

Tuesday, April 17, 2001

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, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

ABSENT: Supervisor Peg Pinard

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM AGN

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

AYES: Supervisors Ovitt, Bianchi, Ryan, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

RESOLUTION NO. 2001-149, resolution proclaiming April 22-28, 2001 "National Immunization Week," adopted.

Supervisor Ryan: reads the resolution and presents the same to Dr. Tom Maier, Health Agency.

Dr. Maier: thanks the Board for recognizing something that is as important as immunizing children and presents each Board member with a tee shirt depicting the immunization week theme.

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

AYES: Supervisors Ovitt, Bianchi, Ryan, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

RESOLUTION NO. 2001-150, resolution proclaiming April 2001 as "Sexual Assault Awareness Month" and the week of April 22 through 28, 2001 as "San Luis Obispo County Crime Victims' Rights Week," adopted.

Supervisor Bianchi: reads the resolution and presents the same to Mr. Dan Hilford, Assistant District Attorney.

Mr. Hilford: thanks the Board for the proclamation and introduces the County's Victim-Witness staff.

Ms. Marilyn Hamilton: Sexual Assault Recovery Program for San Luis Obispo County, speaks to the services they have provided over the years and is honored to have been able to represent and help victims.

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

AYES: Supervisors Ovitt, Bianchi, Ryan, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

RESOLUTION NO. 2001-151, resolution commending Jerry Wayne Frost for his 18-1/2 years of service to the people of San Luis Obispo County, adopted.

Chairperson Achadjian: reads the resolution and presents the same, along with a plaque, to Mr. Frost.

Mr. Duane Leib: General Services Director, speaks to Mr. Frost's work as a painter for the County and the pride he took in that work; indicates that Mr. Frost has many hobbies and one of those is restoring old slot machines.

Mr. Frost: thanks everyone one (some by name) he has worked with over the years.

4 B-1 This is the time set for members of the public wishing to address the Board on items set on
thru the Consent Agenda.
B-28

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

Consent Agenda Item B-10 is amended to change the cover sheet to reflect "approval" of the appointments not "ratification." **On motion of Supervisor Ryan, seconded by Supervisor Bianchi, and on the following roll call vote:**

AYES: Supervisors Ryan, Bianchi, Ovitt, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

Consent Agenda Items B-1 through B-28 are approved as recommended by the County Administrative Officer and as amended by this Board.

Said Consent Items B-1 through B-28, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening:

B-1 Plans and specifications (Clerk's File) for the asphalt concrete paving of various county roads; All Districts, **Approved and the Clerk is instructed to give notice of the bid opening set for May 17, 2001 at 3:00 p.m..**

Administrative Office Items:

B-2 Appropriation transfer of \$450,000 from General Fund Contingencies to Budget Unit 2550 - Public Defender to cover unanticipated expenses, **Approved.**

B-3 **RESOLUTION NO. 2001-152**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 81 to the City of Paso Robles (Durand), **Adopted.**

B-4 **RESOLUTION NO. 2001-153**, confirming the election results and ordering the dissolution of the San Miguel Sanitary District, **Adopted.**

B-5 Submittal of an update on the redistricting process, **Received and Filed.**

(Item B-6 erroneously missed)

Board of Supervisors Items:

B-7 Request by Chairperson Achadjian to allocate \$1,500 from District Four Community Project Funds to the Nipomo Community Advisory Committee to be used for costs associated with advisory committee meetings, **Approved.**

B-8 **RESOLUTION NO. 2001-154**, supporting a grant application by the Department of Fish and Game to the U.S. Fish and Wildlife Service to provide funding for habitat conservation planning in the Cambria and San Simeon areas, **Adopted.**

B-9 Request to amend the appointment terms of Clifford Johnson and Nick Pokrajac to the Templeton Public Cemetery District, **Approved.**

B-10 Request by Chairperson Achadjian to ratify the appointments of Pat Hedges, Gerald Shea and

- Dennis Cassidy to the California ID System Advisory Board, **Approved as amended.**
- B-11 Request by Chairperson Achadjian to reappoint Eleanor Trucchio as a District Four Representative to the Parks and Recreation Commission, **Approved.**
- B-12 Request by Supervisor Pinard to appoint William White as a District Three Representative to the Fish and Games Fine Committee, **Approved.**
- B-13 Request to appoint Lee Collins, Director of Social Services, as the Board of Supervisor's designated representative on the Area Agency on Aging Advisory Council, **Approved.**
- B-14 **RESOLUTION NO. 2001-155**, proclaiming Sunday, April 29, 2001 as a "Day of Remembrance for the Victims of the Holocaust" during World War II, **Adopted.**

Health Agency Items:

- B-15 Agreement (Clerk's File) with the State Department of Health Services to provide funding to the Public Health Department to develop and provide a Medically Vulnerable Infant Program, **Approved.**
- B-16 Amendment to the existing agreement (Clerk's File) with the State Department of Health Services to provide funding for the Women, Infants and Children Supplemental Nutrition Program, **Approved.**
- B-17 2000-2001 Performance Contract (Clerk's File) with the State Department of Mental Health to provide services to persons with mental disorders, **Approved.**
- B-18 Agreement (Clerk's File) with the United Way of San Luis Obispo to provide funding for case management services for infants and their parents, **Approved.**
- B-19 Agreement (Clerk's File) with the State Department of Health Services to provide funding for the Childhood Lead Poisoning Prevention Program, **Approved.**

Planning Items:

- B-20 Various appointments to the Board of Construction Appeals and Appeals Board for Handicapped Access, **Approved.**
- B-21 Agreement (Clerk's File) with Environmental Science Associates, Inc., to prepare a Supplemental Environmental Impact Report for the Woodlands Specific Plan; 4th District, **Approved.**

Public Works Items:

- B-22 Request to authorize the sale of surplus equipment to the San Miguel Community Services District, **Approved.**
- B-23 **RESOLUTION NOS. 2001-156, 2001-157, 2001-158, 2001-159**, accepting conveyances from Aurelio and Rosie Hernandez, Frank and Christine Spane, Carol and Daniel Lopez, Ricardo and Maria Vega for the widening of Orchard Avenue, Nipomo; 4th District, **Adopted.**
- B-24 The following maps:
- A. COAL 95-0097, a proposed lot line adjustment between 3 lots that will not result in any new lot parcels by Janice-Boon-Hartsinck et al, located at Oak Flat Road west of Paso Robles; 1st District, **Approved.**
- B. Tract 2371, a proposed subdivision resulting in 2 lots by Mesa Royale, Inc., located at Apricot Street, Nipomo; 4th District, **Approved.**

Other Items:

- B-25 Amendment No. 1 to an existing lease with Montoro Land Company, LLC, defining the building square footage total and the monthly rental amount for office space leased by the District Attorney Family Support Division, **Approved.**

- B-26 1) Lease (Clerk's File) and work letter with the Oceano Community Services District to relocate the south county substation to Front Street in Oceano; and 2) a corresponding appropriation transfer in the amount of \$54,000 from Public Facility Fees, **Approved.**
- B-27 **RESOLUTION NO. 2001-160**, authorizing the County to enter into a Joint Powers Agreement with the State Board of Control Victims of Crime Program for the Victim Witness Assistance Center, **Adopted.**
- B-28 **RESOLUTION NO. 2001-161**, amending the position allocation list for Budget Unit 2070 - Assessor by deleting one Secretary - Confidential position and adding one Supervising Administrative Clerk I - Confidential position, **Adopted.**
- 5 D-1 This is the time set for consideration of issues relevant to county flood control, drainage programs and maintenance of the Arroyo Grande Creek Channel and Levee.

Chairperson Achadjian: reads a letter into the record from Assemblyman Abel Maldonado, which indicates that neither he nor Senator Jack O'Connell would be able to be present today; the letter addresses the recent flooding in the County and the Governor's Office of Emergency Services (OES) determination that a State of Emergency Proclamation was not warranted; the letter further addresses OES actions and forms that can be filed by individuals who suffered damage from the flood.

Mr. Glen Priddy: Public Works, introduces the item, addressing the flooding that occurred on March 5, 2001; outlines the agencies that have general drainage responsibilities; the County's drainage programs, the budget units that fund these programs and the limitations of this funding; the Flood Control District Policy is to help local communities deal with water resource issues, determine needs and help implement local programs; explains the procedure to implement a Flood Control project; highlights the proposed drainage studies through the 2001-02 budget for the communities of Cambria, Cayucos, San Miguel, Santa Margarita, Oceano and Nipomo; discusses Flood Control Zones 1/1A which was formed in 1946 and includes the Arroyo Grande Creek Channel; briefly addresses the maintenance history (1946 to 1983) which includes annual vegetation clearing and there is a need to remove sediment.

Mr. Mark Hutchinson: Environmental Specialist, addresses the environmental process; the key laws and regulations which includes the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), California Coastal Act, California Fish & Game Code, Federal Clean Water Act and the Federal Endangered Species Act; discusses the agencies that are involved in the permitting process which includes the California Coastal Commission, California Department of Fish & Game, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, and the National Marine Fisheries Service; presents several charts that outline the process the County is required to follow for permits; lists recent changes (1996-2001) that have impacted the permitting process.

Mr. George Gibson: Project Engineer for the Arroyo Grande Channel, outlines the regulatory approval process for the Los Berros Channel; addresses the project permit status and what they have done to develop the project description for permit approval; outlines what occurred in this area in 1996, 1999 and 2000; presents staff's position; addresses the need to establish the Flood Control Zone 1/1A Advisory Committee, continue the permit process for approval and hold an informational workshop with the regulatory agencies, advisory committee, staff and legislators; highlights the critical issues that will require the Advisory Committee/staff's analysis.

Mr. Priddy: highlights the conclusions by staff: (1) the mission of the Zone conflicts with the mission of the permitting agencies; (2) restoring and maintaining the original flow capacity of the channel will be very costly; (3) the Zone currently does not have sufficient funding to fulfill its mission; and, (4) there is a need to involve the stake holders in the channel operations; outlines the staff recommendations.

Chairperson Achadjian: asks to see the maps that outline Zones 1 and 1A, with Mr. Priddy putting them on the overhead viewer.

Ms. Barbara Mann: references the various pictures that have been placed for viewing (3 photo boards) and feels the flooding that occurred could have been avoided if the creek had

been cleaned; wants the Board to get the various permitting agencies to allow this channel to be cleaned.

Mr. Jim Tefft: Nipomo resident, speaks to four rentals he has on Tefft Street and the extensive flooding damage that occurred; indicates there is no agency that will help with funding to repair these rentals; feels the flooding could have been prevented if the creek cleanup had been allowed.

Ms. Beverley Bondietti: states the access to her property is over the creek; addresses her concern to illegal dumping that is occurring in the beds of the Los Berros Creek; speaks to a dam in the creek and the need to have it removed and action taken to stop illegal dumping.

Mr. Bruce Ambo: Community Development for the City of Grover Beach, speaks in support of the staff recommendation and is looking forward to any opportunities that may arise where they can be of assistance to the County.

Mr. Thomas Ramler: Oceano/Halcyon Advisory Committee, addresses the concern they have regarding the sand buildup on Strand Avenue in Oceano; presents photographs of the same for the record; states they would like this issue included with the issues recommended today.

Mr. John Wilkins: Santa Margarita resident and Chair for County Service Area #23 (CSA #23); thanks the County for including their area in the flooding study; addresses the ongoing problems they have with respect to flooding whenever there are heavy rains.

Ms. Jude Rock: Santa Margarita resident; reads a letter into the record (presents a copy for the record) addressing her concern regarding the flooding that occurs in Santa Margarita; states her home has been flooded four times in the past few years; Santa Margarita has the highest annual rainfall in the County and asks that the Board remember Santa Margarita when it is allocating money designed for flood studies.

Mr. Malcolm McEwen: Coastal San Luis Resource Conservation District, speaks in support of creating the Zone 1/1A Advisory Committee and also wants to see a steering committee created; urges the Board to include farmers and gives several names; list various governmental agencies, residential property owners and environmental concern groups they would like to see involved.

Mr. Bob Blair: President of the Nipomo Community Services District but speaking as an individual, feels that State and Federal agencies are not allowing local agencies to do their job; feels there needs to be a balance as “the frogs are winning and people are losing.”

Mr. Michael Winn: lives in Nipomo and indicates folks in this area suffered; feels there are inadequate water retention basins and criminal dumping is occurring; (**SUPERVISOR HARRY L. OVITT IS NOW ABSENT.**) lists four factors that led up to the flooding; urges the County to work toward reform of environmental standards; suggests there is a need for more vigorous code enforcement in this area.

Mr. Evan Evanoff: supports the prior speaker’s comments; addresses the reasons flooding and sewage contamination occurred; suggests the need for strong incentives to (1) discourage illegal dumping into the creeks and to (2) encourage legal dumping.

Ms. Pam Heatherington: ECOSLO, feels we would be much further into this process if the County has started nine years ago; suggests the need to look at impacts that go beyond the flood plain areas.

Mr. Eric Greening: speaks to the environmental needs and concerns and questions Steelhead protection. (**SUPERVISOR HARRY L. OVITT IS NOW PRESENT.**)

Ms. Nell Langford: states she lives in the Oceano beach area; presents photographs showing the impacts to the beach with the digging of the sand ramp; wants assurances that the County will address flood damage on the Strand.

Mr. Ira White: addresses the flooding that occurred in Nipomo and in his home; addresses

his concern regarding the culverts in the Nipomo area.

Mr. Mark Ferguson: thanks Supervisor Achadjian for getting the California Conservation Corp. to help clean up after the flooding; addresses what he believed occurred that impacted the creek flooding; states he looked at placing K-rails around his property to give him 2-3 more feet before he would be flooded.

Mr. Herb Kandel: Chair for the Nipomo Area Advisory Committee, presents written information from their subcommittee, The Nipomo Creek Committee, and outlines the same; highlights the mission statement, priorities and scope as it relates to creek issues for this subcommittee.

Mr. Tom Ikeda: farmer in the Oceano area, addresses the issue; supports expanding the Zone and wants the Zone 1/1A Advisory Committee reestablished.

Mr. Bill Walther: states instead of blaming everyone he wants to see information given so everyone can help with the problem.

Mr. Jesse Hill: speaks in support of expanding the Zone and creating the Advisory Committee; speaks to the change in the location of Los Berros Creek by the Army Corps of Engineers; addresses the availability of Fish and Game grant money and suggests trying to get some of this money to help out.

Mr. George Sullivan: lives in the Santa Margarita area and wants to see a Countywide advisory committee created to address this issue.

Ms. Peggy Wilson: Oceano resident, thanks the staff for all the information they presented and is disappointed that none of the other agencies are here today; and agrees that those folks on the beach need their issues looked at also.

Chairperson Achadjian: thanks everyone for all their time and work; wants to see a steering committee created to recommend the makeup of the Advisory Committee and gives several names and groups that should be involved indicating these are the names Mr. McEwen from the Coastal San Luis Resource Conservation District (RCD) suggested.

Supervisor Ryan: indicates he does not believe the Board should try to create the specific committee members or groups today but rather should direct that this come back with recommendations.

Chairperson Achadjian: states he wants to go on record as supporting the list of names and groups that were presented by the RCD.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt, and with Supervisor Pinard being absent, motion carries and the Board receives and files the report titled “County of San Luis Obispo Flood Protection and Drainage Policies, Programs, Permitting and Funding”; directs staff to: (a) establish a Flood Control 1/1A Citizens Advisory Committee to provide input and recommendations to staff and the Board concerning all matters pertinent to the future maintenance of the Arroyo Grande and Los Berros Creek Channels; (b) include a comprehensive drainage study covering the communities of Cambria, Cayucos, San Miguel, Santa Margarita, Oceano and Nipomo in the 2001-02 Flood Control General Budget; (c) conduct a project workshop meeting involving staff of the County, staff of the regulatory agencies, interested staff of our legislators, the proposed Flood Control Zone 1/1A Advisory Committee, the District 4 Supervisor, and other interested local officials for the purpose of reviewing the status of the Arroyo Grande Creek project and discussing any possible means of streamlining the future process.

6

C-1 This is the time set for hearing to consider an appeal by David Clopton for fee adjustment for road improvements associated with the construction of a single-family residence on Casa Real Place, Nipomo; 4th District.

Mr. Glen Priddy: Public Works, states Mr. Clopton has requested a continuance.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi, and with Supervisor Pinard being absent, motion carries and the Board continues said hearing to May 8, 2001 at 9:00 a.m..

7 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) *Bennett v. County.*

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.

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

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

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 two actions: the first action was to unanimously deny John Lum's request for the County to pay attorneys' fees in his proceeding at the Civil Services Commission; and the second action was to authorize the Chairperson to execute a contract with Mr. Larry Frierson to represent the Civil Services Commission in the Lum proceeding; and no further report is required because no other final action was taken and the Board goes into Open Public Session.

8 PC

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

Mr. Richard Hill: addresses people's love of animals and Animal Services putting cats to sleep just because someone owns more than three of them; indicates the City of Atascadero's ordinance limits the number of cats to three and this is in conflict with Animal Services (as the County's ordinance does not limit the number of animals you can have at your home); **(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)** suggests the City's ordinance puts them in violation of their contract with Animal Services; indicates he was cited for being in violation of an ordinance that is in violation of this contract.

Mr. Dick Frank: County Assessor, presents a packet of information relating to a recent news release by the State Board of Equalization (SBE); indicates counties are reviewed by SBE every five years with respect to assessment practices; indicates he received several calls from SBE staff advising him that an elected SBE Board member was raising issues relating to our County; indicates that prior to reporting to the public these reports are to be delivered to the Board of Supervisors, Assessor, Assessment Appeals Board, Grand Jury and others and this has not occurred; a North County Radio station reported excerpts from this report that was released by this SBE Board Member; highlights several issues from the report and his response to the same.

Supervisor Ryan: questions the grazing land owned by Monterey County, with Mr. Frank responding.

Ms. Linda Hill: speaks on behalf of Mr. Hill, indicating that she has also had personal experience where her animals were used as a "political weapon" against her; states she has been to Mr. Hill's property where he has lived since the 1960's; indicates the City incorporated around him and two schools were built nearby; then a nuisance abatement was filed against him, then they went after him for the number of animals he had; feels this is "way below the belt"; suggests Atascadero is in conflict with their contract with Animal Services.

Ms. Peggy Wilson: addresses the issue of Redevelopment; thanks Supervisor Achadjian for attending both the Oceano/Halcyon Advisory Committee and Oceano Community Services District meetings and explaining his position; speaks to a book regarding Redevelopment and

making copies for the public is crucial to ensure this information is widely known. **No action taken.**

- 9 E-1 This is the time set for continued consideration (continued from March 20, 2001) of a request to consider General Plan amendments to the San Luis Obispo Area Plan.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan, and with Supervisor Pinard being absent, motion carries and the Board continues this item to May 8, 2001.

- 10 F-1 This is the time set for consideration of a request to amend the Estero Area Plan by adding "Public Utility Facilities" to the list of allowable uses specified in Commercial Retail Planning Area Standard No. 3 for Los Osos; 2nd District.

Mr. Warren Hoag: Planning, introduces the item, indicates the first step for an amendment request is for the Board to make a decision as to whether or not to authorize processing.

Mr. Mike Wulkan: Planning, presents the staff report and shows an aerial photograph of the site; this request is to amend the Estero Area Plan by adding "Public Utility Facilities" to the list of allowable uses on the western, approximately 8 acres of the site for the proposed wastewater treatment plant in Los Osos; indicates this amendment would make the treatment plant an allowable use on the site and would enable processing of the land use permit application for development of the plant in connection with the proposed community sewer system; if authorized for processing, staff is requesting that they also be directed to look at the possibility of changing the land use category from Commercial Retail & Office Professional to Public Facilities.

Supervisor Ovitt: suggests staff also look at something similar to what the Board did on a property in North County and that was to amend the zoning to have dual land use categories and then when the project moves forward one of two zoning would be used.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt, with Supervisor Pinard being absent, motion carries and the Board authorizes processing of the General Plan Amendment with the staff to review the following alternatives: (1) amending the Planning Area Standard to include Public Utility Facilities to the list of allowable uses; (2) rezone the entire site to Public Facilities if the acquisition is completed before the amendment process is finished; and, (3) look at the possibility of a floating zone/multiple land use category.

- 11 G-1 This is the time set for consideration of a report on issues associated with Methyl Tertiary Butyl Ether (MTBE).

(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)

Mr. Curt Batson: Environmental Health Director, introduces the item; states that Mr. Jay Cano from Regional Water Quality Control Board (RWQCB) and Mr. Jon Rohrer, Geologist from Komex are here to give a report to the Board.

Chairperson Achadjian: asks if this is strictly a presentation or if action is required, indicating if action is required he will disqualify himself from this item, with Mr. Batson indicating it is just a presentation.

Mr. Cano: addresses the issues that the RWQCB is looking at in the County; gives the general facts regarding MTBE indicating it is an additive in fuel that can be released into the environment; states MTBE behaves differently than other gas constituents; addresses the impacts if it gets into the groundwater as it migrates more quickly than other agents; shows several graphs of how it is transported into the ground; **(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)** comments on the various legislative responses to this issue with one of those being a total phase out of MTBE by 12/31/2002; addresses the regulatory response to the various legislative actions.

Supervisor Bianchi: questions containing the delivery system, with Mr. Cano responding.

Chairperson Achadjian: states he thought that all delivery walls had to be double walled by a certain date.

Mr. Batson: responds that under certain conditions some could remain single wall tanks; states there is a workshop on this issue (MTBE) tonight from 5:00 p.m. to 8:00 p.m. at 2156 Sierra Way in San Luis Obispo.

Mr. Rohrer: addresses the County's water resources, with 60% coming from groundwater and 40% from reservoirs; provides some general facts regarding MTBE; comments on the risks posed by MTBE, what occurs if there is a leak and these releases are complex; comments on Underground Storage Tank (UST) systems in California; shows drawings of what the UST systems look like and their weaknesses; comments on the recent case in Morro Bay and a drawing of what failed on the UST; discusses the City of San Luis Obispo with leaking UST's and the MTBE plume investigation; addresses the issue of groundwater treatment and water discharge and the ways to decrease the MTBE threat to drinking water.

Chairperson Achadjian: questions whether the impacts on humans is known, with response.

Mr. Ken Topping: General Manager for the Cambria Community Services District (CCSD), thanks everyone for this detailed presentation; indicates there are five things to remember about MTBE based on the CCSD's experience: (1) Cambria's problem is getting worse not better; the CCSD is out \$2 million and the Department of Health Services is going to provide the CCSD most of that but they have to get it back from Chevron and it may take a decade or more to get the contamination out of the East Village; (2) many new tank systems leak, indicating he is referring to the systems as it's not the tanks but could be the lines as they are allowed to leak a tenth of a gallon per hour; (3) Environmental Health has an excellent approach to this issue and have a proposal that is very forward looking; (4) the oil companies will fight that proposal because of its precedent setting nature as to cost; and, (5) the oil companies can afford such solutions, for example Chevron had more than a billion dollars per quarter profit, this past year.

Chairperson Achadjian: indicates that Mr. Topping stated the problem is getting worse in Cambria, but the report indicated the two worst locations were in Paso Robles and San Luis Obispo.

Mr. Cano: responds that the highest one under 100,000 parts per billion was in Paso Robles at the California Youth Authority; he thought the numbers in Cambria were decreasing over the past few month.

Mr. Topping: states the numbers previously reached as high as 237,000 parts per billion onsite and by getting worse he means it is getting closer to the creek.

Ms. Pam Heatherington: ECOSLO, addresses the issue indicating there isn't any real good medical information on what occurs if this is ingested; suggests that the Board ban all water craft on the lakes that provide water during the summertime.

Board Members: question the graphs that show the location of MTBE and the MTBE levels in lakes that allow water craft, with Messrs. Cano and Rohrer responding. **No action taken.**

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, April 17, 2001, 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 24, 2001
vms