

Tuesday, May 7, 2002

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, Peg Pinard, K.H. 'Katcho' Achadjian, Vice Chairperson Michael P. Ryan

**ABSENT:** Supervisor Chairperson Shirley Bianchi

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY VICE CHAIRPERSON RYAN.**

**SUM      AGN**

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

**AYES:**            Supervisors Achadjian, Pinard, Ovitt, Vice Chairperson Ryan

**NOES:**            None

**ABSENT:**        Supervisor Chairperson Bianchi

**RESOLUTION NO. 2002-175, resolution proclaiming May 2002 as "Veterans Appreciation Month" in San Luis Obispo County, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Mr. Milt Batson.

**Mr. Batson:** thanks the Board for the recognition; asks several retired veterans from the Marines and Navy to join him at the podium; addresses his duties at the State; believes everyone needs to recognize and remember our Veterans from all the wars.

**Mr. Richard Macedo:** Legislative Assistant for Supervisor Bianchi, states on behalf of Supervisor Bianchi they extend their thanks to all Veterans.

**Supervisor Pinard:** speaks to her family's involvement in the various branches of the service and hers in the Peace Corp. and thanks all Veterans for their service.

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

**AYES:**            Supervisors Achadjian, Pinard, Ovitt, Vice Chairperson Ryan

**NOES:**            None

**ABSENT:**        Supervisor Chairperson Bianchi

**RESOLUTION NO. 2002-176, resolution commending the Paso Robles Masonic Lodge #286 as the 2002 Annual Volunteers of the Year Award for Adopt-A-Highway in San Luis Obispo County, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to George Wilkerson, representing the Masonic Lodge.

**Mr. Wilkerson:** introduces the gentlemen from the Lodge that go out and clean up the highway; states on September 21, 2002, they will hold a barbeque for "Constitution Observance" at the San Miguel Park and invites the Board members to attend.

3      A-1-C **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard, and on the following roll call vote:**

**AYES:**            Supervisors Achadjian, Pinard, Ovitt, Vice Chairperson Ryan

**NOES:**            None

**ABSENT:**        Supervisor Chairperson Bianchi

**RESOLUTION NO. 2002-177, resolution commending Frank McDowell as the 2002 Annual Volunteer of the Year Award for Adopt-A-Highway in San Luis Obispo County, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to Mr. McDowell.

**Mr. McDowell:** thanks the Board for the recognition and the County for all their help; speaks to the importance of keeping our community, County, country and world clean.

**Mr. David Martinez:** Caltrans, speaks to the commitment of groups like this one and thanks them for all their work.

4 A-1-D **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and on the following roll call vote:**

**AYES: Supervisors Achadjian, Pinard, Ovitt, Vice Chairperson Ryan**

**NOES: None**

**ABSENT: Supervisor Chairperson Bianchi**

**RESOLUTION NO. 2002-178, resolution commending Central Coast Neurobehavior Center, Inc., d.b.a. Options of San Luis Obispo County for their 18 years of service providing support for persons with disabilities, adopted.**

**Supervisor Pinard:** reads the resolution and presents the same to Markesha Grant.

**Ms. Grant:** thanks the Board for the proclamation; speaks to the program's origination and to the growth of the program over the past several years; this started in the North County and now there are homes in other areas of the County.

5 This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

**Vice Chairperson Ryan:** opens the floor to public comment without response.

Consent Agenda Item B-1 is withdrawn for separate action. Item B-23 is amended to correct the cover sheet and staff letter to reflect that there is only one resolution.

**Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES: Supervisors Ovitt, Achadjian, Pinard, Vice Chairperson Ryan**

**NOES: None**

**ABSENT: Supervisor Chairperson Bianchi**

**Consent Agenda Items B-1 through B-33 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-33, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set hearing:

B-1 Introduction of a notice setting a public hearing to consider service delivery changes at General Hospital and the Family Care Center, **withdrawn for separate action.**

Administrative Office Items:

B-2 Appropriation transfer in the amount of \$15,761 from contingencies (\$3,573) and wildlife project designation (\$12,188) to fund a fencing project in the Temblor Mountains; 5th District, **Approved.**

B-3 Submittal of a notice to commence negotiations for the exchange of property tax revenue and annual tax increment, **Approved** and **RESOLUTION NO. 2002-179**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 19 to the Templeton Community Services District (Vineyard Estates); 1st District, **Adopted.**

Auditor-Controller Items:

B-4 **RESOLUTION NO. 2002-180**, (Clerk's File) and the issuance and sale of the 2002-03

Tax and Revenue Anticipation Notes in a sum no greater than \$10,000,000, **Adopted.**

- B-5 Submittal by the Auditor-Controller of an unannounced cash count and limited review of the Public Health Department's cash handling and procedures conducted on March 12, 2002, **Received and Filed.**

Board of Supervisors Items:

- B-6 Request by Chairperson Bianchi to allocate \$2,000 from District Two Community Project Funds to the Central Coast Natural History Association to be used toward the modernization of educational exhibits at the Museum of Natural History in Morro Bay, **Approved.**
- B-7 Request by Board Members to allocate \$6,000 from Community Project Funds (\$2,000 each from Districts One, Three and Five) to the San Luis Obispo Mozart Festival to be used for Mozart Fringe Concerts, **Approved.**
- B-8 Appointment of Stephan Taylor to the Coastal San Luis Conservation District, **Approved.**
- B-9 **RESOLUTION NO. 2002-181**, proclaiming May 11, 2002, as "Central Coast Firefighters Memorial," **Adopted.**
- B-10 **RESOLUTION NO. 2002-182**, recognizing the grand opening of the South County Performing Arts Center, **Adopted.**

General Services Items:

- B-11 Agreement with Leora Markwort, Susan and Steven Richards and Marie-Christina Van Coops to offer right-of-way to the County along a portion of Santa Lucia Street in Los Osos; 2nd District, **Approved.**
- B-12 1) Agreement with Lucia Mar Unified School District to provide recreational improvements at Nipomo High School; and, 2) a corresponding budget adjustment in the amount of \$125,000 from Quimby Fees to cover the County's share of improvements; 4th District, **Approved.**
- B-13 Budget adjustment in the amount of \$1,737 from public donations for the installation of a bicycle rack, entry signs and interpretive displays for the Elfin Forest; 2nd District, **Approved.**
- B-14 1) **RESOLUTION NO. 2002-183**, authorizing the transfer of County owned property in Avila Beach to the Avila Beach Community Services District; and 2) a corresponding budget adjustment in the amount of \$24,720 from General Fund contingencies to Budget Unit 4125 - Parks; 3rd District, **Adopted.**
- B-15 Request to terminate the emergency action authorizing the removal and disposal of contaminated soil stockpiled on private property in San Luis Obispo, **Approved.**
- B-16 **RESOLUTION NO. 2002-184**, authorizing the General Services Director to sign a construction contract to dispose of contaminated soil without competitive solicitation of bids, **Adopted.**
- B-17 **RESOLUTION NO. 2002-185**, authorizing execution of a notice of completion for the construction of Heritage Ranch Fire Station; 1st District, **Adopted.**
- B-18 **RESOLUTION NO. 2002-186**, accepting an offer of dedication for a ten foot wide access easement along the northern portion of San Miguel Park within the community of San Miguel; 1st District, **Adopted.**
- B-19 **RESOLUTION NO. 2002-187**, authorizing the General Services Director to submit and sign grant documents for grant funds under the Department of Fish and Game's Office of Spill Prevention and Response Program for the design and construction of the Bob Jones City to the Sea Pathway and the Cave Landing Pathway; 3rd District, **Adopted.**

Planning and Building Items:

- B-20 Proposed mitigated Negative Declaration for the Olde Towne Nipomo Enhancement Project; 4th District, **Approved.**
- B-21 **RESOLUTION NO. 2002-188**, approving an agreement with Jeff Borges et al, exempting an affordable residential project located in the community of Cambria from the Growth Management Ordinance; 2nd District, **Adopted.**
- B-22 **RESOLUTION NO. 2002-189**, approving an agreement with Richard Baddley, exempting an affordable residential project located east of Jardine Tract near Paso Robles from the Growth Management Ordinance; 1st District, **Adopted.**
- B-23 **RESOLUTION NO. 2002-190**, approving a land conservation contract with Marinus Schenkhuizen for 51 acres located at the north end of Township Road about three miles northwest of Templeton; 1st District, **Adopted.**

Public Works Items:

- B-24 **RESOLUTION NO. 2002-191**, accepting conveyance from Amelia Gaorian for the Canet Road Bridge Project at Chorro Creek; 2nd District, **Adopted.**
- B-25 **RESOLUTION NO. 2002-192**, accepting road improvements on Hawley Street, Martin Road, Julie Lane, Honey Way and Abramson Road in the community of Templeton; 1st District, **Adopted as amended.**
- B-26 The following maps:
  - A. CO 00-0155, a proposed subdivision resulting in 3 lots by Floyd and Barbara Campbell located on Heritage Lane, north of Arroyo Grande, reject the offer of dedication without prejudice to future acceptance; 3rd District, **Approved.**
  - B. Tract 2412, a proposed subdivision resulting in 15 lots by Nipomo Business Center LLC, located on South Frontage Road and Story Street, Nipomo, reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**
  - C. Tract 1648, a proposed subdivision resulting in 19 lots by Montecito Ridge Estates LLC, Highway 227, north of Arroyo Grande, reject the offer of dedication without prejudice to future acceptance; 3rd District, **Approved.**

Sheriff's Department Items:

- B-27 1)Replacement of two computer voice stress analyzer instruments; and 2) a corresponding budget adjustment in the amount of \$11,208 from the State Asset Forfeiture Trust Fund, **Approved.**
- B-28 1) Replacement of existing safety equipment; and 2) a corresponding budget adjustment in the amount of \$31,180 from the State Asset Forfeiture Trust Fund, **Approved.**
- B-29 1)Amendment to the fixed asset list replacing a server for the photo imaging system; and 2) a corresponding budget adjustment in the amount of \$24,963 from the Cal-ID Trust Fund, **Approved.**
- B-30 1) Amendment to the fixed asset list adding a dock lift for the inmate commissary and kitchen equipment; and 2) a corresponding budget adjustment in the amount of \$24,445 from the Inmate Welfare Fund, **Approved.**
- B-31 **RESOLUTION NO. 2002-193**, authorizing the Sheriff's Department to submit an anti-drug grant application to the Office of Criminal Justice Planning, **Adopted.**

Other Items:

- B-32 **RESOLUTION NO. 2002-194**, extending military reservist compensation during the national emergency by reason of certain terrorist attacks, **Adopted.**
- B-33 Request by the Clerk-Recorder to approve the minutes of the March 5, 12 and 19, 2002 Board of Supervisors' meetings, **Approved.**

B-1 Introduction of a notice setting a public hearing to consider service delivery changes at General Hospital and the Family Care Center, (this item was amended to correct the first page of the notice to reflect at start time for the meeting on May 21, 2002 from 9:00 a.m. to 2:00 p.m.) is presented.

**Ms. Leslie Bennett:** representing the Consumers Union, presents a letter for the record and highlights the same outlining their concern that the notice for this hearing does not comply with the legal requirements of California Health & Safety Code §1442.5; suggests the notice fails to give the requisite detail as to the amount and type of each proposed change.

**Ms. Sara Horne:** President for the League of Women Voters, states they do not feel that the County has all the facts to start this hearing process; the League is not taking a position on staying open or closing; they have concerns about the combined cost for the emergency room and walk-in clinics.

**Mr. James Besy:** comments on the poor conditions in San Francisco with respect to folks having to rely on private hospitals for walk-in and emergency care; speaks to a recent incident where he was seen at Arroyo Grande Hospital and because he didn't have the proper insurance was sent away with pills; several days later the problem worsened and he ended up as an inpatient at General Hospital for four days.

**Mr. Eric Greening:** shares the concerns raised regarding the adequacy of the notice; feels there are many unanswered questions in the staff report.

**Ms. Vita Miller:** suggests there are many inadequacies in the notice and many unanswered questions in the staff report.

**Ms. Pam Heatherington:** Chairperson for the Interim Hospital Authority Board (IHAB), states IHAB will be meeting on Thursday to discuss this; the IHAB Executive Board did meet on this issue and feels the notice is lacking information; addresses her concern to the lack of information with respect to seismic issues and where the storage of Potassium Iodide will be if the Hospital closes.

**Mr. Dean Rollins:** General Manager for the San Luis Obispo County Employees Association, agrees with prior speakers that more information is needed; addresses concerns he has with respect to cost figures in the staff report.

**Mr. James Lindholm:** County Counsel, states he believes, under California State Law, that the notice before the Board today is adequate and the Board can move forward with setting this hearing.

**Vice Chairperson Ryan:** states he believes the hearings can start on May 21st and this will probably be the first of several hearings.

**A motion by Supervisor Ovitt, seconded by Vice Chairperson Ryan to set May 21, 2002 at 2:00 p.m. as the date to hold a public hearing to consider service delivery changes at General Hospital and the Family Care Centers, is discussed.**

**Supervisor Pinard:** questions the issues raised by the Consumers Union.

**Ms. Janki Darity:** representing the Consumers Union, indicates they feel the notice does not adequately address the services being proposed for change; they want to see a fair hearing, with the public being fully informed, through the notice, as to what changes are being proposed.

**Supervisor Ovitt:** addresses the issue of service level changes and suggests the notice is sufficient to get the hearing started, which will allow for a full discussion of all services.

**Mr. Lindholm:** addresses the notice and believes the notice as presented is valid and can be acted on.

**Supervisor Pinard:** further addresses her understanding of the concerns raised by the Consumers Union.

**Vice Chairperson Ryan:** states there needs to be a discussion on service level changes and that can't occur without setting this hearing; suggests that after this hearing has begun another hearing could be set with the exact changes the Board wants.

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

**AYES: Supervisors Ovitt, Vice Chairperson Ryan, Achadjian**  
**NOES: Supervisor Pinard**  
**ABSENT: Supervisor Chairperson Bianchi**

**the Board introduces the public notice as amended, and sets May 21, 2002 at 2:00 p.m. (changed from 9:00 a.m.) as the date to hold a public hearing to consider service delivery changes at General Hospital and the Family Care Centers.**

7 C-1 This is the time set for hearing to consider a resolution to vacate a portion of Santa Lucia Avenue, located in the community of Los Osos; 2<sup>nd</sup> District.

**Mr. Tim Smith:** Right-of-Way Agent, presents the staff report and recommendation.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES: Supervisors Ovitt, Achadjian, Pinard, Vice Chairperson Ryan**  
**NOES: None**  
**ABSENT: Supervisor Chairperson Bianchi**

**RESOLUTION NO. 2002-195, resolution vacating a portion of Santa Lucia Avenue, (aka Santa Paula Avenue), a purported public road, in the Town of Los Osos, Supervisorial District No. #2, adopted.**

8 C-1 This is the time set for hearing to consider a resolution to vacate a portion of Front Street in the community of Avila Beach; 3<sup>rd</sup> District. (This item was amended to correct the legal description (Exhibit A) to include the Avila Community Services District reservation of water and sewer rights over the area to be vacated.)

**Mr. Tim Smith:** Right-of-Way Agent, presents the staff report and recommendation.

**No one appearing and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES: Supervisors Pinard, Achadjian, Ovitt, Vice Chairperson Ryan**  
**NOES: None**  
**ABSENT: Supervisor Chairperson Bianchi**

**the Board replaces Exhibit A and RESOLUTION NO. 2002-196, resolution vacating a portion of Front Street, County Road No. 2076 in the Town of Avila, Supervisorial District No. 3, adopted as amended.**

9 C-2 This is the time set for hearing to consider an ordinance to establish the In-Home Support Services Public Authority of San Luis Obispo County.

**Mr. Lee Collins:** Social Services Director, presents the staff report; outlines the changes in State Law which require each county to establish an "employer of record" for In-Home Support Services (IHSS) care givers by January 2003; this ordinance will establish the IHSS Public Authority for San Luis Obispo County to act as "employer of record"; further, a community governing board for the Public Authority must establish agency policies and procedures.

**Ms. Barbara Porter:** IHSS Advisory Committee member, thanks the facilitator and Social Services' staff for all their information and work on this and urges the Board to support this ordinance.

**Ms. Katie Phillips:** IHSS Advisory Committee member, urges the Board to support this ordinance.

**Mr. Gary Ray Rogers:** speaks to his involvement with the Advisory Committee and supports the staff recommendation.

**Ms. Charlotte Ruffoni:** states she has two disabilities and IHSS has helped keep her life worth living.

**Ms. Cherie Fitch:** states she is both a consumer and an employer of IHSS; speaks to the help this program gives her in her daily life; supports the staff recommendation.

**Ms. Sarita Martinez:** feels this will be a historic day for home care workers if this ordinance is adopted; asks the Board to also bring forward an ordinance regarding employer/employee relations.

**Ms. Shirley Vega:** thanks the Board, in advance, for adopting this ordinance; feels this will be a big help to home care employees.

**Ms. Helen Sampson:** Life Steps, speaks to 100+ clients they have and urges the Board to adopt the ordinance.

**Ms. Toni Paradis:** states she is an in-home provider for her son and speaks to the difficulties she has had in trying to keep a job and take care of her son; supports this ordinance.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and on the following roll call vote:**

**AYES: Supervisors Achadjian, Pinard, Ovitt, Vice Chairperson Ryan**  
**NOES: None**  
**ABSENT: Supervisor Chairperson Bianchi**

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2969, ordinance to establish a public authority pursuant to California Welfare and Institutions Code Section 12301.6, adopted. Further, the Department of Social Services is directed to initiate recruitment for members of the IHSS Public Authority Governing Board.**

10 C-3 This is the time set for continued hearing (continued from March 12, 2002) to consider an appeal by Warren Gay of the Planning Commission's approval of a development plan/coastal development permit to construct a 64-unit two story motel and facilities located at Moonstone Beach Drive in the community of Cambria; 2nd District.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt, with Chairperson Bianchi being absent, motion carries and the Board continues said hearing to July 16, 2002 at 9:00 a.m..**

11 C-4 This is the time set for continued hearing (continued from February 19, 2002) to consider an appeal by Douglas Barth on behalf of James Hill of the Subdivision Review Board's decision to deny the request to divide an existing 171.72 acre parcel into two parcels, located east of the community of Templeton; 1st District.

**Mr. John Busselle:** Planning, presents the staff report; outlines the direction given by the Board at the last meeting to reverse the decision of the Subdivision Review Board; further, staff is requesting that additional language be added to Condition 3 and cites the same for the record.

**Supervisor Pinard:** asks for clarification of what is before the Board today versus what the Subdivision Review Board recommended, with Mr. Busselle responding.

**Mr. Doug Barth:** representing Mr. Hill, states they are in agreement with the staff recommendation, including the revised condition.

**Thereafter, on motion of Supervisor Ovitt, seconded by Vice Chairperson Ryan and on the following roll call vote:**

**AYES: Supervisors Ovitt, Vice Chairperson Ryan, Pinard, Achadjian**  
**NOES: None**

**ABSENT: Supervisor Chairperson Bianchi**

**the Board upholds the appeal and amends Condition #3-Covenants, Conditions and Restrictions to read: “The developer shall submit proposed covenants conditions and restrictions for the subdivision to the County Department of Planning and Building for review and approval if a private driveway easement or shared well is used. The CC&R’s shall provide at a minimum the following provisions:” and, RESOLUTION NO. 2002-197, resolution reversing the decision of the Subdivision Review Board and conditionally approving the application of James Hill and Douglas Barth for a vesting tentative parcel map for Parcel Map CO 99-0057, adopted as amended. Further, the Board approves the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.**

12 CS The Board announces it will be going into Closed Session regarding:

**I. PENDING LITIGATION (Gov. Code, § 54956.9.)** It is the intention of the Board to meet in Closed Session concerning the following items:

**A. Conference with Legal Counsel - Existing Litigation (Gov. Code, §54956.9(a.)) (Formally initiated)** (1) *In re PG&E*, (2) *Paso Watch v. County of San Luis Obispo*, (3) *AT&T v. County of San Luis Obispo*, (4) *Lum v. County of San Luis Obispo* and (ADDED -All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.) (8) *MCI Worldcom v. County of San Luis Obispo*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (5) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (6) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

**II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code, § 54957.6.)** It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: (7) Negotiator’s Name: *Dale T. Hanson, Sue Wilkison, Glenn Estrada*, Name of employee organization: *Unrepresented Management*.

**Vice Chairperson Ryan:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board discussed all the items listed on the Closed Session and announces that the County has approved a settlement agreement in the case of *Paso Watch v. County of San Luis Obispo*, which involved an action for Writ of Mandate, challenging the approval of a lot line adjustment and development plan for the Santa Ysabel Ranch. The settlement does not involve the payment of any County Funds (County Counsel has copies of the settlement agreement for members of the public) and the Board goes into Open Public Session.

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

**Ms. Sara Horne:** League of Women Voters, introduces the League’s first Vice Presidents; presents the Board members with a cookie cutter in the shape of the County and cookies.

**Supervisor Pinard:** thanks the League for all that they do with respect to forums, etc.

**Ms. Cathy Lewis:** SLO Hep C Project, speaks regarding Hepatitis C and the number of people that have this disease; outlines the program they have developed, the partnerships they have formed with other agencies and the work they do; currently they have 88 clients they are assisting; speaks to a prior grant they received and will not be receiving this next year; asks the Board to help them with funding.

**Supervisor Pinard:** states this loss of funding is one of the fallouts of Measure A, as next year’s money will go to the doctors to pay their bad debts instead of being used for health programs.

**Ms. Jay Adams:** Green Party member, asks the Board to consider becoming a legal

intervener in the NRC process with respect to PG&E's application regarding storing more radioactivity at Diablo Canyon.

**Mr. Klaus Schumann:** Green Party member, addresses the issue of radioactivity storage at Diablo Canyon; suggests the information pamphlets prepared by PG&E lack information on this issue; presents a chart showing the amount of radioactivity storage allowed in PG&E's original application, what they are proposing in their current application and a comparison to the amount of long-lived radioactivity released by the Hiroshima bomb.

**Mr. Richie Ray Walker:** comments on issues raised by prior speakers; speaks to the upcoming Beilenson hearings for General Hospital and urges the public to attend this meeting; comments on the contaminants found at the new Government Center site.

**Mr. Terrill Graham:** presents a paper tape with written comments on it and speaks to personal issues relating to himself.

**Mr. Eric Greening:** comments on the issues raised by members of the Green Party and suggests the need for an environmental review of this waste storage issue at Diablo Canyon. **No action taken.**

14 C-5 This is the time set for hearing to consider an appeal by Erik Benham of the Planning Commission's decision to conditionally approve a phasing schedule for Tracts 1802 and 1856, located on the southerly edge of the Nipomo Mesa, west of Hutton Road and the Santa Maria Raceway; 4th District.

The Board received, at the beginning of the meeting, a letter from the applicant withdrawing this appeal.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt, with Chairperson Bianchi being absent, motion carries and the Board accepts the applicant's withdrawal of this appeal.**

15 D-1 This is the time for discussion regarding transfer of additional funds for General Hospital and the Family Care Centers.

**Mr. Gere Sibbach:** Auditor-Controller, presents the staff report.

**Vice Chairperson Ryan:** questions the monies that have been expended and the money needed to meet the payroll, with Mr. Sibbach responding.

**Matter is discussed and thereafter, a motion of Supervisor Pinard, seconded by Supervisor Achadjian to transfer of \$500,000 and \$900,000 from General Fund Contingencies to BU 3280, Medical Services Assistance. Further, the Board directs that the \$900,000 shall be used only for payments to the State required under the DSH (Disproportionate Share Hospital) - SB 855 Program and that the \$900,000 shall be returned to the General Fund when the resulting DSH reimbursement is received from the State of California, fails on the following roll call vote:**

**AYES: Supervisors Pinard, Achadjian**  
**NOES: Supervisors Ovitt, Vice Chairperson Ryan**  
**ABSENT: Supervisor Chairperson Bianchi**

**Thereafter, on motion of Supervisor Ovitt, seconded by Vice Chairperson Ryan and on the following roll call vote:**

**AYES: Supervisors Ovitt, Vice Chairperson Ryan, Pinard, Achadjian**  
**NOES: None**  
**ABSENT: Supervisor Chairperson Bianchi**

**the Board authorizes the transfer of \$500,000 from General Fund Contingencies to BU 3280, Medical Services Assistance.**

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, May 7, 2002, 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/Vicki M. Shelby,  
Deputy Clerk-Recorder

DATED: May 9, 2002  
vms