

Tuesday, September 10, 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, K.H. 'Katcho' Achadjian, and Chairperson Shirley Bianchi

**ABSENT:** Supervisors Peg Pinard and Michael P. Ryan

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON BIANCHI.**

**SUM**            **AGN**

1            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) *NRC Proceedings Concerning Diablo Canyon License Transfer*, (3) *NRC Proceedings Concerning Spent Fuel* and (4) *MCI Worldcom v. County of San Luis Obispo*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (5) *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. (6) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

**Mr. James Lindholm:** County Counsel, states the Board will only be discussing item (3) *NRC Proceedings Concerning Spent Fuel* at this time.

**Chairperson Bianchi:** opens the floor to public comment.

**Mr. Eric Greening:** addresses the environmental review that is being conducted by the County on spent fuel; and, reminds the Board of the 10<sup>th</sup> Amendment to the U.S. Constitution.

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

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.

**Chairperson Bianchi reads the following statement: "On this day before the first anniversary of 9/11/01 it is common knowledge that the grieving process takes about a year, sometimes shorter for some and longer for others. The County will be flying the flag at half-mast on 9/11/02, to remind us that tomorrow is a turning point in our lives - from looking backward at what has happened, to looking forward to a future that we all (she believes) sincerely hope and pray will be a just one, so that we might have peace everywhere and asks for a moment of silence to signal the end of our grieving and the beginning of our healing process."**

2            A-1-A    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

**RESOLUTION NO. 2002-340, resolution proclaiming the month of September 2002 as "National Alcohol and Drug Addiction Recovery Month" in San Luis Obispo**

**County, adopted.**

**Supervisor Ryan:** reads the resolution and presents the same to Ms. Susan Warren and Mr. Bill McGuire.

**Ms. Warren:** thanks the Board for the recognition and their ongoing support.

**Mr. McGuire:** discusses increased drug addiction in the County; presents a video to each Supervisor regarding a drug program.

3 A-1-B **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**

**RESOLUTION NO. 2002-341, resolution recognizing and commending Tom Mitchell, General Services Administrator for his 23 years of dedicated service to the people of San Luis Obispo County, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Mr. Mitchell.

**Mr. Duane Leib:** General Services Director, states he has worked with Mr. Mitchell for 22 of his 23 years; addresses the changes by Mr. Mitchell over the years; states he relies on Mr. Mitchell for his capable advice and will miss him; suggests Calaveras County is getting one of this County's best employees.

**Mr. Mitchell:** states he has been offered a great opportunity; his first priority has always been public service; thanks all the folks he has worked with over the years and feels he has been successful due to these people.

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. David Edge:** County Administrative Officer, states that staff is requesting that the Board change the hearing date for Item B-3 to either October 8<sup>th</sup> or 15<sup>th</sup>.

**Mr. Eric Greening:** addresses Item B-3 and the suggestion by staff to change the hearing to either October 8<sup>th</sup> or 15<sup>th</sup> and reminds the Board that the 15<sup>th</sup> is after a three-day weekend; further, addresses comments by Vita Miller and the staff response to the same; questions the future use of General Hospital in the event of an emergency.

**Mr. Jim Roberts:** Family Care Networks, addresses Item B-40 and thanks the County for creating the Wraparound Program; thanks various County departments for their participation in this program; states this is one of the best programs he has ever seen.

**Mr. Arthur Gibson:** speaks to Item B-40 and the Wraparound Program; his son and family benefitted from this program and provides details as to what occurred; speaks to the changes in his son due to this program.

**Ms. Necia Tinsley:** speaks to her involvement in helping to create the Wraparound Program and then found herself involved due to her daughter; speaks to how this program helped them.

**Mr. Michael Kovacs:** speaks to Item B-2 and urges the Board to not create another "empire building position"; addresses Items B-40 and 44 and suggests these could be done in-house instead of contracting out; addresses his concerns regarding Item B-9 and the audit done on the Treasurer's Department.

**Ms. Pam Heatherington:** supports comments by Eric Greening relating to Item B-3;

wants assurances that the final reports on the Hospital will be available to the Interim Hospital Authority Board and the public prior to the hearing.

**Ms. Julie Rodewald:** County Clerk-Recorder, clarifies added Item B-48 indicating the reason this is coming back is because the August primary has been amended out of the Bill and what is before Governor is to bifurcate the Presidential primary which would in essence give us three elections in a Presidential year. **No action taken.**

- 5 B-3 Introduction of a notice setting a public hearing to consider service delivery changes at General Hospital and the Family Care Centers, is presented (This item was amended to correct the transmittal letter to reflect a hearing date of September 24, 2002).

**Board Members:** discuss options for dates to hear this matter; concerns regarding setting it after a three-day weekend to allow time for the public to review the staff report; agendas and staff reports are out by Wednesday/Thursday the week before.

**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: Supervisor Chairperson Bianchi**  
**ABSENT: Supervisor Pinard**

**the Board sets the hearing date for consideration of service delivery changes at General Hospital and the Family Care Centers for October 15, 2002.** Said Item is placed back on the Consent Agenda for final action.

- 6 B-1 Consent Agenda Item B-3 was amended by prior action and changed the hearing date to  
thru October 15, 2002 and staff is further directed to correct the notice of hearing and return  
B-48 to the Board for approval of the same. Items B-30, B-31 and B-32 are amended to correct the recommendation on the cover sheet to read “(RECOMMEND APPROVAL AND INSTRUCT THE HEALTH AGENCY DIRECTOR TO SIGN.) Item B-45 is amended to correct the cover sheet to reflect the budget adjustment as \$350,000 not \$201,500. Item B-48 is added to the agenda.

**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**

**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.

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Items set for hearing:

- B-1 **RESOLUTION NO. 2002-342**, of intention to vacate a portion of Avila Beach Drive, County Road No. 2070, near the community of Avila Beach; 3rd District, **Adopted and the Clerk is instructed to give notice of hearing date set for October 8, 2002 at 9:00 a.m..**
- B-2 Introduction of two ordinances amending sections of the County Code to rename the Information Services Division of the Administrative Office to the Information Technology Department, create the position of Chief Information Officer (CIO) and place the CIO position in the unclassified civil service, **Approved and the Clerk is instructed to give notice of hearing date set for September 17, 2002 at 9:00 a.m..**

- B-3 Introduction of a notice setting a public hearing to consider service delivery changes at General Hospital and the Family Care Centers, **is amended to set the hearing date for October 15, 2002 (prior Board action) and staff is directed to bring back a corrected hearing notice for approval.**

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Administrative Office Items:

- B-4 Revised San Luis Obispo County Dam Failure Evacuation Plan (Clerk's File); All Districts, **Approved.**
- B-5 1) Agreement (Clerk's File) with the State Department of Health Services to fund bioterrorism preparedness and response activities; 2) a corresponding budget adjustment in the amount of \$92,202 from the Federal Health Program to Budget Unit 3000 - Public Health; 3) **RESOLUTION NO. 2002-343**, amending the position allocation list for Budget Unit 3000 - Public Health adding one limited term Emergency Services Coordinator and one limited term Administrative Assistant; 4) an application for supplemental funding, and 5) authorize the Director of Public Health to execute subsequent amendments/certifications with the State for public health bioterrorism preparedness and response; All Districts, **Adopted.**
- B-6 Settlement of the Lawrence liability claim, **Approved.**

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Agricultural Commissioner Items:

- B-7 Request to appoint Mark Pearce and Stephan Taylor to the Agricultural Liaison Advisory Board, **Approved.**
- B-8 Letter to the State Department of Emergency Services requesting for a USDA Secretarial Disaster Declaration to provide assistance for ranchers impacted by drought conditions, **Approved.**

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Auditor-Controller Items:

- B-9 Submittal of an unannounced cash count report of the Treasurer's Office conducted on June 28, 2002, **Received and filed.**
- B-10 Submittal of an unannounced cash count report of the Sheriff-Coroner's Office conducted on July 15, 2002, **Received and Filed.**
- B-11 Submittal of a request to re-establish prior year unspent appropriations funded by restricted revenues, **Approved.**

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Behavioral Health Items:

- B-12 Request to reappoint family member Nadine Gauthier to the Mental Health Board, **Approved.**
- B-13 Final amendment to the combined negotiated net amount and drug Medi-Cal contract (Clerk's File) with the State Department of Alcohol and Drug Programs, **Approved.**
- B-14 Agreements (Clerk's File) with Life Steps Foundation, Inc., to provide alcohol and drug-free residential treatment services and drug free transitional living center, **Approved.**
- B-15 Agreement (Clerk's File) with the North County Connection to provide community-based recovery and prevention services, **Approved.**
- B-16 2002-2003 Performance contract (Clerk's File) with the State Department of Mental Health to provide mental health services, **Approved.**

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Board of Supervisors Items:

- B-17 Request by Chairperson Bianchi to allocate \$2,000 from District Two Visitors Services Funds to the Cambria Chamber of Commerce to be used to reprint and distribute the Chamber's visitors' guide, **Approved.**
- B-18 Request by Supervisor Achadjian to allocate \$1,500 from District Four Community Project Funds to the Arroyo Grande Valley Harvest Festival Committee to be used for the 2002 Harvest Festival held on September 27 and 28, 2002, **Approved.**

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General Services Items:

- B-19 Extension of the emergency action to excavate and dispose of contaminated soil at the New County Government Center building site, **Approved.**
- B-20 Request to create a maintenance project to replace shower meters at the Oceano Campground and approve of a corresponding budget adjustment in the amount of \$13,525 from the Off-Road Vehicle Fund, **Approved.**
- B-21 Budget adjustment in the amount of \$60,000 from Public Facility Fees to fund capital projects upgrading playground equipment at El Chorro Park and Shamel Park, **Approved.**
- B-22 **RESOLUTION NO. 2002-344**, authorizing grant applications under the Roberti-Z' Berg-Harris Open Space and Recreation Program under Propositions 12 and 40, **Adopted.**
- B-23 **RESOLUTION NO. 2002-345**, accepting seven offers to dedicate along the Santa Lucia right-of-way in the community of Los Osos, **Adopted.**

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Planning Items:

- B-24 Submittal of the proposed mitigated negative declaration for the Florence Street Pedestrian Path and Bridge Project; 1st District, **Approved.**
- B-25 **RESOLUTION NO. 2002-346**, accepting an avigation easement from Charles and Gena Williams for property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**

Public Health Items:

- B-26 Agreement (Clerk's File) with the AIDS Support Network to provide HIV early intervention services, **Approved.**
- B-27 Agreement (Clerk's File) with the AIDS Support Network to provide housing related services to people with HIV/AIDS, **Approved.**
- B-28 Agreements (Clerk's File) with the Economic Opportunity Commission for case management through the state funded Adolescent Family Life Program, Adolescent Sibling Pregnancy Prevention Program and Cal-Learn Program, **Approved.**
- B-29 Agreement (Clerk's File) with the State Department of Health Services to provide funds for the development and implementation of a local regional immunization registry and a corresponding budget adjustment in the amount of \$16,459 from unanticipated revenue to fund additional operating costs of coordinating an immunization registry, **Approved.**
- B-30 Agreement (Clerk's File) with the State Department of Health Services for Medi-Cal Administrative Activities (MAA), **Approved as amended.**
- B-31 Agreement (Clerk's File) with the State Department of Health Services to provide a childhood lead poisoning prevention program, **Approved as amended.**
- B-32 Application (Clerk's File) for the California Healthcare for Indigents Program, **Approved as amended.**

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Probation Items:

- B-33 Contract with the County Office of Education in the amount of \$82,806 for a vocational teacher and a counselor/case manager at the Mountain View Vocational Community School site, **Approved.**
- B-34 Contract with Family Care Network, Inc., to provide intervention level counseling services for the Intensive Community Diversion Program, **Approved.**

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Public Works Items:

- B-35 Bid opening report for the installation of Water Well #3 at Lopez Lake Recreation Area; 2nd District, **Approved and the Chairperson is instructed to sign contract documents with Jensen Drilling Company in the amount of \$112,600.**
- B-36 Disadvantaged Business Enterprise Program for the Department of Public Works, **Approved and the Director of Public Works is instructed to sign.**
- B-37 **RESOLUTION NO. 2002-347**, authorizing the execution of a notice of completion for the widening of Los Osos Valley Road for an acceleration lane west of Foothill Boulevard, near San Luis Obispo; 2nd District, **Adopted.**
- B-38 **RESOLUTION NO. 2002-348**, amending Resolution No. 2002-99 for the acceptance of road improvements on Liveoak Ridge Road, Nipomo, County Road No. 1305; 4th District, **Adopted.**
- B-39 The following final maps have been received and have satisfied all the conditions of approval that were established in the public hearings on the tentative maps, and:
  - A. CO 00-0135, a proposed subdivision resulting in 3 lots, by Nicholas and Diane Pokrajac, Cow Meadow Place, Templeton, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**
  - B. CO01-0164, a proposed subdivision resulting in 2 lots by Bradley Vernon, Jeffrey and Debbie Cook, Broken Arrow Road, Nipomo; 4th District, **Approved.**

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Social Services Items:

- B-40 Contract (Clerk's File) with the Family Care Network, Inc., to provide emergency shelter care, crisis assistance, life skills management services for minors and their families, **Approved.**
- B-41 Contract (Clerk's File) with the San Luis Obispo County Child Abuse Prevention Council to provide coordination and direct services to the community for the prevention of child abuse, **Approved.**
- B-42 Contract (Clerk's File) with the City of Atascadero to provide an after-school program at Atascadero Junior High, **Approved.**
- B-43 Contract (Clerk's File) with the Economic Opportunity Commission for Direct Services Child Abuse Prevention Program which will serve families by providing short-term interventions to meet family needs, **Approved.**
- B-44 Contract (Clerk's File) with the Economic Opportunity Commission to provide in-home parent educational assistance, **Approved.**
- B-45 Request to create a maintenance project to re-cable the Department of Social Services Higuera Street facility and approve a budget adjustment in the amount of \$201,500 from within accounts, **Approved.**

Other Items:

- B-46 Minutes of the July 9, 16, and 23, 2002 Board of Supervisors' meetings, **Approved.**
- B-47 Request by the District Attorney to enter into a grant extension (Clerk's File) with the State Department of Criminal Justice Planning for administration of a victim witness assistance program, **Approved.**

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

- B-48 Request by the Clerk-Recorder to approve a letter opposing Senate Bill 1975 (Johnson) which would move the primary election date to August of the even numbered years and require a separate presidential primary election, **Approved.**

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

- 7 C-1 This is the time set for submittal of a status report on the Redevelopment and Feasibility Study; All Districts.

**Mr. Victor Holanda:** Director of Planning and Building, introduces the item and provides a brief update; **(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)** outlines what the Board directed and the direction they are looking for from the Board today.

**Mr. Dana Lilley:** Planning, introduces Mr. Richard Tillberg of Urban Futures Inc. (UFI), the consultant hired by the County to prepare the report on Redevelopment; addresses the three issues they have heard from the public: (1) communities want more local control over any potential redevelopment activities; (2) concerns that a redevelopment agency might use its power of eminent domain to force them to sell their homes; (3) pooling redevelopment financing capacities - residents are concerned that the County might use redevelopment tax increment collected from one community to benefit another community; addresses the resolution in the staff report today that, if adopted, would state the County's intention that if it implements Redevelopment it will provide for some form of local control, limit the potential Redevelopment agency's power of eminent domain to properties where persons do not reside and, ensure that each community included in a Redevelopment project area benefit according to the amount of financing capacity it generates.

**Supervisor Achadjian:** questions the makeup of a Redevelopment agency.

**Mr. Tillberg:** states that in his experience there can only be one agency and that would be the Board of Supervisors but the Board can determine the makeup of this board.

**Mr. Holanda:** clarifies the role of communities and input for these areas would have "project area committees" and could be groups such as community services district's, county service area boards, etc.

**Supervisor Ryan:** questions to what level these committees would be empowered, with Mr. Tillberg responding.

**Mr. Jac Crawford:** Assistant County Counsel, reaffirms comments by Mr. Holanda.

**Mr. Tillberg:** states the committees are elected within the communities and remain active for three years beyond the completion of the redevelopment project.

**Supervisor Achadjian:** comments on not forcing communities into redevelopment who don't want to be included and wants assurances that the resolution will not create this problem.

**Mr. Lilley:** states the resolution will not force any areas in and explains what the intent of the resolution is.

**Supervisor Ryan:** states the adoption of a redevelopment agency would not be project specific but rather used as a tool to create redevelopment areas, with staff concurring.

**Supervisors Ryan and Ovitt:** question setting up tax rates for areas; and, when the financial report comes to the Board wanting to see a list of potential projects/areas, with Mr. Lilley responding.

**Mr. Crawford:** clarifies funding issues and purchasing bonds; addresses law changes with respect to creating redevelopment agencies.

**Mr. Michael Winn:** member of the Nipomo Community Services District, speaks to community meetings that have been held on this subject and they don't want the Board to adopt the resolution before it today; speaks to letters for most of the groups in Nipomo indicating they don't want redevelopment to occur in this area.

**Supervisor Achadjian:** states he will support the resolution and why; wants to be sure that areas that want to be left out of this have their wishes respected.

**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 Board receives the status report as outlined in the staff report dated September 10, 2002 and RESOLUTION NO. 2002-349, resolution stating the County's intent if it proceeds to implement redevelopment in the unincorporated areas of San Luis Obispo County, adopted. The resolution states the County's intention that if it implements Redevelopment it will provide for some form of local control, limit the potential Redevelopment agency's power of eminent domain to properties where persons do not reside and, ensure that each community included in a Redevelopment project area benefits according to the amount of financing capacity it generates.**

8 C-2 This is the time set for submittal of the draft Regional Housing Needs Plan prepared by the San Luis Obispo Council of Governments (SLOCOG); All Districts.

**Mr. Dana Lilley:** Planning, presents the staff report and copies of a letter from SLOCOG which states in part that HCD (California Department of Housing and Community Development) has responded to the most recent request to reduce the County's share of Statewide housing needs by reducing the mandate by 857 units; the number of housing units that the Regional Housing Needs Plan, being considered by SLOCOG, will be 18,035 and the unincorporated County areas' share is estimated to be 4,151 units.

**Mr. Jac Crawford:** Assistant County Counsel, corrects the staff report indicating that SLOCOG will be meeting on October 9<sup>th</sup> not October 4<sup>th</sup>.

**Mr. Ron DeCarli:** SLOCOG Executive Officer, states his board has not adopted these final numbers and HCD will not adopt the revised plan if the County does not approve this reduction.

**Mr. Eric Greening:** addresses various issues raised by Tony Ferraro at past SLOCOG meetings and whether these have been addressed; comments on his concerns that this plan may be inconsistent with the various general plans in the County.

**Supervisor Achadjian:** questions the units for various areas of the County and wants the Nipomo area excluded from anymore as they have already done their fair share of affordable housing.

**Supervisor Ryan:** questions a recent law change regarding secondary units, with Mr. Lilley indicating it did pass and staff is still reviewing how it will affect housing in the



County.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt, with Supervisor Pinard being absent, motion carries and the Board received and files the draft Regional Housing Needs Plan prepared by SLOCOGas outlined in the staff report dated September 10, 2002.**

- 9 C-3 This is the time set for submittal of a Land Use Element amendment application (G010018M - Norma Erenius) to amend the San Luis Bay Area Plan by changing the land use category on two ownerships totaling 51 acres from Agriculture to Residential Rural, located at 3695 Alisos Road in the Arroyo Grande fringe area; 4th District.

**Ms. Kami Griffin:** Planning, presents the staff report, outlining the request; states this was before the Board previously to change the zoning from Agriculture to Rural Lands and was denied; addresses the major issues associated with this request and the options before the Board today.

**Mr. Jeff Edwards:** representing Ms. Erenius, states they have the Agricultural Commissioner's support for this request; believes their request "dovetails" with the surrounding uses; asks the Board to authorizing processing of this amendment.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan, with Supervisor Pinard being absent and Chairperson Bianchi casting a dissenting vote, motion carries and the Board authorizes processing of G010018M.**

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

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**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (5) *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. (6) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

Thereafter, the Board goes into Open Public Session.

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

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

**Mr. Victor Holanda:** Director of Planning and Building, asks for clarification of the Board's action on Item C-1 this morning and whether the motion included excluding Nipomo and Oceano.

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

**Supervisors Ryan and Achadjian:** both indicate the motion only approved the staff recommendation and the comments regarding excluding Nipomo and Oceano were for future consideration.

**Mr. Richard B. Hill:** speaks to coming before the Board previously and asking for help with an issue he had with the City of Atascadero; states he was told by the Board they didn't have jurisdiction but he believes the Board members could have done something and provides several suggestions.

**Mr. Lester Goldfisher:** speaks to recent expenditures for health and questions the same; comments on \$500,000 for Mental Health for five patients and feels this should be looked at; addresses the \$500,000 to retain Mr. Larry Hood and Mr. Frank Skau at General Hospital and questions this; suggests Mr. Hood is really the one in charge of the Interim Hospital Authority Board; and the Health Commission feels he is arrogant.

**Mr. Richie Ray Walker:** indicates the public is watching these meetings; states he asked Senator O'Connell a question and quotes his response as being "he has never read the State or U.S. Constitution's and doesn't have to as he can do as he wants"; speaks to the State school system and the poor condition of the same; suggests the need to allow discipline back into schools.

**Mr. George Layman:** states he is very upset with Supervisor Pinard for giving money to political organizations; feels if the County wants to be involved in the Diablo issue that each Supervisor should appoint a representative to keep an eye on PG&E; doesn't believe this discretionary funding belongs to the Supervisors as it's taxpayer money.

**Mr. Michael Kovacs:** speaks to the need for better communication between the public, County employees and Supervisors; states the public is allowed three minutes to say what needs to be said but elected officials/staff are given unlimited time; speaks to prior attempts to get information out of Mr. Freitas' office; information from the Auditor's Office stopped when Mr. Sibbach told him he would charged \$60.00/hour, because he was taking up to much of his staff's time; when is the Board going to stop these types of situations from occurring.

**Mr. Jesse Hill:** states the TDC ordinance has been prepared and hopes it will be before the Board soon; discusses meetings that are starting on a PD (Planning & Development) ordinance and they need representatives from Districts 2, 3 and 5 for this committee; states the Planning Commission agendas have not been online recently and hopes they will be back soon as this is how his group tracks items of interest.

**Mr. David Edge:** County Administrative Officer, responds to allegations previously made by Mr. Kovacs with respect to information provided to the public by his office; shows a copy of a document that was previously presented by Mr. Kovacs where he disputes staff's data regarding what the County spends annually per resident; provides information as to how staff did their calculations and his interpretation of how Mr. Kovacs' came up with his figures. **No action taken.**

12 CS 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.

13 C-4 This is the time set for consideration of the Growth Management Allocation Ordinance (Title 26) implementation and proposed amendments; All Districts.

**Mr. Victor Holanda:** Director of Planning and Building, introduces the item.

**Ms. Pat Beck:** Planning, presents the staff report, stating that in discussions with their clients they have two issues for the Board's review: (1) Administrative Amendments & (2) Policy Amendments; with respect to Administrative Amendments the issues include the time period to submit a complete application and the lack of control for applicants in timing of allocations; provides three possible options to these concerns: (1) one allocation selection period annually; (2) modify the current 3 times/year selection; and, (3) control Growth Management by application intake, rather than formal allocations; explains the benefits and liabilities of each of these options and staff is recommending Option 2; with respect to Policy Amendments there are two issues: (1) Farm Support Quarters - suggesting the Board may wish to initiate an amendment to provide an exemption for housing for Farm Support Quarters (single family units); and, (2) Cambria Annual Allocations (beginning in 2002) - the Board referred, to staff, the issue of deferment of Cambria allocations during the moratorium adopted by the Cambria Community Services District (CCSD); indicates staff is working with the CCSD staff on this issue.

**Supervisor Ovitt:** addresses the options regarding the allocation process that were presented by staff; suggests a fourth option that would eliminate the allocation system and would attach the process directly to the building permit applications; presents several graphs and charts that outline: the residential building permit activity from 1991-2001; units finalized from 1991-2001; a graph regarding residential building permits and shows those selected, finalized, issued and their relationship with the 2.3%, for the years 1991 through 2001; and, a chart showing the number of applications submitted for single family dwellings, by month, for 1998 through 2002; feels that by tracking through the building permit process it will be more effective and eliminate a lot of staff work.

**Board Members:** address various issues, comments and concerns regarding: how the 2/3% growth cap was established; deferrals would not be needed if allocations occurred through the building permit application process; building permit tracking would eliminate some of the problems that currently exist.

**Mr. George Layman:** suggests that some of the problems relate to interest rates for building/purchasing; feels this ordinance should never have occurred; addresses his concern to people who live in the County not being able to purchase in the County.

**Mr. James Bednar:** states he owns a three acre parcel in Nipomo and has been given six allocations this year and will get six more next year; he has a total of 45 units he can build and is concerned about the number of years it will take to complete his project under the current allocation system.

**Mr. Michael Winn:** questions how the building permit system would work, with Supervisor Ovitt responding.

**Board Members:** address various issues, comments and concerns regarding: delays in processing that cause applicant's difficulties in obtaining loans; suggesting it is a more direct process to use the building permit applications versus the current allocation system.

**Mr. Jim Orton:** Deputy County Counsel, states that the building permit process does not require proof of water, sewer, etc. and addresses his concern to the impacts of not having this information and suggests there may be a need to be amendments to Title 19 if this process is approved by the Board.

**Mr. Holanda:** states that Supervisor Ovitt's idea has some merit but it's the Department's responsibility to communicate to the public on whatever process is in place; feels if the Board adopts this idea, staff will really have to "play hardball" with applicants and it will remove any leeway staff currently has, as it relates to accepting applications.

**Ms. Beck:** states staff would like time to introduce this idea to some of their regular clients and see how they feel about it.

**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:** Supervisor Chairperson Bianchi  
**ABSENT:** Supervisor Pinard

**the Board directs staff to begin the process of changing the current allocation system through the Growth Management Ordinance to the building permit application process.**

**Matter is further 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:** None  
**ABSENT:** Supervisor Pinard

**the Board authorizes processing of an amendment to provide an exemption for Farm Support Quarters (single family units).**

**Supervisor Ryan:** feels these should be exempt from the Growth Management process and asks that staff look at this through the amendment process.

**Supervisor Ovitt:** suggests deferring the Cambria allocation issue and relating Growth Management and Title 19 issues.

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

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

**NOES: None**

**ABSENT: Supervisor Pinard**

**the Board directs staff to discuss the deferment carry-over with the CCSD and bring an agreed to plan back for the Board's consideration.**

**Ms. Beck:** indicates that County Counsel has advised them of the importance of getting this issue back soon so the 2002 deferrals are not lost.

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, September 10, 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: September 17, 2002

vms