

Tuesday, August 12, 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

MR. DUANE LEIB, GENERAL SERVICES DIRECTOR, STATES THAT GENE MARR, LEAD CUSTODIAL WORKER, PASSED AWAY LAST FRIDAY AT WORK, OF A HEART ATTACK. ASKS FOR A MOMENT OF SILENCE.

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY MR. DUANE LEIB, GENERAL SERVICES DIRECTOR.

SUM AGN

1 SP **Chief Dan Turner**, County Fire/CDF, updates the Board on the fire that started last Sunday off Highway 166 east of Nipomo; it burned more than 1500 acres and no structures were damaged; as of today, the fire has been contained.

Division Chief Greg Pisano: County Fire/CDF, states he was the Incident Commander for this fire; the fire started on Chimney Canyon Road and in an area where winds can be a problem; indicates the fire remained in the County and did not go into Santa Barbara County; they only had three minors injuries related to this fire.

Supervisor Achadjian: thanks all the firefighters for all their work and after watching them fight this fire, he has even more respect for them. **No action taken.**

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: speaks to Item B-12 and asks the Board to urge the City of Atascadero to do a better job of communicating with residents outside the City, when projects are occurring near them; addresses the Woodlands project and the potential impacts it has on residents in the unincorporated area. **No action taken.**

3 B-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and**
 thru **on the following roll call vote:**
 B-20

AYES: Supervisors Achadjian, Ovitt, Bianchi, Pinard, Chairperson Ryan

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-20 are approved as recommended by the County Administrative Officer.

Consent Agenda Items B-1 through B-20 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 installation of a cathodic protection system on the Salinas Pipeline near San Luis Obispo; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening date set for September 11, 2003 at 3:00 p.m..**

Administrative Office Items:

B-2 Agreements (Clerk's File) for Preventive Health Grant Funds that were approved for funding during the 2003-2004 budget hearings, **Approved.**

- B-3 Submittal of the recommended responses to the 2002-03 Grand Jury Report, **Approved.**
- B-4 Submittal of revisions to the Board of Supervisors District Community Project Funds Policy which would allow granting community project funds to organizations that were approved for funding through the County's annual budgetary process, **Approved.**

Clerk-Recorder Items:

- B-5 Appointment of Mary Jarvis and Russell Miller to the County Treasury Oversight Committee, **Approved.**
- B-6 Policies and procedures for operation and conduct of hearings before the Assessment Appeals Board, **Approved.**
- B-7 Submittal by the Clerk-Recorder of the Port San Luis Harbor District 2002-03 Final Budget, **Received and Filed.**

General Services Items:

- B-8 1) Create a new capital project to begin preliminary work to extend the primary runway at the San Luis Obispo County Regional Airport; 2) approve an amended contract with Mead and Hunt for preliminary design work of the runway extension; and 3) approve a budget adjustment in the amount of \$500,000 from FAA grant revenue and a future passenger facility charge, **Approved.**
- B-9 Submittal of the Disadvantaged Business Enterprise (DBE) Program 2004 goals for the Department of General Services and a request to authorize the General Services Director to implement the program and appoint a DBE liaison officer, **Approved.**
- B-10 **RESOLUTION NO. 2003-269**, authorizing execution of a notice of completion and acceptance for the San Miguel Community Center renovations; 1st District, **Adopted.**

Planning and Building Items:

- B-11 **RESOLUTION NO. 2003-270**, authorizing the Director of Planning and Building to execute agreements and administer the expenditure of funds on behalf of the Department of Social Services with members of the San Luis Obispo County Homeless Shelter Services Coalition to support homeless services programs, **Adopted.**
- B-12 Memorandum of agreement for the Sphere of Influence Update for the City Atascadero, **Approved.**

Public Health Items:

- B-13 Agreements (Clerk's File) with the AIDS Support Network and the Economic Opportunity Commission to provide HIV education programs, **Approved.**
- B-14 Agreements (Clerk's File) with the Economic Opportunity Commission to provide HIV prevention services, **Approved.**
- B-15 Agreement (Clerk's File) with the AIDS Support Network to provide housing related services to people with HIV/AIDS, **Approved.**
- B-16 Agreement (Clerk's File) with Life Steps Foundation to provide development services to children of low income families, **Approved.**
- B-17 Agreement (Clerk's File) with the Economic Opportunity Commission to provide case management services through the State funded Adolescent Family Life, Adolescent Sibling Prevention and Cal-Learn Programs, **Approved.**

Public Works Items:

- B-18 **RESOLUTION NO. 2003-271**, extending the solid waste collection franchise agreement with Mid-State Solid Waste & Recycling and approve a change in collection rates to implement recycling in all rural areas of Mid-State Solid Waste territory; 1st and 5th Districts, **Adopted.**
- B-19 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. COAL 02-0437, a proposed lot line adjustment of 3 lots into 2 lots, by Gerald Shea et al, Drake Street, Cambria; 2nd District, **Approved.**

Other Items:

- B-20 Request by Supervisor Bianchi to allocate \$1,500 from District Two Community Project Funds to the North Coast Advisory Council to cover costs associated with holding monthly meetings, **Approved.**
- 4 C-1 This is the time set for hearing (introduced August 5, 2003) to consider an ordinance amending Section 2.40.060 of the County Code by placing the position of County Veterans Service Officer in the Unclassified Civil Service.
- Mr. David Edge:** County Administrative Officer, presents the staff report and recommendation.
- No one appearing and thereafter, the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3008, ordinance adding the position of Veterans' Service Officer to the Unclassified Civil Service, adopted.**
- 5 C-2 This is the time set for continued hearing (continued from July 15, 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.
- Supervisor Achadjian:** states he will make a motion to continue this to the date in September but asks that this not be continued again.
- No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board continues said hearing to September 16, 2003 at 9:00 a.m..**
- 6 PC This is the time set for members of the public wishing to address the Board on matters other than scheduled items.
- Mr. Eric Greening:** comments on recent letters to the Editor regarding the Board changing the time for Public Comment; suggests that the Board should make this an actual discussion item on an agenda and retract the current change; feels Public Comment should be locked into a specific time on the agenda.
- Ms. Pam Heatherington:** addresses her concern to changing the time when Public Comment is heard and urges the Board to reconsider this issue.
- Ms. Rochelle Becker:** Mothers for Peace, presents for the Board's consideration, a resolution and comments by Mothers for Peace as it relates to their concerns regarding the licensing renewal for Diablo Canyon; reads the resolution into the record and asks that the Board adopt the same.
- Mr. Pete Wagner:** representing the Santa Lucia Chapter of the Sierra Club, supports the resolution by Mothers for Peace; addresses their concern regarding renewing a license 20 years before it's required; whether there is really a need to keep Diablo Canyon operational; suggests there has been no progress on the handling of the waste from this site.

Ms. Patricia Frank: speaks to a letter from the California Public Utilities Commission and presents, for the record, a partial transcript of the hearing on June 19, 2003 regarding the application of PG&E (Application 02-11-017).

Mr. Robert Wolf: addresses his concern regarding the renewal license for Diablo Canyon Nuclear Power Plant; discusses the location of the Plant as it relates to an earthquake fault zone; urges support of the resolution by Mothers for Peace.

Chairperson Ryan: announces the Board will be going into Closed Session, but will hold another Public Comment period after the Closed Session; discusses moving the Public Comment period to 9:00 a.m. on future agendas.

Board Members: discuss moving Public Comment to 9:00 a.m.; suggest placing it on the agenda after presentations or after the Consent Agenda; the Board reaches a consensus that they would like to see it after presentation items and before presentation items when the presentation is employee recognition awards.

Mr. David Edge: County Administrative Officer, indicates they will set Public Comment for 9:00 a.m. and after presentation items unless the presentation item is employee recognition awards, in which case Public Comment will be first.

Chairperson Ryan: directs staff, with the concurrence of the Board, to set Public Comment as outlined by Mr. Edge. **No action taken.**

7 CS The Board announces it will be going into Closed Session regarding:

I. PENDING LITIGATION (Gov. Code, § 54956.9.) It is the intention of the Board to meet in Closed Session concerning the following items:

A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a). (Formally initiated) (1) *In re PG&E Bankruptcy*, (2) *NRC Proceedings Concerning Diablo Canyon License Transfer*, (3) *NRC Proceedings Concerning Spent Fuel* and, (4) *In re California Public Utilities Proceedings*.

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.

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

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board directs County Counsel to see that a petition for review is filed with the United States Nuclear Regulatory Commission contesting the decision dated August 5, 2003 by the Atomic Safety and Licensing Board in the matter of Diablo Canyon Plant Independent Spent Fuel Installation Facility and no other report is required as no other final action was taken and the Board goes into Open Public Session.

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

Mr. Mark Mitchell: addresses his concern to PG&E applying to renew their license at Diablo Canyon 20 years before it's required; addresses current problems at Diablo and urges the Board to adopt the Mothers for Peace resolution.

Mr. Klaus Schumann: addresses his concern regarding the re-licensing of Diablo and agrees with all the comments by prior speakers; urges the Board to support the resolution by Mothers for Peace; and, is concerned about PG&E's re-licensing application 20 years before it's needed.

Ms. Jay Adams: representing the Green Party, supports the resolution by Mothers for

Peace and urges the Board to adopt it.

Supervisor Pinard: addresses her concerns regarding Diablo Canyon, specifically the lack of protection for the containment areas behind the reactors.

Supervisor Bianchi: addresses her support to placing the Mothers for Peace resolution on a regular agenda for discussion.

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

AYES: Supervisors Bianchi, Pinard, Achadjian

NOES: Supervisors Ovitt, Chairperson Ryan

ABSENT: None

the Board directs staff to place the resolution presented today by Mothers for Peace on the August 19, 2003 agenda for discussion.

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, August 12, 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: August 12, 2003

vms