

Tuesday, June 18, 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, Michael P. Ryan and Chairperson Shirley Bianchi

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON BIANCHI.**

**SUM            AGN**

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

**Mr. Eric Greening:** speaks to Item B-20 and his concerns regarding the experience of the contractor; indicates Firma is mentioned in the staff report and asks what role, if any, they will have; comments on the importance of consistency with other Elements including the Ag and Open Space Element; addresses the designation and protection of the network of major eco-systems and wildlife corridors.

**Ms. Dorothy Jennings:** Parks Commissioner, addresses Items B-20 and B-21, indicating these items have not been reviewed by the Parks Commission and urges the Board to continue these items and send them to the Parks Commission for review.

**Mr. George Sullivan:** states his concern relating to the processing of Items B-20 and B-21; suggests these items be withdrawn and sent to the Parks Commission for review.

**Ms. Patti James:** addresses her concerns regarding Item B-40; indicates some people did not receive their ballots and those who did, found it very confusing; urges the Board to withdraw this item for reconsideration. **No action taken.**

2            B-1    Consent Agenda Item B-13 is amended by directing the Auditor’s Office to report back thru in six months. Items B-40 and B-45 are withdrawn for separate action. Items B-51 B-58 through B-58 are added to the Consent Agenda. **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian, and on the following roll call vote:**

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

**NOES:            None**

**ABSENT:        None**

**Consent Agenda Items B-1 through B-58 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-58, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening and hearing:

B-1    Plans and specifications (Clerk’s File) for the reconstruction, widening and overlay of Neal Spring Road from El Pomar Drive to River Road, Templeton; 1st and 5th Districts, **Approved and the Clerk is instructed to give notice of Bid opening set for July 18, 2002, at 3:00 p.m..**

B-2    Plans and specifications (Clerk’s File) for the widening of a portion of Los Berros Road from Valley Road to East of Century Lane and overlay from Valley Road to North of El Campo Road near Arroyo Grande; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for July 18, 2002, at 3:00 p.m..**

- B-3 Introduction of a resolution to collect delinquent service charges on property tax bills for County Service Areas Nos. 1 (Old Galaxy - Nipomo - Sewer/Waste Disposal, Lighting and Drainage Service) 10-A (Cayucos - Water Service), 16 (Shandon - Water Service), and 23 (Santa Margarita - Water Service), to the 2002-2003 County property tax bills; 1st, 2nd, 4th and 5th Districts, **Approved and the Clerk is instructed to give notice of hearing date set for July 16, 2002, at 9:00 a.m..**
- B-4 Introduction of a resolution to collect existing service charges on property tax bills for County Service Areas Nos. 1 (Old Galaxy and Tract 1690, Nipomo), 1-A (Galaxy Park and Tract 1898, Nipomo), 1-F (New Galaxy, Nipomo), 7-A (Oak Shores), 9 (Los Osos), 18 (San Luis County Club Estates) and 21 (Cambria, Nipomo, Templeton and Atascadero); All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for July 16, 2002, at 9:00 a.m..**
- B-5 Introduction of a proposed ordinance amending the road cut impact fees of the County Fee Schedule for fiscal year 2002-03; All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for July 9, 2002, at 9:00 a.m..**
- B-6 **RESOLUTION NO. 2002-237**, ordering the amended assessments for the San Miguel A.D. #A (Water District), San Miguel A.D. #B (Water District), and North Mesa A.D., (Road District), and Eucalyptus Road A.D. (Road District); 1st and 4th Districts, **Adopted and the Clerk is instructed to give notice of hearing date set for July 16, 2002, at 9:00 a.m..**

Administrative Office Items:

- B-7 Agreement with Adams and Lucero to provide state mandated legal representation services for mentally disordered offenders at Atascadero State Hospital, **Approved.**
- B-8 Memorandum of understanding (Clerk's File) with Superior Court that defines the service and fiscal interrelationships between the County and Superior Court, **Approved.**
- B-9 Several capital projects and a budget adjustment in the amount of \$195,000 from Courthouse Construction Funds, **Approved.**

Auditor-Controller Items:

- B-10 Unannounced cash count of the Administrative Office conducted on June 3, 2002, **Received and Filed.**
- B-11 Audit report on the Courthouse Café Concessionaire contract with General Services for the period of January 1, 1999 through December 31, 2001, **Received and Filed.**
- B-12 Audit report on the restaurant concessionaire at Dairy Creek Golf Course for the period of February 1, 2001 through January 31, 2002, **Received and Filed.**
- B-13 Audit report on the Department of Social Service's Child Welfare Division policies and procedures covering call back pay, **Received and Filed, as amended.**

Behavioral Health Items:

- B-14 Employee contract (Clerk's File) with Julian Carabeth, M.D., to provide medical histories and physical examinations for patients of the Mental Health Inpatient Unit, **Approved.**
- B-15 Contracts (Clerk's File) with John Cannell, M.D., David Fennell, M.D., J. Eduardo Guzman, M.D., Lloyd Hyndman, M.D., John Meyers, M.D., Daniel Olivieri, M.D., Joseph Stevens, M.D., and Norman White, M.D., to provide psychiatric services for Mental Health clients, **Approved.**
- B-16 Amended contract (Clerk's File) with the State Department of Alcohol and Drug Programs to the negotiated net amount and drug medical contract for 2001-02, **Approved.**

General Services Items:

- B-17 Termination of the emergency action to remove contaminated soil stockpiled on County property in San Luis Obispo, **Approved.**
- B-18 Amendment to the fixed asset list for Budget Unit 4161 - Golf Courses, adding one aerator at a cost of \$18,050, **Approved.**
- B-19 Long-term lease with Richard DeBlauw Construction, Incorporated, for office space located at 1086 Grand Avenue, Arroyo Grande for the Department of Social Services, **Approved.**
- B-20 **RESOLUTION NO. 2002-238**, authorizing the Director of General Services to negotiate and sign a contract with Crawford Multari and Clark Associates to complete a Countywide Parks and Recreation Element and the project's environmental document; and 2) a corresponding budget adjustment in the amount of \$130,000 from Public Facilities and Quimby Fees, **Adopted.**
- B-21 **RESOLUTION NO. 2002-239**, appointing the Director of General Services as agent to negotiate and sign an amended memorandum of understanding with the Dana Adobe Nipomo Amigos Board of Directors, **Adopted.**
- B-22 **RESOLUTION NO. 2002-240**, authorizing the Director of General Services to execute a contract to complete the excavation and disposal of contaminated soil at the New County Government Center building site and approve an addendum to the project's Environmental Negative Declaration; All Districts, **Adopted.**

Planning and Building Items:

- B-23 Agreement (Clerk's File) with Marine Research Specialists, Inc., to provide monitoring tasks associated with the Guadalupe Oil Field clean-up; 4th District, **Approved.**
- B-24 Proposed mitigated negative declaration for the Branch Mill Road #1 Culvert repair project; 4th District, **Approved.**
- B-25 Proposed mitigated negative declaration for the Branch Mill Road #2 Culvert repair project; 4th District, **Approved.**
- B-26 **RESOLUTION NO. 2002-241**, accepting an avigation easement from Lawrence Andrew Cellars for property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**
- B-27 **RESOLUTION NO. 2002-242**, accepting an avigation easement from John and Nancy Whalen for property located near the Oceano County Airport; 4th District, **Adopted.**
- B-28 **RESOLUTION NO. 2002-243**, approving an open space agreement from Don and Pamela Burden for a minor use permit, for property located at Crockett Circle in the community of Los Osos; 2nd District, **Adopted.**
- B-29 **RESOLUTION NO. 2002-244**, approving an agreement with Daniel and Erma Gallagher, exempting an affordable housing project located northeast of Creston from the Growth Management Ordinance; 5th District, **Adopted.**
- B-30 **RESOLUTION NO. 2002-245**, approving an agreement with Nipomo Village, LLC, exempting an affordable housing project located in the community of Nipomo from the Growth Management Ordinance; 4th District, **Adopted.**
- B-31 **RESOLUTION NO. 2002-246**, amending an agreement with Urban Futures, Inc., for specialized services regarding the San Luis Obispo County Redevelopment Feasibility Study; All Districts, **Adopted.**

Public Works Items:

- B-32 Revisions to the San Luis Obispo County Flood Control and Water Conservation District Zone 9 Advisory Committee bylaws; 2nd, 3rd, 4th and 5th Districts, **Approved.**
- B-33 Accept grant funding from the San Luis Obispo County Integrated Waste Management Authority to partially fund recycling in Creston and rural Templeton, Santa Margarita, and Garden Farms; 1st and 5th Districts, **Approved.**
- B-34 Agreement with Bill McCarty for the sale of one acre-foot per year of Lake Nacimiento Water; 1st District, **Approved.**
- B-35 **RESOLUTION NO. 2002-247**, a Safe Drinking Water State Revolving Fund Loan to the Lopez Recreation Area; 3rd and 4th Districts, **Adopted.**
- B-36 **RESOLUTION NO. 2002-248**, approving a revolving fund appropriation for the cooperative road improvement project located at Ashby Lane, in the community of Cambria; 2nd District, **Adopted.**
- B-37 **RESOLUTION NO. 2002-249**, to levy assessment for Flood Control Zone No. 16 (Nipomo and Shandon Areas); 1st and 4th Districts, **Adopted.**
- B-38 **RESOLUTION NO. 2002-250**, to levy assessment for Flood Control Zone No. 4 (Santa Maria River Levees); 4th District, **Adopted.**
- B-39 **RESOLUTION NO. 2002-251**, to levy assessment for Flood Control Zones No. 1 and 1A (Arroyo Grande/Oceano Area); 4th District, **Adopted.**
- B-40 Request to confirm termination of a contract with the Los Osos Community Services District to provide emergency fire and medical response service to County Service Area No. 9I, effective July 1, 2002; 2nd District, **Withdrawn for separate action.**
- B-41 The following final maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps:
- A. Tract 2399, a proposed subdivision resulting in 60 lots by Nipomo Village LLC, located at South Frontage Road and Division Street, Nipomo, reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**
  - B. CO 99-0009, a proposed subdivision resulting in 2 lots by Martin Ormonde et al, located at Las Lomas Drive, north of Arroyo Grande; 3rd District, **Approved.**
  - C. C0 88-0152, a proposed subdivision resulting in 2 lots by Louis Nunno, Villa Lots Road, north of Paso Robles, **Approved and RESOLUTION NO. 2002-252**, approving an agreement for mitigations; 1st District, **Adopted.**

Sheriff's Department Items:

- B-42 Contract with Fred Walker, M.D., for forensic pathology services, **Approved.**
- B-43 Contract with G&A Snack Distributing, Inc., to provide inmate commissary products, **Approved.**
- B-44 **RESOLUTION NO. 2002-253**, authorizing the Sheriff's Department to submit a grant application to the Office of Criminal Justice Planning for a marijuana suppression program, **Adopted.**

Other Items:

- B-45 Request by the Clerk-Recorder to approve a letter opposing Senate Bill 1975 (Johnson) which would move the primary election date to August of the even numbered years and require a separate presidential primary election; All Districts, **Withdrawn for separate action.**

- B-46 Claims of excess proceeds from Public Auction Number 185 (May 4-5, 2000) Phase II, **Approved.**
- B-47 Contract with Kelly St. Clair, R.N., to provide nursing services at General Hospital, **Approved.**
- B-48 Contract with Gartner Consulting to provide advisory services to continue the implementation of the Information Technology Strategic Plan, **Approved.**
- B-49 Amendment to the fixed asset list for Budget Unit 2660 - Probation by adding a telephone system at a cost \$8,947 from existing funds within the department's fixed asset account, **Approved.**
- B-50 **RESOLUTION NO. 2002-255**, amending and restating the San Luis Obispo County Deferred Compensation Plan, and approving the adoption agreement, **Adopted.**

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

- B-51 Amendment to the fixed asset list for Budget Unit 2660 - Probation by adding two vehicles at a cost of \$16,000 each for the Intensive Community Diversion Program; and a corresponding budget adjustment in the amount of the \$32,000, **Approved.**
  - B-52 Request by the Clerk-Recorder to approve the disposition of Parcel Map CO 99-0088, **Approved.**
  - B-53 Appropriation transfer in the amount of \$40,000 to Budget Unit 2550 - Public Defender from the General Fund to cover Court ordered expenses not included in the Public Defender budget, **Approved.**
  - B-54 **RESOLUTION NO. 2002-256**, authorizing the County Superintendent of Schools to issue school bonds without action by the Board of Supervisors, **Adopted.**
  - B-55 Bid opening report for the paving of Santa Maria Avenue between 8<sup>th</sup> and 9<sup>th</sup> Streets in the community of Los Osos, **Approved and instruct the Chairperson to sign contract documents with Herrera Engineering in the amount of \$34, 403.**
  - B-56 Bid opening report for the paving of various county roads, **Approved and the Chairperson is instructed to sign contract documents with Union Asphalt, Inc. in the amount of \$1,648,896.**
  - B-57 Bid opening report for the construction of pedestrian ramped approaches on various county roads, **Approved and the Chairperson is instructed to sign contract documents with Souza Construction, Inc. in the amount of \$52,518.**
  - B-58 Bid opening report for the slurry seal and chip seal of various county roads in the community of Oceano, **Approved and the Chairperson is instructed to sign contract documents with Valley Slurry Seal Company, in the amount of \$157,290.**
- 3 B-40 Request to confirm termination of a contract with the Los Osos Community Services District to provide emergency fire and medical response service to County Service Area No. 9-I, effective July 1, 2002; 2nd District, is presented.

During the discussions on the Consent Agenda, Supervisor Bianchi requested this item be pulled for a separate vote.

**Mr. Paavo Ogren:** Public Works, states there are two issues: 1) about ten people did not receive their ballots, however, that number would not have changed the election outcome; and, 2) it has been said the wording of the ballot was confusing; indicates staff followed the same protocol and general format as they did in past elections; indicates if the Board wants to try to continue the fire and medical response services, the incremental costs would need to be

addressed or another option would be to conduct another election that would cost approximately \$4,500.

**Supervisor Ryan:** questions how mutual aid and automatic aid agreements work and how they're funded, with staff, responding.

**Mr. Bruce Buel:** Los Osos Community Services District, (LOCSD) states they are the agency that runs the South Bay Fire Department; indicates annually the District has about 1,000 calls for service and the calls in Zone 9-I have been few; states they have been operating under contract since 1986; indicates their agreement with the County expires on June 30, 2002 and if there is a way to preserve service after that date they would like that issue explored.

**Mr. David Edge:** County Administrative Officer, suggests giving staff the authority to negotiate the current contract at the current cost level and agree to extend it and in the meantime discuss the possibility of running another election.

**Mr. Ogren:** clarifies that both the Board of Supervisors and the LOCSD Board have agreed to approve the extension of the contract; states because the election was only for the additional dollars both the budget, as well as the existing contract, could continue services for a portion of the year; this would allow time to address the issue; the Boards action today would simply be to not approve the agenda item.

**A motion by Supervisor Achadjian, seconded by Supervisor Ryan to not approve the staff's recommendation, is discussed.**

**Chairperson Bianchi:** states she would like added to the motion that the Board direct staff to work with the LOCSD, CDF and the Sheriff's Department to come up with an equitable solution regarding emergency fire and medical response services to CSA 9-I and present it to the Chairperson before it comes back to the Board, with the motion maker and the second agreeing to add this to the motion.

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

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

**NOES:** None

**ABSENT:** None

**the Board does not approve staff recommendation dated 6-18-02 and directs staff to work with the LOCDS, CDF and the Sheriff's Department to come up with an equitable solution regarding emergency fire and medical response service to CSA No. 9-I and present it to the Chairperson before it comes back to the Board.**

4 B-45 Request by the Clerk-Recorder to approve a letter opposing Senate Bill 1975 (Johnson) which would move the primary election date to August of the even numbered years and require a separate presidential primary election; All Districts, is presented.

During the discussion on the Consent Agenda, Supervisor Ryan requested this item be pulled for a separate vote: addresses his concerns to the "strength" of the letter; indicates he would support going back to a June primary.

**Ms. Julie Rodewald:** County Clerk Recorder, speaks to the movement of the primary election and the challenges it presents the voters and election officials; states there is legislative support to split the primary; addresses the cost of having three elections in a year; states at the very least she would like to have the Board support moving the August date.

**Supervisor Ovitt:** indicates he would like to see the letter signed by all five Board members.

**A motion by Supervisor Ryan to amend the letter to include language that would indicate the Board would oppose Senate Bill 1975 unless amended to have the primary**

**election held no later than June, is discussed.**

**Ms. Rodewald:** questions if the Board would like her to include language regarding the cost, with Supervisor Ryan agreeing.

**Board Members:** discuss the cost of running an election; voter turn-out for a third election; to get the point across in the first sentence; having all Board members sign the letter.

**Mr. David Edge:** County Administrative Officer, states he agrees with all the comments that it is clearly bad public policy to have bifurcated arrangements being proposed; suggests the Board indicate they would support a single primary election in the month of June.

**Ms. Rodewald:** states this letter will be sent to Assemblyman Maldonado, however if the Bill passes staff would like to send the same letter to Governor Davis.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board amends the previous motion and directs staff to amend the letter supporting the consensus as discussed indicating a firm first sentence and a primary no later than June and bring back the letter after 2:00.**

5

C-1 This is the time set for hearing to consider adoption of the 2002-03 Final Budget including: 1) a resolution adopting budgets for the County and Board governed Special Districts; and 2) a resolution adopting the 2002-03 position allocation list (Clerk's File); All Districts.

**Ms. Gail Wilcox:** Assistant County Administrator, presents the staff report and recommendations; states there is a correction in the position allocation list; indicates a reclassification that was approved by the Board on May 14, 2002 for the Planning Department was not included in the resolution and will need to be amended.

**Ms. Gail Greshan:** CEO Big Brothers and Big Sisters, states she was under the impression they would be receiving \$95,000; addresses the need for the funds and the way they will be used; urges the Board to reconsider their funding allocations.

**Ms. Lucian Dos Santos:** states she used to be a little sister and is now a big sister; feels she would not be where she is today without this program and urges the Board's support.

**Mr. David Edge:** County Administrative Officer, indicates incentive funds were received a couple years ago and the Department of Social Services (DSS) choose to use those funds to provide "seed" money for worthy local community-based organization programs; Big Brothers and Big Sisters was one of those programs; states these monies were identified as being limited to a two year funding.

**Mr. Lee Collins:** Director of Social Services, indicates all contractors were notified that funding was running out and they could anticipate budget cuts.

**Supervisor Ovitt:** states he believes there is funding available through the Probation Department.

**Ms. Kim Barrett:** Interim Probation Officer, states she met with the Big Brothers and Big Sisters and presented them with \$22,000.

**Supervisor Ryan:** indicates his problem with the budget is General Hospital; feels there needs to be a plan for closure.

**A motion by Supervisor Ryan to approve the Budget as presented with the amendment that staff come back with a conceptual closure plan for General Hospital on 9-10-02, is discussed.**

**Supervisor Ovitt:** indicates he will second the motion if Supervisor Ryan includes in his motion

to close the public hearing, with Supervisor Ryan concurring.

**Supervisors Pinard, Achadjian and Chairperson Bianchi:** discuss various issues regarding: it being premature to present a closure plan until all the questions that were on the table answered; indicates it would also be a waste of staff time to come up with a plan for closure if the Board decided to keep the hospital open; if the Board decided on September 10, 2002 to move toward closure that would be the time to direct staff to come back with a closure plan.

**Supervisor Ryan:** indicates it would be a good idea to have a conceptual closure plan in front of the Board on 9-10-02 so that the Board could see what "closure" means, with Supervisor Ovitt concurring.

**Thereafter, a motion by Supervisor Ryan, seconded by Supervisor Ovitt to close the public hearing and approve the Budget as presented with the amendment that staff come back with a conceptual closure plan for general Hospital on 9-10-02, fails on the following roll call vote:**

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

**Matter is fully discussed and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Achadjian and on the following roll call vote:**

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

**the Board closes the 2002-2003 budget hearings.**

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

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

**RESOLUTION NO. 2002- 257, resolution adopting the County budget and budgets for Board Governed Districts for Fiscal Year 2002-03, adopted.**

**Matter is further discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and on the following roll call vote:**

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

**the Board amends the position allocation list by adding a reclassification that was approved by the Board on May 14, 2002 for the Planning Department and RESOLUTION NO. 2002-258, resolution allocating positions for Fiscal Year 2002-2003, adopted as amended.**

4 C-2 This is the time set for hearing to consider a resolution setting appropriation limits for Fiscal Year 2002-03 for the County of San Luis Obispo and Board Governed Special Districts; All Districts.

**Mr. Bill Estrada:** Auditor-Controller's Office, 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, Ryan, Chairperson Bianchi**

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2002-259, establishing the Appropriation Limit for Fiscal Year 2002-2003 for the County of San Luis Obispo and for Flood Control Zones 1 and 1-A, County Service Area Nos. 1-A, 1-B, 1-C, 7-A, 7-B, 10, 10-A, 16 and 23, adopted.**

**Mr. David Edge**, County Administrative Officer, indicates they received a check from the State yesterday for \$2.8 million which is reimbursement for change of venue costs for the Krebb's trial; acknowledges Mr. Peterson's lobbying efforts and Ms. McGarvey's efforts in gathering the cost.

**Chairperson Bianchi:** thanks Gail Wilcox, Administration staff and all Departments for work done on the budget.

**(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)**

5 D-1 This is the time set for consideration of a report from the Ad-Hoc Committee on Appeal Fees.

**Mr. Bryce Tingle:** Assistant Planning and Building Director, presents the staff report; states the Ad-Hoc Committee met and their recommendation is to make no change to the current fee schedule.

**Ms. Trudy Jarratt:** League of Women Voters, urges the Board to accept the recommendation by staff.

**Mr. Eric Greening:** states after a long journey the Ad-Hoc Committee arrived at the starting place; addresses the real time billing option and the reasons it "fell off the table"; urges the committee's recommendation.

**(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)**

**Mr. Jesse Hill:** indicates this is a first amendment issue; urges the Board to keep the fees as they are.

**Ms. Pam Heatherington:** Director of the Environmental Center, states she concurs with Mr. Greening and Mr. Hill; indicates the minutes of 12-4-01 identify her as representing the Environmental Defense Center and she actually represents the Environmental Center of San Luis Obispo.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard, with Supervisor Ryan casting a dissenting vote, motion carries and the Board makes no change to the current amounts charged for the various types of appeals listed in the fee schedule for the Department of Planning and Building, Budget Unit 2800.**

6 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 Bankruptcy*, **ADDED** **(All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** 5) *AT&T v. County of San Luis Obispo*, 6) *MCI Worldcom v. County of San Luis Obispo*, 7) *Save the Mesa, Inc. v. County of San Luis Obispo*, 8) *SLOCEA v. County of San Luis Obispo*, and 9) *Lawrence v. County of San Luis Obispo*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** 2)

*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.*  
3) *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: 4) Negotiator's Name: *Dale T. Hanson and Santos Arrona*, Name of employee organization: *SLOCEA*.

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

**III. PERSONNEL (Gov. Code, § 54956.9(a).) (Formally initiated)** It is the intention of the Board to meet in Closed Session to: 10) Consider Public Employee Appointment of *Phil Lowe* for the Position of *Director of Children's Support Services*.

**Chairperson Bianchi:** 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 the Board decided to initiate litigation; the Board decided to become a non-party governmental participant in the NRC proceedings on the spent fuel facility at Diablo Canyon; indicates the vote was unanimous and the Board goes into Open Public Session.

**(SUPERVISOR PEG PINARD IS NOW ABSENT.)**

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

**Mr. George Libby:** addresses Hepatitis C and the impact it has on the community; urges continued funding for education relating to this issue.

**Mr. David Broadwater:** addresses his concerns to the draft urgency ordinance to establish an interim moratorium on the land application of Biosolids; feels this draft ordinance would fail to maintain the status quo; indicates there would be an increase in the amount of sewage sludge allowed and contaminants; urges the Board to intervene and hold a public hearing relating to this issue.

**Chairperson Bianchi:** questions who is circulating the draft ordinance, with Mr. Broadwater responding.

**(SUPERVISOR PEG PINARD IS NOW PRESENT.)**

**Mr. Eric Greening:** states his concern for the continued existence of the Biosolids Task Force. **No action taken.**

8 B-45 Request by the Clerk-Recorder to approve a letter opposing Senate Bill 1975 (Johnson) which would move the primary election date to August of the even numbered years and require a separate presidential primary election; All Districts,

**Ms. Julie Rodewald:** Clerk-Recorder, hands the Board a copy of the amended letter opposing Senate Bill 1975.

**A motion by Supervisor Ryan, seconded by Supervisor Ovitt to approve the letter as submitted, is discussed.**

**Supervisor Pinard:** feels the first sentence lost the impact and questions the wording.

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

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

**NOES: None**

**ABSENT: None**

**the Board authorizes all five Board members to sign the amended letter opposing Senate Bill 1975.**

9

E-1 This is the time set for consideration of a Public, Education and Government (PEG) Cable TV Public Access Strategic Plan.

**Mr. Paavo Ogren:** Deputy Director of Public Works, presents the staff report

**Ms. Leslie Bearce:** appreciates the forum to be creative through public access; urges the Board's continued support for SLO Public Access.

**Ms. Christina Bearce:** states SLO Public Access is doing a good job; feels this is a great opportunity for the youth in the area.

**Mr. Bill Rabenaldt:** states public access is alive and well and providing a lot of opportunity for people in the area; feels Charter should maintain access of the funding.

**Mr. Toby Buffalo Sacher:** addresses the increase in jazz venues; thanks Charter Communications for keeping every promise they ever made; thanks Paavo Ogren for his recommendation to split the money into thirds; states the spirit of cooperation is happening.

**Mr. Rich Mealey:** clarifies that SLO Public Access is not SLO County Public Access; presents statistics to show public access is alive and well; states SLO Public Access holds a public meeting the third Monday of every month at 7:00 p.m.; indicates this meeting is open to any and all groups or individuals; urges the Board to support public access TV.

**Ms. Trudy Jarratt:** League of Women Voters, states she supports the SLO Public Access recommendation; indicates it's a pleasure working with Mr. Ogren; states the League would like to see the fees split evenly among the three groups of PEG access and 2% of the franchise fee paid into a PEG access trust fund; suggests the establishment of a grant system; states they would like Charter to continue being the facilitator; urges the Board to look at the recommendations and direct staff to take action within 90 days.

**Mr. Ed Merrill:** General Manager Charter Communications, states he supports staff's recommendation with some minor changes; Charter would like to see the initial funds from the franchise areas to go back to those areas in the form of purchasing equipment; states he would like to see a group set up to become a Budget Advisory Board; Charter would like to build a model for PEG access now and in the future; addresses setting aside funds for grants for public access users and the other money should be used for equipment; thanks the Board for their support.

**Ms. Galen Ricard:** Charter Communications, states the recommendation represents the positive energy in the County; indicates everything is in place; the money is there; states there is only one piece missing and that would be a small advisory board that represents all groups.

**Ms. Randy Brachman:** addresses the great job Charter has done; speaks to his concerns regarding the transfer of control of public access to some other organization interfering with the status quo; states the current system is working.

**Mr. Julian Crocker:** County Superintendent of Schools, congratulates staff and urges the Board to accept the recommendation and continue PEG as part of the new County cable franchise; addresses the issue of universal coverage.

**Mr. Steve Mathieu:** AGP Video, states he supports staff's recommendation with a few options; acknowledges Charter and the good job they do; addresses the 2% increase in the franchise agreement and the funding needs for productions.

**Ms. Nancy Castle:** states she is grateful for Charter; appreciates the work of staff; indicates she would like to see the money for government go back to the special districts; states there are a lot of meetings that still need to be filmed and this would be a benefit for the entire County.

**Mr. Alberto Estrada:** indicates he wants to express his appreciation for Charter Communications as a service provider.

**Mr. Bernadette Bernardi:** Literacy Council, states Charter Communication has always been a positive organization to work with; indicates she supports the idea of a volunteer board comprised of people who work with public access.

**Ms. Karren McKnight:** thanks Charter for their positive influence, classes, training and dedication; indicates her daughters are only 8 and 10 and were treated with the utmost respect.

**Ms. Sandy Allen:** addresses the need for funding; states Charter does a fantastic job.

**Mr. Michael Passarelli:** acknowledges the work of Mr. Ogren; states public access gives a voice to the community and people are listening; states there are free cameras and editing classes the 2<sup>nd</sup> and 4<sup>th</sup> Saturdays of each month; addresses the outreach going on in the community; urges the Board to adopt staff's recommendations and move forward within the next 90 days.

**Ms. John Kert:** addresses the mechanisms of producing a show.

**Ms. Lee Price:** San Luis Obispo City Clerk, states she supports staff's recommendation; expresses her gratitude to Mr. Merrill of Charter Communication; indicates there is no truth to the statement that the City of San Luis Obispo's non-profit contract was subcontracted to a for-profit company.

**Mr. Ron Bearce:** compares public access today to public access years ago; states the cable system has been very supportive and everyone has been working very hard; indicates the producers have been heard.

**Board Members:** discuss various issues, comments and concerns regarding: digital divide being taken up in the franchise agreement; using the community foundation to give out grants; creating a Public Access Advisory Board; getting equipment in the outlying areas and then roll the money over into grants; equal access for all public members according to the Fair Political Practices Commission; money going back to the communities that are contributing to the funding; maintenance of equipment; if the Buske report was needed, with Mr. Ogren responding.

**Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and unanimously carried, the Board adopts a policy that PEG Trust Funds be allocated in thirds to Public Access, Educational Access and Government Access programs; direct staff to investigate utilizing an Advisory Board as the conduit for allotting the Public Access portion of PEG Trust Funds to public access needs and constituents, and to work with Charter Communications and public access producers to develop criteria for specific use of the funds and adopt the policies expressed in Exhibit "A", of the staff report dated 6-18-02, on the utilization of the Education and Government portions of the PEG Trust Funds.**

10 F-1 This is the time set for consideration of the County plan for implementation of Proposition 36 for Fiscal Year 02-03 and submittal of a report on Proposition 36 outcomes for Fiscal Year 02-03.

**Ms. Star Graber:** Drug and Alcohol Services, states they act as the lead agency for the implementation of the Prop. 36 plan; indicates Proposition 36 was passed in November 2000 and the program started July 2001; thanks staff members that have been involved in the Plan; addresses the findings and adjustments needed for the Plan.

**Mr. Wayne Hansen:** Drug and Alcohol Services, indicates this is a evolving process; addresses the statistics relating to referrals; age and ethnic distribution; indicates the most popular drug used is amphetamine; presents the statistics relating to the referral outcome and treatment transfers; addresses reasons for not being in treatment in San Luis Obispo; speaks to the program retention; level of care; time in treatment; and the impact of treatment over time; addresses the participant recidivism rates and cost benefit of the program.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and unanimously carried, the Board approves the County Plan pursuant to the Substance Abuse and Crime Prevention Act of 2000-Proposition 36 and accepts a 1-year follow up report on the results of the implementation of the Proposition 36 Plan for FY 01-02.**

11 G-1 This is the time set for discussion regarding funding of endowment with the San Luis Obispo County Community Foundation.

**Ms. Gail Wilcox:** Assistant County Administrative Officer, presents the staff report.

**Board Members:** discuss various issues, comments and concerns regarding: where the money is kept; withdrawing from the endowment; the reason the endowment was set up; the return on the money, with Ms. Wilcox and Mr. Edwards, Community Foundation, responding.

**Mr. Harry Sharp:** states he endorses the recommendation; urges the Board to support the approach the foundation is taking; addresses the merging of advisory committees.

**Ms. Pam Heatherington:** states she supports the recommendation; feels the long range plan of the endowment and the preventative health grant program is very important in the community.

**Matter is fully discussed and thereafter, on motion of Supervisor Pinard seconded by Supervisor Achadjian and unanimously carried, the Board approves a budget adjustment for Budget Unit 2080 - Contributions to Outside Agencies and appropriates \$897,350 of Unanticipated Tobacco Settlement Preventive Health Grant Programs.**

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, June 18, 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/Cherie Aispuro,  
Deputy Clerk-Recorder

DATED: 06/20/2002  
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