

Tuesday, January 4, 2005

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, Jerry Lenthall, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Shirley Bianchi

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON SHIRLEY BIANCHI.

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, Lenthall, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

RESOLUTION NO. 2005-1, resolution recognizing the heroic actions of retired Fire Captain Bill Baugh and D'Andre Cooks for the rescue of Mrs. Edna Osburn from a burning home, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Mr. Baugh and Mr. Cooks.

Chief Dan Turner: County Fire/CDF, states it is with great pride that he commends an eleven-year old boy for assisting in the rescue of his great-grandmother and thanks retired Fire Chief Bill Baugh (Monterey County) for his efforts that day.

Mr. Baugh: thanks the Board for the recognition on behalf of himself and Mr. Cooks.

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

Dr. Paul Georghiou: states he is an emergency room physician and indicates there is good health care news for the County; speaks to the private/public sector partnership that was created and is assisting young families with health care and because of this they are seeing less young families in the emergency room; states Sierra Vista Hospital received a special award relating to cardiac treatment.

Ms. Laura Knox: addresses the Board hearing that will be held on Sunny Acres on January 11, 2005; speaks to what the Sunny Acres housing/program has done to assist her and she has been clean and sober for a year.

Mr. Dan DeVaul: states he owns the property(Sunny Acres) that is on for hearing next week and indicates he started this home because he is a recovering addict himself; he is asking the Board to help him bring his home into compliance and keep it open.

Mr. Richard Carroll: states he has lived at Sunny Acres for two years and has been clean and sober all that time because of the help he has received through this program; states he volunteers at EOC now; asks the Board to help them next week so the home stays open.

Mr. Virgil Jamison: states he has been a client of Sunny Acres for the past eight months and has been clean and sober the entire time; states he now has a life and a reason to live; asks the Board to help this home stay open.

Ms. Kevin Claseman: speaks in support of Sunny Acres and keeping it open.

Mr. David Chacon: states he resides at Sunny Acres and comments on the help they have given him and the stability they have provided him.

Mr. Jess Macias: speaks to what happened to him after his divorce and with Sunny Acres help he has been sober for two years, has a job and the trust of this group; speaks to the benefits of this program.

Mr. Randy Lee Morton: states he as been on parole for a long time, was a menace to this County for years and now is turning all that around with the help of Sunny Acres.

Ms. Rene Aleman: speaks in support of keeping Sunny Acres open.

Mr. Noah Twete: states he resides at Sunny Acres, is a native of the County and speaks to the help this program has given him.

Mr. Aaron Jones: states he is on parole and Sunny Acres as helped keep him out of prison.

Mr. David Bokan: states he has been clean and sober for two months thanks to the assistance of Sunny Acres.

Mr. David Hodges: states he has been sober for six months with the help of Sunny Acres and wants this home to stay open.

Mr. Bruce Buttemere: states Sunny Acres provides a lot of positive reinforcement and wants the program to remain open.

Mr. Stephen Lemus: states he is new to Sunny Acres and thanks them for all their help; states he needs the stability they provide which helps him with his daughter.

Mr. Eric Greening: welcomes new Supervisors Lenthall and Patterson to the Board and "re-welcomes" Supervisor Ovitt; likes the way the Supervisors started the new year; speaks regarding keeping advisory groups involved and making sure all areas of the County have an advisory board representing them.

Mr. David Roberts: states he has been at Sunny Acres one year and the program is working for him; indicates he is getting his family back together. **No action taken.**

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

Sheriff-Coroner Pat Hedges: comments on Item B-2 addressing the settlement in the Vestal case; states he doesn't support this settlement but understands the reasoning; states his deputies did as was expected of them and they didn't do anything wrong as was shown in two independent investigations; states Mr. Vestal is not the first, nor will he be the last, to die of illegal drug use; addresses his concern to the newspapers trying to transfer the blame of his drug use to the deputies; states this case was tried by the newspapers; comments on the papers refusal to talk to him about this; restates that the deputies did nothing wrong in this case. **No action taken.**

4 B-1
thru
B-19 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

AYES: Supervisors Ovitt, Achadjian, Lenthall, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

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

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

Administrative Office Items:

B-1 Submittal of a notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 88 to the City of Paso Robles (Linne Road), **Approved.**

B-2 Request to confirm completed settlements for the following liability claims involving the County: Dudich, Ramey and Vestal, **Approved.**

Clerk-Recorder Items:

B-3 Minutes of the Board of Supervisors meetings of November 2, 9, and 23, 2004, **Approved.**

B-4 Request to correct the cover sheet from December 14, 2004 Board of Supervisors Agenda for item B-38-C to reflect approval of CO 03-0464 instead of CO 03-0474, **Approved**

General Services Items:

B-5 Bid opening report for the Job Order Contract construction services; All Districts, **Approved and the Chairperson is instructed to sign contract documents with R. Simons Company, Inc.**

B-6 Request to authorize the Director of General Services to execute a use permit allowing the San Luis Obispo County Office of Education to use the Board of Supervisors Chambers, **Approved.**

- B-7 Budget adjustment in the amount of \$48,590 from General Fund Contingencies to purchase 38 parcels of tax-defaulted land in Cayucos, La Grande Beach, and California Valley, **Approved.**
- B-8 1) Create a new project Lopez Lake High Ridge Trail; 2) approve a budget adjustment in the amount of \$8,000 from unanticipated revenue, **Approved**; and 3) **RESOLUTION NO. 2005-2**, accepting San Luis Obispo Parks, Open Space and Trail Foundation funding for the project and authorize the General Services Director to negotiate and sign contracts to complete the project, **Adopted.**
- B-9 1) **RESOLUTION NO. 2005-3**, authorizing the purchase of real property located in the unincorporated area of Cambria for the County Library, **Adopted**; and 2) corresponding budget adjustment in the amount of \$259,000 for creation of a new project – Cambria Library Land Acquisition, **Approved.**
- B-10 **RESOLUTION NO. 2005-4**, authorizing execution of a notice of completion and acceptance for construction of a vehicle storage building for the Sheriff's Department at the County Operations Center, **Adopted.**

Public Works Items:

- B-11 1) Agreement with the San Luis Obispo County Office of Education for a cable TV access grant; and 2) a corresponding budget adjustment in the amount of \$17,762, **Approved.**
- B-12 **RESOLUTION NO. 2005-5**, vacating a portion of Santa Isabel Avenue at Park Avenue in the community of Cayucos, by summary vacation and a request to approve a conformity report; 2nd District, **Adopted.**
- B-13 **RESOLUTION NO. 2005-6**, accepting the relinquishment of rights of ingress and egress along San Luis Street and Avila Beach Drive (County Roads Nos. 2073 and 2070); 3rd District, **Adopted.**

Other Items:

- B-14 Request by Supervisor Ovitt to appoint Gerald L. Rioux to the Private Industry Council Workforce Investment Board, **Approved.**
- B-15 Request by Planning and Building to approve a budget adjustment in the amount of \$211,150 from the 2003 Federal Supportive Housing Program to Budget Unit 2085 – Community Development to provide funding for a case management program for homeless individuals; 3rd and 4th Districts, **Approved.**
- B-16 Contract (Clerk's File) with the State Department of Mental Health that establishes conditions for placement of patients at the State Hospital, **Approved.**
- B-17 Request by the Sheriff-Coroner to approve a retroactive step increase due to a late performance evaluation, **Approved.**
- B-18 Agreement with Allan Hancock Joint Community College District to provide fire technology instruction, **Approved.**
- B-19 Joint powers agreement with the City of San Luis Obispo to reduce the operating hours of the City/County Library, **Approved.**

- 5 C-1 This is the time set for hearing to consider an appeal by James Dahmen of the South County Road Improvement Fee; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report and recommends denial of the appeal.

The Appellant is not present.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Patterson and unanimously carried, the Board denies the appeal.

- 6 C-2 This is the time set for hearing to consider an appeal by Maria Vista Estates of the Public Works Director's determination regarding a will-serve letter for Tracts 1802 and 1856 in the Nipomo Mesa Area; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report; states that Phase 1 of these two tract maps has been recorded and the Applicant is now looking to record the second Phase; provides a brief history of the tracts; addresses the letter the Nipomo Community Services District (NCSD) sent regarding water and the conditions that were included in the letter; addresses the

Real Property Division Ordinance regarding the provisions for receiving and filing appeals and based on this language, staff doesn't believe this is a proper appeal and should be denied based on the findings they have prepared in Exhibit 1 of the staff report; staff also prepared a second set of findings should the Board hear the appeal; outlines the various issues raised in the appeal relating to the requirements for water supply and sewer service; the final will-serve letter; the status of the construction; status of the easement where lines have been installed; references to Map Act requirements; addresses the current status of the final maps and additional conditions that still need to be completed before they can record; presents copies of *Superior Court Case #CV0040877 - Maria Vista Estates v. Nipomo Community Services District*, and Resolution Nos. 2002-17 and 2002-18 from the Planning Commission hearing dated March 14, 2002.

Mr. Dave Lanferman: attorney representing the Applicant, addresses their letter, dated December 30, 2004, to the Board outlining their issues; addresses the compliance issues that have been met per the NCSO; believes they have a will-serve letter; asks the Board to accept their appeal and direct the Public Works staff to accept the will-serve letter and move forward on the maps.

Mr. Michael LeBrun: General Manager for the NCSO, states it is a "service" letter with conditions that are above and beyond what would be in a "normal" will-serve letter; discusses fee payments they have received/requested; the conditions of the letter and the Applicant now wants to file their final map before all those conditions are met; states the NCSO wants a bond for any conditions that have not been met; the NCSO also has questions regarding an easement offer (which is outside the District boundaries) versus the established easement in this area.

Supervisor Achadjian: questions the letter, with Mr. LeBrun indicating that it is not the normal will-serve letter because of all the conditions that were included.

Supervisor Patterson: questions what services the NCSO is currently providing with Mr. LeBrun responding.

Mr. Lanferman: gives his closing comments; believes they did receive a will-serve letter and that the conditions need to be completed as a part of it and when that occurs they will receive water.

Mr. Marshall: gives his closing comments and believes this appeal should be denied.

Board Members: address various issues, comments and concerns regarding: the letter from the NCSO about not being able to final until all issues are resolved; the County's letter indicating that certain things need to be addressed before the maps can be finalized.

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

AYES:	Supervisors	Achadjian, Ovitt, Lenthall, Chairperson Bianchi
NOES:	Supervisor	Patterson
ABSENT:	None	

the Board denies the appeal based on the Findings in Exhibit 1 of the staff report dated January 4, 2005 and further directs that the appeal fees, in the amount of \$578, be refunded.

7

C-3

This is the time set for hearing (continued from 11/9/04) to consider public input for the proposed 2005 Community Development Block Grant (CDBG), HOME Investment Partnerships Act (HOME), Emergency Shelter Grant (ESG) Program needs hearing and proposed amendments to the Urban County of San Luis Obispo Program Year 2002 and 2004 Action Plans; All Districts.

Mr. Tony Navarro: Planning, presents the staff report; presents a revised resolution to address changes by the City of Paso Robles and a revised staff report regarding the changes by the City and now will only address the 2002 year; addresses the workshops that were held on the program and the discussions regarding: the need for affordable housing Countywide; homelessness issues; public services' needs; public facilities' needs; and, economic development issues; addresses the requests by both the cities of Arroyo Grande and Paso Robles.

Ms. Catherine Manning: EOC Homeless Services, asks the Board to continue their support of the homelessness issues in the County.

Ms. Margaret Falkner: representing the Los Osos Community Services District, asks for funding support to assist those low income folks in Los Osos with sewer costs.

Ms. Charlotte Byrne: addresses the homeless shelter program in Atascadero (ECHO - El Camino Homeless Organization) and how it is run by volunteers; thanks all involved including EOC; states that Supervisor Ryan was a great mentor for this program and hopes the Board will continue to support them.

Ms. Rachel Richardson: representing AIDS Support Network and the SLO County Supportive Housing Consortium, addresses the Consortium and the recommendations that come from this group which stopped competition for funding among the various groups.

Ms. Kayla Wilburn: EOC, addresses their request to renovate the clinic in Arroyo Grande and what is needed to finish it; outlines what health programs they provide.

Mr. Scott Smith: People's Self Help Housing, addresses the affordable housing needs in the County.

Mr. Mike Byrne: representing ECHO, thanks the Board for their past support; addresses the food and housing they are currently providing to the homeless in North County; states they currently move the shelter from church to church each month.

Ms. Dee Krogh: Life Steps Foundation, speaks to the needs of the Casa de Vida program in South County for security fencing and a gate and why this is necessary.

Ms. Mary Lemus: speaks to the funding needs for the Sunny Acres program in San Luis Obispo so they can continue providing services.

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

AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

the Board conducted the public hearing, received public testimony and RESOLUTION NO. 2005-7, resolution approving the amendment of the Urban County of San Luis Obispo Program Year 2002 Action Plan, adopted as amended.

8 D-1 This is the time set for consideration of the County Treasury Oversight Committee Annual Investment Policy Compliance Audit Report for the fiscal year ended June 30, 2004; the County Treasury Investment Policy for Calendar Year 2005; and confirmation of nominees to the County Treasury Oversight Committee for calendar year 2005.

Mr. Frank Freitas: County Treasurer-Tax Collector, introduces the item.

Mr. Gere Sibbach: County Auditor-Controller, states that the first part of the new EFS Financial system was "rolled out" yesterday; addresses the Oversight Committee's Annual Audit and the findings from the same.

Mr. Freitas: addresses the changes to the Investment Policy and the recommendations for appointments to the Committee.

Mr. Michael Kovacs: welcomes Supervisor Bianchi as the new Chairperson for the Board; welcomes Supervisor Patterson as the new 5th District Supervisor; questions why it took six months for this report to come to the Board; asks what the funding amount is currently and how this differs from last year, with Mr. Sibbach and Mr. Freitas responding.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board receives and files the Annual Investment Policy Compliance Audit Report; approves the Investment Policy for Calendar Year 2005; and, confirms Clark Channing, Jim Grant, Mary Jarvis, Russell Miller and Gere W. Sibbach as members of the County Treasury Oversight Committee for the 2005 calendar year.

9 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) *Cambria Community Services District v. County of San Luis Obispo, Covell, Ralph, et al.*, (2) *Knollengerg v. County of San Luis Obispo, et al.* **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** (8) *Heritage Ranch Owners Association v. County of San Luis Obispo* and (9) which was a duplicate of #1.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (3) *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. (4) *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: (5) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge*, Name of employee organization: *San Luis Obispo County Probation Peace Officers' Association*; (6) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*, (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Sheriff's Management*.

Chairperson Bianchi: opens the floor to public comment.

Mr. Michael Kovacs: the addition of #9 on the Closed Session and asks if it is a duplicate of #1 with Mr. James Lindholm, County Counsel responding that it is.

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 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, January 4, 2005, 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: January 7, 2004
vms