the Board selects Option (3) for retail operations, and that the specific adjudicative body be an administrative hearing officer; this includes the written notice, the proof of mailing, the deadline for 14 days, and that an appeal time be set;
 - That the administrative hearing officer be able to consider the information 'de novo'; and additionally
 - That the County Supervisor of the District where the exception is being considered be notified of the application in advance of the CLO's determination

RESULT:	APPROVED WITH ADDITIONAL DIRECTION [UNANIMOUS]
MOVER:	Zach Friend, Second District Supervisor
SECONDER:	Ryan Coonerty, Third District Supervisor
AYES:	Leopold, Friend, Coonerty, Caput, McPherson

11. Consider assessment of indigent defense services in Santa Cruz County; consider approval in concept of ordinance adding Chapter 2.13 to the Santa Cruz County Code to establish a Public Defender's Office and the position of Public Defender; schedule the ordinance for second reading and final adoption on October 20, 2020; direct the County Administrative Office to transition services and return in March 2021 with an update, and take related actions, as outlined in the memorandum of the County Administrative Officer

DIRECTED the County Administrative Office to:

- 1) Meet with the justice partners - the Judiciary, the Public Defense, the District Attorney, and potentially the Sheriff's Office - to get recommendations from that group;
- 2) That we have a clear policy about the hiring to include first right of refusal;
- 3) That we get information from the Sixth Amendment Center about who is meeting these standards and how much it might cost to meet these standards; and
- 4) **Return in November** with a status report/update on how this is going

RESULT:	DIRECTED [UNANIMOUS]
MOVER:	John Leopold, First District Supervisor
SECONDER:	Ryan Coonerty, Third District Supervisor
AYES:	Leopold, Friend, Coonerty, Caput, McPherson

12. Consider approval in concept of ordinance amending Chapter 2.126 of the Santa Cruz County Code relating to the addition of new representatives to the Commission on Justice and Gender, to include a representative of the Black or African American community and a woman who has experienced incarceration; and schedule the ordinance for final adoption on October 20, 2020, as outlined in the memorandum of Supervisor Leopold

- 1) APPROVED IN CONCEPT the ordinance amending Chapter 2.126; and
- 2) SCHEDULED the ordinance for final adoption on October 20, 2020

RESULT:	APPROVED IN CONCEPT [UNANIMOUS]
MOVER:	John Leopold, First District Supervisor
SECONDER:	Ryan Coonerty, Third District Supervisor
AYES:	Leopold, Friend, Coonerty, Caput, McPherson

13. Consider approval in concept of ordinance amending Chapter 8.48 of the Santa Cruz County Code to extend the prohibition of commercial evictions arising from substantial income loss related to the COVID-19 pandemic through March 31, 2021; and schedule the ordinance for final adoption on October 20, 2020, as outlined in the memorandum of Supervisors Leopold and Coonerty

- 1) APPROVED IN CONCEPT the ordinance amending Chapter 8.48; and
- 2) SCHEDULED the ordinance for final adoption on October 20, 2020

RESULT:	APPROVED IN CONCEPT [UNANIMOUS]
MOVER:	John Leopold, First District Supervisor
SECONDER:	Ryan Coonerty, Third District Supervisor
AYES:	Leopold, Friend, Coonerty, Caput, McPherson

CLOSED SESSION AGENDA

14. SCHEDULE A CLOSED PERSONNEL AND LITIGATION SESSION TO BE HELD AT THE CONCLUSION OF THE BOARD'S SPECIAL MEETING AGENDA, OR AT ANY OTHER TIME DURING THE COURSE OF THE MEETING ANNOUNCED BY THE CHAIRPERSON OF THE BOARD

A. CONFERENCE WITH LEGAL COUNSEL - THREAT TO PUBLIC SERVICES OR FACILITIES (Government Code Section 54957(a))

Consultation with Nicole Coburn, Acting County Administrative Officer; Jason M. Heath, County Counsel; Dr. Gail Newel, Public Health Officer; Mimi Hall, Director of Health Services Agency; Randy Morris, Director of Human Services Department; Elissa Benson, Assistant County Administrative Officer; Jim Hart, Sheriff-Coroner; and Jason Hoppin, Public Information Manager

B. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code Section 54956.9(d)(1))

Marlene Henderson, the Estate of Edyth Henderson, and the Estate of Joseph Henderson v. County of Santa Cruz, et al., United States District Court Case No. 5:14-cv-03544 WHO (HRL)

Report of County Counsel - will be given at the conclusion of the closed session on any reportable action(s) taken in the closed session

Scheduled closed personnel and litigation session held as outlined in the agenda

RESULT:	CLOSED SESSION HELD
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No report was given

CONSENT AGENDA

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	John Leopold, First District Supervisor
SECONDER:	Bruce McPherson, Vice Chair, Fifth District Supervisor
AYES:	Leopold, Friend, Coonerty, Caput, McPherson

15. APPROVAL OF MINUTES
 - a. Revised BUDGET HEARINGS - Last Day - Aug 18, 2020 1:30 PM
 - b. Regular Meeting - September 15, 2020 9:00 AM
 - c. SPECIAL MEETING - September 29, 2020 9:00 AM

16. Accept claims as approved by the Auditor-Controller-Treasurer-Tax Collector

17. Approve the reading by title of any ordinance considered for adoption that may appear on this agenda, and further waive a detailed reading of said ordinance, as recommended by County Counsel

18. Adopt ordinance amending Chapter 16.10 of the Santa Cruz County Code, to implement changes to the Local Coastal Program/General Plan relating to Geologic Hazards (approved in concept September 15, 2020)
Ordinance No. 5349

19. Adopt ordinance adding Chapter 16.13 to the Santa Cruz County Code to implement changes to the Local Coastal Program/General Plan relating to Floodplain Regulations (approved in concept September 15, 2020)
Ordinance No. 5350

20. Adopt ordinance amending Chapter 16.20 of the Santa Cruz County Code, to implement changes to the Local Coastal Program/General Plan relating to Grading Regulations (approved in concept September 15, 2020)
Ordinance No. 5351

21. Adopt ordinance amending Chapter 16.22 of the Santa Cruz County Code to implement changes to the Local Coastal Program/General Plan relating to Erosion Control (approved in concept September 15, 2020)
Ordinance No. 5352

22. Approve appointment of Liann Reyes as alternate member representing the County Superintendent of Schools to the Treasury Oversight Commission for a term to expire on March 31, 2024, as recommended by the Auditor-Controller-Treasurer-Tax Collector

23. Accept and file the Treasurer’s Investment Transaction Report for the month of August 2020, as recommended by the Auditor-Controller-Treasurer-Tax Collector

24. Adopt resolution extending for 30 days the proclamation of a Local Emergency by the County Administrative Officer and declaration of a Local Health Emergency by the County Health Officer related to the CZU August Lightning Complex Fires, and take related actions, as recommended by the County Administrative Officer
Resolution No. 201-2020
25. Approve agreement with Tony Gardner Consulting in the amount of \$94,580 to provide County and local Continuum of Care homelessness-related consulting services; adopt resolution accepting unanticipated revenue in the amount of \$94,580 into the Fiscal Year 2020-21 County Administrative Office budget; and take related actions, as recommended by the County Administrative Officer
Agreement No. 21C4450
Resolution No. 202-2020 AUD60
26. Approve amendment to agreement with Second Harvest Food Bank, increasing the total amount by \$400,000 for a new not-to-exceed amount of \$2,116,000, for emergency food and distribution in response to increased food insecurity in Santa Cruz County resulting from the COVID-19 public health emergency, and take related actions, as recommended by the County Administrative Officer and Director of Human Services
Amendment 20W4068
27. Approve request of the Biggam, Christensen, & Minsloff (BCM) law firm for extraordinary expenses in the special circumstances capital case People v. Carrillo, and authorize the Auditor-Controller to pay \$50,000 into a trust account established by BCM for case-related expenses, as recommended by the County Administrative Officer
28. Approve responses to findings and recommendations of five 2019-20 Santa Cruz County Civil Grand Jury reports, and take related actions, as recommended by the County Administrative Officer
29. Accept and file status report on the Coronavirus Relief Fund programs, as recommended by the County Administrative Officer
- 29.1 ADDENDA (9678)
Adopt sixteen resolutions appointing the unopposed special district candidates who have filed Declarations of Candidacy for the November 3, 2020 Presidential General Election, and adopt two resolutions accepting applications and appointing candidates for two vacancies, as recommended by the County Clerk
Resolution No. 203-2020 through No. 220-2020
30. Accept and file report on eviction and rent pay-back provisions related to the COVID-19 pandemic, as recommended by County Counsel

31. Defer to on or before November 10, 2020, a report on the status of COVID-19 emergency response costs and anticipated federal and state reimbursements, as recommended by the Director of General Services
32. Accept nomination of Theresa M. Cariño to the Commission on Justice and Gender, as an at-large survivor representative, for a term to expire April 1, 2024, with final appointment to be considered on October 20, 2020, as recommended by Supervisor Leopold
33. Direct the Department of Public Works to host a series of community meetings to discuss the possible expansion of the 2021 Seasonal Live Oak Parking Program with residents in the coastal Live Oak neighborhoods, as recommended by Supervisor Leopold
34. Direct the Chairman to send a letter to Senator Mitch McConnell requesting that he follow his own precedent set in 2016, and wait to consider the President's Supreme Court nominee until the American people have had a chance to choose the next President, as recommended by Supervisors Coonerty and Friend
35. Accept nomination of Ligaya Eligio for reappointment to the Housing Authority Board of Commissioners, as an at-large tenant representative, for a term to expire October 18, 2022, with final appointment to be considered on October 20, 2020, as recommended by Supervisor Coonerty

36. Accept and file bi-annual report on measures to reduce the number of people held in jail before trial, and direct the Probation Department to return in March 2021 with bi-annual progress report, as recommended by the Chief Probation Officer

Additional direction - when this item returns in March 2021, schedule for the Regular Agenda to allow full discussion on the analyses

37. Ratify grant application to the National Harm Reduction Coalition for harm reduction services and supports; approve agreement with the National Harm Reduction Coalition in the amount of \$329,439 for the grant period August 1, 2020 to June 30, 2023, adopt resolution accepting unanticipated revenue in the amount of \$54,398, and take related actions, as recommended by the Director of Health Services

Additional direction - as the Health Services Agency applies for funding for its syringe services program, to operationalize in a manner consistent with the previous action and policy by the Board Resolution No. 221-2020

38. Defer to February 2021 a study session on the Injection Drug Use crisis in Santa Cruz County, with presentations from the Sheriff's Office, the Superior Court, and the Health Services Agency, and defer to February 2021 a report back with recommendations to improve syringe litter reporting and response through a centralized system across all partners, as recommended by the Director of Health Services

Additional direction - deferral of this report [study session on IV drug use crisis] to return **no later than February 2021**, with no further delays accepted on this item

39. Approve agreement with Cabrillo College Student Resource and Support Network, in the amount of \$120,000 for program services; adopt resolution designating the Human Services Department to serve as the local fiscal agent designee for managing Workforce Innovation and Opportunity Act funds, and take related actions, as recommended by the Director of Human Services

Resolution No. 222-2020

40. Adopt resolution designating the Agricultural Commissioner to be the local public entity to receive funds allocated by the California Department of Food and Agriculture for implementation of the Pierce's Disease Control Program, its vectors and other designated pests and diseases, and take related actions, as recommended by the Agricultural Commissioner

Resolution No. 223-2020

41. Adopt resolutions approving grant application and accepting unanticipated revenue in the amount of \$35,000 from the California State Coastal Conservancy for the Hidden Beach Park Restroom Project, as recommended by the Director of Parks, Open Space and Cultural Services

Resolution No. 224-2020

Resolution No. 225-2020

42. Adopt resolution authorizing application for, and receipt of, Regional Early Action Planning (REAP) Grants Program funds administered by the Association of Monterey Bay Area Governments in order to seek funding for staff time and associated costs related to update of the General Plan Housing Element and meeting the upcoming Regional Housing Needs Assessment, as recommended by the Planning Director

Resolution No. 226-2020

43. Approve amendment to agreement with Dudek for work related to transportation improvements on the Sustainability Update Environmental Impact Report, and take related actions, as recommended by the Planning Director

Amendment 19C4387

44. Defer to November 10, 2020 consideration of a proposed contract for consulting staff and resources to process building and related permits for reconstruction of structures affected by the CZU August Lightning Complex Fire, and accept and file status report on two implementation activities, as recommended by the Planning Director

45. Accept and file update on emergency repairs on Soquel San Jose Road PM 1.08; approve continued emergency action and find that the emergency does not allow for competitive bidding, and direct Public Works to return on October 20, 2020, with an update on the progress of emergency work, as recommended by the Deputy CAO/Director of Public Works

46. Ratify approval of contract with Cal West Construction General Building Inc. in the amount of \$438,580 for the Cathedral Drive PM 1.21, 2017 Storm Damage Repair project, as recommended by the Deputy CAO/Director of Public Works

Contract 21D0510

47. Ratify contract with Cal West Construction General Building Inc., in the amount of \$705,274 for the Soquel San Jose Road PM 3.97 and 5.67, 2017 Storm Damage Repair projects, as recommended by the Deputy CAO/Director of Public Works

Contract 21D0512

48. Ratify contract with Precision Grade Inc., in the amount of \$343,627 for the Lorenzo Ave PM 0.10, 2017 Storm Damage Repair project, as recommended by the Deputy CAO/Director of Public Works

Contract 21D0509

Approved:

GREG CAPUT
Chair, Board of Supervisors



Attest:

SUSAN GALLOWAY
Clerk of the Board



Date:

10/20/2020

NOTE: This set of Board of Supervisors Minutes is scheduled for approval by the Board on October 20, 2020