

Tuesday, October 23, 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      **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. 2001-421, resolution proclaiming November 4, 2001 through November 10, 2001 as San Luis Obispo County "Animal Shelter Appreciation Week", adopted.**

**Chairperson Achadjian:** reads the resolution and presents the same to Sheriff Pat Hedges and Dr. Anderson.

**Sheriff Hedges:** states this resolution is the result of the Animal Coalition; parties coming together and moving forward in a positive direction to help the pets in the County.

**Dr. Anderson:** Animal Services Manager, indicates they've been working hard to develop the coalition; states this resolution recognizes the first step in promoting animal well being; thanks the Board for the recognition.

**Ms. Alicia Morin:** Director of North County Humane Society, thanks the Board for the recognition.

2      BPC      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:** addresses Item B-4; questions the steelhead mitigation that is supposed to be done between April 15, 2001 and October 15, 2001, to avoid rainy season flows; questions if these impacts are being mitigated; addresses the transport of raw versus treated water.

**Mr. Darell Farrer:** addresses Item B-7; questions the Avila Valley Mutual Water Company's billing process and their water conservation plan.

**Ms. Leslie Brown:** hands the Board a modified version of Item B-16 indicating there are minor cosmetic changes. **No action taken.**

3      B-9      Contract with Gartner Consulting for advisory services, including a needs assessment and development of an Information Technology Plan and a corresponding budget adjustment in the amount of \$284,318 from designated reserves (\$264,318) and Budget Unit 2590 - Sheriff-Coroner (\$20,000), is presented.

**Supervisor Ryan:** states the County has a Technology Plan that was done a couple of years ago; addresses the cost; states he would like this to come back as a hearing item with each department's input and what part of their budget they are willing to share.

**Mr. David Edge:** County Administrator, addresses the GIS System and the current cost; states this contract will have a company review what the County is doing from scratch and try to address issues that were not addressed last time; indicates this company did a similar report for the City of San Luis Obispo; feels this will be used as the basis that will allow a workable plan for the County; believes it will present staff with a sense of

priority and affordability.

**Mr. John Wade:** Information Services Director, states the difference between the plan today and the plan presented two years ago is the input from the Information Services Advisory Committee (ISAC); indicates the intent is to come back to the Board with a plan and recognizing priorities, existing practices and funding; technology is changing very rapidly and this plan builds more consensus.

**Supervisor Bianchi:** questions if the final vote from the ISAC on this contract was unanimous, with Mr. Wade responding, yes.

**Supervisor Pinard:** questions the cost of the first study, with Mr. Wade responding.

**Thereafter, a motion by Supervisor Ryan, seconded by Supervisor Pinard to direct staff to bring this issue back as a hearing item at a future meeting, fails on the following roll call vote:**

**AYES:**Supervisors Ryan, Pinard

**NOES:** Supervisors Ovitt, Bianchi, Chairperson Achadjian

**ABSENT:** None

**Mr. Gere Sibbach:** Auditor-Controller, states he supports this project because he feels there needs to be a road map for technology.

**A motion by Supervisor Ryan, seconded by Supervisor Ovitt to adopt staff's recommendation, is discussed.**

**Sheriff Pat Hedges:** Sheriff-Coroner, states the ISAC has met many times; indicates his major concern is to maintain a link with Probation, the Courts, and the District Attorney's Office; states we are the only County in the State that talks between other criminal justice entities; feels it is important to have an independent neutral party assess the situation and make recommendations.

**Mr. Frank Freitas:** County Treasurer/Tax Collector, feels all information needs to be available before making an informed decision; states he supports the concept; it won't be critical if the item is postponed however, he would like to see this process move forward.

**Mr. Dick Frank:** County Assessor, states he agrees with Supervisors Ryan and Pinard; feels issues of concern are not being addressed; indicates ISAC is concerned with management and the delivery of services; states it is the understanding that the Gartner Group would provide direction.

**Supervisors Ovitt and Bianchi:** addresses the work order and if a hearing would change what is in the work order.

**Mr. Vic Holanda:** Planning and Building Director, states he agrees with the Assessor; indicates ISAC discussed several sensitive personnel management issues; states he supports the report and the concept however, believes operations and implementation need to be the focus otherwise the County would just be paying for another study.

**Board Members:** discuss various issues, comments and concerns regarding: the work order; public involvement; why this item wasn't budgeted; responding to the public's needs, with staff responding.

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

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

**NOES:** Supervisor Ryan

**ABSENT:** None

**the Board approves the contract with Gartner Consulting, with an estimated fixed fee in the amount of \$244,318, and a \$40,000 not-to-exceed amount for an add-on contract to prepare a detailed criminal justice application plan, for a total of**

**\$284,318 and authorizes the Chairperson to sign; approves as a sole source based on the recommendation of the Director of Information Services, and concurrence of the Information Services Advisory Committee and Purchasing Agent; further, authorizes, a transfer of \$284,318, composed of the Sheriff-Coroner's \$20,000 and Designate Reserves in the amount \$264,318, to Information Services Division's Budget Unit #2250.**

- 4 B-13 Submittal by the Personnel Department of a resolution to extend military reservist compensation during the national emergency by reason of certain terrorist attacks, is presented.

**Mr. David Edge:** County Administrator, explains the resolution; indicates the resolution before the Board limits the benefit for those who are called up by the President; states it does not include the option if the Governor were to call for military; asks the Board if they would like to add that language.

**Supervisor Ryan:** asks staff if they can add the language and bring it back on the afternoon calendar for final approval, with the Board and staff concurring.

**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 directs staff to add the language regarding in Section 395.05 of the Military and Veterans Code to the resolution and bring it back this afternoon for final adoption.**

- 5 B-1 Consent Agenda Items B-9 and B-13 are withdrawn for separate action and acted on  
thru previously. Item B-12 is amended by replacing page B-12-6 due to a technical  
B-16 correction. Items B-14 and B-15 are added to the Consent Agenda. Item B-16 is  
amended by adding clarifying language. **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**

**Consent Agenda Items B-1 thru B-16 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-16, 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 security upgrades at the Court facility in Grover Beach, **Approved and the Clerk is instructed to give notice of bid opening set for November 5, 2001, at 3:00 p.m..**
- B-2 Plans and specifications (Clerk's File) for the replacement of playground equipment at El Chorro Regional Park, **Approved and the Clerk is instructed to give notice of bid opening set for November 19, 2001, at 3:00 p.m..**
- B-3 Plans and specifications (Clerk's File) for the construction of a commissary/lockers at the Main Jail, **Approved and the Clerk is instructed to give notice of bid opening set for November 29, 2001, at 3:00 p.m..**

Planning Items:

- B-4 Proposed mitigated Negative Declaration for the Salinas Pipeline at Trout Creek Repair Project, approximately 1.5 miles southeast of the community of Santa Margarita; 5th District, **Approved.**

- B-5 **RESOLUTION NO. 2001-422**, approving an agreement with the Redevelopment Agency of the City of Paso Robles regarding matching funds for the First Time Home Buyer Program and a request to approve a corresponding budget adjustment in the amount of \$25,000 to Budget Unit 2085 - Community Development; 1st District, **ADOPTED**.

Public Works Items:

- B-6 Technical budget adjustments for the Road's budget: 1) moving funds between the Roads Budget and the new Road Impact Fee Budget and 2) adjusting the Road's construction fund projects to match available Road Impact Fee funding, **Approved**.
- B-7 Water Conservation Programs for Avila Valley Mutual Water Company, San Luis Coastal Unified School District, and San Miguelito Mutual Water Company; and 2) updating conservation programs every five years; 3rd District, **Approved**.
- B-8 **RESOLUTION NO. 2001-423**, accepting a portion of Forest Avenue, Templeton into the County maintained road system; 1st District, **Adopted**.

Other Items:

- B-9 Contract with Gartner Consulting for advisory services, including a needs assessment and development of an Information Technology Plan and a corresponding budget adjustment in the amount of \$284,318 from designated reserves (\$264,318) and Budget Unit 2590 - Sheriff-Coroner (\$20,000), **Withdrawn for separate action and acted on previously**.
- B-10 An amended contract with Rising Sun to provide additional training and auditing services in connection with Medicare billings, **Approved**.
- B-11 Reallocation of \$63,800 in funds from an existing painting project (P5233 - paint exterior of building 1200 at County Operations Center) to a higher priority painting project (paint exterior of Health Department), **Approved**.
- B-12 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment and **RESOLUTION NO. 2001-424**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 20 to the Nipomo Community Services District (Maria Vista); 4th District, **Approved**.
- B-13 Submittal by the Personnel Department of a resolution to extend military reservist compensation during the national emergency by reason of certain terrorist attacks, **Withdrawn for separate action and acted on previously**.

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

- B-14 Contract with Associated Surgeons of San Luis Obispo to provide surgical physician services at General Hospital, **Approved**.
- B-15 Contract amendment with Team Physicians of California Medical Group, Inc., to cover unanticipated costs associated providing emergency room physicians at General Hospital, **Approved**.
- B-16 Contract with Franklin Covey to provide organizational effectiveness analysis consulting services for Drug and Alcohol Services, **Approved as amended**.

- 6 C-1 This is the time set for hearing to consider an ordinance amending the County Code relating to the establishment of no parking zones on Route 227 at Fiero Lane near San Luis Obispo; and Avila Beach Drive near Avila Beach; 3rd and 4th Districts. (Item is amended to remove references re: Avila Beach Dr. per Board of Supervisor's direction on 10/16/01).

**Mr. Dave Flynn:** Public Works, presents the staff report and recommendation.

**No one appearing 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. 2949, an ordinance amending provisions of the County code relating to No Parking Areas, adopted.**

- 7 C-2 This is the time set for hearing to consider an 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.

**Mr. David Flynn:** Public Works, presents the staff report and recommendation.

**Mr. Bob Roos:** Templeton Area Advisory Group, indicates the community is in support of this ordinance.

**Matter is fully discussed and 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**

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2950, an ordinance amending provisions of the County Code relating to through highways, adopted.**

- 8 C-3 This is the time set for hearing to consider an ordinance amending the County Code relating to the establishment of speed limits on Los Olivos Avenue in Los Osos; 2nd District.

**Mr. Dave Flynn:** Public Works, presents the staff report and recommendation.

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

**AYES:Supervisors Bianchi, Ovitt, Pinard, 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. 2951, an ordinance amending provisions of the County Code relating to speed limits, adopted.**

- 9 C-4 This is the time set for hearing to consider an 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.

**Mr. Dave Flynn:** Public Works, presents the staff report and recommendation.

**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, Pinard, Bianchi 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. 2952, an ordinance amending provisions of the County Code relating to stop intersections, adopted.**

C-5 This is the time set for hearing to consider an appeal by Lois Cleworth of the Hearing Officer's decision to approve a minor use permit/coastal development permit to allow an 872 square foot addition to an existing 2,523 square foot residence, located at 1370 Las Encinas, Los Osos; 2nd District.

**Ms. Kerry O'Neill:** Planning, presents the staff report; describes the neighborhood; presents maps of the existing and proposed elevations; indicates the appeal issues consist of: 1) the proposal is inconsistent with the character of the neighborhood; 2) there will be a loss of private coastal view; and 3) violation of the Los Osos Moratorium; states staff has concluded that the proposed addition is consistent with the character of the neighborhood; that it does not set an adverse precedent for the neighborhood; and, this project will not result in an increase in sewage discharge; indicates the recommendation is to deny the appeal.

**Ms. Lois Cleworth:** Appellant, indicates her main concerns is to keep the character of the neighborhood the same and feels this project will set a precedent for future additions.

**Mr. Robert Freiler:** Appellant, hands the Board a packet of material; describes the neighborhood, referring to the pictures included in the packet; addresses a memorandum that discusses several court cases relating to building/additions being "inharmonious" and "inconsistent" with the neighborhood; states the Architectural Review Committee and the Homeowner's Association for the neighborhood have been dormant for years; however would have become active once again if the applicant asked the Homeowner's Association for a review of his proposed project; urges the Board to deny Mr. DeMore's application.

**Mr. William DeMore:** Applicant, presents photos of the area and his home; states he cannot understand why the neighborhood would feel this project is incompatible with the area; indicates there is no consistent pattern of construction in the area and the impact on the views will be minimal; states there is an RV in his driveway that will go in the garage when the project is completed; addresses his reasons for the addition; believes this appeal is an attempt to harass him and delay his project; urges the Board to deny the appeal.

**Ms. Valery Goodman-Plater:** states her concerns regarding this project setting a precedent for the area.

**Mr. Bill L'Hommedieu:** indicates a similar situation happened in 1976; a letter was sent by their attorney and the proposed alteration was not done; states during the H Officer's hearing of August 17, 2001 many people could not hear what was happening.

**Ms. Elizabeth Bissell:** states she agrees with Ms. Cleworth.

**Ms. Terry Treves:** states she loves the character of the neighborhood and doesn't want to see it change.

**Ms. Janice Scotto:** states she is opposed to the addition; believes if this project is approved it will begin change in their neighborhood.

**Ms. Betty Iliff Haines:** states she supports the Cleworth appeal.

**Mr. DeMore:** states the neighbors have no substantial weight to their appeal; feels he should not be held hostage to what others may do in the future; states his project is consistent with the Codes and hopes the Board bases their decision on the law.

**Mr. Frieler:** addresses the character of the neighborhood and urges the Board to deny the application.

**Supervisor Bianchi:** hands the Clerk two letters that were not included in the staff report; questions if there is still an RV storage lot in the area; addresses protecting the character of the neighborhood; suggests postponing this item and sending it to the Home Owner's Association for review.

**Board Members:** address various issues, comments and concerns regarding: the height of other houses in the area; plans for the vacant parcels; applicant meeting all the requirements, with staff responding.

**A motion by Supervisor Bianchi to uphold the appeal by Lois Cleworth, dies for lack of a second.**

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

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

**NOES: Supervisor Bianchi**

**ABSENT: None**

**the Board denies the appeal and RESOLUTION NO. 2001-425, resolution affirming the decision of Hearing Officer and conditionally approving the application of William Demore for Minor Use Permit/Coastal Development Permit D000495P, adopted.**

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

**Dr. Stanley L. Stern:** addresses the need for innovative thinking when it comes to San Luis Coastal Unified School District funding.

**Mr. Richie Ray Walker:** addresses the election process for the office of Judge; urges the public to pick up a fact sheet from the County Clerk-Recorder's Office.

**Dr. Steve Hansen:** addresses a new initiative by the Environmental Protection Agency relating to smoke free homes; hands the Board a ten page document about children being the victims of secondhand smoke.

**Mr. Michael Kovacs:** addresses his concern regarding the consulting contract that was adopted relating to the Information Technology Plan; feels this is a mis-management of public funds; addresses the anniversary of the end of global communism.

**Mr. Eric Greening:** states he is also upset over the cutbacks at the schools; indicates it all started when Proposition 13 was adopted; states the responsibility is with the State; believes a solution would be with an appeal or modification of Proposition 13.

**Ms. Lynda Merrill:** addresses her concerns regarding an increase in golf fees; asks if something can be done with the projection image of the person speaking in the background; addresses the importance of the viability of our libraries; thanks AGP for their coverage of the recent emergency in Morro Bay.

**Chairperson Achadjian:** thanks Mr. Fowler for his part in the Nipomo clean-up day.  
**No action taken.**

12 B-13 A resolution to extend military reservist compensation during the national emergency by reason of certain terrorist attacks, is brought back for discussion.

**Mr. David Edge:** Administrative Officer, hands the Board the revised resolution; indicates staff has added language including a specific reference to the California National Guard and Section 395.05 of the Military and Veterans Code.

**Matter is fully discussed 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**

**RESOLUTION NO. 2001-426, resolution to extend military reservist compensation during the national emergency by reason of certain terrorist attacks, adopted.**

C-6 This is the time set for hearing to consider an appeal by Phyllis Styles of the Hearing Officer's decision to approve a minor use permit/coastal development permit to allow an addition and remodeling of an existing single family residence, located at 974 Pacific Avenue, Cayucos; 2nd District.

**Mr. Terry Wahler:** Planning, presents the staff report; states the issues concerning the appeal are the height and size of the proposed project and the setback requirements; presents photos of the area; states staff's recommendation is to adopt the resolution denying the appeal.

**Ms. Phyllis Styles:** Appellant, addresses the issues of concern relating to the height and mass of the project; the character of the proposed development with its surroundings; and erosion of the bluff.

**Mr. Joe Clark:** Applicant, states the geologist who evaluated the property is available for questions; indicates everything they have done has been within the guidelines; states he would like to go ahead with their project; indicates he has letters from the neighbors in support of the project along with a letter from a local engineer; feels the proposed drainage system will help protect the bluff.

**Mr. John Kammer:** Geo-Solutions, states he did a coastal bluff study for the project; feels the proposed site improvement will protect the bluff; states over the top of the bluff drainage will be eliminated and will increase stability at the site.

**Board Members:** discuss various issues, comments and concerns regarding: the portion of the bluff that is not armored; drainage; the appearance of erosion.

**Mr. Dave Styles:** thanks Mr. Wahler for his work; states the staff report is not completely accurate; addresses the structure; indicates he takes exception to the setbacks; questions the drainage coming off the flat roof; addresses the appearance of the building and indicates it does not meet the requirements of the building design of the Estero Area Plan of 1996; states his concern regarding this project setting a precedent.

**Mr. Clark:** introduces Mr. John McDonald, designer.

**Mr. McDonald:** responds to questions by Mr. Styles about the structure and how they meet requirements.

**A motion of Supervisor Bianchi, seconded by Supervisor Ryan to adopt staff's recommendation, is discussed.**

**Supervisor Pinard:** states her concern about the County being responsible if something happens to the bluff; suggests amending the motion to include the "hold harmless clause".

**Supervisor Bianchi:** offers to amend her motion to include language regarding a hold harmless clause language.

**Supervisor Ryan:** as the second to the motion does not agree to the amendment.

**Supervisor Bianchi:** withdraws her motion.

**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, Chairperson Achadjian

**NOES:** Supervisors Ovitt, Ryan

**ABSENT:** None

**the Board denies the appeal; adds No. 12 to the Condition of Approval entitled Indemnification of County by Applicant to read: "The applicant shall as a condition of approval of this minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to**



**approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.” and RESOLUTION NO. 2001-427, resolution affirming the decision of Hearing Officer and conditionally approving the application of Joe Clark for Minor Use Permit/Coastal Development Permit D990233P, adopted as amended.**

14

C-7 This is the time set for hearing to consider the Certificate of Sufficiency for the Initiative Petition Pertaining to the establishment of the San Luis Obispo County Tobacco Settlement Fund; All Districts.

**Ms. Julie Rodewald:** County Clerk-Recorder, presents the staff report; states the Petition to establish a San Luis Obispo County Tobacco Settlement Fund was filed in the County Clerk-Recorders Office on September 12, 2001; a random sampling was completed and 78.40% were determined to be valid; states a Certificate of Sufficiency for this petition is being presented today so that the Board may proceed with one of the recommended actions: 1) adopt the ordinance without alteration; 2) submit the ordinance, without alteration, to the voters at the next Statewide Election (occurring not less than 88 days after the date of the order) and instruct the Chairperson to sign the resolution placing the measure on the March 5, 2002 Primary Election ballot; or 3) refer the proposed initiative measure to any County agency for a report on its fiscal impact and/or any other matter the Board orders to be included.

**Dr. Steve Hansen:** states this Initiative is to do the right thing with the money that came from the tobacco companies and to make sure the money is used for healthcare; addresses the Orange County initiative; indicates this will provide money for sustainable programs.

**Dr. Thomas Hale:** states he supports this Initiative; indicates they will win the campaign; if the Board opposes the measure it would be playing into the hands of big tobacco; indicates the citizens clearly support this initiative and urges the Board to certify the Initiative for the ballot.

**Mr. Bill Storm:** states the Board has a choice and believes the choice should be to accept this Initiative; indicates the people want this money to be used for healthcare and that's what this Proposition will do.

**Dr. Graydon Funke:** states he would like this money spent on healthcare and health education.

**Mr. Gary Fowler:** states he has reservations regarding the ordinance; states he would like information relating to this issue get out to the public.

**A motion by Supervisor Ovitt, seconded by Supervisor Bianchi to refer this to the County Agencies for a report back in 30 days on the fiscal analysis as stated in the third recommendation of the staff report, is discussed.**

**Supervisor Pinard:** states all the money is currently spent on healthcare and responds to the needs of the community; the Initiative would only put a lock on the money; supports the motion and wants all the details to come out in the report.

**Supervisor Ryan:** states 100% of the money so far has been devoted to health care; addresses the Orange County Initiative; indicates no one came to talk to the Supervisors before going ahead with the Initiative; states the information being delivered is not as straight forward as some would think.

**Mr. David Edge:** County Administrator, states the Board is hearing the “pitch” that the public will hear for the next several months; the County wants the public to know the details surrounding this Initiative; this Initiative would slash the preventative healthcare program; feels this proposal is a “scam”; encourages the Board to direct staff to bring back the impacts of this proposal.

**Matter is fully discussed and 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**

**the Board refers the proposed Initiative measure to any County agency for a report on its fiscal impact and/or its effect on the internal consistency of the County's general and specific plans and return to the Board in 30 days.**

- 15 C-8 This is the time set for continued hearing (continued from 10/16/2001) to consider an appeal by Michael and Torri Avila of the Subdivision Review Board's denial of a lot line adjustment, located on Callender Road, east of Highway One; 4<sup>th</sup> District.

**Ms. Kami Griffin:** states this item was heard on October 16, 2001 and the Board directed the applicant and staff to redesign the Lot Line Adjustment map to conform with the 2.5 acre minimum parcel size for new parcels as included in the South County Area Plan, indicates the applicant submitted a revised map on October 18, 2001, which shows an awkward design in order to provide for the 2.5 minimum parcel size; the second option for the Board to consider is to use the applicant's original proposal which creates a 3.9 acre parcel in the rear of the property with a smaller 1.1 acre parcel in the front; states they are requesting direction as to which design the Board would be willing to consider for approval.

**A motion by Supervisor Ryan to direct staff to keep the proposed configuration and use the flag piece of the newly formed lot and the tail that goes into the Black Lake Slough as open space, is discussed.**

**Supervisor Ovitt:** indicates he will second the motion as long as it is understood that the applicant still receives credit for a total 2.5 acres which would allow them to receive County water and sewer, **with Supervisor Ryan agreeing.**

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board directs staff to keep the proposed configuration and use the flag piece of the newly formed lot and the tail that goes into the Black Lake Slough as open space.**

- 16 D-1 This is the time set for discussion regarding the impacts of Senate Bill 497 on lot line adjustments.

**Supervisor Ryan:** states some Lot Line Adjustments won't be possible after Senate Bill 497 becomes effective on January 1, 2002; some of them have been in the process for a while and need to be moved forward.

**Board Members:** discuss various issues, comments and concerns regarding: how many projects could be ready for the December Subdivision Review Board (SRB) meeting; staff time needed to add these items to the December SRB would preclude other projects from going forward; following the democratic process; two projects would be moved forward, with staff responding.

**Mr. Eric Greening:** addresses the issue of fairness; questions what projects would be bumped and would they be notified; indicates Senate Bill 497 would not make a Lot Line Adjustment impossible it would just put them under different rules.

**Mr. Babak Naficy:** states he is troubled by the intent to circumvent the law of the land by passing projects through quickly that would be subject to the new law.

**Mr. John French:** Santa Margarita Ranch, states a Lot Line Agreement was the first agreement with the community; indicates the design would be in jeopardy if it's placed after the beginning of the year because the standard that would apply would dictate smaller lots; indicates it is not their intent to bump anyone and they would be willing to pay for any overtime.

**Mr. Vic Holanda:** Director of Planning and Building, states the issue is the processing

of applications; indicates in order to be fair to all applicants on July 2, 2001 the Department of Planning and Building adopted a policy where incomplete application were no longer accepted which has streamlined the process; states Mr. French's application is considered incomplete; addresses his concern regarding giving preferential treatment and the message that is sent to the public.

**Ms. Pam Marshall-Heatherington:** questions the ramifications of Senate Bill 497 and asks the Board to set a hearing to discuss this issue.

**Supervisor Ryan:** states these two projects should have the ability to complete the process.

**Supervisor Bianchi:** states Senate Bill 497 was signed in October and the applicant had plenty of time to get his application completed.

**Supervisor Ovitt:** indicates the Board is only dealing with two projects: 1) Oak Shores, and 2) Santa Margarita Ranch.

**A motion by Supervisor Ryan, seconded by Supervisor Ovitt to add Santa Margarita Ranch and Oak Shores to the Subdivision Review Board meeting on December 3, 2001 and that all information that is requested be allowed up until the hearing, is discussed.**

**Supervisor Pinard:** discusses the status of the project if the Bill had not passed; the incomplete application; the new rules under Senate Bill 497; the work that has been done on these two projects, with staff responding.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt, with Supervisor Bianchi casting a dissenting vote, motion carries and the Board directs staff to add Santa Margarita Ranch and Oak Shores to the Subdivision Review Board Agenda of December 3, 2001 and that all information that is requested be allowed up until the hearing.**

17 CS **Mr. James Lindholm:** County Counsel, states there is a need to add an item 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 an item to the Agenda arose subsequent to the 72-hour noticing requirement of the Brown Act and adds *Naimark vs. County of San Luis Obispo*.**

18 C-8 Appeal by Michael and Torri Avila of the Subdivision Review Board's denial of a lot line adjustment is brought back for hearing.

**Ms. Kami Griffin:** Planning, indicates the previous motion did not include continuing the item to November 6, 2001.

**Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan and unanimously carried, the Board continues this item to November 6, 2001 at 9:00 a.m..**

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

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

**1. 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) *Munari v. County of San Luis Obispo*, 4) *Phillips v. County of San Luis Obispo*, 5) *Pension Trust v. Mercer and ADDED* 8) *Naimark vs. County of San Luis Obispo*.

**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.

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

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

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 23, 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/Cherie Aispuro,  
Deputy Clerk-Recorder

DATED: 10/29/2001  
cla