

Tuesday, February 25, 2003

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

ABSENT: Supervisor Peg Pinard

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY SUPERVISOR HARRY L. OVITT.

SUM AGN

1 Add Staff indicates there is a need to add an item to the Closed Session.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board determines that the need to add an item to the Agenda arose subsequent to the 72-hour noticing requirements of the Brown Act and adds the following item to the Closed Session: 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: (10) Property Description: *General Hospital*, Parties with whom negotiating: *Omar Investments, LLC*, Instructions to Negotiator will concern: *Price, Terms and Conditions*.

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

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

RESOLUTION NO. 2003-54, resolution proclaiming February 17, 2003 through March 31, 2003 as San Luis Obispo County Spay Day Promotion - 2003 and February 25, 2003 as "Spay Day USA 2003," adopted.

Supervisor Bianchi: reads the resolution and presents the same to Sheriff Pat Hedges and Dr. Eric Anderson, Animal Services Manager.

Sheriff Hedges: thanks the Board for the recognition and defers to Dr. Anderson.

Dr. Anderson: thanks the Board and addresses the decline in animals that were euthanized last year and this is due in part to the increase in spaying/neutering.

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

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

RESOLUTION NO. 2003-55, resolution recognizing the San Luis Obispo County Sheriff's Department Animal Services Division's volunteers, adopted.

Supervisor Achadjian: reads the resolution and presents the same to Sheriff Pat Hedges and Dr. Eric Anderson, Animal Services Manager.

Sheriff Hedges: asks the volunteers to come up and accept the resolution; thanks the Board for this recognition and comments on all that the volunteers do; addresses the various programs that are in place; euthanasia and adoptable animals have both declined

with the increase of spaying/neutering.

Ms. Diane Duncan: Volunteer, thanks the Board for the recognition and presents a reverse thermometer that shows animals euthanized in 1991 was 6,437 animals and in 2002 there were only 915; suggests if this trend continues this will be a “no kill” county in two years.

Ms. Ellen Perryess: Volunteer, thanks the Board for their renewed commitment to Animal Services; suggests one way to add funding to this department is to add a box on the licensing form to allow for a donation.

Mr. Larry Kahn: Volunteer, states this a great group of folks to work with and things are better than ever at Animal Services with Sheriff Hedges and Dr. Anderson on board.

Ms. Ellen Waders: Volunteer, thanks the Board for recognizing all the volunteers.

Ms. Diane Huetther: Volunteer, thanks the Board for the recognition; thanks Sheriff Hedges and Dr. Anderson for all their effort; wants to see this become a “no kill” county and would like to see a resolution to this effect.

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

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

the Board recognizes Lance Smolik, Robert Cudworth, and the San Luis Obispo County Sheriff’s Dispatch Center for their heroic efforts in dealing with the fire emergency on the morning of February 4, 2003.

Chairperson Ryan: reads the Certificates and presents the same to Officers Smolik and Cudworth and commends them for rescuing Ms. Susan Dana, her 12-year old son and son’s friend, on the morning of February 4, 2003, from the fire in their home.

Sheriff Pat Hedges: states the Dispatch Center received a call at 4:06 a.m. that there was a fire in Garden Farms and sent the “only” unit out at that time of day; commends the officers.

Ms. Susan Dana: states they were very lucky to have these officers out there and so close by and thanks them for saving her and the two boys.

Officer Smolik: recognizes the next door neighbors who also helped when this fire broke out.

Chairperson Ryan: presents a Certificate of Appreciation to the Dispatch Center.

Sheriff Hedges: accepts the Certificate on behalf of the Dispatch Center and outlines what the dispatchers do.

5 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. Jim Marshall: Nacimiento Regional Water Advisory Committee President, speaks to Item B-6 and thanks the Board for their ongoing support; invites the public to attend their next meeting on March 10, 2003 at the Paso Robles Library at 7:00 p.m..

Rev. C. Beth Hite: comments on issues relating to her, including her art and work in the community. **No action taken.**

6 B-1 thru Consent Agenda Item B-14 is amended to correct the recommendation on the cover sheet to instruct the Public Health Director to sign. Items B-24 and B-25 are added to the

B-25 Consent Agenda.

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

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

Consent Agenda Items B-1 through B-25, are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-25, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening and hearing:

- B-1 Plans and specifications (Clerk's File) for modification to handrails at the County Government Center, **Approved and the Clerk is instructed to give notice of bid opening set for March 17, 2003 at 3:00 p.m..**
- B-2 Introduction of a proposed ordinance amending the County fee schedule for fiscal year 2003-04 to revise the fee for disestablishment of agricultural preserves, **Approved and the Clerk is instructed to give notice of hearing date set for March 11, 2003 at 9:00 a.m..**

Administrative Office Items:

- B-3 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment and **RESOLUTION NO. 2003-56**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 9 to County Service Area # 18 Zone A (Country Club); 3rd District, **Adopted.**
- B-4 Submittal of the San Luis Obispo County Discrimination and Harassment Program Annual Report - 2002, **Received and Filed.**

Board of Supervisors Items:

- B-5 **RESOLUTION NO. 2003-57**, commending Lieutenant Robert Hubbell of the California Highway Patrol upon his retirement after 30 years of service, **Adopted.**
- B-6 **RESOLUTION NO. 2003-58**, directing the continued monitoring of the Salinas Valley Water Project being conducted by Monterey County Water Agency, **Adopted.**

General Services Items:

- B-7 Amended contract with Padre Associates, Inc., for additional environmental services for the New County Government Center, **Approved.**
- B-8 Submittal of a bid opening report for the renovation of the community building in San Miguel; 1st District, **Approved and the Chairperson is instructed to sign contract documents with TJ Construction in the amount of \$156,598.**
- B-9 Submittal of a bid opening report for the Superior Court Department 12 Hearing Room expansion project; All Districts, **Approved and the Chairperson is instructed to sign contract documents with Vernon Edwards Constructors, Inc. in the amount of \$116,900.**
- B-10 **RESOLUTION NO. 2003-59**, commending the contributions of Eleanor Truocchio to the San Luis Obispo County Parks and Recreation Commission, **Adopted.**
- B-11 **RESOLUTION NO. 2003-60**, amending the position allocation list for Budget Unit

4125 - Parks deleting one Park Planner I/II/III position and adding one Senior Planning position, **Adopted.**

Public Health Items:

- B-12 Agreement (Clerk's File) with the Life Steps Foundation to provide developmental services to children, **Approved.**
- B-13 Agreement (Clerk's File) with the Area Agency on Aging to provide safety education to the senior population, **Approved.**
- B-14 Agreement (Clerk's File) with the State Department of Health Services to provide funding for chlamydia awareness and prevention activities, **Approved as amended.**
- B-15 1) Agreement (Clerk's File) with the State Department of Corrections to provide short term case management services to inmates/parolees living with HIV disease, **Approved;** 2) **RESOLUTION NO. 2003-61**, amending the position allocation list for Budget Unit 3000 - Public Health by adding one full-time limited term Eligibility Technician I/II position; and 3) a corresponding budget adjustment in the amount of \$31,213 from unanticipated revenue, **Adopted.**

Public Works Items:

- B-16 1) Agreement with the San Luis Obispo County Office of Education for a Cable TV Access Grant; and 2) a corresponding budget adjustment in the amount of \$100,394, **Approved.**
- B-17 Agreement (Clerk's File) with the Land Conservancy of San Luis Obispo County to facilitate the compensatory mitigation requirements for the Olde Towne Nipomo Enhancement Project; 4th District, **Approved.**
- B-18 **RESOLUTION NO. 2003-62**, correcting Resolution No. 2002-467 accepting easements for a water pipeline, vault and drainage pipeline near Branch Street in Arroyo Grande; 3rd and 4th Districts, **Adopted.**
- B-19 **RESOLUTION NO. 2003-63**, correcting road numbers and amending Resolution No.'s 2002-497, 2003-11, 2003-12, and 2003-13; 1st, 3rd and 4th Districts, **Adopted.**
- B-20 **RESOLUTION NO. 2003-64**, accepting conveyance from Gordon Family Trust for the Orcutt Road Project; 4th District, **Adopted.**
- B-21 The following map has been received and has satisfied all the conditions of approval that were established in the public hearings on its Tentative Map, and:
- A. COAL 01-0202, a proposed lot line adjustment of 4 lots by Stuart Bartleson, Los Berros Road, north of Nipomo; 4th District, **Approved.**

Other Items:

- B-22 1) Budget adjustment in the amount of \$133,515 from the Office of Criminal Justice Planning; and 2) amend the fixed asset list by adding a truck in the amount \$28,600 and a monitoring system in the amount of \$8,995 for a Marijuana Suppression Program, **Approved.**
- B-23 Amended contract with Goodwill Industries increasing the amount of the contract by \$70,000 for occupational services for CalWORKs participants, **Approved.**

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

- B-24 Contracts (Clerk's File) with Cecilia Fernandez, R.N., Lisa Mowery, R.N., and Margaret Veyna, R.N., to provide nursing services at General Hospital, **Approved.**

B-25 **RESOLUTION NO. 2003-65**, opposing the Governor's 2003-2004 State Budget Proposal to permanently eliminate the Open Space Subvention Program, **Adopted.**

7

C-1 This is the time set for hearing (Introduced February 4, 2003) to consider a petition by the San Luis Obispo County Probation Peace Officers Association and the California Organization of Police and Sheriffs to establish two new bargaining units.

Ms. Ellen Aldridge: Avery Associates, indicates they represent the County on issues such as this one; presents the staff report and recommendation.

Mr. David Edge: County Administrative Officer, states the County takes no position on this issue but rather advises on the procedures.

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

AYES: Supervisors Ovitt, Bianchi, Achadjian, Chairperson Ryan

NOES: None

ABSENT: Supervisor Pinard

the Board finds that the petitions are timely filed, the two petitioned for units are appropriate bargaining units and authorizes the Management Representative to arrange a secret ballot election in the newly created units to determine labor organization representation.

8

C-2 This is the time set for hearing to consider a request by Arpad and Adela Soo, to waive the Special Construction Standards in a Flood Hazard Zone in the community of Nipomo; 4th District.

Mr. Mikel Goodwin: Public Works, presents the staff report, outlining the history of the project, indicating that the owner, after completing the residence, enclosed an open space under the structure creating a new finished floor at a lower level than previously existed, without a permit; they applied for a permit to legalize this addition and after review it was determined it did not conform to the Flood Hazard Construction Standards; staff recommendation is to deny the requested waiver.

Supervisor Achadjian: questions what FEMA allows, with Mr. Goodwin responding this would have been approved for a non-residential use.

Supervisor Achadjian: questions the requested waiver and whether any other waivers like this one have been approved, with Mr. Goodwin responding there have not been any approved for residential uses.

Mr. Terry Orton: Westland Engineering and representing Mr. & Mrs. Soo, addresses their request for a waiver; believes this can occur, as FEMA would allow it.

Mr. Eric Greening: questions why it's called a 100-year flood zone when the flooding tends to occur more often than that; questions whether this standard is the "old" understanding or the "new."

Chairperson Ryan: questions what will occur if this is allowed to remain versus if the waiver is not approved.

Mr. Goodwin: responds that if the Board approves the waiver, Mr. Orton will submit plans and this will complete it; if the Board denies this, the Soo's will be required to remove the improvement.

A motion by Supervisor Achadjian, seconded by Supervisor Bianchi to deny the requested waiver, is discussed.

Mr. Goodwin: presents Findings A-E in support of denial and **the motion maker and second agree to amend their motion to include these findings.**

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

AYES: Supervisors Achadjian, Bianchi, Ovitt, Chairperson Ryan

NOES: None

ABSENT: Supervisor Pinard

the Board denies the requested variance based on Findings A through E as presented by staff this date.

9

C-3 This is the time set for hearing to consider an appeal of the Planning Commission's approval of a third time extension for the Pier View Plaza, a Development Plan/Coastal Development Permit to allow three buildings totaling approximately 17,000 square feet for commercial retail, office and motel units, located in the community of Cayucos; 2nd District.

Mr. Terry Wahler: Planning, presents the staff report; outlines the issues of the appeal and staff's response to the same.

Mr. Matt Janssen: Planning, asks that if the Board denies this appeal that the motion include adding a 12-month life to the action today.

Mr. Ron Wilson: Appellant, presents letters for the record from Rebecca Wyatt and Bruce Gibson; indicates that Mr. Gibson shows on the staff report as an appellant and is not; presents an overhead of the Ocean View Plaza which he believes shows that this project is not consistent with the character of the immediate neighborhood; the Cayucos Advisory Council as developed design guidelines for the area that all other projects are following, including the newest building which is the Pier Pointe Inn.

Ms. Mary Ann Carnegie: Appellant, indicates that while this project does support the current standards it does not support the current wishes of the community; addresses various projects that have come forward, since this one, that have followed the guidelines.

Mr. Paul Ryker: EDA representing the Applicant, states he is available to answer questions.

Mr. Dan Lloyd: property owner in Cayucos and previously involved with this project, addresses his support of the Applicant's request.

Mr. Ryker: provides a petition in support of the project.

Mr. Wilson: gives his closing comments.

Ms. Carnegie: gives her closing comments, indicating they are not opposed to the project but want them to keep it at two stories.

Supervisor Bianchi: addresses the issue and her concerns, indicating she does not support the request for a third time extension.

Supervisor Ovitt: addresses the proposal and comments on the language in Finding J.

A motion by Supervisor Bianchi to uphold the appeal and not approve the third time extension, dies for lack of a second.

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

AYES: Supervisors Ovitt, Achadjian, Chairperson Ryan

NOES: Supervisor Bianchi

ABSENT: Supervisor Pinard

the Board denies the appeal and affirms the Planning Commission's action approving the third time extension for development plan/coastal development permit D940199D based on the findings contained in Exhibit A in the staff report dated February 25, 2003. Further, the Board adds 12 months life effective today.

Chairperson Ryan: addresses his concern as to when the 12 months begins, whether it is at the Planning Commission or the Board and wants staff to bring back an item that would change it so that it would start at the time the final decision is made.

10

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) *Planning and Conservation League v. Department of Water Resources*.

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. **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** (9) *Significant exposure to litigation (Gov. Code §54956.9)* No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation.

II. PERSONNEL (Gov. Code, § 54954.5.) It is the intention of the Board to meet in Closed Session to: (7) Consider Public Employee Performance Evaluation for the Position of *General Services Director*.

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

III. 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: (8) Negotiator's Name: *David Edge, Gail Wilcox*, Name of employee organization: *Unrepresented Management*.

(THIS ITEM WAS ADDED BY ACTION OF THE BOARD EARLIER THIS DATE)

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 concerning the following: (10) Property Description: *General Hospital*, Parties with whom negotiating: *Omar Investments, LLC*, Instructions to Negotiator will concern: *Price, Terms and Conditions*.

Chairperson Ryan: opens the floor to public comment.

Mr. Eric Greening: questions the added item regarding General Hospital and asks what the urgency is that it needed to be added today; questions other uses for the Hospital.

Mr. David Edge, County Administrative Officer and Mr. James Lindholm, County Counsel: address the item under Conference with Real Property Negotiator and indicate this should read that the property description is for leased property at the corner of Bishop and Johnson Ave.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt, with Supervisor Pinard being absent, motion carries and the Board changes the Property Description to read: *leased property at the corner of Bishop and Johnson Ave.*

(CHAIRPERSON MICHAEL P. RYAN IS NOW ABSENT.)

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

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

(CHAIRPERSON MICHAEL P. RYAN IS NOW PRESENT.)

Rev. C. Beth Hite: states she is asking for intervention by the Board; states she has post traumatic stress from Taiwan; thanks the Board for copies of an item from the morning agenda; speaks to personal credibility and the high cost of the same.

Mr. Michael Kovacs: speaks regarding white collar crimes that are going on in County Government; wants the Board to listen to him and direct that a department by department audit be conducted; reads from the Government Code regarding the Supervisors' responsibility. **No action taken.**

- 12 D-1 This is the time set for submittal of a response to the 2001-02 Grand Jury Report of June 2002, recommending the consolidation of the Public Works and General Services garages.

Mr. Duane Leib: General Services Director, presents the staff report and recommendation to consolidate these two garages; outlines what it will accomplish; indicates two positions will be eliminated, one is vacant and one is filled and both are in the Public Works budget; states Public Works is working to place the person in the filled position into another position in their department; addresses the approximate \$75,600 savings by approving this consolidation.

Mr. David Edge: County Administrative Officer, comments on the work by Mr. Leib and Mr. Noel King, Public Works Director, to accomplish what is before the Board today; indicates this is a viable option and will have a \$75,000+ savings by consolidating the two garages.

Mr. Dean Rollins: San Luis Obispo County Employees Association General Manager, states they have met with both departments on this and worked on all the issues; wants the Board to keep in mind that the position that would create a layoff is filled by a 19-year employee and hopes the department will find a position for this person.

Mr. Michael Kovacs: questions why this took nine months to respond; why didn't the Board and the County Administrator do this streamlining without the involvement of the Grand Jury; questions the amount of savings, with Mr. Edge responding.

Mr. Noel King: Public Works Director, indicates they have an opening on the traffic crew and have offered this to the person who would be laid off and are waiting to hear from him.

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

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

the Board approves the concept of consolidating the General Services and Public Works Garage operations which will be under General Services management, effective March 9, 2003; authorizes the transfer of ownership of the various shop equipment items listed on Attachment A, of the staff report dated February 25, 2003, from the Public Works Internal Service Fund to the General Services Department, and also authorizes the transfer from Public Works to General

Services in the amount of \$39,481 in accumulated depreciation funds that have been collected by Public Works for future replacement of this equipment; authorizes the payment from General Services to Public Works for the actual value of the equipment parts and tires on hand on February 23, 2003, that will be transferred from Public Works materials inventory to General Services (estimated at \$15,000-\$20,000); and, RESOLUTION NO. 2003-66, resolution amending the Position Allocation List Resolution for Fiscal Year 2002-03, adopted.

- 13 E-1 This is the time set for submittal of the Initial National Pollutant Discharge Elimination System Phase II Storm Water Management Program.

Mr. Mark Hutchinson: Public Works, presents the staff report; outlines the EPA requirements in 1999 and who is required to comply with this; addresses which areas of the County are designated Federal and State; provides an overview of the requirements of the program; strategies by staff to create this County program; the six minimum measurements that are required for the program; the measurable goals; evaluation and reporting requirements; the results if the Board approves this program.

Supervisor Ovitt: questions the criteria used for selection of the communities; concerns that San Miguel is not included; believes all areas should be included so everyone is following the same standards, with Mr. Hutchinson responding.

Mr. Eric Greening: comments on the communities that aren't included and the potential impacts of the same; supports the program; believes another issue that needs to be included is the seeping of oil into creeks, from roadways after a rainfall.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board reviews and approves the National Pollutant Discharge Elimination System Phase II Storm Water Management Program and directs staff to submit the Program to the Regional Water Quality Control Board.

- 14 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) *Planning and Conservation League v. Department of Water Resources*.

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. (9) *Significant exposure to litigation (Gov. Code §54956.9)* No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation.

II. PERSONNEL (Gov. Code, § 54954.5.) It is the intention of the Board to meet in Closed Session to: (7) Consider Public Employee Performance Evaluation for the Position of *General Services Director*.

III. 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: (8) Negotiator's Name: *David Edge, Gail Wilcox*, Name of employee organization: *Unrepresented Management*.

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 concerning the following: (10) Property Description: *leased*

property at the corner of Bishop and Johnson Ave., Parties with whom negotiating: Omar Investments, LLC, Instructions to Negotiator will concern: Price, Terms and Conditions.

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

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, February 25, 2003, 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: February 28, 2003
vms