

Tuesday, April 6, 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 HARRY L. OVITT.**

**SUM**      **AGN**

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

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

**RESOLUTION NO. 2004-92, resolution proclaiming April 2004 as "Month of the Child" "Children's opportunities - our responsibilities" in San Luis Obispo, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Ms. Jenn Pantaleo, Ms. Christina Hutchenson, and Ms. Heather Kanpse.

**Ms. Pantaleo, Ms. Hutchenson, and Ms. Kanpse:** hands the Board posters, ribbons and T-shirts celebrating the "Month of the Child" and thanks the Board for their support.

**Ms. Biz Steinberg:** addresses the Head Start program while the children hand Board members their artwork; thanks the Cal Poly students for their efforts in this collaboration.

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

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

**RESOLUTION NO. 2004-93, resolution commending the Foster Grandparents of the Tri-Counties Regional Center in San Luis Obispo County, adopted.**

**Chairperson Ovitt:** reads the resolution and presents the same to Ms. Diana Slais, Foster Grandparent Senior Companion Program Manager.

**Ms. Slais:** thanks the Board for the recognition and support and thanks all the senior volunteers.

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

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

**RESOLUTION NO. 2004-94, resolution proclaiming April 8, 2004, as “Casa Child Advocate Day” in San Luis Obispo County, adopted.**

**Supervisor Pinard:** reads the resolution and presents the same to Ms. Teresa Tardiff.

**Ms. Tardiff:** introduces the members of her staff and thanks the Board for the proclamation; invites everyone to Farmer’s Market on Thursday, April 8, 2004 to light a candle in honor of an abused or neglected child.

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

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

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2004-95, resolution proclaiming April 2004 as “Sexual Assault Awareness Month” and April 23, 2004 as “Walk A Mile In Her Shoes Day” in San Luis Obispo County, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Ms. Jenny Adams, Executive Director of the Sexual Assault Recovery Prevention Center.

**Ms Adams:** thanks the Board for the proclamation and presents the Board with a pin commemorating Sexual Assault Awareness Month; indicates this is a difficult issue to address and presents statistics of work done in the County last year; thanks her staff and invites the public to the “Walk a Mile in Her Shoes Day” April 23, 2004 at Mitchell Park in San Luis Obispo.

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

**Mr. Curt Batson:** Director of Environmental Health, presents pictures of their first efforts in the Mosquito Abatement program; states they are obtaining equipment to treat larger areas and addresses the challenges getting to those areas.

**Reverend C. Hite:** addresses the misuse of tax monies; reads a letter she wrote to the IRS relating to medical deductions for the disabled; speaks to the San Luis Obispo Health Crisis and the unmet Health Care needs.

**Ms. Jay Adams:** Green Party, addresses the dry cast storage at Diablo Canyon and the potential consequences of a radiation release.

**Mr. Klaus Schumann:** Green Party, presents a chart of the build-up of radioactive waste at Diablo Canyon and explains the hazards of this radioactive waste; believes the storage of this waste is a target for terrorist; urges the Board to not grant the license as currently proposed by PG&E.

**Ms. Teresa Campbell:** addresses her concerns regarding the State choosing the County as one of ten counties to grow a Genetically Engineered Pharmaceutical rice crop (GE); urges the Board to contact the California Department of Food and Agriculture (CDFA) before their final approval and ask them for a delay and adopt an emergency ordinance prohibiting this practice until it can be fully explored.

**Mr. Mike Selina:** addresses the possibilities of contamination when using GE and how that contamination occurs; urges the Board to contact the CDFA.

**Ms. Pamela Heatherington:** Executive Director of the Environmental Center, states she agrees with Ms. Campbell and Mr. Selina asking the CDFA for a delay, before Thursday, in the approval of GE Pharmaceutical rice crops and the

adoption of an emergency ordinance prohibiting this practice until there is some conversation among the community.

**Ms. Betty Winholtz:** City of Morro Bay, addresses the poisoning of eucalyptus groves over on the coast by State Parks; believes this is outside the MOU that the County has with State Parks; urges the Board to look into the permit and make sure their practices are matching what is best for the County.

**Ms. Miranda Leonard:** ECOSLO, addresses the GE Pharmaceutical rice crop; states citizens have a right to know more about this process; addresses contamination and safety issues; urges the Board to contact the secretary of the CDFG before Thursday and ask for a delay and adopt an emergency ordinance prohibiting this practice.

**Mr. Andrew Christie:** Sierra Club, addresses the GE Pharmaceutical rice crops and urges the Board to be careful of new technology; states there is more research that needs to be done concerning this process; states Mendocino County was the first county in America that put a band on Bio-Engineered Crops.

**Mr. Michael Kovacs:** addresses property tax time and the misuse of public funds; urges the Board to follow through with their campaign promises.

**Mr. Eric Michielssen:** Organic Farmer, states he is opposed to the GE crops and hopes this Board will follow the lead of Mendocino County.

**Supervisor Bianchi:** urges her fellow Board members to write a letter regarding the use of GE crops since there cannot be an action item today and indicates she will follow through with the concerns of Ms. Winholtz. **No action taken.**

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

**Reverend C. Hite:** addresses Item B-7 and the medical records of Dr. Naimark's patients; addresses FCC record malpractice and the right to advocate.

**Ms. Joan Fiske:** addresses Item B-28 and the importance of saving mental health programs.

**Mr. Eric Greening:** addresses Item B-34, questioning the participation of the Parks Department and/or Parks and Recreation Commission; questions if there are any policy or precedent issues relating to this item; questions the urgency of this item.

**Mr. Michael Kovacs:** addresses Items B-3, B-7, B-9 and B-12 and his concern relating to money being used for outside services.

**Ms. Julie Rodewald:** addresses Item B-14; states she would like to thank everyone involved in the Election; indicates 58% of the County turned out to vote and 48% voted absentee; states she would like to see those numbers increase for the November election.

**Board Members:** discuss several issues, comments and concerns relating to the GE Pharmaceutical rice crops, with Mr. Bob Lilley, Agriculture Commissioner responding.

**Mr. David Edge:** County Administrative Officer, states they can send a letter on behalf of the County asking they delay any recommendation on San Luis Obispo County pending the opportunity for the Board and the public to discuss the issue.

**Chairperson Ovitt:** directs staff to bring back a report regarding this item on April 20, 2004. **No action taken.**

7 B-1 Consent Agenda Item B-8 is withdrawn. Item B-34 is added to the Consent Agenda.

thru **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan and**  
B-34 **on the following roll call vote:**

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

**Consent Agenda Items B-1 through B-34 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-34, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set bid opening:

B-1 Plans and specifications (Clerk's File) for the construction of water system improvements at the California Men's Colony; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for May 6, 2004 at 3:00 P.M..**

B-2 Plans and specifications (Clerk's File) for the construction of a maintenance, office and storage facility at El Chorro Regional Park, **Approved and the Clerk is instructed to give notice of bid opening set for May 6, 2004 at 3:00 P.M..**

Administrative Office Items:

B-3 Apply for Federal Hazard Mitigation Grant Program Funds for the development of a local hazard mitigation plan and the related designation of applicant's agent resolution and certification, **Approved.**

B-4 Apply for federal grant funds for emergency response equipment and related planning and administrative expenditures on behalf of the San Luis Obispo Operational Area, **Approved.**

B-5 Agreement (Clerk's File) with the County Personnel Administrators Association and TALX Corporation to provide unemployment compensations services, **Approved.**

B-6 Accept gift funds and donations and approve corresponding budget adjustments on behalf of the Library, Department of Social Services and Court Operations, **Approved.**

B-7 Confirm settlements for the following liability claims involving the County: Lum; Crawford and Company and NHC-CA3; Parnell (Osborn); and Naimark, **Approved.**

Board of Supervisors Items:

B-8 Request by Board Members to allocate \$5,000 from Community Project Funds (District One - \$4,000, District Two - \$500, District Four - \$200, District Five - \$300) to the San Luis Obispo County YMCA to provide financial assistance to children enrolled in the Bitty Sports Program, **Withdrawn.**

B-9 Allocation of \$6,000 from Community Project Funds (District One - \$5,000, District Five - \$1,000) to the Templeton Unified School District to cover equipment expenses associated with the Templeton Performing Arts Center, **Approved.**

B-10 Allocation of \$25,000 from District Four Community Project Funds to the Foundation for San Luis Obispo County Public Libraries to place a used modular unit on Oceano School property as the temporary site of the Oceano Library, **Approved.**

B-11 Allocation of \$2,000 from District Four Community Project Funds to the Dana Adobe Nipomo Amigos to develop the 30-minute educational video to promote elementary school children awareness of the historical significance of the Dana Adobe, **Approved.**

- B-12 Allocation of \$7,000 from District Five Community Project Funds to the Atascadero High School Athletic Department to manufacture and install display cases and compile photos and descriptions for an athletic achievement exhibit at Atascadero High School, **Approved.**
- B-13 Appointment of Kathy Miller and Todd Hogue to the Developmental Disabilities Board, Area IX, **Approved.**

Clerk-Recorder Items:

- B-14 Request to declare the results of the March 2, 2004 Consolidated Primary Election, **Approved.**
- B-15 Request to approve the minutes of the February 3, 10, and 24, 2004 Board of Supervisors' meetings, **Approved.**
- B-16 Budget adjustment in the amount of \$552,000 from unanticipated revenue for Budget Unit 2509 - Clerk Recorder for costs associated with the October 7, 2003 Statewide election, **Approved.**

General Services Items:

- B-17 Apply for Federal Hazard Mitigation Grant Program Funds for the development of a local hazard mitigation plan and approve the related designation of applicant's agent resolution and certification, **Approved.**
- B-18 Amended lease agreement with Jack and Charlotte Foster, Trustees of the Foster Family Trust extending the lease until April 30, 2008, **Approved.**
- B-19 Contract (Clerk's File) with Odell Associates, Inc., to begin the design of the new passenger terminal facility at the San Luis Obispo County Regional Airport, **Approved.**
- B-20 A response to recommendations by the Auditor-Controller of an unannounced cash count of the County of San Luis Obispo Lopez Lake Recreational Area conducted on September 23, 2003, **Received and Filed.**

Public Works Items:

- B-21 Budget adjustment in the amount of \$55,826 from the Nipomo Lighting District to fund the installation of an additional street light and unanticipated development costs associated with the installation of the Vintage Style Street Lights within the Olde Towne Nipomo Community Improvement Project; 4th District, **Approved.**
- B-22 Agreement with Bond Blacktop, Inc., for extended guarantee of work for the annual sealcoat program of various county roads; 4th District, **Approved.**
- B-23 A sole source contract with Raines, Melton, Carella, Inc., for consulting engineering services for the Lopez Water Treatment Plant Upgrade; 3rd and 4th Districts, **Approved.**
- B-24 **RESOLUTION NO. 2004-96**, accepting conveyance from Northshore S&B Inc., for Tract 2162 emergency access easement projects, located east of Oak Shores; 1st District, **Adopted.**
- B-25 The following maps have been received and have satisfied all conditions of approval that were established in the public hearing on their tentative maps:
- A. CO 02-0163, a proposed subdivision resulting in 2 lots by OMKAR Investments, Las Tablas Road, Templeton, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**

- B. CO 02-0331, a proposed subdivision resulting in 2 condominium units, by Javad Sani and Parvin Nahvi, Brewer Street, Templeton; 1st District, **Approved.**
- C. COAL 02-0245, a proposed lot line adjustment of 3 lots by Eileen Allen, Stockdale Road, north of Paso Robles; 1st District, **Approved.**
- D. COAL 01-0436, a proposed subdivision resulting in 2 lots by James and Nora Buffett, O'Donovan Road, south of Creston, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2004-97**, approving an open space easement agreement; 5th District, **Adopted.**

Sheriff-Coroner Items:

- B-26 **RESOLUTION NO. 2004-98**, allowing the destruction or disposal of certain Sheriff's Department records, documents more than two years old, **Adopted.**
- B-27 **RESOLUTION NO. 2004-99**, commending Merle Watland upon his retirement after 39 years of law enforcement service, **Adopted.**

Other Items:

- B-28 Amended contract (Clerk's File) with the State Department of Mental Health designating County Behavioral Health Services as the provider of Medi-Cal psychiatric services, **Approved.**
- B-29 Budget adjustment in the amount of \$53,676 from unanticipated domestic violence programs special fund monies and battered women's shelter trust account monies to augment Budget Unit 2562 - Victim/Witness Assistance, to disburse funds to the two county women's shelters, **Approved.**
- B-30 Apply for Federal Hazard Mitigation Grant Program Funds for the development of a local hazard mitigation plan and approve the related designation of applicant's agent resolution and certification, **Approved.**
- B-31 Proposed mitigated negative declaration for the Las Tablas Road at Highway 101 underpass widening, intersection signalization and off ramp realignment project; 1st District, **Approved.**
- B-32 **RESOLUTION NO. 2004-100**, amending the position allocation list for Budget Unit 3000 - Public Health adding one limited term Departmental Automation Specialist I/II/III position, **Adopted**; 2) an amendment to the fixed asset list replacing two steam sterilizers ( \$32,300 each), and adding a portacount quantitative respiratory fit tester (\$11,213), **Approved**; and 3) a corresponding budget adjustment in the amount of \$210,613 from unanticipated revenue to fund the position, fixed assets and associated expenses for the program from Public Health Preparedness and Response for Bioterrorism grant funds, **Approved.**
- B-33 **RESOLUTION NO. 2004-101**, amending the position allocation list adding one Limited Term Financial Analyst I, II, III position and a request to approve a corresponding budget adjustment in the amount of \$12,794, **Adopted.**

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

- B-34 Nipomo Community Services District Waterline Easement, and Right-of-Way Agreement for construction and maintenance of a 12-inch water transmission line through Nipomo community Park, **Approved.**

- 8 C-1 This is the time set for discussion regarding the County's budget situation.

**Mr. David Edge:** County Administrative Officer, discusses the County's budget situation; indicates the State's fiscal crisis continues to erode the County's financial health; addresses cost saving measures including a hiring freeze;

eliminating some positions and cutting services and supplies; indicates there will be an impact of \$2.9 million net loss at the end of the fiscal year; the contingencies will cover the loss however there will be less money to roll over to next year; speaks to the State Budget for 2004/05 and the revenue loss to the County Budget for 2004-05 due to the State Budget; addresses the major budget increases including Workers Compensation, liability, and salaries/benefits; discusses the budget balancing equation for 2003/04 and 2004/05.

**Board Members:** discuss issues, comments and concerns regarding: Reserve Funds and how to rebuild those funds; the status of the Mental Health funds; the level of service the County provides, with staff responding.

**Dr. Joseph Abrahms:** appreciates the sobering reality of staff presentation; states as the Chairperson of the Mental Health Task Force he urges the Board to help meet the mental health needs.

**Mr. Dean Rollins:** SLOCEA General Manager, addresses his concerns relating to position cuts; fears for the employees left behind trying to do more with less; urges the Board to avoid additional cuts and questions if eliminating contract positions is also being considered.

**Mr. Michael Kovacs:** feels staff is over dramatizing the budget situation; believes the Governor should be supported in his efforts to fix the budget; addresses budget cuts without hurting public service.

**Ms. Patty Andreen:** thanks Mr. Edge for a clear presentation and the Board for building up those rainy day funds; believes the rainy day is here; feels there are options and hopes the Board looks at the whole picture before making any decisions; states its hard to reinstate a program that has been cut; urges the Board to minimize the cuts to mental health.

**Reverend C. Hite:** urges the Board to look at housing, mental health and public health and audit those crises areas; feels an employee audit of Social Services should be done to make sure staff time is well spent.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and unanimously carried, the Board reviews and discusses the information presented regarding the County's budget situation for Fiscal Year 04-05 and ratifies the County Administrator's decision to implement an immediate hiring freeze for the remainder of this fiscal year.**

9

D-1 This is the time set for hearing to consider an ordinance amending the San Luis Obispo County Disaster Relief Ordinance, Chapter 3.15 Reassessment of Property Damaged by Misfortune or Calamity as provided for in the California State Revenue and Taxation Code 170; All Districts.

**Mr. Tom Bordonaro:** County Assessor, presents the staff report; indicates this item is an update to an existing ordinance after changes at the State level.

**Supervisor Pinard:** questions if there is enough time after a disaster to allow the victims to rebuild before they are assessed, with Mr. Bordonaro responding.

**No one appearing 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 reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE 3026, ordinance amending**

**Chapter 3.15 of the County Code regarding reassessment of property damaged by misfortune or calamity, adopted.**

10 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* 4) *AT&T v. County of San Luis Obispo* 5) *MCI WorldCom v. County of San Luis Obispo*, 6) *Dudich v. County of San Luis Obispo*, 7) *Los Osos Community Services District v. County of San Luis Obispo* **All Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.** and 11) *California Farm Bureau Federation, et al. V. County of San Luis Obispo, et al.*

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

8) 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. 9) 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: 10) *Negotiator's Name: Santos Arrona, Gail Wilcox* Name of employee organization: *Deputy Sheriff's Association*

**Chairperson Ovitt:** opens the floor to public comment.

**Mr. Michael Kovacs:** questions why there is never a report out on any final actions taken in Closed Session, with staff 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 11 - no public report required because no final action was taken, and the Board goes into Open Public Session.

11 D-2 This is the time set for hearing to: 1) consider activities for funding under 2004 Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), and Emergency Shelter Grant (ESG) programs; 2) a resolution authorizing submittal of the San Luis Obispo Urban County Program Year 2004 Action Plan; and 3) approve amendments to the 1999, 2000, 2002 and 2003 CDBG programs; All Districts.

**Mr. Tony Navarro:** Planning, presents the staff report; indicates there is a revision to Exhibit B which reflects the selected activities for funding by the City of Grover Beach under the 2004 CDBG program; states on page D-2-17 of the staff report under evaluation against criteria in request for proposal number 3, the sentence "because this building is the only community meeting place to hold town meetings and recreational functions, it is important to improve the access to the building" is deleted; on page D-2-19 under "Funds Recommended" (ESG) the total amount should read \$94,558 instead of \$94,599;

**Ms. Barbara Carey:** Oceano Community Center, thanks the Board and staff for their support.

**Mr. Stan Gustafson:** Los Osos Community Services District, thanks the Board for their support.



**Matter is fully discussed and 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**

**the Board deletes the sentence “because this building is the only community meeting place to hold town meetings and recreational functions, it is important to improve the access to the building” on page D-2-17 of the staff report under evaluation against criteria in the request for proposal number 3; changes the (ESG) amount to read \$94,558 instead of \$94,599 and accepts the revised Exhibit B and RESOLUTION NO. 2004-101, resolution approving and authorizing submittal of the San Luis Obispo Urban County Program Year 2004 Action Plan of the San Luis Obispo Urban County Consolidated Plan, and amendments of the 1999, 2000, 2002, and 2003 Action Plans to the United States (sic) Department of Housing and Urban Development; the Execution of any standard agreements if approved for funding under the Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), and Emergency Shelter grants (ESG) Programs and any amendments thereto; and any related documents necessary to participate in the CDBG, HOME and ESG Programs, adopted as amended.**

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, April 6, 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: 4/6/04  
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