

Tuesday, October 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-A    **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Achadjian and on the following roll call vote:**

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

**NOES:**            **None**

**ABSENT:**        **None**

**RESOLUTION NO. 2005-290, resolution designating October 2005 as San Luis Obispo County Domestic Violence Awareness Month, adopted.**

**Supervisor Lenthall:** reads the resolution and presents the same to Mr. Gerald Shea, District Attorney.

**Mr. Shea:** thanks the Board for the resolution; states the State Attorney General's Office report on domestic violence included a recommendation for District Attorneys, Courts, Sheriff's, Police Departments and local shelters representatives to conduct meetings to encourage communication between the agencies; they have been conducting those meetings for 11 years; discusses an upcoming program "How Domestic Violence Hurts your Patients and your Practice" presented to the County Medical Society; introduces Beth Raub, San Luis Obispo County Women's Shelter.

**Ms. Raub:** comments on the Family Fun Fest and presents Board members with a gift bag.

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

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

**NOES:**            **None**

**ABSENT:**        **None**

**RESOLUTION NO. 2005-291, resolution proclaiming October 2-8, 2005, as National 4-H Week, adopted.**

**Chairperson Bianchi:** reads the resolution and presents the same to Mr. Richard Enfield, Cooperative Extension 4-H Youth Development Advisor and five 4-H All Stars, who introduce themselves to the Board, present each Supervisor with a magnet and ask that the 4-H flag be flown at the Government Center for the week.

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

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

**NOES:**            **None**

**ABSENT:**        **None**

**RESOLUTION NO. 2005-292, adopted.**

**Chairperson Bianchi:** reads the resolution commending Richard Enfield for his 25 years of service as the 4-H Youth Development Advisor and presents the same to Mr. Enfield.

**Mr. Enfield:** thanks the Board for the recognition and support; states he is accepting the resolution on behalf of all the volunteers who have helped over the years.

**Ms. Mary Bianchi:** Farm Advisor's Office, highlights events Mr. Enfield has been involved with and the positive impacts he has on children.

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

**Mr. Jesse Arnold:** discusses the Blackeyed Pea resistance to genetic engineering (GE); presents copies of an article entitled Seeds of Doubt; urges the Board to support labeling of GE crops; presents the Board members with a bag of Blackeyed Peas.

**Mr. Eric Greening:** endorses Ms. Colamarino's statements that she will be making regarding Art Day; expresses his concern that one meeting for the Rural Plan Development Ordinance may not be enough; states with the election results for Los Osos in, the County's need to work with the new Los Osos Community Services District Board regarding Earworm funds, the Habitat Conservation Plan and the Integrated Regional Water Master Plan; asks the Board to take action separating Cayucos and Los Osos in the Estero Area Plan to stop the delay of the Cayucos Vision Plan.

**Ms. Katrin Colamarino:** San Luis Obispo Art's Council Executive Director, states October 7 is "California's Art Day"; discusses the positive impacts of art on children; thanks the Board for their support and presents the Board with a catalog.

**Mr. Michael Winn:** states that the Proposition 50 application for funds regarding Earworm cannot be revised to use in Los Osos. **No action taken.**

5 B-1 Thru B-16 This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

**Chairperson Bianchi:** opens the floor to public comment without response.

Consent Agenda Item B-3 is amended by omitting Pages B-3-10 thru B-3-13 from the staff report. Item B-16 is added to the Consent Agenda.

**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

**Consent Agenda Items B-1 through B-16 are approved as recommended by the County Administrative Officer and as amended by the Board.**

Consent Agenda Items B-1 through B-16, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening/hearing:

B-1 Letter transmitting plans and specifications (Clerk's File) for construction of fencing and controls at the existing parking lot adjacent to the County Courthouse Annex, **Approved and the Clerk is instructed to give notice of Bid opening set for November 14, 2005 at 3:00 p.m..**

B-2 Authorization to conduct assessment proceedings for Tract 2494; 4th District, **Approved and the Clerk is instructed to give notice of hearing date set for December 6, 2005 at 9:00 a.m..**

B-3 **RESOLUTION NO. 2005-293**, resolution of intention of the San Luis Obispo County Flood Control and Water Conservation District to Annex Tract 2494 in the County to Flood Control Zone 16 for the purpose of drainage basin maintenance; 4th District, **Adopted as amended and the Clerk is instructed to give notice of hearing date set for December 20, 2005 at 9:00 a.m.**

Behavioral Health Items:

B-4 Renewal contract with State Department of Mental Health Services with contractor certification clauses; and a Managed Care/Mental Health Plan contract designating County Behavioral Health Services as the provider of Medi-Cal Services, **Approved.**

B-5 Renewal contract (Clerk's File) with Martha Jimenez to provide psychiatric nurse practitioner services for the Health Agency – Behavioral Health Services, **Approved.**

Board of Supervisors Items:

B-6 **RESOLUTION NO. 2005-294**, proclaiming October 2005 as “Lupus Awareness Month”, **Adopted.**

B-7 **RESOLUTION NO. 2005-295**, commending the Private Industry Council (PIC) on it's 25<sup>th</sup> Anniversary, **Adopted.**

B-8 **RESOLUTION NO. 2005-296**, recognizing September 2005 as “Suicide Prevention Month”, **Adopted.**

B-9 Allocation of \$2,500 (District One - \$1,000, District Five - \$1,500) from District Community Grant Funds - Fund Center 106, to the Atascadero Colony Days Committee to be used for expenses associated with holding the annual Colony Days event on October 15th and 16th, 2005, **Approved.**

Clerk-Recorder Items:

B-10 Minutes of the Board of Supervisors meetings of August 2, 9, 16, and 23, 2005, **Approved.**

B-11 Destruction of expired and revoked Process Server Registrations, **Approved.**

B-12 Destruction of unaccepted bids covering the time period of February 10, 2000 to August 14, 2000, **Approved.**

Other Items:

B-13 Contracts with Mead & Hunt (Clerk's File) and Tartgalia Engineering (Clerk's File) for final engineering design and construction documents for the proposed runway extension project at the San Luis Obispo County Regional Airport, **Approved.**

B-14 Fiscal Year 2004-2005 Civil Service Commission Annual Report, **Received and Filed.**

B-15 The following Parcel Map has been received and has satisfied all the conditions of approval that were established in the public hearing on its Tentative Map: A. CO 04-0468, a proposed subdivision resulting in 3 lots and one common area, by Andy Hinsdale, Birch Avenue, Cayucos; 2nd District, **Approved.**

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

B-16 Contract (Clerk's File) in the amount of \$30,000 for Fiscal Year 2005-2006 with Valueoptions, Inc. to provide Medi-Cal specialty Mental Health Services to children placed in group homes and other placements out of the County; and a budget adjustment in the amount of \$30,000 from the Mental Health Managed Care Trust Fund, **Approved.**

7 C-1 This is the time set for hearing to consider a request to change the County boundary in order to move a portion of Suey Ranch from San Luis Obispo County into Santa Barbara County.

**Mr. Dan Buckshi:** Administration, discusses the history of the petition for the County boundary change.

**Mr. John Euphrat:** Planning, presents and discusses maps of the proposed boundary change.

**Mr. Buckshi:** discusses the minor boundary change process; the County's ability to provide Sheriff and Fire services; states the change would create a "convoluted" boundary line; discusses the loss of control on the future of the property; the boundaries for the creation of Mission County are set for the June 2006 election; discusses the loss of property taxes; presents the staff recommendations.

**Supervisor Patterson:** questions if Santa Barbara has added more Agriculture Crime Officers like San Luis Obispo has.

**Mr. Buckshi:** states he was unable to verify if additional staff has been added.

**Mr. Michael Morris:** attorney for the Petitioner, states the property faces Santa Maria and it has a Santa Maria address and phone number; discusses the proposal submitted to the Board to provide an alternate route for water to the Nipomo Community Services District (NCSO).

**Mr. Ed Eby:** NCSO Vice President, states at the Nipomo Community Advisory Council meeting they recommended denial of this boundary change; discusses the loss of impact fees and potential future property taxes; states there was no advantage to the County until today's proposal; indicates the NCSO is currently conducting an environmental study to determine the best route for the water pipeline from Santa Maria; states the NCSO Board should review this proposal prior to Board approval; urges the Board to deny this petition.

**Mr. Thomas Givens:** addresses his concerns that the staff report presented today was not part of the Santa Barbara County Board of Supervisors meeting on this matter; indicates that the Santa Maria River runs every 5 years and his concern to running a pipeline under the bridge; discusses the isolation of the neighboring property if the boundary change occurs; urges the Board to deny the petition.

**Mr. Michael Winn:** NCSO Director, states by law this boundary change is minor, but it truly is a major change; if this property is developed in the future he would rather see it under San Luis Obispo County standards; addresses his concern regarding placement of a pipeline under the Santa Maria River Bridge.

**Chairperson Bianchi:** reads Eric Greening's comments supporting the staff recommendations.

**Supervisor Patterson:** believes the boundary change is a bad idea; states he won't support this change.

**Supervisor Lenthall:** expresses his concerns that staff and the NCSO not have not had sufficient time to review the Petitioner's proposal; states he would like to see this come back after the June 2006 election.

**Chairperson Bianchi:** states she won't support the proposal especially since the NCSO hasn't been involved.

**A motion by Supervisor Achadjian to continue the matter and conduct a meeting with County Administration, Planning, Public Works and the NCSO to the review the Applicant's offer, is discussed.**

**Mr. James Lindholm:** County Counsel, states the matter can be continued up to 45 days; the present proposal changes the nature of the analysis under CEQA and would require a new CEQA analysis be prepared.

**Supervisor Patterson:** states the NCSO is looking into moving the water from Santa Maria and the Board should let the process run its course suggests the Petitioner can work with the NCSO and bring it back after the June 2006 election.

**Supervisor Ovitt:** suggests looking at a more complete boundary change.

**Supervisor Lenthall:** discusses what would need to be accomplished in the next 45 days if the matter was continued; expresses his concerns to the potential impacts of the June

2006 election; suggests waiting until the outcome of the June 2006 election would allow the other agencies involved sufficient time to review the Applicant's proposal.

**Mr. Eby:** states the NCS D is preparing an EIR for the supplemental pipeline which should be ready in the first quarter of 2006.

**Mr. Vic Holanda:** Director of Planning and Building, states if directed he can dedicate staff to work on this with the understanding staff would be pulled away from other projects.

**Supervisor Achadjian amends his motion to bring the matter back after the NCS D has prepared and circulated the EIR for the supplemental pipeline and after the June 2006 Election has occurred with said motion being discussed.**

**Mr. David Edge:** County Administrative Officer, states the Board cannot continue the matter further than 45 days; suggests denying the appeal and then Supervisor Achadjian's concerns about bringing the matter back can be addressed in a new petition.

**Mr. Lindholm:** states the precise motion to be made would be to file the attached written protest, adopt the resolution abandoning the proposed boundary adjustment and Supervisor Achadjian's comments could be included in this motion.

**Supervisor Achadjian amends his motion to deny the request for a boundary change, with the understanding the request will be reapplied for with the County; direct staff to set up a meeting with County Administrative staff, a representative from Planning and Public Works, a member of the NCS D and Supervisor Achadjian to work with the Petitioner on this issue, with Supervisor Lenthall seconding the motion.**

**Mr. Lindholm:** states the precise motion to be made would be to file the attached written protest, adopt the resolution abandoning the proposed boundary adjustment.

**The motion maker and second amends the motion to file the attached written protest and adopt the resolution abandoning the proposed boundary adjustment.**

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

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

**the Board files the attached written protest and RESOLUTION NO. 2005-297, resolution abandoning the proposed minor boundary adjustment between San Luis Obispo and Santa Barbara Counties, Adopted.**

8 C-2 This is the time set for hearing to consider a contract with Aircon Energy, Inc. in the amount of \$7,432,980 for the design and installation of infrastructure improvements and interior renovations for the former General Hospital facility.

**Mr. Duane Leib:** General Services Director, introduces the item; discusses the Energy Services Provider selection process and the benefits of using this process.

**No one appearing and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Patterson and on the following roll call vote:**

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

**the Board approves an energy services design and installation contract with Aircon Energy, Inc., of Sacramento, in the amount of \$7,432,980 for a complete infrastructure renovation and limited interior remodeling for the County Health Campus new office and public service space; directs the Chairperson to sign the contract for San Luis Obispo - Install Health Campus Infrastructure Improvements - #300049, SLO Health Campus Improvements #320002, Countywide ADA - Health**

**Campus Restrooms #300065.10, Countywide Maintenance - Health Campus #350008.08; and approves the findings of the preliminary energy audit that the projected energy savings and the capital off-set costs under this contract meets the requirement of Government Code Section 4217.12 which, as defined in the Public Utilities Code, is a payback term not exceeding 35 years.**

9 C-3 This is the time set for hearing to consider an appeal of the South County Road Improvement Fee by Peter Maly for property located at 425 Victory Way in the City of Arroyo Grande; 4th District. (This item was amended at the beginning of the meeting to reflect the property is located at 425 Victory Way in the South County Road Fee Area.)

**Mr. Richard Marshall:** Public Works, presents the staff report; amends Page 3 to correct it to read “Mr. Maly” from Mr. & Mrs. Kuhnle and recommends denial of the appeal.

**Mr. Peter Maly:** Appellant, states he is trying to add a secondary dwelling for his daughter and her husband and is unable to build a second story on his current home; speaks to the fees he has already paid and expresses his concern that the fees are out of proportion for a secondary dwelling; states the dwelling will not create any additional road traffic as his daughter and son-in-law already live on the property; believes that the Road Fee doesn’t encourage granny homes being built; urges the Board to modify the fee.

**Mr. Michael Winn:** NCS D Director, agrees with Mr. Maly, that the fees should be proportionate to the amount of traffic impact they create.

**Matter is fully discussed, and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board denies the appeal by Mr. Maly.**

10 SP This is the time set for the dedication of the New Government Center Building.

**Mr. David Edge:** County Administrative Officer, states the dedication is cancelled. **No action taken.**

11 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) *Varin v. County of SLO, et al.*; (2) *Gulf Underwriters Insurance Co. v. County of SLO*; (3) *San Luis Obispo Coastkeeper v. County of SLO, et al.*; and (4) *Nipomo Community Services District v. County of SLO, et al.*

**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.

**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: (7) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy County Counsel Association*; (8) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriffs’ Association*; (9) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Management/Confidential*; (10) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA, Trades*; (11) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCPPOA*; (12) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*

**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: (13) Property Description: *Book 075, Pgs. 111-116 & Book 061, Pg. 091 (LaGrande Beach, Oceano)*, Parties with whom negotiating: *State of California/Andy Zilke*, Instructions to Negotiator will concern: *Price, Terms and Conditions.*

**Chairperson Bianchi:** 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 took action on one item in the litigation *Varian vs. County of SLO* and unanimously approved the settlement of the Motion to Enforce a settlement agreement subject to the existing judgment and Quiet Title, a release; the 2003 settlement agreement all which was subject to Defendant Turley's compliance with all the terms and conditions of the September 22, 2005 letter from Public Works the Board took no other action and the Board goes into Open Public Session.

- 12 C-4 This is the time set for continued hearing (continued from September 13, 2005) to consider an appeal by Coastal View Protection Coalition to reverse the decision of the Planning Commission to approve the request by Sprint PCS/Bonaire Investments for a Development Plan/Coastal Development Permit (DRC2004-00008) to allow the construction and operation of an unmanned wireless telecommunications facility consisting of 3 panel antennas with a 50-foot high, 12-inch diameter flagpole and associated equipment within the basement of an existing building located at 1337 Los Osos Valley Road at the intersection of South Bay Boulevard in the community of Los Osos; 2nd District.

**Chairperson Bianchi:** reads a letter of withdrawal from the Applicant.

**A motion by Supervisor Achadjian, seconded by Lenthall, to accept the letter of withdrawal, is discussed.**

**Mr. Lindholm:** states the Board is not required to make a motion to accept the letter of withdrawal with the motion maker and second withdrawing their motion. **No action taken.**

- 13 D-1 This is the time set for consideration of a preliminary report on implementation of a Managed Care System for Medi-Cal patients.

**Mr. Jess Montoya:** Health Agency Director, presents the staff report; discusses the managed care goals of medical redesign; highlights the reasons to become a County Organized Health System (COHS); discusses the potential to combine the system with other counties and creates links to community-based services; discusses the differences between COHS and commercial plans.

**Dr. Greg Thomas:** Public Health Officer, discusses the medical community's reaction and the reimbursements for Medi-Cal patients; states this program would benefit patients, doctors and the County.

**Chairperson Bianchi:** indicates in the past when a partnership with another County was discussed, they wanted San Luis Obispo to be a junior partner; questions if that is still the case; expresses she would want San Luis Obispo to be an equal partner.

**Mr. Montoya:** states Santa Barbara has already established their COHS and would want to be a senior partner but this is something that could be further discussed.

**Supervisor Achadjian:** questions if Santa Barbara County's COHS is financially sound, with Dr. Thomas responding.

**Supervisor Lenthall:** questions if keeping local control has cost savings and if it improves patient healthcare.

**Dr. Thomas:** states if the Medical fee schedule worked well in the County, the Health Department wouldn't be looking at this program.

**Mr. Montoya:** introduces Karen Bailer, the new Behavioral Health Administrator.

**A motion by Supervisor Patterson, seconded by Supervisor Lenthall to approve the County Organized Health System in concept and directs the Health Agency Director to provide a final report and recommendation to the Board no later than December 2005, is discussed.**

**The motion maker and second amend their motion to set the date for this matter to return to the Board on December 13, 2005.**

**Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Lenthall to approve the County Organized Health System in concept and directs the Health Agency Director to provide a final report and recommendation to the Board on December 13, 2005.**

14 E-1 This is the time set for consideration of a response to a letter from the Planning Commission dated May 12, 2005 regarding the Transfer Development Credits (TDC) program and the TDC annual report.

**Ms. Karen Nall:** Planning, presents the staff report and the Planning Commission letter regarding the Program and their concerns.

**Ms. Kami Griffin:** Planning, discusses the staff recommendations and changes the language on Page 3 of the staff report, the paragraph before Recommendation No. 4, from “Receiving” sites to “Sending” sites.

**Supervisor Achadjian:** states the Nipomo Advisory Committee suggests getting rid of the Program.

**Mr. Tom Coughlin:** discusses a project on Carmel Road in South Atascadero and the traffic impacts from the development; expresses his concern over groundwater safety; states he has submitted a petition to end the Program to the Planning Department and the Santa Margarita Advisory Committee; urges the Board to stop the Program being used in South Atascadero.

**Mr. Roy Aguirre:** discusses the definitions in the Program.

**Mr. Jim Bermann:** states he agrees with previous speakers opposing the Program and expresses his concern with the current utility failures and the impacts new development will have on these problems.

**Mr. Eric Greening:** states his was optimistic about the Program in the beginning but it is creating sprawl; the Program hasn’t lived up to its expectations; urges the Board to get rid of the Program.

**Ms. Tina Salter:** discusses the impacts of development on her South Atascadero neighborhood; states the Program needs to be dissolved.

**Ms. Sue Owen:** discusses traffic impacts of TDC developments; urges Board to change the Program.

**Mr. Tim Haley:** states he sent the Board members an email regarding the Program and he agrees with Mr. Coughlin’s comments.

**Mr. Ken Bornholdt:** attorney for the Bonnheim Family, presents a letter to the Board addressing the success his client has had with the Program; urges the Board to direct staff to maintain the Program.

**Mr. Bob Rutledge:** states he agrees with the previous speakers who are concerned about the Program.

**Mr. Rob Foster:** agrees with previous speakers against the Program.

**Mr. Elizabeth Rolph:** urges the Board to dissolve the Program; discusses the preservation of land and the negative impacts of the Program.

**Mr. Richard Pettit:** discusses his neighbors use of the Program; states the Program isn’t protecting agricultural land; urges the Board to dissolve the Program.

**Ms. Maria Lorca:** presents a powerpoint showing the cost and benefits of the Program; discusses the problems the Program has created.

**Mr. Greg McMillan:** states the Program has created a monster; urges the Board to dissolve the Program.



**Mr. Irv McMillan:** urges the Board “to take to heart” the outpouring of support to dissolve the Program; expresses his belief that it works against the Williamson Act.

**Mr. Patty Andreen:** addresses the County’s difficulties in being able to make the Program work; urges the Board to consider a moratorium and starting over with the Program.

**Mr. Andrew Christie:** Chapter Coordinator for the Sierra Club, states the Program is creating sprawl; urges the Board to accept the advise from the Advisory Committees and dissolve the Program.

**Ms. Audrey Beatty:** agrees with previous speaker against the Program and urges the Board to dissolve the it.

**Ms. Joy Fitzhugh:** Farm Bureau, urges the Board to correct the Program to resolve the issues with it.

**Ms. Dorothy Jennings:** Templeton Area Advisory Group (TAAG), states they are advising the Board to dissolve the Program and urges a moratorium to stop all new applications.

**Mr. Larry Allen:** Director of the Air Pollution Control District, states he supported the Program in the beginning but sees no benefit now; agrees with the Planning Commission direction to discontinue the Program.

**Ms. Tobey Osgood:** discusses her experience trying to use the Program; support the Program but some changes need to be made; suggests that previous Program applications be grandfather in if changes are made.

**(CHAIRPERSON SHIRLEY BIANCHI IS NOW ABSENT AND VICE CHAIRPERSON K.H. “KATCHO” ACHADJIAN TAKES OVER THE MEETING.)**

**Ms. Cassie Nix:** representing Mr. Richard Yocum, opposes the Program.

**Ms. Christina Aguirre:** urges the Board to dissolve the Program; discusses safety concerns for her children due to traffic in the neighborhood.

**Ms. Susan Harvey:** urges the Board to dissolve the Program.

**Ms. Jay Adams:** presents a map for areas that are eligible to receive the Bonnheim credits; states they would create 173 lots from 43; urges the Board to dissolve the Program.

**Ms. Jamie Kirk:** discusses the benefits of the Program.

**Mr. Steve Babcock:** discusses current and past projects that used the Program; address the public benefit of the Program.

**Mr. Allen Volbrecht:** discusses two applications in process that will be using South Atascadero as the receiving sites; addresses the history of the area and the road improvements that have been made.

**Ms. Pamela Jardini:** presents letters of support and suggestions for Program.

**Mr. Skip Touchon:** urges the Board to make changes to the Program and not dissolve it.

**Mr. C.Z. Whitney:** Santa Margarita Area Advisory Council member and highlights their letter to the Board concerning the Program and urges the Board to dissolve it; if not dissolved they would like to see changes to the receiver and sender site requirements or put a hold or moratorium on new applications until revisions to the Ordinance are in place.

**Ms. Cheryl Kelling:** states she has seen how well the Program can work.

**Ms. Elizabeth Fadeley:** urges the Board to abolish the Program.

**Mr. Eric Cleveland:** discusses his project and how it worked for him and his family; states no there is incentive to support the Program unless you are a developer.

**Ms. Dolores Simons:** states the Program is flawed; presents a letter to the Board and urges them to abandon the Program.

**Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Lenthall, with Chairperson Bianchi being absent, motion carries, and the Board agrees to continue the meeting past 5 p.m.**

**Ms. Katheryn Sweet:** states she opposes the Program; discusses the developments in South Atascadero and the impacts the developments have on the community.

**(CHAIRPERSON SHIRLEY BIANCHI IS NOW PRESENT AND TAKES BACK OVER THE MEETING.)**

**Ms. Della Barrett:** addresses the discussions regarding the public benefit of some the developments and that they may have been a requirement of the development even without the Program; urges Board to budget money to either fix or abolish the Program before you introduce another plan; discusses her fax with or 11 questions regarding the Program.

**Mr. Rob Strong:** agrees there are flaws in the Program; discusses the South Atascadero issue; states he supports a modified Program.

**Ms. Penny Bermann:** agrees with previous speakers who oppose the Program.

**Mr. Steve Sinton:** reminds the Board of the good things the Program has accomplished when used as it was intended; suggests a portion of the money from selling credits, be set aside for receiving areas to address impacts.

**Mr. Chad Wittstrom:** states he has processed three TDC receiver sites; states there is a need to look at the Program; there are too many sending sites in areas that are too small; suggests changing the sending site credit to a higher value; create an EIR to show the environmental and economic benefits of the Program.

**Mr. Barak Miles:** states the Program helps control growth and is a great benefit for the County.

**Mr. Gary Tharp:** discusses wanting to split his lot and how he could benefit by using the Program.

**Mr. Tom Feeley:** supports the Program.

**Mr. Mike Avila:** discusses the benefits of the Program.

**Mr. Karl Wittstrom:** discusses the City of Paso Robles Planning Seminar regarding the future of California; states the Program should not be used in agricultural land; homes should be developed closer to other services; and discusses walkable communities.

**Mr. Corey Flickinger:** states he supports the Program.

**Mr. Shannon Bennett:** states he supports the Program.

**Ms. Sarah Christie:** Planning Commissioner (District 5 representative), thanks the Board for setting this hearing; Planning staff has done a good job using the Program to serve the customer; states she once supported the Program but now it's time to discontinue it; states the Program hasn't benefitted the public or conserve agriculture land as it intended.

**Ms. Tami Clark:** states she supports the Program.

**Mr. Chris Volbrecht:** states he supports the Program and believes it has done a lot of good for the County.

**Ms. Peggy Wilson:** Chairperson of the Oceano/Halcyon Area Advisory Committee, asks the Board to support the Advisory Groups, who oppose and deal with the burdens of the Program; urges the Board to remove this Program.

**Supervisor Ovitt:** discusses continuing the matter to allow staff time to review the information and present the pros and cons of the Program.

**Ms. Griffin:** states staff can be ready to present information to the Board at the November 22, 2005 meeting.

**Supervisor Achadjian:** asks staff to prepare a report looking at the various ramifications of terminating the Program so a fully informed decision can be made; asks staff to call the Nipomo Area Advisory Council Chairperson and the Land Conservancy of the date staff will be on location in Nipomo to talk about the community-based Program.

**Supervisor Patterson:** thanks the Advisory Groups and County departments for expressing their concerns with the Program; states this Program is not providing the benefits it was intended to provide; asks the letter received regarding the administration, the assignment and use of credits of the Program be included in the response through the staff analysis report includes this; urges the Board to adopt a moratorium on any further use of this Program until the Board has had an opportunity to further discuss it.

**Supervisor Lenthall:** states he supports this item coming back but won't support Supervisor Patterson's suggestion of a moratorium of the Program.

**Chairperson Bianchi:** states she would like to see the Board remove agricultural land from being a receiver site for credits.

**Mr. Tim McNulty:** Deputy County Counsel, states if the Board intends to limit or reject new applications the Board would need to do a urgency ordinance; staff can't deny applications the meet the established ordinance.

**Matters is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board directs staff to bring this matter back at the November 22, 2005 for further discussion and direction.**

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, October 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/C.M. Christensen,  
Deputy Clerk-Recorder

DATED: October 14, 2005

cmc