

Tuesday, January 10, 2012

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: Frank Mecham, Bruce S. Gibson, Paul A. Teixeira, James R. Patterson and Chairperson Adam Hill

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON ADAM HILL.

REORGANIZATION

This is the time set for reorganization of the County Board of Supervisors: Election of Chairperson and Vice-Chairperson.

The Board nominates Supervisor James R. Patterson to serve as Chairperson and Supervisor Paul A. Teixeira to serve as Vice-Chairperson for the Board of Supervisors for 2012.

Motion By: Bruce S. Gibson

Second By: Frank Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

OUTGOING CHAIRPERSON HILL TURNS THE GAVEL OVER TO INCOMING CHAIRPERSON PATTERSON.

The Board adjourns sine die.

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

This is the time set for a presentation of a plaque to Supervisor Hill in appreciation for his services as Chairperson of the Board during 2011.

Chairperson Patterson: presents a plaque of appreciation to Supervisor Hill for his service as Chairperson of the Board during 2011, with Mr. Hill speaking.

Supervisor Hill: provides an overview of the County’s accomplishments over the past year.

Chairperson Patterson: addresses what the Board anticipates to accomplish in 2012. **No action taken.**

Board Business

18. Submittal of the County's 2011 Annual Report (Clerk's File).

Chairperson Patterson: opens the floor to public comment.

Mr. Richard Margetson: comments on the re-organization.

Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB): speaks to the 2011 Annual Report. **No action taken.**

This is the time set for consideration of the Consent Agenda.

Chairperson Patterson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 15 on the following vote is indicated for each item.

Motion By: Bruce S. Gibson

Second By: Frank Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Consent Agenda - Administrative Office Items

1. Request to approve, on behalf of the Cambria Local Area Advisory Board, an agreement with Verdin Marketing Ink/RIESTER Sonoran LLC, in an amount not to exceed \$63,750 to re-design the Cambria Chamber of Commerce website into a more visitor friendly site.

Ms. Gwynn Taylor and Ms. Linde Owen: speak.

The Board approves the item as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Consent Agenda - Auditor-Controller Items

2. Submittal of a follow-up report to the fiscal and procurement review of the Workforce Investment Act (WIA) and American Recovery and Investment Act (ARRA) contract with Goodwill Industries.

The Board approves the item as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

3. Submittal of a cash procedures review of the County Treasurer's Office conducted on September 15, 2011.

The Board approves the item as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			

Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

4. Submittal of a cash procedures review of the General Services Agency, Parks Division Pools conducted on August 2 & 3, 2011.

The Board approves the item as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Consent Agenda – Board of Supervisors Items

5. Submittal of a resolution recognizing Roland H. Snow for over seven years of dedicated service to the San Miguel Community Services District.

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-1, adopted.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Consent Agenda - County Fire Items

6. Submittal of a resolution to approve an agreement with the California Department of Forestry and Fire Protection for a grant in the amount of \$2,100 to purchase protective helmets for Creston Paid-Call Firefighters.

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-2, adopted.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Consent Agenda - General Services Agency Items

7. Request to 1) approve a budget adjustment in the amount of \$13,500 from within accounts to purchase GPS time synchronization frequency reference hardware used to support public safety radio communications; and 2) amend the Fixed Asset List for Fund Center 114 – Information Technology to reflect the purchase of the GPS equipment.

The Board approves the item as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

- 8. Request to approve a budget adjustment in the amount of \$12,800 from General Services Fund Center 11307 Professional Services line to the General Services - Real Property Services Fund Center 11307 Capital Outlay-Land line for the purchase of up to eight (8) Chapter 8 tax-defaulted properties located in the uneconomic subdivisions on the hillsides above Cayucos.

This item is amended by correcting the attachment titled "Exhibit A" to read "Tax Defaulted Property Descriptions". Furthermore, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

- 9. Submittal of a resolution authorizing execution of a Notice of Completion and Acceptance for the new Parks Maintenance Facility at Heilmann Park in Atascadero.

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-3, Adopted.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

- 10. Request to approve 1) two architectural/engineering services contracts with Ravatt Albrecht and Associates for preparation of bid documents, one for the Atascadero Library Expansion in the amount of \$188,307 and one for the North County "One Stop" Service Center in the amount of \$84,778, and 2) a budget adjustment for the Atascadero Library Expansion in the amount of \$316,000 equally from the Library's Atascadero Building Expansion Designation and from Public Facilities Fees into Fund Center 230 – Capital Projects.

This item is amended by adding Attachment 2 - Vicinity Map, which was omitted when the document was originally created. Furthermore, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
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Mr. Hill, Adam	X			
Mr. Patterson, James R.	X			
Mr. Mecham, Frank R.	X			
Mr. Gibson, Bruce S.	X			
Mr. Teixeira, Paul	X			

Consent Agenda - Health Agency Items

11. Request to appoint Alan Iftiniuk and to reappoint Robert Nichols and Dr. Rene Bravo to the Board of Directors of the Santa Barbara San Luis Obispo Regional Health Authority (CenCal Health).

The Board approves the item as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	X			
Mr. Patterson, James R.	X			
Mr. Mecham, Frank R.	X			
Mr. Gibson, Bruce S.	X			
Mr. Teixeira, Paul	X			

Consent Agenda - Public Works Items

12. Request to amend the Fixed Asset List for Fund Center 405 – Public Works Internal Service Fund (ISF) to replace a plotter.

The Board approves the item as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	X			
Mr. Patterson, James R.	X			
Mr. Mecham, Frank R.	X			
Mr. Gibson, Bruce S.	X			
Mr. Teixeira, Paul	X			

13. Request to approve a sole source agreement, in the amount of \$38,300, with Hamner, Jewell & Associates for right of way acquisition services for the Templeton Road Widening Project, Templeton, CA, Project No. 300386.

The Board approves the item as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	X			
Mr. Patterson, James R.	X			
Mr. Mecham, Frank R.	X			
Mr. Gibson, Bruce S.	X			
Mr. Teixeira, Paul	X			

14. Board of Supervisors sitting as the Flood Control District: Request to approve Amendment No. 4, in the amount of \$106,000, to the agreement for consulting services with TJ Cross Engineers, Inc., for Dreissenid Mussel Prevention Program Support for the Nacimiento Water Project.

Mr. Dean Benedix - Public Works Utility Division Manager: requests this item be pulled from the Consent Agenda with no action to allow time for staff to take this matter back to the Nacimiento Commission for

further review of the details associated with the Dreissenid Mussel Prevention Program.

This item is removed from the Consent Agenda per staff request.

Motion by: Bruce S. Gibson

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Consent Agenda - Tax Collector/Treasurer/Public Administrator Items

- 15. Request to approve an agreement (Clerk’s File) to purchase tax-defaulted land, sale number 224 – County of San Luis Obispo General Services Agency.

The Board approves the item as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Presentations

- 16. Submittal of a resolution recognizing Cuesta College's Tutoring Center on its 40th Anniversary.

Ms. Mary Hastings - Tutorial Services Supervisor: speaks.

RESOLUTION NO. 2012-4, a resolution recognizing Cuesta College’s Tutoring Center on its 40th Anniversary, adopted.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Public Comment Period

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

Mr. Eric Greening: addresses concerns regarding hydraulic fracking and the upcoming Truancy hearing.

Ms. Julie Tacker (handout), Ms. Gwynn Taylor, Mr Ben DiFatta, Mr. Jeff Edwards, Ms. Linde Owen, Mr. Richard Margetson: speak to the Los Osos Wastewater Project (LOWWP).

Mr. Josh Friedman - FreeSLO.com: comments on the role of government.

Mr. Stewart Robinson - Oak Park Community Group: addresses his opposition to an upcoming Local Agency Formation Commission (LAFCO) matter regarding the Los Robles Del Mar Annexation in the City of Pismo Beach.

Ms. Laura Mordaunt: addresses concerns regarding the water rate increases proposed by Golden State Water.

Supervisor Gibson: announces the schedule of neighborhood open house meetings that will be held by the Public Works Department regarding the LOWWP at the Monarch Grove Elementary School in Los Osos between 6:00 p.m. and 7:00 pm.

Chairperson Patterson: states Mr. Jerry Rioux, the San Luis Obispo Housing Executive Director is asking to amend pending legislation to preserve \$1,300,000 in housing funds statewide for redevelopment agencies by calling the Sacramento Senate Transportation and Housing Commission. **No action taken.**

Hearings

- 19. Hearing to consider protests to a proposed water service charge increase in San Luis Obispo County Service Area No. 10A (Cayucos) and consider adoption of the ordinance if no majority protest exists.

Mr. Doug Bird - Public Works: presents the notice of public hearing for the record.

Chairperson Patterson: asks the Clerk how many protests have been received, with the Clerk responding 30 written protests have been received out of 1,084 notices. Further, asks anyone who is here with a written protest to submit it to the Clerk and opens the floor to public comment.

Ms. Carol Guenther: speaks.

Chairperson Patterson: offers one final opportunity for anyone to submit a written protest and closes the time for submission of protests. Further, asks the Clerk if additional protests have been received, with the Clerk responding no.

The Board finds a majority protest has not been successful based on the absence of a 50% protest having received 30 written protests out of 1,084 notices that were sent to property owners and water tenants.

Motion by: Bruce S. Gibson

Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3221, an ordinance establishing water service charges for San Luis Obispo County Service Area No. 10A (Cayucos), adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

- 20. Hearing to consider a resolution of necessity for the acquisition of the real property interests required from BSR, a General Partnership for the Los Osos Wastewater Project (WBS# 300448).

Chairperson Patterson: opens the floor to public comment.

Mr. Eric Greening, Ms. Julie Tacker (aerial photograph), Ms. Gewynn Taylor and Ms. Linde Owen: speak.

Mr. Phil Acosta - Public Works: states for the record that all the property owners were properly notified.

Supervisor Gibson: reviews the findings as set forth in the resolution for the record.

RESOLUTION NO. 2012-5, a resolution of necessity for the real property interests required from BSR, a general partnership for the San Luis Obispo County Los Osos Wastewater Project, Supervisorial District No. 2, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Closed Session Items

21. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Government Code, section 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 (Government Code, section 54956.9(a).) (Formally initiated) 1. Sunny Acres, Inc., et al. v. County of San Luis Obispo, et al. (CV090360); 2. In re Los Osos CSD, Bankruptcy case; 3. Pelfrey v. San Luis Obispo County Board of Supervisors; 4. Nipomo CSD v. County of San Luis Obispo; 5. Cowan v. County of San Luis Obispo; 6. County of San Luis Obispo v. Kajima Construction, et al.

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 7. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 8. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Government Code, section 54957.6.)

A. It is the intention of the Board to meet in closed session to have a conference with its Management Representative Tami Douglas-Schatz concerning the following: Name of employee organizations are: 9. San Luis Obispo County Employees Association-Public Services, Supervisors, Clerical; 10. Deputy Sheriff’s Association; 11. District Attorney Investigator’s Association; 12. San Luis Obispo County Employees Association-Trades and Crafts; 13. Sheriffs’ Management; 14. Association of San Luis Obispo County Deputy Sheriffs; 15. Deputy County Counsel Association; 16. San Luis Obispo Government Attorney’s Union.

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

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: under the category of Threatened Litigation, the Board considered a claim for damages that had been submitted by Bradford C. Stahl and Piranha Propellers, LLC. The Board took final action today in Closed Session and approved by a five to zero vote, a settlement with the claimants. Pursuant to the settlement agreement, the County is agreeing to purchase from Mr. Stahl, personal property located near the San Luis Obispo County Regional Airport in the amount of \$350,000. In 2011, the property was appraised at \$471,000. The Board directed the Chairperson to sign the settlement agreement, purchase and sale agreement, certificate of acceptance, any other documents necessary to finalize escrow, and Board goes into Open Public Session.

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, January 10, 2012, 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/ Annette Ramirez, Deputy Clerk-Recorder

DATED: March 19, 2012