

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

AYES: Supervisors Achadjian, Pinard, Bianchi, Chairperson Ovitt

NOES: None

ABSENT: Supervisor Ryan

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

Mr. Richard Greek: Personnel Director, introduces the item and the following employees who will receive their **20-Year** pin: Mr. Tim Cate - Public Works; David Silva - Public Works (not present); Mr. Mark Leslie - Public Works; Mr. Doug Bird - Public Works; Ms. Anita Negrete - Behavioral Health (not present); Ms. Deborah Aiello - Social Services (not present); Ms. Molly Unger - Social Services (not present); and, Ms. Maggie Moore - Sheriff-Coroner (not present).

25-Year Employee Recognition Awards, are presented.

Ms. Kim Barrett: Chief Probation Officer, introduces Mr. Leandro Villalon and provides a brief history of his service with the County and the Probation Department and thanks him for his service.

Mr. Noel King: Public Works Director, introduces Mr. Tim Smith; provides a history of his service, indicating he has served in the same position of Right-of-Way Agent since his hire; addresses awards he has received over the years and his accomplishments.

Mr. Smith: thanks the Board for the recognition and all those he has worked with over the years and all the help he has received from his "County family."

Mr. King: introduces Mr. Dan Manion and provides a brief history of his employment with the County and highlights several of his accomplishments.

Mr. Manion: thanks the Board for the recognition.

Under-Sheriff Steve Bolts: introduces Ms. Linda Barrackman and provides a history of her employment with the County; states she started with the Assessor and transferred to the Sheriff's Department in 1993 as a Correctional Technician.

Under-Sheriff Bolts: introduces Mr. Chris Davis (not present) and outlines his prior duties and states that currently he is on patrol, stationed in North County.

Mr. Villalon: thanks the Board, Ms. Barrett and all the Probation Department staff; states he has enjoyed everyone he has worked with and feels they all work well together.

30-Year Employee Recognition Awards, are presented.

Chairperson Ovitt: introduces Mr. Glen Priddy - Public Works and his wife Nancy; gives a history of Mr. Priddy's jobs over the years in the Engineering/Public Works Department; states Mr. Priddy has the most state licenses of any County employee.

Mr. King: acknowledges the work of Mr. Priddy over the years and thanks him for all his support.

Mr. Priddy: thanks everyone for the recognition and states that it has been a rewarding 30 years. **No action taken.**

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.

Ms. Donna Myers: San Luis Obispo Symphony, speaks to Item B-1 indicating she is available for questions. **No action taken.**

5 B-1 Consent Agenda Item B-13-C is amended to correct the cover sheet to reflect two
thru resolutions and two agreements and the agreements in the packet are attached to the
B-17 wrong resolutions and need to be switched.

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

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

Consent Agenda Items B-1 through B-17 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-17, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

B-1 Introduction of a temporary commercial outdoor entertainment license application (Clerk's File) for the "San Luis Obispo Symphony Pops by the Sea" event held at the Avila Beach Resort in the community of Avila Beach, **Approved and the Clerk is instructed to give notice of hearing set for August 17, 2004 at 9:00 a.m..**

Clerk-Recorder Items:

B-2 Minutes of the Board of Supervisors meeting of June 8, 14, 15, and 22, 2004, **Approved.**

B-3 Appointment of Claire Ronalter (representing Avila Beach) to the Flood Control Zone 9 Advisory Committee, **Approved.**

General Services Items:

B-4 Employment contract with Philip M. D'Acri for airport real property services, **Approved.**

B-5 Rejection of the single bid received for the capital project entitled, Courts - Paso Robles - New Facilities, which exceeds the construction estimate, **Approved.**

Public Health Items:

B-6 Renewal agreement (Clerk's File) with San Luis Obispo County AIDS Support Network to provide HIV education services to at-risk populations in the County, **Approved.**

B-7 Renewal agreement (Clerk's File) with the San Luis Obispo County AIDS Support Network to provide housing related services to people with HIV/AIDS, **Approved.**

B-8 **RESOLUTION NO. 2004-244**, amending the position allocation list for Budget Unit 3281 - Public Health - Suspected Abuse Response Team to delete one half-time Acute Care Pre-License Nurse or Acute Care RN I or II position and adding one half-time SART Clinical Coordinator and setting the salary for the position, **Adopted.**

B-9 **RESOLUTION NO. 2004-245**, authorizing the modification of the Clinical Laboratory Chargemaster to the Public Health Director, **Adopted.**

- B-10 Appointment Richard Wood and reappointment Sara Horne and Lynn Enns to the San Luis Obispo County Health Commission, **Approved.**

Public Works Items:

- B-11 Construction easement deed and right of way agreement from Templeton Products and the Boli Family Trust for the Las Tablas Road/Highway 101 off-ramp sound wall project; 1st District, **Approved.**
- B-12 Bid opening report for the widening of a portion of Nacimiento Lake Drive near Paso Robles; and request to approve corresponding budget adjustment in the amount of \$21,500; 1st District, **Approved and the Chairperson is instructed to sign contract documents with Union Asphalt in the amount of \$181,226**
- B-13 The following 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 2553, a proposed condominium subdivision resulting in 10 residential units plus 6,000 square feet of commercial space, by Avila Bay Associates, Avila Beach; 3rd District, **Approved.**
- B. COAL 03-0158, a proposed lot line adjustment of 3 lots by Stefan Illy and SVP Winery, Clark Road, South of Shandon; 1st District, **Approved.**
- C. Tract 2270, a proposed subdivision resulting in 33 residential lots and one open space lot, by Valle Vista Ranch, Los Osos Valley Road, reject the offer of dedication without prejudice to future acceptance, **Approved and RESOLUTION NOS. 2004-246 and 2004-247**, to approve an open space easement agreement: 2nd District, **Adopted as amended.**
- D. CO 02-0154, a proposed subdivision resulting in 2 lots, by Romido and Ruth Rose Rodriguez, Ferndale Road, Nipomo Mesa, reject the offer of dedication without prejudice to future acceptance: 4th District, **Approved.**

Other Items:

- B-14 **RESOLUTION NOS. 2004-248, 2004-249, 2004-250, 2004-251, 2004-252 and 2004-253**(Clerk's File) honoring the 2004 San Luis Obispo County Wine Industry Person of the Year, Winemaker of the Year, Wine Grape Grower of the Year, Agriculturalist of the Year, Cattleman of the Year and Cattlewoman of the Year at the California Mid-State Fair, **Adopted.**
- B-15 Request from the Veterans Services Department to approve Medi-Cal avoidance and county subvention agreements with the State Department of Veterans Affairs, **Approved.**
- B-16 **RESOLUTION NO. 2004-254**, from the Personnel Department to approve title changes of: Utilities Division Manger to Division Manager - Utilities and Deputy Auditor Controller to Division Manager - Auditor Controller, **Adopted.**
- B-17 **RESOLUTION NO. 2004-255**, from the Planning Department accepting an avigation easement from Virgil and Lynn Porter, for property located near the Oceano County Airport; 4th District, **Adopted.**
- 6 C-1 This is the time set for hearing to consider: 1) a resolution imposing revised road improvement fees in the Templeton area; and 2) the 2004 update of the Templeton Traffic Circulation Study; 1st District.

Mr. Dave Flynn: Public Works, introduces the item.

Mr. Larry Rohloff: Public Works, presents the staff report; states the purpose of the study is to identify long-range traffic circulation needs in the

Templeton Area; presents a status report on the building activity in this area; presents a map of the area and outlines Fee Areas A and B and the recommended addition of Area C; addresses the rationale for the creation of Area C; discusses upcoming transportation improvements and highlights the following: Las Tablas Interchange; Route 46W/101 Interchange; Main Street widening; and, Vineyard Drive Interchange; comments on future transportation improvements; highlights the concerns that were raised by the Templeton Area Advisory Group (TAAG); outlines the proposed Impact Fees and changes to the same; addresses the changes to the fees if Area C is not included; outlines the staff recommendation.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

Mr. Eric Greening: addresses the need to include non-motorized transportation in this; the fees collected should not be solely for motorized uses.

Ms. Dorothy Jennings: Chairperson for TAAG, thanks the staff and all involved for their time on this process; TAAG added community goals and objectives to the Plan; one of these is the concept that new development also creates a greater need for non-motorized transportation; if non-vehicular alternatives were developed at a lesser cost then there would be decreased demands on capacity constraints; citizens have expressed an interest in facilities such as paths' and bikeways connecting neighborhoods, downtown commercial areas, schools and parks; if Area C is recommended for removal from this proposal, TAAG wants an opportunity to review the fee changes before any final action is taken.

Mr. Bob Roos: Transportation Subcommittee for TAAG, states the fees are too high for some of the proposed projects; suggests the fees are too high (80%) for the community for the project identified as 04-11 on page C-1-68 of the staff report.

Chairperson Ovitt: addresses the project identified as 04-11 on Theater Drive - the south end to Petersen Ranch Road and wants to see the funding percentages changed to 80% - SLOCOG and 20% - Community, with Mr. Flynn responding.

Supervisor Achadjian: addresses his concern to reversing these funding amounts.

Supervisor Pinard: addresses her concern to transferring this funding to SLOCOG; suggests if there is going to be a formula change on funding then it needs to be for all areas in the County and not just for one area.

Chairperson Ovitt: further addresses changing the funding amount, explaining his concern and suggests that if not SLOCOG then change it to "Other Funding."

A motion by Chairperson Ovitt to approve the Update and adopt the fees with the exception of Project Number 04-11 which would set aside \$764,600 for the Impact Fees as opposed to the full \$3,000,000+ recommended (with the \$3,000,000 coming from SLOCOG and/or Other Funding), dies for lack of a second.

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

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

NOES: None

ABSENT: None

the Board receives the 2004 Update of the Templeton Traffic Circulation Study as outlined in the staff report dated August 3, 2004 and RESOLUTION NO. 2004-256, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all

development within portions of the Templeton Area of the County of San Luis Obispo and adopting the required Annual Update, adopted.

7

C-2 This is the time set for continued hearing (continued from July 20, 2004) to consider reversal of a Planning Commission's decision to deny a request by R. Burke Corporation to allow for the expansion of an existing construction storage yard and the establishment of a concrete crushing and recycling use in the commercial service land use category on Farmhouse Lane in San Luis Obispo Planning area, and to conditionally approve the project: 3rd District.

Mr. John McKenzie: Planning, introduces the item and indicates they are recommending adding a Condition #48 regarding adhering to the conditions of approval and presents letters of support for the project.

Supervisor Ryan: indicates that he has listened to the CD of the hearing held on July 20, 2004 for this item so that he can participate in today's hearing.

Ms. Leslie Halls: Executive Director of the San Luis Obispo County Builders Exchange, states her Board of Directors took an unprecedented action and unanimously agreed to send a letter of support for this project; addresses the need for recycling facilities in the County; approval of this site will save hundreds of thousands of truck miles yearly; urges approval of this project.

Mr. Roy Ogden: states there are some corrections to misstatements that were made at the last hearing; addresses enclosing the facility and Title 22 absolutely requires this for this type of facility and not just a recycling collection station; regarding comments that enclosure meant fencing but under the Land Use Ordinance (LUO) Section 22.08.097f all recycling facilities regardless of location must also meet storage yard requirements which require a 6-foot fence; indicates that fences are for screening and enclosures are meant for noise and dust; believes there has been inadequate mitigation for noise and dust and an enclosed system would mitigate these issues; addresses the traffic study was done and it was for neighboring project and not for this specific application.

Mr. Jim Grammer: neighboring property owner, addresses his concerns and "doubts" about this project; urges the Board to stay with the vision and current uses of the area and deny this project.

Ms. Jan Grammer: agrees with comments by Mr. Ogden and her husband; suggests there has been ongoing violations by the Applicant and highlights the same; suggests increasing the size of this will only increase the problems; states the neighbors strongly oppose this project and urges denial of the same.

Ms. Carol Florence: Oasis Associates and representing R. Burke, addresses the changes in the conditions as presented by staff; comments to misinformation given at the last hearing; presents a packet of letters in support of this project; addresses the changes this site has seen since 1997; discusses prior landscaping conditions.

Mr. Rob Burke: Applicant, indicates he also lives adjacent to this site and is representing the Corporation; they are committed to development on the Central Coast; committed to meeting the requirements of Ordinance No. 3033 that was recently adopted regarding recycling; urges support for their project.

Mr. Art Trinidad: Planning - Code Enforcement, indicates this site is currently in compliance with storage not being higher than 5 feet.

Supervisor Ryan: addresses the conditions and his concerns regarding: Condition #44 and wants the last sentence removed regarding meeting the conditions; Condition #47 - wants the language "attractive solid wood fence" removed; doesn't believe there is a need to add Condition #48 as that language is already required through Title 22, with Mr. McKenzie responding to the suggested changes.

Supervisor Achadjian: comments on the wooden fence and the intent that it can't be seen through and wood is more natural looking than a metal fence.

Mr. Chuck Stevenson: Planning, states the Board could give staff the flexibility to work with the Applicant on the type of fencing.

Board Members: discuss various changes to the language of the conditions, with staff responding.

A motion by Supervisor Ryan to amend Condition #44 to delete the last sentence which reads "Approval of new application shall not be granted if it is evident that the applicant has not made a good faith effort to continuously meet all conditions of approval over this seven year period."; amend Condition #47 to delete the wording in the first sentence that reads "... shall be an attractive solid wood fence and ... " and add to the end of the paragraph "... and shall be maintained for the life of the project. Staff shall work with the applicant on acceptable design and materials."; not add new Condition #48 and adopt the resolution reversing the decision of the Planning Commission, dies for lack of a second.

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

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

the Board amends Condition #44 to delete the last sentence which reads "Approval of new application shall not be granted if it is evident that the applicant has not made a good faith effort to continuously meet all conditions of approval over this seven year period."; amend Condition #47 to delete the wording in the first sentence that reads "... shall be an attractive solid wood fence and ..." and add to the end of the paragraph "... and shall be maintained for the life of the project. Staff shall work with the applicant on acceptable design and materials."; Condition #48 is added to read: "All conditions of approval of this Conditional Use Permit shall be strictly adhered to completely, within the time frames specified, and in an ongoing manner for the life of the project. Failure to comply with conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If upon investigation it is determined that violation(s) of conditions of approval have occurred, or are occurring, the Planning Director, or his designee, will have the discretion to bring the matter back to the Planning Commission at the earliest possible time for a Permit Revocation Hearing pursuant to Section 22.74.160 of the County Land Use Ordinance."; and, RESOLUTION NO. 2004-257, resolution reversing the decision of the Planning Commission and conditionally approving the application of Robert Burke for Conditional Use Permit D000256D, adopted as amended.

8 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) *AT&T v. County of San Luis Obispo*, (2) *MCI WorldCom v. County of San Luis Obispo* and (3) *County of San Luis Obispo v. Bean*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (4) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (5) *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: (6) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriff's Association*. (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge*, Name of employee organization: *San Luis Obispo County Probation Peace Officers' Association*. (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*. Name of employee organization: *District Attorney Investigators Association*. (9) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *SLOCEA*.

Chairperson Ovitt: opens the floor to public comment without response.

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required because no final action was taken and the Board goes into Open Public Session.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

9

C-3 This is the time set for hearing to consider an appeal by Dann Russell on behalf of Creston Citizens for Ag Land Preservation of the Subdivision Review Board's decision to approve parcel map CO 03-0253 allowing the reconfiguration of two existing parcels into three parcels using a lot line adjustment with a concurrent division and purchasing one transfer development credit: 5th District.

Mr. John Busselle: Planning, presents the staff report, a site map, aerial photograph and photographs of the site; outlines the proposed locations for the building sites; addresses the issue raised in the appeal; states Santa Margarita Advisory Council reviewed this without comment; staff recommendation is to deny the appeal.

Ms. Kami Griffin: Planning, addresses the requirements for the Transfer of Development Credits (TDC).

Supervisor Pinard: questions State law changes regarding secondary dwellings.

Mr. James Lindholm: County Counsel, addresses the State law indicating it gives a county the flexibility to limit secondary housing but it cannot be prohibited.

Supervisor Ryan: addresses surrounding land uses and questions where there are four acre parcels and most are a lot larger; questions the position by the Agricultural Commissioner on this, with staff responding.

Ms. Lynda Auchinachie: Agricultural Commissioner's Office, addresses the use of TDC's on Agriculturally zoned land and the struggles by her department as to how to handle them.

Ms. Sheila Lyons: one of seven Co-Appellants, states they oppose this request as they believe the use of TDC's is inappropriate for this area; presents a petition with 74 signatures opposing the use of the TDC program and the application; gives a power point presentation showing photographs of the site; outlines their opposition to the use of the TDC Program because: (1) it's opposed by the neighboring landowners, area citizens, Agricultural Commissioner and the local advisory groups; (2) it's inconsistent with the Agriculture and Open Space Element; (3) it's directly contrary to the goals of the El Pomar-Estrella Area Plan; (4) violates the intent of the TDC ordinance; (5) would have a significant cumulative negative impact on the environment, the surrounding agricultural land and the community of Creston; presents a site map showing the neighboring property owners that are opposed to this project; references a 5/27/04 letter to Planning from the Agricultural

Commissioner regarding TDC receiving sites; letters from the Santa Margarita Area Advisory Council (dated 6/7/04) and Templeton Area Advisory Group (dated 7/16/04) expressing their concerns to this project.

Ms. Toby Osgood: representing the Anderson Family (Applicant), outlines the process they have been involved in for the past couple of years on this application and never being advised that use of the TDC program would be a problem; if there are changes needed to the program, suggests they should be handled separately and this Applicant should not be penalized; addresses agricultural viability impacts; urges denial of the appeal.

Mr. Chris Anderson: states he is the son of Dr. Anderson (Applicant) and that they are doing this so they have a place to build a home and live with their family; not doing it to become developers.

Mr. Tom Carter: resident of Creston, doesn't believe the concern is with the land division but rather with the use of the TDC program; states he can support the application without the use of the TDC program.

Ms. Dale Tozzi: resident of Creston, speaks to the area and the people of Creston; is against the TDC proposal as she believes it is in conflict with the current Creston uses.

Ms. Maria Lorca: states the petition they presented is specific to this project and the use of TDC's on Agricultural Lands; presents a map outlining the Applicant's parcel.

Mr. David Lyons: addresses the request and believes this is very viable agricultural land and should not be allowed for further subdivision.

Ms. Dorothy Jennings: Chairperson for the Templeton Area Advisory Group (TAAG), presents a letter (dated 7/16/2004) from TAAG addressing their concerns to this proposal and in support of the recommendations in the Agricultural Commissioner's letter dated 5/27/04.

Ms. Susan Harvey: Paso Watch, asks that this request for further subdivision of Agricultural land be denied.

Mr. Eric Greening: states, as a member of the El Pomar-Estrella Update Committee, he never saw this project; urges the Board to uphold the appeal; addresses the Ag & Open Space Element and the requirements on Agricultural Land change proposals; urges the Board to uphold the appeal.

Ms. Pam Heatherington: ECOSLO, speaks in support of the appeal.

(SUPERVISORS PEG PINARD AND MICHAEL P. RYAN ARE NOW ABSENT.)

Ms. Osgood: gives her closing arguments in support of the application indicating they followed the rules in applying for this request; urges the Board to deny the appeal.

(SUPERVISOR PEG PINARD IS NOW PRESENT.)

Mr. Anderson: speaks further to their request and their intent to only divide so that they can each have a home on this property.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

Ms. Lyons: gives her closing arguments presents a map of the site and suggests that they just divide the property into the three parcels and not do the TDC.

Supervisor Ryan: references the aerial map and comments on the surrounding land uses; comments on the Creston Hills project which is being used to

take this property down to forty acres and further addresses the requirement of the project to provide a large agricultural area; addresses the size of surrounding parcels.

A motion by Supervisor Ryan, seconded by Supervisor Bianchi to uphold the appeal, is discussed.

Supervisor Achadjian: speaks against the motion based on the rules on the book that allow someone to go through this process with the end result not being what it should be; feels this issue needs to be revisited and this concern should be addressed at that time.

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

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

the Board tentatively upholds the appeal and directs staff to prepare findings in support of this action, with one of the findings to be that the Board believes the TDC Program should put density near an urban area and considering that the subject property is in the Flood Plain near that urban area they cannot use that density there thus not qualifying them to use the TDC Program and said hearing is continued to August 17, 2004 at 9:00 a.m. for final action.

10 D-1 This is the time set for consideration of a report on genetically engineered crops in San Luis Obispo County.

Mr. Bob Lilley: Agricultural Commissioner, introduces the item; addresses the committee that was created based on the Board's directive on April 20, 2004 to evaluate growing genetically engineered crops in the County; states staff was reviewing this matter prior to the petitions/initiative that put this on the ballot in November; it is not the intent of staff to evaluate the ballot measure but rather to explain the evaluation that was done by the Committee; introduces Ms. Mary Bianchi, Farm Advisor staff, to address the issues discussed by the Committee.

Ms. Bianchi: addresses the makeup of the Committee; the number of meetings the Committee held, their objectives and ground rules; the Committee looked at "deliverables," agricultural impacts, economic impacts, environmental impacts, health impacts and regulatory/legal issues; comments on other counties that have either addressed this issue or the matter is coming before them on the ballot; provides information on (1) the grape genome, (2) hybridization or cross breeding, (3) the table of contents for genes in grapes, (4) genetic engineering methods; addresses the risk/benefit analysis; acknowledges all that helped her with this and commends the Committee members for all their work and how they handled the process.

Mr. Lilley: concludes the staff presentation by addressing the risk/benefit analysis and the regulatory issues; states that Butte, Humboldt and Marin counties have this on the November ballot; Lake County has a permit system they are developing; Trinity County Board of Supervisors voted yesterday to ban this; concerns he has to the language on the ballot with respect to enforcement and the lack of notification requirements; has concerns regarding his ability to sample crops as he will not have the authority to go onto private property; concerns regarding the legal issues involved with destroying crops; believes should the Measure pass on the November ballot, he will have some difficulties with the interpretation of various portions of the language; questions financial impacts to the County/Department for enforcement.

Board Members: address various issues, comments and concerns regarding: what the State is doing on this issue; whether there are currently any genetically engineered (GE) crops being grown in the County; the various issues of concern by the Agricultural Commissioner to the language in the initiative, with Mr. Lilley responding.

Ms. Pam Heatherington: ECOSLO, questions GE crops that are blown onto regular, organically grown crops sites and the impacts to those crops; urges the Board to just ban this all together, feels that is the best thing for all.

Ms. Jackie Crabb: Farm Bureau, presents a letter, signed by six local organizations, requesting that the Board direct the County Auditor to prepare a fiscal impact statement for Measure Q.

Mr. Kevin Merrill: Wine Growers Association, is opposed to the initiative; the agricultural industry was not included in writing this initiative and they believe it's poorly written; this issue should not be handled county by county but rather Statewide.

Mr. Richard Quandt: Grower-Shipper Vegetable Exchange, believes GE crops are compatible with current agricultural operations and addresses their concern to the Measure on the November ballot.

Ms. Lauren Brown: opposes the Measure and addresses various reports that show GE crops pose no health impacts to the public.

Ms. Teresa Campbell: speaks in support of Measure Q and addresses her concern to the lack of information/testing to show the safety of GE crops on humans.

Mr. Mike Zelina: addresses his concerns to growing GE crops in the County.

Mr. Ryan Rich: North County fruit/vegetable grower, addresses the need to give his customers the best crop of fruit/vegetables he can provide.

Mr. Eric Greening: speaks in support of Measure Q; thanks the Committee and staff for all their work on this report; addresses his concern to the health impacts of GE crops; addresses the need to resolve the issue of how to protect locally grown crops from GE crops.

Dr. L. L. Anderson: states this process started more than 70 years ago and was done with hybrid corn; regarding negative changes they saw in animal fat (from animals fed with hybrid corn).

A motion by Supervisor Ryan, seconded by Supervisor Bianchi to direct the County Auditor to prepare a fiscal impact report for inclusion with the Sample Ballot for Measure Q, is discussed.

Supervisor Pinard: questions what the report would include.

Mr. James Lindholm: County Counsel, indicates this report would need to be prepared by the end of the week, per the County Clerk-Recorder, in order to meet the deadlines for getting the sample ballot printed; addresses what the report would consist of.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervision Bianchi and unanimously carried, the Board agrees to continue the meeting past 5:00 p.m..

The Board returns to discussion on the main motion.

Mr. Gere Sibbach: County Auditor-Controller, addresses the language of the Elections Code; states he has a very short time frame in which to get this analysis completed; states his understanding of what he would be doing is a fiscal impact analysis on the County and not an economic on the County as a whole.

Ms. Julie Rodewald: County Clerk-Recorder, speaks to the deadlines they established in order to have the sample ballot published in a timely manner; that

deadline is this Friday and her concerns if that deadline is extended but offers additional time to August 13th if absolutely needed.

Supervisor Ryan offers to amend his motion to direct the Auditor to have the report to the Clerk by August 13th, with the second not agreeing to the amended motion.

Chairperson Ovitt: calls for the question.

Supervisor Pinard: indicates the question is being called for without any discussion on the motion.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and on the following roll call vote:

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

the Board directs the County Auditor to prepare a fiscal impact report for inclusion with the Sample Ballot for Measure Q.

Supervisor Bianchi: indicates that she voted no on the motion as she believes the report should be as well done as it can be and is concerned about the time allotted to the Auditor to prepare the report not being sufficient.

A motion by Supervisor Ryan, seconded by Chairperson Ovitt to give the Auditor- Controller until August 13, 2004 to have the report to the Clerk-Recorder, is discussed.

Supervisor Pinard: regarding her no vote on the prior motion was because it's not clear what the Board is asking the Auditor do prepare and feels there should have been more discussion on the issue; states she is very interested in an economic analysis but wants it to include both the revenue and expenditure.

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

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

the Board gives the Auditor-Controller until August 13, 2004 to have the report to the Clerk-Recorder.

Board Members: discuss the report by the Agricultural Commissioner's office on GE crops.

Supervisor Bianchi: speaks regarding an editorial that was in Science Magazine, Volume 305, dated July 23, 2004; states one of the major problems with GE crops of any kind is that positive claims are made against a background of unrevealed negative results; addresses actions being taken by Eliot Spitzer, Attorney General of New York; presents copies of the editorial; addresses information being prepared regarding GE crops and the potential for significant, unintended health effects; wants the agricultural community to voluntarily impose a moratorium on themselves to not use GE crops for six months after this report is compiled and made public; addresses her reasoning for this request.

Supervisor Pinard: reads information into the record regarding organic certification process which in part says "An important example of the issues relating to the genetically engineered drift issue - If GE drift occurs and results in the inadvertent genetic contamination of organic product, the organic producer to whom

this occurred couldn't be held responsible and thus the product cannot be decertified.”; addresses the impact should this occur.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and unanimously carried, the Board receives and files the staff report date August 3, 2004.

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, August 3, 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/Vicki M. Shelby,
Deputy Clerk-Recorder

DATED: August 9, 2004
vms