

Tuesday, July 8, 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 VICKI SHELBY, CLERK FOR THE BOARD.**

**SUM            AGN**

1            A-1    **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. 2003-213, resolution of commendation upon retirement Carol Jauregui, adopted.**

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

**Sheriff Pat Hedges:** comments on Ms. Jauregui's accomplishments while working at the County Jail; her work with inmates on reading and helping them to prepare for taking their GED; indicates they have had 450 inmates pass their GED; addresses the tutoring she does with reading and states she was named Tutor/Trainer of the Year last year, for the State Literacy Program.

**Ms. Jauregui:** states she has enjoyed this job more than any job she has had; speaks to her work with the inmates to help them pass their GED.

2            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-22 regarding the Guadalupe Dunes cleanup; questions various aspects of the contract; states the Board needs to move forward on this and should work on prevention measures for future messes. **No action taken.**

3            B-1    Consent Agenda Items B-37 and B-38 are added to the Consent Agenda.  
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             B-38    **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

**Consent Agenda Items B-1 through B-38 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-38, 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 enhancement of Main Street, Cambria;

2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for August 7, 2003 at 3:00 p.m..**

- B-2 **RESOLUTION NO. 2003-214**, intention to vacate a portion of K Street and a portion of Margarita Avenue, County Road No. 3110 in the community of Santa Margarita; 5th District, **Adopted and the Clerk is instructed to give notice of hearing date set for August 19, 2003 at 9:00 a.m..**

Administrative Office Items

- B-3 The 2003-04 Workers' Compensation and Unemployment Insurance Rates, **Approved.**
- B-4 **RESOLUTION NOS. 2003-215 and 2003-216**, amending the Fiscal Year 1990-2004 Memoranda of Understanding for the District Attorney Investigators' Unit and District Attorney Investigators' Supervisory Unit, **Adopted.**

Auditor-Controller Items

- B-5 Summary of audits of area hotels for compliance with the reporting and administrative requirements of the County Transient Occupancy Tax Ordinance for the period of January 1, 2002 through December 31, 2002, **Received and Filed.**
- B-6 Submittal of the fiscal year end transfer of Capital Projects to Other Funds, **Approved.**

Board of Supervisors Items

- B-7 Allocation of \$4,000 ( \$2,000 each from Districts Two and Four) from Community Project Funds to the San Luis Obispo Mozart Festival to be used for Mozart Fringe Concerts, **Approved.**
- B-8 Reappointment of Helen Dutra as a District One Representative to the Commission on Aging, **Approved.**
- B-9 Reappointment of Doreen Liberto-Blanck as a District Two Representative to the Planning Commission, **Approved.**
- B-10 Appointment of Abby Hope Lassen as an At Large Representative to the Children's Services Network Council, **Approved.**
- B-11 Appointment of Mary Squellati as a District Four Representative to the Children's Services Network Council, **Approved.**
- B-12 **RESOLUTION NO. 2003-217**, recognizing Al Switzer as the recipient of the Los Osos/Baywood Park's Lifetime Achievement Award, **Adopted.**

Clerk-Recorder Items:

- B-13 Minutes of the May 6, 13, and 20, 2003 Board of Supervisors' meetings, **Approved.**
- B-14 Amended contract with MPI Microfilm Services, Inc., to provide microfilming services to numerous county departments, **Approved.**

District Attorney Items:

- B-15 Grant agreement (Clerk's File) with the State Office of Criminal Justice Planning for Administration of a Victim Witness Assistance Program for fiscal year 2003-2004, **Approved.**
- B-16 Budget adjustment in the amount of \$125,000 from unanticipated revenue to cover costs associated with felony prosecution, **Approved.**

- B-17 **RESOLUTION NO. 2003-218**, approving a grant application for State Workers' Compensation Insurance Fraud Prosecution and Investigation Program for 2003-04, **Adopted**.
- B-18 **RESOLUTION NO. 2003-219**, authorizing an application to the Office of Criminal Justice Planning for Statutory Rape Vertical Prosecution Program grant funds for 2003-04, **Adopted**.

General Services Items:

- B-19 Budget adjustment in the amount of \$400,000 from Public Facilities Fees - Parks to provide the County's contribution to the construction of a new Community Center in Oceano, **Approved**.
- B-20 **RESOLUTION NO. 2003-220**, authorizing General Services to submit a California Department of Boating and Waterways grant application for boating improvements at Lopez Lake Regional Park, **Adopted**.

Planning and Building Items:

- B-21 Allocation of \$35,000 from existing Public Facilities fees for comprehensive review and update of the Public Facility fee program and financing study; All Districts, **Approved**.
- B-22 Contract (Clerk's File) with MRS Environmental, Inc., for preparation of a supplemental environmental impact associated with remediation and disposal methods at the Guadalupe Oil Field, **Approved**.
- B-23 **RESOLUTION NO. 2003-221**, approving an application for grant funds to the Federal Supportive Housing Program, **Adopted**.

Public Works Items:

- B-24 Bid opening report for the Annual Sealcoat Program; 4th District, **Approved and the Chairperson is instructed to sign contract documents with Bond Blacktop, Inc. in the amount of \$348,189**.
- B-25 Agreement (Clerk's File) with Wood Rodgers for the design phase of the Las Tablas Road Interchange Interim Improvements Project; 1st District, **Approved**.
- B-26 Agreement with the State to exchange federal highway funds for state highway account funds; All Districts, **Approved**.
- B-27 **RESOLUTION NO. 2003-222**, authorizing execution of a notice of completion for the construction of Water Distribution System Improvements in County Service Area No. 10A Cayucos; 2nd District, **Adopted**.
- B-28 **RESOLUTION NO. 2003-223**, approving a revolving fund appropriation for the purpose of funding the Camborne Place Cooperative Road Improvement Project, in the community of Cambria and a request to approve a budget adjustment in the \$120,000 to County Service Area No. 21; 2nd District, **Adopted**.
- B-29 **RESOLUTION NO. 2003-224**, approving a revolving fund appropriation for the purpose of funding the Burton Drive Cooperative Road Improvement Project, in the community of Cambria and a request to approve a budget adjustment in the \$150,000 to County Service Area No. 21; 2nd District, **Adopted**.
- B-30 **RESOLUTION NO. 2003-225**, establishing the 2003-04 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, London Lane Road Improvement Zone; 2nd District, **Adopted**.

- B-31 **RESOLUTION NO. 2003-226**, establishing the 2003-04 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 9, Ash Street Improvement Zone; 2nd District, **Adopted.**
- B-32 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 Tract 2136, a proposed subdivision resulting in 46 residential lots and one open space lot, by People's Self Help Housing, 15th Street, San Miguel, **Approved and RESOLUTION NO. 2003-227**, approving a low cost housing agreement and **RESOLUTION NO. 2003-228** an open space easement agreement, reject the offers of dedication without prejudice to future acceptance; 1st District, **Adopted.**
- B. Tract 2414, a proposed condominium subdivision resulting in 17 units by Avila Properties, San Luis Street, Avila Beach, reject the offers of dedication without prejudice to future acceptance, **Approved and RESOLUTION NO. 2003-229**, approving an open space easement agreement and **RESOLUTION NO. 2003-230**, a low cost housing agreement, and order the abandonment of easements per recorded documents; 3rd District, **Adopted.**

Sheriff-Coroner Items:

- B-33 Authorize the Sheriff's Department to submit a grant application to the Office of Community Oriented Policing Services (COPS) for Homeland Security Overtime Program (HSOP) funding, **Approved.**
- B-34 Amend the fixed asset list for Budget Unit 2590 - Sheriff-Coroner adding a copier and approve a corresponding budget adjustment in the \$9,741 from the Inmate Welfare Fund, **Approved.**

Other Items:

- B-35 Contract (Clerk's File) with San Luis Obispo County Community College District to provide training for Cuesta College students at the County's psychiatric health facility, **Approved.**
- B-36 Contracts (Clerk's File) with twenty community organizations in support of Child Welfare Services and the CalWORKs program, **Approved.**

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

- B-37 **RESOLUTION NO. 2003-231**, accepting the exchange of property tax revenue and annual tax increment for Annexation no. 6 to the Cambria Community Services District (Coast Unified School District); 2<sup>nd</sup> District, **Adopted.**
- B-38 **RESOLUTION NO. 2003-232**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 2 to County Service Area #16 (Tract 2451); 1<sup>st</sup> District, **Adopted.**

- 4 C-1 This is the time set for hearing to consider formation of Tract 2375 Assessment District for drainage basin maintenance; 4th District.

**Mr. Richard Marshall:** presents the staff report this item and Item C-2, indicating the Board needs to hold the public hearing to consider objections or protests, receive any ballots that might come in and continue this hearing to allow the Clerk to tabulate the ballots.

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by**

**Supervisor Bianchi and unanimously carried, the Board holds the public hearing to consider objections or protests to the formation of an Assessment District for Tract 2375 for the purpose of drainage basin maintenance; closes the public hearing and directs the Clerk to tabulate the ballots and prepare a Certificate of Election and report back to the Board on July 22, 2003 for final action.**

- 5 C-2 This is the time set for hearing to consider formation of Flynn/Hernandez Assessment District for drainage basin maintenance; 4th District.

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and unanimously carried, the Board holds the public hearing to consider objections or protests to the formation of an Assessment District for Flynn/Hernandez D010256P for the purpose of drainage basin maintenance; closes the public hearing and directs the Clerk to tabulate the ballots and prepare a Certificate of Election and report back to the Board on July 22, 2003 for final action.**

- 6 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. Tim Smith:** Right-of-Way Agent, addresses the revised amendment as outlined in the Board's letter errata sheet; staff is recommending the Board reintroduce the ordinance as amended and set it for hearing on July 22, 2003.

**Supervisor Ovitt:** references the number of times this has come before the Board with changes and asks that the next time be the last time, with Mr. James Lindholm, County Counsel, responding.

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board reintroduces the ordinance with the added amendments as reflected in the errata sheet (staff report dated July 8, 2003) and sets the matter for hearing on July 22, 2003 at 9:00 a.m..**

- 7 C-4 This is the time set for hearing to consider an appeal by Scott Sayer of the Subdivision Review Board's decision to deny the request of Scott Sayer to divide an existing 227.17 acre parcel into two parcels of approximately 138.67 and 88.5 acres each, located at 6150 Almond Drive, Templeton; 1st District. (This item was continued from April 1, 2003 and also was renoticed.)

**Mr. Warren Hoag:** Planning, addresses the denial by the Subdivision Review Board of the request to divide an existing parcel into two parcels and the appeal of Mr. Sayer of that decision; outlines the direction of the Board, at the April 1, 2003 meeting, to return today with an environmental determination and findings and conditions for approval of the proposed project.

**Mr. Bryce Dilger:** Vaughan Survey's and representing the Applicant, states they are in agreement with the staff report.

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

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

**the Board approves the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and RESOLUTION NO. 2003-233, resolution reversing the decision of the Subdivision Review Board and conditionally approving the**

**application of Scott Sayer for a vesting tentative parcel map for Parcel Map CO 02-0190, adopted.**

8 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*, (4) *Kubiak v. County of San Luis Obispo*, (5) *Lum v. County of San Luis Obispo*, and (6) *County of San Luis Obispo, et al. v. Mercer*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (7) *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. (8) *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.)**

**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) (9)** *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.

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

**Rev. C. Hite:** addresses her personal history, both past and present.

**Ms. Pam Heatherington:** indicates she is a director for the General Hospital and Family Care Center Charitable Foundation, and reminds the Board they are waiting for word on use of the second floor of the hospital complex to open a birthing center. **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, July 8, 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: 07/10/2003  
vms