

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

ABSENT: Supervisor Peg Pinard

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON BIANCHI.

SUM AGN

Chairperson Bianchi opens the meeting in memory of Bryce Tingle, Assistant Director of Planning and Building and asks for a moment of silence.

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

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

RESOLUTION NO. 2002-260, resolution recognizing Charlotte Byrne for her service and dedication to the Commission on Children and Youth, adopted.

Supervisor Ryan: reads the resolution and presents the same to Ms. Charlotte Byrne.

Ms. Byrne: thanks the Board for the recognition.

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

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

RESOLUTION NO. 2002-261, resolution commending Glenn Simpson for service to the people of San Luis Obispo County, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Mr. Glenn Simpson.

Mr. Simpson: thanks the Board for the recognition; states it was a good day to be Park Ranger and that it was a grand adventure.

Mr. Pete Jenny: Park Manager, congratulates Mr. Simpson.

3 A-2 **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: None
ABSENT: Supervisor Pinard

the Board approves the presentation of the Government Finance Officers Association's Certificate of Achievement for Excellence in financial reporting.

Chairperson Bianchi: reads the Certificates from the Association and from the Board of

Supervisors and presents the same to Mr. Gere Sibbach, County Auditor-Controller.

Mr. Sibbach: thanks the Board; states the work of his staff is what makes this Certificate of Achievement possible; introduces various staff members and highlights their duties.

- 4 B-PC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

Mr. Eric Greening: comments on Item B-26 and his concern that the consultant give equal weight to raw water and treated water; states there are two native American cultural resources involved in this and hopes that both are being worked with.

Mr. Jac Crawford: Deputy County Counsel, speaks to Item B-48, indicating there is a concern relating to two of the recommended appointments to the In-Home Supportive Services Public Authority and they will be requesting an opinion from the Fair Political Practices Commission and recommends that approval of appointment for Katie Phillips and Barbara Porter be withdrawn at this time. **No action taken.**

- 5 B-1 Consent Agenda Item B-9 is corrected to amend the agreement due to a technical
thru correction. Item B-10 is withdrawn. Item B-30 is amended to correct the Transmittal
B-48 and staff report to list the terms and clarify the recommendation to approve the appointments. Item B-48 is amended to not appoint Katie Phillips and Barbara Porter and to approve the appointments as amended and direct staff to return on July 23, 2002 with the term dates.

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

AYES: Supervisors Achadjian, Ryan, Ovitt, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Pinard

Consent Agenda Items B-1 through B-48 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-48, 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 the construction of road related improvements for a large culvert under Old Creek Road, east of the community of Cayucos; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for August 8, 2002 at 3:00 p.m..**
- B-2 Plans and specifications (Clerk's File) for the construction of a water well at Lopez Recreation Area; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for August 8, 2002 at 3:00 p.m..**
- B-3 Plans and specifications (Clerk's File) for replacement of the restroom/shower building at Shamel Park in Cambria; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for August 8, 2002 at 3:00 p.m..**
- B-4 Letter transmitting plans and specifications (Clerk's File) for the construction of the taxiway and roadway at the San Luis Obispo County Regional Airport; All Districts, **Approved and the Clerk is instructed to give notice of bid opening set for August 8, 2002 at 3:00 p.m..**

Administrative Office Items:

- B-5 **RESOLUTION NO. 2002-262,** (Clerk's File) approving the conflict of interest code for the

Administrative Office, **Adopted.**

- B-6 **RESOLUTION NO. 2002-263**, (Clerk's File) approving the conflict of interest code for the Local Agency Formation Commission, **Adopted.**
- B-7 2002-03 Workers' Compensation and Unemployment Insurance Rates, **Approved.** (RECOMMEND APPROVAL.)
- B-8 Request to appoint Deb Hossli as the County's representative to the California State Association of Counties - Excess Insurance Authority, **Approved.**
- B-9 Agreement appointing Phil Lowe to be the Director of Child Support Services, **Approved as amended and the County Administrator is instructed to sign.**

Behavioral Health Items:

- B-10 Request to appoint William Boyd to the Mental Health Board, **Withdrawn.**
- B-11 Employee contracts (Clerk's File) with Ronald Miller and Ronelle Stowell to provide psychology student intern services for Mental Health clients, **Approved.**
- B-12 2002-03 contract (Clerk's File) with Supplemental Health Care Services, Ltd. to provide skilled nursing services for Mental Health clients, **Approved.**
- B-13 Request to approve a contract (Clerk's File) with the State Department of Mental Health designating Behavioral Health as the provider of Medi-Cal services, **Approved.**
- B-14 Contract (Clerk's File) with Randall True, M.D., to provide psychiatric services to Mental Health clients, **Approved.**

Board of Supervisors Items:

- B-15 Request by Supervisor Ryan to appoint Tricia Bramsen and George Dodge to the San Luis Obispo Commission on Children and Youth, **Approved.**
- B-16 Request by Board Members to allocate \$1,650 from Community Project Funds (District Two - \$1,500, District Four - \$50, District Five - \$100) to the Cambria Youth Center to be used to help remodel the Cambria Skate Park, **Approved.**
- B-17 Request by Board Members to allocate \$4,000 from Community Project Funds (\$2,000 each from Districts Two and Four) to the San Luis Obispo Mozart Festival to be used for Mozart Fringe Concerts, **Approved.**

Clerk-Recorder Items:

- B-18 Minutes of the May 7, 14, and 21, 2002 Board of Supervisors' meetings, **Approved.**
- B-19 Submittal of the certified statement for the Pension Trust Election of Trustees, **Received and Filed.**

General Services Items:

- B-20 Extension of the emergency action to excavate and dispose of contaminated soil at the New County Government Center building site, **Approved.**
- B-21 Contract with MPI Microfilm Services, Inc., to provide microfilming services to various departments and the Courts, **Approved.**
- B-22 Amendments to the Board Policy on contracting for services, **Approved.**

Medical Services Items:

- B-23 Employee contract with Deana Costello to provide education courses in the birthworks method of childbirth at San Luis Obispo General Hospital, **Approved.**
- B-24 Employee contract with Patricia Hendricks, R.N., to provide nursing services at General Hospital, **Approved.**
- B-25 **RESOLUTION NO. 2002-264**, authorizing the Chief Executive Officer of San Luis Obispo General Hospital to execute Health Insurance Portability and Accountability Act business associate agreements, **Adopted.**

Planning and Building Items:

- B-26 Agreement (Clerk's File) with Marine Research Specialists to complete the revised Draft Environmental Impact Report for the Nacimiento Water Project; All Districts, **Approved.**
- B-27 **RESOLUTION NO. 2002-265**, accepting an avigation easement from Theodore and Louise Hamm for property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**

Public Health Items:

- B-28 Agreements (Clerk's File) with the Lucia Mar Unified School District and Life Steps Foundation, Inc., for Medi-Cal Administrative Activities and Target Case Management activities, **Approved.**
- B-29 Contract (Clerk's File) with the San Luis Obispo Emergency Medical Services Agency, Inc. to provide special services in the regulation and administration of the pre-hospital emergency medical services system, **Approved.**
- B-30 Request by the County Health Commission to appoint and reappoint various individuals to the County Health Commission, **Approved as amended.**

Public Works Items:

- B-31 Agreement for feasibility study to sell 10 acre-feet per year of County Service Area No. 16 (Shandon) state water allocation to the Nipomo Valley Mutual Water Company; 1st and 4th Districts, **Approved.**
- B-32 Amended agreement with Quincy Engineering, Inc., to provide preliminary engineering and environmental services for the River Road Bridge replacement project in San Miguel; 1st District, **Approved.**
- B-33 Request to extend the contract term with URS Corporation for engineering services related to the Lopez Dam Remediation Project; 3rd and 4th Districts, **Approved.**
- B-34 Bid opening report for the asphalt concrete overlay of Nacimiento Lake Drive from Paso Robles City limits to Chimney Road; 1st District, **Approved and the Chairperson is instructed to sign contract documents with Union Asphalt Inc., in the amount of \$753,317.**
- B-35 **RESOLUTION NO. 2002-266**, authorizing execution of a notice of completion for the Cambria Cooperative Roads Project; 2nd District, **Adopted.**
- B-36 **RESOLUTION NO. 2002-267**, authorizing execution of a notice of completion for asphalt concrete overlay of 1.96 miles of Los Osos Valley Road and 1.54 miles of South Bay Boulevard; 2nd District, **Adopted.**
- B-37 **RESOLUTION NO. 2002-268**, accepting conveyance from Betty Roullard for the Olde Towne Enhancement project; 4th District, **Adopted.**

- B-38 **RESOLUTION NOS. 2002-269 and 2002-270**, accepting offers of dedication for widening of Orchard Avenue, Nipomo and Pecho Valley Road, Los Osos; 2nd and 4th Districts, **Adopted.**
- B-39 **RESOLUTION NO. 2002-271**, authorizing San Luis Obispo County Flood Control and Water Conservation District to execute a utility easement to Pacific Gas and Electric Company, Lopez Lake Area; 4th District, **Adopted.**
- B-40 **RESOLUTION NO. 2002-272**, establishing the 2002-03 Special Tax Rate and confirming the per parcel special tax amount to be placed on the 2002-03 tax roll in County Service Area No. 9, Zone I (east of Los Osos Creek) and extension of contract term with Los Osos Community Services District for emergency medical and fire protection for County Service Area 9I; 2nd District, **Adopted.**
- B-41 **RESOLUTION NO. 2002-273**, establishing the 2002-03 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 9, Ash Street Improvement Zone; 2nd District, **Adopted.**
- B-42 **RESOLUTION NO. 2002-274**, establishing the 2002-03 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, London Lane Road Improvement Zone; 2nd District, **Adopted.**
- B-43 The following final maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps, and:
 - A. CO 00-0263, a proposed subdivision resulting in 2 lots by Touchdown Properties, LLC, located at South River Road, northeast of Templeton; 1st District, **Approved.**
 - B. COAL 01-0316, a proposed lot line adjustment of 2 lots by Donald Waller, located at Rocky Canyon Road, east of Atascadero; 5th District, **Approved.**
 - C. Approve CO 01-0012, a proposed subdivision resulting in 2 lots by Richard Russell, end of El Cerrito Drive, Nipomo and reject the offer of dedication for drainage easement without prejudice to future acceptance; 4th District, **Approved.**

Sheriff's Department Items:

- B-44 Budget adjustment in the amount of \$46,500 from the Civil Disbursement Fee Trust Fund to purchase a replacement Civil Process Management System and related computer equipment, **Approved.**
- B-45 Application to the Office of Justice Programs, Bureau of Justice Assistance for implementation of the Local Law Enforcement Block Grants Program, **Approved.**

Other Items:

- B-46 Submittal by the Auditor-Controller of a Countywide audit report on "non-sufficient funds" check procedures for the period of July 1, 2001 through November 30, 2001, **Received and Filed.**
- B-47 **RESOLUTION NO. 2002-275**, approving a grant application (Clerk's File) for Workers' Compensation Insurance Fraud Prosecution and Investigation Program for 2002-03, **Adopted.**
- B-48 Request by Social Services to appoint the Governing Board for the In-Home Supportive Services Public Authority, **Approved as amended.**

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- C-1 This is the time set for hearing to consider an ordinance amending the road cut impact fees of the County Fee Schedule for fiscal year 2002-03; All Districts (Introduced on June 18, 2002).

Mr. Paavo Ogren: Public Works, presents the staff report indicating this ordinance will make

a minor modification to the existing ordinance on road cut impact fees and explains the change.

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, Achadjian, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Pinard

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2973, ordinance amending County Fee Schedule: (Modification of the Road Cut Impact Fee), adopted.

- 7 D-1 This is the time set to consider a request to authorize General Plan Amendments to the Salinas River Area Plan and the Land Use Ordinance.

Supervisor Ovitt: introduces the item, indicating that he and Supervisor Ryan are requesting a change to the current planning area standards limits which do not include secondary dwellings in Section 22.08.169.

Supervisor Ryan: comments on the current language of Section 22.08.169 and his concern to the language that reads “. . . except for parcels with direct driveway access to El Camino Real.” and does not want this to be an exception; would like that language included in the review process for this amendment.

Mr. Eric Greening: addresses his concern to the impact this will have on the Department’s current workload.

Chairperson Bianchi: addresses her concern to including review of the language as suggested by Supervisor Ryan.

Matter is discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt, with Supervisor Pinard being absent and Chairperson Bianchi casting a dissenting vote, motion carries and the Board authorizes processing of the General Plan Amendments to the Salinas River Area Plan and staff is directed to include in this consideration a review of the language in Section 22.08.169 that reads in part “. . . except for parcels with direct driveway access to El Camino Real.”

- 8 E-1 This is the time set for discussion regarding the extension of a contract with William J. Casey, Inc., to provide management services at Medical Services Department.

Mr. David Edge: County Administrative Officer, presents the staff report and recommendation.

No one appearing and thereafter, a motion by Supervisor Ryan, seconded by Supervisor Ovitt, to approve the contract with the condition that a conceptual closure plan for General Hospital be delivered to the Board of Supervisors on September 11, 2002, fails with Supervisor Pinard being absent and Supervisor Achadjian and Chairperson Bianchi casting dissenting votes.

Matter is further discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt, with Supervisor Pinard being absent and Supervisor Ryan casting a dissenting vote, motion carries and the Board approves the continuation of a month-to-month contract until the end of September 2002 with William Casey Inc.

Mr. Edge: asks for clarification of the motion and whether it included the 6% increase, with Supervisor Achadjian stating the motion did not include that increase.

F-1 This is the time set for consideration of methyl tertiary butyl ether (MTBE) monitoring in drinking water reservoirs and impacts of watercraft on water quality.

Mr. Curt Batson: Environmental Health Director, presents the staff report and provides a brief background and prior direction that was given by the Board; addresses the Board's direction regarding testing the water quality.

Ms. Christine Ferrara: Public Works, states that MTBE was added to gasoline to help clean the air, which it has done, but it has had negative impacts on drinking water; introduces Mr. Jeff Poel.

Mr. Poel: Hazardous Materials Section of Environmental Health, outlines the report he prepared for the Board and addresses the testing that has been done.

Ms. Ferrara: states sampling has not found any MTBE at the intake levels; prior testing has been done approximately every three years and has not shown any increase; states they are looking for direction from the Board as to the number of times they should be testing the water; they are currently testing monthly based on prior Board direction.

Supervisor Ryan: questions the test results on the drinking water, with Mr. Poel responding.

Ms. Melissa Guise: Air Pollution Control District staff, states the information they provided addressed recreational vehicles, not commercial vehicles.

Mr. Eric Greening: suggests the need to give staff direction to add an issue that would have them working on other ways to get ahead of the curve; if MTBE's reduce from intake to the faucet then the loss must go into the air and questions how that takes place.

Ms. Pam Heatherington: Environmental Center, asks that the Board not direct staff to reduce testing the water on a three-year basis.

Chairperson Bianchi: comments on the potential cancer impacts of MTBE; questions the use of 2-cycle engines; suggests that the Board direct staff to continue with monthly testing through September then do the testing on a quarterly basis.

Supervisor Ryan: indicates the State already passed legislation banning 2-cycle engines.

Matter is discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan, with Supervisor Pinard being absent, motion carries and the Board receives and files the report on MTBE monitoring in drinking water reservoirs and impacts of watercraft on water quality as presented in the staff report dated July 9, 2002 and directs staff to continue informing the public about the impact of recreational activities on drinking water supplies.

Supervisor Ovitt: states he does not support continued monitoring.

A motion by Supervisor Achadjian, seconded by Chairperson Bianchi to direct staff to continue monitoring for the months of July and August and then again next May, fails with Supervisor Pinard being absent and Supervisors Ovitt and Ryan casting dissenting votes.

A motion by Supervisor Achadjian, seconded by Chairperson Bianchi to continue the testing for the months of July and August and come back in September for another decision by the Board, fails with Supervisor Pinard being absent and Supervisors Ovitt and Ryan casting dissenting votes.

The Board does not take any action on the recommendation to continue monitoring drinking water reservoirs for MTBE and provide staff with direction on the requested supplemental sampling through September 2002.

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

Chairperson Bianchi: opens the floor to Public Comment without response.

11 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 Bankruptcy*, (2) *PG&E NRC Proceeding* and (3) *Save the Mesa, Inc. v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)(4) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (5) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code, § 54957.6.) It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: (6) Negotiator's Name: *Dale T. Hanson, Santos Arrona, Sue Wilkison*, Name of employee organization: *District Attorney Investigators Association*.

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 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, July 9, 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: July 10, 2002
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