

Tuesday, October 16, 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 Pinard, seconded by Supervisor Ryan and on the following roll call vote:**

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

**NOES:**            None

**ABSENT:**        None

**RESOLUTION NO. 2001-414, resolution to proclaim the week of October 22<sup>nd</sup> through 31<sup>st</sup>, 2001 as Red Ribbon Week in San Luis Obispo County, adopted.**

**Chairperson Achadjian:** reads the resolution and presents the same to three students from Atascadero High School, with each thanking the Board for the recognition; they present each Board member with a "trick or treat" bag of items relating to Red Ribbon Week; and outline the events that will occur on October 27, 2001.

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

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

**NOES:**            None

**ABSENT:**        None

**presentation of a certificate commending Debby Jeter, the Deputy Director of Social Services, for her efforts in the aftermath of the attack of World Trade Center, approved.**

**Mr. Lee Collins:** Social Services Director, states that Ms. Jeter was in New York on September 11<sup>th</sup> and had the choice of staying in her hotel room, but went down to the streets to see what she could do to help.

**Ms. Jeter:** indicates she was staying at the Marriott Hotel near the Brooklyn Bridge; presents photographs of what she saw on September 11<sup>th</sup>; the hotel staff brought out all their water bottles to give people drinks and to clean off the falling debris; there was a triage unit at the hotel and she went down and asked the Fire Chief if they had someone to help with crisis counseling and he immediately gave her the job; relates a number of stories she heard from people in the World Trade Center, on the streets, in adjacent hotels and in the subway; she was extremely impressed by the human spirit she witnessed.

**Chairperson Achadjian:** presents Ms. Jeter with the Certificate of Appreciation and thanks her for her efforts.

**Supervisor Pinard:** speaks to the impact this has had on everyone in the country.

**Supervisor Ovitt:** states he heard the interview with Ms. Jeter while she was in New York and feels this once again shows what exemplary employees we have working for County Government.

3            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-14 and his concern regarding habitat removal that leaves the land bare as this can/will impact the watershed; suggests adding language to Option 3; comments on Items B-23 and B-25 and would like them removed to allow for more information/study.

**Mr. Michael Kovacs:** addresses Items B-8 and B-13 and state his objections to the District 5 Supervisor using public funds to help out schools; suggests schools already have their own funding sources and there are more important things that could use this money. **No action taken.**

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B-1 thru B-29 Consent Agenda Item B-3 is amended to remove the references to Avila Beach Drive near Avila Beach. Item B-12 is amended to include District 3.

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

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

**NOES: None**

**ABSENT: None**

**Consent Agenda Items B-1 through B-29 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B29, 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 the installation of playground equipment at Paul Andrew Park in the community of Cayucos; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for October 29, 2001 at 3:00 p.m..**
- B-2 Plans and specifications (Clerk's File) for the widening of a portion of 13th Street for bike lanes in the community of Oceano; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for November 8, 2001 at 3:00 p.m..**
- B-3 Introduction of a proposed ordinance amending the County Code relating to the establishment of no parking zones on Route 227 at Fiero Lane near the San Luis Obispo; and Avila Beach Drive near Avila Beach; 3rd and 4th Districts, **Approved as amended and the Clerk is instructed to give notice of hearing date set for October 23, 2001 at 9:00 a.m..**
- B-4 Introduction of a proposed ordinance amending the County Code relating to the establishment of through highways on Southland Street in Nipomo, and Hawley Street and Eddy Street in Templeton; 1st and 4th Districts, **Approved and the Clerk is instructed to give notice of hearing date set for October 23, 2001 at 9:00 a.m..**
- B-5 Introduction of a proposed ordinance amending the County Code relating to the establishment of speed limits on Los Olivos Avenue in Los Osos; 2nd District, **Approved and the Clerk is instructed to give notice of hearing date set for October 23, 2001 at 9:00 a.m..**
- B-6 Introduction of a proposed ordinance amending the County Code relating to the establishment of stop signs on South El Pomar Road at El Pomar Drive, North County; Beach Street at Twenty Second Street, in Oceano; Truesdale Road at Shell Creek Road, near Shandon; and at Stagecoach Road at Acero Place and Plancha Way near Arroyo Grande; 1st and 4th Districts, **Approved and the Clerk is instructed to give notice of hearing date set for October 23, 2001 at 9:00 a.m.**

Board of Supervisors Items:

- B-7 Request by Chairman Achadjian to allocate \$1,000 from District Four Community Project Funds to the Olde Towne Nipomo Association to cover costs associated with the Nipomo Cleanup Project - Phase 2, **Approved.**
- B-8 Request by Supervisor Ryan to allocate \$300 from District Five Community Project Funds to the Atascadero High School Future Farmers of America Floriculture to provide financial assistance allowing students to participate, **Approved.**
- B-9 Request by Board Members to allocate \$1,250 from Community Project Funds (\$250 from each District) to Hotline of San Luis Obispo to fund three new services being provided by Hotline, **Approved.**
- B-10 Request by Board Members to allocate \$5,000 from Community Project Funds (Districts One, Two, and Four - \$100 each and District Five - \$4,700) to Friends of the Creston Library to help replace the current Creston Library facility, **Approved.**
- B-11 Request by Board Members to allocate \$1,000 from Community Project Funds (Districts One and Two - \$100 each and District Five - \$800) to Atascadero Art Association to be used for the restoration of the Wood Nymphs statue, **Approved.**
- B-12 Request by Board Members to allocate \$1,000 from Community Project Funds (\$200 each from Districts One, Two, Four and Five) to Friday Night Live Red Ribbon Committee to be used for costs associated with "Red Ribbon Week," **Approved as amended.**
- B-13 Request by Board Members to allocate \$800 from Community Project Funds (District Two - \$150 and District Five - \$650) to the Cal Poly State University - Center for Volunteerism and Service Learning to be used to hold the 10th annual "Make a Difference Day" event, **Approved.**
- B-14 Recommendation from the Fire Safe Council regarding PG&E's habitat removal under transmission lines, **Approved.**

General Services Items:

- B-15 Request to 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, **Approved.**
- B-16 Lease agreement with Granada Group to provide office space for the Department of Social Services, **Approved.**
- B-17 **RESOLUTION NO. 2001-414**, authorizing grant applications under the Roberti-Z'berg-Harris category of the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12) for upgrades and facilities at Lopez Lake Recreation Area and Santa Margarita Lake Regional Park; 2nd, 3rd, 4th and 5th Districts, **Adopted.**

Health Department Items:

- B-18 1) State AIDS Master Grant agreement (Clerk's File) and a corresponding memorandum of understanding (Clerk's File) in the amount of \$942,821; and 2) a corresponding budget adjustment in the amount of \$30,376 from unanticipated revenue, **Approved.**
- B-19 1) Agreement (Clerk's File) with the State Department of Health Services, Office of AIDS, Housing Opportunities for Persons with AIDS program and; 2) a

corresponding budget adjustment in the amount of \$11,532 from unanticipated revenue, **Approved**.

- B-20 1) Two agreements (Clerk's File) with the San Luis Obispo AIDS Support Network to provide Hepatitis C outreach education and testing services; and 2) a corresponding budget adjustment in the amount of \$26,578 from unanticipated revenue, **Approved**.
- B-21 Budget adjustment in the amount of \$66,326 for the California Healthcare for Indigents Program (CHIP), to adjust revenues from the State's budget allocation and unanticipated revenue for Assembly Bill 430, **Approved**.
- B-22 **RESOLUTION NO. 2001-415 and 2001-416**, amending the position allocation for Budget Unit 3075 - Drug and Alcohol Services by adding one and three-quarter limited-term positions, and for Budget Unit 3286 - Medical Services by adding one limited-term Senior Account Clerk position; and 2) approve corresponding budget adjustments totaling \$330,260 from unanticipated revenue to implement four Preventative Health Grant programs, **Adopted**.

Public Works Items:

- B-23 Joint funding agreement with the United States Geological Survey and the San Luis Obispo County Flood Control and Water Conservation District to continue the Cooperative Water Resources Program for water resource's investigations; 1st and 4th Districts, **Approved**.
- B-24 The following maps:
- A. Tract 2348, a proposed subdivision resulting in 63 lots, by Templeton Properties, located on North Main Street, Templeton, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved**.
- B. CO 98-0217, a proposed subdivision resulting in 2 lots, by Steven and Penny Handel, located north of Arroyo Grande; 3rd District, **Approved**.
- C. COAL 99-0294, a proposed lot line adjustment of 2 lots, by David Albrecht and Mary Ann Aloof, Bambi Reed and Karen Griffith, located north of Creston; 1st District, **Approved**.
- D. COAL 99-0181, a proposed lot line adjustment of 2 lots, by David Exline, located on Nacimiento Lake Drive, west of Paso Robles; 1st District, **Approved**.

Other Items:

- B-25 Request by the Administrative Office to approve the allocation of the 2001-2002 Visitor Services and Environmental Grant Funds, **Approved**.
- B-26 Two contracts (Clerk's File) with San Luis Obispo Child Development Center and San Luis Obispo Child Abuse Prevention Council to provide child abuse prevention, intervention and treatment services, **Approved**.
- B-27 **RESOLUTION NO. 2001-417**, authorizing the District Attorney's Office to access state and local summary criminal history information for employment, licensing or certification purposes, **Adopted**.
- B-28 Proposed mitigated Negative Declaration for the Shadow Canyon Road Bank Stabilization Project, located on Shadow Canyon Road, west of the community of Paso Robles; 1st District, **Approved**.
- B-29 **RESOLUTION NO. 2001-418**, authorizing the Department to submit an application to the Department of Justice, Office of Corrections Programs, to fund a comprehensive plan of Countywide sex offender management, **Adopted**.
- C-1 This is the time set for hearing (introduced September 25, 2001) to consider a

resolution authorizing the sale of County owned real property to an adjacent property owner in the unincorporated area of Cambria; 2nd District.

**Ms. Caryn Maddalena:** Property Manager, presents the staff report and presents one bid to the Clerk.

**Clerk:** opens the bid from Joan and Paul Huckabay, in the amount of \$6,000.

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

**Supervisor Pinard:** states this will double the lot size if approved and feels its worth double the amount; does not support this action.

**Supervisor Ryan:** gives his understanding that if this is approved, the applicant would be required to merge the two lots into one, with Ms. Maddalena responding that is what would occur.

**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, Ryan, Chairperson Achadjian  
**NOES:** Supervisor Pinard  
**ABSENT:** None

**the Board accepts the bid from Joan and Paul Huckabay and RESOLUTION NO. 2001-419, resolution authorizing the sale of County owned real property to an adjacent property owner in the unincorporated area of Cambria, adopted.**

6

C-2 This is the time set for hearing (introduced October 2, 2001) to consider an ordinance amending Section 2.48.095 of the County Code increasing the Board of Supervisor's salaries and modifying the future survey counties.

**Mr. Dale Hanson:** Personnel Director, presents the staff report, outlining the survey they conducted of the comparison counties and based on this survey determined that the Supervisors' salaries should be adjusted +8.94%, effective January 1, 2002; states the revised ordinance will drop the County of Placer as a comparable for future years.

**Supervisor Ryan:** explains dropping Placer County from the comparable counties; indicates they are currently under a voter initiative that keeps their salary at one level and may soon come out from under that initiative and if this occurs there is a potential of up to a 100% increase in their salaries; the Board did not feel it would be fair to keep them based on this potential change.

**Mr. Michael Kovacs:** addresses his concern to the continual increases the Board members give themselves; feels the taxpayers deserve a refund for all the overpayments to the Supervisors.

**Mr. Les Goldfisher:** addresses the action by inaction taken last week by the Supervisors with respect to the pediatricians; suggests the Board members should increase their salaries over what is being recommended today.

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

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2948, ordinance**

amending Chapter 2.48 of Title 2 of the San Luis Obispo County Code, adopted.

**(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)**

7

C-3 This is the time set for hearing to consider an appeal by Michael and Torri Avila of the Subdivision Review Board's denial of a lot line adjustment, located at Callender Road, east of Highway One; 4th District.

**Ms. Kami Griffin:** Planning, introduces the item and Ms. Stephanie Fuhs.

**Ms. Fuhs:** Planning, presents the staff report; gives a brief history of the property: a portion of the property was previously deeded to Cal Trans in 1974 for the realignment of Highway 1; in 1989 Cal Trans deeded the property back to the previous owner because they realigned Highway 1 using an adjacent parcel; **(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)** addresses the issues of the appeal and staff's response to the same; staff is recommending denial of the appeal based on their contention that two lots do not exist.

**Board Members:** address various issues, comments and concerns regarding: the total acreage of the two lots; whether these lots have the ability to split; the cost to the applicant to process a lot split application; the deed to Cal Trans and what it entailed; the issue of a building permit at this site to add a garage, with staff responding.

**Mr. Tom Vaughan:** Vaughan Surveys and representing the Avilas, states that in 1970 the Fetter's purchased this property and in the 1974, under threat of condemnation, they deeded 1.1 acres to Cal Trans for the realignment project; in 1987 Cal Trans determined they were not going to use this property; in 1988 letters were sent from State and local officials to Cal Trans, urging them to not sell the property to anyone but the Feters; states they have had two appeals on this issue and outlines each; indicates these two parcels were held in separate ownership for 15 years; states there were attempts by County staff to have his client do a voluntary merger and this is not possible unless you have two legal parcels.

**Chairperson Achadjian:** questions whether these would be considered separate parcels if the 1.1 acres had been sold to another owner, with Mr. Vaughan indicating that is his understanding.

**Ms. Griffin:** states her understanding was that it wouldn't be a legal parcel.

**Mr. Jesse Hill:** Nipomo Community Advisory Committee (NCAC), states one of their concerns was that this parcel backs up to the Black Lake Canyon and the Sensitive Resource Area, which means there is the potential of CEQA problems; indicates the NCAC was told there wasn't a lot line to adjust so they took no action.

**Board Members:** address various issues, comments and concerns regarding: the size of the two lots; the issue of a voluntary merger; feel the applicant should go back and ask for a 2.5 acre, each, lot split, as this would be a cleaner way to handle this; questions whether the 3.9 acre portion could split down to 2.5 acres, with staff and Mr. Vaughan responding.

**Matter is fully discussed 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 tentatively, partially upholds the appeal and conditions the**

**proposed lot line adjustment to meet the zoning standards of the area (2.5 acre minimum) and continues said hearing to October 23, 2001 at 9:00 a.m. for final action.**

8 D-1 This is the time set for consideration of a resolution accepting Rochelle Way, Oceano, as a public road; 4th District.

**Mr. Richard Marshall:** Public Works, presents the staff report and the recommendation to accept Rochelle Way as a public road but not into the County maintained road system; indicates there have been some problems between the property owners and the use of the easement; states approval of this item will allow access to all the property owners; if it's not approved only Parcels 1 and 2 will have access.

**Board Members:** address various issues, comments and concerns regarding: how often the County accepts roads in this manner; whether this could be done by creating a private driveway for the affected parcels.

**Mr. Marshall:** responds indicating the intent of the conditions of approval for this map was that Rochelle would be a public road and approving this resolution would not create any public expense.

**Mr. Charles Varni:** states they purchased Parcel 2 at the beginning of the year; their property has a portion dedicated for the road with a curve in it and believes if it's developed in this way, it will be a taking of their property; outlines discussions he had with two other property owners and the tentative agreement they had to have each pay for one-third of the paving; the Nelsons pulled out of this tentative agreement indicating they didn't want the owner of the larger parcel to have access; further, the Nelson's now want him to pay for 100% of the paving.

**Mr. Don Utterback:** states he owns Parcel 23 and there is access to Rochelle through the back portion of his property and it has been that way for years; now he is being told by the Nelson's attorney to cease and desist from using this access; states there is a granny house on the property and the tenants have stopped using Rochelle.

**Ms. Clarece Nelson:** addresses their access on this road and the dust created by cars; their daughter has been diagnosed with asthma and this dust is a problem for her; they don't want a lot of people using the road because of this; indicates they were having problems with a co-housing unit using the road, but that has stopped.

**Chairperson Achadjian:** questions future access potentials.

**Mr. Jim Orton:** Deputy County Counsel, responds and addresses the Utterback/Robinette versus the Nelson and Varni access on Rochelle.

**A motion by Supervisor Ryan to not accept Rochelle Way as a public road, dies for lack of a second.**

**A motion by Supervisor Bianchi, seconded by Chairperson Achadjian to adopt the resolution accepting Rochelle Way on behalf of the public, fails on the following roll call vote:**

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

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

**AYES:** Supervisors Ryan, Pinard, Ovitt

**NOES: Supervisors Bianchi, Chairperson Achadjian**  
**ABSENT: None**

**the Board does not accept Rochelle Way as a public road at this time.**

- 9 E-1 This is the time set for consideration of a request to augment the Child Welfare Services Program by approving: 1) the receipt of private foundation funds; 2) a corresponding budget adjustment in the amount of \$333,333 from unanticipated revenue; 3) a resolution amending the position allocation list by adding five limited term positions; and 4) an amendment to the fixed asset list by adding one file server at a cost of \$15,000.

**Mr. Lee Collins:** Social Services Director, presents the staff report; indicates this is a great opportunity for the County to address issues relating to out-of-home placement of children with the intent being that these children are placed closer to their homes and can remain in their own schools, etc.

**No one appearing and 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**

**the Board (1) approves the receipt of \$300,000 in Stuart Foundation funds during the three years commencing September 2001 and authorizes Leland Collins to sign the letter of Acceptance; (2) approves the budget adjustment request for BU 3200 as outlined in the staff report dated October 16, 2001; (3) approves the amendment to BU 3200 Fixed Asset List as outlined in the staff report dated October 16, 2001; and, (4) RESOLUTION NO. 2001-420, resolution amending the position allocation list resolution for Fiscal Year 2001-02 (adding five limited-term positions), adopted.**

- 10 F-1 This is the time set for consideration of a rate increase for South County Sanitary Services, Inc., effective December 1, 2001, for Avila Beach, Nipomo, rural Arroyo Grande and other unincorporated areas of South San Luis Obispo County; 3rd and 4th Districts.

**Mr. Gere Sibbach:** Auditor-Controller, presents the staff report; gives a brief history of how the various County Services area's (CSA) have taken over regulating rates in their specific areas and this has reduced the area regulated by the County; indicates they waited until all these CSA's and the cities set their rates before coming to the Board with this request; this requested increase is in-line with the rates from the surrounding areas.

**No one appearing and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Bianchi and unanimously carried, the Board approves the requested increase for South County Sanitary Service, Inc., to be effective December 1, 2001, as detailed in Attachments A, B and C of the staff report dated October 16, 2001.**

- 11 CS **Mr. James Lindholm:** County Counsel, states there is a need to add two items to today's Closed Session.

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and unanimously carried, the Board determines that the need to add items to Agenda arose subsequent to the 72-hour noticing requirement of the Brown Act and adds *Phillips v. County of San Luis Obispo* and *Munari v. County of San Luis Obispo*.**

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) *Mulholland v. County of San Luis* and **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** (6) *Save the Mesa, Inc. v. County of San Luis Obispo*; and, (7) *Phillips v. County of San Luis Obispo* and *Munari 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.

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

Thereafter, the Board goes into Open Public Session.

**(SUPERVISOR PEG PINARD IS NOW ABSENT.)**

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

**Mr. Richie Ray Walker:** states he watched a show regarding child abuse that everyone should see on Channel 27, Lifetime, entitled "Bastard Out of Carolina"; discusses the Judges coming up for reelection and suggests everyone should look closely at their track records before reelecting them.

**Ms. Mary Beth Schroeder:** presents written comments and highlights the same outlining her desire to establish a new senior center in an area that is not too busy; **(SUPERVISOR PEG PINARD IS NOW PRESENT.)** feels the County and City of San Luis Obispo should consider making this a joint venture.

**Ms. Brenda Ouwerkerk:** Agricultural Commissioner's Office, addresses the use of Methyl Bromide on strawberries; explains the two ways it can be applied; changes regarding the application that are going into effect; and, the increased health complaints that have been received this year.

**Mr. David Pereira:** representing the Cattlemen's Association and the Farm Bureau, speaks to the recent passage of SB 497 and the Governor signing it into law with an effective date of 1/1/02; addresses the potential impacts to families in agriculture/ranching; urges the County to bring this issue to the Board for a full discussion of how it will be handled, what families in agriculture will or will not be able to do and giving these folks the ability to change their properties prior to January 1<sup>st</sup>.

**Mr. Dennis Capria:** owner of The Toilet Man, presents a written proposal for a toilet retrofit program in the Los Osos/Baywood Park community; addresses the additional nitrates and other pollutants that are still seeping from nearly every septic system in this area.

**Mr. Michael Kovacs:** expresses his concern to the lack of reporting, by the County, of funds that are expended.

**Ms. Tarren Collins:** Chairperson for the Santa Lucia Chapter of the Sierra Club, speaks to the State Parks emergency grading permit, that will expire shortly, to allow grading at the Pier Avenue ramp; states this grading is in violation of the Endangered Species Act; presents a copy of a letter, that is being sent to various State and Federal agencies, indicating the intent of the Sierra Club and the Environmental Defense Center to sue for violation of Section 9 of the Endangered Species Act at the Oceano Dunes State Vehicular Recreation Area.

**Mr. Jesse Hill:** thanks Chairperson Achadjian for his recent participation at a local event where he sat in the dunk tank; thanks Supervisor Bianchi for the information she sent regarding the “60-day noticing requirements”; he has further questions regarding this notice as the language of the ordinance says this is used for “important issues” and asks what the definition of this is.

**Ms. Nell Langford:** speaks to the recent decision by the Coastal Commission relating to the Pier Avenue Ramp in Oceano; indicates the Snowy Plover will be the deciding factor for this ramp; addresses the impacts at the ramp with all the construction and this is impacting emergency vehicle’s ability to get anywhere.

**Ms. Linda Hall:** comments on a book written by John Robbins entitled “Reclaiming Our Health” and presents highlighted pages from the book that speak to San Luis Obispo County.

**Ms. Pam Marshall Heatherington:** ECOSLO, speaks to the cases of illness due to methyl bromide use on strawberry fields; one of the problems with getting an accurate reporting on the number of illnesses from this is getting doctors to report it.

**Mr. Eric Greening:** agrees with comments by prior speakers; addresses his concern about the loss of habitat and the need to have someone be answerable to this habitat; speaks to the need for ecosystem protection; questions the status of hiring a County Geologist.

**Mr. Doug Millar:** addresses violent crimes on children in the County; outlines problems he saw in Santa Rosa County; states he was brought to this County because of Atascadero State Hospital and the escapes that have occurred and gone unreported by the media.

**Ms. Sandra Sarrouf:** ECOSLO, thanks the Board for their consideration of a grant relating to creek testing and indicates that contrary to their previous understanding, Arroyo Grande Creek will not be tested under this grant.

**Supervisor Bianchi:** questions the effective date of SB 497, with Mr. James Lindholm, County Counsel and Mr. David Edge, County Administrative Officer: responding. **No action taken.**

13 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board did not discuss *Save the Mesa, Inc. v. County*, the remainder of the items were discussed and no report is required as no final action was taken.

14 G-1 This is the time set for presentation by the Library Director on the Library’s long-range capital and operating needs.

**Mr. Rick London:** Vice President, Foundation for Public Libraries, outlines their involvement and participation in this planning process and their desire to enrich and enhance the library system.

**Mr. Brian Reynolds:** Library Director, thanks the Foundation for their participation and for sponsoring this project; thanks the staffs of the Administrative and Auditor-Controller’s Offices and consultant Susan McGraw; this report is being generated by the public’s concern to keep libraries strong; indicates there is great interest to see libraries expand; after today they will hold a series of town meetings; currently they have 15 branches and a bookmobile and serve more than 172,000 residents; a recent County survey indicated that 75% believe that library services are good, very good or excellent; 59% of these families visit libraries at least monthly, with 94% indicating the staff is friendly; 98% felt that libraries are essential to the quality of life and play an important role in education; 96% felt that City/County government has a responsibility to ensure that libraries are adequately funded; from the public’s perspective libraries rank 4<sup>th</sup> behind law enforcement, fire and schools; folks want to see an increase in open hours, additional books and materials, expansion of facilities and more

parking; 66% of those surveyed indicated they are not reluctant to pay taxes to provide for library services; the County is divided into four areas for library services - North Coastal, North County, San Luis Obispo and South County, with the greatest need for services occurring in North County and South County.

**Ms. Susan McGraw:** Consultant, addresses how they looked at the Paso Robles City Library separately for the purposes of this report.

**Ms. Linda Hall:** supports additional funding for libraries and addresses various publications she would like to see the libraries add to their inventory.

**Mr. Michael Kovacs:** states there is good service provided at both the San Luis Obispo and Atascadero libraries; asks if they could provide copies of the Board of Supervisor's agendas to the Santa Margarita branch library; feels any changes should be done within the existing budget.

**Mr. Eric Greening:** states that the staff at the libraries are great and interface with the public well; indicates libraries are victims of Propositions 13 and 98; feels there is a need to re-fortify libraries.

**Chairperson Achadjian:** asks about the use of volunteers.

**Mr. Reynolds:** indicates they rely heavily on their volunteers and could not survive without them.

**Supervisor Ryan:** addresses the library in Creston and the property and space the school district is providing for expansion; believes the school district and County are also working together in Templeton to improve that library.

**Supervisor Bianchi:** indicates she would like to see the advisory councils included in these meetings.

**Chairperson Achadjian:** indicates this is a receive and file item. **No action taken.**

**(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)**

15 H-1 This is the time set for consideration of a status report in response to the Economic Advisory Committee (EAC) recommendations regarding workforce housing needs.

**Mr. Dana Lilley:** Planning, presents the staff report outlining the direction given by the Board on July 10, 2001; **(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)** highlights the six items the Board asked for in July: (1) identify the cost and potential funding sources for a "nexus" study for proposed ordinances requiring employee housing in major new commercial developments and affordable housing in new housing developments, including participation by the cities; outlines what staff has reviewed to date with respect to conducting this study and what they have received from the cities; outlines the staff recommendation to include \$40,000 in Community Block Grant funds for a financial feasibility study for fiscal year 2002-03; (2) update information regarding the inventory of vacant Residential Single Family and Residential Multi-Family land and to cooperate with SLOCOG and the cities during preparation of the Regional Housing Allocation Plan by SLOCOG; states staff has been participating in the SLOCOG Housing Needs Allocation Committee as it develops a proposed formula for allocating housing needs to each city and the unincorporated County; indicates there is no recommendation with this item, as it is informational only.

**Board Members:** address various issues, comments and concerns regarding: studies that were done 8-10 years ago that showed lots in already urbanized areas; also looking at commercial lots; projects that are in the works and cannot get completed because of the Growth Management Ordinance.

**Mr. Lilley:** continues the staff report: (3) initiate amendments to the Growth Management Ordinance to provide an exemption for market-rate housing units in developments that include the following minimum amounts of affordable housing: 60% for very low-income households or 80% for low-income households; indicates a draft ordinance has been prepared and is now in environmental and legal review; once this has been completed, it will be circulated to advisory groups for their comments before proceeding to the Board; staff is not requesting any action on this item as it is informational only; (4) research the cost and possible participation by the cities for an analysis of potential funding sources identified in the Supportive Housing Consortium's Affordable Housing Trust Fund Proposal; indicates the Leadership Team for the Trust will be presenting their request to the Board and the cities in the near future; addresses the potential funding sources; staff has no recommendation for this item as it is informational only; (5) prepare a scope of work, schedule and budget for a proposed Capital Improvement Plan; outlines staff's views and highlights the two part recommendation; (6) initiate a public meeting cosponsored by organizations representing the building industry and environmental groups to identify pros and cons of an EAC proposal to create new towns; indicates staff is scheduled to report back to the Board on this on November 6<sup>th</sup> and outlines the progress to date; indicates there is no recommendation with this as it is informational only.

**Board Members:** address various issues, comments and concerns regarding: Item #6 being linked/worded with Item #2; what staff expects to learn from this study; concerns regarding deficiencies on already developed properties, with Mr. Lilley responding.

**Mr. John Brantingham:** EAC member, addresses their concern to the prioritization given by staff for Item #2 regarding availability of vacant residential land; explains their position and wants it re-prioritized to #1.

**Mr. Don Maruska:** EAC member, addresses the need for affordable housing in the County; indicates it is critical to have affordable workforce housing; expresses his disappointment to the progress on this; suggests the need for "huge" goals and leadership.

**Mr. Dennis Schmidt:** EAC member, addresses Item #2 and the need to have dramatic moves on this issue to get changes done; comments on the issue of creating new towns.

**Mr. Eric Greening:** states he supports many of the strategies; cautions the use of the regional allocation process; presents several ideas for additional strategies that he believes should be looked at.

**Ms. Linda Hall:** gives her understanding of what is before the Board today.

**Ms. Rachel Richardson:** Housing Consortium, states she is pleased to see the County is starting to work toward solutions; addresses her concerns regarding Item #4 and the Trust funds.

**Mr. Jesse Hill:** comments on making sure that all areas of the County have their fair share of affordable housing and that it's not all placed in one part of the County.

**Supervisor Bianchi:** states that one of the problems for creating affordable housing is the cost of the land; wants staff to look at creative ways they can fund subsidized land acquisitions.

**Supervisor Ryan:** suggests also looking at the possibility of the conversion of existing land uses.

**Supervisor Ovitt:** addresses low cost housing and the need for incentives to move up; feels the inventory study needs to be done first.

**Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan, with Supervisor Ovitt casting a dissenting vote, motion carries and the Board directs staff to look at highly creative solutions, including but not limited to, incentives and subsidized lot acquisitions and to move forward with the tasks they have set for themselves that are outlined in the staff report dated October 16, 2001 and to return to the Board in 90 days with a report.**

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 16, 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 19, 2001  
vms