

Tuesday, April 15, 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 Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian and Chairperson Michael P. Ryan

ABSENT: Supervisor Harry L. Ovitt

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY SUPERVISOR K.H. 'KATCHO' ACHADJIAN.

SUM **AGN**

1 A-1 **Thereafter, on motion of Supervisor Pinard, seconded by Supervisor Bianchi and on the following roll call vote:**

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

RESOLUTION NO. 2003-114, resolution honoring Helen Finn for her many years of dedicated service to the San Luis Obispo Superior Court, adopted.

Supervisor Pinard: reads the resolution and presents the same to Ms. Helen Finn.

Ms. Finn: thanks the Board; states she has had many great experiences over the years and has enjoyed all the folks she has worked with.

Judge Teresa Estrada-Mullaney: thanks the Board for honoring Ms. Finn; states that Ms. Finn is not only a great employee because of her technical skills but is a shining example of what customer service is for the courts.

2 A-2 **Thereafter, on motion of Supervisor Pinard, seconded by Supervisor Bianchi and on the following roll call vote:**

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

presentation of Resolution No. 2003-80 (adopted March 11, 2003) proclaiming April 27 through May 3, 2003 as "National Volunteer Week," approved.

_____ **Supervisor Bianchi:** reads the resolution and presents the same to Ms. Carol Schmidt, Mr. Richard Gruner and Ms. Evan Mendelson.

Ms. Mendelson: thanks the Board for the recognition and comments on the number of volunteer services that seniors provide throughout the County.

Mr. Gruner: states that seniors logged in more than 250,000 volunteer hours last year and addresses how this equates into cost savings for the various businesses, groups, etc.

Ms. Schmidt: comments on volunteers for foster care, boys and girls clubs, etc. and how they have made a difference.

3 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. Eric Greening:** comments on Item B-9 and suggests that this advisory group lacks representation from environmental groups.

Ms. Pam Heatherington: ECOSLO, comments on Item B-8 and wants the Board to direct the Morro Group to look at the Pirates Cove area through this study, indicating there are slide areas located here. **No action taken.**

- 4 B-1 Consent Agenda Item B-1 is amended to replace pages B-1-1 through B-1-3, which
thru will amend the recommendation setting the bid opening date following project
B-22 approval by CalTrans. Items B-21 and B-22 are added to the Consent Agenda.

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

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

Consent Agenda Items B-1 through B-22 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-22, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening:

- B-1 Plans and specifications (Clerk's File) for the South Higuera Street Bridge seismic retrofit at San Luis Obispo Creek; 3rd District, **Approved as amended.**

County Fire Items:

- B-2 **RESOLUTION NO. 2003-115**, commending CDF Fire Captain Frank "Bubba" Anderson for 29 years of service, **Adopted.**
- B-3 **RESOLUTION NO. 2003-116**, commending CDF Fire Captain Joseph L. "Slow Joe" Clark for 32 years of service, **Adopted.**
- B-4 **RESOLUTION NO. 2003-117**, commending CDF Division John Gibson for 30 years of service, **Adopted.**
- B-5 **RESOLUTION NO. 2003-118**, commending CDF Division Chief Warren Ristow for 40 years of service, **Adopted.**

General Services Items:

- B-6 **RESOLUTION NO. 2003-119**, amending the position allocation list for Budget Unit 2300 - Garage by deleting one Automotive Garage Manager position and one Supervising Automotive Mechanic position and adding one Fleet Manager position and one Fleet Shop Supervisor position and setting the salary range, **Adopted.**
- B-7 **RESOLUTION NO. 2003-120**, accepting a donation of real property to the County of San Luis Obispo from Christopher Ranch, located in the unincorporated area west of Atascadero; 1st District, **Adopted.**

Planning and Building Items:

- B-8 Agreement (Clerk's File) with the Morro Group, Inc. to prepare an Environmental Impact Report for the San Miguelito Partners Local Coastal Plan Amendment Project, located between Avila Beach and Pismo Beach on Cave Landing Road; 3rd District, **Approved.**
- B-9 **RESOLUTION NO. 2003-121**, approving an agreement with J. Marc Souza to rescind an exemption agreement from the County's Growth Management Ordinance for property located near the community of Creston; 5th District, **Adopted.**

Public Health Items:

- B-10 1) Budget adjustment in the amount of \$354,924 for Budget Unit 3287 - Emergency Medical Services (EMS) Fund from unanticipated revenue; 2) a budget adjustment in the amount of \$65,000 (\$37,782 from Budget Unit 3287 and \$27,220 from unanticipated revenue) for Budget Unit 3000 - Public Health; and 3) a maintenance project (P5445) for the Sierra Way Public Health Department, funded by the above \$65,000 budget adjustment to remodel an existing storage room to office space and install modular furniture, **Approved.**
- B-11 1) Six grant agreements (Clerk's File) with the Children and Families Commission to provide funding for programs promoting early childhood development; 2) a budget adjustment in the amount of \$292,065 from unanticipated revenue; and 3) an amendment to the fixed asset list adding three vehicles at a cost of \$39,600 for the Children and Families Commission's First Time Mother Program, **Approved.**

Public Works Items:

- B-12 Flood Control Zone 9 Advisory Committee memberships for calendar years 2003 through 2004; 3rd District, **Approved.**
- B-13 Request to amend the fixed asset list for Budget Unit 2900 - Public Works replacing a damaged dump truck at an estimated cost of \$90,000 from equipment replacement funds, **Approved.**
- B-14 **RESOLUTION NO. 2003-122**, amending Resolutions No. 2001-384 and No. 2002-56 correcting the mileage and road name on County maintained roads located in the communities of Templeton and Nipomo; 1st and 4th Districts, **Adopted.**
- B-15 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps, and:
- A. CO 00-0017, a proposed subdivision resulting in 2 lots, by Steve and Sharon Carpenter, Santa Rita Creek Road, Templeton, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**
- B. Tract 1910 Phase 1, a proposed subdivision resulting in 52 lots, by John and Carole King, Nacimiento Lake Drive, west of San Miguel, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2003-123**, to approve a road fee agreement; 1st District, **Adopted.**
- C. CO 94-009, a proposed subdivision resulting in 4 lots, by Jens and Anna Dybdahl, Willow Road, West of Nipomo, reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

Sheriff-Coroner Items:

- B-16 Budget adjustment in the amount of \$347,255 from the State Criminal Alien Assistance Program to complete an existing capital project to construct a storage building at the County Operations Center, **Approved.**
- B-17 **RESOLUTION NO. 2003-124**, to permit the destruction or disposal of certain Sheriff's Department records, documents and papers, **Adopted.**

Other Items:

- B-18 Request by Supervisor Bianchi to appoint Robert Heald as a District Two Representative to the Cambria Cemetery District, **Approved.**
- B-19 Amended contract with Susan McGraw to provide reimbursement of approved travel and conference registration costs related to the further development of the County's Employee

University, **Approved.**

- B-20 Request by the Library to apply for Library Services and Technology Act Funds for the Library Awareness Campaign and a request to implement the campaign, **Approved.**

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

- B-21 Bid opening report for asphalt concrete overlay of various County roads; All Districts, **Approved and the Chairperson is instructed to sign contract documents with Union Asphalt Inc., in the amount of \$1,213,175.**

- B-22 Plans and specifications (Clerk's File) for curb, gutter and sidewalk construction on Tefft Street and Orchard Avenue, in the community of Nipomo; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for May 15, 2003 at 3:00 p.m..**

- 5 C-1 This is the time set to consider a request to approve an updated version of the County's Injury/Illness Prevention Plan.

Mr. Denis Philbin: Safety Commission Chairperson, introduces the item.

Mr. Art McCloud: Risk Management, outlines the changes in the plan and why it was important to make these changes; states that OASHA required specific changes which have all been included in this Plan; the Plan is also available in electronic format; presents a video that will be shown to employees that highlight the eight principles of the Plan as required in the California Code of Regulations, Title 8, Section 3203.

Supervisor Pinard: addresses the need to take this Plan one step further so that it interacts with public safety when folks come into public buildings.

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

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

the Board approves the updated version of the County's Injury/Illness Prevention Plan (IIPP) as presented in the staff report dated April 15, 2003.

- 6 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) *Lum v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (5) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 3. 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.

II. TRADE SECRETS, MEDICAL QUALITY HEARINGS It is the intention of the Board to meet in Closed Session concerning the following items:

A. Trade Secrets, Medical Quality Hearings Exception (Gov. Code, §54957) (7) *Consideration of confidential quality assurance medical reports. (Health & Safety Code, §1461)*

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: the Board considered hospital credentialing and a report by John Wilson, Chief Executive Officer and the report was approved by the Board and the Board goes into Open Public Session.

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

Mr. Tom Hutchings: states that while he is a member of the San Luis Obispo Human Relations Commission he is not speaking on their behalf but relates that last night they were co-sponsors for the community forum on homelessness; highlights the various groups and people who were present at this meeting and the issues discussed; one of the topics concerned the upcoming closure of General Hospital and the desire to start discussions with the County to use part of the Hospital to augment the Maxine Lewis Homeless Shelter; the Board will be receiving a document soon regarding the potential use of a portion of the Hospital for the homeless.

Ms. Peggy Wilson: introduces her grandson, Cassidy, to each Supervisor; states she is on her way to help wrap up packages for the troops in Iraq.

Supervisor Bianchi: announces a public workshop on April 16th at The Inn at Morro Bay regarding fisheries off the County's coastline. **No action 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, April 15, 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: April 15, 2003
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