

Tuesday, May 20, 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, Peg Pinard, K.H. 'Katcho' Achadjian and Chairperson Michael P. Ryan

**ABSENT:** None

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

**SUM**            **AGN**

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

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

**RESOLUTION NO. 2003-152, resolution proclaiming May 2003 at "San Luis Obispo Little Theater Month" in San Luis Obispo County, adopted.**

**Supervisor Pinard:** reads the resolution and presents the same to Ms. Wendy Eidson, Executive Director for the San Luis Obispo Little Theater.

**Ms. Eidson:** thanks the Board for recognition and the County for all their support over the years; comments on a show that will be held on May 29<sup>th</sup>.

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

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

**RESOLUTION NO. 2003-153, resolution recognizing San Luis Obispo County Sheriff's Department Aero Squadron, adopted.**

**Chairperson Ryan:** reads the resolution and presents the same to Sheriff Pat Hedges.

**Sheriff Hedges:** states they are fortunate to have yet another group of volunteers who assist with searches and rescues.

**Captain Hanson:** Aero Squadron, states there are thirty-six members of which 30 are licensed pilots; their primary duty is search and rescue; there are 20 aircraft in the squadron and are all privately owned and maintained.

**Mr. Bob Kelly:** Squadron member, addresses their life flight transports for transplant patients needing hearts, lungs, etc.

**Mr. Matt Kokkonen:** Squadron member, states he serves as a pilot and it has been an honor to do this.

**A gentleman** who was the last life flight recipient states these are angel flights and thanks the squadron.

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. Bill McGuire:** addresses Items B-9 and B-11 regarding Proposition 36 program through Drug and Alcohol; provides statistics regarding the program and questions the actual number for the first year figures. **No action taken.**

- 4
- B-1 Consent Agenda Item B-1 is amended to correct the ordinance as follows: Page 1 - under  
thru “Section 1; c. Chapter 1.10 is in compliance”; Page 2 - last paragraph, line 4 after  
B-27 “affirmative and negative control” add “(i.e., directing or restraining influence),”; and,  
Page 3 third paragraph under “Telecommunications service,” in line 2, correct the word  
“indiscriminately” to “indiscriminately” and correct “discriminatively” to  
“discriminately.” Items B-5 and B-6 are amended to replace the staff report to correct the  
recommendation on the publishing of the notice. Items B-9 and B-10 are withdrawn.  
Item B-11 is amended to correct the coversheet to read “Request to approve ~~two~~ **an**  
amendments (Clerk’s file) to the . . .”. Item B-15 is withdrawn for separate action. Item  
B-27 is added to the Consent Agenda.

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

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

**Consent Agenda Items B-1 through B-27 are approved as recommended by County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-27, 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 bid opening:

- B-1 Introduction of a proposed ordinance amending Chapter 1.10 of the County Code relating to the regulation of telecommunications systems which utilize public streets, rights-of-ways or other public property; All Districts, **Approved as amended and the Clerk is instructed to give notice of hearing date set for June 3, 2003 at 9:00 a.m.**
- B-2 Introduction of a proposed ordinance amending the County Fee Schedule relating to telecommunications companies’ use of County right-of-way; All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for June 3, 2003 at 9:00 a.m.**
- B-3 Submittal of authorization to conduct assessment proceedings for Tract 2375 Drainage; 4th District, **Approved and the Clerk is instructed to give notice of hearing date set for July 8, 2003 at 9:00 a.m.**
- B-4 Submittal of authorization to conduct assessment proceedings for Flynn/Hernandez (D010256P); 4th District, **Approved and the Clerk is instructed to give notice of hearing date set for July 8, 2003 at 9:00 a.m..**
- B-5 **RESOLUTION NO. 2003-154**, of intention of the San Luis Obispo County Flood Control and Water Conservation District to annex Flynn/Hernandez (D010256P) in the County of San Luis Obispo to Flood Control Zone 16; 4th District, **Adopted as amended and the Clerk is instructed to give notice of hearing date set for July 22, 2003 at 9:00 a.m..**
- B-6 **RESOLUTION NO. 2003-155**, of intention of the San Luis Obispo County Flood Control and Water Conservation District to annex Tract 2375 in the County of San Luis Obispo to Flood Control Zone 16; 4th District, **Adopted as amended and the Clerk is instructed to give notice of hearing date set for July 22, 2003 at 9:00 a.m..**

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Administrative Office Items

- B-7 **RESOLUTION NO. 2003-156**, ratifying the Templeton Community Services District

amended fire code; 1st District, **Adopted**

- B-8 **RESOLUTION NO. 2003-157**, amending the County Retirement Plan Section 1.05 “County Employment” and Section 1.06 “County Employee,” to better clarify participation in the retirement plan, **Adopted**

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Behavioral Health Items:

- B-9 Submittal of the County plan (Clerk’s File) for implementation of Proposition 36 for fiscal year 2003-2004, **Withdrawn**.
- B-10 Request to approve a contract (Clerk’s File) with French Hospital to provide ancillary services to the Psychiatric Health Facility, **Withdrawn**.
- B-11 Request to approve two amendments (Clerk’s File) to the Combined Negotiated Net Amount and Drug Medi-Cal contract for 2002-03 with the State Department of Alcohol and Drug Programs, **Approved as amended**.
- B-12 2002-03 State Hospital Bed Purchase and Usage contract (Clerk’s File) with the State Department of Mental Health; All Districts, **Approved**.

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General Services Items:

- B-13 Contract amendment with Padre Associates, Inc., for additional environmental services for the New County Government Center, **Approved**.
- B-14 1) Creation of a capital project to rebuild the restroom and shower facility at Lopez Lake Recreation Area; 2) an amendment to the fixed asset list to include portable facilities for temporary sanitary services; and 3) a budget adjustment in the amount of \$180,000 from unanticipated revenue, **Approved**.
- B-15 Request to approve: 1) Creation of a capital project to construct a new aircraft rescue and firefighting facility at the San Luis Obispo County Regional Airport; 2) a contract (Clerk’s File) with Odell Associates, Inc., for the design of the new facility; and 3) a budget adjustment in the amount of \$400,000 from Public Facility Fees - Fire, **Withdrawn for separate action**.
- B-16 Amended agreement with Rodney Levin and Roxanne Carr to continue leasing improved office space at 1201 Palm Street in San Luis Obispo, **Approved**.
- B-17 Amended agreement with Rex and Betty Hendrix to continue leasing office space at 9425 El Camino Real in Atascadero, **Approved**.

Public Works Items:

- B-18 **RESOLUTION NOS. 2003-158 and 2003-159**, accepting conveyances from Flory Family Trust for County Service Area No. 7 (Oak Shores Area) Sewer Line Easement, and from Trevisan et al for the Vineyard Drive at State Highway 46 Project; 1st District, **Adopted**.
- B-19 **RESOLUTION NO. 2003-160**, authorizing execution of notice of completion for the Cambria Cooperative Roads, Fall 2002, Contract Nos. P300091, P300092, and P300093; 1st District, **Adopted**.
- B-20 **RESOLUTION NO. 2003-161**, amending the traffic regulation code for the establishment of highways closed to commercial vehicles on Callender Road in Nipomo; 4th District, **Adopted**.
- B-21 **RESOLUTION NO. 2003-162**, amending the traffic regulation code prohibiting overnight camping within the public road right of way on San Luis Obispo - San Simeon Road in San Simeon; 2nd District, **Adopted**.

- B-22 **RESOLUTION NO. 2003-163**, amending the traffic regulation code for the establishment of no parking and limited parking zones on Schoolhouse Lane in Cambria; Rosina Avenue, and Doris Avenue in Los Osos; 2nd District, **Adopted**.

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Other Items:

- B-23 Submittal by the Clerk-Recorder of the Declaration of Results of the May 6, 2003 Special Tax Elections held in the Burton Drive Road Improvement Zone and the Camborne Place Road Improvement Zone of County Service Area No. 21, **Approved**.
- B-24 **RESOLUTION NO. 2003-164**, by Planning and Building accepting an avigation easement from Jimmy and Joan Wall for property located near the Paso Robles Municipal Airport; 1st District, **Adopted**.
- B-25 **RESOLUTION NO. 2003-165**, by the District Attorney authorizing the County to enter into a contract (Clerk's File) for a Criminal Restitution Compact for the District Attorney's Office with the Victim Compensation and Government Claim Board for 2003-2004, **Adopted**.
- B-26 **RESOLUTION NO. 2003-166**, by Social Services dissolving the Commission on Children and Youth by integrating the commissioners and duties into the Children's Service Network (CSN) Council and Community Partnership Committee, **Adopted**.

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

- B-27 **RESOLUTION NO. 2003-167**, recognizing the contributions of Altrusa Club of Cinco Cuidades on the 25<sup>th</sup> year of its Charter, **Adopted**.

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- B-15 Request to approve: 1) Creation of a capital project to construct a new aircraft rescue and firefighting facility at the San Luis Obispo County Regional Airport; 2) a contract (Clerk's File) with Odell Associates, Inc., for the design of the new facility; and 3) a budget adjustment in the amount of \$400,000 from Public Facility Fees - Fire, is presented.

During discussion on the Consent Agenda Supervisor Pinard asking for a separate vote on this item, indicating she doesn't believe there is enough background information from all the parties involved; it was said that the structure may not have been built to the Code in place at that time and if that's true then there may be recourse to an engineer who did faulty work; indicating those types of things should be known before the County goes ahead and approves a contract of this magnitude; indicates that even though the County is saying it's receiving Federal funding for this, it's also true this is all taxpayer dollars; questions how staff knows it won't make the same mistake if it doesn't know what mistake was made before.

**Mr. James Lindholm:** County Counsel, indicates they have looked into this issue and the building was built in 1977-78, and there is a statute of limitations on suing architects or contractors after 10 years for latent defects, so at this point in time they have been unable to find a source to pursue this further; but as they continue their review, they will look for any other legal theories they could possibly utilize; believes though at this time the statute of limitations has expired.

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

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

**the Board approves the continuing development at the San Luis Obispo County Regional Airport consistent with the Board's adoption of the Airport Master Plan**

**on December 1, 1998 by: (1) creating a new capital project, CDF/County Fire & San Luis Obispo County Regional Airport - Construct Aircraft Rescue and Firefighting Facility (ARFF), P5201; (2) approves a professional services contract with Odell Associates, Inc. for the design of the new ARFF facility and instructs the Chairperson to sign the agreement; (3) approves the Budget Adjustment to fund the design phase of the new project: \$400,000 from Public Facility Fees - Fire.**

6 C-1 This is the time set for continued hearing (continued from May 6, 2003) to consider an appeal by Robert Mueller of the Hearing Officer's approval of a Minor Use Permit/Coastal Development Permit (D020051P) a request by David Angello to construct a new 1200 square foot storage building for an existing ATV rental business; 4th District.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board continues said hearing to June 3, 2003 at 9:00 a.m..**

7 C-2 This is the time set for hearing to consider an appeal by Woods Humane Society of Public Facilities Fees, construction permit fees, and all miscellaneous fees applied to their building permit application (B022432).

**Ms. Marsha Lee:** Planning, presents the staff report and recommendation to uphold the appeal.

**Ms. Lou Kløver:** Architect for Woods, indicates they are a non-profit organization and are requesting any fees associated with building be waived; by waiving the fees they will be able to get this building completed that much quicker; addresses future cost savings to the County when this building has been completed; urges the Board to uphold their appeal.

**Supervisor Ovitt:** addresses his concern to waiving the road improvement fees.

**Mr. Richard Marshall:** Public Works, indicates this is a no default road improvement requirement as it is being built in the Public Facilities zoning; and, the land use permit didn't require this improvement.

**Ms. Andrea Liddie:** Executive Director for Woods, responds to questions regarding the pet cemetery at their current location, indicating they previously notified pet owners that they would either need to move their pet and/or take the head stone; states this has been accomplished and any remaining pets buried at this site will be abandoned.

**Mr. Stephan Lamb:** President for the Woods Board of Directors, thanks the Board for their support in waiving the fees.

**Ms. Yvon Gresser:** speaks in support of waiving the fees.

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

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

**the Board upholds the appeal, waives the payment of applicable Public Facilities Fees, construction permit fees and all miscellaneous fees in an amount ranging from \$30,104 to a maximum of \$42,400 depending on the final project design and RESOLUTION NO. 2003-168, resolution of the Board of Supervisors of the County of San Luis Obispo approving the appeal of Woods Humane Society on the application of Public Facilities Fees and Building Permit Fees and all fees to their application for a building permit for an animal shelter and care facility located on Oklahoma Avenue, San Luis Obispo County, adopted.**

8 C-3 This is the time set for hearing amendments to the Land Use Element of the County

General Plan, Title 22 (Land Use Ordinance), Title 26 (Growth Management Ordinance), and Title 19 (Construction Ordinance), remainder of the Spring General Plan Amendment Cycle 2003 and adopt the resolution to take final action on all the amendments recommended for approval in this Amendment Cycle; All Districts.

**Ms. Kami Griffin:** Planning, addresses the procedure today.

**G020010N - Eagles's Nest Ranch**, a request by the County of San Luis Obispo to amend the County's Land Use Ordinance (Title 22 of the County Code) Section 22.94.030D 1 a, b, and c to modify the El Pomar Planning Area Standard for Recreation (Eagle's Nest Ranch) to allow for one primary residence within an approximate 1,556 acre area; Supervisorial District No. 5, is presented.

**Ms. Griffin:** presents the staff report and indicates that the recommendation of the Planning Commission is to approve the request.

**Supervisor Bianchi:** questions whether any fees have been waived for the applicant.

**Ms. Pat Beck:** Assistant Director of Planning and Building, indicates it is on the record from the Board meeting two weeks ago that no fees are being waived.

**Ms. Rhonda Vigil:** Chumash Council, indicates this is a sensitive area and has burial sites; wants an updated study done; comments on grading that occurred; further, addresses her concern that one Supervisor asked to have this expedited.

**Ms. Tarren Collins:** Sierra Club and Counsel for the Chumash Council, urges denial of this request and requests that an EIR be prepared; addresses her concern that this applicant is receiving special treatment and that this is being paid for by the County.

**Mr. Drew Sweeney:** states this amendment was never sent to the Santa Margarita Area Advisory Council (SMAAC) and should be reviewed by this group before the Board takes an action.

**Ms. Pam Heatherington:** ECOSLO, indicates there is a lot of distrust in the community for this applicant and asks that a chronological report on this property be prepared and provided to the public.

**Mr. Eric Greening:** suggests there is growing confusion over this project; urges withdrawal of this application and that it be heard through the El Pomar Update.

**Supervisor Ovitt:** states the applicant is paying all the fees associated with this and not the County; the grading that was referenced occurred on another property owned by the applicant and not this property; states that the El Pomar Committee of SMAAC did see this request; indicates this request will allow one residence where none was allowed previously and changes nothing else from the previously approved application.

**Supervisor Bianchi:** indicates she would like to see a condition added that would not allow the applicant to drop this request.

**Chairperson Ryan:** indicates this request will allow the owner to place one residential dwelling on the 1,556 acres, which was not allowed under the currently approved application.

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

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

**the Board tentatively approves G020010N as recommended by the Planning**

**Commission.**

**G010018M - Erenius**, a request by Norma Erenius and Don Larson to amend the County's Land Use Element (San Luis Bay Area Plan) by changing the land use category from Agriculture to Residential Rural and to amend the Land Use Ordinance (Title 22 of the County Code, Section 22.106.020D) to add standards to the San Luis Bay Planning Area Rural Standard for Residential Rural; Supervisorial District No. 4, is presented.

**Ms. Griffin:** presents the staff report, describes the request and outlines the Planning Commission 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, Bianchi, Pinard, Chairperson Ryan  
**NOES:** None  
**ABSENT:** None

**G010018M is tentatively approved as recommended by the Planning Commission.**

**G020015T - Growth Management Ordinance and Title 19**, a request by the County of San Luis Obispo to amend Title 26 of the County Code to modify the current allocation process to an allotment process and to include an exemption for farm support quarters (single family dwellings) and to amend Title 19 to require that where a discretionary permit is required for development, the discretionary process must be complete before an applicant can file for a construction permit; Supervisorial Districts - All, is presented.

**Ms. Pat Beck:** Assistant Director of Planning and Building, addresses the four primary parts of the proposed changes: from an allocation to allotment process and require a complete application for a construction permit at the time of submittal; require all discretionary permits prior to submittal of allotment request; change to a fiscal year basis; and, exempt farm support quarters; describes what would occur with these changes; outlines the issues involved, for staff, with making these changes; staff is continuing to have discussions with the Cambria Community Services District (CCSD) and have run into one particular area that pertains to the Leimert property where the County's ordinance treats them one way in terms of allocations and CCSD's ordinance treats them another way; so it is an area where they are looking at amendments that would clarify between the two ordinances.

**Supervisor Ovitt:** thanks the staff and public for all their work in bringing this forward; addresses the "waiting list" and suggests that staff provide the Board members, through email, quarterly updates on this list.

**Supervisor Achadjian:** addresses various concerns that have been raised in the Nipomo area, with Ms. Beck responding.

**Mr. Jerry Bunin:** Home Builders Association Director, feels the changes will be an improvement to the allotment system; addresses the issue of the 80-20 split and it only being a problem in the Nipomo area and only for individual development; invites the Board to join them for housing tour that will be held next week.

**Board Members:** discuss size restrictions on farm support quarters.

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

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

**the Board tentatively approves G020015T as recommended by the Planning**

**Commission.** Further, the Board directs that staff: provide quarterly reports (through email updates) on the progress for the waiting list; investigate changes in the Land Use Ordinance pertaining to the size of farm labor housing; and to continue working with the Cambria Community Services District to resolve the issue with Leimert.

**Final action for today's and May 6, 2003 tentative actions** by adopting the resolution and ordinances in the staff packet, is presented.

**Mr. John Euphrat:** Planning, presents a written summary of the changes to Phase 1 - Periodic Review and Title 23 modifications based on the Board's direction at the May 6, 2003 hearing; addresses the potential for deferring issues relating to sensitive habitat to Phase II; indicates if the Board makes substantive changes to the proposed ordinances today, the ordinances will need to be reintroduced and be continued to June 3, 2003 for final action.

**Chairperson Ryan:** comments on page C-3-151, Section 15 and his concerns that the language will make this automatically appealable, with Mr. Euphrat responding.

**Board Members:** address various issues, comments and concerns regarding: the necessity of reintroducing the ordinance if the changes are deletions of language; reviewing language changes pursuant to the request of Hearst Castle; questions regarding the viewshed language on page C-3-151.

**Mr. Euphrat:** suggests deleting any language regarding the Sensitive Resource Areas (SRA) at this time.

**Supervisor Pinard:** questions the revised language for Policy #8 and suggests there still needs to be additional language regarding location and speaks to a proposal that is coming forward in Avila Beach.

**Mr. Eric Greening:** speaks to the need for a County biologist who would be able to do an analysis on what are sensitive areas and to address biological needs in the County; addresses his concern to adopting this on June 3<sup>rd</sup> instead of today as he feels this won't give the Coastal Commission enough time for review and is further concerned about the Commission's reaction to this delay.

**Ms. Pam Heatherington:** ECOSLO, challenges the legality of the hearing today as it relates to the items heard on May 6<sup>th</sup> and feels it's unclear on the agenda that those items are an issue today; addresses the language of Policy #8 and the impacts it may have on the "free" pier at Avila Beach.

**Board Members:** address various issues, comments and concerns regarding: Policy #8 indicates it will be implemented as a program and that is when all the issues regarding would be addressed; suggests that the folks in Avila may decide that they don't want any buildings on the "free" pier and that would be done through the analysis when the area plan updates come forward; the record needs to reflect that this policy isn't to be taken as an "excuse to hammer" a program and the overall "health and welfare" of the area needs to be taken into account and that's what will need to be reflected in the program.

**Mr. Euphrat:** addresses the language of Policy #8 and amends the language to add a comma after the word "uses" at the end of the second sentence and add the following language to read "consistent with other policies in the Local Coastal Plan and the Coastal Act that balance development with protection of coastal and other important community resources."

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

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

**ABSENT: None**

**the Board directs that the language in the ordinance regarding scenic and visual sensitive resource areas be removed and moved to Phase II; the language of Policy #8 is amended to add the following language to the end of the second sentence to read: “. . . uses, consistent with other policies in the Local Coastal Plan and the Coastal Act that balance development with protection of coastal and other important community resources.”; and, reintroduces the ordinances as amended and continues said hearing to June 3, 2003 at 9:00 a.m. for final action on the amendments, resolution and ordinances.**

- 9 D-1 This is the time set for submittal of the Third Quarter Financial Report (this item was amended at the beginning of the meeting to reflect an error on the chart on Page D-1-23 and an accounting change to move funds that are currently budgeted in the automation replacement fund to the Information Technology Department budget; the chart indicates that the Information Technology Department will need an adjustment to add \$422,766. The correct figure is \$400,982. The accounting change will shift \$102,366 within accounts to properly classify certain fixed assets. Further, the budget adjustments being recommended for approval should reflect a total of \$3,912,134 for year end not \$3,831,522.)

**Mr. Vince Morici:** Administrative Office, presents the staff report and amended recommendation.

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

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

**the Board receives and files the Third Quarter Financial Report; approves, as amended, budget adjustments totaling \$3,912,134 for year end adjustments related to the 2002-03 prevailing wage increases and other projected year end costs; accepts gift funds and donations on behalf of several County departments totaling \$27,083 and approves the associated appropriation transfers on behalf of the Library and Social Services in the amount of \$19,365; and, approves the requests to discharge bad debts from Behavioral Health Services, Social Services and Animal Services totaling \$268,493.**

- 10 D-2 This is the time set for submittal of a resolution adopting the fiscal year 2003-2004 Proposed Budget, setting June 9, 2003 as the time to begin public hearings regarding the Proposed Budget and directing the Clerk to publish the appropriate legal notices.

**Mr. Jim Grant:** Deputy County Administrative Officer, presents the staff report, outlining the approach that was taken in preparing the budget.

**Chairperson Ryan:** asks that the budget hearings be held in two days instead of three.

**Mr. David Edge:** County Administrative Officer, indicates they can do that and will notify the folks coming in for community-based budgets to be here June 10, 2003 in the afternoon.

**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, Bianchi, Pinard, Chairperson Ryan**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2003-169, resolution approving the Proposed Budget for Fiscal**

**Year 2003-04, adopted. Further, the Board orders publication of the required documents and notices and sets June 9, 2003 at 9:00 a.m. as the date to begin public hearings on the 2003-04 County Budget.**

11 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*, **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** (7) *Kemak v. County of San Luis Obispo* and (8) *State Fund 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.

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**II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code, § 54957.6.)** It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: (6) Negotiator's Name: *Gail Wilcox*, Name of employee organization: *DSA*.

**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.

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

**Ms. Marion Irving de Cruz:** states she lives in Los Osos and is concerned about the extension of South Bay Boulevard through Bay Oaks; states she never received notice of the hearing on this development plan, even though Planning records show she was on the list to receive notice; presents a letter for the record outlining her concerns.

**Mr. Jim Hensley:** states he lives within 300 feet of the project that will extend South Bay Boulevard through Bay Oaks and didn't receive a notice either; states that the Los Osos Advisory Committee was opposed to this back in 1999.

**Ms. Naida Simpson:** Los Osos resident, speaks against South Bay extending through Bay Oaks and indicates she has a petition with more than 130 signatures who also oppose this; suggests adequate notice was not given to the public regarding this project.

**Mr. Bob Blair:** states he will not be able to attend the Air Pollution Control Board (APCD) meeting tomorrow, so is giving his comments to the Board today; states the APCD budget on their agenda tomorrow and addresses his concern to this department giving money to folks who buy small, fuel-efficient cars; concerns that trees with disease are not being burned; and he wants to see more diesel engines allowed and not removed as is the desire of this department; urges the Board to reduce their budget.

**Rev. C. Hite:** addresses the issue of dignity and self-esteem; presents the Board with an "Award Letter" that includes a pledge from "The Lump of Coal Society" for visual aids to be provided when the public is invited to speak at any board meeting.

**Ms. Evan Mendelson:** addresses the needs of adults/seniors in the community; presents a copy of the "Viewpoint" from *The Tribune* entitled "The Implications of the Next

100,000 on Social Services.”

**Supervisor Bianchi:** clarifies that the concerns raised by the folks in Los Osos are beyond the time frame for appealing this development plan as this was approved back in 1999. **No action taken.**

13 D-3 This is the time set for a report on options for continued operation of the County’s outpatient clinics.

**Ms. Gail Wilcox:** Deputy County Administrative Officer, introduces the item.

**Mr. John Wilson:** Chief Executive Officer for General Hospital, addresses the direction by the Board to have the Hospital closed by June 19<sup>th</sup> and this is on track in every way; all the required notifications have been completed; addresses the sequence to close the Hospital which will begin on June 13<sup>th</sup> and any patients left at the Hospital by the 17<sup>th</sup> will be transferred to another hospital.

**Ms. Terese Toomey:** Administrative Office, presents a graph and chart of the clinics in the County which includes their location and the services they currently provide.

**Ms. Wilcox:** addresses the short-term agreement with Community Health Centers (CHC) to address the need created by the current physicians termination of their contract on June 9<sup>th</sup>; outlines the options before the Board today with respect to continued operation of the clinics and highlights each option.

**Mr. Steven Rosenberg:** Rosenberg & Associates, explains what a Federally Qualified Health Center (FQHC) is; addresses the requirements for a governing board for the FQHC and what the make-up of that board must include; outlines what the application for the FQHC would include.

**Supervisor Pinard:** questions the difference between a FQHC and a “look-alike” and the requirements for the make-up of the governing board.

**Mr. Rosenberg:** respond regarding the differences and time frames for each applications as it relates to a FQHC and a “look-alike”; addresses the make-up of the governing board which must have 51% of its membership as users of the services and if that percentage drops, appointments would have to change to bring it back to that 51%.

**Ms. Christina Stamford:** urges the Board to keep certified lactation consultants on staff.

**Ms. Diane Dostalek:** supports keeping certified lactation specialists on staff at the clinics.

**Mr. Joel Diringer:** states he is the Task Force facilitator and updates the Board on their progress and goals for future meetings with respect to the clinics; indicates the dental clinic, for children, has opened in Paso Robles.

**Ms. Pam Heatherington:** states she is speaking as an individual and urges the Board to not lose sight of their goal to keep the clinics open; speaks to the lack of information regarding issues like the walk-in and breastfeeding clinics and suggests that “other” health care issues need to be identified.

**Mr. Dean Rollins:** General Manager for the San Luis Obispo County Employee’s Association, speaks in support of staff recommendations 1, 3 and 4; asks for further review of Option 2, indicating the staff would like to add their input on enhancing services.

**Dr. David Harris:** President of the Society Group Foundation & Non-Profit Public Benefit Corporation (which is affiliated with the SLO County Medical Society), comments on working with the County to provide complete services and care for the residents of the County.

**Dr. Brian Roberts:** Emergency Room Physician, addresses his observations regarding the Hospital and clinics over the past 20 years; urges the Board to sign the interim agreement and get moving forward with this.

**Mr. Eric Greening:** reads a letter from Vita Miller and presents the same for the record, in support of the Ombudsman position and suggests this person should be bilingual and that the walk-in clinic figures need to be included when looking at the clinics; speaking for himself addresses his confusion regarding the FQHC governing board and the Brown Act requirements.

**Mr. Wilson:** responds to public comment relating to costs and emergency room visits indicating the average is 10 visits not 40 or more a day and walk-in's average 14 per day.

**Board Members:** address various issues, comments and concerns regarding: being a direct FQHC versus a "look-alike"; provisions of the CHC contract and whether it includes CMSP patients; concerns that have been raised regarding the doctors at the clinics/hospital not covering at the other hospitals; prior discussions regarding employees lack of support and that being proved false through their loyalty with staying on until the end; questions regarding the need for an Ombudsman and the 24-hour information/referral service.

**Mr. David Edge:** County Administrative Officer, indicates the Board previously indicated their desire for the Ombudsman position and if the Board doesn't want it now it doesn't have to be included.

**Dr. Greg Thomas:** Public Health Director, states that the Health and Safety Code requires that they provide a 24-hour information and referral service; indicates they are in discussions with Hotline to provide this service, indicating they don't want to create a new system if they don't have to.

**Board Members:** discuss the Ombudsman position and whether or not it should be permanent or contract.

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

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

**the Board approves an agreement with the Community Health Centers of the Central Coast to provide interim physician staffing services at the County's Family Care Centers; receives the staff report regarding options related for continued operation of the County's outpatient clinics and directs staff to pursue Option 4 - Federally Qualified Health Center (FQHC) look-alike; approves the creation of a new contract position to serve as patient advocate or "ombudsperson" to assist in preventing and resolving access to care issues and authorizes staff to prepare a contract for 24-hour information and referral services; directs staff to return on June 17, 2003 with an update on clinic operations in accordance with today's directions; and, RESOLUTION NO. 2003-170, resolution authorizing an application to the U.S. Public Health Services Department requesting the County's outpatient clinics be designated as a Federally Qualified Health Center "look-alike," adopted.**

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, May 20, 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: May 29, 2003  
vms