

Tuesday, July 15, 2003

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

PRESENT: Supervisors 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 CHERIE AISPURRO, CLERK FOR THE BOARD.

SUM AGN

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

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

RESOLUTION NO. 2003-233A, resolution proclaiming July 13-19, 2003 National Aquatics Week, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Ms. Stacey King, General Services.

Ms. King: thanks the Board for the recognition; indicates General Services manages six aquatic facilities in the County; addresses special event theme days; financial support received by the Lion's Clubs; the Junior Life Guard Program; introduces Mr. John Paul Ewing, Aquatics Coodinator, Ms. Brittney Tebow, and Ms. Kelly Clevenger, lifeguards.

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 Items B-3, B-4 and B-17; questions whether the cost of the contracts are in line with previous assumptions about the predicted balance of costs and savings associated with the closing of General Hospital; addresses the option included in the contract for Item B-17 relating to the increase of \$20,000 if needed; questions the qualification of need. **No action taken.**

3 B-1 Consent Agenda Item B-4 is amended by correcting the title on the coversheet to read: "Request to approve contracts with El Soreno Manor, Inc. dba Foothill Health and Rehabilitation Center, Sylmar Health and Rehabilitation Center, Inc., and Health Care Management dba Merced Manor, to provide skilled nursing facility services for Mental Health."

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

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

Consent Agenda Items B-1 through B-19 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-19, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Auditor-Controller Items

- B-1 Unannounced cash count and review of imprest cash account of the Child Support Services Department, **Received and Filed.**
- B-2 Unannounced cash count of the Farm Advisor's San Luis Obispo office, **Received and Filed.**

Behavioral Health Items

- B-3 Contract (Clerk's File) with Intelistaf Healthcare, Inc., to provide skilled nursing and psychiatric technician services to Mental Health and skilled nursing services to the Public Health Department, **Approved.**
- B-4 Contracts (Clerk's File) with El Soreno Manor, Inc., dba Foothill Health and Rehabilitation Center and Sylmar Health and Rehabilitation Center, Inc., to provide skilled nursing facility services for Mental Health, **Approved as amended.**
- B-5 Employee contract (Clerk's File) with Julian Carabeth, M.D., to continue providing medical histories and physical examinations for each person admitted to the 24 hour acute psychiatric inpatient unit, **Approved.**
- B-6 Contracts (Clerk's File) with Joshua C. Deane, M.D., David K. Fennel, M.D., Lloyd G. Hyndman, M.D., John J. Meyers, M.D., W. Daniel Olivieri, M.D., Randall L. True, M.D., and Norman S. White, M.D., to provide psychiatric services for Mental Health clients, **Approved.**
- B-7 County plan for implementation of Proposition 36 for fiscal year 2003-04, **Approved.**

Medical Services Items:

- B-8 Amended contract with Creekside Orthopedic Rehabilitation, Inc., to continue providing physical therapy services to Medical Services patients, **Approved.**
- B-9 Agreement with the Children and Families Commission of San Luis Obispo County to provide continued funding for programs that promote early childhood development in Morro Bay, **Approved.**

Public Works Items:

- B-10 **RESOLUTION NO. 2003-234**, establishing the 2003-04 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Marine Terrace and Alban Place Cooperative Road Projects, Cambria; 2nd District, **Adopted.**
- B-11 **RESOLUTION NO. 2003-235**, providing for a service charge credit/rebate for the landscape maintenance project in County Service Area No. 1A (Galaxy Park, Tract 1898, Nipomo); 4th District, **Adopted.**
- B-12 **RESOLUTION NO. 2003-236**, for the addition of delinquent water and sewer availability charges for County Service Areas Nos. 7-A (Oak Shores), 16 (Shandon), 18 (Country Club Estates) and 23 (Santa Margarita) to the 2003-04 Property Tax bills; 1st, 3rd and 5th Districts, **Adopted.**
- B-13 Bid opening report for the widening of Main Street, Templeton and approve a corresponding budget adjustment in the amount of \$250,000 from Road Improvement Fees; 1st District, **Approved and the Chairperson is instructed to sign contract documents with Souza Construction in the amount of \$123,298.**
- B-14 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. COAL 01-0207, a proposed lot line adjustment of 4 lots which will not result in any new lots, by Matthew J. Rasich, Cayucos Creek Road, north of Cayucos; 2nd

District, **Approved.**

- B. CO 01-0338, a proposed lot resulting in 2 lots by Jean Wooten, Pomeroy Road, Nipomo Mesa, reject the offers of dedication without prejudice to future acceptance, **Approved**, and act on **RESOLUTION NO. 2003-237**, to approve an open space agreement; 4th District, **Adopted.**
- C. CO 98-0263, a proposed subdivision resulting in 2 lots by William Bailey and Irmtraud Ralston, Fern Canyon Lane, Squire Canyon; 3rd District, **Approved.**

Social Services Items:

- B-15 Request to approve seven contracts (Clerk's File) for Children's Trust Fund grants in the amount of \$60,000 for fiscal year 2003-04, **Approved.**
- B-16 Contract (Clerk's File) with San Luis Obispo Child Abuse Prevention Council for child abuse prevention, intervention and treatment services and materials, **Approved.**

Other Items:

- B-17 Contract with The Camden Group to provide management services for the Medical Services Department, **Approved.**
- B-18 Confirmation of Mary Jarvis as the County Superintendent of Schools Designee and Russell Miller as the Representative to the Schools and Community College Districts for memberships to the County Treasury Oversight Committee, **Approved.**
- B-19 Civil Service Commission Annual Reports for fiscal years 99-00, 00-01, and 01-02, **Received and Filed.**

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- C-1 This is the time set for hearing to consider a resolution authorizing the addition of 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.

Mr. Will Clemens: Public Works, presents the staff report and 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

RESOLUTION NO. 2003-238, resolution of the Board of Supervisors acting as the Governing Board of San Luis Obispo County Service Areas Nos. 1 (Old Galaxy - Nipomo - Sewer/Waste Disposal, Lighting and Drainage Service), 16 (Shandon - Water District), and 23 (Santa Margarita - Water District), resolution verifying delinquent service charges and confirming report, adopted.

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- C-2 This is the time set for hearing to consider a resolution authorizing the collection of 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.

Mr. Will Clemens: Public Works, presents the staff report and 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, and Chairperson

Ryan
NOES: None
ABSENT: None

RESOLUTION NO. 2003-239, resolution of the Board of Supervisors acting as the Governing Board of the San Luis Obispo County Service Area (CSA) Nos. 1 (Old Galaxy Park and Tract 1690 - Nipomo); 1-A (Galaxy Park and Tract 1898 - Nipomo); 1-F (New Galaxy - Nipomo); CSA 7-A (Oak Shores); 18 (San Luis Country Club Estates); and 21 (Cambria, Nipomo, Templeton, and Atascadero, Road Improvements) confirming report and directing the collection of annual service charges on County Tax Roll, adopted.

- 6 C-3 This is the time set for hearing to consider a resolution confirming amended assessments for the North Mesa Assessment District (Road District), and Eucalyptus Road Assessment District (Road District); 4th District.

Mr. Will Clemens: Public Works, presents the staff report and 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, and Chairperson Ryan
NOES: None
ABSENT: None

RESOLUTION NO. 2003-240, resolution confirming and ordering amended assessments for the North Mesa A.D. (Road District) and Eucalyptus road A.D. (Road District), adopted.

- 7 C-4 This is the time set for continued hearing from June 3, 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.

Mr. Matt Janssen: Planning, asks the Board to continue this item until August 12, 2003 so that staff can take the item back to the Airport Land Use Commission; indicating when they first reviewed the project they were not aware of several specific project description items.

Supervisor Ryan: questions the types of items.

Mr. Janssen: indicates the Airport Land Use Commission did not know about the fuel storage and the Airport Land Use Plan for Oceano talks specifically about above ground fuel storage; states staff wants them to addresses this item so they will have a clear direction when it is brought back to the Board.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board continues said hearing to August 12, 2003 at 9:00 a.m..

- 8 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:

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) *Bernales v. San Luis Obispo Sheriff's Department*, and 5) *In re California Public Utilities Proceedings*.

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

6) *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. 7) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

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

Thereafter, 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.

Ms. Kristi Kelty: Executive Director and Producer of Health Works TV, speaks to the cable franchise renewal negotiations and the importance of public health awareness; hopes the negotiations include more health channels at various times.

Dr. Tom Maier: Community Health Services Director, addresses the value and impact of the Health Works TV and their request for additional public access television capacity.

Rev. C. Hite: addresses the dishonor to her family and her struggle in this County; speaks to a dog bite she received and the reaction to the immunization; states she saved the taxpayers money by not suing. **No action taken.**

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

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

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, July 15, 2003, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 07/15/2003
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