

Tuesday, February 24, 2004

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 Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian, Michael P. Ryan and Chairperson Harry L. Ovitt

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON HARRY L. OVITT.

SUM AGN

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

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

RESOLUTION NO. 2004-54, resolution proclaiming February 16, 2004 through March 31, 2004, as San Luis Obispo County Spay Day Promotion - 2004 and

February 24, 2004, as "Spay Day USA 2004", adopted.

Chairperson Ovitt: reads the resolution and presents the same to Sheriff Pat Hedges and Dr. Eric Anderson, Animal Services.

Sheriff Pat Hedges: addresses the accomplishments over the years; states before the Sheriff's Department took over Animal Services 3,000 dogs and cats were destroyed annually and now that number is down to approximately 650; credits the success to staff; the coordination between outside organizations and Dr. Eric Anderson, Veterinarian.

Dr. Anderson: thanks the Board for the recognition; states spay day helps focus on the issue; indicates San Luis Obispo County is nationally recognized for finding homes for animals; states the County continues to build on their success; indicates out of the 650 animals destroyed, only 34 of those were considered adoptable.

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

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

RESOLUTION NO. 2004-55, resolution recognizing the Templeton Area Advisory Group on their Tenth Year as a successful organization, adopted.

Chairperson Ovitt: reads the resolution and presents the same to Ms. Pam Finley, Templeton Area Advisory Group (TAAG).

Ms. Finley: addresses the working relationship with Planning staff; states she is proud to have served for 10 years; thanks the Board for listening to their suggestions which has increased their credibility as an advisory group.

Ms. Dorothy Jennings: TAAG Chairperson, introduces members of TAAG and presents a brief history of the Group; states they appreciate all the help they have received from the Planning Department and thanks the Board for the recognition.

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

Ms. Linda McElver: addresses disability access; states the County failed to comply with her public request and that is why she is only able to involve herself by phone; believes it is possible to ask the public to come to the meetings scent free so that she can breath clean air; states there are approximately 36 million people with her disability; feels the County is guilty of gross negligence.

Mr. David E. Broadwater: addresses the permanent ordinance regarding land application of sewage sludge; submits comments to the Board dated 1-31-04; feels this ordinance is not being drafted according to Board direction; states the materials that the County is distributing to local advisory groups contain false information regarding regulation of the contaminants; indicates the URS Corporation has been hired by the County to distribute information about the ordinance; believes there is a conflict of interest and asks that the contract be terminated.

Ms. Julie Rodewald: County Clerk-Recorder, states she wants to remind the public that today is the last day that Elections can receive an application to mail an absentee ballot; if someone wants to fax a request that number is 781-1111; indicates the office is open this weekend from 9:00 a.m. to 1:00 p.m.; states over 45,000 ballots have been issued however, only about 15,000 have been returned; urges the public to get their ballots in; states she will be back next week to remind everyone to get out and vote.

Mr. Dan Del Campo: reminds the Board of their Mission Statement; addresses comments by the Normack Board relating to the Salinas Valley Water Project Impacts and the response by the Board of Supervisors; feels the Board failed to meet their Mission Statement commitment relating to this issue.

Mr. Michael Kovacs: indicates he has been asked to stop personal attacks, however he has only been asking the Board to be accountable and take responsibility for their campaign promises.

Mr. Jesse Hill: addresses the local advisory groups; believes they are one of the most important investments the Board can make to get the work done; reads comments relating to the Traffic and Circulation Committee in Nipomo.

Mr. Eric Greening: addresses his concerns regarding the URS Corporation simultaneously representing the County on an ordinance and is an industry to be regulated by that ordinance; speaks to the buffers in the ordinance and feels they offer false reassurance; believes the issue of the contract with URS should be put on a future agenda.

Ms. Julie Tacker: speaks to the permanent sludge ordinance; states she is terrified about the product that could end up on the ground where her children play; addresses the contaminant transportation element of the ordinance; requests the relocation of the sewer in Los Osos and demands a higher standard than EQ (exceptional quality) treated sewage sludge. **No action taken.**

4 B-PC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

Ms. Linda McElver: President of the Canary Foundation, addresses Item B-1 relating to an interim moratorium on the Land Application of Treated Sewage Sludge/Biosolids; feels there needs to be an extension of 30 days to have the public review this document; questions what the County will do when the sludge is put on the land and everyone becomes sick; addresses the right to clean air.

Mr. David E. Broadwater: comments on Item B-1 indicating there needs to be an extension for more time to review the proposed ordinance and feels the Negative Declaration will not withstand a factual challenge; urges the Board to pull this item and not accept the Negative Declaration.

Mr. Eric Greening: addresses Item B-1 indicating he concurs with Mr. Broadwater; states the Negative Declaration is wrong in at least 12 categories; urges the Board to reexamine this issue.

Ms. Julie Tacker: states she concurs with Mr. Broadwater and Mr. Greening regarding Item B-1; urges the Board to postpone this item and do an EIR if there is an increase in the cubic yards on the cumulative total of exceptional quality biosolids that can be applied in any 12-month period.

Mr. David Hix: Wastewater Division Manager for the City of San Luis Obispo, urges the Board to approve Item B-1; addresses the hard work that went into this interim ordinance and the final ordinance; reminds the Board this is an interim ordinance which is a step to resolve issues before the final ordinance.

Mr. Michael Kovacs: speaks in support of Items B-14 through B-18; questions if the \$124,807 is included in the \$130,007 for Item B-14 and relating to B-15 questions if there will be a Deputy Probation Officer at each school; thanks the DA, Sheriff and Probation Division for recovering \$30,000 of stolen public funds.

Ms. Pamela Heatherington: Executive Director of the Environmental Center, thanks the Board for accepting the offers to dedicate for coastal access; addresses Item B-1 indicating land application is not the solution; addresses illnesses relating to sludge exposure; questions the acceptable risk for the application of land sludge; feels the best alternative is daily cover at a landfill.

Mr. John Wallace: District Administrator for the South County Sanitation District, states he supports Item B-1; urges the Board to move ahead with the interim ordinance leading to the adoption of a permanent ordinance after the issues have been resolved and discussed; states there are not many alternatives to land applications; believes what is needed is public education and outreach.

Ms. Gewynn Taylor: addresses Item B-1 questioning what will happen when these contaminants reach the food chain; urges the Board to postpone this item for 30 days. **No action taken.**

5 B-1 Consent Agenda Item B-1 is withdrawn for separate action. Items B-2 and B-20 are
thru withdrawn. **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor
B-27 Bianchi and on the following roll call vote:**

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

Consent Agenda Items B-1 through B-27 are approved as recommended by the 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.

Items set hearing:

B-1 Introduction of a proposed ordinance establishing an interim moratorium of the land application of treated sewage sludge/biosolids; All Districts, **Withdrawn for separate action.**

Administrative Office Items:

B-2 Modifications to the Local Workforce Investment Area Strategic Five-Year Local Plan (Clerk's File) agreement with the Private Industry Council, **Withdrawn.**

- B-3 Accepting Federal Grant Funds on behalf of the San Luis Obispo County Operational Area to support community emergency response team training and approve a related State of California Standard Agreement (Clerk's File), **Approved and the Emergency Services Coordinator Ron Alsop is authorized to sign.**
- B-4 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 29 to the City of Arroyo Grande (St. John Church); 4th District, **Approved.**
- B-5 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 4 to the Oceano Community Services District (Ellsworth); 4th District, **Approved.**

Board of Supervisors Items:

- B-6 Appointment of Adrienne Hawkinson as a District One representative to the Commission on the Status of Women, **Approved.**
- B-7 Appointment of Chris Main as a District Five representative to the Bicycle Advisory Committee, **Approved.**
- B-8 Appointment of Tom O'Malley as a District Five representative to the Children's Service Network Council, **Approved.**

General Services Items:

- B-9 Budget adjustment in the amount of \$233,157 adjusting the funding for the El Moro Linear Park Project; 2nd District, **Approved.**
- B-10 Budget adjustment in the amount of \$52,954 adjusting the funding for the Coastal Access Plan Project; 2nd District, **Approved.**
- B-11 Rental agreement (Clerk's File) with the Senior Nutrition Program for lease of County owned space located at 2801 Johnson Avenue in the City of San Luis Obispo, **Approved.**
- B-12 Bid opening report for the San Luis Obispo Veterans Building remodel for ADA compliance and new restrooms, **Approved and the Chairperson is instructed to sign contract documents with Vernon Edwards Constructors Inc., in the amount of \$215,100.**
- B-13 **RESOLUTION NO. 2004-56**, accepting irrevocable offers of dedication for public access located within the unincorporated areas along the county's coastline, **Adopted.**

Probation Items:

- B-14 Contract renewal (Clerk's File) with Mental Health Systems, Inc., to provide counseling and treatment services to Drug Court participants; 2) a budget adjustment in the amount of \$130,007 from state grant funds to Budget Unit 3075 - Drug and Alcohol Services; and 3) a corresponding budget adjustment in the amount of \$124,807 to Budget Unit 2660 - Probation, **Approved.**
- B-15 Contract with Lucia Mar Unified School District to provide a Deputy Probation Officer at seven elementary schools and two middle school campuses; and 2) a corresponding budget adjustment in the amount of \$41,667, **Approved.**
- B-16 Contract renewal with Lucia Mar Unified School District to provide a Deputy Probation Officer at the Arroyo Grande High School campus, **Approved.**

- B-17 **RESOLUTION NO. 2004-57**, authorizing the Chief Probation Officer to accept a grant award from the California Youth Authority for a Young Men as Fathers Parenting/Mentoring Program and approve a corresponding budget adjustment in the amount of \$35,000, **Adopted**.
- B-18 **RESOLUTION NO. 2004-58**, authorizing the Chief Probation Officer to accept a grant award from the California Office of Criminal Justice Planning for the Juvenile Accountability Incentive Block Grant Program and approve a corresponding budget adjustment in the amount of \$46,220, **Adopted**.

Public Works Items:

- B-19 Agreement (Clerk's File) to assign contract for reservation of water supply for Heritage Ranch with the San Luis Obispo County Flood Control and Water Conservation District, H. R. Holdings LLC, John and Carole King and the Heritage Ranch Community Services District; 1st District, **Approved**.
- B-20 Mitigation agreement with the Air Pollution Control District for air quality impacts associated with the Lopez Dam Seismic Remediation Project; 4th District, **Withdrawn**.
- B-21 **RESOLUTION NO. 2004-59**, amending the traffic regulation code establishing yield right of way intersections of Hog Canyon Road at Von Dollen Road; Von Dollen Road at Ranchito Canyon Road; Ranchita Canyon Road at Cross Canyons Road, northeast of Paso Robles; and Margetts Avenue at Godell Street in Templeton; 1st District, **Adopted**.
- B-22 **RESOLUTION NO. 2004-60**, accepting conveyance from Norman and Etta Erdman for Tract 2162 Emergency Access Easement Project, Oak Shores; 1st District, **Adopted**.
- B-23 **RESOLUTION NO. 2004-61**, accepting conveyance from McDonald's Corporation to the San Luis Obispo County Flood Control and Water Conservation District for a Lopez Water Line Easement; 3rd District, **Adopted**.
- B-24 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:
- A. CO 98-0004, a proposed subdivision resulting in 2 lots, by Robert and Jennifer Nicholson, Morningside Road, south of Atascadero, reject the offer of dedication without prejudice to future acceptance; 5th District, **Approved**.
- B. CO 01-0512, a proposed subdivision resulting in 3 lots, by Morris and Shirley Hand, Bracken Lane; 4th District, **Approved**.
- C. CO 02-0190, a proposed subdivision resulting in 2 lots, by Scott and Susan Sayer, Almond Drive, east of Templeton, **Approved and RESOLUTION NO. 2004-62**, accepting the offer of dedication for Almond Drive; 1st District, **Adopted**.
- D. CO 00-0066, a proposed subdivision resulting in 2 lots by Sandra McBride Day Street, Nipomo, reject the offer of dedication without prejudice to future acceptance, order the abandonment of a portion of adjacent alley in accordance with Section 66445(j) of the Government Code, **Approved**.

Other Items:

- B-25 Agreements (Clerk's File) with the Women's Shelter Program, Inc., and the North County Women's Shelter and Resource Center to assist battered women and their children, **Approved**.

B-26 Appointment of Roger Anderson and Dr. P. J. Lucas to the Drug and Alcohol Advisory Board, **Approved.**

B-27 Submittal by Personnel Department of the San Luis Obispo County Discrimination and Harassment Program Annual Report for 2003, **Received and Filed.**

6 B-1 Introduction of a proposed ordinance establishing an interim moratorium of the land application of treated sewage sludge/biosolids; All Districts, is presented.

During the discussion on Consent Supervisor Pinard asked that this item be withdrawn for separate action.

Supervisor Pinard: states she feels it is important to have an extended time frame for the review of the ordinance and focus on the quantity of the exceptional quality (EQ) of biosolids; presents and explains a chart of heavy metal "EQ" concentrations; believes there is a need to protect agriculture and a need to know what is being put on the land.

Supervisor Bianchi: states Supervisor Pinard is right, heavy metals are dangerous to the soil, however B-1 is an interim ordinance; believes there needs to be something in place now and states she will support this item because it is an interim ordinance.

Supervisor Achadjian: addresses his concerns regarding: monitoring, enforcement, and the buffer zones where it applies to residential areas; questions if products will be labeled if grown on land where sludge was applied.

Supervisor Pinard: states the Board has a choice today to stop this action and deny the biosolid sludge application.

Supervisor Bianchi: questions Mr. Curt Batson, Environmental Health Director, regarding sludge applications to school areas, with Mr. Batson responding.

Supervisor Ryan: asks Mr. Batson if there were no interim ordinance would there be any regulation, with Mr. Batson responding.

Supervisor Pinard: states she would only support a motion that would not apply anymore sludge to the land until there is more information regarding the safety of proceeding.

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

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

the Board introduces the proposed ordinance establishing an Interim Moratorium on the Land Application of Treated Sewage Sludge/Biosolids and set March 2, 2004 as the date for a public hearing to consider approval of the ordinance.

7 D-1 This is the time set for submittal of draft water supply contracts and project policies for the Nacimiento Water Project.

Mr. Paavo Ogren: Public Works, presents the staff report; indicates staff is requesting the Board approve the draft contracts, direct staff to distribute the draft contracts and approve the project participation policies; discusses the project status and decision making process; presents a list of participating agencies; addresses

the water supply contracts, summary of participant billing, and financial policies (credits for participants); describes the three basic cost allocation models; financial policies dedication of Nacimiento fund taxes; speaks to proportional cost of reserve water versus incremental cost of reserve water; addresses the summary of project policies Attachment "B"; urges the Board's support.

Board Members: discuss various issues, comments and concerns regarding: equal representation on the Commission from both sides of Cuesta Grade; the Countywide benefits of the project.

Mr. Ken Weathers: CEO Atascadero Mutual Water, states he supports this item; indicates the public is in support and it will create general regional benefit; thanks the Board and staff for their time and effort.

Mr. John Moss: City of San Luis Obispo Utility Commission, states he supports the project and thanks the Board and staff for their dedication; indicates this is a critical process.

Mr. Eric Greening: states this project was a long time coming; thanks everyone for their hard work; addresses the structure of governance and mitigation monitoring.

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

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

the Board reviews and approves the attached draft Water Supply Contracts for the Nacimiento Water Project; directs staff to distribute the draft Water Supply Contracts to those agencies included on the list of participating agencies (Attachment "A" of the staff report dated 2/24/2004) and approve the Project Participation Policies (Attachment "B" of the staff report dated 2/24/2004.)

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) *AT&T v. County of San Luis Obispo*, 5) *MCI WorldCom v. County of San Luis Obispo*, 6) *Reliant Electric Inc., et al. v. County of San Luis Obispo, et al.*, **All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement** 12) *March, et al. v. Diebold Election systems, Inc.* and 13) *Parnell, et al. v. County of San Luis Obispo.*

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.

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: 9) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriff's*

Association. 10) Negotiator's Name: Santos Arrona, Gail Wilcox, Name of employee organization: Sheriff's Management.

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Gov. Code, § 54956.8.) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: 11)
Property Description: Recovery Care Inc., Johnson Avenue, San Luis Obispo, CA,
Parties with whom negotiating: David McNamara, Instructions to Negotiator will concern: Price, Terms and Conditions.

Chairperson Ovitt: opens the floor to public comment.

Mr. Michael Kovacs: thanks County Counsel for the information provided relating to the Closed Session; questions what NRC stands for and what is happening with Mr. Santos Arrona regarding the Labor Negotiations, with Mr. Jim Lindholm, County Counsel, responding.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: Items 1 through 13 were discussed and - No public report is required because 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, February 24, 2004, 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: 2-26-04
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