

Tuesday, December 18, 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, Peg Pinard, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM AGN

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

AYES:Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-512, resolution recognizing the accomplishments of the San Luis Obispo California Highway Patrol Explorer Program, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Officer Glenn Knight of the California Highway Patrol.

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

AYES:Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-513, resolution recognizing the Central Coast Greenhouse Growers Association for their community involvement in San Luis Obispo County, adopted.

Chairperson Achadjian: reads the resolution and presents the same to Mr. Erik Djafroodi, President for the Association.

Mr. Djafroodi: thanks the Board for the recognition; highlights their activities over the past year.

Mr. Richard Greek: Agricultural Commissioner, states he worked with this group over the past year; indicates they took an active role in their commitment to the community and the Right-to-Farm ordinance.

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

AYES:Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-514, resolution honoring Marilyn Britton for her dedicated service to the San Luis Obispo County Farm Bureau, adopted.

Supervisor Ryan: reads the resolution and presents the same to Ms. Britton.

Supervisor Ovitt: presents a basket of "agricultural goodies" to Ms. Britton from himself and Supervisor Ryan.

Ms. Britton: thanks everyone for the recognition; introduces her husband, Glen Britton; thanks the Farm Bureau boards, past and present, Planning and Agricultural Commissioners staffs for all their support.

Supervisor Ryan: states that Ms. Britton will be missed and comments on her total dedication over the years.

Supervisor Bianchi: comments on what Ms. Britton has accomplished over the years

and the compassion she had for her job.

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

AYES:Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-515, resolution recognizing Steve F. Morrison upon his retirement - Chief Deputy Sealer of Weights and Measures, adopted.

Supervisor Pinard: reads the resolution and presents the same to Mr. Morrison; with Chairperson Achadjian also presenting a plaque to Mr. Morrison.

Mr. Morrison: states it has been a pleasure working for the County for the past 28 years; he works with the best staff and recognizes those members of his staff that are in the audience.

Mr. Richard Greek: Agricultural Commissioner, addresses Mr. Morrison's accomplishments over the years; wishes Mr. Morrison a long and happy retirement.

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

AYES:Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-516, resolution commending Carmel Featherstone, Medical Record Technician, for service to San Luis Obispo County, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Ms. Featherstone and Chairperson Achadjian presents her with a plaque for her service.

Ms. Featherstone: thanks everyone for the recognition; states she was a patient many years ago at Mental Health and felt working for the department was her way of giving back what she previously received.

Dr. Dale Wolff: Behavioral Health Director, thanks Ms. Featherstone for her years of service and outlines her accomplishments.

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

AYES:Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-517, resolution recognizing the success of the San Luis Obispo County Liberty Tattoo Removal Program, adopted.

Chairperson Achadjian: reads the resolution and presents the same to Ms. Kathleen O'Neill, Dr. R. Jeffrey Herten and Mr. Robert Kraft; indicates that although he is not present today, Mr. Jim Brabeck was also instrumental in the start up of this program.

Mr. Kraft: thanks the Board for their support; speaks to watching the folks who come in for tattoo removal and the relief on their faces when these treatments have begun.

Dr. Herten: states he has never done anything as satisfying and rewarding as this; discusses watching the changes that tattoo removal has made for these folks; states he is accepting the resolution on behalf of all the volunteers who have made this program possible and his job easy.

Ms. Kim Barrett: Probation, thanks everyone who is involved with this program and speaks to the incredible work they have done.

Chairperson Achadjian: indicates he has an honorary title for Mr. Brabeck "Godfather of San Luis Obispo County Volunteer Efforts."

Supervisor Pinard: states that Congresswoman Capps should also be thanked for her support of this program.

7 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. Les Goldfisher: addresses Item B-27, indicating there are several “big” issues on the agenda today relating to General Hospital; feels this department is in a “state of disintegration” and he has been told by staff that they cannot “deal with Mr. Hood.” **No action taken.**

8 B-1 Consent Agenda Item B-7 is withdrawn for separate action. Items B-20-H, M, S, V, Y
thru and AA are withdrawn. Item B-30 is added to the Consent Agenda.
B-30

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

AYES:Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-30 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-30, 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 replacement of cell door operators for “A” and “B” decks of the Sheriff Main Jail; All Districts, **Approved and the Clerk is instructed to give notice of bid opening set for January 17, 2002 at 3:00 p.m..**

Administrative Office Items:

B-2 2001-2002 Visitors Services agreement with the Santa Margarita Lions Club to promote 2002 Days of the Dons, **Approved.**

B-3 Contract with Kimberly Barrett to continue serving as the Interim Chief Probation Officer, **Approved.**

Auditor-Controller Items:

B-4 Annual rate increase for five garbage hauling companies who provide services in the unincorporated areas of the County, **Approved.**

B-5 Submittal of an unannounced cash count of the County Treasurer’s Office, conducted on September 25, 2001, **Received and Filed.**

B-6 Audit report on the Marina concessionaire at Lopez Lake for the period of August 18, 2000 through June 30, 2001, **Department is directed to report back to the Board within four months on Audit Recommendations Implementation Status.**

Behavioral Health Items:

B-7 Submittal of a resolution amending the position allocation list for Budget Unit 3075 - Drug and Alcohol, by adding 1 three-quarter time Public Health Nurse position and deleting 1 full time Drug and Alcohol Specialist position, **Withdrawn for separate action.**

B-8 **RESOLUTION NOS. 2001-518 and 2001-519**, amending the position allocation list for: 1) Budget Unit 3075 - Drug and Alcohol, reclassifying one Account Clerk position to the Administrative Assistant Series position; and 2) Budget Unit 4040 - Drinking Driver Programs reclassifying two Account Clerk positions to the Administrative

Assistant Series positions and reclassifying one Account Clerk position to a Senior Account Clerk position, **Adopted.**

Board of Supervisors Items:

- B-9 Request by Chairperson Achadjian to reappoint Stephanie Painter and Janet Potter to the Commission of the Status of Women, **Approved.**
- B-10 Request by Supervisor Pinard to allocate \$2,475 from District Three Community Projects to the City of Grover Beach - Parks and Recreation Department to adopt three park benches at Grover Heights Park, **Approved.**
- B-11 Request by Board Members to allocate \$2,500 from Community Projects (\$500 from each District) to the Foundation for LifeSpan Services Network - Collaboration Forum, **Approved.**

General Services Items:

- B-12 Amended lease agreement with Jack and Charlotte Foster to continue leasing office space at 2925 McMillan, San Luis Obispo for Social Services, **Approved.**
- B-13 Budget adjustment in the amount of \$105,000 from unanticipated revenues for a new capital project, Santa Margarita Lake Acquisition, **Approved.**
- B-14 Bid opening report for the commissary/locker room construction adjacent to the main jail and a request to approve a budget adjustment in the amount of \$25,273 from the Inmate Welfare Funds, **Approved and the Chairperson is instructed to sign contract documents with Santa Margarita Construction in the amount of \$396,000.**
- B-15 **RESOLUTION NO. 2001-520**, accepting grant funds under the Local Assistance Grant Program and authorizing the Director of General Services to submit and sign grant documents; 2) request to approve a budget adjustment in the amount of \$574,950 from unanticipated revenues; and 3) request to create a capital project to upgrade State Park facilities Countywide, **Adopted.**
- B-16 1) Agreement and release (Clerk's File) with Union Oil Company, transferring two parcels of real property, **Approved**, and 2) **RESOLUTION NO. 2001-521**, accepting transfer of real property located in the community of Avila Beach, **Adopted.**

Library Items:

- B-17 1) Lease agreement with the Atascadero Unified School District to expand Creston Library and 2) a related appropriation transfer in the amount of \$78,000, **Approved.**
- B-18 Agreement with the Foundation for San Luis Obispo County Public Libraries Endowment that will transfer the balance of the Ina Metcalfe Trust Fund (estimated to be \$64,000), **Approved.**

Planning Items:

- B-19 Agreement with the Morro Estuary Greenbelt Alliance as part of the Coastal Resource Grant Program; 2nd District, **Approved.**
- B-20 Submittal of 27 resolutions approving land conservation contracts and amendments to contract (Clerk's File) pursuant to the California Land Conservation Act of 1965:
 - A. **RESOLUTION NO. 2001-522**, W. and J. Preston, Paso Robles Agricultural Preserve No. 21; 1st District, **Adopted.**
 - B. **RESOLUTION NO. 2001-523**, Attiyeh Foundation, Nacimiento Agricultural Preserve No. 10, Amendment No. 8; 1st District, **Adopted.**
 - C. **RESOLUTION NO. 2001-524**, J. and B. Dallons, Cambria Agricultural Preserve No. 41; 2nd District, **Adopted.**

- D. **RESOLUTION NO. 2001-525**, B. and K. Foster, Los Osos Valley Agricultural Preserve No. 21; 2nd District, **Adopted**.
- E. **RESOLUTION NO. 2001-526**, A. Speizer, Edna Valley Agricultural Preserve No. 29, Amendment No. 2; 4th District, **Adopted**.
- F. **RESOLUTION NO. 2001-527**, D. Rochelle, El Pomar Agricultural Preserve No. 78; 1st District, **Adopted**.
- G. **RESOLUTION NO. 2001-528**, C. and G. Philbrick, et al., La Panza Agricultural Preserve No. 11, Amendment No. 1; 5th District, **Adopted**.
- H. C. MacDonald, et al., La Panza Agricultural Preserve No. 11, Amendment No. 1; 5th District, **Withdrawn**.
- I. **RESOLUTION NO. 2001-529**, E. Stipanovich, et al., El Pomar Agricultural Preserve No. 1, Amendment No. 15; 1st District, **Adopted**.
- J. **RESOLUTION NO. 2001-530**, J. Ruskovich, Carrizo Plain Agricultural Preserve No. 21; 5th District, **Adopted**.
- K. **RESOLUTION NO. 2001-531**, J. Friend, Carrizo Plain Agricultural Preserve No. 2, Amendment No. 2; 5th District, **Adopted**.
- L. **RESOLUTION NO. 2001-532**, W. and V. Perelli-Minetti, El Pomar Agricultural Preserve No. 1; Amendment No. 16; 1st District, **Adopted**.
- M. J. and C. Baxter, Estrella Agricultural Preserve No. 47; 1st District, **Withdrawn**.
- N. **RESOLUTION NO. 2001-533**, J. and V. Rarig, Cayucos Agricultural Preserve No. 5, Amendment No. 1; 2nd District, **Adopted**.
- O. **RESOLUTION NO. 2001-534**, S. and P. Lock, Paso Robles Agricultural Preserve No. 22, 1st District, **Adopted**.
- P. **RESOLUTION NO. 2001-535**, D. and B. Hofer, Paso Robles Agricultural Preserve No. 22, 1st District, **Adopted**.
- Q. **RESOLUTION NO. 2001-536**, W. and K. Latchford, Templeton Agricultural Preserve No. 2, Amendment No. 9; 1st District, **Adopted**.
- R. **RESOLUTION NO. 2001-537**, R. and T. Plastino, Nipomo Valley Agricultural Preserve No. 22, Amendment No. 1; 4th District, **Adopted**.
- S. R. and S. Soto, Cambria Agricultural Preserve No. 42; 2nd District, **Withdrawn**.
- T. **RESOLUTION NO. 2001-538**, Sellwood, El Pomar Agricultural Preserve No. 79; 1st District, **Adopted**.
- U. **RESOLUTION NO. 2001-539**, L. and L. Foshay, Adelaida Agricultural Preserve No. 34, Amendment No. 1; 1st District, **Adopted**.
- V. G. and L. Chinnan [sic] (should read Chirman), Chorro Valley Agricultural Preserve No. 21; 2nd District, **Withdrawn**.
- W. **RESOLUTION NO. 2001-540**, J. and B. MacGregor, Estrella Agricultural Preserve No. 1; 1st District, **Adopted**.
- X. **RESOLUTION NO. 2001-541**, P. and D. Hammond, Estrella Agricultural Preserve No. 30; 1st District, **Adopted**.
- Y. S. Johnston, Estrella Agricultural Preserve No. 46; 1st District, **Withdrawn**.

Z. **RESOLUTION NO. 2001-542**, E. and M. Hahl, et. al, Shandon Agricultural Preserve No. 1; 1st District, **Adopted**.

AA. The Hearst Corporation and S. and K. Onderdonk, Shandon Agricultural Preserve No. 1; 1st District, **Withdrawn**.

Public Works Items:

B-21 Budget adjustment in the amount of \$35,000 to fund environmental studies for the Route 1 Passing Lane/Channelization Project near the community of Harmony; 2nd District, **Approved**.

B-22 Cooperative agreement with the State Department of Transportation for the installation of traffic signal and lighting at Route 227/Buckley Road intersection near San Luis Obispo, **Approved**.

B-23 The following maps:

A. COAL 01-0013, a proposed lot line adjustment of 2 lots which will not result in any new lots, by Charles and Mary Elles, Oxford Avenue, Cambria; 2nd District, **Approved**.

B. COAL 00-0274, a proposed lot line adjustment of 8 lots which will not result in any new lots, by Laird and Lisa Foshay, Klau Mine Road, west of Paso Robles; 1st District, **Approved**.

C. CO 98-0086, a proposed subdivision resulting in 3 lots, by Marty McCaslin and Andrea Stines, Old Oak Park Road, east of Arroyo Grande; 4th District, **Approved**.

D. CO 00-0052, a proposed subdivision resulting in 4 lots, by Woody Woodruff Construction Company, Main Street, Templeton, **Approved** and **RESOLUTION NO. 2001-543**, to accept the offer of dedication for widening of Main Street and Gibson Road; 1st District, **Adopted**.

E. Tract 2277, a proposed subdivision resulting in 4 lots, by Robert Newdoll, South Mesa Road, Nipomo, reject the offer of dedication without prejudice to future acceptance, and order the abandonment of southeasterly 10 feet of Ida Place; 4th District, **Approved**.

Sheriff-Coroner Items:

B-24 Budget adjustment in the amount of \$292,465 from unanticipated revenue to create a computer forensics lab to address high technology crime and amend the fixed asset list by adding computer forensics equipment, **Approved**.

B-25 Budget adjustment in the amount of \$46,130 (\$35,000 from the Cal-Id Trust Fund and \$11,130 from the Asset Forfeiture Trust Fund) and amend the fixed asset list by adding a livescan machine and audio/video editing system, **Approved**.

B-26 Contract renewal with Five Cities Security to provide outside security services, **Approved**.

Other Items:

B-27 Contract with Intercare Medical Group, Inc., to provide physician services at the Family Care Centers, **Approved**.

B-28 Agreements (Clerk's File) with Coastal Unified School District and Cayucos Elementary School District to provide school nursing services for 2001-02, **Approved**.

B-29 Submittal by the Department of Social Services of a response to Auditor-Controller recommendations on an unannounced cash count, **Received and Filed**.

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

B-30 1) Budget adjustment in the amount of \$185,324 from unanticipated revenue, **Approved**; 2) **RESOLUTION NO. 2001-544**, amending the position allocation list for Budget Unit 2590 - Sheriff-Coroner by adding two deputies, **Adopted**; 3) amendment to the fixed asset list by adding two 4x4 vehicles and other related equipment, **Approved**.

9 B-7 Submittal of a resolution amending the position allocation list for Budget Unit 3075 - Drug and Alcohol, by adding 1 three-quarter time Public Health Nurse position and deleting 1 full time Drug and Alcohol Specialist position, is presented.

During the discussion on the Consent Agenda Supervisor Pinard requested this item be pulled for a separate vote, indicating she does not support the request to change job classifications to meet qualifications such as computer knowledge; wants to see all job classifications have these types of requirements in them so reclassifications, such as this one, aren't done; the Board members discussed this concern and agreed that staff needs to bring an item to the Board to allow the Board members to send direction to the Civil Service Commission to change the necessary job specifications.

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

AYES:Supervisors Ovitt, Ryan, Bianchi, Chairperson Achadjian

NOES: Supervisor Pinard

ABSENT: None

RESOLUTION NO. 2001-545, resolution amending the position allocation list resolution for Fiscal Year 2001-02, adopted.

(SUPERVISOR PEG PINARD IS NOW ABSENT.)

10 C-1 This is the time set for hearing (introduced December 11, 2001) to consider an ordinance amending Chapter 2.56.070 Pension Trust, of the County Code authorizing the Board of Supervisors to enter into contracts with public agencies in San Luis Obispo County to participate in the Pension Trust; All Districts.

Mr. Tony Petruzzi: Pension Trust, presents the staff report and recommendation.

(SUPERVISOR PEG PINARD IS NOW PRESENT.)

No one appearing and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:

AYES:Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian

NOES: None

ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2956, ordinance amending Chapter 2.56 of the County Code (Pension Trust), adopted.

11 C-2 This is the time set for hearing to consider amendments to the General Plan - Land Use Element: G990026M - a request by Avila Family Trust to amend the San Luis Obispo Area Plan by changing a 10-acre site from Public Facilities to Industrial; 3rd District.

Ms. Kami Griffin: Planning, presents the staff report and recommendation.

Mr. Dennis Schmidt: Central Coast Engineer and representing the Avila Family Trust, thanks the staff for all their hard work and hopes the Board will support this request.

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

AYES:Supervisors Pinard, Bianchi, Ovitt, Ryan, Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-546, resolution to amend the San Luis Obispo County General Plan, Land Use Element, to adopt ordinances [sic] entitled “an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code” and to approve environmental documents, adopted.

- 12 C-2 **Thereafter, on motion of Supervisor Pinard, seconded by Supervisor Bianchi and on the following roll call vote:**

AYES:Supervisors Pinard, Bianchi, Ovitt, Ryan, Chairperson Achadjian
NOES: None
ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2957, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, adopted.

- 13 C-3 This is the time set for continued hearing (continued from November 6, 2001) to consider an appeal by Harold and Dorothy Fones of the Planning Commission's approval of a Variance and Minor Use Permit/Coastal Development Permit, to allow construction of a single family residence, located on the north side of Old Creek Road, approximately 1/4 mile east of Highway One in the community of Cayucos; 2nd District.

Ms. Martha Neder: Planning, presents the staff report; indicates this item was continued from November 6, 2001 at the direction of the Board to allow the Cayucos Citizens Advisory Council (CCAC) to discuss this project one more time; the CCAC did review it again and submitted their response and staff has responded with changes to some of the conditions; presents Condition #21 which addresses the issue of the depth to competent metavolcanic bedrock under the proposed residence and garage and asks that it be added.

Ms. Dorothy Fones: Appellant, states she appreciates the work of CCAC and supports their recommendations; speaks regarding the driveway and wanting to see it built in a way that will address future development of the neighboring lots; presents photographs with examples of what she believes are dwellings that were approved one way and changed after final approval was given.

Mr. Harold Fones: Appellant, states this has been an interesting process; feels the Planning Department has conditioned this project so that they can live with approval of the same.

Mr. Leon Chaulet: representing the Applicant, addresses their concern to adding a condition regarding the bedrock depth; discusses Section AA and shows a graphic of this section; discusses the sprinkler (fire) system for the house.

Mr. Michael Deveau: Applicant, addresses his request; feels the additional conditions are extreme.

Mr. Bruce Gibson: representing CCAC, addresses changes/additions to Conditions 19, 20 and 21; outlines the concerns that were raised by the CCAC; discusses access.

Mr. Jim Orton: Deputy County Counsel, requests that Condition #20 be amended and gives the proposed language change.

Mr. Deveau: gives his closing comments; addresses his concern to the condition requiring a maintenance agreement for the driveway; comments on the current setbacks as they relate to the creek.

Mr. Fones: gives their closing comments; addresses the geologist that was used and

he found out at the State level that this person is not licensed.

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

AYES:Supervisors Bianchi, Ovitt, Pinard, Ryan, Chairperson Achadjian
NOES: None
ABSENT: None

the Board denies the appeal; amends Condition #20 as follows: “Prior to activation of the building permits, the applicant shall enter into a maintenance agreement with **approved by the County in which the applicant assumes full liability and maintenance responsibility for the driveway and retaining walls.”; and Condition #21 is added to read: “Prior to re-activation of the building permits, the Certified Engineering Geologist of record shall determine the depth to competent metavolcanic bedrock under the proposed residence and garage. The depth to competent bedrock shall be clearly depicted on the foundation plans. If the Certified Engineering Geologist of record determines due to the depth to competent bedrock, the building of the proposed single family residence and detached garage is infeasible, the building permits will not be reactivated.”; and, RESOLUTION NO. 2001-547, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of Michael Deveau for Variance/Coastal Development Permit D990364V, adopted as amended. Further, the Board adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.**

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

AYES:Supervisors Bianchi, Ovitt, Pinard, Ryan, Chairperson Achadjian
NOES: None
ABSENT: None

the Board amends Condition #20 as follows: “Prior to activation of the building permits, the applicant shall enter into a maintenance agreement with **approved by the County in which the applicant assumes full liability and maintenance responsibility for the driveway and retaining walls.”; and Condition #21 is added to read: “Prior to re-activation of the building permits, the Certified Engineering Geologist of record shall determine the depth to competent metavolcanic bedrock under the proposed residence and garage. The depth to competent bedrock shall be clearly depicted on the foundation plans. If the Certified Engineering Geologist of record determines due to the depth to competent bedrock, the building of the proposed single family residence and detached garage is infeasible, the building permits will not be reactivated.”; and, RESOLUTION NO. 2001-548, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of Michael Deveau for Minor Use Permit/Coastal Development Permit D990363V, adopted as amended. Further, the Board adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.**

15 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) *In re Lum*, (2) *In re PG&E* and (3) *In re Tobacco Litigation*.

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.

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

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: *Dale T. Hanson, Santos Arrona, Sue Wilkison, Art Giumini, Glenn Estrada*, Name of Employee Organization: *Unrepresented Management*.

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, §54956.8.) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (7) Property Description: *French Hospital*, Parties with whom negotiating: *Tom Singleton*, Instructions to Negotiator will concern: *Price, Terms and Conditions*.

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

Thereafter, the Board goes into Open Public Session.

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

The Burnished Brass Quartet play a medley of Christmas music for the Board and audience.

Ms. Sandi Sigurdson: Executive Director for the San Luis Obispo Symphony, introduces the members of the quartet - Bryce Tingle (Trombone), Jerry Boots (Trumpet), Rich Ward (Trumpet) and April Souther (French horn); addresses the support given by the Board over the years for these types of performances; presents the Board with a basket of candy for the holidays.

Mr. Bill Worrell: Manager for the Integrated Waste Management Authority (IWMA), addresses the State's requirement to reduce waste at landfills by 50%; the County has reduced its waste by 52% and presents the Board/County with a plaque recognizing this achievement.

Board Members: commend Mr. Worrell for his work, leadership and staff at the IWMA, indicating this is the reason we have exceeded the State's goal.

Ms. Sandra Cook: resident of Casa Solana, states she has six adopted daughters and one birth son and is a recovering alcoholic with 75 days of sobriety thanks to Casa Solana; thanks the Board for their support of the residential facility for women

Ms. Christina Blanton: resident of Casa Solana, states because of this residential facility she has 90 days of being "clean and sober"; outlines what this group does to assist women; she and Ms. Cook present a basket of cookies for the Board members.

Ms. Mary Konopa: nurse at General Hospital, speaks to the bonus program for nurses that was instituted several months ago; this program has been very positive and thanks the Board for approving the same.

Mr. Les Goldfisher: speaks to comments by Mr. Hood, CEO for General Hospital, earlier today regarding a doctor that has been trying to leave for several years; states he spoke with this doctor today and was told by him that he was not planning to leave, but was having a difficult time dealing with Mr. Hood; addresses a lunch meeting he attended about health care.

Mr. Gary Fowler: speaks to a letter he sent out looking for continuing support for the Senior Nutrition Program; speaks to the debt of \$130,000+ they had last year and through contributions/donations they are now running in the black; presents a check to Supervisor Bianchi from the Farm Bureau for this program.

Mr. Lon Michalski: presents a letter for the record and reads the same from Peggy Wilson, thanking Supervisor Achadjian for meeting with them on December 6th and her views on the Oceano Community Center project; speaking for himself he believes the

site proposed for the Center should be left as a park.

Mr. Tom Martin: states that garbage collection will be one day late next week as the garbage men will have Christmas off; reminds folks that wrapping paper is not recyclable and is strictly garbage; further, Christmas trees are green waste as long as they are not flocked. **No action taken.**

17 B-20H Request by Supervisor Ryan to reconsider a resolution approving a land conservation contract for C. MacDonald, et al., La Panza Agricultural Preserve No. 11, Amendment No. 1; 5th District, is presented.

A motion by Supervisor Ryan, seconded by Supervisor Ovitt to reconsider a resolution approving a land conservation contract for C. MacDonald, et al., La Panza Agricultural Preserve No. 11, Amendment No. 1; 5th District, is discussed.

Mr. Jim Orton, Deputy County Counsel and Mr. Frank Heinsohn, Planning: explain that when this item was discussed this morning they did not have original signatures on the document from everyone involved and received those required signatures this afternoon.

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

AYES:Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian
NOES: None
ABSENT: None

the Board approves the reconsideration of a resolution approving a land conservation contract for C. MacDonald, et al., La Panza Agricultural Preserve No. 11, Amendment No. 1; 5th District.

No one appearing and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:

AYES:Supervisors Ryan, Ovitt, Bianchi, Pinard, Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-549, resolution approving contract pursuant to the California Land Conservation Act of 1965, adopted.

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

18 H-1 This is the time set for consideration of rebuttal argument in opposition to Measure A-02, "Tobacco Settlement Fund Initiative."

Mr. David Edge: County Administrative Officer, addresses the proposed language for the rebuttal argument; states Supervisor Ovitt has language he is presenting that modifies what staff originally presented.

Supervisor Ovitt: feels by submitting this rebuttal it allows them to raise additional points he believes should be addressed.

Board Members: discuss the language by Supervisor Ovitt and make several minor modifications.

Mr. Les Goldfisher: states he believes the County would have more support in opposing this if the County hadn't recently mishandled several issues at General Hospital.

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

AYES:Supervisors Ovitt, Ryan, Bianchi, Pinard, Chairperson Achadjian
NOES: None
ABSENT: None

the Board approves the language for the rebuttal argument as presented by Supervisor Ovitt with the following amendments: first paragraph, third line is changed to read: “. . . money in their pockets (29% paying for **their** medical bad debts.) The plain truth is that this . . .”; fourth line of the first paragraph is amended to read: “. . . initiative will require **a 65% cut to real health care programs - . . .**”; second paragraph, second line is amended to read: “. . . will see advertisements, carefully crafted; “letters to the editor” . . .”; and, the sixth line of the second paragraph is amended to read: “existing preventative healthcare programs that will ~~be required by~~ **result from** this initiative in order . . .”

19 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required because no final action was taken.

20 D-1 This is the time set for presentation of the County’s Audited Comprehensive Annual Financial Report (Clerk’s File) for the fiscal year ended June 30, 2001.

Mr. Gere Sibbach: Auditor-Controller, presents the staff report; introduces several members of his staff that were instrumental in the preparation of this document; states he is proud to say that the County again received a clean bill of health.

Mr. David Edge: County Administrative Officer, addresses the issue and a recent audit that was done by the State.

Mr. Sibbach: indicates the State performed an audit of the Tax Division of his office, back to 1993/94 and didn’t find a single error; believes this is due to Marsha Stillman, of his office and her staff. **No action taken.**

21 E-1 This is the time set for consideration of a resolution: 1) designating Phil Lowe as the spokesperson for the County to work with the State Department of Child Support Services, 2) authorizing Mr. Lowe to prepare a budget for the County Department of Child Support Services for fiscal year 2002-03: and 3) authorizing the County Administrator to review and approve a transition plan identifying the procedures and criteria for creating a new Department of Child Support Services from the current District Attorney Family Support Division.

Mr. Vince Morici: Administrative Office, presents the staff report; recent changes in State legislation require that Family Support services separate from District Attorney offices; the State Department of Child Support Services requires that counties develop a transition plan to create the separate department; the District Attorney’s Office currently benefits from a higher level of reimbursement for costs while the Family Support Division in a part of their office; when the division becomes a separate department the District Attorney’s Office’s reimbursement will decrease by approximately \$210,000.

Supervisor Pinard: addresses her concern to the State changing something that didn’t need to be changed and the cost to the County to create separate departments.

Supervisor Ryan: indicates that through meetings he attended at the California Association of Counties (CSAC) they were told this was the State’s attempt to get several large counties to comply with the rules and now all counties will be impacted.

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

AYES:Supervisors Ryan, Bianchi, Ovitt, Pinard, Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2001-550, resolution designating Phil Lowe as the County’s spokesperson for the development of the San Luis Obispo County Family Support

Division Transition Plan, and delegating the authority to sign the Transition Plan to County Administrator, David Edge, adopted.

22 F-1 This is the time set for consideration of a status report on proposed new towns workshops as directed by the Board of Supervisors on July 10, 2001.

Mr. Dana Lilley: Planning, presents the staff report outlining the direction given by the Board back in July; highlights their progress to date and assembling a working group of cosponsors; highlights the various groups that are involved; this working group has set up two workshops scheduled for January and February 2002; addresses a recent presentation by Cal Poly students on new town concepts and they will be making this presentation again to the El Pomar-Estrella Advisory Committee.

Mr. John Brantingham: member of the working committee, states he is also a member of the Economic Advisory Committee (EAC) and the EAC is happy to see these meetings moving forward; presents written comments for the record and highlights the same, indicating that master planned new towns will give everyone a chance to plan and “build what they want, not what they don’t want.”

Ms. Pam Heatherington: ECOSLO and member of the working committee, states she is excited to be involved with this and is looking forward to the upcoming public workshops.

Mr. Eric Greening: member of Life on Planet Earth, is concerned about Cal Poly not sharing their presentation with the community and hopes they will get involved with the El Pomar-Estrella group.

Board Members: address the issue and their support of the upcoming workshops. **No action taken.**

23 G-1 This is the time set for consideration of a request to approve a \$2 million appropriation transfer from the General Fund to establish a “line of credit” for the Medical Services Department.

Mr. Larry Hood: Chief Executive Officer for Medical Services, introduces the item.

Mr. Hank Skau: Chief Financial Officer for Medical Services, addresses the cash flow problem they are experiencing due to delays in State funding of Senate Bill 855 funds (estimated at \$1,100,000) the Medi-Cal settlement (estimated at \$950,000) and revenue shortfalls, due to changes in the delivery of services; they expect to be able to generate adequate funding to repay the line of credit they are requesting by the end of the fiscal year, but anticipate there will be a cash shortfall until SB 855 and Medi-Cal settlement funding sources are received at the end of the fiscal year; addresses changes they have made and the cost savings from the same.

Chairperson Achadjian: questions where CMSP patients would go if General Hospital closed.

Mr. Hood: responds that the CMSP patients would go to another hospital and at that hospitals rate; addresses additional services they are required to provide with respect to S.A.R.T. and the breast-feeding clinic and these also impact their budget.

Ms. Pam Heatherington: Chairperson for the Interim Hospital Authority Board (IHAB), addresses the need for public health services; asks the Board to fund this request and to add one year to the turnaround plan.

Mr. Dean Rollins: General Manager for the San Luis Obispo County Employees’ Association (SLOCEA), asks the Board to support the line of credit; addresses the structural changes that have occurred over the past year and the full impact of these changes is still not known; indicates with these changes there has been a turnaround in the morale of the nursing/hospital staff.

Mr. Les Goldfisher: asks the Board to be cautious with any approval they give.

A motion by Supervisor Bianchi, seconded by Supervisor Pinard to approve a line of credit and an appropriation transfer of up to \$2 million to the Medical Services Department from the General Fund for the current fiscal year, is discussed.

Supervisor Bianchi: indicates the intent of this motion is that when Medical Services receives their money from the State and Medi-Cal that they return it to the General Fund.

Supervisor Ryan: indicates he will not support the motion unless it includes beginning closure proceedings for the Hospital; addresses the months that will be involved to close the Hospital; addresses discussions during Closed Session on purchasing French Hospital.

Thereafter, a motion by Supervisor Bianchi, seconded by Supervisor Pinard to approve a line of credit and an appropriation transfer of up to \$2 million to the Medical Services Department from the general Fund for the current fiscal year, fails on the following roll call vote:

AYES: Supervisors Bianchi, Pinard, Chairperson Achadjian

NOES: Supervisors Ovitt, Ryan

ABSENT: None

Mr. David Edge: County Administrative Officer, addresses the motion indicating that if the money is coming from the General Fund, the motion passes, but if it is coming from General Fund Contingencies it would fail; addresses what the Auditor will be obligated to do if the money is from the General Fund.

Mr. Gere Sibbach: Auditor-Controller, indicates there is only enough money in this budget to handle things for approximately one more month; indicates at that time, if the money comes from the General Fund, it will be at the point of determining whether he or the Board picks which departments the money will come from.

Supervisor Ovitt: reminds the Board they went through this same discussion last year, only it was during the 3rd Quarter, not the 2nd; questions what the money is for, salaries or services; suggests this Department's budget should be reviewed monthly, not quarterly.

Mr. Sibbach: indicates he has doubts that the requested \$2 million will get this Department through the year.

Board Members: address various issues, comments and concerns regarding: looking at this budget on a monthly basis to determine what needs to be paid; a worksheet that was given to the Board which shows a \$2.6 million shortfall; questions regarding General Fund money and whether this is appropriated money.

Mr. Jac Crawford: Deputy County Counsel, indicates if the motion said General Fund Contingencies then the motion would fail as it requires a 4/5th vote, but money from the General Fund would pass on a 3/5th vote.

Board Members: address various issues, comments and concerns regarding: the Hospital and even if it closes the County will still be required to pay for programs that are required by the State; also, the County will lose funding it currently receives, if the Hospital closes; suggestion that the in-patient levels show what the "need" for the hospital is and that it's "not" needed.

Mr. Hood: addresses looking at what the costs are for operating the Hospital; what would need to occur if the hospital is to close; and, one of the impacts of closure would be increased services and costs to the clinics.

Supervisor Ryan: states in his five years on the Board, closure was begun and then stopped when the makeup of the Board changed; suggests Mental Health could probably be more efficient if it moved away from the umbrella of the Hospital.

Supervisor Ovitt: addresses what he has witnessed with respect to the Hospital during

his tenure on the Board; wants the issue of where the money is coming from, with respect to taking it from the General Fund, to come back in January for a discussion.

Chairperson Achadjian: clarifies that the motion did pass as the motion indicated the money is to come from the General Fund, not General Fund Contingencies.

Mr. Edge: indicates his understanding of direction from the Board and that he will place an item on the January 8, 2002 agenda for the Auditor-Controller to present a list of the places (departments) that this funding will come from if the support for Medical Services is to come from the General Fund.

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, December 18, 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: 12/21/01
vms