

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

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

**RESOLUTION NO. 2002-368, resolution proclaiming September 30<sup>th</sup> through October 7<sup>th</sup> as Voter Registration Week, adopted.**

**Supervisor Ryan:** reads the resolution and presents the same to Ms. Julie Rodewald, County Clerk-Recorder.

**Ms. Rodewald:** thanks the Board for the proclamation; indicates a new law now allows voters to register up to fifteen days prior to the election, however, anyone who registers after October 7, 2002 will not receive election materials, by mail, for this election; urges the public to register early; states Governor Davis has vetoed Senate Bill SB1975 which would have required an additional election; thanks the Board for their support opposing this bill.

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

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

**RESOLUTION NO. 2002-369, resolution designating October 2002 as San Luis Obispo County Domestic Violence Awareness Month, adopted.**

**Chairperson Bianchi:** reads the resolution and presents the same to Mr. Steve Brown, Deputy District Attorney.

**Mr. Brown:** thanks the Board for supporting the District Attorney's work relating to Domestic Violence; introduces Ms. Karen Coffey, Victim Witness Division.

**Ms. Coffey:** highlights the month's events and hands out a flyer about the first annual SLO Youth Hope Garden Celebration being held in the Mission Plaza on Thursday, October 3<sup>rd</sup>, 2002 from 5:00 p.m. to 9:00 p.m..

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

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

**RESOLUTION NO. 2002-370, proclaiming the month of October 2002 as "Salmon and Steelhead Awareness Month" in San Luis Obispo County, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to Mr. Dominic Santangelo, California Conservation Corp. and Ms. Marla Morrissey, Steelhead & Stream Recovery Coalition; introduces Mr. Rick Hawley, Cambria Green Space, Mr. Brian Stark, Land Conservancy of San Luis Obispo, Ms. Connie O'Hennely, Salmon Enhancement, Mr. James Patterson, Upper Salinas Watershed Coalition, Mr. Mike Multari, Morro Bay NEP, Mr. Malcolm McEwen, Coastal Resource Conservation District, Ms. Margaret Roper, California Department of Fish & Game.

**Ms. Morrissey:** thanks the Board for the recognition; states steelhead are a sign of healthy water and symbols of our natural resource heritage.

**Mr. Santangelo:** introduces the California Conservation Corp. Crew #4; states these are the local heroes in salmon and steelhead restoration; addresses their accomplishments; thanks the Board for their support and reads the names of each crew member.

**Mr. Hawley:** states to celebrate this month, Greenspace is holding a Santa Rosa Creek Watershed Workshop held on October 19, 2002, at the Cambria Vets Hall, from 9:00a.m. to 12:00p.m.; indicates they will also be airing one hundred and twenty 60 second spots on the local radio stations to help educate and celebrate watershed awareness.

**Mr. Stark:** states the resolution is not only about trout, but about people making changes in the local watersheds for the benefit of the trout.

**Ms. O'Hennely:** thanks the Board for their continued support; invites the Board to the Nipomo Creek Clean-up on October 6, 2002 and the Arroyo Grande Creek Clean-up on October 12, 2002.

**Mr. Patterson:** presents a brief history of steelhead in the Upper Salinas River and indicates they are still in the head waters; recognizes the agencies in the North County that are helping to restore the habitat; thanks the Board for the recognition and invites the public to the Salinas River Clean-up Day on October 6, 2002.

**Mr. Multari:** thanks the Board for their continued support in the protection of these animals and habitats.

**Mr. McEwen:** states they work with landowners to encourage and help them do things to improve the habitat; addresses the permit process; thanks the Board for their support.

**Ms. Roper:** recognizes the people who are doing wonderful things to create awareness for fish and clean creeks; thanks the Board for their support.

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

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

**RESOLUTION NO. 2002-371, proclaiming October 2002 as "Vegetarian Awareness Month" in San Luis Obispo County, adopted.**

**Supervisor Pinard:** reads the resolution and presents the same to Ms. Nancy Cohen-Burke, Ms. Christy Mendez, and Ms. Sherry Moore, all with The Vegetarian Network.

**Ms. Cohen-Burke:** thanks the Board for the resolution and states the baskets given to the Board were donated by the Natural Foods Co-op.

**Ms. Moore:** states she teaches nutrition at Cuesta College; thanks the Board for their continued support; indicates today is also World Vegetarian Day; describes the benefits of a vegetarian diet.

**Ms. Mendez:** states on behalf of the students on the Central Coast she would like to thank the Board for recognizing vegetarians this month.

5 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 regarding his concerns relating to this hearing being scheduled the day after a holiday; feels there is still a lack of data and information that leaves unanswered questions; believes questions should be answered before the hearing.

**Supervisor Pinard:** feels it is important for the information to get out to the public; questions if there is a way for the public to have questions answered through e-mail, with Mr. David Edge, County Administrative Officer responding.

**Supervisor Ryan:** states Item B-1 is a notice to set the public hearing and that will be the day when the Board will decide to move forward or not; indicates questions and answers will be heard and discussed in the public hearing forum. **No action taken.**

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

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

**Consent Agenda Items B-1 through B-15 are approved as recommended by the County Administrative Officer.**

Consent Agenda Items B-1 through B-15 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 Introduction of a notice setting a public hearing to consider service delivery changes at General Hospital and the Family Care Centers, **Approved and the Clerk is instructed to give notice of hearing date set for October 15, 2002, at 9:00 A.M..**

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General Services Items:

B-2 Budget adjustment in the amount of \$47,500 from Countywide Electrical Systems to fund upgrading the emergency generator at the Public Health Department, **Approved.**

B-3 Budget adjustment in the amount of \$171,855 from general fund contingencies to Budget Unit 2180 - General Services to purchase 133 parcels of tax-defaulted land in California Valley and funding of associated current year special assessment costs, **Approved.**

B-4 **RESOLUTION NO. 2002-371**, amending the position allocation list for Budget Unit 2180 - General Services deleting 4 Buyer positions and adding 4 Buyer I or II positions, **Adopted.**

Probation Items:

B-5 Budget adjustment in the amount of \$21,000 from contributions to be used for gang prevention activities, **Approved.**

B-6 Contract with Lucia Mar Unified School District to provide a Deputy Probation Officer to further develop and implement a truancy reduction program on the campus of Arroyo Grande High School, **Approved.**

B-7 **RESOLUTION NO. 2002-372**, authorizing the Chief Probation Officer to accept an award in the amount of \$483,000 from the Department of Justice to fund a Juvenile Drug Court program, **Adopted**; 2) a corresponding budget adjustment in the amount of \$483,000, **Approved**, and 3) **RESOLUTION NO. 2002-373**, amending the position allocation list for Budget Unit 2660 - Probation adding one limited term Deputy Probation Officer, one half-time limited term Deputy Probation Officer I or II and Budget Unit 3075

- Drug and Alcohol Services by adding one limited term Drug and Alcohol Specialist I/IV, **Adopted.**

- B-8 **RESOLUTION NO. 2002-374**, approving a contract with the California Youth Authority for juvenile diagnostic services, **Adopted.**

Public Works Items:

- B-9 Contract (Clerk's File) with Crawford Multari & Clark Associates to assist in the preparation of an urban storm water management program as mandated by the Federal Clean Water Act; All Districts, **Approved.**
- B-10 **RESOLUTION NO. 2002-375**, authorizing execution of notice of completion for the grading and paving of Santa Maria Avenue in Los Osos; 2nd District, **Adopted.**
- B-11 **RESOLUTION NO. 2002-376**, authorizing execution of notice of completion for miscellaneous curb ramp construction; 1st, 2nd and 4th Districts, **Adopted.**
- B-12 The follow parcel map: 1) CO 01-0265, a proposed condominium subdivision resulting in 3 residential units, by Walter and JoAnn Rogers and Arthur and Dorothy McLean, Park Avenue and Fourth Street, Cayucos; 2nd District, **Approved.**

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Other Items:

- B-13 Preventive Health Grant Program agreements (Clerk's File) with Community Health Centers of the Central Coast and Lucia Mar Unified School District to provide various preventive health services, **Approved.**
- B-14 Minutes of the August 6, 13, 20, and 27, 2002 Board of Supervisors' meetings, **Approved.**
- B-15 **RESOLUTION NO. 2002-377**, commending Michal Moses upon his retirement from the Highway Patrol, **Adopted.**

- 7 C-1 This is the time set for continued hearing continued from (August 13, 2002) to consider an appeal by Carriage Home/Carl Moreland of the staff determination that the expiration date of the vesting tentative map for Tract 1747 does not qualify for an automatic time extension, located at the intersection of Thompson and Chestnut Avenues, in the community of Nipomo; 4th District.

**Ms. Pat Beck:** Planning, requests this item be continued to October 22, 2002 to allow more time to get the legislative intent regarding the adoption of the regulations.

**Supervisor Achadjian:** states he supports this continuance because both sides have agreed to it however, this will be the final date to have this hearing.

**Supervisor Ryan:** feels there was enough information to have heard this item today.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and unanimously carried, the Board continues this hearing to October 22, 2002 at 9:00 a.m..**

- 8 C-2 This is the time set for hearing to consider an ordinance amending Section 2.48.020 of the County Code to allow County employees to retain compensation received for pollworkers duties.

**Ms. Julie Rodewald:** County Clerk-Recorder, presents a brief history of the pollworker recruitment process and the loss of the dependable workforce of retired individuals who have traditionally staffed the polling places; states approximately \$40,000 is currently spent for pollworkers and there will be no net County cost increase for this program; explains the proposed County PollWorker Program; indicating it will supplement, not replace existing workers; addresses the benefits of the program, indicating it will create a stable pool of workers available to replace those last minute cancellations; presents the

Board with a packet showing a comparison of this program, being used in other counties and letters from current pollworkers in support of the proposed program; a news editorial and a chart showing overtime for potential County pollworkers on election day; urges the Board to adopt the ordinance and resolution.

**Supervisor Ryan:** questions if other areas have been explored in finding people such as Temporary Services; states his concern for County employees being away from their job while working an election and the idea of a County employee making more than the volunteer, with Ms. Rodewald responding.

**Supervisor Achadjian:** questions if it would help to create an incentive to pollworkers by increasing and advertising the pay.

**Ms. Rodewald:** states an increase for pollworkers is something she can request for future budgets but indicates that is not something that could be done for this election; reminds the Board it is only two days every two years and the County employee would need the approval of their department head to work on election day.

**Supervisor Pinard:** feels the concept for the need of an emergency backup for election workers is being lost in this discussion.

**Mr. Dean Rollins:** General Manager for the San Luis Obispo County Employees Association, speaks in support of the proposed ordinance; feels this proposal equips the County with an adequate back-up plan; states an election is a County obligation to assure all citizens have the opportunity to vote; indicates he would not want to see election errors like Florida; urges the Board to support the recommendation.

**Ms. Susan Warren:** states she is “appalled” by this proposal of paying county employees to work the polls; feels the Clerks Office is taking an easy way out; does not believe there is a problem finding volunteers; feels this proposal will breed a conflict of interest.

**Supervisor Ryan:** states he applauds Ms. Rodewald for her work and bringing this forward, however he disagrees with this avenue when other methods have not been explored; believes a higher stipend should be given to the volunteers; feels there is a net cost to the County by taking an employee away from their job for the day and he will not support this item.

**Supervisor Ovitt:** clarifies that this is a back-up system and raising the volunteer stipend will not guarantee more volunteers.

**Chairperson Bianchi:** states if an employee knows they’re going to be gone on election day they will adjust their workload accordingly to get the work done; addresses the importance of the right to vote; feels the Board needs to support this proposal.

**A motion by Supervisor Achadjian to adopt this as a pilot project and have staff return in 2 weeks to increase pollworkers stipends for volunteers, is discussed.**

**Supervisor Ryan:** questions how much the stipend will be raised.

**Ms. Rodewald:** indicates she will come back with several options.

**Mr. James Lindholm:** County Counsel, questions if the pilot project includes the stipend being paid to the County employee, both the ordinance and resolution should be adopted.

**Supervisor Ovitt:** seconds the motion and states his concerns relating to the amount of the stipend and questions at what amount does the volunteer become a County employee.

**Ms. Rodewald:** states she will consult with other departments before bringing back the stipend increase; clarifies that staff is requesting this pilot project be allowed to go through two Countywide elections which would allow adequate time to evaluate the project.

**Chairperson Bianchi:** states this motion includes the ordinance, resolution and waiving

the reading of the ordinance, with Supervisors Achadjian and Ovitt, agreeing.

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

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

**the Board adopts this as a pilot project and directs staff to come back in two weeks with a proposed stipend increase for volunteer pollworkers and the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2978, an ordinance amending County Code 2.48.020 of the San Luis Obispo County Code concerning fees paid to County employees, adopted.**

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

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

**RESOLUTION NO. 2002-378, resolution adopting County Employee Pollworker Program, adopted.**

10 C-3 This is the time set for hearing to consider an 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.

**Chief Dan Turner:** County Fire/CDF, presents the staff report; states every three years the California Fire Code, which incorporates the Uniform Fire Code, is adopted by order of the California Legislature; indicates the latest edition was published and adopted this year and beginning November 1, 2002 and any local additions, amendments and deletions must be incorporated by that date; states local amendments must be reasonably necessary because of local climatic, geological and topographical conditions; explains an additional change to the Code entitled Fire Code Appendix II-A, *Suppression and Control of Hazardous Fire Areas*; states this change will allow consistency in the requirement to establish 100-foot clearance of vegetation in areas designated very high fire hazard severity; presents a power point to show the need for Appendix II-A.

**Board Members:** discuss various issues, comments and concerns regarding: the enforcement of clearing vegetation; putting the burden of fire safety on the builder and homes being located on dead end roads, with Chief Turner and Mr. Rob Lewin, CDF, responding.

**Mr. Eric Greening:** addresses fuel reduction and suggests the word “clearance” gives the wrong idea and leads to the scalping of landscape; feels fire safety emphasis should be put on construction and the location of homes.

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

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2979, an ordinance amending Chapter 16.10 and Chapter 19 of the San Luis Obispo County Code by adopting and amending the 2000 Edition of the Uniform fire Code, and adopting the Findings of Fact, adopted.**

11 C-4 This is the time set for hearing to consider the annual update of the Los Osos Traffic Circulation Study and a resolution implementing modified road improvement fees for the

Los Osos area; 2nd District.

**Ms. Rosemarie Gaglione**, Public Works, presents the staff report; states the Road Impact Fee account balance was \$557,548 at the end of the Fiscal Year 01/02; indicates there have been no Road Impact Fee appeals in Los Osos for the last two years; addresses the current projects funded and not funded by the Road Impact Fees and projects recommended for funding; indicates new traffic signals are recommended at Los Osos Valley Road at Pine Avenue, Los Osos Valley Road at Ravenna, South Bay Blvd at Nipomo, and South Bay Blvd at Pismo; addresses projects dropped from the Road Impact Fee Funding and traffic loadings; speaks to the cost estimate changes; urges the Board to adopt the staff recommendation.

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

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

**the Board receives and adopts the 2002 Update of the Los Osos Circulation Study and RESOLUTION NO. 2002-379, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the Estero Planning Area of the County of San Luis Obispo and adopting the required annual and fifth year updates, adopted.**

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

**Mr. Bill Denneen:** thanks the Board for having the public comment period; addresses the importance of having the right to vote; speaks to nuclear power and compares the \$6,500 discretionary funds to educate the public regarding nuclear power versus the \$7 billion promoting nuclear power; states nuclear power leaves an awful legacy for future generations.

**Mr. Klaus Schumann,** states he concurs with Mr. Denneen; feels it is time to phase Diablo out; addresses energy alternatives; indicates Diablo is a health and safety issue and exposes San Luis Obispo County residents to a nuclear catastrophe; addresses the reality of sabotage; states the transportation of nuclear waste is not a solution; feels the production of nuclear power should stop now.

**Mr. Richie Ray Walker:** speaks to the issue of hearing versus listening.

**Mr. Michael Kovacs:** urges the Board to pay more attention to the unincorporated areas; feels an item should be put on a future agenda regarding low voter turn-out; questions the decline in public participation.

**Ms. Sara Horne:** President of the League of Women Voters, states she is here to respond to Mr. Brad Brown and his comments to the Board when he referred to the owner of SLO Public Access; states there is no owner of SLO Public Access and thanks the Board for the opportunity to set the record straight. **No action taken.**

12 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.

**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: Items 1 through 5 - No public report required because no 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, October 1, 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: 10-04-2002  
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