

Tuesday, January 24, 2006

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

**PRESENT:** Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON K.H. 'KATCHO' ACHADJIAN.**

**SUM AGN**

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

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

**RESOLUTION NO. 2006-17, proclaiming January 2006 as "School Board Recognition Month" in San Luis Obispo County, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Ms. Gaye Gavin, President of the School Board Association and Mr. John Barnhart, Assistant Superintendent.

**Ms. Gavin:** thanks the Board for the recognition and highlights the dedication of the School Board members.

**Mr. John Barnhart:** thanks the Board for the recognition and thanks the School Board members for all their hard work.

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

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

**RESOLUTION NO. 2006-18, proclaiming January 2006 as "School Board Recognition Month" in San Luis Obispo County, adopted.**

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

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

**RESOLUTION NO. 2006-19, proclaiming January 2006 as "School Board Recognition Month" in San Luis Obispo County, adopted.**

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

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

**RESOLUTION NO. 2006-20, proclaiming January 2006 as "School Board Recognition Month" in San Luis Obispo County, adopted.**

5 A-1-A **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the**

**following roll call vote:**

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

**RESOLUTION NO. 2006-21, proclaiming January 2006 as “School Board Recognition Month” in San Luis Obispo County, adopted.**

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

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

**RESOLUTION NO. 2006-22, proclaiming January 2006 as “School Board Recognition Month” in San Luis Obispo County, adopted.**

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

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

**RESOLUTION NO. 2006-23, proclaiming January 2006 as “School Board Recognition Month” in San Luis Obispo County, adopted.**

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

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

**RESOLUTION NO. 2006-24, proclaiming January 2006 as “School Board Recognition Month” in San Luis Obispo County, adopted.**

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

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

**RESOLUTION NO. 2006-25, proclaiming January 2006 as “School Board Recognition Month” in San Luis Obispo County, adopted.**

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

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

**RESOLUTION NO. 2006-26, proclaiming January 2006 as “School Board Recognition Month” in San Luis Obispo County, adopted.**

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

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

**RESOLUTION NO. 2006-27, proclaiming January 2006 as “School Board Recognition Month” in San Luis Obispo County, adopted.**

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

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

**RESOLUTION NO. 2006-28, proclaiming January 2006 as “School Board Recognition Month” in San Luis Obispo County, adopted.**

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

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

**RESOLUTION NO. 2006-29, Honoring Georgie O’Conner for 40 years of service as a School Board Trustee in San Luis Obispo County, adopted.**

**Chairperson Achadjian:** introduces Dr. Deborah Flores, Superintendent of Lucia Mar School District; Mr. Eric Howell, Chairperson of the School Board Trustees; Ms. Donna Mills, Ms. Deedee Soto, former member of Trustee member; Mr. Al Buckman, past President of the Trustee Board; Mr. Bill O’Conner; and Mr. Pat and Mrs. Mary O’Conner; reads the resolution and presents the same to Ms. O’Conner.

**Ms. O’Conner:** thanks the Board for the recognition.

**Mr. Howell:** thanks Ms. O’Conner for her work and presents her with flowers.

**Dr. Flores:** discusses Ms. O’Conner’s dedication to her work; states she paved the way for women to be on the School Board.

**Ms. Soto:** daughter of Ms. O’Conner, expresses her love and thanks to her mother.

**Mr. Al Buckman:** speaks to his support of Ms. O’Conner.

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

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

**RESOLUTION NO. 2006-30, proclaiming February 2006 as “Grand Jury Awareness Month.”**

**Supervisor Patterson:** reads the resolution and presents the same to Mr. Blythe and Mrs. Damery.

**Mr. Don Blythe:** Former Grand Jury Association President, thanks the Board for the recognition and for their past, present and future support of the Grand Jury.

**Ms. Hedy Damery:** Grand Jury Foreperson, thanks the Board for the recognition and invites the public to apply to be a member of the Grand Jury.

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

**Mr. Eric Greening:** urges the Board to request minutes from board’s, commission’s or advisory committee’s be part of the staff report when an appeal is involved so the Board gets

a full picture of the issue.

**Mr. Bill Bookout:** discusses the flooding damage to his business, Oceano Nursery, during the recent storm; presents a letter regarding the flooding and safety of Highway 1 at 13<sup>th</sup> Street; thanks Chairperson Achadjian for his help in this matter; urges the Board to address the flooding and safety issues in this area.

**Ms. Ann Ketcherside:** representing the Vetter family, presents a copy of a portion of the lawsuit between the Vettters and the County; states she wants the check regarding the remainder of the \$60,000 due to the Vetter family made payable to them not their attorney.

**Mr. Dane Senser:** discusses the impacts and health hazards from the flooding in Nipomo.

**Ms. Ann Ream:** San Luis Obispo Art's Council, speaks to the application process for displaying public art in the new Government Center and reminds individuals the deadline for consideration is March 13; thanks the Board for their support.

**Ms. Joyce Albright:** representing the Tax Payer Watch, discusses the impacts of the current Los Osos Community Services District (LOCS D) Board and the petition to dissolve the LOCS D that are being circulated.

**Mr. David Duggan:** states he was disrespected by the Clerk-Recorder's office; discusses the ability of LAFCO to file a resolution to dissolve the LOCS D; the potential for an amendment to Measure B and a recall of LOCS D Board members; urges people and organizations to drop their lawsuits against the LOCS D.

**Mr. Glenn Goodman:** discusses a notice of hearing he received regarding a neighboring property's development; urges the Board to act as an advocate for Los Osos regarding a solution for a sewer.

**Mr. Bob Crizer:** outlines the past and current problems of the LOCS D Board regarding the sewer; states he is working to dissolve the District.

**Mr. Tom Martin:** San Luis Garbage, speaks to the new phonebooks with recycling and composting information included; states that effective February 8, batteries and anything with an electrical cord cannot be disposed of in a landfill.

**Chairperson Achadjian:** states the Board will be addressing the flooding issues in the South County at an upcoming Board meeting. **No action taken.**

16 A-2 This is the time set for presentation of Employee Service Awards.

**Mr. Richard Greek:** Personnel Director, introduces the item.

**Supervisor Lenthall:** recognizes Mr. Jack Krege, who is not present and outlines his employment history.

**Mr. Duane Leib:** General Services Director, states that in 30 years Mr. Krege has never been late to work; thanks him for his service.

**Supervisor Ovitt:** recognizes Mr. Tommy Massey and highlights his employment history; addresses his role at the Morro Bay Golf Course and the receipt of the Audubon Society recognition.

**Mr. Leib:** highlights Mr. Massey's work at the Morro Bay Golf Course; thanks him for the success at the Course and for his years of service.

**Mr. Massey:** speaks to the great staff he has worked with and thanks his wife for her support.

**Chairperson Achadjian:** recognizes Mr. Donald Sparks, who is not present and outlines his employment history.

**Mr. Leib:** speaks to the work Mr. Sparks has done at the Nipomo Park and thanks him for his years of service. **No action taken.**

17 B-1  
thru  
B-26

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

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

Consent Agenda Item B-18-A, is amended to include the following language: "Reject the Offer of Dedication without prejudice to future acceptance; act on the resolution to approve an open space easement agreement.". Item B-3 is withdrawn. Item B-8, on Page B-8-2, under Recommendations, the second paragraph is amended to read: "We further recommend that staff be instructed to bring back to your Board an amendment to the current franchise agreement to extend its effective period ~~for three more years~~, and to incorporate improvements to performance standards and other terms as are mutually agreeable to the operator and to the County Solid Waste staff."

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

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

**NOES: None**

**ABSENT: None**

**Consent Agenda Items B-1 through B-26 are approved as recommended by the County Administrative Officer and as amended by the Board.**

Consent Agenda Items B-1 through B-26, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Item set for bid opening:

- B-1 Plans and specifications (Clerk's File) for Supplemental Contract Construction Plans for the Lopez Lake Water Treatment Plant Domestic Water Storage Tank Rehabilitation and Repair; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for February 23, 2006 at 3:00 p.m..**

Administrative Office Items:

- B-2 **RESOLUTION NO. 2006-31**, designating the County's contribution to CalPERS approved health plans for employees and retirees, **Adopted.**
- B-3 Submittal of a resolution accepting the exchange of property tax revenue and annual tax increment for Annexation No. 70 to the City of San Luis Obispo (Bishop Knoll Estates.), **withdrawn.**
- B-4 **RESOLUTION NO. 2006-32**, proclaiming the termination of local emergency related to the early January 2006 storms, **Adopted.**

Auditor-Controller Items:

- B-5 Cash procedures review of the Sheriff-Coroner's Office, conducted on December 5, 2005, **Received and Filed.**
- B-6 Cash procedures review of the Agricultural Commissioner's Office in San Luis Obispo and Arroyo Grande, conducted on November 16, 2005 and at the Templeton Office on November 17, 2005, **Received and Filed.**

- B-7 Audit report on the Marina concessionaire at Lopez Lake for the period of January 1, 2004 thru October 31, 2005, **Received and Filed and staff is directed to return with status report within four months.**
- B-8 Rate increase of 21.5% for Mid State Solid Waste & Recycling, Inc. and conceptual approval of three year franchise extension, **Approved as amended.**

Board of Supervisors Items:

- B-9 Allocation of \$1,500 from District Two Community Project funds to the North Coast Advisory Council to be used for costs associated with holding North Coast Advisory Council monthly meetings, **Approved.**
- B-10 Re-appoint Greg McMillan, Ralph Sawdey Jr. and Kelly Wicks as District One Representatives to the Shandon Public Cemetery District, **Approved.**
- B-11 Appoint Bruce Collier to the Bicycle Advisory Committee, **Approved.**
- B-12 Re-appoint Kathy Miller and Todd Hogue to the Developmental Disabilities Board, Area IX, **Approved.**
- B-13 **RESOLUTION NO. 2006-33**, recognizing Michael Kay for 12 years of service to San Luis Ambulance, **Adopted.**

Public Works Items:

- B-14 Agreement with H.R. Holdings, John and Carole King and the Heritage Ranch Community Services District to assign reservation of water supply for Heritage Ranch, **Approved.**
- B-15 Revised policy on the Nacimiento Water Project Upsizing, **Approved.**
- B-16 **RESOLUTION NO. 2006-34**, accepting road improvements on Idyllwild Place, Silver Charm Drive and Green Place, on the Nipomo Mesa, County Roads Nos. 1211, 1474, 1475, **Adopted.**
- B-17 **RESOLUTION NO. 2006-35**, authorizing the Director of Public Works to apply for grant funding from the Office of Traffic Safety Grant Program, **Adopted.**
- B-18 The following maps have been received and have satisfied all conditions of approval that were established in the public hearings on their tentative maps:

A. Tract 2518, a proposed subdivision resulting in 8 lots by Patrick E. Jones and Leslie F. Jones, located on Old County Road, Templeton; 1st District, **Approved**; Reject the Offer of Dedication without prejudice to future acceptance; **RESOLUTION NO. 2006-36**, an open space easement agreement, **Adopted as amended.**

B. CO 04-0041, a proposed subdivision resulting in 4 lots by Oakview Development, Inc., located on Aloma Way, Nipomo; 4th District, **Approved.**

C. Tract 2706, a proposed subdivision resulting in 5 lots by Javad and Darvin Sani, located on Las Tablas Road, Templeton, reject the offer of dedication without prejudice to future acceptance, **Approved**; **RESOLUTION NO. 2006-37**, accept the relinquishment of rights of ingress and egress along Las Tablas Road; 1st District, **Adopted.**

Sheriff-Coroner Items:

- B-19 Budget adjustment from the Inmate Welfare fund in the amount of \$7,408 to fund center 136 – Sheriff-Coroner and amend the fixed asset list to include a copier for the custody infirmary, **Approved.**
- B-20 **RESOLUTION NO. 2006-38**, commending Karen Colombo upon her retirement from the County of San Luis Obispo, **Adopted.**

Social Services Items:

- B-21 Appoint and re-appoint certified members of the Child Care Planning Council, **Approved.**
- B-22 Contract with Document Fulfillment Services (DFS) for the approval of CalWin client correspondence printing and mailing for fiscal year 05-06 and 06-07 (17 months), **Approved.**

Other Items:

- B-23 Agreement (Clerk's File) with Medical Management Strategies for the provision of clinical laboratory billing services, **Approved.**
- B-24 **RESOLUTION NO. 2006-39**, amending the position allocation list for Fund Center 377 – Library by deleting one half-time Administrative Assistant and one Librarian III and adding one full-time Administrative Assistant and one Supervising Librarian, **Adopted.**
- B-25 **RESOLUTION NO. 2006-40**, authorizing the District Attorney's Office to submit an application for state grant funds in the amount of \$33,261 for a Spousal Abuser Prosecution Program for 05-06, **Adopted.**
- B-26 **RESOLUTION NO. 2006-41**, surplus and sell a .78 acre easement in the vicinity of the San Luis Obispo County Regional Airport to the Fiero Lane Mutual Water Company, **Adopted.**

- 18 A-2 **Chairperson Achadjian:** questions if the Board was required to take action for the presentation of Employee Service Awards, with Mr. James Lindholm, County Counsel, indicating the Board should approve the item.

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

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

**the Board approves the presentation of the Employee Service Awards that was previously presented this morning.**

- 19 C-1 This is the time set for hearing to consider an appeal of the South County road improvement fee by Don West, for a building permit to convert a guesthouse to a secondary residence on Highland Hill Road, Nipomo; 4th District.

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

**Mr. Don West:** representing the Pohl family, presents his report; outlines the proposed changes to the floor plan; states the increase in occupied space is only 20 square feet.

**Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Patterson, with Supervisors Ovitt and Chairperson Achadjian casting dissenting votes, motion carries, and the Board denies the appeal.**

- 20 C-2 This is the time set for hearing to amend the Urban County of San Luis Obispo Program Year 2001, 2002, 2003, 2004, and 2005 Action Plans in order to reallocate Community Development Block Grant funds in the amount of \$412,113 for the benefit of a new activity called the Mentone Storm Drain Project; 3rd District.

**Mr. Tony Navarro:** Planning, requests the Board continue the hearing to allow U.S. Housing and Urban Development to comment on the proposed project by the City of Grover Beach.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board continues this hearing to February 28, 2006 at 9 a.m.**

- 21 C-3 This is the time set for hearing to consider an appeal by Donald Carnine of the Subdivision Review Board's disapproval of a request for a tentative parcel map using the transfer of

development credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each, the proposed project is within the agriculture land use category and is located at 4242 Las Tablas-Willow Creek Road, approximately 3.5 miles west of the community of Templeton; 1st District. (This item was amended at the beginning of the meeting to add pages to the staff report that were inadvertently left out.)

**Mr. Nick Forester:** Planning, presents the staff report; discusses the issues of appeal and staff recommendation to deny the appeal.

**Ms. Toby Osgood:** representing the Appellant, presents her report and photos of the area; highlights her differences with staff Findings; outlines the appropriateness of using the TDC program for this subdivision; states the subdivision has the neighbors support; urges the Board to support their appeal.

**Mr. Don Carnine:** Appellant, states the use of the property is not changing.

**Ms. Shirley Carnine:** Appellant, discusses the ownership history of the property; the reason for the lot split is to transfer 20 acres to her daughter who has a home already that portion of the property.

**Ms. Julie Veirra:** Appellant, states she is a long time resident of Templeton; states she is not going to change the agricultural use of this property.

**Ms. Maria Lorca:** representing the Creston Citizens for Ag Land Protection, urges the Board to deny the appeal and presents letters of opposition from local area groups that oppose the use of the TDC program; expresses her concern that if this appeal is upheld it would be precedent setting.

**Mr. Eric Greening:** states the Applicant's approach to preserve the agricultural use is refreshing; the minutes of the Subdivision Review Board and local advisory committees that may have heard this issue should be a part of the record; urges the Board to support the staff recommendation.

**Mr. Carnine:** speaks to the different acreage of neighboring lots.

**Mr. Michael Isensee:** Agricultural Commissioner's Office staff, corrects the staff report to reflect there are 11 acres of Class 2 and 30 acres of Class 6 soil on the property; speaks to the Agricultural Commissioner's Office opinion that this subdivision does not meet the standards of the TDC program or Agriculture Policies 15 and 20.

**Supervisor Bianchi:** states she agrees with the Agricultural Commissioner's opinion; the subdivision should be done as a General Plan Amendment; she doesn't want neighborhood planning by petition.

**Supervisor Ovitt:** speaks to how the project is looked at; states the project is not affecting the character of the neighborhood and describes the area; outlines the items he disagrees with in the staff findings; states he recommends the Appellant waive the ability to build a secondary dwelling.

**Supervisor Patterson:** questions the zoning of the area; expresses his intent to preserve agricultural lands; his support of the Subdivision Review Board's decision and concerns if upheld, the precedent it's setting; states he will not support this.

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

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

**NOES: Supervisors Bianchi, Patterson**

**ABSENT: None**



**the Board tentatively upholds the appeal and states they are not setting a precedence; the findings are to reflect that there will be no new development in the flood plain and that the existing development is outside the flood plain; there is to be a limit of one primary residence per lot as a condition of the subdivision and the hearing is continued to April 4, 2006 at 9 a.m. for final action.**

22 C-4 This is the time set for hearing to consider an appeal by Charles R. Gillem of the Planning Commission's decision to approve the application of SBC for a Development Plan/Variance/Coastal Development Permit, located at 65 13th Street in the community of Cayucos; 2nd District.

**Ms. Kerry Brown:** Planning, presents the staff report; discusses the alternative placement for the generator; outlines the actions of the Cayucos Advisory Committee; addresses the appeal issues.

**Board Members:** discuss changes to Condition #18 to address concerns regarding the operation and testing of the generator.

**Mr. Charles Gillem:** Appellant, addresses the issues of his appeal; expresses his concern with the placement, size and noise impacts of the generator on his home and neighborhood; states the project is an eye sore and hazardous materials are on the property; urges the Board to stop this project.

**Mr. David Wagner:** representing SBC, highlights the purpose of the project; outlines the appearance and noise improvements made to the site; states the new generator is not small enough to go into the existing building.

**Chairperson Achadjian:** questions if a natural gas or propane generator could be used.

**Mr. Jerry Rogers:** Power Generation Systems, highlights the differences between the clean up, emissions, noise and size of a natural gas or propane generator versus the proposed generator.

**Supervisor Bianchi:** questions why the location of this site cannot be moved to a more isolated area, with Mr. Jeffrey Reynolds, SBC, responding to the major modifications and interruptions that would occur if the location of the site was moved.

**(SUPERVISOR JERRY LENTHALL IS NOW ABSENT.)**

**Supervisor Bianchi:** discusses the Advisory Council meetings that occurred regarding this project and the steps SBC has taken to address public concerns.

**(SUPERVISOR JERRY LENTHALL IS NOW PRESENT.)**

**A motion by Supervisor Bianchi, seconded by Supervisor Lenthall to approve the staff recommendation, is discussed.**

**Ms. Brown:** amends Condition #18 to read as follows: "The emergency generator will only be operated for emergency purposes and testing will occur once a month for one hour and once a year, for five hours, for annual maintenance and run, at a time between 8 a.m. and 5 p.m. coordinated with the adjacent neighbors."

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

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

**the Board denies the appeal, amends Condition #18 to read: "The emergency generator will only be operated for emergency purposes and testing will occur once a month for one hour and once a year, for five hours, for annual maintenance and run, at a time between 8 a.m. and 5 p.m. coordinated with the adjacent neighbors" and RESOLUTION NO. 2006-42, resolution affirming the decision of the Planning Commission and conditionally approving the application of SBC for Development**

**Plan/Variance/Coastal Development Permit DRC2004-00060/DRC2005-00061, adopted as amended.**

23 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) *County of San Luis Obispo v. Level 3 Communications*, (2) *In re Union Pacific Railroad San Miguel Crossing*, (3) *Building a Better Environment v. County of San Luis Obispo*. **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** (4) *Save the Park v. County of San Luis Obispo, et al.*, (15) *County of San Luis Obispo v. Andre, et al.*

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (4) *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. (5) *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: (6) Negotiator's Name: *Santos Arrona, Gail Wilcox, Dori Duke*, Name of employee organization: *Sheriffs Management*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Dori Duke*, Name of employee organization: *Deputy Sheriffs Association*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Dori Duke*, Name of employee organization: *SLOGAU*; (9) Negotiator's Name: *Santos Arrona, Gail Wilcox, Dori Duke*, Name of employee organization: *SLOCEA*; (10) Negotiator's Name: *Santos Arrona, Gail Wilcox, Dori Duke*, Name of employee organization: *Deputy County Counsels Association*; (11) Negotiator's Name: *Santos Arrona, Gail Wilcox, Dori Duke*, Name of employee organization: *District Attorney Investigators Association*; (12) Negotiator's Name: *Santos Arrona, Gail Wilcox, Dori Duke*, Name of employee organization: *Management/Confidential*; (13) Negotiator's Name: *Santos Arrona, Gail Wilcox, Dori Duke*, Name of employee organization: *SLOCPPOA*.

**Chairperson Achadjian:** 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 approved a settlement in the *Save the Park v. County of San Luis Obispo, et al.*; the parties in the lawsuit agreed that in the future when the State Parks Department is cutting trees it will secure the necessary permits; the settlement was without any cost to the County; no other final action was taken and the Board goes into Open Public Session.

24 D-1 This is the time set for hearing (continued from December 20, 2005) for consideration of the environmental determination for Major Domo (Santa Margarita Ranch) lot line adjustment (SUB2004-00369/COAL 04-0457); 5th District.

**Mr. James Caruso:** Planning, presents the staff report and recommend this item be withdrawn from the Board's agenda.

**Ms. Jamie Kirk:** representing Major Domo, agrees with staff recommendation.

**Mr. Eric Greening:** expresses his support of the staff recommendation; would like a meeting to address all the ranch issues at one time in one place to get the full picture; speaks to the value of the Trout Creek riparian corridor; expresses his hope that the future owners will maintain the current setbacks in the corridor that were established by the current owner.

**Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Bianchi and unanimously carried, the Board withdraws this item from the agenda at the request of staff.**

25 C-5 This is the time set for hearing to consider a resolution to surplus and sell county-owned real property located on Taft Avenue in Cayucos to the highest qualified bidder who is an adjacent landowner.

**Ms. Caryn Maddalena:** Property Manager, presents the staff report, outlines the prior hearing on this item and the lack of any bids; highlights the minimum bid and the terms of the sale.

**Chairperson Achadjian:** opens a bid from Mr. Benjamin H. Hartman for \$100,000 for the lot; opens the floor to oral bidders, without response.

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

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

**NOES:** None

**ABSENT:** None

**the Board accepts the bid from Mr. Hartman in the amount of \$100,000 and RESOLUTION NO. 2006-43, resolution to surplus and sell County-owned real property located on Taft Avenue in Cayucos to an adjacent landowner, adopted.**

26 C-6 This is the time set for hearing (introduced on January 10, 2006) to consider the closure of the County Clinical Laboratory effective March 31, 2006.

**Mr. Jess Montoya:** Health Agency Director, provides the background on this issue; highlights the financial performance of the lab in Fiscal Year 2004-2005 and into the second quarter of Fiscal Year 2005-2006; speaks to the financial analysis using the “status quo” and “closure” models; discusses the alternative access to services available; addresses the potential impacts to the Public Health Lab; presents the staff recommendation to close the Clinical Laboratory effective March 31, 2006.

**Dr. Greg Thomas:** Public Health Officer, highlights the efforts made to ensure accessibility of services; speaks to the ability of others to provide the services at a cheaper rate.

**Board Members:** question how results will be delivered; how the new service will compare to the current level of service; why the March 31 date was selected for closure; and, whether a lapse in service will occur, with Mr. Montoya and Dr. Thomas responding.

**Supervisor Bianchi:** suggests the start-up cost should only impact the first year of operation; questions what control we will have at other laboratories and what efforts were made to work with SLOCEA staff.

**Mr. Montoya:** states he has met with the staff members impacted; Dr. Thomas offered to meet with staff to discuss the closure with the employees opting not to meet; states SLOCEA has not tried to meet with him or Dr. Thomas to discuss the closure.

**Dr. Thomas:** states the control of the laboratory will be in the contract with CHC; states there were no significant start-up costs and the financial impacts are from on-going costs.

**Mr. Michael Stevens:** Health Agency, speaks to the Accounts Receivables.

**Ms. Kimberly Daniels:** SLOCEA General Manager, discusses the letter she sent to the Board opposing the closure; discusses the billing contract approved on the Consent Agenda; urges the Board to give the staff a fair chance to operate the lab.

**Ms. Christine Scanlan:** SLOCEA representative, speaks to the difficulties with the billing system at the laboratory; questions why the billing contract was not approved sooner; expresses her belief that the lab was set up to fail; urges the Board keep the lab open for a two year period with a full staff to show the functional ability of the lab.

**Mr. Terry Comer:** AIDS Support Network, highlights the excellent service received from the laboratory; states cost savings don't necessarily mean a improved level of care.

**Mr. Mel Hahn:** speaks as a patient of the lab and the outstanding service he has received;

urges the Board to give the lab additional time.

**Ms. Rose Hoppe:** outlines the billing volume and the lack of staff; the revenue lost from not being able to do a claim denial follow-up; states the lab can generate enough revenue to succeed; urges the Board to give the lab more time to demonstrate their ability to generate revenue.

**Ms. Sharon Beccacio:** highlights the ability of the lab to assist in the event of an emergency; states the cost to operate the lab is \$2.21 per County resident.

**Ms. Trudy Hodge:** outlines her work experience; expresses her belief that the closure of the lab is premature; speaks to the ability of laboratories to make money; states that pre-employment lab tests for County employees are being sent to Louisiana.

**Ms. Teri Prince:** highlights what the General Fund contribution pays for; outlines the daily services provided by the lab; states the lab is a preferred provider for Blue Shield, Blue Cross and United Health Care; states they are the only out-patient clinical lab in the County with a Medi-Cal provider number; speaks to the \$3.8 million billed by staff; and, discusses the Outreach Program.

**Mr. David Edge:** County Administrative Officer, speaks to the commitment of County employees; highlights the shortfalls of the upcoming budgets; states the pre-employment physical and testing will be with a local doctor this year; expresses his concern that we are hearing the same concerns as they did when the Board closed the hospital; states the lab has been given a fair opportunity to succeed; outlines the budget to the clinic was as specified by those running it and it was unable to succeed; discusses the higher cost of the services provided by the lab; expresses his support of staff recommendation.

**Mr. Stevens:** highlights the potential revenue from Accounts Receivables.

**Supervisor Bianchi:** expresses her concern that the lab was not adequately staffed to be successful.

**Board Members:** question where the break even point is and the impacts of the collection contract will have, with staff responding.

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

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

**the Board directs staff to close the County Clinical Laboratory effective March 31, 2006; and directs staff to provide the severance package that was provided to the General Hospital and Family Care Center staff to Clinical Laboratory staff who remain employed by the County until the date of closure of the Clinical Laboratory.**

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 24, 2006, 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: February, 2006