

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

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

**RESOLUTION NO. 2002-380, resolution proclaiming the month of October 2002 at “Stop Cancer Where It Starts Month” in San Luis Obispo County, adopted.**

**Supervisor Pinard:** reads the resolution and presents the same to Ms. Sandra Farrouf, who thanks the Board for the recognition.

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

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

**RESOLUTION NO. 2002-381, resolution proclaiming the month of October 2002 as “Erosion Control Month” in San Luis Obispo County, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Ms. Ella Honeycutt.

**Ms. Honeycutt:** thanks the Board for the recognition; updates the Board on what has been occurring at the Resource Conservation Districts (RCD); states Mr. Malcolm McEwen was hired by the RCD’s to work on erosion issues in the County.

**Mr. Mike Multari:** addresses the rapid sedimentation problems in Morro Bay and his appreciation of the assistance by the RCD’s with respect to the Morro Bay watershed.

3 A-1-A **Ms. Ginny Monteen:** thanks the Board for the resolution recognizing October as Stop Cancer Where It Starts Month; speaks to the number of people who have died of cancer in the past year; suggests if toxins can be reduced so will cancer; hands out an informational booklet regarding cancer. **No action taken.**

4 A-1-B **Mr. Chuck Pritchard:** thanks Ms. Ella Honeycutt for her comments regarding Erosion Control; appreciates the Board’s continuing support and presents a flyer on the events occurring in October.

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

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

**RESOLUTION NO. 2002-382, resolution proclaiming October 6-12, 2002 as National 4-H Week, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to Mr. Richard Enfield, Farm Advisor's Office, who asks the 4-H All-Stars present to introduce themselves.

**Ms. Jeniece Cooper (6 year member of Cerro Alto 4-H Club), Ms. Breana Dixon (7 year member of Rio Rancheros 4-H Club), Mr. Brandon Emerson (8 year member of the Bears 4-H Club), Ms. Sara Vieira (7 year member of Edna 4-H Club) and Ms. Keely Oswald (4 year member of El Camino 4-H Club):** thank the Board for the proclamation; ask the Board to fly the 4-H flag at the Government Center for the week; and present pins and packets for each Board member.

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

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

**RESOLUTION NO. 2002-383, resolution to proclaim the week of October 23<sup>rd</sup> through October 31<sup>st</sup>, 2002 as Red Ribbon Week in San Luis Obispo County, adopted.**

**Chairperson Bianchi:** reads the resolution and presents the same to Ms. Kimberly Mott.

**Ms. Mott:** thanks the Board for the proclamation and introduces two students involved in the Friday Night Live Program.

**Ms. Kelsey Lewis:** addresses the events that will occur at Mission Plaza on October 26<sup>th</sup> and invites everyone to attend.

**Mr Nick Holcomb:** presents each Supervisor with a "goody bag" including red ribbons to wear during the month.

7 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. Jon Seitz:** attorney representing the Los Osos Community Services District, speaks to Item B-13 and asks that the Board pull this item for separate action to allow the public time to comment on why this amendment should not be approved; presents documents for the record (Clerk's Note: B-13 was pulled from the Consent Agenda for separate action and the documents were moved and added to that item) and amends his letter to reflect that the third item listed is the Coastal Commission staff report regarding the August 8, 2002 public hearing on the "Local Coastal Program Amendment" not the "General Plan amendment."

**Mr. Eric Greening:** addresses Item B-12 referencing page B-12-2 and the issues of concern are listed as the snowy plover and the least tern and hopes it's not limited to these two and addresses the need to include the Steelhead trout; page B-12-3 regarding the list of members for the Technical Review Team and the list doesn't show an environmental or conservation member; and, page B-12-11, Item C(1) does not show an environmental organization here either.

**(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)**

**Ms. Joy Fitzhugh:** Farm Bureau, addresses Item B-13 and supports #1 being withdrawn; on a personal level supports #2 regarding the Cambria Elementary School. **No action taken.**

8 B-1 Consent Agenda Items B-9 and B-13 are withdrawn for separate action. Item B-15 is thru B-17 amended to correct the cover sheet to change the reference of "Parcel Map" to "Final Map." **(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)**

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

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

**Consent Agenda Items B-1 through B-17 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-17, 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 Request to consider a representation petition by the Probation Department employees requesting to create their own bargaining unit (County Probation Peace Officers Association), **Approved and the Clerk is instructed to give notice of the hearing date set for October 15, 2002 at 9:00 a.m..**

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Administrative Office Items:

- B-2 Lease agreement with Pacific Gas and Electric for the continued use of the joint media center facility for emergency training and to provide information to the media in the event of certain unusual or significant emergencies; All Districts, **Approved.**
- B-3 Contract with AGP Video to provide Board of Supervisors weekly meeting videotaping and cable casting services; All Districts, **Approved.**
- B-4 Agreement with Richard Greek to carry out the duties of the County Personnel Director, **Approved.**
- B-5 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 83 to the City of Paso Robles (Durand); 1st District, **Approved.**

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General Services Items:

- B-6 Extension of the emergency action to excavate and dispose of contaminated soil at the New County Government Center building site, **Approved.**
- B-7 Bid opening report for the construction of the new County Government Center Building; All Districts, **Approved and the Chairperson is instructed to sign contract documents with Kajima Construction Services in the amount of \$24,780,000.**
- B-8 Submittal of an update regarding exploration of parking options with the City of San Luis Obispo and a request to approve a budget adjustment in the amount of \$75,000 from Capital Projects Facilities Planning Designation to provide the County's share of funding for a parking study, **Approved.**

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Public Health Department Items:

- B-9 Request to approve: 1) the Bioterrorism Preparedness and Response Plan and associated certifications (Clerk's File); 2) a corresponding budget adjustment in the amount of \$302,830 from the Federal Health Program to Budget Unit 3000 - Public Health; and 3) resolution amending the position allocation list for Budget Unit 3000 - Public Health adding one limited term half-time Public Health Microbiologist I/II position and one limited term half-time Systems Analyst I/II position; All Districts, **Withdrawn for separate action.**
- B-10 Request to apply to the Children and Families Commission of San Luis Obispo for a mini grant to send multidisciplinary professionals to the Leadership Institute for Community Teams, **Approved.**

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Planning and Building Items:

- B-11 Request to authorize the use of alternative publication procedures for the Winter 2002-General Plan Amendment Cycle; All Districts, **Approved.**
- B-12 **RESOLUTION NO. 2002-384**, authorizing the Planning Director to sign a standard agreement with the State Department of Parks and Recreation to provide staff participation on a technical review team for the Oceano Dunes State Vehicular Recreation Area; 3rd and 4th Districts, **Adopted.**
- B-13 Submittal of a resolution acknowledging receipt and agreeing to California Coastal Commission's modified language pertaining to Local Coastal Plan: 1) amendment #1-01 amendments to the Land Use Ordinance; 2) amendment #2-01 Cambria Elementary School; and 3) amendment #03-01 Los Osos Sewer; 2nd District, **Withdrawn for separate action.**

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Public Works Items:

- B-14 **RESOLUTION NO. 2002-385**, authorizing execution of notice of completion for the construction of a portion of Noyes Road, between Ormonde Road and Highway 227, located near Arroyo Grande; 3rd District, **Adopted.**
- B-15 The following parcel map has been received and has satisfied all conditions of approval that were established in the public hearing on its tentative map, and: Tract 2292, a proposed subdivision resulting in 16 lots by Ray Bunnell, Highway 1 north of San Luis Obispo, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2002-386**, to approve an open space easement agreement; 2nd District, **Adopted.**

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Other Items:

- B-16 Contract (Clerk's File) with Readylink Healthcare to provide nurse staffing, **Approved.**
- B-17 Request by Veterans Services to approve Medi-Cal cost avoidance and county subvention agreements with the State Department of Veterans' Affairs, **Approved.**
- 9 B-9 Request to approve: 1) the Bioterrorism Preparedness and Response Plan and associated certifications (Clerk's File); 2) a corresponding budget adjustment in the amount of \$302,830 from the Federal Health Program to Budget Unit 3000 - Public Health; and 3) resolution amending the position allocation list for Budget Unit 3000 - Public Health adding one limited term half-time Public Health Microbiologist I/II position and one limited term half-time Systems Analyst I/II position; All Districts, is presented.

During discussion on the Consent Agenda Supervisor Pinard asked that this item be pulled for separate action.

**Supervisor Pinard:** expresses her concern to how money is being spent and to repetitive functions occurring; suggests this looks good on paper but is not truly functional.

**Dr. Greg Thomas:** Public Health Director, responds addressing the importance of fax machines and the requirements and importance of this Plan.

**A motion by Supervisor Ovitt, seconded by Supervisor Ryan to approve the staff recommendations, is discussed.**

**Mr. Ron Alsop:** Emergency Services, addresses the issue and this adding another operational area; explains what this document accomplishes.

**Dr. Thomas:** addresses the issue further.

**Chairperson Bianchi:** comments on the bioterrorism workshop she attended earlier this year and feels that this document "dovetails" with the issues raised at this workshop.

**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: Supervisor Pinard**  
**ABSENT: None**

**the Board approves the Bioterrorism Preparedness and Response Plan and associated certifications to be submitted to the State Department of Health Services' Emergency Preparedness Office and a corresponding budget adjustment for BU 3000 - Public Health in the amount of \$302,830 from unanticipated revenue. Further, RESOLUTION NO. 2002-387, resolution amending the Position Allocation List resolution for Fiscal Year 2002-03 (adding one limited-term half-time equivalent Public Health Microbiologist I/II position and one limited -term half-time FTE Systems Analyst I/II), adopted.**

- 10 B-12 **Ms. Nancy Orton:** Environmental Specialist, responds to questions raised by Mr. Eric Greening on Item B-12 regarding the Technical Review Team for the Oceano Dunes State Vehicular Recreation Area; states that an environmental position is on this team and was inadvertently left out of the resolution and staff report; the Steelhead is included in the review process and there is an annual report required for submission to the California Coastal Commission. **No action taken.**
- 11 B-13 Submittal of a resolution acknowledging receipt and agreeing to the California Coastal Commission's modified language pertaining to Local Coastal Plan: 1) amendment #1-01 amendments to the Land Use Ordinance; 2) amendment #2-01 Cambria Elementary School; and 3) amendment #03-01 Los Osos Sewer; 2nd District, (this item was amended during the Consent Agenda to replace the resolution due to deletion of the first amendment (#1-01)), is presented.

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

**Mr. Jon Seitz:** attorney representing the Los Osos Community Services District, states they are in agreement with the staff report; states the District has been challenged again with another lawsuit (Clerk's Note: the information Mr. Seitz provided during Public Comment on the Consent Agenda has been attached to this item).

**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. 2002-388, resolution acknowledging receipt and agreeing to the California Coastal Commission's modified language pertaining to Local Coastal Plan - Major Amendment Numbers 2-01 and 3-01, adopted. Further, staff is instructed to submit this resolution to the Executive Director of the California Coastal Commission.**

- 12 C-1 This is the time set for hearing to consider Local Law Enforcement Block Grant funding; All Districts.

**Sheriff Pat Hedges:** presents the staff report and recommendation; states there is a yearly downward trend occurring for this funding.

**Supervisor Ryan:** questions where the bikes will be used and the use of tranquilizers, with Sheriff Hedges 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, Pinard, Achadjian, Chairperson Bianchi**

**NOES: None**

**ABSENT: None**

**the Board held a public hearing on the use of Local Law Enforcement Block Grant funding and approves an appropriation transfer from unanticipated revenue in the amount of \$59,818 and redirects resources in the amount of \$6,646 from within the operating budget totaling \$66,464.**

13 C-2 This is the time set for hearing to consider a resolution to vacate a portion of Avila Beach Drive, County Road No. 2070, located near the community of Avila Beach; 3rd District.

**Mr. Tim Smith:** Right-of-Way Agent, presents the staff report and recommendation; staff is requesting that the Board direct staff to prepare the appropriate documents and return in two weeks to conclude the transfer process; asks that this resolution not be recorded until these additional documents come back to the Board.

**Mr. Steve Gregory:** representing the Kiessig Family, speaks in support of the recommendation.

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

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

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2002-389, resolution vacating a portion of Avila Beach Drive, County Road No. 2070 near the Town of Avila, Supervisorial District No. 3, adopted.**

**(SUPERVISOR PEG PINARD IS NOW ABSENT.)**

14 C-3 This is the time set for hearing to consider appeal by Michael Nickerson of the Planning Commission's decision to not allow a waiver of the secondary dwelling size limitations pursuant to the Land Use Ordinance, 780 La-Teena Place ½ mile west of Highway 227, north of Arroyo Grande; 4th District.

**Ms. Stephanie Fuhs:** Planning, presents the staff report, outlining the Planning Commission's denial of the waiver request; **(SUPERVISOR PEG PINARD IS NOW PRESENT.)** addresses department policy on handling requests for waivers on secondary dwellings.

**Supervisor Achadjian:** questions whether the recent State law change relating to secondary dwellings has any bearing on this application.

**Mr. Jim Orton:** Deputy County Counsel, indicates the new law will affect applications filed after 7/1/03 and in the Single Family and Multi-Family Residential zoning and this is in the Residential Suburban zone and doesn't believe the new law would apply.

**Board Members:** address various issues, comments and concerns regarding: staff procedure for allowing a waiver if there aren't any major issues; the number of waivers that have been previously approved by staff; the direction staff is looking for from the Board with respect to how to handle future waivers, with staff responding.

**Mr. Mike Nickerson:** Applicant/Appellant, presents a document for the Board showing that of the 16 surrounding homeowners, 11 support his request for this waiver; states he is building the secondary residence for his mother-in-law and wants to build it larger to address needs that she has.

**Mr. Tobie Charles:** presents a document for the record which include his reasons for wanting this appeal denied.

**Mr. Don Walter:** states he lives across the street from the Nickerson's and supports the waiver request; speaks to his development project, the streets he was required to put in

and he also planted more oak trees than were required for the project.

**Mr. Jesse Hill:** feels the current system regarding waivers is working but needs more direction.

**Mr. William Chandler:** addresses his concern regarding “ultimate density” issues for the future; suggests this house could become a rental in the future; suggests increased development changes suburban areas to residential areas.

**Supervisor Achadjian:** speaks to revisiting the Arroyo Grande Fringe standards in the future and indicates he wants to be a part of that process when it occurs, with Ms. Kami Griffin, Planning, responding as to time lines for other updates and where this one will fit into that.

**Supervisor Ryan:** addresses the current rules regarding secondary dwellings and suggests that staff may want to look at increasing the maximum size to 1200 square feet.

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

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

**the Board upholds the appeal and RESOLUTION NO. 2002-390, resolution modifying the decision of the Planning Commission and conditionally approving the application of Michael and Susan Nickerson for Minor Use Permit D010257P, adopted.**

15 D-1 This is the time set for submittal of the Paso Robles Groundwater Basin Study Final Report (Clerk’s File) and a request to proceed with additional studies relating to basin behavior under various future demand and supply conditions; 1st and 5th Districts.

**Ms. Christine Ferrara:** Public Works, introduces the item and Mr. Paul Sorensen of Fugro West, Inc.

**Mr. Sorensen:** presents an update on the Basin Study, outlining the area involved and basin boundaries; states the water quality in the basin is generally good but they are seeing an increase in TDS and chlorides in the shallow alluvium in the Atascadero sub-basin; addresses water quality in Creston and the Estrella & San Juan areas; there is no definitive upward or downward trend for the basin as a whole; presents graphs of water levels and for the perennial yield of the Paso Robles basin; discusses estimated future demands.

**Ms. Ferrara:** presents the staff recommendation.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and unanimously carried, the Board accepts the “Paso Robles Groundwater Basin Study” Final Report dated August 2002 as prepared by Fugro West, Inc. and Cleath and Associated and directs staff to prepare a scope of work for a second phase of study and to request a fee estimate from Fugro West Inc.**

16 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 ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)* (6) *Lum 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.

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

Thereafter, 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.

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

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

**RESOLUTION NO. 2002-391, resolution honoring Wayne Lamb for his service and dedication to the Cattlemen and Agriculturists of San Luis Obispo County, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to Mr. Lamb.

**Mr. Lamb:** thanks the Board for the recognition and states it's been a pleasure living in this County.

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

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

**RESOLUTION NO. 2002-392, resolution recognizing Ken Graff for his service and dedication to the agricultural industry of the County, State and Nation, adopted.**

**Supervisor Ryan:** reads the resolution and presents the same to Mr. Graff.

**Mr. Graff:** thanks the Board for the recognition and has enjoyed his years of service in this County.

19 SP Introduction of the Cattleman of the Year.

**Mr. Pat Mulnar:** President of the Cattlemen's Association, introduces Mr. Walt Nielsen as Cattleman of the Year and provides a brief history of Mr. Nielsen's background and current ranching/farming practices include raising Red Brangus, a vineyard and growing carrots.

**Mr. Nielsen:** thanks the Association and Board for this honor and states he has been lucky to work in the cattle industry; invites the Board members to the Cattlemen's luncheon. **No action taken.**

**The Board does now recess for lunch at Madonna Inn with the Cattlemen's Association.**

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

**Mr. Tom Guernsey:** states he hopes that the remaining contamination issues at Avila Beach will get back on a Board's agenda before the end of the year as the rest of this contamination needs to be cleaned up; questions when the next update on the Avila clean-up will be on a Board's agenda, as it is three years overdue now.

**Mr. David Broadwater:** presents a flyer regarding a "Peace Walk - No War on Iraq,"



scheduled for October 12, 2002 at noon at the Government Center; urges the Board to oppose the war on Iraq and send this message to our legislators.

**Mr. Michael Kovacs:** states he has paid more than \$60,000 to the County since he moved here ten years ago; urges the Board to return honesty to County Government; wants the public to be allowed to criticize Board members and staff as any member of the public should be allowed to do under the First Amendment. **No action taken.**

21 E-1 This is the time set to consider the request to accept the resignation of Richard Greek and appoint Robert Lilley as the County Agricultural Commissioner/Sealer of Weights and Measures.

**Mr. David Edge:** County Administrative Officer, presents the staff report and recommendation to accept the resignation of Mr. Greek and appoint Mr. Lilley as the Agricultural Commissioner.

**Mr. Eugene Mehlschau:** thanks the Board in advance for the action they take in appointing Mr. Lilley as the Agricultural Commissioner; the County has the best candidate for the job.

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

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

**the Board accepts the resignation of Richard Greek from the position of County Agricultural Commissioner/Sealer of Weights and Measures, effective October 8, 2002 and approves the appointment of Robert Lilley as the County's Agricultural Commissioner/Sealer of Weights and Measures, effective October 8, 2002 and expiring October 8, 2006.**

22 C-4 This is the time set for hearing to consider an appeal by Manufactured Home Communities, Inc. (MHC), dba, Sea Oaks Manufactured Home Community of the Mobilehome Rent Review Board's decision relating Sea Oaks Mobilehome Park, Los Osos; 2nd District.

**Chairperson Bianchi:** establishes the rules of conduct for hearing this item.

**Mr. Larry Booth:** Auditor-Controller's Office, presents the staff report; indicates the action before the Board today is to either determine that a further hearing be conducted or ratify and adopt the decision and findings of the Mobilehome Rent Review Board (MRRB).

**Mr. Anthony Rodriguez:** attorney for MHC, presents copies of the transcripts of the hearings held before the MRRB and a Brief entitled "Memorandum of Points and Authorities in Opposition to Tenants' Request to Invalidate their July 1, 2002 Rent Increases", dated October 8, 2002; believes the MRRB decision should be set aside and this Board should rehear this issue based on their inability to cross-examine witnesses; does not believe the MRRB had the jurisdiction to hear this in the first place.

**Mr. Steve Roberts:** representing the Park tenants, states he just received the brief from Mr. Rodriguez and if the Board finds merit in this brief he would request time to review the document before any decision is made; presents the Board with copies of a recently published Second Appellate Court decision on *Village Trailer Park, Inc. v. Santa Monica Rent Control Board* that addresses the very issue that was before the MRRB and this decision says that the MRRB does have the power to make the decision they did.

**Mr. John Ridley:** states he lives in a mobilehome park owned by MHC; presents information for the record that he believes will allow for a compromise and create a win-win for both sides and for all parks.

**Mr. Steve Acker:** addresses new leases he sees occurring, as a realtor, that are indicating they are outside the ordinance and urges the Board to uphold the MRRB decision.

**Mr. James Lynn:** resides at the Morro Shores Mobilehome Park, addresses potential cost impacts to the tenants and urges the Board to uphold the MRRB decision.

**Ms. Charlene Hall:** representing the State Mobilehome Renters Association, addresses the work of this Association in assisting tenants and urges the Board to uphold the MRRB decision.

**Mr. Jim McCallum:** presents a letter, for the record, from Congresswoman Lois Capps in support of the tenants and in opposition to the rent increase by MHC.

**Mr. Earl Cornwall:** California Retired Teachers Association, urges the Board to continue their support of rent control and uphold the decision of the MRRB.

**Mr. Bill Nulton:** urges the Board to not “add to the flight from the County” and support the decision of the MRRB.

**Mr. Aaron Rowsemitt:** addresses the intent of the ordinance and supports the MRRB decision.

**Mr. Roberts:** gives his closing comments and believes the MRRB made a “well reasoned” decision.

**Mr. Rodriguez:** gives his closing comments; states the agreements say right on the top that they are 12-month agreements; the Board needs to find that the decision made by the MRRB was incorrect; believes the ordinance says the MRRB is exempt from addressing this issue; and, believes this is an issue for the courts.

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

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

**the Board ratifies and adopts the decision and findings of the Mobilehome Rent Review Board.**

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 8, 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: October 11, 2002  
vms