

September 14, 2020

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Ventura County Board of Supervisors
800 S. Victoria Avenue, #L1740
Ventura, CA 93009-1740

Re: Agenda Item #35: Climate Emergency Council

Dear Chair Long and Honorable Members of the Board of Supervisors:

CoLAB is writing to express our grave concerns with the County's failure to follow due process and allow adequate public comment and review of the proposed mitigation measure outlining the creation of the "by-laws" for the Climate Emergency Council.

The County failed to disclose this mitigation measure for public review and comment. The "by-laws" and related language – which County Planning has termed "Implementation Program COS-CC: Climate Emergency Council" do not appear in the Public Review Draft General Plan dated January 2020.

This language does not appear in the September 1, 2020 Exhibit 2.8 (Recommended Revisions to the 2040 General Plan). It does not appear in the September 1, 2020 Exhibit 2.3 (CEQA Findings, Mitigation Measures and Statement of Overriding Consideration). It does not appear in Exhibit 7 (General Plan Summary). It does not appear in Exhibit 18 (Revisions to Staff Report July 16, 2020). It does not appear in Exhibit 23 (Errata to 2040 General Plan Environmental Impact Report). It does not appear in Exhibit 23 (Staff PowerPoint).

Nor does this language appear in the July 16, 2020 Exhibit 2.1 (Planning Commission Resolution to the Board of Supervisors), Exhibit 2.3 (CEQA Findings, Mitigation Measures and Statement of Overriding Considerations), Exhibit 2.8 (Planning Division Recommended Revisions [sic] to the 2040 General Plan), Exhibit 7 (2040 General Plan Summary), Exhibit 23 (Errata to the 2040 General Plan Environmental Impact Report), or Exhibit 23 (Staff PowerPoint).

The language of COS-CC appears in only twice in the administrative record for the General Plan Update, prior to suddenly being added, without public review or comment, to September 15, 2020 Exhibit 22, which is a re-write of the entire 2040 General Plan.

In the first instance, the language is buried on page 2-476 of Exhibit 2.2f: "Final EIR, Chapter 2, Organization Comments and Responses to Comments." But, as shown above, the County's response to comments (which has now become COS-CC) was never included in any exhibits

disclosing revisions to the General Plan or discussing any of the mitigation measures identified by the EIR.

In the second instance, the language appears on slides 5 and 6 of unnumbered September 1, 2020 Exhibit "BOS Action on 9-1-20", with a notation from Planning Staff that "[t]he additional details regarding the terms, duties, and membership composition of the Climate Emergency Council were inadvertently not included...as part of your Board package."

This PowerPoint and the "inadvertently" forgotten mitigation measure a was not revealed to the public until hours after the close of public comment. In addition, the "inadvertently" forgotten language was not even disclosed to the Board members themselves until 10:25 p.m., immediately prior to the tentative vote, with no opportunity to re-opening the public comment process or allow Board deliberations.

The County has failed to comply with due process and public noticing requirements and has, once again, violated the public's legal right to participate and provide meaningful comments on the General Plan. For the Board to now take action on this item, which is based solely upon language introduced after the close of public comment and without proper public noticing, only highlights the County's failure to govern with transparency and this Board's blatant disregard of due process requirements.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Louise Lampara
Executive Director