

Tuesday, September 17, 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

RESOLUTION NO. 2002-350, resolution recognizing Steve and Jim Sinton as the recipients of the 2002 Native Tree Stewardship Award in San Luis Obispo County, adopted.

Supervisor Ryan: reads the resolution and presents the same to Steve and Jim Sinton.

Mr. Steve Sinton: thanks the Cattlemen's Association for their nomination; states they're very pleased with this honor; hopes this award will get the attention of people so that they will respect and protect native trees; addresses the work of Mr. Montague and thanks the Board for the recognition.

Ms. Marilyn Britton and Mr. Dick Montague: Native Tree Committee, presents the Board with a perpetual award sponsored by the Committee and Coast National Bank; states their committee, which is a volunteer program, has planted five to six thousand trees over the past three years.

Chairperson Bianchi: thanks the Native Tree Committee and Coast National Bank for the plaque.

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

Mr. Eric Greening: addresses Item B-1 relating to the Uniform Fire Code setting standards for fire prevention measures; hopes future discussions include the type of structures that are allowed in wild lands as well as what the vegetation needs to look like; suggests during the discussions of these needed policies it be done in a way that promotes humility and balance.
No action taken.

3 B-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan and on**
 thru **the following roll call vote:**
 B-20

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

Consent Agenda Items B-1 through B-20 are approved as recommended by the County Administrative Officer.

Consent Agenda Items B-1 through B-20 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

B-1 Introduction of a proposed ordinance amending Title 16 and Title 19 of the County Code relating to the Uniform Fire Code setting standards for fire prevention measures; All

Districts, **Approved and the Clerk is instructed to give notice of hearing date set for October 1, 2002, at 9:00 a.m..**

General Services Items:

- B-2 Lease agreement with the Federal Aviation Administration for the operation of a weather observation system at the San Luis Obispo County Regional Airport, **Approved.**
- B-3 Bid opening report for the construction of a restroom and pool amenities at Shamel Park in Cambria and a request to approve a corresponding budget adjustment in the amount of \$170,000 from Quimby fees; 2nd District, **Approved and the Chairperson is instructed to sign contract documents with Voss Construction in the amount of \$248,100.**

Planning Items:

- B-4 **RESOLUTION NO. 2002-351**, authorizing the Director of Planning and Building to execute agreements and administer the expenditure of Department of Social Services' budgeted funds for members of the San Luis Obispo County Shelter Services Coalition to support homeless services programs, **Adopted.**
- B-5 **RESOLUTION NO. 2002-352**, approving and accepting an open-space agreement with Michael and Torri Avila, for property located at 2576 Callender Road, north of the community of Nipomo; 4th District, **Adopted.**
- B-6 **RESOLUTION NO. 2002-353**, approving and accepting an open-space agreement with Richard West, for property located at 6055 Balm Ridge Way, approximately three miles south of the City of San Luis Obispo; 3rd District, **Adopted.**

Public Works Items:

- B-7 **RESOLUTION NO. 2002-354**, authorizing execution of notice of completion for the slurry seal and chip seal program for various county roads in Oceano; 4th District, **Adopted.**
- B-8 **RESOLUTION NO. 2002-355**, authorizing the Director of Public Works to sign right-of-entry forms with Camp San Luis Obispo National Guard; 2nd District, **Adopted.**
- B-9 **RESOLUTION NOS. 2002-356, 2002-357 and 2002-358**, accepting conveyances from Chapman, Dempster, and Stern for the Ashby Lane cooperative road project; 2nd District, **Adopted.**
- B-10 **RESOLUTION NOS. 2002-359 and 2002-360**, for the acceptance of road improvements on South Elm Street in Oceano and Rosina Drive in Los Osos; 2nd and 4th Districts, **Adopted.**
- B-11 **RESOLUTION NO. 2002-361**, amending the position allocation list for Budget Unit 2900 - Public Works, changing the title of two positions from Engineering Administrator to Public Works Administrator, **Adopted.**

Other Items:

- B-12 Letter opposing the San Luis Drainage Reclamation Ocean Outfall Option, **Approved.**
- B-13 A notice to commence negotiations for the exchange of property tax revenue and annual tax increment, **Approved** and **RESOLUTION NO. 2002-362**, accepting the exchange of property tax revenue and tax increment for Annexation No. 18 to County Service Area No. 21(Unincorporated County). All Districts, **Adopted.**
- B-14 Unannounced cash count report of the General Services' Department, Maintenance Shop and County Parks, conducted on June 20 and 21, 2002, **Received and Filed.**
- B-15 Consolidate local elections with the November 5, 2002 General Election, **Approved.**
- B-16 Contract with Jamie Meyerhoff to provide a series of childbirth education courses in Spanish at General Hospital, **Approved.**
- B-17 Contract (Clerk's File) with Goodwill Industries, Inc., to provide occupational services for

CalWORKs participants, **Approved.**

B-18 Budget adjustment in the amount of \$92,000 from unanticipated revenue and amend the fixed asset list adding generators, lighting and radio systems for the implementation of a State Off-Highway Vehicle Grant for July 1, 2002 through December 31, 2002, **Approved.**

B-19 **RESOLUTION NO. 2002-363**, authorizing the county to continue an agreement with the State of California for Spousal Abuser Prosecution Program for 2002-03, **Adopted.**

B-20 **RESOLUTION NO. 2002-364**, amending the position allocation list for Budget Unit 3000 - Public Health deleting a .75 Physical/Occupational Therapist II position, converting two part-time Supervising Physical Occupational Therapist (a total of 1.25 F.T.E.) to one full time position and a .25 Supervising Physical or Occupational Therapist II position and adding one full time Senior Physical or Occupational Therapist position, **Adopted.**

4 C-1 This is the time set for hearing to: consider two ordinances amending sections 2.09 and 2.40.060 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); place the CIO position in the unclassified civil service; and approve other financial and position allocation changes related to proposed changes in the County's information service delivery system.

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

Supervisor Pinard: questions the need for another Administrative position, with Mr. Edge and Mr. John Wade, Information Services Director, responding.

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: Supervisor Pinard
ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2976, an ordinance amending Chapter 2.09, changing the official name of the Technical Services Department and amending the qualifications and duties of the Department Manager, adopted.

5 C-1 **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: Supervisor Pinard
ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2977, an ordinance adding the position of Chief Information Officer to the Unclassified Civil Service, adopted.

6 C-1 **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: Supervisor Pinard
ABSENT: None

RESOLUTION NO. 2002-365, resolution amending the Position Allocation List and Salary Resolution for Fiscal Year 2002-03, adopted.

7 C-2 This is the time set for hearing to consider withdrawal of an appeal by Arnold and Barbara Hagiwara of the Hearing Officer's approval of a minor use permit/coastal development permit by Richard and Carol Garcia (D010155P) to allow a 2,611 square foot single family residence in the community of Cayucos; 2nd District.

Supervisor Ryan: questions why a withdrawal of an appeal would need to come to the Board, with Mr. John Euphrat, Planning, responding.

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

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

the Board accepts the request to withdraw the appeal by Arnold and Barbara Hagiwara of Minor Use/Coastal Development Permit D010155P.

8 C-3 This is the time set for hearing to consider an appeal by Robert Klein of the Administrative Hearing Officer's decision to approve a minor use permit (D980119P/Borges) to allow an exception to the edge of Nipomo Mesa standards to allow construction of two single family residences on two existing legal lots of record, located in the county at the southeast corner of Camino del Oro and Calle Cielo, in the community of Nipomo; 4th District.

Ms. Kami Griffin: Planning, states she is available for questions.

Supervisor Ryan: addresses prior direction to staff that was given on July 23, 2002.

Mr. Griffin: states staff is giving the applicant the opportunity to provide information for the County Geologist to review; indicates staff is looking to provide the Board with the most accurate and complete information.

Supervisor Ryan: states the Board indicated in July that they were only going to approve one home.

Mr. James Lindholm: County Counsel, states Planning is looking at only one home but the applicant requested an additional opportunity to submit more information; states it will be to the advantage of the County to receive all information from the applicant and a recommendation by staff, so the Board can make their decisions.

Chairperson Bianchi: states she recalls this item being continued to allow the new County Geologist time to review the information.

Ms. Pat Beck: Planning, clarifies that this is an appeal from a neighbor; staff understands the direction from the Board was to bring back Findings for approving one of these houses and indicates this could happen in a variety of ways; all information is critical to document the Findings.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and unanimously carried, the Board continues this hearing to November 12, 2002 at 9:00 a.m..

9 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*, and 3) *NRC Proceedings Concerning Spent Fuel*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) 4) *Significant exposure to litigation (Gov. Code, § 54956.9(b).) No. of cases 3.* 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: *David Edge*, Name of employee organization: *Unrepresented Management and Confidential*.

III. PERSONNEL (Gov. Code, § 54954.5.) It is the intention of the Board to meet in Closed Session to: 7) *Consider Public Employee Appointment for the Position of : Agricultural Commissioner.*

All Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

IV. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: 8) Property Description: *French Hospital, 1911 Johnson Avenue, San Luis Obispo*; Parties with whom negotiating: *Joe Nolan*; County Negotiator: *Gail R. Wilcox*; Instructions to Negotiator will concern: *Price, Terms and Conditions.*

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

Thereafter, the Board goes into Open Public Session.

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

Mr. Bob Lilley: Assistant Agriculture Commissioner, introduces “GW” (Glassy-Winged Sharp Shooter Mascot) and Mr. Kevin Merrill, President of the Central Coast Wine Grape Growers Association.

Mr. Merrill: addresses the on going efforts taken to battle the Glassy-Winged Sharp Shooter; states one of the Central Coast Wine Grape Growers Association goals is to educate the public and growers about issues of potential disasters for the industry; thanks the Ag Commissioner’s Office for their support; states the message is to make the public aware of their commitment to keep this pest out.

Mr. Richie Ray Walker: addresses Highway 46 East; presents the Board with a flyer from Caltrans regarding the Highway 46 Four-Lane Widening Project; feels this project will never be completed.

Mr. Brad Brown: addresses the right for “free speech”, the distribution of public access funds and the intimidation tactics by the owner of sloPublicAccess.

Mr. Les Goldfisher: addresses General Hospital; states he has heard people say: 1) General Hospital has experienced two decades of neglect, and 2) to close the hospital would not be financially good for the clinics; states the bottom line is what will cost less in the end.

Mr. Michael Kovacs: questions when Cuesta Grade will be completed; addresses the policy of clapping and applauding in the Board Chambers; speaks to the treatment he received from the Auditor-Controller, at the last meeting.

Ms. Pam Heatherington: invites the Board to the September 19, 2002 Community Health Care Forum that will be held at the Vets Hall in San Luis Obispo from 6:00 p.m. and 9:00 p.m. and announces the speakers that will be attending.

Mr. Stan House: addresses the limitation of access to the beaches in Morro Bay by the State; states they will be having a rally in Morro Bay regarding this issue and for more information people can call 772-9093.

11 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: 1 through 8 - No public report required because no final action was 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, September 17, 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: 09/19/2002
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