

Tuesday, September 18, 2001

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

ABSENT: None

Chairperson Achadjian requests a moment of silence in memory of the tragic events that occurred on September 11, 2001 and send our sympathy and prayers for all the families that were affected; also, sends a big "thank you" to all the search and rescue teams for all their efforts.

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM

AGN

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2001-367, resolution recognizing the Atascadero Youth Task Force in San Luis Obispo County, adopted.

Supervisor Ryan: reads the resolution and presents the same to Ms. Lana Adams.

Ms. Adams: thanks the Board for the recognition; introduces Rich Matthews, who is their volunteer of the year and presents him with a plaque.

Mr. Matthews: thanks all for the recognition; speaks to the need to be involved with kids.

Ms. Adams: speaks to future funding needs for Social Services and programs/services in order to continue helping out the kids.

3 B-1 This is the time set for members of the public wishing to address the Board on
thru items set on the Consent Agenda.
B-23

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

Consent Agenda Item B-12 is withdrawn. Items B-21, B-22 and B-23 are added to the agenda. **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:**

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

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-23 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-23, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening:

- B-1 Plans and specifications (Clerk's File) for County Service Area No. 1 Collection System Improvements; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for October 18, 2001 at 3:00 p.m..**

Administrative Office Items:

- B-2 Six Preventive Health Grant agreements (Clerk's File) with various nonprofit organizations, **Approved.**
- B-3 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment and **RESOLUTION NO. 2001-268**, resolution accepting the exchange of property tax revenue and annual tax increment for Annexation No. 66 to the City of San Luis Obispo (Creekside); 3rd District, **Adopted.**
- B-4 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment and **RESOLUTION NO. 2001-269**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 67 to the City of San Luis Obispo (Cannon Corporation Center); 3rd District, **Adopted.**

Auditor-Controller Items:

- B-5 Request to reestablish 2001-02 unspent appropriations funded by restricted revenues, **Approved.**
- B-6 Unannounced cash count and limited review of cash handling procedures of Drug and Alcohol Services at the Arroyo Grande, Atascadero, and San Luis Obispo offices, **Approved and the Department is directed to report back to the Board within four months on Audit Recommendations Implementation Status.**

General Services Items:

- B-7 **RESOLUTION NO. 2001-370**, authorizing execution of a notice of completion for the Oceano Airport fencing project, **Adopted.**
- B-8 **RESOLUTION NO. 2001-371**, authorizing execution of a notice of completion for the electrical upgrades at the Probation Department, Health Department and General Hospital, **Adopted.**

Planning Items:

- B-9 **RESOLUTION NO. 2001-372**, approving an amended agreement for mitigations with Jon Olsen (Parcel Map CO 88-220), located on the southwest corner of Corbett Canyon Road and Oak Way, north of the City of Arroyo Grande; 4th District, **Adopted.**
- B-10 **RESOLUTION NO. 2001-373**, approving an agreement with Kay Ehrke exempting an affordable residential project located in the Ground Squirrel Hollow community from the Growth Management Ordinance; 1st District, **Adopted.**
- B-11 **RESOLUTION NO. 2001-374**, approving an agreement with Andrew Fetyko exempting an affordable residential project located in the community of Shandon from the Growth Management Ordinance; 1st District, **Adopted.**
- B-12 Submittal of resolutions approving open space agreements for a minor use permit with Hoppe Investments, LLC, located at Bayview Heights Drive approximately 1/4 mile south of Bay Oaks Drive in the community of Los Osos; 2nd District, **Withdrawn.**

Public Works Items:

- B-13 **RESOLUTION NO. 2001-375**, authorizing the execution of a notice of completion for the widening of Vineyard Drive from Bethel Road; 1st District, **Adopted.**

B-14 The following final map:

A. Tract 1993, a proposed three-lot condominium subdivision resulting in 30 commercial units by Gerald Williams et al, on Broad Street, south of San Luis Obispo; 3rd District, **Approved.**

Other Items:

B-15 Request by Board Members to allocate \$950 from Community Project Funds (District Two and Four - \$100 each, District Three \$750) to the Pismo Beach Chamber of Commerce, **Approved.**

B-16 Employee contract (Clerk's File) with Julian Carabeth, M.D., to provide medical histories and physical examinations for patients on the Mental Health Inpatient Unit, **Approved.**

B-17 Grant award agreement with the State Department of Criminal Justice Planning, for administration of a Victim Witness Assistance Program for 2001-02, **Approved.**

B-18 Amendment to a joint powers agreement with the City of San Luis Obispo to provide financial support to permanently restore Wednesday evening hours to the City-County Library, **Approved.**

B-19 Contract with Thomas Najarian, M.D., to provide internal medicine physician services for General Hospital and the Family Care Center Clinics, **Approved.**

B-20 Two agreements with the State Department of Veterans Affairs to provide subvention and Medi-Cal cost avoidance funds, **Approved.**

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

B-21 Notification by the Clerk-Recorder of the effective date of Ordinance No. 2941 regarding the changes to the Supervisorial District boundaries, **Received and Filed.**

B-22 **RESOLUTION NO. 2001-376**, condemning acts of terrorism committed on American Soil on September 11, 2001, **Adopted.**

B-23 **RESOLUTION NO. 2001-377**, delegating authority to the General Services Director to sign an agreement with A.J. Diani, Inc. in order to construct a new parking lot at the San Luis Obispo County Regional Airport without competitive solicitation of bids in order to comply with FAA emergency mandates, **Adopted.**

3

C-1 This is the time set for hearing to consider a resolution approving the lease of County owned real property for a nonprofit animal service and humane shelter operation at the County Operation Center; All Districts.

Ms. Caryn Maddalena: Property Manager, presents the staff report, outlining the request to use a portion of a site located at the County Operations Center for a nonprofit animal service and humane shelter operation to provide services in conjunction with the County Sheriff's, Animal Services Division; presents the Clerk with one bid to be opened.

Clerk: opens and announces the bid received is from Woods Humane Society, Inc.

Chairperson Achadjian: opens the floor to oral bids and public comment, without response.

Supervisor Pinard: questions the lack of a contract, with Ms. Maddalena responding the action today would accept the bid and staff will bring back the final contract for the Board's approval.

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

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

NOES: None

ABSENT: None

the Board accepts the bid from Woods Humane Society, Inc. and RESOLUTION NO. 2001-378, resolution of approval to lease County owned real property for a nonprofit Animal Services and Humane Shelter Operation in the unincorporated area of San Luis Obispo County, commonly known as the County Operations Center, adopted.

4 SP This is the time set for presentation by the Cattlemen's Association.

Mr. Pat Molnar: Cattlemen's Association President, introduces Dr. Gary H. Evans as Cattleman of the Year; gives a brief history on Dr. Evans and his family: he is a third generation rancher with the family starting out with dairy cows; Dr. Evans became a veterinarian in the 1960's; and over the years has expanded his cattle operations and has included additional agricultural operations.

Dr. Evans: states he had lots of help along the way and pledges to help the youth in the community; thanks all for the recognition.

Mr. Molnar: invites the Board of Supervisors to join them for lunch at the Madonna Inn. **No action taken.**

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

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

A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a).) (Formally initiated) (1) *In re Lum*, (2) *In re PG&E*, (3) *County v. KFX and (ADDED All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)* (7) *Phillips vs. County*.

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: *Dale T. Hanson, Santos Arrona, Sue Wilkison, Gene Bell*, Name of employee organization: *SLOCEA: Unclassified*.

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

Thereafter, the Board goes into Open Public Session.

6 SP The Board of Supervisors does now adjourn to the Madonna Inn for lunch with the Cattlemen's Association. **No action taken.**

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

Mr. Bill Denneen: states he is here today to present the Bill Denneen Award Trust to Eric Greening (who is absent); reads the plaque for Mr. Greening regarding his service to the community and citizens of the County; presents a photograph of the

Dunes and also a cash award of \$500; asks the Board to give these to Mr. Greening when he is at the next meeting.

Mr. Richie Ray Walker: speaks regarding a Federal case in San Francisco regarding commercial truck drivers and the issue of safety by these drivers.

Mr. Lester Goldfisher: addresses the firing of the pediatric doctors at the Family Care Center; addresses the reimbursement rate for these doctors; feels it's a mistake to remove these specialty doctors.

Ms. Pam Marshall Heatherington: speaking as a member of the Interim Hospital Authority Board member, thanks the Board for approving the contract with Dr. Najarian today; speaking for ECOSLO addresses their concern regarding Diablo Canyon, radioactivity and the five mile radius standards and, the availability of potassium iodide.

Ms. Quita Beckett: states she was a Licensed Vocational Nurse at the Family Care Center and was let go last week; believes it happened because she supported maintaining the pediatric doctors at the clinics.

Mr. Michael Kovacs: comments on the tragic events of September 11, 2001 and how this was a violation of his freedom; believes this occurred due to our own failures.

Mr. George Layman: sees a war coming again; is concerned about the lack of housing for our youth; feels the youth should be our first priority and should take precedent over a bird or a plant.

Ms. Vita Miller: addresses the firing of the pediatric doctors and wants an independent review of this action; states if the County is going to "pit" the Hospital against the Family Care Centers, it's going to be a lose-lose for everyone; in all the discussions she attended regarding saving the Hospital, there was never any discussion of diminishing the services at the Family Care Center to save the Hospital.

Mr. Jorge Rodriguez: states he is representing a Doctors & Dentists organization; there is a need for specialty doctors and pediatricians are necessary for child care; by removing the pediatricians, the County is losing its only bilingual doctor.

Ms. Karen Coleman: discusses her youngest daughters' medical needs and feels her problem wouldn't have been found as quickly if it had been a family practice doctor; urges the Board to retain the pediatric doctors.

Ms. Toni Paradis: states her son was a near drowning victim and has been under Dr. Lanza's care for 15 years; urges the Board to keep the pediatric doctors.

Dr. Lanza: states the figures used by Mr. Hood to show the number of patients seen by both family practice and pediatric doctors, is incorrect; indicates he and Dr. Naimark see more than 30 patients a day; indicates there has been no communication by Mr. Hood; in private practice he never saw the types of patients he sees now.

Ms. Dorothea Rhodes: states she has raised two families and with the second family she has a set of twins and one of the twins has special needs; appeals to the Board to keep the pediatricians who have the special training to take care of these children.

Ms. Tina Conrow: states she has four children and two have asthma; she has tried to use both family care and emergency room doctors for these two children and has always needed to go back to the pediatrician; she and her children are terrified of losing their doctor.

Ms. Marilyn Schuster: pediatric nurse and representing California Childrens'

Services (CCS), comments on the State requirements to provide care for children through CCS; State mandates include the requirement for physicians to have special training; questions how they will be able to meet the State mandates if the pediatric doctors are gone.

Ms. Linda Hall: questions “why people have to shout to be heard”; questions Item B-2 on next week’s agenda; discusses government credibility.

Ms. Jessie Garcia: speaks to the need for pediatric doctors; states she has a child with asthma who needs this specialized care.

Mr. Michael Kawaoka: indicates he didn’t know about the pediatricians until yesterday; his son has special needs that require this specialized care; states Dr. Naimark has provided the care his son has needed; feels removing these doctors will endanger children’s lives.

Dr. Robert Naimark: reads the Hospital’s mission statement and values; indicates there is a lot of support out there to maintain the pediatric doctors at the clinics; requests the Board direct that an independent study be done to review the numbers/figures used by Mr. Hood. **No action taken.**

8 CS 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.

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, September 18, 2001, 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: September 19, 2001
vms