

Tuesday, March 7, 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. 2006-83, resolution commending Fire Chief Dan Turner for 33 years of dedicated service, adopted.**

**Chairperson Achadjian:** reads the resolution and presents the same to Chief Turner.

**Chief Turner:** thanks the Board for the recognition and states it was an honor to start and stop his career in San Luis Obispo County.

**Sheriff Pat Hedges:** thanks Chief Turner for being a great partner in public safety; states the community will miss him.

**Mr. David Edge:** County Administrative Officer, echoes Sheriff Hedges' comments and thanks him for his service to the County.

**Board members:** express their appreciation to Chief Turner and recognize his wife and her role.

2 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. 2006-84, resolution commending the Fleet Manager and the employees of County Fleet Services for outstanding service in winning State and National recognition for excellence, adopted.**

**Chairperson Achadjian:** reads the resolution and presents the same to Mr. Spence Grafft, Fleet Manager, and the employees of County Fleet Services.

**(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)**

**Mr. Grafft:** thanks the Board and Mr. Duane Leib, General Services Director, for the recognition; states this is one of five awards issued by the State; thanks the Fleet Services staff for all their hard work.

**(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)**

**Mr. Leib:** thanks Mr. Grafft and the Fleet Services staff for all their hard work.

- 3 Added **Chairperson Achadjian:** presents to Mr. Vic Holanda, Planning and Building Director, an award recognizing Mr. Tony Navarro for his accomplishments in obtaining Federal funding on behalf of the Economic Opportunity Commission and the Oceano Community Services District to aid in repairs from the San Simeon Earthquake of low to moderate income housing and Oceano sewer lines.
- Mr. Holanda:** states the County has received \$1,000,000 in Federal funds and thanks the Board and Mr. Navarro for their prompt attention to this matter. **No action taken.**
- 4 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:** questions the progress on the update of the Conservation Element; reminds the Board of their prior direction to staff to include the Master Water Plan and the involvement of the Water Resources Advisory Committee with the Update; urges the Board to get a progress report from staff and outline deadlines for public input.
- Ms. Gwynn Taylor:** urges the Board to help with the Regional Water Quality Control Board action against Los Osos; speaks to the extension of the deadline to April 5th to allow property owners in the prohibition zone to become a Designated Party to the Cease and Desist Order.
- Mr. Jerry Bunin:** Home Builder's Association Government Affairs Director, speaks to the December 20, 2005 Board meeting minutes regarding the Resource Management System; urges the Board to reconsider the issue to address their concerns.
- Ms. Galen Ricard:** invites the Board and the public to the Film Festival and highlights the movies to be presented.
- Mr. Richard Margetson:** thanks the Tribune for their articles regarding the Maxine Lewis Memorial Homeless Shelter's need for funding; thanks a young man from Los Osos, Bruner Samuel's, who did odd jobs and raised \$1,140.42 for the shelter; thanks Copeland's for their \$25,000 donation; offers assistance to Supervisor Patterson regarding the Task Force for the homeless.
- Ms. Gail McPherson:** speaks to the newly formed group, Solidarity Against Fines and Enforcement; states they are going to ask the Grand Jury to look into the action of Supervisor Bianchi and the Regional Water Quality Control Board regarding Los Osos; expresses her concern regarding potential civil and property rights being violated.
- Ms. Lisa Schicker:** Los Osos Community Services District (LOCSD) President, highlights the recent actions of the LOCSD Board; speaks to the conversation she had with Mr. Edge and Assemblyman Blakeslee to met and resolve issues; states a resolution was passed by the LOCSD asking the County for assistance.
- Mr. David Duggan:** speaks to the impacts if the LOCSD is dissolved.
- Mr. Chuck Cesena:** LOCSD Director, states the County and LOCSD need to cooperate and work together; expresses the need for help regarding individual Cease and Desist Orders; urges the Board to join the LOCSD as a Designated Party regarding the Cease and Desist Orders. **No action taken.**
- 5 B-PC This is the time set for members of the public wishing to address the Board on matters on the Consent Agenda.
- Ms. Teresa Parker:** addresses Item B-3, speaks to her own litigation with Child Protective Services; states she would like to meet with the Board to avoid wasting County funds on this litigation. **No action taken.**
- 6 B-1 thru B-15 Consent Agenda Item B-13 is amended by correcting the transmittal page to reflect the term expiration year for Carl F. Twisselman II from 2008 to 2007.

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

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

**Consent Agenda Items B-1 through B-15 are approved as recommended by the County Administrative Officer and as amended by the Board.**

Consent Agenda Items B-1 through B-15, 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 Letter transmitting plans and specifications for the construction of a bridge over a branch of Los Osos Creek on Turri Road, 0.2 miles northerly of Los Osos Valley Road, near the community of Los Osos (Contract No. 300182); 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for April 6, 2006 at 3:00 p.m..**

Administrative Office Items:

- B-2 **RESOLUTION NO. 2006-85**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 14 to the City of Pismo Beach (Los Robles del Mar), **Adopted.**
- B-3 Settlement in the amount of \$825,000 previously approved in closed session for the lawsuit entitled: "Joshua D. et. al. vs. the County of San Luis Obispo", **Approved.**

Auditor-Controller Items:

- B-4 Cash procedures review of the Information Technology Department conducted on January 31, 2006, **Received and filed.**
- B-5 Cash procedures review at the Public Health Department clinics in San Luis Obispo, Grover Beach, Paso Robles, Morro Bay and Atascadero conducted on January 27, 30 and 31, 2006, **Received and filed.**

Health Agency Items:

- B-6 Amended contract with Dale Deanne Magee, dba Catalyst Consulting increasing the amount payable under the contract by \$20,000 for consulting services for the Mental Health Services Act Implementation Project, **Approved.**
- B-7 Fiscal Year 2005-2006 State Hospital Bed Purchase and Usage contract with the State Department of Mental, **Approved.**
- B-8 Renewal agreement (Clerk's File) with the State Department of Health Services to provide funding to continue the Immunization Action Plan (IAP) grant for Fiscal Year 2005-2006; 2) a corresponding renewal agreement (Clerk's File) with the Community Health Centers of the Central Coast (CHCCC) to increase immunization services to children; 3) a budget adjustment in the amount of \$63,384 from unanticipated revenue; and 4) authorization to the Public Health Administrator to sign future IAP amendments and agreements that do not increase the level of General Fund required for the program, **Approved.**

Pension Trust Items:

- B-9 **RESOLUTION NO. 2006-86**, amending the San Luis Obispo County Employees Retirement Plan to give employees the option of paying additional contributions in installments, **Adopted.**
- B-10 **RESOLUTION NO. 2006-87**, amendments to the San Luis Obispo County Employees Retirement Plan to make miscellaneous technical corrections to the plan, **Adopted.**

Other Items:

- B-11 Appoint Mark Corella and Walt French to the Private Industry Council Workforce Investment Board, **Approved.**
- B-12 Minutes of the Board of Supervisors meetings of December 6, 13, 20, 2005 and January 5, 10, 24, 2006, **Approved.**
- B-13 Appoint Carl F. Twisselman II and Bob Sparling to the San Luis Obispo County Grazing Advisory Board, **Approved as amended.**
- B-14 An application for an Air Pollution Control District Motor Vehicle Emission Reduction (MOVER) grant for research and development of a proposal to provide a countywide ePayment service on the County website, **Approved.**
- B-15 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps:

A. CO 03-0234, a proposed subdivision resulting in 2 lots, by Robert and Marion Strong, Morningside Drive, south of Atascadero; 5th District, **Approved.**

B. CO 03-0305, a proposed subdivision resulting in 2 lots, by Patrick & Rosie Schmidt, Akron Road south of El Pomar Drive, east of Templeton; 1st District, **Approved.**

- 7 D-1 This is the time set for hearing to consider a Disease Prevention Demonstration Project and Syringe Exchange Project.

**Dr. Greg Thomas:** Public Health Director, presents the staff report; speaks to the AIDS surveillance results for California and the County; states more than 28% of AIDS cases are attributed to injection drug use; highlights the effects of Hepatitis C; states that 60% of Hepatitis C cases are attributed to injection drug use; states 1,496 cases of Hepatitis C have been reported since 1996; outlines the results of a survey of injection drug users in the County; highlights the State's findings regarding injection drug users; speaks to the establishment of the Disease Prevention Demonstration Project under SB 1159 and its requirements; highlights AB 547 which allows counties to establish a syringe exchange program and its requirements; outlines the benefits and overall goals regarding syringe exchange programs.

**Mr. Jason Wells:** Drug and Alcohol Services, speaks to his experience with a syringe exchange program which allows staff the opportunity to open communication regarding counseling and treatment for drug users.

**Dr. Thomas:** urges the Board to support the item as a bridge to treatment.

**Ms. Cathy Lewis:** San Luis Obispo Hepatitis C Project Benefits Coordinator, discusses the impacts of Hepatitis C; states it is the #1 reason for liver transplants; addresses the high medical costs of Hepatitis C patients and expresses her support of the item.

**Ms. Edie Kahn:** Aids Support Network Executive Director, expresses her support for the projects; addresses the impacts from shared needles; speaks to the positive effects of syringe exchange programs; urges the Board to support this item.

**Mr. Tom Sant:** Human Relations Commissioner, expresses their support for the program; states users are going to Santa Barbara County to use the syringe exchange program; urges the Board to support this item.

**Ms. Alessandra Ross:** State Department of Health Services; Office of AIDS, highlights SB1159; speaks to the positive impacts of the program.

**Ms. Alice Bodlak:** expresses her support and urges the Board to approve this item.

**Mr. Dana Nelson:** states as a pharmacist and owner of two pharmacies he supports these projects; highlights the positive effects of the projects.

**Mr. Bull “Fred” Chaney:** Executive Director for Griffin Society Gatehelp, Inc., discusses his work in the past 5 years as a community outreach worker; speaks to his own health issues from shared needle use; expresses his support and the benefits to the community from these projects.

**Ms. Susan Hughes:** HIV Prevention, Advocacy and Care Consortium Chairperson, presents their letter of support and urges the Board to support this project.

**Mr. Tom Keifer:** speaks to the shrinking HIV funding for prevention and treatment; outlines the positive impacts of syringe needle exchange programs; urges the Board to support these programs.

**Mr. Buck Derrington:** Director of Education for Prevention with Pacific Pride Foundation, discusses the clean needle exchange program in Santa Barbara County; states 250,000 needles were exchanged in 2005 and outlines the results from the testing of those needles; speaks to users being counseled each time they exchange; discusses program success stories and urges the Board to support these programs.

**Mr. Joe Cortez:** Pismo Beach Police Chief and Chairman of the San Luis Obispo County Criminal Justice Administrators Association, urges the Board to continue this matter to allow law enforcement agencies time to review and respond to these programs; expresses his concern regarding the potential impacts on officers with these programs.

**Sheriff Pat Hedges:** speaking for himself and District Attorney Gerry Shea, asks for additional time to review this item; states the specifics of these programs have not been shared with the law enforcement agencies; addresses his concerns with the programs and echos Chief Cortez’s comments.

**Ms. Kim Barrett:** Chief Probation Officer, expresses her belief based on information provided that there is not an increase in crime or drug use based on programs like these; urges the Board to continue the matter for further review by the law enforcement agencies.

**Chairperson Achadjian:** states he has received a letter from Paso Robles Police Chief Cassidy asking the Board to continue this matter.

**Supervisor Bianchi:** questions how law enforcement will identify the good needles; questions the disposal of needles; states based on other counties information, there should be no adverse effects on law enforcement; expresses her concern that time is of the essence to avoid further infection.

**Supervisor Ovitt:** states before these projects are implemented, they need to be reviewed by law enforcement agencies.

**Supervisor Patterson:** echoes Supervisor Bianchi’s comments; expresses his belief that the projects can move forward and implementation taking place after input from the law enforcement agencies.

**Supervisor Lenthall:** suggests continuing the matter to allow time for Dr. Thomas to present and work with the Criminal Justice Administrators Association at their March meeting.

**A motion by Supervisor Bianchi, seconded by Supervisor Patterson to authorize the Health Agency to develop and implement a local Disease Prevention Demonstration Project as authorized by SB 1159; allow pharmacists to sell ten or fewer hypodermic needles or syringes; and, the legal status for the development of a program that exchanges used syringes and needles for clean syringes and needles, as authorized by AB 547, and prior to the implementation of the programs, both Public Health and the law enforcement agencies need to agree to the programs, is discussed.**

**Dr. Thomas:** states he agrees to met with law enforcement agencies but expresses his concern that a consensus may not be able to be reached.

**Supervisor Bianchi withdraws her motion, with the second concurring.**

**A motion by Supervisor Bianchi to continue the matter to March 21, is discussed.**

**Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and unanimously carried, the Board authorizes the Health Agency to: 1) develop a local Disease Prevention Demonstration Project as authorized by SB 1159, allowing pharmacists to sell ten or fewer hypodermic needles or syringes; and, 2) the legal status for the development of a program that exchanges used syringes and needles for clean syringes and needles, as authorized by AB 547, and staff is directed to bring back the programs' implementation plans on March 28, 2006 for final action.**

- 8 C-1 This is the time set for hearing (introduced on February 28, 2006) to consider a resolution amending the County Traffic Regulation Code for the enforcement of the California Vehicle Code on private roads within Tract 6D and Tract 17, east of Paso Robles; 1st District.

**Mr. Ryan Chapman:** Public Works, presents the staff report and recommendations.

**No one appearing and 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. 2006-88, resolution establishing State of California Vehicle Code Enforcement on Private Roads, adopted.**

- 9 C-2 This is the time set for hearing (introduced on February 28, 2006) to consider a resolution adopting the County Traffic Regulation Code for the establishment of "No Motorized Vehicles Allowed" zones on: El Moro Avenue between 12th Street and South Bay Boulevard, Los Osos; and Las Pilitas Road at the Salinas River, East of Santa Margarita; 2nd and 5th Districts.

**Mr. Ryan Chapman:** Public Works, presents the staff report and recommendations.

**Mr. Adam Fukushima:** Executive Director of the Bicycle Coalition, speaks in support of this item.

**Mr. Tim Rochte:** urges the Board to support this item; speaks to the work that has been done since 1989 to bring this item to the Board.

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

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

**RESOLUTION NO. 2006-89, resolution establishing closure of roadway to motor vehicles, adopted.**

- 10 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.*

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (2) *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. (3) *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: (4) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

**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: No report is required as no final action was taken and the Board goes into Open Public Session.

11 C-3 This is the time set for hearing to consider an appeal of the Planning Commission's decision to deny two land use permits (DRC2004-00165/00166) for the Diablo Canyon Steam Generator Replacement Project; 3rd District.

**Mr. James Caruso:** Planning, presents the staff report; outlines the proposed site areas and the existing areas of the Plant; highlights the key components of the coastal access improvement projects agreed to by Planning and PG&E; speaks to the Environmental Impact Report (EIR) done by the California Public Utilities Commission (CPUC); discusses the issues addressed at the Planning Commission hearing; presents the staff recommendation with amended conditions dated March 7, 2006.

**Supervisor Lenthall:** asks Mr. Ron Alsop, Office of Emergency Services, to speak to the evacuation review and the current status on the Emergency Plan.

**Mr. Alsop:** outlines the history and current status of the evacuation routes for the area; states the California Vehicle Code allows California Highway Patrol (CHP) to use any road as an emergency exit route; some of the alternative routes are not marked as emergency routes in the event the emergency needs to use an alternative route area; the CHP will direct evacuees on the best exit route during an emergency.

**Ms. Donna Jacobs:** Vice President of Nuclear Services for Pacific Gas & Electric, states she agrees with the conditions as presented by staff; describes the steam generator replacement project; presents photographs of prior steam generator replacements; outlines the approval process for the project; speaks to the CPUC EIR conclusions; clarifies the Coastal Development Permit for the construction of temporary facilities is the only issue before the Board; discusses the Conditional Use Permit application and the Coastal Development Plan; addresses the proposed Coastal Access Enhancements which include projects valued at \$1.5 million plus an easement over the lighthouse access road; urges the Board to uphold the appeal.

**Mr. Michael Cannon:** discusses his college internship with PG&E and their contributions to the community; expresses his support of the project.

**Ms. Judy Vick:** expresses her concern with the EIR and urges the Board to continue the matter so a new EIR can be prepared.

**Ms. Henriette Groot:** expresses her concern regarding impacts from the Plant on marine life; urges the Board to continue this matter and get a better EIR.

**Ms. Paula Daillak:** Alliance for Nuclear Responsibility, presents a letter for the record; discusses the likelihood of PG&E applying to renew their license once the new steam generators are in place; urges the Board to continue this for further review.

**Mr. James Benson:** expresses his support of controlled local coastal access to the lighthouse and the Harbor Commission obtaining the bluff.

**Mr. George Galvan:** reminds the Board to base their decision on the best interest of the entire County.

**Mr. Andrew Merriam:** President of the Point San Luis Lighthouse Keepers, highlights the improvement plan for the lighthouse; addresses the importance of the road access; expresses their support of the item; indicates if the road is widened by 3 to 4 feet there is potential for a

third lane.

**Mr. Eric Greening:** expresses his concern regarding the CPUC EIR; states the Board should continue the matter to allow time to receive more complete information on the EIR and to obtain the completed Planning Commission meeting minutes to get a better view of the entire matter.

**Ms. Nancy Ferrero:** express her opposition to nuclear power; urges the Board to look into alternative energy sources.

**Mr. Shane Guess:** speaks to his work experience and the safety team efforts at Diablo Canyon; highlights the contributions to the community made by PG&E; urges the Board to support the item.

**Mr. David Beals:** speaks to his work experience at Diablo Canyon and echos Mr. Guess' comments.

**Mr. Hank Lewis:** Electrical Workers of San Luis Obispo Local 639, discusses the work done by members at Diablo Canyon; states the project is a safety enhancement and urges the Board to support the request.

**Ms. Dee Lacey:** expresses her support of the item; addresses the contributions by PG&E to help the community; states the Planning Commission meeting didn't address the issue, it was more about a personal agenda.

**Mr. Carl Dudley:** expresses his support of the item and his concerns to the economic impact on the County if Diablo were to close.

**Mr. Gale Gascho:** states PG&E employs 10% of the people in the County; addresses PG&E's excellent safety record and their support for non-profit organizations; discusses his overseas travel to areas where electrical power is not reliable; states he supports this application.

**Mr. Steven Weiner:** Executive Secretary/Treasurer of the Tri-Counties Building and Construction Trades Council, speaks in support of the item; highlights the economic effects on their members.

**Mr. Allen Hopkins:** addresses the lighthouse access; urges the Board to support this item.

**Mr. Paul Dahan:** highlights his work experience and the safety with PG&E; urges the Board to support this matter.

**Mr. Jeff Buckingham:** expresses his support of the item; states PG&E is a good neighbor when no one is looking; urges the Board to support this item.

**Mr. Art Aguilar:** San Luis Personnel, discusses the head of household employment opportunities at Diablo Canyon; urges the Board to support this item.

**Mr. Steven Zawalick:** urges the Board to support this item; highlights the contributions by PG&E to the community.

**Mr. Robert Vessely:** expresses his support of the access to the lighthouse; urges inclusion of Condition 14 B.

**Ms. Susan Devine:** Vice President of the Point San Luis Lighthouse Keepers, expresses her support of the staff mitigation plan; urges the Board to look into the third lane option for the area; speaks to the desirability of the new access to the lighthouse without armed security guards.

**Ms. Patricia Willmore:** addresses the letter from the San Luis Obispo Chamber of Commerce urging the Board to support this item; highlights the importance of Diablo Canyon on the local economy and the contributions made by PG&E.



**Ms. Joanne Main:** Atascadero Chamber of Commerce President, urges the Board to support this item; speaks to friends she has who work at Diablo Canyon and their safety record.

**Ms. Carolyn Moffatt:** urges the Board to support this item with the access to the lighthouse.

**Ms. Linde Owen:** urges a full review of the CPUC EIR; expresses her concern for future energy sources.

**Mr. Steve McGrath:** Facility Manager for Port San Luis Harbor District, thanks PG&E and County staff for their work; suggests raising the contribution from PG&E by an additional \$50,000 in Condition 14A; on Condition 14B, expresses the need to create a list of alternatives for the coastal access; for Condition 14E, he wants to make sure personal information is not required to get to the lighthouse.

**Mr. Andrew Christie:** Sierra Club Chapter Coordinator, presents a letter from the SLO Coastkeepers; states if the steam generators are not replaced the plant will have to close in 2014, if the steam generators are replaced they could apply to continue operation past 2025; expresses his concern with potential impacts not addressed in the EIR; urges the Board to continue the item and require a Supplemental EIR.

**Ms. Jane Swanson:** Mothers for Peace spokesperson, expresses their concern to safety issues at Diablo Canyon; states health and safety should be the Board's first concern; if this is approved urges the Board to require PG&E to comply with all the fire fighting standards recommended by CDF; asks the Board to look into why there is not a "no fly zone" over Diablo Canyon and how it would be enforced if there is a plane flying with ill intent.

**Mr. Robert Nichols:** expresses his support of this item and urges the Board to uphold the appeal.

**Mr. Pat Molnar:** Cattlemen's Association, speaks to PG&E's support in the community; states they have been a "good neighbor"; urges the Board to approve this item.

**Mr. Joey Racano:** California Ocean Outfall Group, highlights his concern regarding environmental impacts from Diablo Canyon; urges the Board to delay any decisions today to further review the EIR.

**Mr. Richard Sadowski:** Central Coast Ocean Outfall Group, states he agrees with the comments from the Sierra Club; urges the Board to continue this matter; expresses his concern regarding public safety and a confined space rescue.

**Mr. Walt French:** speaks to his work and head-of-household employment at Diablo Canyon; addresses the safety program by PG&E; urges the Board to support this item.

**Ms. Daniela Arnon:** discusses potential renewable energy sources; expresses her concern with toxic waste from Diablo Canyon; urges the Board to deny the appeal.

**Mr. Dan Lockwood:** Business representative for the International Brotherhood of Electrical Workers Local 1245, speaks to his employment history at Diablo Canyon; highlights what Diablo Canyon means to the State; discusses the safety and regulations at the Plant; states there are approximately 1,000 permanent employees at Diablo Canyon, if the plant closes workers will be forced to move.

**Mr. David Baldwin:** Cement Mason Union representative, speaks to the employment opportunities and benefits at Diablo Canyon; urges the Board to support this appeal.

**Mr. Jeremy Cobbs:** states he is a second generation PG&E employee at Diablo Canyon; speaks to the safety of the company; urges the Board to support this appeal.

**Mr. Bill Thoma:** speaks to the safety at Diablo Canyon; states the project meets the requirements of the permit process; addresses alternative energy sources; the amount of power generated by Diablo Canyon far exceeds what an alternative energy source can provide; expresses his support of this appeal.

**Mr. Mark Skinner:** expresses his concern regarding the storage of the steam generators at Diablo Canyon; discusses the opportunities of wind energy.

**Ms. Carrie Filler:** highlights her homeowner's insurance policy regarding the exclusion on Nuclear Energy Liability; questions how she can find an insurance policy for nuclear exposure to protect her home.

**Mr. Fred Frank:** expresses his concern regarding the risks of operating Diablo Canyon; urges the Board to continue this item to address commutative impacts of this project.

**Thereafter, on motion Supervisor Bianchi, seconded by Supervisor Lenthall and unanimously carried, the Board agrees to continue the meeting past 5 p.m..**

**Ms. Penny Rappa:** urges the Board to support this appeal.

**Ms. Marilyn Valentine:** expresses her support for this application and urges the Board to uphold the appeal.

**Chairperson Achadjian:** submits, for the record, letters in opposition to this matter from Mr. Bill Denneen and Ms. Betty Winholtz.

**Ms. Jacobs:** presents her closing comments and urges the Board to uphold the appeal.

**Supervisor Bianchi:** questions if the Board can require the CPUC do another EIR; expresses her lack of trust of any entity; states she agrees with the comments by Mr. Frank regarding the waste at Diablo Canyon, however, she has to trust the legal system; states she can't make a decision on a personal feeling of what may happen in the future if Diablo Canyon goes for relicensing but can only base her opinion on the legal facts.

**Supervisor Patterson:** states he concurs with Supervisor Bianchi; speaks to the EIR not addressing the impacts from the additional 10 years of operation; states he would like a final EIR to address the extended use and he will not be unable to support this item; expresses his concern that the Board did not have the opportunity to review the EIR.

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

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

**the Board upholds the appeal and the amended conditions presented by staff in their memorandum dated March 7, 2006 are approved as follows: Condition 5, under Fire Safety, the last sentence is amended to read: "The Fire Safety Plan requirements shall meet the intent consist of the following elements:"; Condition 5e(i) is amended to read: "The required level of training for the Industrial Fire Brigade will be set to meet the intent of Table 1 (~~see EIR letter from CDF dated May 4, 2005~~) dated March 2, 2006 or to a level approved by the County Fire Chief:"; Condition 5e(v), the last sentence is amended to read: "The media will be provided, or the funds encumbered and a bond issued, prior to the issuance of a clearance letter from the Old Steam Generator Storage Project. ~~or the ISFSI project whichever is completed first.~~"; Condition 5f is deleted; Under Coastal Access, Condition 14f, which read: "Record an offer to dedicate over the Pecho Coast Trail." is replaced with: "Contribute \$380,000 for traffic control devices in Avila Beach."; Condition 14g of the amended staff report is renumbered to 14h and amended by the Board to read: "All mitigation funds are held in a County Trust Account to be administered by the County Planning Director who will also execute these conditions."; Condition 15 is amended to read as follows: "Funding, ~~and~~ easement, document approval by the Port and recordation of the approved document shall occur prior to issuance of any construction permits."; and and **RESOLUTION NO. 2006-90**, resolution upholding the appeal and reversing the decision of the Planning Commission and conditionally approving the application of Pacific Gas & Electric for Development**

**Plan DRC2004-00165 and Conditional Use Permit DRC2004-00166, adopted as amended.**

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, March 7, 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: March 20, 2006  
cmc