

Tuesday, May 15, 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, and Chairperson K.H. 'Katcho' Achadjian

**ABSENT:** Supervisors Peg Pinard, Michael P. Ryan

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.**

**(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)**

**SUM      AGN**

1            A-1A    **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. 2001-194, resolution proclaiming May 13-19, 2001 as "Wildfire Awareness Week", adopted.**

**Supervisor Ryan:** reads the resolution and presents the same to Fire Chief Dan Turner.

**Chief Turner:** states it is the beginning of fire season and Northern California has already experienced fires; this County has a long history of severe fires and he hopes this will make the public aware and be cautious; seasonal firefighters have been hired and more are still needed; presents the Board with their own fire jackets; thanks the Board for the resolution; speaks to the role of the Fire Safety Council and describes their chipping program.

2            A-1B    **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. 2001-195, resolution commending Ken Klis for service to the people of San Luis Obispo County, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Mr. Ken Klis.

**Mr. Duane Leib:** General Services Director, states Mr. Klis is a Supervising Ranger and an exceptional young man; he has climbed mountains all over the world and is a terrific runner; he has physical as well as inner strength; indicates this is the third time he has been honored by the Board and he is a very humble person; feels the County is very fortunate to have Mr. Klis as a resident as well as an employee and thanks the Board for honoring him.

**Mr. Klis:** thanks the Parks and Recreation Department for his training to do the job he loves.

3            A-1C    **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. 2001-196, resolution honoring the Greatest Generation Wings of Freedom Tour, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to Jim Kiernen, Callings

Foundation.

**Mr. Kiernen:** thanks the Board and appreciates the opportunity to bring these planes to the County; addresses the different types of airplanes that can be seen; introduces his wife.

**Mr. Harold Schuchardt:** states he wants to recognize surviving veterans and those who did not come home; thanks the Board for the proclamation.

**Mr. Bob Dixon:** states he appreciates the resolution; speaks to the historic war birds and hopes everyone will get out to see them.

4 A-1D **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. 2001-197, resolution commending Mary Jones upon her retirement from San Luis Obispo County, adopted.**

**Chairperson Achadjian:** reads the resolution and presents the same to Ms. Mary Jones.

**Mr. Richard Lichtenfels:** Environmental Health, states when a department looks good it's due to a great clerical staff; thanks Ms. Jones for all her work.

**Ms. Jones:** thanks the County for giving her the education and the encouragement that has made her the person she is today.

**Dr. Greg Thomas:** Health Director, states to continue with the theme of today's presentations he feels Ms. Jones is a hero of the Health Department and he salutes her.

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

**Mr. Bob Blair:** addresses Item B-9 and questions "quasi-government".

**Mr. John Wallace:** Wallace and Associates, addresses Item B-9 indicating he would like to see a full public hearing on this item.

**Ms. Seamur Slattery:** addresses Items B-8 and B-9; indicates her property is affected by this policy; states she is in favor of a clear policy however, the language as it stands today is not acceptable; requests these items have the benefit of a public hearing.

**Mr. Jim Jacobson:** Area Agency on Aging, addresses the benefits of combining both councils.

**Ms. Mary Lou Zuanich:** Chairperson of the Commission on Aging, addresses Item B-26; states she would like to introduce herself and highlight sections of the report; indicates the Commission is in the process of renewal; they are looking to have better communications with the Board and County seniors and better quality of participation from the Commission members.

**Mr. Joe Kelly:** addresses Item B-30 addresses the insufficient training of interns; states the intern program is lacking continuity; addresses the lack of full disclosure of program activity to potential interns; discusses a lack of coordination and integration; addresses responsibilities of community work service; having the necessary tools and supplies to complete random drug and alcohol testing; discusses the diversion program and "political wrangling"; states with foresight this program could be the best or just another expenditure of State program monies. **No action taken.**

6 B-1 thru B-32 Consent Agenda Items B-9, B-13, and B-14 are withdrawn. Item B-25 is withdrawn for separate action. Items B-31 and B-32 are added to the Consent Agenda. **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-32 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Said Consent Items B-1 through B-32, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Auditor Controller Items:

- B-1 Unannounced cash count report conducted on February 7, 2001 at the Department of General Service, **Received and Filed.**
- B-2 Creation of a maintenance project to install sound panels in the Auditor's Office; and 2) a corresponding budget adjustment in the amount of \$30,000 from saving in the Department's operating budget, **Approved.**

Board of Supervisors Items:

- B-3 Allocation of \$3,000 from Community Project Funds (\$500 each from Districts One and Two and \$1,000 each from Districts Three and Five) to the Atascadero Lions Club to be used to help replace the Lions Club's Eyesight Trailer, **Approved.**
- B-4 Allocation of \$2,500 from Community Project Funds (District One - \$500; District Two - \$500; District Three - \$1,000; District Four - \$250 and District Five - \$250) to the Camp Fire Girl Council of the Central Coast to be used to upgrade the pool at Camp Natoma, **Approved.**
- B-5 Allocation of \$1,000 from District One Community Project Funds to the Paso Robles High School Safe and Sober Grad Nite Committee to provide scholarships for approximately fifteen to twenty students to attend the event, **Approved.**
- B-6 Allocation of \$1,000 from District Five Community Project Funds to the Atascadero Recreation Center Committee to cover costs associated with the annual "Children's Day in the Park", **Approved.**
- B-7 Appointment of Doris Murray as a District Two Representative to the Commission on the Status of Women, **Approved.**

General Services Items:

- B-8 Request to continue consideration of a resolution to lease county owned real property to the Port San Luis Marine Institute, Inc, **Continued to June 5, 2001.**
- B-9 Submittal of a request to approve policy regarding private and quasi-public easements on public park and recreation lands, **Withdrawn.**
- B-10 **RESOLUTION NO. 2001-198**, amending the position allocation list for Budget Unit 2180 - General Services by deleting one Senior Typist Clerk position and adding one Supervising Administrative Clerk I position, **Adopted.**

Health Agency Items:

- B-11 Agreements (Clerk's File) with Life Steps Foundation, Community Health Centers of the Central Coast and Parents Helping Parents for services provided under the Children's Screening and Intervention Program; and 2) a corresponding budget adjustment in the amount of \$41,000 from unanticipated revenue, **Approved.**
- B-12 Agreement (Clerk's File) with the San Luis Obispo County Office of Education to provide nurse practitioner services to students who attend Grizzly Challenge Academy for fiscal year 2000-01 and 2001-02, **Approved.**
- B-13 Request to approve an agreement (Clerk's File) with Casa Pacifica and Summitview Child

Treatment Center to provide group home services for Mental Health clients, **Withdrawn.**

- B-14 Request to approve contracts (Clerk's File) with John Cannell, M.D., Lloyd Hyndman, M.D., Beth Lawhead, M.D., and Jackson Rowland, M.D. to provide psychiatric services for Mental Health clients, **Withdrawn.**
- B-15 **RESOLUTION NO. 2001-199**, amending the position allocation list for Budget Unit 3000 - Public Health by deleting one full-time Public Health Nutritionist I position and adding 2 half-time Public Health Nutritionist I positions, **Adopted.**

Medical Services Items:

- B-16 Amend the fixed asset list by deleting one external pacemaker in the amount of \$10,507 and adding two storage trailers in the amount of \$5,900 for both, **Approved.**
- B-17 Amended agreement with Geoffrey Phillips, M.D., dba Community Emergency Physicians extending the agreement to provide emergency room services, **Approved.**

Planning Items:

- B-18 **RESOLUTION NO. 2001-200**, approving and accepting an open space agreement and granting an open space easement with Bill and Peggi Charlesworth, located on Al Sereno Street in the community of Los Osos; 2nd District, **Adopted.**
- B-19 **RESOLUTION NO. 2001-201**, approving and accepting an open space agreement and granting an open space easement with Brenda Robinson, located on Lot 10 of Cabrillo Estates on the south side of Travis Drive in the community of Los Osos; 2nd District, **Adopted.**

Public Works Items:

- B-20 **RESOLUTION NO. 2001-202**, requesting changes in mileage of maintained county roads; All Districts, **Adopted.**
- B-21 **RESOLUTION NO. 2001-203**, authorizing execution of a notice of completion for a gravity wall on San Miguel Road, off Highway 41, west of Atascadero; 5th District, **Adopted.**
- B-22 **RESOLUTION NO. 2001-204**, to levy sewer availability charges for County Service Area No. 7-A (Oak Shores) and County Service Area No. 18 (San Luis Obispo Country Club Estates); 1st and 4th Districts, **Adopted.**
- B-23 **RESOLUTION NO. 2001-205**, to levy water availability charges for County Service Area No. 16 (Shandon) and County Service Area No. 23 (Santa Margarita); 1st and 5th Districts, **Adopted.**
- B-24 The following maps:
- A. Tract 2209, a proposed subdivision resulting in 5 lots by DeBlauw Construction, located on Christmas Tree Place, Oceano; reject the offers of dedication without prejudice to future acceptance; 4th District, **Approved.**
  - B. Tract 2219, a proposed subdivision resulting in 8 lots by John Barlogio, et al, located on Camino Caballo, Nipomo, **Approved and RESOLUTION NO. 2001-206**, accepting Camino Caballo into the county maintained road system; reject the offer of dedication for public utility easement without prejudice to future acceptance; 4th District, **Adopted.**

Social Services Items:

- B-25 Request to authorize establishment of a single Adult Day Health Care Planning Council to serve both San Luis Obispo and Santa Barbara Counties, **Withdrawn for separate action.**
- B-26 Quarterly report from the Commission on Aging, **Received and Filed.**

Other Items:

- B-27 Budget adjustment in the amount of \$31,219 from unanticipated revenue to implement pesticide safety outreach and educational projects, **Approved.**
- B-28 Accepting ownership of the emergency air support trailer from Avila Beach in exchange for a \$10,000 reduction of the cooperative fire protection agreement for fiscal year 2000-01, **Approved.**
- B-29 **RESOLUTION NO. 2001-207**, amending the position allocation list by reorganizing the Administrative Office to reflect the Local Agency Formation Commission's decision to contract for staff support, **Adopted.**
- B-30 **RESOLUTION NO. 2001-208**, authorizing an application to the California State Board of Corrections to allow participation in the Schiff-Cardenas Crime Prevention Act 2000 under Assembly 1913 and approval of the Comprehensive Multi-Agency Juvenile Justice Act (Clerk's File), **Adopted.**

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

- B-31 Appropriation transfer in the amount of \$22,230 from the Civil Process Fee trust Fund to Budget Unit 2590 - Sheriff Coroner; and 2) an amendment to the fixed asset list for a replacement copier and for the purchase of a computer workstation and supplies, **Approved.**
  - B-32 Bid opening report for the construction of the Heritage Ranch fire station and a request to approve a corresponding budget adjustment in the amount of \$472,500, **Approved and the Chairperson is instructed to sign contract documents with specialty construction, Inc., in the amount of \$936,883.**
- 7 B-25 Request to authorize establishment of a single Adult Day Health Care Planning Council to serve both San Luis Obispo and Santa Barbara Counties, is presented.

Base on discussion during the Consent Agenda, Supervisors Ovitt and Bianchi requested a separate vote on this item indicating they do not support the consolidation of the councils; states their concern for local representation.

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

**AYES: Supervisors Ovitt, Bianchi, Chairperson Achadjian**  
**NOES: Supervisor Ryan**  
**ABSENT: Supervisor Pinard**

**request by the San Luis Obispo Adult Day Health Care Planning Council to join with the Santa Barbara Adult Day Health Care Planning Council to form one planning council that will serve both counties, with equal representation from each county, staffed by the Area Agency on Aging, is denied.**

- 8 C-1 This is the time set for hearing to consider an amendment to the 2000 Home Investment Partnerships Program to revise the address of a residential property proposed for acquisition by Sojourn Services, Inc.; 3rd District.

**Mr. Tony Navarro:** Planning, presents the staff report and recommendation.

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

**AYES: Supervisor Ryan, Bianchi, Ovitt, Achadjian**  
**NOES: None**  
**ABSENT: Supervisor Pinard**

**RESOLUTION NO. 2001-209, resolution approving amendment to the 2000 One-Year Action Plan of the San Luis Obispo County Consolidated Plan to revise the address of a residential property proposed for acquisition by Sojourn Services, Inc., adopted.**

- 9 C-2 This is the time set for continued hearing (continued from February 3, 2001) to consider an appeal by Nell Langford of the Planning Commission's approval of Minor Use Permit/Coastal Development Permit to maintain an existing sand ramp at the west end of Pier Avenue and installation of sand fencing, located in the community of Oceano; 3rd and 4th District.

**Ms. Pat Beck:** Planning, introduces the item; states many of the public comment slips have donated their speaking time to allow for a video tape to be viewed and she has told them it would be the Board's discretion whether or not it's shown.

**Supervisor Ryan:** states he and the other Board members were given a copy of the video by the Sierra Club Conservation Committee; indicates he watched the video and found it very educational however, it really didn't have anything to do with the ramp and feels this is not the appropriate forum to view the tape, with the Board concurring.

**Ms. Lauren Lajoie:** Project Manager, presents the staff report; indicates this item was previously heard on February 13, 2001 and continued to allow for consideration of the actions that the California Coastal Commission took on February 14, 2001 concerning the permit for the Oceano Dunes State Vehicular Recreation Area (ODSVRA); the Coastal Commission approved the proposed amendment that initiates interim vehicle use limits at the ODSVRA; presents slides of the area and discusses the recommendation.

**Ms. Nell Langford:** Appellant, urges the Board to uphold the appeal; states the staff report is unacceptable and requests the Board take 20 minutes to review the video tape from the Sierra Club; questions where the map came from that shows the mean high tide line in the staff report; addresses propaganda used to get signatures regarding the ramp; hands a letter to the Board from Mr. Robert Reese, Reese Water & Land Surveying Services; states the letter indicates he is unfamiliar with the map in the staff report dated May 15, 2001; addresses the surveys taken and the data collected; discusses the actions of the Off Highway Vehicle Department (OHV); states the ramp should not be permitted because the snowy plover is in the area; indicates if the ramp is permitted she feels the following conditions should apply: 1) no vehicles should be allowed at night when the snowy plover is most vulnerable; 2) no bulldozers should be allowed to operate without a biologist in front to guard the snowy plovers; and, 3) no vehicle should be allowed down the ramp without the same mitigation procedure, a biologist to make sure there are no snowy plovers in the path of the vehicle.

**Mr. Dennis Doberneck:** District Supervisor Oceano Dunes District (Applicant), indicates States Parks does monitor ramp maintenance activities; describes the mix of recreational uses that the Pier Avenue ramp allows people to access; presents aerial photos of the area; addresses fencing for sand control and the high tide line; speaks to the survey done by Mr. Reese and indicates he drew the map to provide measurements of how much land there is from a fixed point upon which sand would be deposited; it was never the intent to pass the map off as one of Mr. Reese's maps; addresses the permits; speaks to the impacts on the snowy plover, indicating they are in full compliance with the Department of Fish & Game.

**Mr. David Angello:** Oceano Community Service District (OCSA), addresses the letter from the OCSA in support of the application from the State Parks Department for a Coastal Development Permit for the maintenance of the Pier Avenue beach access ramp; feels it is a vital artery to the community.

**Ms. Lori Angello:** states the access to the beach needs to be maintained; addresses the safety issues and urges support of this item.

**Mr. David Hamilton:** Friends of Oceano Dunes, states he would like to see the ramp maintained for the safety of everyone and urges the Board's support.

**Mr. Katie Shore:** states she lives near the ramp and urges the denial of this maintenance.

**Mr. Mark Meulpolder:** addresses the changes to the beach over the years; safety issues due to non-maintenance of the ramp; urges the Board to maintain the ramp.

**Mr. Mike Steinhauser:** Assistant Fire Chief Oceano, addresses safety issues.

**Sharron Williamson:** Friends of Oceano Dunes, states she represents 65 business owners in the area; feels the issue of the ramp is personal for Ms. Langford and her neighbors; urges the maintenance of the ramp and states they are not a special interest group.

**Mr. Babak Naficy:** Sierra Club, states there are a lot of indirect effects and impacts of the Board's action today; addresses the need for an incidental tech permit for the on-going maintenance of the Park; the Board would be liable for any harm to the protected species caused by authorizing this activity; urges the Board to require the Department to secure an

incidental tech permit from Fish & Wildlife Service before the authorization of this permit; states the purpose of this ramp is only to provide access for cars; urges the Board to read the comments submitted by the Sierra Club.

**Mr. Gordon Hensley:** Environmental Defense Center, states there appears to be activity going on without the benefit of permits; refers to the Exhibits attached to the resolution indicating there are direct and indirect impacts; addresses the Steelhead Trout in the creek.

**Mr. Ross L. Pepper:** states he is disappointed the video was not shown.

**Mr. Gerard Forgnone:** states OHV access has been allowed since the 1890's; feels it is the Board's duty to continue the access; believes the neighbors in the Strand area want removal of the ramp for financial reasons; cities of San Luis Obispo County, through their Chambers of Commerce invite people to come and drive on the beach; addresses gasoline taxes.

**Mr. Jesse Arnold:** Sierra Club, states he is present today to support Nell Langford; urges the Board to make sure all permits are in place before approval for the ramp permit is given; states it's true the ramp has been open since the 1890's however a lot of knowledge is now available on protecting the environment.

**Ms. Pam Heatherington:** reads a letter from Tarran Collins stating the ramp requires an EIR; urges the Board to deny State Parks any permits until they can demonstrate that the operation of the Park is in compliance with the Endangered Species Act, the Coastal Act, and CEQA; make sure that State Parks has an incidental tech permit from the U.S. Fish and Wildlife Service as well as a letter from the California Department of Fish and Game affirming compliance; urges a resolution declaring a moratorium for vehicles on the beach.

**Ms. Peggy Wilson:** urges the Board to uphold the staff recommendation and maintain the ramp.

**Mr. Doberneck:** introduces Mr. Richard Laflour, Parks and Recreation Specialist from Sacramento.

**Mr. Laflour:** states he wants to reaffirm the findings in Exhibit A; hands the Board letters from the Army Corps of Engineers which state that based on the survey, ramp maintenance activities are outside the Corps' jurisdiction for permitting purposes; addresses critical habitat protection and Endangered Species Act compliance.

**Ms. Langford:** would like Mr. Naficy to speak again.

**Mr. Naficy:** addresses the protection of critical habitat and indicates there is no evidence of Endangered Species Act compliance; states the hatch rate of the snowy plover is low; urges the Board to have County Counsel look at this situation and the liability under the Endangered Species Act; states there is no incidental tech permit for killing Federally protected birds; urges the Board to require that the law be followed.

**Ms. Langford:** states friends of the Dunes are involved with OHV; indicates the map that was drawn was done by Mr. Doberneck; states the permits are all from the wrong place; addresses CEQA documents; states upholding the appeal is the only way to serve the community.

**Supervisor Bianchi:** questions if vehicles are allowed on this beach by any other agency.

**Ms. Beck:** states the Coastal Commission gave a permit for the ramp based on it's reconstruction which includes approval of on going maintenance; states during consultation with Counsel there were a number of issues raised during the public comment and the Board may want to direct staff to come back after lunch with clarifications to the conditions.

**Supervisor Bianchi:** suggests adding language to the beginning of the Conditions of Approval #13 "Prior to initiation of maintenance activities" and #14, "Prior to and during maintenance activities."

**Chairperson Achadjian:** hands the Clerk letters for and against the maintenance of the ramp; indicates he went down to the ramp area and states without maintenance the 4X4's will still have access and the access to families with regular cars would be denied; feels if the Pier Avenue access is not maintained it will move the traffic over to the Grand Avenue access.

**A motion by Supervisor Ryan, seconded by Supervisor Ovitt to adopt the staff recommendation, is discussed.**

**Board Members:** discuss the suggested language of Supervisor Bianchi; the updating process for obtaining permits and continuing this item to after lunch.

**Mr. James Lindholm:** County Counsel, states before the Board votes on this motion, he recommends a continuance until after lunch to allow them to work with the Planning staff to review some items and possibly adding material to the staff report.

**Supervisor Ryan:** states his motion stands.

**Ms. Beck:** states the motion will need to include the approval of the Negative Declaration, with Supervisors Ryan and Ovitt concurring.

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

**AYES: Supervisors Ryan, Ovitt, Chairperson Achadjian**  
**NOES: Supervisor Bianchi**  
**ABSENT: Supervisor Pinard**

**the Board adopts the Negative Declaration and RESOLUTION NO. 2001-210, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of State of California Department of Parks and Recreation for Minor Use Permit/Coastal Development Permit D960168P, adopted.**

10 D-1 This is the time set for consideration of a resolution changing rates of County appropriation to the Pension Trust.

**Mr. Toni Petrizzi:** Pension Trust, presents the staff report and recommendation.

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

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

**RESOLUTION NO. 2001-211, a resolution changing certain County appropriations rates to the Pension Trust, adopted.**

11 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 Bankruptcy of PG&E*, and 2) *Bennett v. County of San Luis Obispo*.**

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) 3) *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, 4) *Initiation of litigation (Gov. Code § 54956.9(c).)* No of cases 2.**

**II. 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: 5) Property Description: *Avila Park*; Parties with whom negotiating: *Port San Luis Marine Institute*; Instructions to Negotiator will concern: *Price, Terms and Conditions*.

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

The Board goes into open public session.

**(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)**



- 12 PC This is the time set for members of the public wishing to address the Board on matters other than scheduled items.
- Mr. Michael Manion:** addresses formic acid poisoning and its symptoms; feels medical professionals are ignoring the possibility that something environmental might be causing this disease.
- Mr. Richard Hill:** thanks AGP Video and Charter Communication for their coverage of the Board meetings; thanks the people who have supported them with their appeal; addresses a letter they wrote that was censored in The Tribune.
- Mr. Richie Ray Walker:** addresses fire arm safety; the right to bear arms; the benefits of term limits in government.
- Ms. Peggy Wilson:** states the community of Oceano has declined to be included in the redevelopment area; states she happy to see Supervisor Ovitt is back and out of the hospital.
- Mr. Jesse Hill:** Chairperson of the Nipomo Community Advisory Council, indicates they will be discussing redevelopment at their next meeting with Mr. Lilley from the Planning Department; addresses funding for the advisory councils.
- Ms. Linda Hall:** feels the County could save \$60,000 a year by charging the ranchers for predator control.
- Ms. Pam Heatherington:** asks the Board to ban two stroke engines on lakes and reservoirs.  
**No action taken.**
- 12 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.
- 13 E-1 This is the time set for consideration of recommendations from the In-Home Supportive Services (IHSS) Advisory Committee on the establishment of an Employer(s) of Record as mandated by Assembly Bill 1682.
- Mr. Lee Collins:** Social Services Director, introduces Mr. Gary Rodgers, In Home Supportive Services (IHSS).
- (SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)**
- Mr. Rodgers:** states he is an Engineer that uses a wheelchair and is an advocate for people with disabilities; explains what IHSS supplies; indicates their goal is to keep consumers in their homes and independent as long as they want to be; presents statistics on users of IHSS and where they live; addresses wages and the lack of benefits; thanks staff for their help; addresses the recommendations.
- Ms. Charlotte Ruffoni:** IHSS, states she is a prime example of a person with a disability who desires to stay in her own home and be independent; urges the Board's support of this program.
- Ms. Katie Phillips:** IHSS, states she has two adult children in the program and urges the adoption of the recommendations.
- Mr. Max Carbuccia:** United Domestic Workers of America, urges the endorsement of the recommendations, however the proposed timetable for the Public Authority Ordinance is too long.
- Ms. Sara Martinez:** states AB1682 should not be delayed; feels there are not enough care providers in this County and they are counting on the Board to move this forward.
- Ms. Shirley Vega:** states she supports the establishment of a Public Authority for IHSS however is in opposition to the timetable; urges the Board to act now; explains her pay schedule.
- Ms. Connie Wemple:** urges the Board to adopt the Public Authority and expedite the time line.
- Mr. Collins:** explains that this County is ahead of most counties; suggest to the Board that

they approve the recommendations to move forward; feels the time line is reasonable.

**Board Members:** discuss various issues, comments and concerns regarding: the time frame in the staff report being the maximum; the time needed for implementation, operation and results.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi, with Supervisor Pinard being absent, motion carries and the Board adopts the recommendations as follows: 1) that San Luis Obispo County remain a “Mixed Mode” County, providing IHSS through the Individual Provider Mode and the County Employee Mode; 2) that San Luis Obispo County establish a Public Authority as “Employer of Record” for Individual Providers and continue the County of San Luis Obispo as the “Employer of Record” for a small cadre of County employees; and 3) that the Governing Board of the Public Authority be comprised of consumers and community members appointed by the Board of Supervisors and expedite the time frame if possible.**

14 C-2 Appeal by Nell Langford is brought back on for clarification at the request of the Clerk.

**Supervisor Ryan:** states the Clerk has asked him to clarify his motion regarding this item and it did not include the suggested language from Supervisor Bianchi. **No action taken.**

15 F-1 This is the time set for discussion of: 1) the Transfer of Development Credit (TDC) Program in the County; and 2) the response to the Grand Jury's March 2, 2001 report on the TDC Program.

**Mr. Victor Holanda:** Planning and Building Director, introduces the item.

**Ms. Kami Griffin:** Planning, presents the staff report including a brief background of the program and the benefits; indicates after the Board adopted the TDC program annual reviews were held; describes the relationship to CEQA and summarizes sending and receiving sites; states the issues include: 1) the number of credits assigned to a sending site; 2) receiving site density bonuses; 3) community based programs; 4) exclusion of areas; 5) credit banking; 6) the TDC Review Committee membership; and, 7) program abandonment; states she would like the Board to give staff direction and also approve the Grand Jury response included in the staff report.

**Board Members:** discuss various issues, comments and concerns regarding: the number of easements created; the relocation of development; the creation of density rather than the transfer of density; the number of hours staff has spent on the TDC program; no balance between sending and receiving sites; membership for the TDC Review Committee; the TDC program being used as a tool; the assurance that the TDC's that are working will not be destroyed, with staff responding.

**Mr. Jesse Hill:** addresses the antiquated subdivision lot criteria; states he likes the idea of “one on one”; urges the Board to adopt the South County TDC program or approve a moratorium; addresses adding members to the TDC Review Committee.

**Mr. Lowell Davis:** reads a statement from the Grand Jury Report indicating there are so many problems with the TDC program, amendments would be impossible; feels because it has already started it probably won't go away; hopes the Board looks at how the program is being used; addresses granny units.

**Mr. Michael Winn:** urges the “one on one” formula and the adoption of a community based program along with credit banking.

**Ms. Pam Heatherington:** reads a letter from Mr. Eric Greening stating he supports the concept of the program; feels the following changes need to be implemented: 1) replace the current case by case determinations of sending and receiving sites with the creation of sending, receiving and neutral zones; and 2) in the receiving areas up-zoning or increasing density should consistently require the use of TDC's.

**Mr. David Watson:** believes the TDC program can work; encourages everyone involved to look deeper and use this tool; states he supports a community based program; addresses the Ag Cluster Ordinance.

**Ms. Joy Fitzhugh:** Farm Bureau, supports the TDC program; addresses the membership

expansion; states the program is a small tool in a many faceted approach to help our agriculturalists remain in agriculture without having to sell a portion of or all their Ag land.

**Mr. Ken Bornholdt:** representing the Bonnheim Family, presents the Board a letter; states they are in the process of signing two agreements to sell credits to two different receiver sites in the North County; states the TDC program works and enables his clients to protect their property; urges the Board to keep the program intact.

**Ms. Jacqueline Frederick:** Attorney for the Coalition for Rural Preservation, states the objection to the ordinance has been the growth inducing aspect; litigation was filed in order to challenge the ordinance that was passed without an EIR; addresses the comments from the Coastal Commission in the Periodic Review regarding the TDC program; believes as stated in the Grand Jury's report the TDC ordinance should be amended to provide for community based programs, tailored to local needs.

**Ms. Bob Roos:** states he supports the TDC program and concurs with Eric Greening's remarks.

**Mr. Herb Kandel:** addresses the Nipomo community based program; urges the Board to move forward with this planning tool.

**Mr. Marty Tangeman:** Laetitia Winery, states this TDC program is slow however it is up and running; addresses the Laetitia site and the value it holds with regard to the conservation and protection of the property; believes the criticisms should be addressed without throwing out the whole program.

**Ms. Linda Hall:** states she is an advocate for free enterprise; addresses sending and receiving sites and indicates she would like this program to be measured on land value to land value; states she would like to see this program as a community based program.

**Ms. Ray Belknap:** Land Conservancy, states the TDC program was an initial way to get rid of rural fragmentation; feels this program must be used with other conservation programs; feels the changes that have been talked about today are warranted; encourages the Board to look at the local program in Nipomo as well as changes to the overall program.

**Board Members:** discuss various issues, comments and concerns regarding: one on one ratio; looking at a community based program; the Cluster Ordinance; keeping the program as simple as possible; banking credits; membership of the TDC Review committee.

**A motion by Supervisor Ryan, seconded by Supervisor Ovitt to authorize staff to develop a one on one sending for sending unit (one development unit being one site), is discussed.**

**Supervisor Ovitt:** addresses allowed developed use.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt, with Supervisor Pinard being absent, motion carries and the Board authorizes staff to develop a one on one sending for sending unit (one development unit being one site).**

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi, with Supervisor Pinard being absent, motion carries and the Board authorizes staff to look into sending and receiving sites being approved as a single united process.**

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt, with Supervisor Pinard being absent, motion carries and the Board authorizes staff to look into changing the TDC Review Committee to be made up of one appointed member from each District, the Planning Director or designee and the Ag Commissioner or designee.**

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt, with Supervisor Pinard being absent, motion carries and the Board authorizes staff to review and bring back input regarding onsite transfer and planning development programs.**

**Thereafter, on motion of Supervisor Ovitt, seconded by Chairperson Achadjian, with Supervisor Pinard being absent, motion carries and the Board directs staff to look at integrating community based programs in with the TDC program.**

**Mr. Holanda:** states they will evaluate the direction given, meet with the Administrative Office and will come back to the Board with a report on time frames.

**Supervisor Bianchi:** states if Planning has or hears of a good planning tool concept for the TDC's that they feel has merit she would like to authorize staff to bring that back to the Board, with the Board concurring.

**Supervisor Ryan:** questions the need for time extension for approved sending and receiving sites, with staff responding.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi, with Supervisor Pinard being absent, motion carries and the Board authorizes staff to build into the ordinance a time extension for an additional five years.**

**Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi, with Supervisor Pinard being absent, motion carries and the Board approves the response to the Grand Jury Report on the TDC Program prepared by the Planning and Building Department and directs that it be forwarded to the Presiding Judge of the Superior Court as the Board's Official response.**

**Mr. Tim McNulty:** Deputy County Counsel, clarifies that the motions by Supervisor Ryan were all directions to staff to go out and initiate amendments to the TDC ordinance or the Land Use ordinance.

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, May 15, 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/Cherie Aispuro,  
Deputy Clerk-Recorder

DATED: 05/18/2001  
cla