

Tuesday, March 23, 2004

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

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON HARRY L. OVITT.**

**SUM      AGN**

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

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

**RESOLUTION NO. 2004-86, resolution honoring Community Counseling Center upon its 35<sup>th</sup> anniversary in San Luis Obispo County, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Ms. Patricia Harris, Community Counseling Center.

**Ms. Harris:** thanks the Board for their support; acknowledges and commends the volunteers on their many hours of work; states she looks forward to the next 35 years.

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

**Mr. Brad Brown:** addresses Public Access TV; feels government access TV is run by a private for-profit organization and urges the Board to take control over the government access channel.

**Reverend C. Hite:** addresses the failing Social Services and questions how to prevent this failure.

**Ms. Rochelle Becker:** Mothers for Peace, addresses the license granted to Diablo Canyon to store spent fuel with little public confidence; states the Nuclear Regulation Commission showed no regard for the safety of the citizens in this County; indicates the process has just begun and if anyone is interested, information on the issues before the 9<sup>th</sup> Circuit Court or joining the Mothers for Peace in their efforts can be found on the website [www.mothersforpeace.org](http://www.mothersforpeace.org); thanks the Board for their support.

**Mr. Klaus Schumann:** Green Party, describes the dangers of storing spent fuel at Diablo Canyon Nuclear Plant.

**Mr. Fred Frank:** states he echos the words of Ms. Becker and thanks the Board for their support.

**Ms. Betty Winholtz:** states her concern over a grove of trees that has been cut and poisoned in Los Osos by the State Parks and Recreation; questions if this is part of the permit process and if not, urges the Board to take action.

**Mr. Eric Greening:** states he supports the words of Ms. Becker, Mr. Schumann, and Mr. Frank; questions why the County is not accommodating the chemically sensitive public by having them speak over the phone; urges the Board to consider 10<sup>th</sup> amendment litigation to restore the right of public safety to the people.

**Mr. Rick Keller:** Mothers for Peace, thanks the Board for their support; states they're not against PG&E they just want to see the power come from a cleaner source.

**Ms. Jill Bolster-White:** addresses Mental Health's budget and urges the Board to try and keep as many services as possible.

**Ms. Pam Heatherington:** Executive Director of the Environmental Defense Center, thanks the Board for standing up for the community relating to Diablo Canyon.

**Ms. Marian Mellow:** addresses the health and safety of each San Luis Obispo resident as it relates to Diablo Canyon and thanks the Board for their support.  
**No action taken.**

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

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

**the Board approves the presentation of the Employee Service Recognition Awards.**

**Mr. Richard Greek:** Personnel Director, introduces the following employees and Trish Stamper, Personnel, presents each with their 20-year service pin: Ms. Gloria Honley, Child Support Services; Elaine Lewis, Child Support Services (not present); Carole Chapman, Child Support Services; Cindy Marie Absey, District Attorney; Robert Miller, Information Technology; Debra Klosinski, Library; Kami Griffin, Planning & Building; and Donna Phelan, Probation.

**25-Year Service Awards, are presented.**

**Mr. Dan Hilford:** Assistant District Attorney, introduces Mr. Lee Cogan, presents a brief history of his employment and thanks him for his dedication and service.

**Mr. Cogan:** thanks the Board indicating it's been "a great ride."

**Mr. Hilford:** introduces Mr. Rick Conradi and presents the history of his time with the County; thanks him for his contributions and services.

**Mr. Conradi:** thanks the Board indicating it has been an honor and a pleasure to serve the County.

**Mr. Brian Reynolds:** Library Director, introduces Ms. Kristen Barnhart; presents a brief history of her employment and indicates she is a gifted storyteller; congratulates her on her years of service.

**Ms. Barnhart:** states it has been an honor and thanks the Board for their support.

**Mr. Greek:** reads a brief employment history for Brenda Smyth, Personnel and Andrea Paley, Pension Trust who are not present.

**Mr. Vic Holanda:** Planning Director, introduces Bob Mourenza; presents a brief history of his time with the County and thanks him for his dedication and service.

**Mr. Mourenza:** thanks the Board and his fellow employees.

**Mr. Greek:** reads a brief employment history for Ms. Claire Irene and indicates she is not present.

**30-Year Service Awards, are presented.**

**Chairperson Ovitt:** reads a brief employment history for Mr. Wyatt Cash, Deputy County Counsel and recognizes him for his dedication and service.

**Mr. James Lindholm:** County Counsel, indicates it has been an honor and a pleasure to work with Mr. Cash for the past 30 years.

**Mr. Cash:** thanks the Board; states a lot of the people he works with are valued friends; indicates the Department has many talented lawyers and great support staff.

**Chairperson Ovitt:** presents a brief employment history for Mr. Jac Crawford, Assistant County Counsel and recognizes him for his dedication and service.

**Mr. Lindholm:** states he seconds the comments made by Supervisor Ovitt and indicates it has been an honor and a pleasure to work with Mr. Crawford.

**Mr. Crawford:** states the past 30 years have had a lot of challenges; thanks the Board and Mr. Lindholm for their support; indicates he's very proud of his colleagues and the staff in the County Counsel's Office.

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

**Reverend C. Hite:** addresses Items B-7 and B-16 relating to provisions of effective services and the stigma of having a mental health disability.

**Mr. Robert Mueller:** urges the Board to withdraw Item B-2 addressing his concerns for safety relating to the installation of a fuel facility at the Oceano Airport.

**Mr. Eric Greening:** addresses Item B-20 and thanks the Board for moving forward.

**Ms. Joy Fitzhugh:** Farm Bureau, addresses Item B-20 acknowledges the work done by staff; states there are still two things that came back from the Coastal Commission staff that are of concern: 1) alternative analysis; and 2) the one hundred foot setback in the rural areas from the outside edge of the riparian corridor.

**Mr. Jeff Kuyper:** Environmental Defense Center in Santa Barbara, urges the Board to follow staff's recommendation and approve Item B-20.

**Ms. Pam Heatherington:** Executive Director of the Environmental Defense Center, urges the approval of Item B-20 and indicates the importance of having a clean coast so that tourist will want to come and visit and in return will boost the economy. **No action taken.**

5 B-20 Submittal of a resolution by Planning and Building acknowledging receipt and agreeing to the California Coastal Commission's modified language pertaining to Local Coastal Program - Major Amendment #1-03; All Districts, is presented.

**Supervisor Ryan:** indicates he would like more time for the agriculture community to look at this modified language and give written feed back to the Board in a couple of weeks.

**Supervisor Bianchi:** questions the March 31, 2004 deadline.

**Mr. John Euphrat:** Planning, states there are no fines attached to this deadline and the Board can either accept or reject the package with the modifications, there can be no more negotiations.

**Supervisor Bianchi:** asks if the Board accepted this today would there be a window in the future to make changes, with staff responding.

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

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

**the Board defers this item to the Ag Liaison Committee and the Ag Task Force and return to the Board at the second meeting in April.**

6 B-1 Consent Agenda Item B-20 is withdrawn and acted on previously. **Thereafter, on**  
thru **motion of Supervisor Ryan, seconded by Supervisor Achadjian and on the**  
B-20 **following**  
**roll call vote:**

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

**Consent Agenda Items B-1 through B-20 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-20, as amended, are on file in the Office of the County clerk-Recorder and are available for public inspection.

Items set bid opening and hearing:

- B-1 Plans and specifications (Clerk's File) for the construction of a New Superior Court Facility in downtown Paso Robles, **Approved and the Clerk is instructed to give notice of bid opening set for April 22, 2004 at 3:00 p.m..**
- B-2 Plans and specifications (Clerk's File) for the installation of a fuel facility at the Oceano Airport, **Approved and the Clerk is instructed to give notice of bid opening set for April 5, 2004 at 3:00 p.m..**
- B-3 Introduction of a proposed ordinance amending the San Luis Obispo County Disaster Relief Ordinance, Chapter 3.15 Reassessment of Property Damaged by Misfortune or Calamity as provided for in the California State Revenue and Taxation Code 170; All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for April 6, 2004, at 9:00a.m..**

Auditor Controller Items:

- B-4 Contract with Velocity Performance Solutions, Inc., to provide change management and training coordinator services for the Enterprise Financial System project, **Approved.**
- B-5 Amendment to the Cold Canyon Landfill fee's adding a \$20.00 facility use fee for customers who choose not to use the on site recycling facility, **Approved.**

Behavioral Health Items:

- B-6 Budget adjustment in the amount of \$191,778 from homeless grant funds for the execution of Assembly Bill 2034 One-Time Housing Funds, **Approved.**
- B-7 Memorandum of understanding with the San Luis Obispo County Office of Education to provide mental health services to students with disabilities, **Approved.**

General Services Items:

- B-8 Contract (Clerk's File) with ANVI, Inc., to operate the Lopez Lake Marina Concession, **Approved.**
- B-9 Create a new trail project (the Morro Bay to Cayucos Connector Project - P5182); 2) a corresponding budget adjustment in the amount of \$292,000 from unanticipated grant revenue; 3) approve a resolution accepting grant funding for the project; and 4) authorize the General Services Director to negotiate and sign grant contracts to complete the project; 2nd District, **Approved.**
- B-10 **RESOLUTION NO. 2004-88**, accepting two irrevocable offers of dedication for the Bay Street Viewing Platform proposed within the unincorporated community of Los Osos, **Adopted.**
- B-11 **RESOLUTION NO. 2004-89**, amending Resolution 86-401 which accepted irrevocable offers of dedication for public access located within the unincorporated area along the county coastline and Resolution 2003-291 which corrected portions of Resolution 86-401, **Adopted.**

Public Health Items:

- B-12 Appointment of Tracey Vardas to fill the remainder of the a two-year term as the County Government Representative on the Emergency Medical Services Agency, Inc., Board of Directors, **Approved.**
- B-13 **RESOLUTION NO. 2004-90**, authorizing the Public Health Department to apply for a Waste Tire Enforcement Grant, **Adopted.**

Public Works Items:

- B-14 **RESOLUTION NO. 2004-91**, amending the County Traffic Regulation Code for the establishment of no parking and/or limited parking zones on Avila Beach Drive, Avila Beach; Thompson Avenue, Tefft Street, and Division Street, Nipomo; Heather Court and Main Street, Templeton; Main Street, Cambria; and Foothill Road, San Luis Obispo; 1st, 2nd, 3rd and 4th Districts, **Approved.**
- B-15 The following parcel map has been received and has satisfied all conditions of approval that were established in the public hearing on its tentative map: COAL 99-0248, a proposed lot line adjustment of 8 lots which will not result in any new lots, by Franciscan Vineyards and Johansing Farms, Estrella Road, northeast of Paso Robles; 1st District, **Approved.**

Sheriff-Coroner Items:

- B-16 Budget adjustment in the amount of \$11,130 from unanticipated revenue for the implementation of a Gang Task Force Grant for 2003-2004, **Approved.**
- B-17 Implementation of a Marijuana Suppression Program; 2) a budget adjustment in the amount of \$227,135 from unanticipated revenue to Budget Unit 2590 - Sheriff-Coroner; and 3) an amendment to the fixed asset list adding a four wheel drive SUV for \$25,000 and a used motor home for \$7,980, **Approved.**

Other Items:

- B-18 An amended agreement with Cambria's Anonymous Neighbors increasing the grant amount from \$1,000 to \$5,000, **Approved.**

B-19 Confirm settlement for a liability claim (Reliant Electric & Glen Parker) against the County, **Approved.**

B-20 Submittal of a resolution by Planning and Building acknowledging receipt and agreeing to the California Coastal Commission's modified language pertaining to Local Coastal Program - Major Amendment #1-03; All Districts, **Withdrawn and acted on previously.**

7 C-1 This is the time set for hearing to consider an appeal by Richard Nordin, Frank and Barbara Sances, Michael and Nicole Ledonna, and John Schug of the Subdivision Review Board's decision to approve Parcel Map CO 02-0189 (S020078P) for Amanda and Chris Lane, for property located at 6445 Squire Knoll Drive, in the Squire Canyon area; 3rd District.

**Ms. Kerry O'Neil:** Planning, requests a continuance in order to provide additional time for the Applicant and Appellants to resolve the issues of the appeal.

**Matter is fully discussed and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Achadjian and unanimously carried, the Board continues this hearing to May 11, 2004 at 9:00 a.m..**

8 D-1 This is the time set for consideration of a Mosquito Abatement Program within the Public Health and Agriculture Departments; All Districts.

**Mr. David Edge:** County Administrator, states this item couldn't have come at a worst time due to the budget crisis; indicates at this time there is no funding for this program and its cost is \$323,000 a year however, if there is an outbreak of the West Nile Virus the County will be required to do an emergency response and that response will be very expensive; indicates this will be a difficult budget issue for the Board.

**Dr. Greg Thomas:** Public Health Director, describes the Mosquito Abatement Program and the dangers of doing too little too late; addresses the West Nile Virus Transmission Cycle and the spread west; states California is expected to be the epicenter; addresses the clinical features of the disease; describes the program elements and what can be done to reduce the chances of an outbreak of the virus.

**Mr. Bob Lilley:** Agricultural Commissioner, presents a brief history of vector control indicating after the public opinion poll came back the Board decided to suspend the idea of a Vector Control District; the Board then approved monies for a vector (mostly mosquitos) surveillance program to determine the hot spots in the County; presents the results of the surveillance program; states it would take approximately two years if the Board chooses to create a benefit assessment to fund the program.

**Mr. Rich Little:** presents a map of the United States and describes the rapid move to the west of the West Nile Virus; states intervention and education are key issues.

**Mr. Curt Batson:** Director of Environmental Health, discusses the cost of the program including staff and materials that will be needed.

**Board Members:** discuss various issues, comments, and concerns regarding: if the monies could be reimbursed to the General Fund; the approximate cost to the County if there were an emergency outbreak; the minimum materials needed; if this program could be accomplished with existing staff and what precautions are being taken now relating to mosquito abatement, with staff responding.

**Mr. Eric Greening:** feels staff left out the "scary" parts in the staff report; states the third line of defense is vaguely outlined; questions the number of illnesses and deaths that have occurred in counties that have abatement programs; addresses the spraying of pesticides; indicates if the program moves forward he would like to see surveillance, monitoring and education as the first line of defense and

pesticide use better defined including a full environmental review completed before it is put into play.

**Dr. Richard Davis:** California Department of Health Services, states the Department supports the County's effort for the implementation of a Vector Program; there is no question West Nile Virus will be here if it is not already and the cost can be extensive; it is critical for the County to move quickly and create a proactive program; thanks the Board for their support.

**Ms. Karen Mansfield:** states she is in favor of the program.

**Ms. Joy Fitzhugh:** Farm Bureau, states they are in favor of the program and would be willing to help in the education process; congratulates the veterinarians for the number of vaccinations that have already been given to horses.

**Reverend C. Hite:** thanks the Board for not allowing the dispensing of powder from a earlier speaker; questions if the County is ready to take on the liability and the responsibility to the citizens of this County relating to pesticides.

**Mr. Charlie Nofflett:** suggests building bat houses to reduce the mosquito population.

**Board Members:** discuss various issues, comments and concerns regarding: the emphasis on prevention and the use of pesticides being the last line of defense; the need to move forward; the departments involved shifting priorities to handle this program internally.

**A motion by Supervisor Pinard indicating the Mosquito Abatement Program needs to be elevated to a very high priority; direct the County Administrative Officer to review the existing staffing and priorities and make this program work with no additional permanent staff added, is discussed.**

**Supervisor Ryan:** states he will second the motion if the motion maker indicates that the goal is to not have any additional staff added.

**Supervisor Pinard:** states she agrees to have the motion state "make this program work with the goal of no additional staff."

**Supervisor Bianchi:** states she does not support the motion because she doesn't feel it's enough.

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

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

**the Board directs the County Administrative Officer to review the existing staffing and priorities and make this program work with the goal of no additional staff.**

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

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

**the Board authorizes \$15,000 for the Fixed Assets excluding the vehicles.**

**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*, 2) *NRC Proceedings Concerning Diablo Canyon License Transfer*, 3) *NRC Proceedings Concerning Spent Fuel*, 4) *AT&T v. County of San Luis Obispo*, 5) *MCI WorldCom v. County of San Luis Obispo*, and **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement)** 9) *Omega Chemical PRP Group LLC v. County of San Luis Obispo*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** 6) *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. 7) *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: 8) Negotiator's Name: *Santos Arrona, Gail Wilcox* Name of employee organization: *Deputy Sheriff's Association*.

**Chairperson Ovitt:** 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: Items 1 through 9 were discussed and no public report is required because no final action was taken, and the Board goes into Open Public Session.

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 23, 2004, 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: 3-26-04  
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