

Tuesday, October 2, 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

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM AGN

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

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

RESOLUTION NO. 2001-387, resolution proclaiming October 7 - 13, 2001 as "National 4-H Week" in San Luis Obispo County, adopted.

Supervisor Ryan: reads the resolution and presents the same to the 4-H All Stars.

4-H All Stars: introduce themselves, which 4-H Club they belong to and present the flag to the Board asking that it be flown during the week of October 7-13, 2001.

Supervisor Ryan: thanks them for all their good work; and, thanks all the adults/parents who are involved.

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

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

RESOLUTION NO. 2001-388, resolution proclaiming October 2001 as San Luis Obispo County Domestic Violence Awareness Month, adopted.

Chairperson Achadjian: reads the resolution and presents the same to Mr. Gerald Shea, District Attorney.

Mr. Shea: thanks the Board for the recognition; introduces two high school students who present the Board members with purple pins; states the color purple is in recognition of domestic violence and stopping the same; indicates the month has a dual purpose, to recognize that both adult and teen domestic violence occurs; indicates there is a booth outside the Board Chambers with two quilts made by victims of domestic violence.

Ms. Tasha Hawkins: High school student, states domestic violence is also a teen problem and should not be considered just an adult problem.

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

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

RESOLUTION NO. 2001-389, resolution proclaiming the month of October 2001 as "Stop Cancer Where It Starts Month" in San Luis Obispo County, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Ms. Jinny Monteen and Barbara Scott.

Ms. Monteen: states Ms. Scott is presenting each Board member with a pin that reads "Stop Cancer Where It Starts"; gives statistics on the number of people who

get cancer; their goal is to make this a visible issue again and to educate people; thanks the Board for the recognition.

- 4 A-1-D Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:

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

RESOLUTION NO. 2001-390, resolution proclaiming October 2001 as "National Dental Hygiene Month" in San Luis Obispo County, adopted.

Chairperson Achadjian: reads the resolution and presents the same to Ms. Maureen Titus.

Ms. Titus: thanks the Board for the recognition; indicates they will be promoting good dental health care for both children and adults, during the month; presents the Board members with a packet of dental care products.

- 5 A-1-E Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:

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

RESOLUTION NO. 2001-391, resolution proclaiming October 2001 as "Vegetarian Awareness Month" in San Luis Obispo County, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Ms. Sherry Moore.

Ms. Moore: thanks the Board for the recognition; addresses an ongoing study that shows that vegetarians have the lowest rate of heart problems, cancer, etc.

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

- 6 A-1-F Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:

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

RESOLUTION NO. 2001-392, resolution proclaiming October of each year be declared Salmon and Steelhead Awareness Month, commencing October 2001, adopted.

Supervisor Pinard: reads the resolution and presents the same to Ms. Marla Morrissey.

Ms. Morrissey: thanks the Board for the recognition; addresses the need to provide a healthy environment for Salmon and Steelhead; indicates there are people here today, who support their work, from the State Coastal Conservancy, Morro Bay Estuary, Salmon Enhancement Program, Land Conservancy, California Conservation Corp. and the Resource Conservation District, with each representative introducing themselves to the Board.

Ms. Margaret Roper: Department of Fish & Game, outlines the newly created position (which she holds) to work on the issue of Steelhead; she is looking forward to working with everyone on this issue.

- 7 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. Eric Greening: comments on Item B-17 indicating there are also creeks here

and not just channels and, there is a need to take care of these creeks.

Mr. Michael Kovacs: speaks to Items B-12 and B-13 which are giving more pay raises to the County employees without having an annual review; indicates the public previously told the Board they wanted to control salaries and the Board has ignored this request; comments on Item B-21 and questions why this new building needs to occur so quickly that taxpayers' money has to be used to build it. **No action taken.**

- 8 B-1 Consent Agenda Items B-4 and B-5 are amended to change the hearing date from
thru October 23, 2001 to November 6, 2001. Item B-13, page B-13-24, is amended
B-22 to include the classification of Architectural Supervisor.

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-22 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-22, 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 water system improvements on El Camino Real and Helena Avenue in County Service Area No. 23, Santa Margarita; 5th District, **Approved and the Clerk is instructed to give notice of bid opening set for November 1, 2001 at 3:00 p.m..**
- B-2 Plans and specifications (Clerk's File) for demolition and excavation on the new County Government Center site; All Districts, **Approved and the Clerk is instructed to give notice of bid opening set for November 1, 2001 at 3:00 p.m..**
- B-3 Introduction of a proposed ordinance amending Section 2.48.095 of the County Code increasing the Board of Supervisor's salaries and modifying the future survey counties, **Approved and the Clerk is instructed to give notice of hearing date set for October 16, 2001 at 9:00 a.m..**
- B-4 **RESOLUTION NO. 2001-393**, of intention to surplus and sell County owned real property to an adjacent property owner in the unincorporated area of Los Osos; 2nd District, **Adopted as amended and the Clerk is instructed to give notice of hearing date set for November 6, 2001 at 9:00 a.m. (corrected from hearing date set for October 23, 2001).**
- B-5 **RESOLUTION NO. 2001-394**, of intention to surplus and sell County owned real property to an adjacent property owner in the unincorporated area of Paso Robles; 1st District, **Adopted as amended and the Clerk is instructed to give notice of hearing date set for November 6, 2001 at 9:00 a.m. (corrected from hearing date set for October 23, 2001).**

Behavioral Health Items:

- B-6 2001-2002 contract (Clerk's File) with Supplemental Health Care Services, Ltd. to provide skilled nursing services to Mental Health clients, **Approved.**
- B-7 1) Agreement (Clerk's File) with California Friday Night Live Partnership to provide a mentoring program for middle school high risk students and, 2) a corresponding budget adjustment in the amount to \$27,500 from unanticipated revenue, **Approved.**
- B-8 Agreement (Clerk's File) with Mental Health Systems, Inc., to provide drug and

alcohol services to clients of the Substance Abuse and Crime Prevention Act (Proposition 36), **Approved.**

General Services Items:

- B-9 Budget adjustment in the amount of \$100,000 from unanticipated revenue (State Park Bond Grant) to create a new capital project, to purchase a modular residence for Santa Margarita Lake; 5th District, **Approved.**
- B-10 1) Extend the emergency action to construct a new parking lot at the San Luis Obispo County Regional Airport in order to comply with Federal Aviation Administration (FAA) emergency mandates; and 2) approve a corresponding budget adjustment to help finance the new parking lot in the amount of \$105,000 from unanticipated revenue, **Approved.**

Personnel Items:

- B-11 Request to refer the representation petition from the Union of American Physicians and Dentists to Management Representative for recommendation to the Board of Supervisors, **Approved.**
- B-12 **RESOLUTION NO. 2001-395**, establishing salary and benefit adjustments for General Management, General Management Appointed Department Heads, Elected Officials, Operations and Staff Management, Confidential Employees and represented Attorneys for fiscal year 2001-2002, **Adopted.**
- B-13 **RESOLUTION NOS. 2001-396, 2001-397 and 2001-398**, amending the fiscal year 1999-2004 Memorandum of Understanding for the Public Services, Supervisory, and Clerical Units and establishing fiscal year 2001-02 salaries and benefits, **Adopted as amended.**
- B-14 **RESOLUTION NO. 2001-399**, amending the fiscal year 1999-2006 Memorandum of Understanding for the Trades, Crafts and Services Unit and establishing fiscal year 2001-02 salaries and benefits, **Adopted.**

Planning Items:

- B-15 Submittal of a request to authorize the use of alternative publication procedures for the Winter 2001- General Plan Amendment Cycle; 2nd and 5th Districts, **Approved.**
- B-16 **RESOLUTION NO. 2001-400**, approving an open-space agreement with Fundamental Evangelistic Association, and Woods Humane Society for a lot line adjustment, located at 2300 Clark Valley Road east of the community of Los Osos; 2nd District, **Adopted.**

Public Works Items:

- B-17 Bid opening report for the excavating of excess materials from Arroyo Grande Creek Channel and Los Berros Creek Channel near the community of Oceano and a request to approve a budget adjustment in the amount of \$71,000 from designated reserves; 4th District, **Approved and the Chairperson is instructed to sign contract documents with Souza Construction in the amount of \$83,974.**
- B-18 The following map:
- A. COAL 00-0172, a proposed lot line adjustment of 5 lots, by Donald Lavallee, located on Stockdale Road north of Paso Robles; 1st District, **Approved.**

Other Items:

- B-19 Request by the Clerk-Recorder to approve the minutes of the August 7, 14, 21, and 28, 2001 Board of Supervisors' meetings, **Approved.**
- B-20 Agreement (Clerk's File) with the State Department of Health Services to provide funding for the Drinking Water Source Assessment and Protection Program, **Approved.**

- B-21 **RESOLUTION NO. 2001-401**, declaring the intention to reimburse expenditures of the general government facility project from tax-exempt obligations, **Adopted**.
- B-22 Contract with American Benefit Services, Inc., in the amount of \$52,145 to provide a document imaging system for the electronic filing of crime reports, **Approved**.
- 9 C-1 This is the time set for hearing to consider an appeal by Alan and Christine Volbrecht of a decision by the Department of Planning and Building and the Department of Public Works to require curb, gutter and sidewalk along a portion of El Camino Real; 5th District.

Mr. John Busselle: Planning, presents the staff report and recommendation.

Supervisor Ryan: addresses the packet of information he received from the Volbrecht's and comments on the build-out in this area, with staff responding.

Mr. Alan Volbrecht: Appellant, states they are building a replacement residence, it's not a "previously improved" residence, as stated in the staff report; indicates it is approximately 90% complete and they are waiting for this appeal to be determined so they can complete their residence; there are no other residences that have been required to put in curbs, gutters and sidewalks in the area; the Santa Margarita Design Plan is coming before the Board soon and there is also a striping plan for Highway 58/El Camino Real in the works, both which could alter any improvements he might be required to do through this action today; asks the Board to uphold their appeal.

Ms. Christine Volbrecht: Appellant, states she has been part of the group working on the Design Plan for Santa Margarita; indicates there are no curbs, gutters or sidewalks in Santa Margarita now; there are no parking problems; questions what staff is trying to fix in this area with this requirement; states she has approximately 100 letters in support of their appeal; urges the Board to uphold their appeal.

Mr. George Sullivan: speaks to the appeal and in support of the same; states others who have built in the area were not required to put in curbs, gutters and sidewalks.

Supervisor Bianchi: questions whether striping equals reconstruction, with Mr. Richard Marshall, Public Works, responding that it does not necessarily mean reconstruction.

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

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

the Board tentatively upholds the appeal and waives the requirement to install curbs, gutters and sidewalks and continues this item to the afternoon calendar to allow staff to bring back a resolution for final action.

- 10 C-2 This is the time set for hearing to consider an ordinance amending the Growth Management Ordinance (Title 26 of the County Code) exempting up to 46 new residential units from the Growth Management Ordinance in the community of Avila Beach; 3rd District.

Mr. James Caruso: Planning, presents the staff report and reads the language to be added to Title 26 that would exempt up to 46 new residential units in Avila Beach.

Supervisor Pinard: indicates this is not a blanket exception but rather to address replacement units that need to be placed in a new location in the Avila Beach area.

Supervisor Ovitt: questions whether these are single or multi-family residences and whether this ordinance is for only 46 units or could this come back next year and the year after for 46 more.

Mr. Caruso: responds that this is for both single and multi-family residences and it is for only 46 units and not 46 year after year.

Mr. Tim McNulty: Deputy County Counsel, states this program would be discontinued once they have reached 46 units.

Mr. Eric Greening: states this is a community that needs this to occur to help complete their recovery; wants assurance this is the last one that will occur until findings and mitigations have been developed for any future requests that might be out there.

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

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2946, an ordinance amending the Growth Management Ordinance, Title 26 of the County Code, exempting up to forty-six (46) new residential units in the Town of Avila Beach, adopted.

11 D-1 This is the time set for consideration of a request by Supervisor Pinard to waive the \$230 rental fee for the San Luis Obispo Veterans Hall.

Supervisor Pinard: indicates she brought this request before the Board as she believes it is worthy cause and thought all the Supervisors would want to be included in it.

Supervisor Ryan: indicates he is willing to give some or all the money from his community project funds, but does not believe the fees should be waived.

Supervisor Bianchi: states she also believes this is a good cause and is willing to give money from her community project funds.

No one appearing and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board denies waiving the \$230 rental fee and approves funding this rental fee out of their community project for use of the San Luis Obispo Veterans Hall for the fund raiser benefitting the American Red Cross Disaster Relief Funds for the victims of the September 11, 2001 terrorist attacks.

12 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) *Curry v. County of San Luis Obispo*, (4) *Merritt v. County of San Luis Obispo* and (5) *Vadnais v. Cambria Community Services District*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (6) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (7) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (8) Property Description: *1057 Monterey Street*, Parties with whom negotiating: *Meng Huy Gau and Gai Sim Khoum*, Instructions to Negotiator will concern: *Price, Terms and Conditions*; **(ADDED - All requirements of the Brown Act were met as this was**

posted prior to the 72-hour noticing requirement.)(9) Property Description: French Hospital and Medical Center, Parties with whom negotiating: John Meyers, Instructions to Negotiator will concern: Price, Terms and Conditions.

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

Thereafter, the Board goes into Open Public Session.

(SUPERVISOR SHIRLEY BIANCHI IS NOW ABSENT.)

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

Mr. Dick Montague: representing the Oak Tree Planting Committee, comments on the program and **(SUPERVISOR SHIRLEY BIANCHI IS NOW PRESENT.)** discusses the Stewardship Award they present each year; this year's recipients are Bill and Mavis Hartzell and addresses what the Hartzell's have done with propagating both Oak and native trees; presents the plaque to the Board (with the Hartzell's name on it) and asks that it be displayed in the Government Center.

Mr. Richie Ray Walker: addresses Item B-12 from the Consent Agenda today and the pay raises for management that were approved today; comments on the damage and death that occurred back east; also, the loss of jobs because of this tragedy; feels this County is not being very compassionate about these occurrences when they give these pay raises.

Ms. Ann Ketcherside: addresses her concern to discussions of a school being located next to Atascadero State Hospital and urges the Board to tell the Superintendent of Schools and Atascadero School District that this is not acceptable.

Mr. Michael Kovacs: wants the Board to return honesty to County Government; also, wants the Board members to start listening to their constituent's grievances, and stop increasing fees, increasing taxes and the runaway growth that is occurring.

Mr. Louis Wheeler: comments on meetings that have been occurring in Oceano regarding the possibility of new beach openings at 22nd St. and/or through the Tosco Refinery; at these meetings eminent domain was discussed and his Supervisor stated he was opposed to eminent domain, yet a September 26, 2001 newspaper article indicated the Board of Supervisors "unanimously" supported the use of eminent domain for a specific property.

Mr. Charlie Nofflett: addresses the discussion at last weeks' Board meeting, regarding CPS complaints and the Grand Jury not being able to get information from this department; states he was previously on the Grand Jury and is aware of the process; feels it is cruel to give the public unrealistic expectations when they file a complaint on something that will not be responded to.

Ms. Linda McElver: representing the Canaries Foundation, states she is representing people who are chemically sensitive; addresses her personal experience being poisoned by chemicals; their concern about children and adults with asthma and the additional problems they have when exposed to chemicals; presents a packet of information to the Board.

Mr. Eric Greening: supports comments by Ms. McElver and reads from the resolution the Board adopted this morning on stopping cancer where it starts. **No action taken.**

14 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: all the items listed on Closed Session were discussed except for the issue on French Hospital & Medical Center that was listed under Conference with Real Property Negotiator and no report is required because no final action was taken.

15 C-1 Appeal by Alan and Christine Volbrecht, is brought back on for hearing.

Mr. John Busselle: Planning, presents the revised resolution based on the action taken earlier today by the Board.

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

RESOLUTION NO. 2001-402, resolution reversing the decision of the Department of Planning and Building and Department of Public Works to require curb, gutter and sidewalk and uphold the appeal in connection therewith, adopted.

16 PC Public Comment on items not set on the Agenda is brought back on by Chairperson Achadjian.

Mr. Lawrence Baughman: states he lives in Oceano and is asking for the Board's help or advise; he residents with a lady who has taken on her seven grandchildren that were abandoned by their mother and their father is a recovering addict; states he recently received a visit from Code Enforcement telling him he needs to move his van and remove the electricity; states he sleeps in the van at times as the house is so crowded; this van is not permanently located at this site, as he uses it for transportation; states he has letters from the residents of the area indicating its not a problem for them that he sleeps in it sometimes; there is no affordable senior housing for him; he is asking for a waiver, for humanitarian reasons, to allow him to use his van occasionally.

Chairperson Achadjian: presents photographs of the van for the Board members to review; asks Mr. Baughman to meet with Art Trinidad, Supervisor for Code Enforcement, and he will meet with them later to see what is happening. **No action taken.**

17 E-1 This is the time set for consideration of a resolution approving a construction change order policy for the Lopez Dam Seismic Remediation Project and discussion of the project's construction emergency action plan (Clerk's File); 3rd and 4th Districts.

Mr. Paavo Ogren: Public Works, presents the staff report; discusses the Lopez Dam Seismic Remediation Project and the requirements for both a Construction Emergency Action Plan and a Construction Change Order Policy and addresses the purpose of each; under the emergency action plan there are five levels of "alert" to an emergency and presents a flow chart explaining these levels; discusses the change order policy and the current requirement to have a County Officer approve these and in this case the person in charge is the Construction Manager and is not a County employee; outlines the three levels of non-emergency change orders and the requirements and limits to each; indicates there is one correction to the exhibit to the resolution, under 1-D, the last sentence of this paragraph needs to be deleted.

Mr. Michael Kovacs: addresses the process for awarding contracts to the lowest bidder; problems he has with who approves change orders, as this is usually the "buyer of the service."

Supervisor Bianchi: questions emergency versus non-emergency requirements and what can be approved, with Mr. Ogren responding.

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

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

the Board amends Exhibit A to the resolution to delete the last sentence in 1-D that reads: "If those change orders are approved by the Board, then the

cumulative amount of subsequent change orders that may be approved by the County's Project Director, as the designee of the Director of Public Works, shall be reestablished at \$812,200"; and RESOLUTION NO. 2001-403, a resolution approving the Lopez Dam Seismic Remediation Project Construction Change Order Policy, adopted as amended.

18

E-2 This is the time set for discussion of strategic planning for Public, Education, and Government (PEG) Cable Television Access; All Districts.

Mr. Paavo Ogren: Public Works, presents the staff report; states they sent a memo out to all department heads to get their input as staff is looking to enhance this program; outlines the key elements for PEG access: (1) gather community input regarding PEG access related needs and interest - which will include holding meetings with seven community focus groups and collecting and reviewing strategic and long range plans; (2) review current PEG access facilities, channels and services - which will include preparing and distributing a questionnaire and conducting an inspection of the access facility(ies) providing service to County residents; (3) analyze data gathered - which will include reviewing all the information received; and, (4) prepare PEG access strategic plan - which will include equipment packages for PEG access facilities, appropriate funding levels and funding sources to support PEG activities; introduces the County's consultant, Ms. Sue Buske, of The Buske Group.

Ms. Buske: outlines what PEG access includes: access channels; professional staff; training; community involvement; management nonprofit governmental educators and/or cable companies; outlines how this access is established in communities; what PEG access programming accomplishes; governmental access also includes providing emergency information; presents two videos of how this has been applied in other areas.

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

Ms. Sara Horne: League of Women Voters, states they have been active in public access programming for the past three years; **(SUPERVISOR PEG PINARD IS NOW PRESENT.)** presents a video of various programming that is occurring on the SLO Public Access Cable Channel; **(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)** assumes there will be funding from the County and presents recommendations on how that money should be used; suggests that current users should be used as consultants; and, urges the County to use a percentage of the money collected through franchise fees for this purpose.

Mr. Richard Mealey: SLO Public Access, states they are currently showing more than 80 shows a month on Channel 10; outlines what they provide to those putting these programs on.

Mr. Michael Passarelli: speaks to the changes by the people putting their own shows on over the past three years; indicates a lot of what Ms. Buske outlined is already occurring on Channel 10.

Mr. Louis Wheeler: Oceano, states there are a lot of supporters of public TV in his area; they have been "passing the hat" to have the Oceano Community Services District's meeting aired; asks that the County help pay to air these meetings.

Mr. Richie Ray Walker: supports public access and Charter has been doing a good job of this; feels it is important to bring meetings like the Board meetings into peoples homes; supports increasing public access.

Mr. Toby Buffalo Sacher: states Charter has done a wonderful job with public access TV and there is always a spirit of cooperation; he would like to see funding go to the producers.

Mr. Frank Arundel: one of the founding members of SLO Public Access, states the Franchise Coordinator for the County will propose a media center and suggests it will not include Channel 10.

Mr. Bill Rabenaldt: states he has a weekly show on Channel 10 and outlines the types of information they have presented.

Ms. Bernadette Bernardi: Literacy Council, speaks to the outstanding work by Charter in presenting programming.

Mr. Ed Merrill: General Manager for Charter, addresses their work with the community and now is the time for the County to step up and help advance these types of programs.

Mr. John Kert: states he is a producer for three programs on public access TV; Charter has given them excellent support to produce these programs; wants to see the County add their support in the future.

Ms. Sandy Allen: speaks in support of public access; there is a team of people who meet monthly to encourage the use of public access programming; addresses the types of programming she is currently involved with; wants the County to add their support to this.

Ms. Leslie Bearce: indicates she is involved in producing two shows on the public access channel.

Ms. Christina Bearce: student, speaks to programming and directing she has done and how she is encouraging other students to get involved.

Mr. Michael Kovacs: feels that public access is a great idea and a good use of public funds.

Mr. Al Barrow: supports public access and Charter; feels some funding should go to help pay for the employees at Charter.

Ms. Susan Coward: thanks the County for moving forward with PEG access; doesn't feel that any current or future programming is in jeopardy with this process; supports moving forward with the plan by County staff.

Mr. Galen Ricard: states he has worked with both Charter and AGP on the "G" portion of PEG and supports moving forward to create a formalized plan.

Ms. Nancy Castle: Co-owner of AGP Video, states they produce SLO Span programming; presents a graph showing the number of programming hours they are currently producing.

Mr. Brad Brown: Supervisor, Public Access for Charter, presents a list of shows and the types of services they offer; addresses the need for additional funding for these shows.

Mr. Steve Mathieu: AGP Video, states they are involved in all aspects of public access programming; gives a brief history of producing shows; feels there is already a plan, it just needs the funding.

Mr. Noel King: Public Works Director, states they are looking forward to advancing this program; they have a great appreciation for Charter; and, they don't intend to propose anything that would lessen what is currently out there.

Supervisor Ryan: questions funding from franchise fees and the separate franchise fees collected by cities, with Mr. Ogren responding.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan and unanimously carried, the Board received and files the staff report dated October 2, 2001.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and unanimously carried, the Board agrees to continue the meeting past 5:00 p.m. to 5:15 p.m..

F-1 This is the time set for consideration of an appointment to the San Luis Obispo County Health Commission.

Dr. Greg Thomas: Public Health Agency Director, presents the staff report, addressing the bylaws of the Health Commission that do not allow employees of the County Health Agency to serve on the Commission; addresses a memo from the County Administrative Officer in September 1993, that also addressed the issue of employees on this committee; the nominee Jan Hicks is an employee of Public Health; the Health Commission and staff are looking to the Board to determine if she should be appointed to this Board and address the bylaws.

Board Members: address various issues, comments and concerns regarding: whether this is a conflict; it not being a conflict as this is an advisory board and not a decision making body; the Health Commission should look at their bylaws and not have them changed by the Board.

No one appearing and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Pinard, with Supervisor Bianchi casting a dissenting vote, motion carries and the Board appoints Jan Hicks to the Health Commission, replacing Bente Jacobs (term expires 7/1/02); further, the Board does not alter the intended statement from 1993.

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, October 2, 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: October 3, 2001
vms