

Tuesday, March 28, 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 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: thanks the Board for supporting the labeling of Genetically Engineered (GE) crops; feels the public wants to know if their food comes from GE crops.

Mr. Eric Greening: addresses his concern to cutbacks in transportation matters; urges the Board to have a study session on this issue.

Mr. David Duggan: suggests the *Tribune* practices "yellow journalism" and addresses a recent article about Los Osos; states that an update of the plan for the sewer in Los Osos is underway.

Ms. Julie Tacker: addresses the recent article in the *Tribune* and her response, as a Los Osos Community Services District Board member; her concern that the *Tribune* wants to decide where the sewer will go and only the voters can make that decision. **No action taken.**

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

Mr. Norman Getty: addresses Item B-9 and his support for the same; states there are a number of folks in the office here in support of this item and has them stand from the audience.

Mr. Ray Morawski: addresses flooding concerns he has in the Nipomo area at Tefft and Thompson Road; speaks to flooding that has occurred at his home; concerns to human waste being dumped into the creek and the health problems this is causing; there is a need for work at Thompson at Burton and is grateful for the work that has occurred at Tefft and Avocado.

Mr. Daniel Diaz: appreciates all the help with cleaning out the culverts in the Nipomo area; states there is a lot of runoff that occurs from neighboring farm land and his concern about this; wants the farmers to do their share of helping to clean up the creeks; presents a survey map showing farming areas and two photographs of areas that have flooded. **No action taken.**

3 B-1 Consent Agenda Item B-1 is corrected to amend the transmittal and staff report by thru modifying some financial language. Item B-9 is corrected by amending the B-13 transmittal and coversheet recommendation to read: (RECOMMEND APPROVAL AND INSTRUCT THE CHAIRPERSON TO SIGN AND INSTRUCT CLERK TO GIVE NOTICE OF HEARING DATE SET FOR JUNE 6, 2006 AT 9:00 A.M..).

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

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

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-13 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-13, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items Set for Bid Opening and Hearing:

- B-1 Plans and specifications (Clerk's File) for the construction of pavement areas and reconfigure taxiways and storm drainage at the San Luis Obispo County Regional Airport, **Approved as amended and the Clerk is instructed to give notice of bid opening date set for April 27, 2006 at 3:00 p.m..**
- B-2 Introduction of a proposed ordinance establishing a Public Authority pursuant to California Welfare and Institution Code Section 12301.6, **Approved and the Clerk is instructed to give notice of hearing date set for April 11, 2006 at 9:00 a.m..**

General Services:

- B-3 Agreement and grant of easement for the utility support structure located on real property owned by the State of California Department of the Military (Camp San Luis Obispo), **Approved.**
- B-4 **RESOLUTION NO. 2006-112**, to revise deed restriction on county-owned property located at 5110 Swayze Street in Creston, currently used as the Creston Fire Station, to allow possible future use as a community building, **Adopted.**

Public Works Items:

- B-5 1) Agreements with Schenberger, Taylor, McCormick and Jecker, Inc., and with Reeder, Gilman, and Borgquist to provide appraisal services for the Nacimiento Water project, and 2) **RESOLUTION NO. 2006-113**, authorizing the Director of Public Works to approve additional contingency funds for a total combined fee authorization of \$300,000 for property and acquisition activities; All Districts, **Approved.**
- B-6 Increase in costs of \$175,000 for the construction on State Highway 101 in Templeton at the Las Tablas undercrossing, (Contract No. P12A182); 1st District, **Approved.**
- B-7 Bid opening report for the enhancement of Main Street in Cambria and a request to approve a budget adjustment in the amount of \$963,060 from the North Coast Road Impact Fees, the Road Fund (Capital Projects and Cambria Community Services District); 2nd District, **Approved and the Chairperson is instructed to sign contract documents with Souza Construction in the amount of \$893,097.**
- B-8 Bid opening report for the 2006 AC Pavement Overlay contract in San Luis Obispo County and a request to approve a budget adjustment in the amount of \$1,870,500 from the Road Fund; All Districts, **Approved and the Chairperson is instructed to sign contract documents with Union Asphalt in the amount of \$2,925,219.**
- B-9 **RESOLUTION NO. 2006-114**, calling for an assessment election in Flood Control 1 and 1A and a request to approve a budget adjustment in the amount of \$21,649; 3rd and 4th Districts, **Adopted as amended.**
- B-10 1) **RESOLUTION NO. 2005-115**, authorizing execution of a notice of completion for earthquake damage repairs to various off-system county roads in Oceano, **Adopted**; 2) a contract increase of \$11,000 with R. Burke Corporation and, 3) a budget adjustment in the amount of \$62,578 from the Road Fund Reserves; 4th District, **Approved.**
- B-11 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. COAL 05-0068, a proposed lot line resulting in 2 lots, by Rodney and Laura Hewitt Trust, Las Tablas Road at Eddy Street, Templeton; 1st District, **Approved.**

Other Items:

- B-12 Submittal by the Auditor-Controller of a cash procedures review of the Assessor's Department in the San Luis Obispo and Atascadero offices, conducted on February 21, 2006, **Received and Filed.**
- B-13 Request by the District Attorney Victim Witness Division to approve a grant agreement with the State Office of Emergency Services for the continuing administration of a victim-witness assistance program for fiscal year 2006-2007, **Approved.**

- 4 C-1 This is the time set for hearing to consider an appeal by Jean-Noel and Marketta Fourmeaux Du Sartel of the Subdivision Review Board's decision to deny a request to divide an existing 198.85 acre parcel into two parcels of 80.2 acres and 118.83 acres each, located on the north side of Almond Drive, approximately 8 miles east of the community of Templeton; 1st District.

Mr. James Caruso: Planning, states that the Appellant is requesting a continuance as they have had a change in representation.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board continues said hearing to June 13, 2006 at 9:00 a.m..

- 5 D-1 This is the time set for continued discussion (continued from March 7, 2006) regarding the Syringe Access Implementation Plan.

Dr. Greg Thomas: Public Health Officer, presents the staff report; addresses the concerns raised by law enforcement and response to the same including how often someone can buy 10 syringes; concerns to people dealing drugs around Syringe Exchange Program (SEP) sites; whether an equal number of used syringes can be exchanged for clean ones; what kind of advertizing will the SEP be doing; whether syringe buyers and exchangers have to show ID; what will pharmacies charge for needles; whether parolees and probationers have access to syringes at either program; addresses the concerns raised by the Criminal Justice Administrator's Association and other letters they received.

Chairperson Achadjian: questions the program that is being used in Ventura County.

Ms. Marsha Bollinger: Public Health/AIDS, addresses the issues of pharmacies and SEP's around the State.

Chairperson Achadjian: questions the number of syringes allowed.

Dr. Thomas: responding they can get up to 10 syringes a day and clarifies that it has not been the experience of those that implemented the program that anyone is getting that many syringes a day.

Ms. Cathy Lewis: SLOHEP Project, supports the need for this program and wants to see this implemented; there is a high rate of infection, from shared needles, showing an increase in Hepatitis C.

Ms. Edie Kahn: AIDS Support Network, speaks in support of the SEP; addresses the increase in health issues related to dirty needles.

Sheriff Pat Hedges: Sheriff-Coroner, states that Chief Cortez, representing the Criminal Justice Association, feels there is a need for more time to work out the concerns raised by law enforcement; additionally he has concerns regarding a person being able to get more than 10 syringes a day by going to multiple pharmacies; suggests this County doesn't need to be a pilot project; wants to see more time to address concerns before a program is implemented.

Chairperson Achadjian: questions the program in Ventura County, with Sheriff Hedges responding.

Supervisor Patterson: questions how much time law enforcement needs.

Sheriff Hedges: asks for a cap of six months to get these issues resolved.

Mr. Gerry Shea: District Attorney, addresses the issue of drug users and his concerns regarding this program; asks that the program be rescinded and more review time be allowed; addresses his concern regarding pharmacies issuing syringes.

Chief Dennis Cassidy: City of Paso Robles, feels it is premature to implement this without more input from the cities; addresses his concern to this putting more needles out on the street without a safe program for retrieval.

Mr. Buck Derrington: Pacific Pride, states they work with Santa Barbara County and this program; shows the Sharps Container they provide to dispose of used needles; states they always get more needles back than they issue.

Chairperson Achadjian: questions funding that is available for this fiscal year and whether that is still available next year, with Mr. Jason Wells, Drug and Alcohol, responding.

Board Members: address various issues, comments and concerns regarding: the number of times the Justice meetings were held; who pays for the Sharps containers to be given out by the pharmacies; feel that Drug and Alcohol should have a more active program; wanting to see this program move forward, with staff responding.

A motion by Supervisor Bianchi, seconded by Supervisor Patterson to approve both the sale of syringes at local pharmacies and the needle exchange program, with the stipulation that the goal is to have close cooperation with both Public Health and Law Enforcement and to implement this program in no more than three months, is discussed.

Supervisor Lenthall: discusses having a panel created that would be made up of the District Attorney, Chief Probation Officer, Sheriff, City Chiefs Couch and Cortez; the intent is that this group would work out the issues of concern that law enforcement has raised.

Supervisor Bianchi agrees to amend her motion to include the creation of the Panel as suggested by Supervisor Lenthall.

Supervisor Lenthall: speak in support of giving law enforcement the six months they have requested and offers to coordinate the meetings.

Supervisor Ovitt: agrees with the creation of the panel but wants to see representatives from Drug and Alcohol and Public Health included; also, instead of naming Chief's from specific cities to have representatives from the City Police Chief's Association.

The motion maker and second agree to amend their motion to include the panel as suggested by Supervisor Lenthall and amended by Supervisor Ovitt, with Supervisor Lenthall to take the lead on coordinating meetings and that this matter is to come back to the Board on July 18, 2006 with a report.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Patterson and unanimously carried, the Board approves both the sale of syringes at local pharmacies and the needle exchange program, with the stipulation that the goal is to have close cooperation with both Public Health and Law Enforcement through the creation of a panel made up of the District Attorney, Chief Probation Officer, Sheriff, City Police Chief's Association representatives, Drug and Alcohol Services and Public Health, with Supervisor Lenthall coordinating the meetings to address the issues of concern raised by law enforcement; and, staff is directed to return on July 18, 2006 with a report on implementing these programs.

6 E-1 This is the time set for review of County flood control policies, maintenance and improvement efforts (this item was amended at the beginning of the meeting to include additional pages that were inadvertently left out of the packet).

Mr. Noel King: Public Works Director, presents the staff report; addresses the pages that were added to the report today; addresses "Non-Roads Related" flood control issues and flood protection assistance; water resources development; funding sources for the Flood Control and Water Conservation District (FC&WCD) come from the Countywide Property Tax Allocation and budgeted funding in 2005/06; services provided included: hydrologic data collection; general drainage study efforts; USGS related analysis; water conservation management; mobile lab evaluations; ground water basin studies; Water Resources Advisory Committee (WRAC) support; coordination with local areas; addresses the 1968 Flood Control District Policy; highlights the existing Zones of Benefit in the County; outlines the exceptions to the Non-Road related Policy; addresses the "Roads Related" flood control efforts; road fund amounts for a typical budget; the storm efforts (January 1, 2006); photographs of various areas and the flooding problems that occurred; comments improvements that are required with 2004 dollars; outlines their special budget requests; presents an information sheet outlining their three-year plan for roads related flood control projects.

Mr. David Edge: County Administrative Officer, states that any funding approval at this time would be an additional budget request; questions how the Board wants to proceed.

Supervisor Patterson: indicates he is doubtful that all the requests could be completed in one year.

Mr. King: responds and further states that if all the projects are funded up front they can consolidate the permit process to streamline how long that takes.

Mr. Michael Winn: WRAC Chairperson, addresses the flooding issues and hopes the County will work close with the Community Services District's (CSD) on these issues; comments on the recent law changes that allow the CSD's to have more local control; also suggests that Code Enforcement needs to be included in the mix and feels that a number of their problems are due to there not being enough staff in this division.

Ms. Linda Chipping: Coastal San Luis Resource Conservation District (RCD), provides a correction to the money for the RCD versus what was reported in the staff report; addresses flood control issues.

Mr. Eric Greening: agrees with the prior speaks and addresses his views on flooding/drainage issues.

Supervisor Achadjian: indicates Arroyo Grande is now requiring further setbacks from creeks.

Supervisor Bianchi: addresses the issue of water supply and conservation and believes these issues need to be included in flood control issues; comments on Planning working on watershed issues.

Supervisor Ovitt: comments on changes in the law regarding drainage issues and looking at this in the future.

Supervisor Patterson: comments on setting \$3.5 million aside and his concern if the money isn't used and needed elsewhere, it would be locked in and unusable; indicates he doesn't support approval of the three-year plan.

Mr. Edge: addresses the current policy; suggests that if the Board decides to go ahead with the plan then he suggests they should put the money aside now.

A motion by Supervisor Lenthall, seconded by Supervisor Ovitt to direct staff to continue with the project, is discussed.

Mr. Edge: questions the motion and whether it's to set aside \$3 million which would require a 4/5th vote from Contingencies or is it to direct Public Works to move ahead on the permitting and indicate the Board's intent to move forward with these programs and then the \$3 million would be included in the proposed budget.

Supervisor Lenthall and Supervisor Ovitt amend their motion and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Ovitt, with Supervisor Patterson casting a dissenting vote, motion carries and the Board directs Public Works to move forward with the permitting and indicates their support for these programs and the \$3 million is to be included in the proposed budget.

7 CS Closed Session is cancelled.

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 28, 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/Vicki M. Shelby,
Deputy Clerk-Recorder

DATED: April 5, 2006
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