

Tuesday, April 23, 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 Peg Pinard, K.H. 'Katcho' Achadjian, Vice-Chairperson Michael P. Ryan

**ABSENT:** Supervisors Harry Ovitt and Chairperson Shirley Bianchi

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY VICE-CHAIRPERSON RYAN.**

**SUM      AGN**

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

**AYES:**            Supervisors Pinard, Achadjian, Vice-Chairperson Ryan

**NOES:**            None

**ABSENT:**        Supervisors Ovitt, Chairperson Bianchi

**RESOLUTION NO. 2002-164, resolution proclaiming May 5, 2002 through May 11, 2002 as San Luis Obispo County "Be Kind to Animals Week", adopted.**

**Supervisor Pinard:** reads the resolution and presents the same to Ms. Andrea Liddie, Director of Woods Humane Society.

**Ms. Liddie:** thanks the Board for the proclamation and invites the public and the Board to the Pet Fair on May 5, 2002 at Santa Rosa Park.

**Sheriff Pat Hedges:** Sheriff-Coroner, states on behalf of Animal Services they appreciate the recognition; addresses the proper care of animals and the necessary spaying and neutering of pets has dropped the number of euthanasias in the County.

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

**AYES:**            Supervisors Pinard, Achadjian, Vice-Chairperson Ryan

**NOES:**            None

**ABSENT:**        Supervisors Ovitt, Chairperson Bianchi

**RESOLUTION NO. 2002-165, resolution honoring the California Transplant Donor Network and the families of those who have donated "The Gift of Life", adopted.**

**Vice-Chairperson Ryan:** reads the resolution and presents the same to Ms. Pam Hasler.

**Ms. Hasler:** thanks the Board for the recognition; states one donor can help up to fifty people; speaks to the importance of family discussions relating to organ donations; appreciates this platform which will increase public awareness relating to this issue; states pamphlets and donor cards are available at the San Luis Obispo County Library or call 888-570-9400 for more information.

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

**AYES:**            Supervisors Pinard, Achadjian, Vice-Chairperson Ryan

**NOES:**            None

**ABSENT:**        Supervisors Ovitt, Chairperson Bianchi

**RESOLUTION NO. 2002-166, resolution honoring the 349<sup>th</sup> Quartermaster Company of the Nation Guard of the State of California, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Sargent First Class Clide Reeder.

**Sargent Reeder:** thanks the Board for the recognition and recognizes the other agencies involved.

4

A-1D **Thereafter, on motion of Supervisor Pinard, seconded by Supervisor Achadjian and on the following roll call vote:**

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

**RESOLUTION NO. 2002-167, resolution proclaiming the week of April 21-27, 2002 as “San Luis Obispo County Crime Victims’ Rights Week” and commending the District Attorney’s Victim Witness Assistance Center for 25 years of service to crime victims, adopted.**

**Vice-Chairperson Ryan:** reads the resolution and presents the same to Mr. Gerald Shea, District Attorney.

**Mr. Shea:** thanks the Board; presents a brief history of the formation of the Victim-Witness Division; describes the many services the Victim-Witness Division provides; indicates his staff has more than one hundred and fifty years combined experience and he is proud of the work they do; acknowledges Ms. Cindy Marie Absey and Mr. Dan Hilford for their outstanding work.

**Ms. Charlotte Wood:** states she is a homicide survivor; indicates a victim needs to regain control of their life and the Victim-Witness Assistance Program helped her do that; states even though the murder of her daughter took place fifteen years ago, Victim-Witness is still a part of her life; thanks to Victim-Witness she speaks to local inmates to get her message out and hopefully prevent anyone else from becoming a victim.

**Sheriff Pat Hedges:** Sheriff-Coroner, states on behalf of the Criminal Justice Administrator’s Association thanks the Victim-Witness Program for their intervention in taking care of the victims so that law enforcement can conduct their criminal investigation and do their job that much better.

**Mr. Shea:** invites the Board and the public to a commendation and proclamation at 12:00 p.m. in front of the Government Center; hands the Board a ribbon honoring Victims and asks the Board if they would take a photo with the Victim-Witness staff.

5

ADD Request to consider adding an item to the Consent Agenda, is presented. **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard with Supervisor Ovitt and Chairperson Bianchi being absent motion carries, the Board determines that the need to add an item arose subsequent to the 72-hour noticing requirement of the Brown Act and the Board adds Item B-18 “Submittal by General Services of an extension of emergency action to remove contaminated soil stockpiled on private property in San Luis Obispo. (RECOMMEND APPROVAL)” to the Consent Agenda.**

6

BPC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

**Ms. Linda Hall:** speaks to perjury in the courtrooms indicating she would like to see this issue addressed; states Consent Agenda Item B-14 reads as though the public would receive money back when in reality it would be just the opposite.

**Mr. Eric Greening:** addresses Item B-14, indicating he would like to see this item come back and be approved as soon as possible.

**Mr. David Edge:** Administrative Officer, states Item B-14 was removed from the Consent Agenda because Assembly member Migden gutted the Bill after discussions with her democratic leadership and the Bill no longer addresses the Vehicle License Fee issue. **No action taken.**

7

B-1 Consent Agenda Items B-10 and B-14 are withdrawn. Items B-17 is added to the Agenda. Item B-18 is added by prior action of the Board. **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and on the following roll call vote:**

**AYES:** Supervisors Achadjian, Pinard, Vice-Chairperson Ryan

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

**Consent Agenda Items B-1 through B-18, are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-18, 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 construction of a merge lane at Los Osos Valley Road and Foothill Boulevard and a request to approve a corresponding budget adjustment in the amount of \$28,886 from within accounts; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for May 23, 2002, at 3:00 P.M..**
- B-2 Plans and specifications (Clerk's File) for road improvements on Noyes Road, between Ormonde Road and State Route 227 and a request to approve a corresponding budget adjustment in the amount of \$305,000 from within accounts; 3rd District, **Approved and the Clerk is instructed to give notice of bid opening set for May 23, 2002, at 3:00 P.M..**
- B-3 Plans and specifications (Clerk's File) for removal of asbestos materials at the Atascadero Health Clinic; 5th District, **Approved and the Clerk is instructed to give notice of Bid opening set for May 6, 2002, at 3:00 P.M..**
- B-4 Plans and specifications (Clerk's File) for the installation of flooring at the Atascadero Health Clinic; 5th District, **Approved and the Clerk is instructed to give notice of Bid opening set for May 6, 2002, at 3:00 P.M..**

General Services Items:

- B-5 Request to continue resolution of authorization to transfer county owned real property in Avila Beach (5,200 sq ft of Avila Beach Community Park) to the Avila Beach Community Services District for the development of a marine research institute; 3rd District, **Approved and continued to May 7, 2002.**
- B-6 Draft memorandum of agreement with the Transportation Security Administration of the U.S. Department of Transportation for law enforcement services provided by the County Sheriff at the San Luis Obispo County Regional Airport; and 2) authorize the Chairperson to sign the final agreement; All Districts, **Approved.**
- B-7 Grant offer from the Federal Aviation Administration for security related expenses totaling \$319,551 for the San Luis Obispo County Regional Airport; All Districts, **Approved.**

Public Works Items:

- B-8 **RESOLUTION NO. 2002-168:** assigning Tariff Rule 20A Funds to the City of Arroyo Grande regarding the City's Grand Avenue underground project and approval of a list for future county underground projects; All Districts, **Adopted.**
- B-9 **RESOLUTION NO. 2002-169:** appointing Glenda Guiton to the San Luis Obispo County Flood Control and Water Conservation District Zone 1/1A (Arroyo Grande area) Advisory Committee; 4th District, **Adopted.**
- B-10 Submittal of a resolution accepting conveyance from Gar Bar Corporation, et al, for the El Campo/Los Berros Road project; 4th District, **Withdrawn.**
- B-11 The following maps:
  - A. Tract 2409, a proposed subdivision resulting in 29 lots, by Paul Edwards Promotions, LLC, located at Tefft Street, Nipomo, reject the offers of dedication without prejudice to future acceptance; 4th District, **Approved..**

- B. Tract 2182, a proposed subdivision resulting in 8 lots, by Richard DeBlauw Construction, located at Camino Caballo, Nipomo, reject the offers of dedication without prejudice to future acceptance, **Approved and RESOLUTION NO. 2002-170**, approving an open space easement agreement; 4th District, **Adopted.**

Other Items:

- B-12 Contract amendment with the Family Care Network, Inc., increasing the number of emergency shelter care beds for fiscal year 2001-02, **Approved.**
- B-13 **RESOLUTION NO. 2002-171**, honoring Matt Boyd, Robert Martin, Joe Miles, Jack Mitchell and Sam Woodward for their dedication to service to the San Luis Obispo County Fire Department, Company 40, **Adopted.**
- B-14 Letter supporting Assembly Bill 1753 (Migden), which would roll back the Vehicle License Fee rebate during the State budget crisis, **Withdrawn.**
- B-15 **RESOLUTION NO. 2002-172**, amending the position allocation list for Budget Unit 3070 - Behavioral Health Services, deleting the department's total positions by 2.75 full time employees, **Adopted.**
- B-16 Proposed mitigated negative declaration for the Neal Springs Road Reconstruction Project; 1st District, **Approved.**

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

- B-17 Introduction of an ordinance to establish the In-Home Support Services Public Authority of San Luis Obispo County, **Approved.**

**ADDED (by prior action taken by the Board)**

- B-18 Submittal by General Services of an extension of emergency action to remove contaminated soil stockpiled on private property in San Luis Obispo, **Approved.**

- 8 C-1 This is the time set for hearing to consider formation of an assessment district for Tract 2299 for the purpose of drainage basin maintenance; 4th District.

**Mr. Richard Marshall:** Public Works, states he has a consolidated staff report for hearing Item C-1 through C-6 if that meets with Counsel's approval.

**Mr. Jim Lindholm:** County Counsel, states as long as each item has a separate vote and is treated as a separate hearing that is fine.

**Mr. Marshall:** states these hearings are the subject of maintenance of drainage basins for three subdivisions in the Nipomo area; presents the vicinity map and layout of Tracts 2299, 2346, and 2409; indicates each of the subdivisions has a requirement to retain storm water runoff; states before the Board today are two processes: 1) annexing the property into the Flood Control Zone of benefit; and 2) approving the establishment of maintenance assessments; states the annexation of the Flood Control District was initiated February 19, 2002 by the adoption of a resolution of intent to annex each of these properties to the Flood Control District and the concluding action before the Board today is a resolution annexing the land into the zone of benefit; states notices and ballots were sent to the property owners and the ballots were tabulated and all Assessment Districts were approved.

**Board Members:** discuss various issues, comments and concerns regarding: the percentage of votes needed to approve the Assessment District; what water will be caught by these retention basins, with Mr. Marshall responding.

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

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

**the Board declares the results of the election for the formation of Tract 2299 Assessment District for Drainage Basin Maintenance.**

- 9 C-2 This is the time set for hearing to consider a resolution annexing Tract 2299 to the San Luis Obispo County Flood Control and Water Conservation District Zone 16 for the purpose of drainage basin maintenance; 4th District.

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

**AYES: Supervisors Achadjian, Pinard, Vice-Chairperson Ryan**

**NOES: None**

**ABSENT: Supervisors Ovitt, Chairperson Bianchi**

**RESOLUTION NO. 2002-173, resolution of the San Luis Obispo County Flood Control and Water Conservation District annexing Tract 2299 in the County of San Luis Obispo to Flood Control Zone 16, adopted.**

- 10 C-3 This is the time set for hearing to consider formation of assessment district for Tract 2346 for the purpose of drainage basin maintenance; 4th District.

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

**AYES: Supervisors Achadjian, Pinard, Vice-Chairperson Ryan**

**NOES: None**

**ABSENT: Supervisors Ovitt, Chairperson Bianchi**

**the Board declares the results of the election for the formation of Tract 2346 Assessment District for Drainage Basin Maintenance.**

- 11 C-4 This is the time set for hearing to consider a resolution annexing Tract 2346 to the San Luis Obispo County Flood Control and Water Conservation District Zone 16 for the purpose of drainage basin maintenance; 4th District.

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

**AYES: Supervisors Achadjian, Pinard, Vice-Chairperson Ryan**

**NOES: None**

**ABSENT: Supervisors Ovitt, Chairperson Bianchi**

**RESOLUTION NO. 2002-174, resolution of the San Luis Obispo County Flood Control and Water Conservation District annexing Tract 2346 in the County of San Luis Obispo to Flood Control Zone 16, adopted.**

- 12 C-5 This is the time set for hearing to consider formation of assessment district for Tract 2409 for the purpose of drainage basin maintenance; 4th District.

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

**AYES: Supervisors Achadjian, Pinard, Vice-Chairperson Ryan**

**NOES: None**

**ABSENT: Supervisors Ovitt, Chairperson Bianchi**

**the Board declares the results of the election for the formation of Tract 2409 Assessment District for Drainage Basin Maintenance.**

- 13 C-6 This is the time set for hearing to consider a resolution annexing Tract 2409 to the San Luis Obispo County Flood Control and Water Conservation District Zone 16 for the purpose of drainage basin maintenance; 4th District.

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

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

**RESOLUTION NO. 2002-175, resolution of the San Luis Obispo County Flood Control and Water Conservation District annexing Tract 2409 in the County of San Luis Obispo to Flood Control Zone 16, adopted.**

- 13 CS Closed Session is cancelled.
- 14 PC This is the time set for members of the public wishing to address the Board on items not set on the Agenda.

**Mr. Eric Greening:** thanks Mr. Greek, Agricultural Commissioner, for seeing to the distribution of the draft EIR on the Glassy-Winged Sharpshooter; indicates the document has serious problems and urges the public to attend the hearing on May 1, 2002 at the Veterans Hall in San Luis Obispo from 6:00 to 9:00 p.m..

**Mr. Terrill Graham:** questions if there is a reason why the Board has not closed down Duke Energy, in Morro Bay or the Standard Station in Cambria; addresses the jurisdiction of the Board and the use of development fees.

**Ms. Linda Hall:** addresses the protection of the organic farmer from the drift of pesticides.

**Mr. George Layman:** suggests having the Public Comment period in the morning; addresses his concern for the "cost plus contracts"; feels there is no regulation with these contracts; indicates the importance of not shutting down Duke Energy or the Standard Station in Cambria.

**Mr. Leslie Goldfisher:** speaks to the future of General Hospital.

**Supervisor Pinard:** thanks Mr. Greening for reading the draft EIR regarding the Glassy-Winged Sharpshooter; asks Mr. Greening what he feels is the best way to get the word out to the public regarding this issue.

**Mr. Greening:** feels the public should express their concerns at the meeting on May 1, 2002 and/or written comments will be accepted until May 17, 2002; states Life on Planet Earth has written a letter expressing their concerns and he will provide a copy to the Board. **No action taken.**

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 23, 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/Cherie Aispuro,  
Deputy Clerk-Recorder

DATED: 04/26/2002  
cla