

**Tuesday, January 17, 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 AM

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

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.**

**Chairperson Patterson:** opens the floor to public comment.

The action taken for Consent Agenda Items 1 through 9 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham

**Second by:** Paul Teixeira

<b>SUPERVISORS</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>	<b>RECUSE</b>
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**

- Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint Victoria Moreno to the Cambria Local Area Advisory Board replacing Joseph Dominguez.

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

**Consent Agenda - Agricultural Commissioner/Sealer of Weights & Measures**

- Request to approve a resolution amending the Position Allocation List for Fund Center 141 – Agriculture/Weights and Measures, to delete one 0.50 FTE Agricultural Inspector/Biologist III position and two 0.75 FTE Ag/Weights and Measures Technician II positions and to add one 1.0 FTE Agricultural Inspector/Biologist II position and one 1.0 FTE Agricultural/Weights and Measures Technician II position.

**The Board approves as recommended by the County Administrative Officer. Resolution No. 2012-6, adopted.**

**Consent Agenda - Board of Supervisors Items**

- Request by Supervisor Bruce Gibson to re-appoint Paulla Ufferheide to the Commission on the Status of Women.

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

- Request to approve appointment of Board members to various committees and commissions.

**Mr. Gary Richard Arnold:** speaks.

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

- Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

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

**Consent Agenda - Planning & Building Items**

- 6. Request to approve membership and new bylaws of the Homeless Services Oversight Council (HSOC).

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

- 7. Request for approval of an Avigation Easement from Nicholas Muick and Patricia Ann Taylor, Trustees of the Muick/Taylor Living Trust dated December 9, 1991, and Richard Patrick Taylor, for the San Luis Obispo County Regional Airport, Supervisorial District #3.

**The Board approves as recommended by the County Administrative Officer. Resolution No. 2012-7, adopted.**

**Consent Agenda - Social Services Items**

- 8. Request to approve appointments of Kevin Kuhn and Grace Schoch-Manzano to the San Luis Obispo County Workforce Investment Board (WIB).

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

- 9. Request to approve a renewal service contract (Clerk's File) for Services Affirming Family Empowerment (SAFE) Family Advocates with Community Action Partnership of San Luis Obispo County, Inc. (CAPSLO), for October 29, 2011 through June 30, 2012 in the amount of \$43,869.

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

**Presentations**

- 10. Submittal of a resolution commending Deputy Bryan Love, Deputy Mark Souza, Police Sergeant Joe Allen, Screening Supervisor Anthony Tedesco and District Attorney Victim/Witness Coordinator Cindy Marie Absey for saving a life at the San Luis Obispo County Courthouse.

**RESOLUTION NO. 2012-8, resolution commending Deputies Bryan Love and Mark Souza, Police Sergeant Joe Allen, Screening Supervisor Anthony Tedesco and District Attorney Victim/Witness Coordinator Cindy Marie Absey for saving a life at the County Courthouse, 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			

**Public Comment Period**

- 11. Members of the Public wishing to address the Board on matters other than scheduled items may do so when recognized by the Chairperson. Individuals interested in speaking should fill out a "Board Appearance Request Form" located at the back of the Board Chambers and hand it to the Clerk of the Board. Presentations are limited to a MAXIMUM of three minutes per individual.

**Mr. Eric Greening:** comments on the need to hold public hearings regarding hydraulic fracking and how potential pollution from Fukushima will be addressed.

**Ms. Kali Zulu:** speaks to the City of Arroyo Grande Police Department's efforts to deny women a rightful place in law enforcement.

**Mr. Joe Schacherer:** addresses concerns with on-going drainage and flooding issues in Oceano.

**Ms. Gwynn Taylor: Mr. Al Barrow - Coalition for Low Income Housing, Mr. Ben DiFatta, Ms. Linde Owen, and Mr. Richard Margetson (Handout):** comment on the Los Osos Wastewater Project.

**Mr. Gary Richard Arnold:** discusses and presents a DVD to the Board, which contains two two videos entitled "In Plane Site" and "A Noble Lie". **No action taken.**

**Hearings**

**12.** Hearing to consider an ordinance adding Chapter 7.23 (Truancy Prohibited) to Title 7 of the San Luis Obispo County Code. (Item introduced December 13, 2011.)

**Chairperson Patterson:** opens the floor to public comment.

**Ms. Laura Marshall, Ms. Nancy Fortenberry, Ms. Connie Tunks, Mr. Joshua Tharp, Ms. Sharon Jantzen, Mr. Jordan Jantzen, Mr. Eric Greening, Mr. Grant Dorman, Ms. Marion Curtis, Mr. Poul Norholm, Mr. Bruce Curtis, Ms. Joy Unger, Mr. Randall Shanks, Mr. Dominic Santangelo, Mr. Mikhail Gannage, Dr. Eve Malo, Ms. Kathy Ehinger, Mr. Bob Keulen, Ms. Christine Allen, Mr. Mike Brown - COLAB, Ms. Christina Arakaki, and Ms. Christina Aguirre:** speak.

**the Board continues the item off calendar to allow Children’s Resource Network time for additional outreach to address public concerns with the proposed ordinance.**

**Motion by:** Adam Hill

**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			

**13.** Hearing to consider a request by Sunny Acres, Inc. and Dan DeVaul to waive building permit fees for permits to address unpermitted construction in three structures.

**Chairperson Patterson:** opens the floor to public comment.

**Mr. Dan DeVaul. Mr. Al Barrow - Coalition for Low Income Housing, and Mr. Ben DiFatta:** speak.

**the Board denies the request by Sunny Acres, Inc. and Dan DeVaul to waive fees for building permits based on the Findings in Exhibit A and RESOLUTION NO. 2012-9, resolution denying a waiver of building permit fees for permits to correct unpermitted work to three structures known as the dairy barn, stucco barn and fieldworker bathrooms on property located at 10660 Los Osos Valley Road, San Luis Obispo, CA, 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**

**14.** 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. Nipomo CSD v. County of San Luis Obispo; 3. Sierra Club v. California Department of Parks and Recreation, et al. (CV080344).

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 4. 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. 5. 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: 6. San Luis Obispo County Employees Association-Public Services, Supervisors, Clerical; 7. Deputy Sheriff's Association; 8. District Attorney Investigator's Association; 9. San Luis Obispo County Employees Association-Trades and Crafts; 10. Sheriffs' Management; 11. Association of San Luis Obispo County Deputy Sheriffs; 12. Deputy County Counsel Association; 13. San Luis Obispo Government Attorney's Union.

**ADDED - ALL REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISFIED AS THIS NOTICE WAS POSTED PRIOR TO THE 72-HOUR NOTICING REQUIREMENT.**

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: 14. Property Description: 1945 Solano St., Los Osos (APN 074-121-005); Parties with Whom Negotiating: BSR, A General Partnership; Instructions to Negotiator: Terms and Conditions.

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) 15. Bookout v. County of San Luis Obispo.

**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: No report required as no final action was taken and the 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 17, 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/ Catrina Christensen, Deputy Clerk-Recorder

DATED: March 19, 2012