

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Peg Pinard, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM **AGN**

1 A-1-A **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi, and on the following roll call vote:**

AYES: Supervisors Ovitt, Bianchi, Pinard, Ryan, and Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-105, resolution proclaiming March 18-24, 2001 as "Paderewski History Week" in San Luis Obispo County, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Ms. Carolyn Goodrich.

Ms. Goodrich: thanks the Board for their support; describes the events for the 9th annual Paderewski History Week.

2 A-1-B **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi, and on the following roll call vote:**

AYES: Supervisors Ovitt, Bianchi, Pinard, Ryan, and Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-106, resolution proclaiming Cal Poly Choirs as "Music Ambassadors of San Luis Obispo County" on this Thirteenth Day of March, 2001, adopted.

Supervisor Pinard: reads the resolution and presents the same to Mr. Tom Davies.

Mr. Davies: thanks the Board for the recognition; states there are sixty Cal Poly choir members that will be going to France; addresses their financial needs for the trip; and has the students present a sampling of their talent and introduce themselves.

3 B-PC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

Mr. Noel King: Public Works Director, addresses Item B-16; indicates staff has been working closely with the Federal Government and they will fund the County at 75% of the final cost.

Mr. George Gibson: Public Works, addresses Item B-16; presents a slide show and gives an overview of the emergency levee work done in South County; describes the area, the breach of the levee and the steps taken to repair the damage; addresses the kind of debris they deal with on a daily basis. **No action taken.**

4 B-1 Consent Agenda Item B-16 is added. **On motion of Supervisor Ovitt, seconded by**
 thru **Supervisor Ryan, and on the following roll call vote:**
 B-16

AYES: Supervisors Ovitt, Ryan, Bianchi, Pinard, and Chairperson Achadjian
NOES: None
ABSENT: None

Consent Agenda Items B-1 through B-16 are approved as recommended by the County Administrative Officer and as amended by this Board.

Said Consent Items B-1 through B-16, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

General Services Items:

- B-1 Amendment to a lease agreement with Modoc Properties establishing payment of maintenance and owner's association assessments for property located at 1551 Bishop Street, San Luis Obispo, **Approved.**
- B-2 Lease agreement with the Boys and Girls Club of North San Luis Obispo County to operate the Shandon Community Building, **Approved.**
- B-3 Request to continue a response to policy regarding private and quasi-public easements on public park and recreation lands, **Continued to May 1, 2001.**
- B-4 Declaration of various equipment, vehicles and trucks surplus, **Approved.**
- B-5 **RESOLUTION NO. 2001-107**, authorizing execution of a notice of completion and acceptance for the electrical upgrade project at the San Luis Obispo Health Center, **Adopted.**
- B-6 **RESOLUTION NO. 2001-108**, amending the position allocation list for Budget Unit 4161 - Golf Courses by deleting one Equipment Mechanic I position and adding one Equipment Mechanic II position, **Adopted.**

Public Works Items:

- B-7 Bid opening report for road improvements on Ash Street from Pine Avenue to Broderson Avenue in Los Osos, **Approved and the Chairperson is instructed to sign contract documents with G.F. Garcia & Sons, Inc., in the amount of \$87,181, and RESOLUTION NO. 2001-109**, authorizing a revolving fund appropriation of \$146,775 to County Service Area No. 9 for the purpose of financing the project; 2nd District, **Adopted.**
- B-8 The following map:
 - A. CO 99-0225, a proposed subdivision resulting in 2 lots by Edward and Jacquelyn Vreeland, located on Davenport Creek and Serpa Ranch Roads, south San Luis Obispo, reject the offer of dedication without prejudice to future acceptance, **Approved, and RESOLUTION NO. 2001-110**, accepting an avigation easement; 4th District, **Adopted.**

Sheriff-Coroner Items:

- B-9 Amendment to the fixed asset list by adding video-teleconferencing equipment; and 2) a corresponding appropriation transfer in the amount of \$45,696 from the U.S. Department of Justice Office, **Approved.**
- B-10 **RESOLUTION NO. 2001-111**, authorizing the destruction or disposal of certain Sheriff's Department records, documents and papers, **Adopted.**

Other Items:

- B-11 Appointment of Chairperson Achadjian to the Children & Families First Commission and the Hospital Leadership Committee, **Approved.**
- B-12 The 2000-2001 contract (Clerk's File) with Supplemental Health Care Services, Ltd., to provide skilled nursing services for Mental Health clients, **Approved.**
- B-13 Amendment transferring a contract with Health Systems Management/Quality Medical Adjudication, Inc., to Medi. Com., Inc., to provide electronic billing for third party claims at the General Hospital, **Approved.**

B-14 Audit report on the Sand and Surf Recreational Vehicle Park, **Received and Filed.**

B-15 **RESOLUTION NO. 2001-112**, approving an avigation easement from Dale King, David Bolduan and Diane Bolduan for property located near the San Luis Obispo County Regional Airport; 3rd District, **Adopted.**

ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)

B-16 Request to approve an appropriation transfer in the amount of \$250,000 from Flood Control and Water Conservation reserves for emergency levee repair work in Oceano, **Approved.**

5 C-1 This is the time set for hearing to consider a request by Caritas Corporation to approve an associate membership agreement with California Mobilehome Financing Authority, to enable Caritas to obtain tax-exempt bond financing for the purchase of Rancho Del Arroyo Mobilehome Park located in the community of Oceano; 4th District.

Mr. Dana Lilley: Planning, presents the staff report; addresses the concerns that have been raised regarding potential legal and financial liability, loss of property taxes, and the public benefit to the County and residents of the mobilehome park; and indicates previous concerns had been addressed to the extent that the benefit to the residents outweighed any remaining concerns.

Dr. Michael Harris: representing Caritas Corp., thanks Supervisor Achadjian and staff for co-hosting the meeting at the Park; indicates this allowed residents to understand the process; states everything will get better over time; states he's available for any questions the Board may have.

Ms. Linda Teaby: states she appreciates the time and effort by everyone involved and urges the Board to adopt the resolution.

Mr. Larry Densch: states the residents are behind the Caritas Corporation; indicates the residents want rent control, park improvements and resident empowerment; urges the Board to adopt the resolution.

Mr. Tom Madsen: indicates he supports Caritas; believes they will provide improvements to the Park, stability in the rent, and will give the residents a voice.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:

AYES: Supervisors Ovitt, Ryan, Bianchi, Pinard, and Chairperson Achadjian

NOES: None

ABSENT: None

RESOLUTION NO. 2001-113, resolution approving an associate membership agreement with the California Mobilehome Park Financing Authority, adopted.

6 C-2 This is the time set for hearing to consider a resolution imposing revised road improvement fees for the North Coast Area; 2nd District.

Mr. Dave Flynn: Public Works, presents the staff report; addresses the current status of the road improvement fee account; the use of the road impact fees; recommended projects for fee funding; modifications to the Plan and the fee structure.

Supervisor Bianchi: indicates, for the record, she abstains from the San Simeon Creek Road, Bridge Replacement.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan and on the following roll call vote:

AYES: Supervisors Bianchi, Ryan, Ovitt, Pinard, and Chairperson Achadjian

NOES: None

ABSENT: None

ABSTAIN: Supervisor Bianchi Exhibit A, II. Projects in Development #7 San Simeon Creek road, Bridge replacement, only.

RESOLUTION NO. 2001-114, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all developments within the North Coast Planning Area of the County of San Luis Obispo and modifying the 1997 North Coast Circulation Study Update, adopted.

7 CS The Board cancelled the Closed Session.

8 PC This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Mr. Stephan Lamb: addresses Hepatitis C; states it is the 10th leading cause of death in adults; it goes unreported and is highly contagious; urges the Board during the next budget cycle to consider funding for this public health issue.

Ms. June Shepard: addresses the paving of Freeman Lane in Los Osos; states if this road is paved, trees would be cut down and the rural aspect would be lost; addresses the cost of the paving and urges the Board to stop it from happening.

Mr. Brad Brown: Charter, hands the Board a copy of the schedule on shows of public access television.

Mr. Fling Traylor: KCCE, addresses “program line streaming”; states they “streamed” a Board of Supervisor’s meeting on to the Internet and were attacked for doing so; indicates they did not violate any laws; explains the process of streaming.

Mr. David Harrell: addresses Avila Beach and allowing beach access for wheelchairs; suggests having a place for the public to fill out public comment request forms.

Mr. Michael Kovacs: addresses taxes and fees; feels he has been misled and betrayed for the last decade; addresses spending cuts and tax refunds; indicates he wants a tax refund.

Mr. Steve Mathieu: AGP Video, addresses streaming; feels it will have to be figured out on a legal level; states the copyrights for the Board of Supervisor’s meetings belong to the County; feels there needs to be a discussion regarding rebroadcasting; addresses live broadcasting.

Mr. John Taylor: hands the Board a packet of information; states he is a farms on the lower Arroyo Grande Valley; indicates this area is one of the richest farm lands in America and the importance of this region should not be underestimated; addresses the lack of maintenance in the flood channel; states they pay their taxes and the breach in the levee should have not occurred; feels the County needs to take some responsibility and maintain this channel.

Mr. Tom Ikeda: states he concurs with Mr. Taylor; urges the Board to do everything to help facilitate the process of cleaning out this channel.

Mr. Richard Quandt: states that San Luis Obispo is blessed with quality farmland; it is critical to maintain productivity through flood control channel maintenance; suggests 1) directing staff to create a fact finding process of why the channel was not maintained and a recommendation of how to correct the problem so that flooding will not occur again; and, 2) create an outreach program of awareness regarding the annual maintenance program process.

Ms. Vickie Cardoza: addresses the flooding that occurred in her home because the channel was not maintained; states there has been no maintenance on the creek for 11 years; feels the County is responsible; states Congress passed a Bill in 1956 that stated the County would maintain the channel.

Mr. Mark Overduin: describes his business and how the flooding affected his farming production; states the destroyed value is approximately \$400,000; feels this destruction

was a result of neglect not bad weather.

Mr. Barry Rossum: requests the creeks be maintained, cleaned and FEMA funding should be made available.

Mr. Ernest Righetti: states it used to be the farmer would maintain the creeks; now the County is responsible for the work and the farmer is taxed; urges that every effort be made to maintain the channels; would like to see more local control to make it easier for the rancher.

Ms. Ella Honeycutt: thanks Supervisor Achadjian for his help; feels this flood did not need to happen; believes the farmer is the endangered species; speaks to the assessment the farmers would have been required to pay to clean the creeks; now they are working with the Natural Resource Conservation Service; states this is a community problem and all agencies need to come together to solve it.

Chairperson Achadjian: thanks Mr. Edge for declaring the local emergency and Ms. Ferrara, Public Works for shutting the gate at Lopez Lake; states he would like to agendize this issue for April 17th as a hearing item, send a letter, signed by the Chairperson to all agencies including all elected officials (Congresswoman Lois Capps, Senator Jack O'Connell, and Assemblyman Abel Maldonado) inviting them to attend the hearing so they can hear first hand what is happening and to have staff prepare a presentation sharing what steps they have taken.

A motion by Supervisor Bianchi to agendize this issue for April 17th as a hearing item, send a letter signed by the Chairperson to all agencies including all elected officials (Congresswoman Lois Capps, Senator Jack O'Connell, and Assemblyman Abel Maldonado) inviting them to attend the hearing so they can hear first hand what is happening and staff is directed to prepare a discussion on flood related issues, is discussed.

Board Members: discuss various issues, comments and concerns regarding: the abuse of power and authority; the lack of local control; stop spending the money after the fact instead of using it for preventative measures; maybe it's time to sue the EPA; damage was done in all districts and the item should come back as a Countywide issue; regarding the County being sued, a few years ago, for doing work that needed to be done; and feel the County will do everything they can do on the local level.

Mr. David Edge: County Administrator, indicates the State representatives reacted quickly to the local emergency and in their estimation the damage did not reach a level that warranted a gubernatorial declaration and in the absence of a gubernatorial declaration there will be no Federal declaration and therefore there will not be FEMA monies available.

Supervisor Ovitt: questions what the Board wants Public Works to bring back; wants staff to continue working on relieving the problem and wants the hearing to include a plan of action for long-term maintenance.

Supervisor Bianchi: states the hearing in April will include flood related issues.

Supervisor Pinard: concurs with Supervisor Ovitt; feels all flood related issues cannot be dealt with in one hearing; questions Mr. King as to what his understanding of the motion is.

Mr. Noel King: Public Works Director, states staff will bring back a discussion on flood issues that have recently occurred and will identify them between two major causes: 1) lack of funding; and 2) problems tied to environmental regulations; states there was a lot of flood damage due to a lack of funding sources; states he would like to do a detailed response regarding Flood Control Zones 1 and 1A as to what maintenance has occurred and the present status of the environmental issues and permits.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Chairperson Achadjian, and unanimously carried, the Board directs staff to agendize this issue for April 17th as a hearing item; send a letter signed by the

Chairperson to all agencies including all elected officials (Congresswoman Lois Capps, Senator Jack O'Connell, and Assemblyman Abel Maldonado) inviting them to attend the hearing so they hear first hand what is happening and staff is to prepare a discussion on flood related issues.

Chairperson Achadjian: thanks everyone who helped with the flooding in South County.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, March 13, 2001, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 03/16/2001
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