

Tuesday, February 5, 2002

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

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON BIANCHI.

SUM

AGN

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

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

NOES: None

ABSENT: None

presentation of employee service recognition awards, approved.

Mr. Dale Hanson: Personnel Director, introduces the item and Mr. Santos Arrona of his staff.

Mr. Arrona: introduces the employees with 20 years of service: Ms. Gayla Beck - Treasurer/Tax Collector; Ms. Georgann Arone - Assessor; Mr. Ron Vanderwert - General Services; Mr. Patrick Lieser - Information Services; Mr. Daniel Qualey - Public Works; Mr. James Marty - Public Works; Ms. Margaret Bond - Health; Ms. Suzanne Heitzman - Social Services; Mr. Brad Melson - Sheriff/Coroner; Mr. Clayton Bell - Sheriff/Coroner; and, Ms. Janet Botta - Medical Services, with Mr. Hanson presenting each employee with their 20-year service pins.

25 Year Service Recognition employees, are presented.

Mr. Gere Sibbach: introduces Ms. Amparo Haber of his staff; indicates she began her work for the County in the Engineering Department and the past 23 years has been in the Auditor's Office; addresses Ms. Haber's dedication to her job, with Mr. Hanson presenting Ms. Haber with a clock for her 25 years of service.

Mr. Duane Leib: General Services Director, introduces Mr. Dale Feil, indicating he has worked at the Morro Bay Golf Course since 1976; his original duties included irrigating the golf course at night; highlights his duties over the past 25 years and his current job as Supervisor at the golf course, with Mr. Hanson presenting Mr. Feil a clock for his 25 years of service.

Mr. Noel King: Public Works Director, introduces Mr. Mikel Goodwin and highlights his duties over the past 25 years; addresses his current duties with Public Works and states that Mr. Goodwin also serves in the National Guard, with Mr. Hanson presenting Mr. Goodwin a clock for his 25 years of service.

Dr. Greg Thomas: Public Health Director, introduces Ms. Roberta "Bert" Sharpe; indicates she started working in the Health Department through the CETA program; highlights her duties in the Department, with Mr. Hanson presenting Ms. Sharpe a clock for her 25 years of service.

30 Year Service Recognition, is presented.

Chairperson Bianchi: introduces Ms. Chonita Terrones of Medical Services; states she was in for a medical check up after the birth of her fifth child and the Health Agency Director at the time, Dr. Harper asked her if she could speak Spanish and assist him with a patient; after this event Dr. Harper hired her to work in the department; she has been with the department since 1966, with Mr. Hanson presenting Ms. Terrones with a clock

for her 25 years of service.

Ms. Terrones: states she has five children and ten grandchildren.

Mr. Hanson: indicates that the combined years of service for all these employees totals 350 years.

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

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

RESOLUTION NO. 2002-44, resolution proclaiming February 2002 as “National Meat Month” in San Luis Obispo County, adopted.

Supervisor Ryan: reads the resolution and presents the same to Ms. June Kester.

Ms. Kester: thanks the Board for the recognition; states she has five \$50 checks, in each Supervisor’s name, to be donated to the Food Bank; addresses school programs they are involved in and the success of the same.

Ms. Susan Hermreck: President of the Cattlewomen’s Association, presents each Board member with a bag of goodies, (beef and by-products of beef); indicates these are the same bags they presented to Cal Poly students for WOW Week.

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

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

RESOLUTION NO. 2002-45, resolution commending Percy M. Garcia, Water Quality Manager upon his retirement after thirty-one years of service with the Public Works Department, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Mr. Garcia, with Chairperson Bianchi presenting him with a plaque.

Mr. Garcia: thanks the Board and Public Works for the recognition; states he has had a wonderful and challenging 31-years with the County and has worked with wonderful people.

Mr. Noel King: Public Works Director, states that Mr. Garcia is the “ultimate” self starter; he came from Peru when he was 18 to go to school, went to Fresno, later moving to Montana to obtain his degree; highlights a number of projects Mr. Garcia was involved in over the years; wishes Mr. Garcia and his wife well in their retirement.

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

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

RESOLUTION NO. 2002-46, resolution congratulating and commending the San Luis Obispo Vocal Arts Ensemble on 25 years of Musical Accomplishments and Community Service, adopted.

Supervisor Pinard: reads the resolution and presents the same to Mr. Mike Suddarth.

Mr. Suddarth: thanks the Board for the recognition on behalf of Mr. Gary Lamprecht;

states there will be a performance on February 17, 2002 at the Performing Arts Center which will feature alumni and present groups; makes the Board members honorary members of the "Bald Spots."

5 SP **Chairperson Bianchi:** speaks to a Table Top Exercise she recently attended on Bio-Terrorism and outlines what the program entailed; with the concurrence of the Board members, directs staff to place this on an upcoming agenda for a full discussion by the Board; thanks Dr. Greg Thomas and Ms. Michele Groff who organized the event. **No action taken.**

6 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: speaks to Item B-28 and his concerns to the impacts of this project with respect to the loss of Oak trees; questions where the mitigation program for this destruction is; comments on Item B-33, indicating this is a real "eye-opener" with respect to the number of sites that have environmental hazards stored on them; questions where these sites are and what types of hazards are being stored.

Ms. Dorothy Jennings: states she is the District 1 representative on the Parks and Recreation Commission and is also a member of the Templeton Area Advisory Group; addresses her concerns to Item B-29-C, indicating the conditions of approval for this tract map speak to trail easements; suggests these easements have not been done and the Parks and Recreation Commission was not involved in this process; wants this corrected before the map is approved. **No action taken.**

7 B-1 Consent Agenda Item B-19 is withdrawn. Item B-2, B-20, B-28 and B-33 are
thru withdrawn for separate action.
B-37

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

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

Consent Agenda Items B-1 through B-37 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-37, 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 **RESOLUTION NO. 2002-47**, of intention to vacate a portion of San Miguel Road, west of the City Atascadero; and, **RESOLUTION NO. 2002-48**, of intention to vacate a portion of Fallen Oak Lane, southeast of the City of Paso Robles; 1st and 5th Districts, **Adopted and the Clerk is instructed to give notice of hearing date set for March 19, 2002 at 9:00 a.m..**

B-2 Letter transmitting plans and specifications (Clerk's File) for tenant improvements for the District Attorney - Economic Crime Unit at the County Government Center, **Withdrawn for separate action.**

Auditor-Controller Items:

B-3 Submittal of an unannounced cash count and review of imprest cash accounts of the District Attorney's Office, Victim/Witness Assistance Center, Family Support and Economic Crime Unit, **Received and Filed.**

B-4 Submittal of an unannounced cash count of the Treasurer's Office conducted on December 3, 2001, **Received and Filed.**

B-5 Submittal of an audit report on the marina concessionaire at the Santa Margarita Lake,

Received and Filed.

Behavioral Health Items:

- B-6 Amended contract (Clerk's File) with the State Department of Alcohol and Drug Programs reducing the contract by \$55,677, due to a drop in anticipated Drug Medi-Cal utilization, **Approved.**
- B-7 2001-02 Performance Contract with (Clerk's File) the State Department of Mental Health to provide service to persons with mental disorders, **Approved.**
- B-8 Contract (Clerk's File) with the State Department of Mental Health designating Behavioral Health as a provider of Medi-Cal services, **Approved.**
- B-9 1)A contract (Clerk's File) with Family Care Network, Inc., replacing an existing contract; and 2) a corresponding budget adjustment in the amount of \$1,024,600 to provide support services to families, **Approved.**
- B-10 Submittal of a follow-up report on the Auditor-Controller's previous recommendations of an unannounced cash audit, **Received and Filed.**

Board of Supervisors Items:

- B-11 Request by Board Members to allocate \$2,000 from Community Project Funds (Districts One and Five - \$250 each, Districts Two, Three and Four \$500 each) to the Latino Outreach Council to be used for costs associated with holding monthly meetings, **Approved.**
- B-12 Request by Board Members to allocate \$2,000 from Community Project Funds (District Two - \$500, District Three \$1,500) to the Avila Beach Community Foundation to be used to help renovate the Avila Beach Civic Building, **Approved.**
- B-13 Request by Supervisor Ovitt to appoint Nancy Curtis-Dubost, William Dodd, and David Osgood to the Adelaida Public Cemetery District, **Approved.**
- B-14 Request by Supervisor Achadjian to reappoint Colleen McLean to the County Commission on Aging, **Approved.**
- B-15 Request by Chairperson Bianchi to appoint Harold Fones as a District Two Representative to the Water Resources Advisory Committee, **Approved.**
- B-16 Request to approve appointments of Board members to various committees and commissions, **Approved.**

General Services Items:

- B-17 Request to reject the results of a bid opening for the door operators replacement project at the Main Jail due to a technical error in the specifications of the bid, **Approved.**
- B-18 Agreement (Clerk's File) with Pacific Gas and Electric Company for continued use of the Emergency Operations Facility, County Emergency Operation Center, and Unified Dose Assessment Center, located on Kansas Avenue in the County of San Luis Obispo; All Districts, **Approved.**
- B-19 Submittal of a report on the Auditor-Controller recommendations of an audit report conducted on May 15, 2001 for the Lopez Lake Recreational Area, **Withdrawn.**
- B-20 Submittal of a resolution supporting Proposition 40, the Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 on the March 5, 2002 ballot, **Withdrawn for separate action.**
- B-21 **RESOLUTION NO. 2002-49**, accepting the donation of real property to the County from Heritage Ranch Community Services District for a fire station building site; 1st District, **Adopted.**

- B-22 **RESOLUTION NO. 2002-50**, authorizing the execution of a notice of completion and acceptance for the parking lot 5 annex project at the San Luis Obispo County Regional Airport, **Adopted**.
- B-23 **RESOLUTION NO. 2002-51**, amending the position allocation list for Budget Unit 2180 - General Services deleting one Building Maintenance Supervisor and one Custodial Supervisor and adding one Building Maintenance Superintendent, **Adopted**.

Planning Items:

- B-24 **RESOLUTION NO. 2002-52**, accepting an avigation easement from Dennis and Catherine Dotson for property located near the Paso Robles Airport; 1st District, **Adopted**.
- B-25 **RESOLUTION NO. 2002-53**, accepting an avigation easement from the Torgerson Family Trust for property located near the Paso Robles Airport; 1st District, **Adopted**.
- B-26 **RESOLUTION NO. 2002-54**, accepting an avigation easement from Archie and Sandra Woodward for property located near the San Luis Obispo County Regional Airport; 4th District, **Adopted**.

Public Works Items:

- B-27 Submittal of a bid opening report for the asphalt concrete overlay of Los Osos Valley Road and South Bay Boulevard; 2nd District, **Approved and the Chairperson is instructed to sign contract documents with Granite Construction in the amount of \$1,039,851**.
- B-28 Request to approve an agreement with Beacon Integrated Professional Resources Inc., dba, Hamner Jewell & Associates to provide right-of-way services for the Willow Road Extension Project, Nipomo; 4th District, **Withdrawn for separate action**.
- B-29 The following final maps:
- A. Tract 1790, Phase 2, a proposed subdivision resulting in 2 lots, by Falconcrest Builders, Hazel Lane, Nipomo, reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved**.
- B. CO 99-0228, a proposed subdivision resulting in 4 lots, by Hershel and Patricia Brewer, Camino Caballo, Nipomo, reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved**.
- C. Tract 2365, a proposed subdivision resulting in 19 lots, by Andrew Grave et al, located at the intersection of Bethel Road and Santa Rita Road, Templeton, **Approved** and **RESOLUTION NO. 2002-55**, (Clerk's File) to approve an open space easement agreement and **RESOLUTION NO. 2002-56**, to accept the offer of dedication for Bethel Road and Santa Rita Road, eject other offers of dedication without prejudice to future acceptance; 1st District, **Adopted**.

Other Items:

- B-30 Budget adjustment in the amount of \$50,753 to Budget Unit 2790 - Emergency Services for the purchase of equipment through a terrorism grant program and a request to amend the fixed asset list for Sheriff-Coroner and County Fire by adding two radio systems at a cost of approximately \$19,795 each, **Approved**.
- B-31 Minutes of the December 4, 11, and 18, 2001 Board of Supervisors' meetings, **Approved**.
- B-32 Application to the U.S. Department of Justice to provide partial reimbursement for expenses associated with incarcerating undocumented criminal aliens, **Approved**.
- B-33 Request by Public Health to approve a contract (Clerk's File) with Ryerson, Master and Associates to provide specialized consulting services for implementation of the

California Accidental Release Prevention program, **Withdrawn for separate action.**

- B-34 Budget adjustment in the amount of \$989,000 from Budget Unit 3200 - Social Services to Budget Unit 3240 - Foster Care to fund foster care placement and adoption assistance programs, **Approved.**
- B-35 **RESOLUTION NO. 2002-57**, designating the management representative and contracting for employer-employee relation's representation services with William Avery and Associates, Inc., **Adopted.**
- B-36 **RESOLUTION NO. 2002-58**, amending the retirement plan of employee contribution rates for employees of Superior Court, **Adopted.**
- B-37 **RESOLUTION NO. 2002-59**, (Clerk's File) authorizing the issuance of bonds for the benefit of Lucia Mar Unified School District, **Adopted.**

- 8 B-2 Letter transmitting plans and specifications (Clerk's File) for tenant improvements for the District Attorney - Economic Crime Unit at the County Government Center, is presented.

Supervisor Pinard: questions whether there is a master plan for the current Government Center and addresses her concern to piecemeal changes for departments.

Mr. Duane Leib: General Services Director, indicates there is a master plan for the annex building and the District Attorney's office will remain in this building once the new Government Center is built.

Mr. David Edge: County Administrative Officer, states the Board of Supervisors approved a master plan that was presented by Jay Farbstein approximately 3-4 years ago.

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

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

plans and specifications for tenant improvements to relocate the District Attorney's Economic Crime Unit, P5312, approved and the Clerk is instructed to give notice of bid opening set for March 14, 2002 at 3:00 p.m..

- 9 B-20 Submittal of a resolution supporting Proposition 40, the Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 on the March 5, 2002 ballot, is presented.

Supervisor Ovitt: states he recently attended a meeting of the Board of Directors for the California State Association of Counties (CSAC) where this Proposition was discussed and was not supported; addresses the impacts that are related to this Proposition should it pass and asks the Board to not support adopting the resolution.

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

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

the Board does not adopt the resolution and takes a position of no action.

- 10 B-28 Request to approve an agreement with Beacon Integrated Professional Resources Inc., dba, Hamner Jewell & Associates to provide right-of-way services for the Willow Road Extension Project, Nipomo; 4th District, is presented.

Mr. Glen Priddy: Public Works, addresses the item.

Supervisor Achadjian: responds to concerns raised by Mr. Eric Greening during the public comment on the Consent Agenda.

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

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

NOES: None

ABSENT: None

the agreement for professional services with Beacon Integrated Resources Inc., d.b.a. Hamner Jewell & Associates for right-of-way services for the Willow Road Extension Project, approved.

- 11 B-33 Request by Public Health to approve a contract (Clerk’s File) with Ryerson, Master and Associates to provide specialized consulting services for implementation of the California Accidental Release Prevention program, is presented.

Mr. Curt Batson: Environmental Health Director, addresses the request, the CalARP Program that is State mandated and requires businesses that store or use greater than threshold quantities of listed acutely hazardous materials to develop a Risk Management Program that implements an accidental release prevention program under Title 19 of the California Code of Regulations.

Supervisor Pinard: questions the types of chemicals being stored.

Mr. Batson: indicates there are basically two types - chlorine gas and ammonia gas and outlines where these are used; further responds to questions regarding what businesses have already completed the CalARP requirements and the need for this contracted service.

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, Achadjian, Chairperson Bianchi

NOES: Supervisor Pinard

ABSENT: None

contract with Ryerson, Master and Associates to provide specialized consulting services for implementation of the CalARP project in San Luis Obispo County, approved.

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

- 12 C-1 This is the time set for introduction of an ordinance establishing Tobacco Settlement Allocation Plan.

Mr. David Edge: County Administrative Officer, indicates this item is back at the Board’s direction.

Supervisor Pinard: indicates this will formalize the Board’s existing policy to allocate 100% of all Tobacco Settlement funds for the purpose of delivering health and safety related programs and services to the residents of the County.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

Mr. Edge: indicates he received a call from the local media regarding the use of the word “safety” and whether this would give the County “wiggle room” to use these funds for other than health issues; suggests removing this wording from the ordinance.

Ms. Pam Heatherington: indicates the League of Women Voters tried to set up a forum to have both sides of Measure A (Tobacco Settlement Initiative) speak and the proponents of Measure A were not willing to participate in the forum; this is a first for the League and due to the proponents unwillingness to participate there will not be a forum on this

issue.

Supervisor Ovitt: addresses the language with respect to “safety” and it has always involved the medical aspect of the Sheriff’s Department.

Chairperson Bianchi: suggests deleting the wording “and safety” in the ordinance and also wants the language in the “Results” portion of the staff letter added to the ordinance.

Mr. James Lindholm: County Counsel, indicates the Board can make those changes today and reintroduce the ordinance and keep the hearing date of February 26, 2002; suggests the “Results” language be made Section 8.12.040 and change the existing 8.12.040 to 8.12.050.

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, Pinard, Achadjian, Chairperson Bianchi

NOES: None

ABSENT: None

the Board amends the proposed ordinance as follows: the fifth paragraph of Section 8.21.010 - Purpose, the last sentence is amended to remove the wording “and safety”; in Section 8.21.030-Use of Funds, #1 is amended to remove the wording “and safety”; and, Section 8.21.040 is added to read: “Commencing one year after the effective date of this ordinance, and annually thereafter, the County Administrative Office will provide a written report to the Board of Supervisors on the status of activities undertaken with the funds. The report will include a statement of revenues, expenses, disbursements and all uses of the funds. The report will also evaluate the effectiveness of this ordinance in leveraging additional money from the State and Federal governments to increase available local health care dollars and evaluate the effectiveness of the educational, preventive, and treatment components of the Preventive Health Grant Programs.”; and existing Section 8.21.040 is renumbered to 8.21.050; and, the Board reintroduces the ordinance, as amended, to establish a Tobacco Settlement Allocation Plan for San Luis Obispo County and the Clerk is instructed to give notice of the hearing date set for February 26, 2002 at 9:00 a.m..

13 C-2 This is the time set for a status report on the hospital/clinic “3-Year Turnaround Plan.”

Mr. David Edge: County Administrative Officer, presents the staff report indicating this is back at the direction of the Board; addresses the letter attached to the staff report from Mr. Larry Hood, Hospital Chief Executive Officer.

Mr. Jesse Arnold: states he is here today to support General Hospital; indicates the first group hired by the County didn’t do what they were supposed to do and Mr. Hood’s group needs the full three years to see if they can accomplish the turnaround plan.

Ms. Nancy Barta: Chairperson for the Health Commission, states she is speaking for herself today and believes the country is at “crossroads” with respect to health care issues and the current health care models are not working; the County needs to rethink how health care is delivered and needs to pay for indigent care.

Mr. Dean Rollins: General Manager for the San Luis Obispo County Employees Association, states that since the new management has been at the Hospital there have been many changes; the Hospital is a much leaner operation than it was two years ago; feels there is an opportunity to change things and this shouldn’t be ignored.

Dr. Harry Fryer: states he agrees that the people of the County need to be cared for; questions whether the Board can guarantee the people that they can provide a safe and good hospital; comments on the minimal amount of surgeries and cardiac care usage at the Hospital and questions how the staff can remain competent if they are not using their skills and equipment.

Ms. Pam Heatherington: Chairperson for the Interim Hospital Authority Board

(IHAB), indicates funding is for both the Hospital and the clinics; suggests there has been an increase in patient surgeries; feels Mr. Hood needs an additional year to address the issues relating to the Hospital and clinics; speaks to the changes that are occurring in the medical community (private sector) and wants to see the Board give this one more year.

Ms. Sara Horne: President for the League of Women Voters, outlines what the League looks at with respect to taking positions on issues; feels that one of the things lacking in the reporting for Medical Services is a breakdown between Hospital and clinic costs; wants to see a detailed breakdown for both the budget and expenses.

Ms. Dawn Williams: addresses the \$12 million budget and questions how the County can justify not providing adequate health care to all its citizens.

Mr. Eric Greening: agrees with prior speakers that this needs an additional year for the turnaround; suggests the need to actively look at money from the State; discusses the pull on funding based on Propositions 13 and 98 and questions why health issues are always put last.

Ms. Joan O’Keefe: believes the new management needs more time; believes *The Tribune* is opposed to the Hospital staying open and it shows in their reporting or lack of reporting on this issue; addresses her concern about the impacts that would occur to Mental Health if the Hospital is closed; also, is concerned that the Mental Health Director is not out lobbying as to how he will maintain inpatient services.

Mr. Milt Rosen: states he is a member of the Health Commission and the Commission has been asking Mr. Hood to come and speak to them but they haven’t gotten any response; asks the Board to direct Mr. Hood to speak to the Commission.

Ms. Stephanie Painter: asks the Board to extend the turnaround plan for the new management and to fully fund the department; believes it is the wish of the majority of the residents in the County to keep the Hospital open.

Supervisor Ovitt: addresses his concern to hearing folks ask the Board to “wait” on this issue; indicates for at least the past 12 years the County has been trying to do something about the Hospital; indicates the everyone wants the Hospital but nobody wants to pay for it; addresses the tradeoff of hospital versus clinic patients, which equates to approximately the same numbers but the costs just continue to rise; feels its too late even with everything Mr. Hood has accomplished.

Chairperson Bianchi: questions what will happen to the Mental Health patients if the Hospital closes.

Mr. Larry Hood: Hospital Chief Executive Officer, indicates there are several scenarios including French Hospital which still has psych beds on its license.

Supervisor Ryan: questions why no one from Mental Health is here today; suggests they may feel they can save money by contracting out for services.

Chairperson Bianchi: continues this item to the afternoon calendar.

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

Mr. Bob Blair: addresses a upcoming project to add 50 acres to the Summit Hills Water Station; addresses current restrictions on water in this area; folks living in this area are concerned about the impacts of this project; presents a letter from Nancy Ybarra, for the record, and highlights the same indicating she sent this letter out to all the residents of Summit Station and all but four of the letters that have been returned indicated they would support a class action lawsuit on this issue.

Mr. Richie Ray Walker: states the Hospital is looking great these days, it has been painted a salmon color and he is glad to see money being spent on the Hospital; addresses the increased number of people flying the American flag; addresses a recent State Supreme Court decision that “flushed the 4th Amendment down the toilet” on a 4-3 vote.

Mr. Les Goldfisher: addresses comments by the Board this morning about taking their marching orders from the public, but feels that wasn't true when they dealt with the firing of the pediatricians at the clinics; reads from Dr. Naimark's pleading which is set for trial before Judge Umhofer on March 8, 2002.

Ms. Sombra Ruiz: American Cancer Society, addresses the spending of Tobacco Settlement Funds.

Ms. Mary Beth Schroeder: urges the Board to keep General Hospital open.

Ms. Peggy Wilson: speaks regarding the Oceano Community Center and her neighbors don't feel it will do any good to talk to the Board members about this issue; addresses the concern that has been raised about alcohol being allowed at the Center.

Ms. Nell Langford: states she owns property on the Strand in Oceano and is concerned about the hours that vehicles are allowed on the Dunes; states she has had to refund money to three different folks who were disturbed by vehicle noise at 3:00 a.m.; asks the Board to look into limiting the hours vehicles can be on the beach. **No action taken.**

15 C-2 Status report on the Hospital/Clinic "3 Year Turnaround Plan" is brought back on for discussion.

Chairperson Bianchi: indicates she has been working with others for approximately two years to get a clinic in the Cambria area; agrees with earlier comments that the turnaround plan is dead, but also believes it was never intended to succeed; questions the number of out-patients seen yearly.

Mr. Larry Hood: Hospital Chief Executive Officer, responds that between the clinics and emergency room, they see approximately 55,000 patients a year.

Chairperson Bianchi: questions whether the other four hospitals will accommodate these patients if the hospital is closed.

Mr. Hood: indicates he doesn't believe any group/hospital will take these patients without additional funding support from the County and contracts would need to be worked out.

Mr. Hank Skau: Hospital Chief Financial Officer, indicates that outpatient rates are fixed but the inpatient fees are negotiated.

Mr. Hood: states further that he asked Mission Medical if they would take the Medi-Cal, etc. patients by themselves (without additional funding from the County) and was told "no."

Supervisor Achadjian: speaks to what was discussed 2 ½ years ago with the turnaround plan; indicates there have been some improvements during that time; addresses the rate increase by the State but that this also requires an increase in the number of nurses; questions the requirements for earthquake compliance.

Mr. Hood: responds that the earthquake compliance requirements have been extended until approximately 2013; responds to additional questions indicating that the cost of services without the Hospital (meaning the clinics) would be approximately \$8-9 million a year; indicates if the County is looking at further savings, then the County needs to find a way to also get out the clinic business; the decision is really whether the County wants to be a "provider of" or a "provider for" services.

Supervisor Pinard: indicates she has seen progress at the Hospital and expands on her observations; feels the real question is "do we turn the basic need for life over to the private sector"; doesn't want to let go of basic health care in the County; indicates it may be time to say the hospital needs a change but not the clinics; the clinics need to be kept out of the private sector.

Mr. David Edge: County Administrative Officer, responds to comments by the Board and indicates if the Board is looking at changing services at the hospital and/or clinics it

will need to be done through the Beilenson hearing process.

Supervisor Ovitt: addresses a report to the Board in 1997 that showed that only 6% of the business in the County was going to General Hospital and that 75% of the Medi-Cal and CMSP patients were already been seen at other hospitals; it is the County's responsibility to ensure primary care for its residents but not necessarily to be the provider of it; suggests that: (1) the County remain the insurer of adequate facilities for health services; (2) enter into agreements with private hospitals for inpatient care; (3) look at going out for Requests for Proposals (RFP's) for a new outpatient management system; and, (4) start working with partnerships to deliver health services for all the residents of the County; understanding that these actions will require the need for a noticed Beilenson hearing and that there will need to be a discussion regarding inpatient psychiatric services.

Supervisor Ryan: speaks to the 55,000 outpatients that are seen yearly and suggests if you divide that up among the 5 clinics it's not such a great number of patients.

Mr. Hood: states that what he was saying was that if you turn 55,000 patients loose in the County will they be seen by private agencies and the answer is "no."

Supervisor Pinard: addresses her concern to being the insurer of services for the private sector but she will support the County being the provider of the clinics.

Supervisor Bianchi: supports comments by Supervisor Pinard; addresses the changes that have occurred nationwide, with respect to health care; suggests there is no guarantee any for-profit hospital will remain in the area; the County is required by law to provide for the health and safety of its citizens.

A motion by Supervisor Ovitt, seconded by Supervisor Ryan to direct staff to calendar a Beilenson hearing for the closure of General Hospital, is discussed.

Supervisor Ovitt: indicates the intent of the motion is that this will look at all appurtenances, ancillary services, Mental Health services and the clinics.

Mr. Edge: states that staff will need time to put together the information on this; indicates the notice will have to be introduced to set the hearing; indicates staff will need time to come back with the cost savings associated with closing the Hospital.

Supervisor Pinard: asks for clarification of the motion and whether or not it includes closing the clinics.

Supervisor Ovitt: the motion is to begin the Beilenson hearing process for closure of the acute care services only but that this will have to be looked with respect to how it is tied to these other services.

Mr. Edge: indicates they understand that this motion only addresses closing the Hospital and that discussion regarding the clinics, etc. will occur at another time; indicates they will come back within 60 days with a progress report and update as to when this matter will be on an agenda.

Supervisor Pinard: states she wants it understood that closing the Hospital isn't going to save any money.

Chairperson Bianchi: states if this motion doesn't pass, the alternate motion would be to direct staff to come back with an economic and viable health care system as soon as possible.

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, Pinard, Achadjian

NOES: Supervisor Chairperson Bianchi

ABSENT: None

the Board directs staff to calendar a Beilenson hearing for the closure of General Hospital.

16 F-2 This is the time set for continued hearing (continued from January 22, 2002 to consider appeals by Karl Wittstrom and Santa Margarita Area Residents Together (SMART) of the Subdivision Review Board's approval of a lot line adjustment/development plan for the construction of roads and 36 residences, located on Norte Road east of Highway 101, adjacent to the community of Garden Farms; 5th District.

Mr. Eric Greening: suggests the need for consistency in the staff report when this matter comes back to the Board; the report indicates the Subdivision Review Board (SRB) action is moot, but the entire SRB report is included in the Board's packet and based on this feels the minutes from the SRB hearing should also be included.

Supervisor Ryan: discusses the need for consistency with respect to the title of the item, indicating that Karl Wittstrom is Santa Margarita Ranch and the SMART is really Jude Rock.

Ms. Kami Griffin: Planning, indicates that is correct and refers the Board to the two letters from Santa Margarita Ranch and Jude Rock (SMART); indicates that Mr. Wittstrom has withdrawn their appeal.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, said hearing is continued to February 19, 2002 at 9:00 a.m..

17 D-1 This is the time set for a discussion regarding transfer of additional funds for General Hospital and the Family Care Centers.

Mr. David Edge: County Administrative Officer, introduces the item.

Mr. Hank Skau: Hospital Chief Financial Officer, indicates they just received an unexpected reimbursement and have approximately \$700,000 for operating costs.

Mr. Gere Sibbach: Auditor-Controller, addresses the staff report; questions whether the Hospital will still need the \$2 million at the end of the Fiscal Year.

Mr. Skau: responds they are not ready to say they won't need the \$2 million.

Mr. Sibbach: asks the Board if they still want a monthly reporting of the costs associated with Medical Services' operations, with the Board members indicating that they do.

Ms. Mary Beth Schroeder: states she is fighting for the survival of the Hospital as a lot of people need this facility; suggests closing the clinics.

Mr. Richie Ray Walker: states that every time he is at the Hospital there are always 8-9 people waiting in line for the pharmacy and other services; wants the Board members to go to the Hospital and talk to the folks waiting in these lines.

Ms. Peggy Wilson: states someone very dear to her had her life saved by the folks at General Hospital; understands this is not an easy issue, but feels better knowing the Hospital is there for folks who need it.

Ms. Helen May: states she can remember 30+ years ago when the Hospital was considered one of the best in the State; addresses changes in use by the doctors over the years and now the insurance companies are running the show.

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

AYES: Supervisors Pinard, Achadjian, Ovitt, Chairperson Bianchi

NOES: Supervisor Ryan

ABSENT: None

the Board authorizes the transfer of \$600,000 from General Fund Contingencies to BU 3280, Medical Services Assistance.

Supervisor Ryan: states he does not support the motion and won't until the Beilenson hearings have occurred.

18 F-1 This is the time set for hearing to consider adoption of the Oceano Specific Plan (Clerk's File), amending the San Luis Bay Area Plan (Inland and Coastal) by deleting or modifying language and/or planning area standards that apply to the Oceano Urban Area covered by the Specific Plan.

Mr. Victor Holanda: Director of Planning and Building, introduces the item, indicating this is the result of two years of staff time and public meetings; recognizes Mr. Tom Ramler, Chairperson for the Oceano/Halcyon Advisory Board for all his work.

Mr. John Hand: Planning, presents the staff report; highlights the planning process, public outreach; how the plan was organized; presents the background and core values; the EIR was prepared concurrently with the Plan and the two are included in one document; outlines issues raised regarding the Plan, including: the airport and consensus to keep it the way it is and not let it become a commercial airport; Pier Avenue and the future in development for businesses and issues raised with respect to vehicle access to the beach; agricultural economy; residential densities; economics; enhancing the town center; traffic and circulation; flooding and drainage; explains staff felt the issues relating to the community center and vehicles on the beach were outside the scope of the Plan and are not included; implementation plan and programs include: lagoon maintenance-clean up; code enforcement; Streetscape plans; addresses the town center plaza and developing commercial uses on the west side; addresses circulation; Pier Avenue area with a beach area focus; comments on the concerns raised by residents with regard to limiting density to 15 dwelling units per acre; comments on additional pages F-1-177 through F-1-182 that were presented to the Board last Friday, indicating these are suggested modifications to the Plan; this Plan will only affect those who come in with applications after its adoption and will not affect anyone currently in the pipeline; addresses the proposed guidelines and they will not be mandatory; addresses additional communication they received from the Coastal Commission and presents copies for the Board.

Mr. Tom Ramler: Chairperson for the Oceano/Halcyon Advisory Board, states this has been a lengthy process with many meetings with several having had very colorful discussions; what is before the Board today is the consensus that was reached on these issues; based on this they now have a better idea on where they want to go; hopes the Board will approve the Plan.

Ms. Gracia Bello: states she is a property owner in Oceano; she supports most of the recommendations but has concerns regarding the source of funding for these proposals.

Mr. Gordon Shore: presents letters from two neighbors, Ms. Barbara Boyer and Ms. Penelope Semrau with their concerns; also presents a letter from Kathryn Shore addressing her concern to inadequate information being included with respect to endangered species and her concerns regarding the increased use and noise at the airport.

Mr. Robert Mueller: addresses his concern regarding the "conceptual" designs and these being taken as what is to be done in these areas.

Ms. Peggy Wilson: states she attended all the meetings on this Plan; indicates there is a perception that all issues are not treated the same; suggests the proposed changes should go back to the Advisory Board before the Board takes an action.

Ms. Nell Langford: states she does not agree with the Plan as presented and feels this is an opportunity and the responsibility of the County to address the issue of vehicles on the beach; presents a location map that outlines the "project area" by the State; feels this document should be sent back for further review before the Board takes an action.

Mr. Gordon Hensley: Environmental Defense Center (EDC), states they are in opposition to the Plan because of deficiencies in the Environmental Review with respect to endangered species; they want to see an alternative access to the beach area; concerns

regarding the Steelhead trout in the Arroyo Grande Creek; suggests cumulative impacts have not been addressed; urges the Board to send this back to address these issues.

Mr. Aureliano Rodriguez: states he represents the Halcyon area on the Advisory Board and thanks the staff for all their work and for not including Halcyon in this Plan; states they support the Plan as presented.

Mr. Eric Greening: addresses his concern with respect to the conversion of agricultural land; also believes this Plan should integrate itself with all other existing plans.

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

Chairperson Bianchi: presents letters she received to the Clerk for the record.

Mr. Chris Clark: Crawford, Multari, Clark & Mohr, addresses the Environmental Review process; responds to questions raised regarding the Steelhead trout and agricultural lands.

Supervisor Achadjian: thanks the staff and Advisory Board for all their work and clarifies various issues raised today.

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

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

NOES: None

ABSENT: None

the Board tentatively approves the Oceano Specific Plan and continues said hearing to April 2, 2002 at 9:00 a.m..

19 PC This is the time set for members of the public wishing to address the Board on items not set on the Agenda.

Ms. Mary Beth Schroeder: speaks regarding the need for a Senior Center in San Luis Obispo and on the Dalidio property. **No action taken.**

20 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 PG&E* and (2) *County of San Luis Obispo v. Banta*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (3) *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. (4) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

II. PERSONNEL (Gov. Code, § 54954.5.) It is the intention of the Board to meet in Closed Session to: (5) Consider Public Employee Appointment for the Position of: *Chief Probation Officer*.

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

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report is required because 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, February 5, 2002, 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: February 7, 2002
vms