

Tuesday, June 27, 2006

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

**PRESENT:** Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON K.H. 'KATCHO' ACHADJIAN.**

**SUM AGN**

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

**AYES:** Supervisors Ovitt, Lenthall, Bianchi, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** None

**RESOLUTION NO. 2006-218, resolution commending Rae Belle Gambs, Chairperson for the Mental Health Board, adopted.**

**Chairperson Achadjian:** reads the resolution and presents the same to Ms. Rae Bell Gambs.

**Ms. Gambs:** thanks the Board for the recognition; states it has been a pleasure and an honor to be on the Mental Health Board; introduces her husband.

**Supervisor Bianchi:** comments that if something positive happened for Mental Health, Ms. Gambs was involved.

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

**AYES:** Supervisors Ovitt, Lenthall, Bianchi, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** None

**the Board approves the presentation by the San Luis Obispo County Housing Trust Fund.**

**Ms. Anita Robinson:** Chairperson of the San Luis Obispo County Housing Trust Fund (HTF), discusses the County's contributions to the HTF; thanks the Board for their support.

**Mr. Jerry Rioux:** Executive Director, presents the report regarding the Affordable Housing Trust Fund; addresses the tasks and conditions of the Program; discusses the current regional cooperation; highlights the results of the Program; speaks to how the Program is funded; comments on the approved loans and potential projects.

**Mr. Tom Jones:** speaks to his qualifications; highlights his reasons for joining and the importance of the HTF; thanks the Board for their support; comments on their public outreach efforts.

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

**Mr. Jesse Arnold:** speaks to Genetically Engineered (GE) crops; discusses Santa Cruz's adoption of regulations regarding GE crops; urges the Board to do the same.

**Mr. Wayne Moody:** presents a press release from the Governor regarding the State of Emergency regarding restrictions on salmon fishing along the California and Oregon Coasts; urges the Board to write a letter to the Governor requesting to be included in the Declaration of Emergency and a letter to the Secretary of Commerce urging him to declare a fishery failure.

**Mr. Jeremiah O'Brien:** President of the Morro Bay Commercial Fishermen's Organization, urges the Board to support the letter to the Governor and Secretary of Commerce as outlined by the previous speaker; highlights the issues regarding the Klamath River; discusses the financial impacts of these restrictions.

**Mr. Terril Graham:** states he has not been allowed to make a presentation to the Board; discusses his presentation to the Supreme Court; states he was falsely imprisoned and never received a jury trial; presents his request to be allowed to speak longer at future meetings.

**Dr. L. Jeannette Davis:** speaks to the August 12th Festival in Morro Bay; invites the Board and the public to attend; states there will be a special appearance by Sarah Gerhardt.

**Mr. Mark Wampler:** addresses problems with the streets and sidewalks in Oceano; discusses the financial impacts of sidewalk requirements on individuals who wish to enlarge the size of their homes; urges the Board to reconsider an ordinance requiring sidewalks in Oceano.

**Mr. Bruce Gibson:** expresses his concern regarding the Ocean Disposal Alternative addressed in the Final EIS for the San Luis Drainage Feature Re-evaluation proposed by the Bureau of Reclamation; urges the Board to legally challenge this if the Ocean Disposal Alternative is adopted.

**Mr. David Duggan:** addresses his concern with Assemblyman Blakeslee's legislation regarding the Los Osos Sewer Project; speaks to his disappointment with the Los Osos Community Services District Board President and Vice President and urges them to resign; comments on Mr. Bruce Gibson's understanding on the CEQA guidelines regarding the sewer.

**Mr. Richard Margetson:** discusses the election results for the District 2 Supervisor race; speaks to Los Osos being a divided community; states the comments made by Board members, who were returning for the afternoon session, regarding Los Osos were picked up on the microphones.

**Mr. Eric Greening:** expresses his concern that the County will be making a huge mistake overseeing the Los Osos Sewer Project; addresses his concern regarding potential Countywide impact's if the Board takes on the project; states he agrees with Mr. Gibson's comments regarding the Ocean Disposal Alternative.

**Ms. Galen Ricard:** speaks to needs of the community of Los Osos; agrees there is a need to protect County taxpayers outside the Los Osos area as it relates to the sewer project; expresses her support for Assemblyman Blakeslee's legislation.

**Mr. David Edge:** County Administrative Officer, states staff is looking into the economic impacts to the County and local fishermen as it relates to the Governor's Declaration of Emergency; speaks to the Board letter, a year ago, in opposition to the Ocean Disposal Alternative going through our County; indicates he will send out an updated letter restating the Board's opposition to this Plan; comments on Assemblyman Blakeslee's legislation and outlines the County's conditions to participate.

**Chairperson Achadjian:** directs staff to prepare a letter to the Governor regarding the Declaration of Local Emergency. **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.

**Mr. Jeremiah O'Brien:** President of the Morro Bay Commercial Fisherman Organization, discusses his experience with AGP Video (AGP); highlights the meetings and services AGP is providing; expresses his concern with the use of an out-of-County provider; states he would like to see AGP stay as the County's primary videographer.

**Mr. Tony Hynman:** discusses his work experience in the film, television and radio industry; urges the Board to pull Item B-30 and reject the staff recommendations; outlines the reasons to keep AGP; expresses his concerns with the expense of and the ability to provide service by the out of County provider; urges the Board to reconsider the staff recommendation.

**Mr. Bob Lloyd:** AGP, expresses his opinion that AGP met the bid requirements; discusses the service they provide; urges the Board to reject the staff recommendation.

**Mr. Eric Greening:** speaks to the bid process for Items B-1 through B-5; expresses his concern with the use of the alternative bid process regarding Item B-30; questions why the Board is looking to outsource their minutes; urges the Board to reject Item B-30 and reissue the RFP to meet the Board's specifications.

**Ms. Julie Rodewald:** County Clerk-Recorder, speaks to the certification of the Election; states voter participation was approximately 43%, with over 61% of mail ballot voters casting their ballot, far exceeding past returns; thanks the poll workers, the poll facilities and her staff for all their work.

**Mr. Steve Mathieu:** AGP, highlights the services they provide; expresses his concern with the RFP process; discusses the FTR Program with Minute Maker; urges the Board to pull Item B-30.

**Ms. Nancy Castle:** AGP Director, outlines the services they provide 24 hours a day, 7 days a week; states they now meet all the service criteria of the RFP; agrees with previous speakers; compares the ability to access information between Granicus and AGP; discusses the fees charged by Granicus.

**Mr. David Nelson:** speaks to Item B-30, agrees with previous speakers; urges the Board to pull Item B-30 and reconsider the staff recommendation; encourages the Board to support AGP, the local company.

**Mr. Randall Tillotson:** expresses his concern with the contract terms and conditions of Item B-30; discusses his experiences with AGP; urges the Board to pull the item.

**Ms. Angie King:** speaks on Item B-30, expresses her support for AGP; urges the Board to pull the item and start the process over.

**Mr. Mark Wampler:** discusses his experience with AGP at the Oceano Community Services District meetings; highlights the services they provide; questions why the Board is considering another company; urges the Board to reject Item B-30.

**Mr. David Duggan:** urges the Board to pull Item B-30; states someone is willing to provide the service for less; AGP will be "better, cheaper, faster"; comments on his experience with working with AGP.

**Mr. Michael Winn:** urges the Board to approve Item B-8.

**Ms. Galen Ricard:** addresses Item B-30, urges the Board to base their decision on "real value"; expresses her support of AGP; states the Board should recognize AGP for providing information to the public; urges the Board to reconsider and keep the service local.

**Mr. Michael Rosendale:** speaks on Item B-30; outlines his work experience; discusses his job with AGP; states there are hard working, focused employees at AGP; expresses his concern that due diligence was not followed with this bid process.

**Mr. Tom Geaslen:** discusses Item B-8 and thanks the Board for their support.

**Mr. Richard Margetson:** states he agrees with previous speakers regarding Item B-30; speaks to the adaptability of AGP; urges the Board to keep local control.

**Mr. Thao Hill:** Director of Business Development for Granicus, discusses the history of the company; outlines the development of the program; states the County will own their data; highlights the services provided by Granicus; presents a list of comments from customers.

**Mr. Terril Graham:** speaks on Item B-30, expresses his concern with all the information required to make a decision on the agenda; states under State law the minimum bid should get the job unless there is an overriding consideration to award the bid.

**Chairperson Achadjian:** presents a letter from League of Women Voters regarding Item B-30. **No action taken.**

- 5 B-1 thru B-35 Consent Agenda Items B-1 and B-2 are amended by changing the bid opening date from July 27, 2006 to July 31, 2006. Item B-6 is amended by adding a notice of public hearing that was inadvertently left out. Item B-11, the title on the coversheet is amended to read as follows: "Request to approve renewal contracts (Clerk's File) with Marlene M. Cordero, M.D., Jean Dansereau, M.D., Joshua C. Deane, M.D., David K. Fennel, M.D., Lloyd G. Hyndman, M.D., N. Mannard, M.D., Victor Perez-Preciado, M.D., Joseph Stevens, M.D., to provide psychiatric services; and Hani Boustros, M.D., to provide medical histories and physical examinations for Mental Health patients. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)". Item B-22 is withdrawn. Item B-30 is withdrawn for separate action. Items B-34 and B-35 are added to the Consent Agenda.

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

**AYES: Supervisors Bianchi, Patterson, Ovitt, Lenthall, Chairperson Achadjian**

**NOES: None**

**ABSENT: None**

**Consent Agenda Items B-1 through B-35 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-35, 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 repair of a timber bridge on Santa Rita Road over Old Creek at Cayucos; 2nd District, **Approved as amended and the Clerk is instructed to give notice of the bid opening set for July 31, 2006 at 3:00 p.m..**
- B-2 Plans and specifications (Clerk's File) for pedestrian improvements on 16th Street in San Miguel; 1st District, **Approved as amended and the Clerk is instructed to give notice of the bid opening set for July 31, 2006 at 3:00 p.m..**
- B-3 Plans and specifications (Clerk's File) for site and utilities work at Fire Station #42 in the Carrizo Plain; 1st District, **Approved and the Clerk is instructed to give notice of the bid opening set for July 31, 2006 at 3:00 p.m..**
- B-4 Plans and specifications (Clerk's File) for the construction project to realign Santa Fe Road at the San Luis Obispo County Regional Airport; All Districts, **Approved and the Clerk is instructed to give notice of the bid opening set for July 27, 2006 at 3 p.m..**
- B-5 Plans and specifications (Clerk's File) for the expansion of the Courts holding cells at the Government Center Annex; All Districts, **Approved and the Clerk is instructed to give notice of the bid opening set for July 27, 2006 at 3:00 p.m..**
- B-6 **RESOLUTION NO. 2006-219**, resolution setting a public hearing to consider establishing a Zone of County Service Area 9 for road improvements; and **RESOLUTION NO. 2006-220**, resolution proposing the adoption of a special tax for road improvement to a portion of Cimarron Way in the community of Los Osos; 2nd District, **Adopted as amended and the Clerk is instructed to give notice of the hearing date set for August 1, 2006 at 9:00 a.m..**

General Services Items:

- B-7 A grant application to the FAA for extension of Runway 11 at the San Luis Obispo County Regional Airport, **Approved.**

- B-8 Request to amend the joint use agreement with Lucia Mar Unified School District to provide recreational improvement at Nipomo High School and approve a budget adjustment in the amount of \$300,000 from the South County Quimby Fund Center; 4th District, **Approved**.

Public Health Items:

- B-9 A renewal contract (Clerk's File) with Robert J. Latta, M.D. to continue serving as the Deputy Health Officer and County Jail physician for five years; and 2) authorize the Health Agency Director or his/her designee to effect termination of the contract, **Approved**.
- B-10 A renewal agreement (Clerk's File) with Life Steps Foundation, Inc. for an Alcohol and Drug-Free Residential Treatment Services and Alcohol and Drug-Free Transitional Living Center, **Approved**.
- B-11 Renewal contracts (Clerk's File) with Marlene M. Cordero, M.D., Jean Dansereau, M.D., Joshua C. Deane, M.D., David K. Fennel, M.D., to provide psychiatric services; and Hani Boutros, M.D., to provide medical histories and physical examinations for Mental Health patients, **Approved as amended**.
- B-12 A renewal contract (Clerk's File) with Echo Consulting Services of California, Inc., to provide software maintenance and support for the Mental Health billing and management information system, **Approved**.
- B-13 Request to approve the Department of Mental Health Short-Doyle Medi-Cal Health Insurance Portability and Accountability Act (HIPAA) Transactions Trading Partner agreement, **Approved**.

Public Works Items:

- B-14 Bid opening report for the construction of Lift Station No. 3 Upgrade in County Service Area No. 7A Oak Shores and a request to approve a budget adjustment in the amount of \$200,000; 1st District, **Approved and the Chairperson is instructed to sign contract documents with Fluid Resource Management, Inc. in the amount of \$192,168**.
- B-15 A new capital improvement project and an agreement (Clerk's File) with Geo-Logic Associates for the completion of an engineering feasibility study and associated services at the Los Osos Landfill and a corresponding budget adjustment in the amount of \$95,000 from the Los Osos Landfill designation; 2nd District, **Approved**.
- B-16 **RESOLUTION NO. 2006-221**, resolution authorizing execution of a notice of completion for the construction of the El Moro Avenue Bikeway; 2nd District, **Adopted**.
- B-17 **RESOLUTION NO. 2006-222**, resolution adopting policies for the provision of priority water and/or wastewater service for lower income housing development pursuant to Senate Bill No. 1087; All Districts, **Adopted**.
- B-18 **RESOLUTION NO. 2006-223**, resolution providing for a service charge credit/rebate for the Landscape maintenance project in County Service Area No. 1A (Galaxy Park, Tract 1898, Nipomo); 4th District, **Adopted**.
- B-19 **RESOLUTION NO. 2006-224**, resolution accepting road improvements on Crystal Way, Princess Court and Tanis Place, County Roads Nos. 1025, 1398, and 1476, Nipomo; Venture Drive, County Road No. 2223, San Luis Obispo; South Bay Boulevard and Sunny Oaks Lane, County Road Nos. 3125 and 3189, Los Osos; North Forty Road, Harvest Way, Farm Lane, Norte Road and Santa Margarita Road, County Road Nos. 4084, 4085, 4086, 4087 and 4319, Garden Farms; Carmel Road, County Road No. 4058, Atascadero; and Quicksilver Way, County Road No. 4356, Templeton; All Districts, **Adopted**.
- B-20 **RESOLUTION NO. 2006-225**, resolution establishing the 2006-07 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Burton Drive Road Improvement Zone; 2nd District, **Adopted**.
- B-21 **RESOLUTION NO. 2006-226**, resolution establishing the 2006-07 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Camborne Place Road Improvement Zone; 2nd District, **Adopted**.

- B-22 Resolution to levy assessments for costs of the San Luis Obispo County Flood Control Zones 1 and 1A (Arroyo Grande/Oceano Area); 3rd and 4th Districts, **Withdrawn**.
- B-23 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. CO 02-0370, a proposed subdivision resulting in 3 lots by Linda Vogt, Cow Meadow Place, Templeton, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved**.
  - b. Tract 2482, a proposed subdivision resulting in 5 lots by Laverne Robinette, Christmas Tree Place, Oceano, reject the offer of dedication without prejudice to future acceptance, **Approved**; and **RESOLUTION NO. 2006-227**, resolution to accept an avigation easement; 4th District, **Adopted**.
  - c. CO 99-0078, a proposed subdivision resulting in 4 lots by Edwin Lawrence O'Reilly Family Trust, Los Palos Road, south of Atascadero, **Approved**; **RESOLUTION NO. 2006-228**, resolution accepting the widening of Los Palos Road, and **RESOLUTION NO. 2006-229**, resolution to accept extending Madrid Road; 5th District, **Adopted**.
  - d. CO 03-0260, a proposed subdivision resulting in 2 lots by Linda Ann Kennedy, Exline Road, north of Paso Robles; 1st District, **Approved**.

Other Items:

- B-24 Allocation of \$9,000 (\$2,000 each from Districts One, Two, and Five, \$1,500 each from Districts Three and Four) from Fund Center 106 – contributions to other agencies, to the San Luis Obispo Mozart Festival to be used for Mozart Fringe Concerts to be held July 14 – July 23, 2006, **Approved**.
- B-25 An agreement with the San Luis Obispo Community Foundation, acting as fiscal agent for the Gold Coast Collaborative, to develop a strategic plan to combat the rising obesity epidemic and chronic diseases associated with that epidemic, **Approved**.
- B-26 Distribution of excess proceeds from Tax Sale Numbers 198, 199, and 200, **Approved**.
- B-27 An amended agreement with California Shock Trauma Air Rescue (CALSTAR) extending the agreement to June 30, 2007 to provide dispatch services, **Approved**.
- B-28 Service contracts (Clerk's File) supporting Child Welfare Services and the CalWORKs program, **Approved**.
- B-29 Contract with Dr. Gary Walter, M.D., dba Microcorre Diagnostic Laboratory to provide forensic pathology services, **Approved**.
- B-30 Contract with Granicus, Inc. to purchase a web streaming solution in the amount of \$75,632 to provide the County with web streaming capability, meeting minute creation technology, archiving, retrieval and storage capabilities of public meetings; All Districts, **Withdrawn for separate action**.
- B-31 **RESOLUTION NO. 2006-230**, resolution authorizing the continuation of an agreement (Clerk's File) with the State Department of Justice for a Spousal Abuser Prosecution Program for 2006-2007, **Adopted**.
- B-32 **RESOLUTION NO. 2006-231**, resolution approving an agreement (Clerk's File) for mitigations for lot line adjustment COAL 04-0494 with Alfred L. Marks III; 1st District, **Adopted**.
- B-33 An audit report on Life Steps Foundation for the period of July 1, 2004 through June 30, 2005, **Received and Filed**.
- B-34 Request by the Clerk-Recorder to declare the results of the June 6, 2006 Consolidated Primary Election, **Approved**.

B-35 Request by the Clerk-Recorder to approve the appointment of Central Committee and County Council Members in Lieu of Election, **Approved**.

6 B-30 Contract with Granicus, Inc. to purchase a web streaming solution in the amount of \$75,632 to provide the County with web streaming capability, meeting minute creation technology, archiving, retrieval and storage capabilities of public meetings; All Districts, is presented.

**Mr. David Edge:** County Administrative Officer, speaks to the technical program issues and the RFP process; states they accepted AGP's bid even when it was submitted late; states AGP's proposal did not meet the criteria set when the RFP was presented; addresses why Granicus was selected.

**Chairperson Achadjian:** clarifies the Board is not looking to replace or take way from AGP.

**Ms. Janette Pell:** Information Technology Director, introduces Mr. Guy Savage who will be presenting the staff report.

**Mr. Guy Savage:** Assistant Information Technology Director, presents the staff report; discusses the internal impacts, on the County's network, of County employees viewing AGP's web streaming; addresses the project goals; comments on the RFP and selection process; speaks to the selection criteria; highlights proposal costs showing Granicus as the lowest bidder.

**Supervisor Patterson:** questions if AGP proposal reflects the 5% discount for a local business, with Mr. Savage stating it does not.

**Mr. Edge:** reminds the Board that the RFP does not have to be awarded to the lowest bidder, the County may select the product best suited for the job.

**Ms. Rita Neal:** Deputy County Counsel, comments that construction contracts are required under the Government and Public Contract Codes to be awarded to the lowest bidder, unlike the RFP process which does not have that requirement.

**Supervisor Bianchi:** addresses her questions regarding ownership of the data, equipment and software; response time for maintenance and repair.

**Mr. Savage:** comments what the County owns and what Granicus owns; speaks to the 24 hour maintenance watch with Granicus; outlines how problems will be addressed; highlights the services AGP was unable to demonstrate at the time of the RFP; discusses AGP's role in continuing to produce all the meetings they currently produce; describes the Granicus solution was the best value for the cost; highlights the search functions for the minutes through Granicus.

**Ms. Julie Rodewald:** County Clerk-Recorder, speaks to the product being a "full system"; highlights the positive aspects and availability of the Granicus solution.

**Mr. Vic Holanda:** Director of Planning and Building, expresses his support for Granicus; speaks to the 30% reduction in time in producing minutes; highlights the staff's ability to access the information without impacting the Clerk's staff; expresses his staff's support for Granicus.

**Ms. Nancy Castle:** AGP Director, states there is an error in the staff report, the \$19,200 for first 12 months maintenance was included in their cost; suggests that money could be used to work with staff to develop an appropriate solution.

**Supervisor Ovitt:** speaks to the problems the County experienced developing their own software; expresses his support for the staff recommendation; suggests while the County is using Granicus, it will allow AGP time to meet the standards of Granicus.

**Supervisor Bianchi:** questions how soon the Board can re-evaluate the Granicus contract.

**Mr. Edge:** states the first Granicus renewal will be ten months from now.

**Mr. Steve Mathieu:** AGP, states they are at the standards of Granicus now.

**Supervisor Patterson:** discusses the terms of the contract; expresses his concern with changing systems; states AGP costs are significantly lower.

**A motion by Supervisor Ovitt to adopt the staff recommendation, dies for a lack of a second.**

**Mr. Edge:** states if staff cannot have the Granicus product they'd prefer not to do anything, and that would occur by the Board taking no action.

**Mr. Ovitt:** states the technical staff reviewed the requirements of the RFP and the Board has the option to review in a year.

**Supervisor Bianchi:** expresses her preference for using a local company and AGP's willingness to comply with Board requests; speaks to her experience with AGP while running for Supervisor.

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

**AYES:** Supervisors Bianchi, Ovitt, Lenthall, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** None

**the Board approves the contract in the amount of \$75,632 with Granicus, Inc. to purchase a web streaming and storage solution and directs staff to return to the Board for review of the contract in 10 months to possibly consider another RFP at that time.**

7 C-1 This is the time set for hearing to consider adoption of the 2006-07 Final Budget including: 1) a resolution adopting budgets for the County and Board governed Special Districts; and 2) a resolution adopting the 2006-07 position allocation list (Clerk's File); All Districts.

**Mr. Jim Grant:** Deputy County Administrative Officer, discusses the changes made at the budget hearings; addresses a potential correction regarding the Childrens Assessment Center funding; presents the staff recommendations.

**Mr. Eric Greening:** addresses his concern with setting aside up to \$2,000,000 from contingency to fund costs involved with the Los Osos Sewer; questions why it is not a part of this budget.

**Mr. Edge:** states those funds are not included in the budget because the Board hasn't committed to spending the funds and Assemblyman Blakeslee's legislation has not been passed.

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

**AYES:** Supervisors Ovitt, Lenthall, Bianchi, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** None

**RESOLUTION NO. 2006-232, resolution adopting the County Budget and Budgets for Board Governed Districts for Fiscal Year 2006-2007, adopted.**

8 C-1 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES:** Supervisors Ovitt, Lenthall, Bianchi, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** None

**RESOLUTION NO. 2006-233, resolution allocating positions for Fiscal Year 2006-2007, adopted**

9 C-2 This is the time set for hearing to consider the 2006-2007 appropriation limitation calculation for San Luis Obispo County; All Districts.

**Mr. Gere Sibbach:** Auditor-Controller, presents the staff report and recommendation; states, with permission from the Board, in future years this item will be placed on the Consent Agenda as State law does not require a public hearing.

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

**AYES:** Supervisors Lenthall, Ovitt, Bianchi, Patterson, Chairperson Achadjian

**NOES:** None

**ABSENT:** None

**RESOLUTION NO. 2006-234, establishing the appropriation limit for Fiscal Year 2006-2007 for the County of San Luis Obispo and for Flood Control Zones 1 and 1A, County Service Area Nos. 1-A, 1-B, 1-C, 7-A, 7-B, 10, 10A, 16 and 23, adopted.**

10 C-3 This is the time set for hearing (introduced June 6, 2006) to consider a resolution (Clerk's File) to collect existing service charges on Property Tax Bills for the following County Service Areas: No. 1 (Old Galaxy and Tract 1690, Nipomo), No. 1-A (Galaxy Park and Tract 1898, Nipomo), No. 1-F (New Galaxy, Nipomo), No. 7-A (Oak Shores), No. 18 (San Luis Country Club Estates), and No. 21 (Cambria); All Districts.

**Ms. Straith Smith Zanartu:** Public Works, presents the staff report and recommendations.

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

**AYES:** Supervisors Ovitt, Bianchi, Lenthall, Patterson, Chairperson Achadjian

**NOES:** None

**ABSENT:** None

**RESOLUTION NO. 2006-235, resolution of the Board of Supervisors acting as the Governing Board of the San Luis Obispo County Service Area (CSA) Nos. 1 (Old Galaxy and Tract 1690 - Nipomo), 1-A (Galaxy Park and Tract 1898 - Nipomo), No. 1-F (New Galaxy - Nipomo), No. 7-A (Oak Shores), No. 18 (San Luis Country Club Estates), and No. 21 (Cambria, Road Improvements) confirming report and directing the collection of Annual Service Charges on County Tax Roll, adopted.**

11 C-4 This is the time set for hearing to declare the results of the June 6, 2006 proposed additional assessment election held within the boundaries of the San Luis Obispo Flood Control and Water Conservation District Zone 1 and 1A; 4th District. (This item was amended at the beginning of the meeting to amend the staff report to include a resolution rescinding Resolutions No. 2003-105 and 2005-183, terminating the transfer of Flood Zone 1 and 1A to the State Department of Water Resources.)

**Mr. John Diodati:** Public Works, presents the staff report and recommendations.

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

**AYES:** Supervisors Ovitt, Bianchi, Lenthall, Patterson, Chairperson Achadjian

**NOES:** None

**ABSENT:** None

**the Board declares the results of the election as certified by the Clerk and RESOLUTION NO. 2006-236, resolution of the San Luis Obispo County Flood Control and Water Conservation District rescinding Resolution No. 2003-105 and Resolution No. 2005-183, adopted.**

12 C-5 This is the time set for hearing (introduced June 13, 2006) to consider an ordinance amending Title 13 of the County Code relating to sidewalks within the County; All Districts.

**Chairperson Achadjian:** continues this item to the afternoon session.

13 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) *County of San Luis Obispo v. Level 3 Communications, LLC*, (2) *Almond Heights, LLC v. County of San Luis Obispo*; (3) *Los Osos CSD v. Golden State Water Company.*; **ADDED (All requirements of the Brown Act were satisfied as this notice was posted prior to the 72-hour noticing requirement)** (11) *Daniel Gardner v. County of San Luis Obispo.*

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (4) *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. (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: *SLOGAU*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA Trades and Crafts*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOPPOA*; (9) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *DCCA*; (10) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *DAIA*.

**Chairperson Achadjian:** 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: No report required as no final action was taken and the Board goes into Open Public Session.

14 C-5 This is the time set for hearing (introduced June 13, 2006) to consider an ordinance amending Title 13 of the County Code relating to sidewalks within the County; All Districts.

**Mr. Dave Flynn:** Public Works, presents the staff report; addresses concerns regarding the street vendors; discusses the proposed ordinance; presents comments by the Advisory Councils; speaks to enforcement of the ordinance.

**Supervisor Ovitt:** expresses his concern regarding the enforceability of the ordinance; states his concern regarding the potential legal issues with the ordinance, especially State statutes regarding Veteran's of Foreign War vendors.

**Supervisor Lenthall:** states this is a tool to be used by law enforcement to address concerns on the weekends when Public Works staff is not available.

**Mr. Eric Greening:** states the ordinance will enforce good manners and common sense; urges the Board to require sidewalks as large as possible; suggests the Board visit Mark Lakeman's website to see the work he has done to improve a community in Portland.

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

**AYES:** Supervisors Lenthall, Bianchi, Patterson, Chairperson Achadjian  
**NOES:** Supervisor Ovitt  
**ABSENT:** None

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3093, an ordinance amending provisions of Title 13 of the County Code relating to sidewalks, adopted.**

15 C-6 This is the time set for a continued hearing (continued from April 25, 2006) to consider an appeal by Yvonne Reiter-Brown of the Anderson Minor Use Permit/Coastal Development

Permit (DRC-2005-00002) to construct an approximately 4800 square foot residence at the end of Starr Court, near the intersection of Bayview Heights Drive and Valley View Lane in the community of Los Osos; 2nd District.

**Mr. Warren Hoag:** Planning, presents a letter, from the Applicant, withdrawing the appeal.

**No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and unanimously carried, the Board accepts the letter withdrawing the appeal.**

16 Added **Mr. David Edge:** County Administrative Officer, asks the Board to add to their afternoon session consideration of a Proclamation of Local Emergency regarding the salmon fishing restrictions spoke about earlier today.

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

**AYES:** Supervisors Bianchi, Lenthall, Ovitt, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** None

**the Board determines that the need to add an item to the agenda arose subsequent to the 72-hour noticing requirements of the Brown Act.**

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

**AYES:** Supervisors Bianchi, Lenthall, Ovitt, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** None

**the Board adds the consideration of a Proclamation of Local Emergency to their agenda.**

17 D-1 This is the time set for the submittal of the 2005 Annual Agricultural Report.

**Mr. Bob Lilley:** Agricultural Commissioner, highlights the report; outlines the total value of crops and animal industry in the County; comments on the various crops grown within the County; addresses the agricultural trends; states the outlook for agriculture is positive as the County has unique growing conditions that allows for diversity in crops; speaks to the history and future of the cattle industry.

**Mr. Eric Greening:** thanks the Board for having this hearing; questions where the almond crops are; speaks to concerns regarding the Ag and Rural interface; comments on organic farming in the County.

**Ms. Debra Garrison:** Central Coast Ag Network, highlights the public outreach efforts to support locally grown products; thanks the Agricultural Commissioner's Office for their support and the annual report.

**Mr. Paul Clark:** Farm Bureau, thanks the Agricultural Commissioner's Office for this report; speaks to its use as a resource tool; expresses his hope that the report will remind the public of the value of agriculture in the County.

**Ms. Tammy Nightingale:** Central Coast Wine Growers' Association Executive Director, speaks to the efforts of their association; thanks Mr. Lilley and his staff for their work.

**Mr. Kevin Kester:** San Luis Obispo County Cattlemen's Association President, speaks to the honor of being featured in the Agriculture Report; commends Mr. Lilley and his staff for their work; states his great grandmother was a charter member of the association.

**Mr. Neil Roberts:** Paso Robles Country Wine Alliance Past Chair, thanks Mr. Lilley and his staff for their work; comments on the wine grape industry being the #1 crop in the County.

**Mr. Richard Sauret:** Independent Grape Growers President, speaks to the 165 grower members; comments on growers helping growers.

**Mr. Richard Quandt:** President of the Growership of Vegetables Association, states that 30% of crop value comes from vegetables; discusses vegetable farming in the Coastal Valley; addresses land use conflicts; thanks Mr. Lilley and his staff for their work.

**Supervisor Ovitt:** addresses Mr. Greening comments regarding almond crops.

**Supervisor Patterson:** discusses the importance of preserving land; thanks Mr. Lilley and his staff for their efforts.

**Matter is fully discussed and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi and unanimously carried, the Board receives and files the 2005 Annual Agricultural Report as presented in the staff report dated June 27, 2006.**

18 Added **Mr. David Edge:** County Administrative Officer, discusses the salmon fisherman who spoke to the Board this morning; states after staff reviewed the matter they have determined the need for a Proclamation of Local Emergency; asks the Board to give staff flexibility in the language of the proclamation and enable him to extend the proclamation in 14 days while the Board is on their Summer Break; speaks to the April 28<sup>th</sup> adoption by the National Marine Fishery Service of a rule severely restricting commercial fishing industry.

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

**AYES: Supervisors Bianchi, Ovitt, Lenthall, Patterson, Chairperson Achadjian**

**NOES: None**

**ABSENT: None**

**the Board directs staff to create a Proclamation of Emergency, giving flexibility to staff regarding the language of the Proclamation, and due to the Board's absence until July 18, 2006, the County Administrative Officer is authorized to renew the proclamation in 14 days.**

**Chairperson Achadjian:** directs staff to send a copy of the Proclamation to our local Senator and Assemblyman.

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 27, 2006, 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/C. M. Christensen,  
Deputy Clerk-Recorder

DATED: July 12, 2006

cmc