

Tuesday, June 17, 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 RITA NEAL, DEPUTY COUNTY COUNSEL.

SUM **AGN**

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

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

RESOLUTION NO. 2003-190, resolution recognizing San Luis Obispo County Sheriff's Department Auxiliary Volunteer Patrol, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Sheriff-Coroner Pat Hedges.

Sheriff Hedges: indicates this group was formed in 1993 and serves as a supplemental patrol; states, on behalf of the citizens of the County, he would like to thank them for their service.

Lieutenant Martin Basti: states he is in charge of this unit which is comprised of approximately fifty members; thanks the Board and the Sheriff for their continued support of this program.

Mr. Gere McKinin: states, on behalf of the members of the Auxiliary Volunteer Patrol, he would like to thank the Board and the Sheriff for allowing them to serve; indicates their purpose is crime prevention.

Supervisors Ovitt and Bianchi: indicate they are well received in the "outback" and it's comforting to see the patrol in the remote areas.

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

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

RESOLUTION NO. 2003-191, resolution commending Elaine Zauft for her 31 years of dedicated service to San Luis Obispo County, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Ms. Zauft.

Dr. Greg Thomas: Public Health Director, describes Ms. Zauft as a great humanitarian; indicates she has a wonderful sense of humor and she will be greatly missed.

Ms. Zauft: states working for the County has been a wonderful education; addresses the dedicated staff and thanks the Board for her journey.

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: addresses Item B-27 indicating his concern for transferring items to an unstable entity; hopes the Board does not deprive the birthing center of the equipment they need to carry on; urges the Board to withdraw this item for more discussion; addresses Item B-56 and encourages the Board's participation.

Mr. John Donovan: Program Manager for the San Luis Obispo Regional Rideshare, addresses Item B-7 relating to the commute patterns survey; states 76% of County employees are driving alone to work; indicates their goal is to reduce that to 70%; addresses the need for all department heads to buy into the program; addresses incentives; thanks the Board for approving the program.

Mr. Glen Priddy: Deputy Director of Public Works, addresses Item B-1 explaining the need for the budget adjustment; indicates the Board's action today will start construction in September.

Mr. Dean Rollins: General Manager for the San Luis Obispo County's Employees Association, addresses Item B-16; states they disagree with the findings for environmental services; urges the Board to take another look at this item and possibly continue it to another time.

Ms. Pamela Heatherington: addresses Item B-27 indicating her concerns to entering into an agreement with an entity that has declared bankruptcy and is currently not able to pay vendors; speaks to Items B-58 and B-16 and to include some process of continued care when French Hospital goes away. **No action taken.**

4 B-1 Consent Agenda Item B-37 is amended by correcting the coversheet to read: "Request to
thru approve an agreement with Los Middle School extending the loan of video equipment."
B-58 Item B-39 is amended by correcting the coversheet to read: "Request to approve an
agreement with Los Osos Middle School and Coastal San Luis Resource Conservation
District for cable TV related activities." Items B-54, B-55, B-56 B-57 and B-58 are
added to the Consent Agenda.. Item B-16 is withdrawn for separate action. **Thereafter,
on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and on the
following roll call vote:**

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

**Consent Agenda Items B-1 through B-58 are approved as recommended by the
County Administrative Officer and as amended by this Board.** Consent Agenda
Items B-1 through B-58, 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 the construction of a bridge over the Salinas River on River Road in San Miguel and a request to approve a corresponding budget adjustment in the amount of \$8,961,195; 1st District, **Approved and the Clerk is instructed to give notice of bid opening set for August 5, 2003 at 3:00 p.m..**

B-2 Introduction of a resolution to collect delinquent service charges on property tax bills for County Service Areas Nos. 1 (Old Galaxy - Nipomo - Sewer/Waste Disposal, Lighting and Drainage Service), 16 (Shandon - Water Service), and 23 (Santa Margarita - Water Service), to the 2003-04 County Property Tax Bills; 1st, 4th and 5th Districts, **Approved and the Clerk is instructed to give notice of hearing date set for July 15, 2003 at 9:00 a.m..**

B-3 Introduction of a resolution to collect existing service charges on property tax bills for

County Service Areas Nos. 1 (Old Galaxy and Tract 1690, Nipomo), 1-A (Galaxy Park and Tract 1898, Nipomo), 1-F (New Galaxy, Nipomo), 7-A (Oak Shores), 18 (San Luis Country Club Estates), and 21 (Cambria, Nipomo, Templeton and Atascadero); All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for July 15, 2003 at 9:00 a.m..**

- B-4 **RESOLUTION NO. 2003-192:** ordering amended assessments for the North Mesa A.D. (Road District), and Eucalyptus Road A.D. (Road District); 4th District, **Adopted and the Clerk is instructed to give notice of hearing date set for July 15, 2003 at 9:00 a.m..**

Administrative Office Items

- B-5 A one year extension to the County's contract with Gallagher Basset Services, Inc., for Workers' Compensation Program third party administration services, **Approved.**
- B-6 Claim form to be used by the public for all liability claims filed against the county, **Approved.**
- B-7 Results of the commute patterns survey administered to all County employees by the Transportation Choices Partners, **Received and Filed.**

Auditor-Controller Items

- B-8 Unannounced cash count and review of imprest cash accounts of the District Attorney's Office, Victim/Witness Assistance Center and Economic Crime Unit conducted on May 6, 2003, **Received and Filed.**
- B-9 Unannounced cash count and limited review of cash handling procedures of the Department of Social Services conducted on April, 2003, **Received and Filed.**
- B-10 Unannounced cash count report of the Department of Behavioral Health Services conducted on May 9, 2003, **Received and Filed.**
- B-11 **RESOLUTION NOS. 2003-193 and 2003-194,** authorizing new pension rates resulting from issuance of pension bonds, and an increase in the amount of pension bonds to be issued to \$140 million, **Adopted.**

Behavioral Health Items

- B-12 Employee contract (Clerk's File) with Guadalupe Vargas for Marriage and Family Therapist intern services for Mental Health, **Approved.**
- B-13 Contract (Clerk's File) with American Care Home to provide social support services for Mental Health clients, **Approved.**
- B-14 Contract (Clerk's File) with Edward Joseph Benson, M.D. to provide psychiatric services for Mental Health clients, **Approved.**
- B-15 Amended agreement (Clerk's File) with French Hospital for medical evaluation and care of psychiatric patients with medical problems, **Approved.**
- B-16 Request to approve a contract (Clerk's File) with French Hospital to provide ancillary services to the Psychiatric Health Facility, **Withdrawn for separate action.**

Board of Supervisors Items

- B-17 Reappoint Eugene Mehlschau as a District Four Representative to the Planning Commission, **Approved.**
- B-18 Reappoint Douglas LeSage as a District Four Representative to the Fish and Games Fines Committee, **Approved.**

- B-19 Reappoint Derrill Pilkington as a District Four Representative to the Arroyo Grande Public Cemetery District, **Approved.**

Clerk-Recorder Items:

- B-20 Minutes of the April 1, 8 and 15, 2003 Board of Supervisors' meetings, **Approved.**
- B-21 Certified statement of the annual election for Trustee of the San Luis Obispo County Pension Trust, **Received and Filed.**
- B-22 **RESOLUTION NO. 2003-196**, authorizing approval of a destruction policy and authorization to destroy certain records maintained by the Clerk of the Board, **Adopted.**

General Services Items:

- B-23 Funding agreement (Clerk's File) for Assembly Bill 2034 One-Time Housing Funds with Transitions Mental Health Association to improve an existing property for the purpose of accommodating additional county homeless mentally ill clients, **Approved.**
- B-24 Sublease agreement (Clerk's File) with Betty Ross Flagg and Kenneth Glick, dba Airport Facilities Associates, and Mike Dacey, dba as San Luis Obispo Fuel, for lease site G at the San Luis Obispo County Regional Airport, **Approved.**
- B-25 Lease agreement (Clerk's File) with San Luis Coastal School District for space located in Morro Bay for the Department of Social Services to provide services to the residents of the north coast, **Approved.**
- B-26 Increase in scope and related budget adjustment in the amount of \$20,000 from Bioterrorism Preparedness and Planning funds and unanticipated laboratory revenues for an existing capital project which installed an emergency generator at the Public Health Department in San Luis Obispo, **Approved.**

Medical Services Items:

- B-27 Equipment lease with French Hospital for medical equipment to ensure continuity of care for County maternity and surgery patients post-closure of General Hospital, **Approved.**
- B-28 **RESOLUTION NO. 2003-197:** authorizing the destruction of hospital records, **Adopted.**

Planning and Building Items:

- B-29 Proposed mitigated negative declaration (Clerk's File) for the Avila Flood Gate Replacement Project ED02-005; 3rd District, **Approved.**
- B-30 Agreement (Clerk's File) with Padre Associates Inc., to prepare an Environmental Impact Report for the Plains Exploration Conditional Uses Permit; 3rd District, **Approved.**
- B-31 Contract (Clerk's File) with Airphoto USA for Countywide Digital Aerial Photography; All Districts, **Approved.**

Public Health Department Items:

- B-32 Agreement (Clerk's File) with the Children and Families Commission to provide County professional support services, **Approved.**
- B-33 Appointment of Rene Bravo, M.D., Don Dennison, Elizabeth Steinberg, Joel Diringer, M.P.H., and Kathy Long, M.S., Psychology, to the Children and Families (Proposition 10) Commission, **Approved.**

Public Works Items:

- B-34 Bid opening report for the South Higuera Street Bridge at San Luis Obispo Creek Seismic

Retrofit; 3rd District, **Approved and the Chairperson is instructed to sign contract documents with Maino Construction Company in the amount of \$278,896.**

- B-35 Bid opening report for the installation of traffic signals on South Bay Boulevard at El Moro Avenue, Los Osos and a request to approve a budget adjustment on the amount of \$14,603 from the Los Osos Road Impact Fees; 2nd District, **Approved and the Chairperson is instructed to sign contract documents with Lee Wilson Electric in the amount of \$83,960.**
- B-36 Agreement for assignment of water with the San Luis Obispo County Office of Education for 15 acre feet of State Water per year; All Districts, **Approved.**
- B-37 Agreement with the Los Osos Community Services District and Coastal San Luis Resource Conservation District for a Cable TV Access Grant and an associated budget adjustment in the amount of \$35,570; 2nd District, **Approved as amended.**
- B-38 Amended contract with Essex Environmental, Inc., to provide environmental mitigation monitoring services for the Lopez Dam Seismic Remediation Project; 3rd and 4th Districts, **Approved.**
- B-39 Agreement with Los Osos Middle School and Coastal San Luis Resource Conservation District for a loan extension of video equipment; and 2) a corresponding budget adjustment in the amount of \$35,569 from Public Education Government Access Fee; 2nd District, **Approved as amended.**
- B-40 Installation of speed humps on Ten Oaks Way in the community of Nipomo; 4th District, **Approved.**
- B-41 **RESOLUTION NO. 2003-197**, amending the traffic regulation code establishing speed limits on Charing Lane, Cambria and Sheridan Road, Nipomo; 2nd and 4th Districts, **Adopted.**
- B-42 **RESOLUTION NO. 2003-198**, accepting conveyance from Cooper, et al for the Cambria Main Street Enhancement Project; 2nd District, **Adopted.**
- B-43 **RESOLUTION NO. 2003-199**, authorizing execution of a notice of completion for the construction of Water Well No. 3 at Lopez Lake Recreation Area and a request to seek additional funds from the State Revolving Fund Program; 4th District, **Adopted.**
- B-44 **RESOLUTION NOS. 2003-200 AND 2003-201**, establishing the 2003-04 Special Tax Rate and approving modifications to an existing agreement with Los Osos Community Services District for emergency medical and fire service for County Service Area No. 9, Zone I (East of Los Osos Creek); 2nd District, **Adopted.**
- B-45 **RESOLUTION NO. 2003-202**, to levy assessments for Flood Control Zone 4 (Santa Maria River Levees); 4th District, **Adopted.**
- B-46 **RESOLUTION NOS. 2003-203 AND 2003-204**, levying assessments for Flood Control Zones 1 and 1A (Arroyo Grande/Oceano Area); 4th District, **Adopted.**
- B-47 **RESOLUTION NO. 2003-205**, to levy assessments for Flood Control Zone 16 (Nipomo and Shandon Areas); 1st and 5th Districts, **Adopted.**
- B-48 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their Tentative Map, and:
 - A. CO 90-213, a proposed subdivision resulting in 4 lots by Weston O'Reilly et al, Viejo Camino, south of Atascadero; 5th District, **Approved.**
 - B. Tract 1910 Phase II, a proposed subdivision resulting in 41 lots 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. 2003-206, to approve an agreement for payment of road improvement fee; 1st District, **Adopted**.

- C. Tract 1910 Phase III, a proposed subdivision resulting in 54 lots 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. 2003-207**, to approve an agreement for payment of road improvement fee; 1st District, **Adopted**.

Sheriff-Coroner Items:

- B-49 Authorize the Auditor-Controller to accept payment to reinstate leave balances for Correctional Technician Carolyn Bean, **Approved**.
- B-50 **RESOLUTION NO. 2003-208**, authorizing the Sheriff's Department to submit a grant application to the Office of Criminal Justice Planning for a Marijuana Suppression Program, **Adopted**.

Other Items:

- B-51 Two ongoing contracts (Clerk's File) with the California State Association of Counties and the Electronic Data Systems Corporation to provide services as part of a consortium of counties that uses a common data system for its eligibility determination and child welfare programs, **Approved**.
- B-52 Extend a contract (Clerk's File) with the State Victim Compensation and Government Claims Board to continue an emergency fund by which Victim/Witness may directly pay specified, verified losses due to crime and reimburse verified emergency relocation expenses for victims of sexual assault and crime scene clean-up, **Approved**.
- B-53 **RESOLUTION NO. 2003-209**, amending the position allocation list for Budget Unit 2110 - Personnel deleting one Secretary-Confidential position and adding one Administrative Assistant-Confidential series position, **Adopted**.

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

- B-54 Allocation of \$3,600 from Budget Unit 2080 (District - \$500, District Three -\$1,000, District Four - \$2,100) to the South County Performing Arts Association, Inc. to be used in support of cultural events for school age children and senior citizens, **Approved**.
- B-55 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. CO 02-0360, a proposed condominium subdivision resulting in 2 residential units, by John Fetyko, Brewer Street, Templeton: 1st District, **Approved**.
- B-56 Memorandum of Understanding (Clerk's File) with the San Luis Obispo Council of Governments, San Luis Regional Transit Authority & Cities of Atascadero and Paso Robles for transit services in the North County, **Approved**.
- B-57 Budget Adjustment in the amount of \$35,000 to Budget Unit 3290 - General Assistance from Budget Unit - 3200 to cover expenditures through the end of the 02-03 fiscal year, **Approved**.
- B-58 Governing Board Bylaws and Staff Rules and Regulations (Clerk's file) for San Luis Obispo County Psychiatric Health Facility (PHF), **Approved**.

- 5 B-16 Request to approve a contract (Clerk's File) with French Hospital to provide ancillary services to the Psychiatric Health Facility, is presented.

During discussion on the Consent Agenda Supervisor Pinard asks for a separate vote on

this item; indicating there is a discrepancy on the cost for the current year.

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, Chairperson Ryan
NOES: Supervisor Pinard
ABSENT: None

the Board approves the FY 2003-04 contract with French Hospital to provide ancillary services for the Psychiatric Health Facility.

- 6 C-1 This is the time set for hearing to consider adoption of the 2003-04 Final Budget including: 1) a resolution adopting budgets for the County and Board governed Special Districts; and 2) a resolution adopting the 2003-04 position allocation list (Clerk's File); All Districts.

Mr. Jim Grant: Assistant County Administrator, presents the staff report and recommends that the Board: 1) close the 2003-04 budget hearings, 2) adopt the resolution approving the 2003-04 County Budget, including the Board Governed Special Districts; and 3) adopt the resolution approving the position allocation list for fiscal year 2003-04.

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, and Chairperson Ryan
NOES: None
ABSENT: None

the Board closes the 2003-04 budget hearings and RESOLUTION NO. 2003-210, resolution adopting the County Budget and Budgets for Board Governed Districts for Fiscal Year 2003-04, adopted.

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

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

RESOLUTION NO. 2003-211, resolution allocating positions for fiscal year 2003-04, adopted.

- 8 C-2 This is the time set for hearing to consider a resolution setting appropriation limits for fiscal year 2003-04 for the County of San Luis Obispo and Board Governed Special Districts; All Districts.

Ms. Andrea McGarvey: Auditor-Controller staff, presents the staff report and recommendation; indicates the County is well within its appropriation limitation.

Supervisor Ovitt: indicates it's too bad certain members of the public are not present to hear that this County never exceeds its Appropriation Limits.

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. 2003-212, establishing the appropriation limit for Fiscal Year 2003-04 for the County of San Luis Obispo and for Flood Control Zones 1 and 1-A, County Service Area Nos. 1-A, 1-B, 1-C, 7-A, 7-B, 10, 10-A, 16 and 23, adopted.

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

Mr. John Euphrat: Planning, addresses the changes to the ordinance according to the Errata Sheet dated 6-17-03; indicates there are two errors; one on page 2a (1) the word system should be deleted and on page 4 in the first paragraph (*Ord. 2899 § 1 (part), 2000*) should be deleted; requests the Board reintroduce this ordinance and continue said hearing to July 8, 2003 at 9:00a.m..

No one appearing 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 amends the ordinance as follows: page 2 a (1) the word system should be deleted and on page 4 in the first paragraph (*Ord. 2899 § 1 (part), 2000*) should be deleted; and by changing subdivision (d) as follows: the first two sentences in bold italics are deleted in the last sentence and bold italics are revised, so that subdivision (d) now reads: “It shall be a condition of every encroachment permit issued to an “exempt” telecommunications carrier that the telecommunications carrier only use the County right-of-way in a manner which is within the scope of Public Utilities Code Section 7901 and 47 U.S.C.§ 253, the telecommunications carrier shall promptly notify the County in writing of such use, the locations within the County right-of-way in which the use has occurred, and the duration of such use (unless the carrier has the County’s express written permission to use a particular right-of-way in a manner outside the scope of said statutes)”; and the Board reintroduces the ordinance, as amended, and continues said hearing to July 8, 2003 at 9:00 a.m. for final action.

- 10 C-4 This is the time set for hearing to consider an appeal by the Cambria Legal Defense Fund, Suzy Ficker and the Coalition to Save Cambria and San Simeon, Cynthia Hawley, of the Hearing Officer’s approval of a request by Cambria Community Services District for a Minor Use Permit/Coastal Development Permit to allow the construction of Segments 1, 2, and 5 of the Cambria Cross Town Trail which extends from Shamel Park to Burton Drive in Cambria; 2nd District.

Ms. Marsha Lee: Planning, presents the staff report; addresses the issues of the appeal; presents photos of the area; indicates an indemnification has been added; recommends the Board deny the appeal.

Ms. Suzy Ficker: Appellant, asks the Board for a continuation indicating they did not receive the staff report.

Ms. Lee: indicates the staff report was sent to the Cambria Legal Defense Fund on Friday June 6, 2003.

Chairperson Ryan: states they will continue today with testimony.

Mr. Norm Fleming: indicates there were several people who did not receive the staff report; addresses the environmental aspects of the bridge; feels it will be an “attractive nuisance”; states the bridge will be a daily source of noise and should not be permitted.

Ms. Suzy Ficker: reads the project description indicating the trail will lead to a park; addresses the impact the park will have on the community; states the bridge could be expanded at anytime; hands the Board a copy of the agreement and speaks to the content.

Mr. Norm Hamilton: Cambria Community Services District (CCSD), states the trail has not changed in scope since 1999; the environmental process has been completed; addresses the financial loss if this project does not go through; indicates the Coastal Conservancy has approved this project.

Mr. Bob Greshin: presents a brief history of the project indicating the major issue being safety; indicates the Notice of Determination was filed with the Clerk's office on December 29, 1999; addresses the funding and schedule constraints; states this project supports the Coastal Act; indicates the CCSD supports the denial of the appeal.

Chairperson Ryan: questions if the CCSD owned the land for the park in 1996 when this trail was set up, with Mr. Greshin, responding no.

Ms. Lynda Layton: addresses her concerns about the impact the bridge will have on the community.

Mr. Joseph Gilpin: Executive Director of the Bike Coalition, states he hopes this trail is built as soon as possible; indicates he represents 150 members who promote bike safety and support the project; urges denial of the appeal.

Ms. Lila Evans: states she opposes this project and she also did not receive the staff report and requests a continuance; believes the project does not meet CEQA requirements; questions where the money is coming from.

Ms. Carolyn Connelly: states she objects to the trail connecting to the park and addresses water issues.

Ms. Eve Redwood: indicates this trail will be a bottleneck; feels there should be greater consideration for the main business street in Cambria.

Ms. Hollie Stotter: Design Committee, states in 2001 the Cambria Design Plan was accepted by the North Coast Advisory Committee, the Board, and the Coastal Commission and in that Plan was the blue print for this trail.

Mr. Bill Warren: states the objective of this plan was for bike safety and hopes the Board continues to support this project.

Mr. Doug Buckmaster: Chairperson of the Trails Committee, hopes the Board adopts this project; indicates this trail is part of the Cambria Design Plan.

Mr. Peter Chaldecott: CCSD, indicates he received his staff report on June 13, 2003 and he lives in Cambria; indicates their main objective was to separate the bikes and pedestrians from the traffic.

Dr. Robert Kelley: states the trail will connect the two villages; feels it is unfair to penalize the community for the delay of Cal Trans.

Mr. Jim Stotter: states Cambria is united behind this trail; indicates the only person behind the Cambria Legal Defense Fund is Suzy Ficker; urges the denial of the appeal.

Ms. Barbara Wellington: Chairperson of Parks, Recreation and Open Space Commission, feels the staff reports have been excellent; reminds people that Cambria is a rural town and the trail will allow safe passage without sidewalks; thanks the staff for their work.

Ms. Pandora Nash-Karner: Chairperson SLO Park and Recreation Commission, urges the Board to adopt the resolution denying the appeal; feels this is an incredible opportunity for Cambria to have a park; states it meets all requirements of CEQA and is a wonderful project.

Mr. Robert Davis: President of the SLO Bicycle Club, addresses the safety aspects of this project and urges the denial of the appeal.

Mr. Hamilton: states the District has gone through every level of approval; addresses the need to move forward and complete the project.

Ms. Ficker: addresses the number of residences that will be in close proximity of the park and hear the noise coming from the soccer and baseball fields; states there is no reason why the trail has to cross the creek; the park is not mentioned in any contractual agreement; feels this project is a violation of public trust; addresses the legal ramifications; states she does hold a petition that has five hundred signatures opposing the park.

Board Members: address various issues, comments and concerns regarding: the need to use the grants or they will be lost; the trail being designed before the purchase of the park property; the safety aspects of the project and pleasant sounds of hearing children play, with Mr. Peter Jenny, Parks Manager, responding.

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

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

denies the appeal and the Board approves the Minor Use Permit/Coastal Development Permit D020081P based on the findings in Exhibit A and the Conditions in Exhibit B and consider and rely on the Mitigated Negative Declaration that was previously adopted on 12/23/1999 by the CCSD and RESOLUTION NO. 2003-213, resolution affirming the decision of the Hearing Officer and conditionally approving the application of Cambria Community Services District for Minor Use Permit/Coastal Development Permit D020081P, adopted.

11 D-1 This is the time set for consideration of proposed bylaws for operation of a Federally Qualified Health Center Look-Alike.

This item is withdrawn to allow for further review.

12 CS The Board announces it will be going into Closed Session regarding: 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) *Life on Plant Earth 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* 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

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: 7) Negotiator's Name: *Santos Arrona, Gail Wilcox* Name of employee organization: *District Attorney Investigators' Association*

III. 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) 8) *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: No report required as no final action was taken and the Board goes into Open Public Session.

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

Mr. Lark Jursek: thanks the Board for keeping the County economically and environmentally healthy; feels the Central Coast is going to play a major role in the new World; requests the Board bring a conference center to the County.

Mr. Eric Greening: addresses the closure of General Hospital and where patients will be referred; reads a portion of the Health and Safety Code relating to medical inpatient care.

Rev. C. Hite: addresses the ties a mother has to her child and relates it to the story of Dumbo.

Ms. Tina Salter: Adult Services Policy Council, addresses the need for senior programs and urges the Board to attend their meetings the first Friday of every month.

Mr. George Rowland: addresses the actions of the Drug and Alcohol Advisory Board.

Dr. Greg Thomas: Public Health Director, addresses the Hot Line availability to provide information about health services; indicates the number is 1-800-549-8989. **No action taken.**

14 E-1 This is the time set for the status report regarding the County's contracting with Cal Star for ambulance services.

Dr. Greg Thomas: Public Health Director, introduces the item.

Mr. Tom Lynch: Emergency Medical Services Agency (EMSA) Director, presents some of the key controversial issues that have been addressed over the last several months.

Dr. Thomas: states on June 11, 2003 Ambulance Performance/Operations Committee (APOC) supported the draft agreement which is before the Board today.

Board Members: discuss various issues, comments and concerns regarding: using CALSTAR instead of the CHP; who makes the determination to use land or air transport; the advantage of having air ambulance in the remote areas; setting performance measurements; CALSTAR having a backup system; the liability insurance of the aircraft, what hospital will be utilized; making sure everyone is treated fairly, with staff, Mr. Lynch and Mr. Cook responding.

Mr. Frank Kelton: San Luis Ambulance, states he welcomes CALSTAR; indicates at the scene of an accident the care will render in favor of the patient; addresses items that are not in the contract.

Mr. Terry Schubert: states the County Code requires the rate be approved by the Board; indicates he does not see the rates in this agreement; addresses the need for a level playing ground.

Mr. Gary Fowler: states the agreement is not clear; indicates he doesn't see the need for this service.

Rev. C. Hite: questions who makes the decision of who gets to ride.

Mr. Joe Cook: President of CALSTAR, presents a brief history of CALSTAR; hands the Board a list of scene transport charges.

Chairperson Ryan: indicates according to County Counsel since the agenda only lists a status report on this contract; if the Board would like to approve the agreement today there will need to be an unanimous vote to add this to the agenda.

On motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, a need arose subsequent to the 72 hour noticing requirement and the Board adds the CALSTAR agreement to the agenda.

Matter is further discussed and 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 approves the agreement with the attachment of CALSTAR's rates and approves those rates.

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, June 17, 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/Cherie Aispuro ,
Deputy Clerk-Recorder

DATED: 06/20/03 cla