

**Tuesday, May 07, 2013**

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, Debbie Arnold and Chairperson Paul A. Teixeira

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON PAUL A. TEIXEIRA.**

**Supervisor Gibson:** requests a moment of silence for the passing of John Seitz, a local Attorney who represented the Los Osos and Nipomo Community Services Districts and Mr. Mac McCullar, a longtime volunteer for the County.

**Consent Agenda – Review and Approval:**

**1-15.** This is the time set for consideration of the Consent Agenda.

**Chairperson Teixeira:** 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:** Frank R. Mecham

**Second by:** Adam Hill

<b>SUPERVISORS</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>	<b>RECUSE</b>
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Items Set for Hearing:**

1. Introduction of an amendment to the Growth Management Ordinance, Title 26 of the County Code, to update the fiscal year references for the maximum number of new dwelling units allowed for the Nipomo Mesa area for Fiscal Year 2013-2014 and extension of the allocation waiting list for Los Osos. Hearing date set for May 21, 2013. Districts 2 & 4.

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

**Consent Agenda - Auditor - Controller Items:**

2. Submittal of a follow-up review of the Home Detention and Alternative Work Programs.

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

3. Review of the County of San Luis Obispo Inmate Cash Deposit and Inmate Welfare Trust Funds.

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

4. Submittal of the Workforce Investment Act Annual Fiscal and Procurement Review report for program year 2012-2013.

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

5. Submittal of a report of the annual Fiscal and Compliance Review of establishments subject to the County Transient Occupancy Tax Ordinance and San Luis Obispo County Tourism Business

Improvement District assessment for calendar year 2011.

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

**Consent Agenda - Board of Supervisors Items:**

6. Submittal of a resolution recognizing the community of Cayucos for their dedication and "Can Do" attitude by providing new play equipment on Cayucos Beach.

**Mr. Curtis Black – General Services Parks Deputy Director (photographs):** speaks.

**Supervisor Gibson:** presents the resolution to John Carsel, President of the Cayucos Citizens' Advisory Council.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-90, adopted.**

7. Request by Supervisor Frank Mecham to re-appoint Monica Cisneros to the San Miguel Cemetery District.

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

**Consent Agenda - County Fire Items:**

8. A resolution proclaiming May 5-11, 2013 as "Wildfire Awareness Week" in San Luis Obispo County.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-91, adopted.**

**Consent Agenda - Public Works Items:**

9. Submittal of right of way documents accepting conveyance from Janice L. Bewley (Bell), and from Mooney Family, LLC, for La Panza Road Widening Project, Creston. District 5.

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

10. Request to adopt a mitigated negative declaration for the Klau Mine Road Slip-out Repair Project, located west of the City of Paso Robles. District 1.

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

11. Submittal of a resolution establishing the 2013-14 special tax rate and confirming the per parcel special tax amount in Nipomo Lighting District, Zone E (Tract 1700, Los Pinos Estates). District 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-92, adopted.**

12. Submittal of a resolution and tabulation requesting changes in mileage of maintained County roads as required by the State Department of Transportation. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-93, adopted.**

13. Submittal of a resolution to levy water availability charges for County Service Area No. 16 (Shandon), and County Service Area No. 23 (Santa Margarita). Districts 1 and 5.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-94, adopted.**

- 14. Submittal of a resolution to levy sewer availability charges for County Service Area No. 7-A (Oak Shores) and for County Service Area No. 18 (San Luis Obispo Country Club Estates). Districts 1 and 3.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-95, adopted.**

**Consent Agenda - Social Services Items:**

- 15. Request to approve a renewal contract (Clerk’s File) with California State Association of Counties (CSAC) or the Welfare Client Data Systems (WCDS) Consortium for Fiscal Year 2013-2014 in the amount of \$62,637.

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

**Presentations:**

- 16. Submittal of a resolution recognizing CASA’s 20 year anniversary of local services and proclaim May 2013, as “CASA Child Advocate Month” in San Luis Obispo County.

**Ms. Teresa Tardiff – Court Appointed Special Advocates (CASA) Executive Director: speaks.**

**RESOLUTION NO. 2013-96, a resolution recognizing the 20th Anniversary of CASA and proclaiming May 2013 as “CASA Child Advocate Month” in San Luis Obispo County, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 17. Submittal of a resolution proclaiming May 2013 as "San Luis Obispo County Older Americans Month".

**RESOLUTION NO. 2013-97, a resolution proclaiming May 2013 as “Older Americans Month” in San Luis Obispo County, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Public Comment Period:**

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

**Dr. C. Hite:** provides thanks to the people who make San Luis Obispo a "real" community.

**Mr. Eric Greening:** echoes the previous speakers’ statements; comments on the previous League of Women Voters forum on Hydraulic Fracking and Steinberg's SB 731 California Environmental Quality

Act (CEQA) Bill.

**Mr. David Weisman - Amtrak Station Volunteer Host:** announces National Train Day will take place in San Luis Obispo Saturday, May 11, 2013 from 12:00 PM to 4:00 PM at the Amtrak Station and the Railroad Museum's Freight House.

**Ms. Stephanie Hicks - San Luis Obispo Council of Governments (SLOCOG):** speaks to the US 101 Corridor Mobility Study and states workshops will be held on Wednesday, May 8, 2013 from 6:00 PM to 7:30 PM at the Atascadero Pavilion on the Lake and Thursday, May 9, 2013 from 6:00 to 7:30 PM at the Grover Beach Community Center.

**Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB):** addresses concerns regarding the Water Resources Advisory Committee (WRAC) meeting discussing matters relating to the Las Pilitas Quarry.

**Mr. Ben DiFatta, Ms. Linde Owen and Mr. Richard Margetson:** address various comments and concerns relating to the Los Osos Wastewater Project (LOWWP). Further, Mr. DiFatta, speaks to the recent New Times issue "Best of SLO 2013" stating Supervisor Gibson as "Best Controversy or Scandal" and Supervisor Hill as "Best Annoying Public Figure" and the Homeless Shelter as "Best Waste of Taxpayers' Money." Additionally, Mr. Margetson comments on a public records request.

**Mr. Bob Armstrong - Ride-on Transportation:** speaks to the success of the Traffic Mitigation Project, the implementation of a Bus Program and Van Pool Program with both solar projects in California Valley.

**Cal Fire Chief Robert Lewin:** comments on their preparation efforts for fire season.

**Ms. Dawn Legg - Topaz Solar Farm Assistant Project Manager:** provides an update on the status of the project and addresses their transportation mitigation efforts. **No action taken.**

**Hearings:**

- 19. Hearing to consider adopting an ordinance amending Chapter 16.10 of the San Luis Obispo County Code to prohibit the ignition and launching of sky lanterns in the unincorporated areas of San Luis Obispo County that are protected by the County Fire Department.

**Supervisor Arnold:** addresses her concerns with the exception outlined in the ordinance.

**Cal Fire Captain Zack Nichols:** speaks.

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

**Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB) and Dr. C. Hite (video):** speak.

**The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3240, an ordinance amending Chapter 16.10 of the San Luis Obispo County Code to prohibit the igniting and launching of sky lanterns, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Closed Session Items:**

- 20.** 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. In re Los Osos Community Services District (Bankruptcy); 2. Negranti & Sons v. San Luis Obispo County.
    - B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 3. 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. 4. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

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

Thereafter, pursuant to the requirements of the Brown Act, Assistant 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.

**Board Business - Public Works - Board Sitting as Flood Control District:**

- 21.** Consideration of the Paso Robles Groundwater Basin Management Plan implementation update and request to approve appointments to the Blue Ribbon Committee. Districts 1 and 5.

**Mr. Paavo Ogren - Public Works Director:** presents and discusses modified recommendations for the Board's consideration.

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

**Mr. Larry Werner – Blue Ribbon Committee Chairperson, Mr. Matt Hagen, Ms. Kelley Sutherland, Ms. Andrea Seastrand, Mr. Eric Greening, Mr. Sal Leon, Ms. Carol DeHart, Mr. Kit Carter (handout), Mr. Nat Sherrill, Ms. Sue Luft – Water Resources Advisory Committee (WRAC) Chairperson, Mr. Jerry Reaugh – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) (handout), Mr. Dana Merrill – Mesa Vineyard Management and PRAAGS, Mr. Steve Sinton - PRAAGS, Ms. Elaine Hagen, Ms. Kathy Sweet (letter), Ms. Sheila Lyons (graphs), Mr. Jim Patterson, Ms. Diane Jackson, Ms. Susan Harvey – North County Watch, Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB), Mr. Tom Dawson, Mr. Bill Pelfrey (handouts), Ms. Patricia Wilmore – Paso Robles Wine Country Alliance Government Affairs Coordinator, Ms. Joy Fitzhugh – Farm Bureau, Mr. Michael Heneveld, Ms. Lindsay Pera and Ms. Della Barrett:** speak.

**On motion of Supervisor Adam Hill, seconded by Supervisor Frank Mecham, the Board unanimously agrees to continue the meeting past 5:00 P.M.**

**Ms. Maria Lorca, Ms. Sarah Leon and Mr. Paul Hoover - Paso Robles Wine Country Alliance Government Chairperson:** speak.

**On motion by Supervisor Debbie Arnold to approve staff's recommendations and directs staff to look into emergency measures including fee reductions and low interest rate loans, is discussed, with Supervisor Adam Hill seconding the motion.**

**Board Members:** discuss their need for additional information regarding: timeframes for the staff recommendations; what are the County's land use authorities and the legal implications of their enforcement; what emergency interim ordinance options are available to address this matter; the purpose of agricultural water ponds; and if USDA funding is available for property owners.

**Mr. Dan Buckshi – County Administrator:** clarifies the motion on the table is to approve staff recommendations and to direct staff to look into potential fee waivers or reductions and low interest loans for those homeowners who need to drill wells in the affected areas, with Supervisor Arnold including the direction to look into the relief of County charges to provide immediate relief.

The Board, acting as the San Luis Obispo County Flood Control and Water Conservation District, directs staff to continue existing Basin computer modeling efforts; proceed with the evaluation of water supply options associated with State Water and the Salinas River Corridor (noting that certain Salinas River Corridor options may also include use of Nacimiento water and other areas of the Basin); proceed with hiring a team of experts to assist in the evaluation of water district and management options; report back to the Board in three months (August 2013) with the Blue Ribbon Committee’s priorities and questions related to the formation of a groundwater management structure, on development of the team of experts, and related budget adjustments; identify a possible emergency program in coordination with the Nacimiento Commission. Furthermore, the Board approves the appointments to the Blue Ribbon Committee as shown in Exhibit “B.” Additionally, staff is directed to look into potential fee waivers or reductions, low interest loans for those homeowners who need to drill wells in the affected areas and relief of County charges to provide immediate relief.

**Motion by:** Debbie Arnold

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**On Motion by Supervisor Adam Hill, seconded by Supervisor Bruce S. Gibson, to direct staff to look into the County's land use authorities and urgency interim ordinances that may alleviate the existing problem as we move towards larger solutions and return to the Board with a report within 30 days, including staff recommendation timeframes, is discussed.**

**Mr. Dan Buckshi – County Administrator:** recommends coming back to the Board on June 18, 2013, the first meeting following budget hearings.

**Supervisor Arnold, Supervisor Mecham and Chairperson Teixeira:** outline their concerns regarding the motion on the floor.

**Supervisor Hill:** further clarifies and amends his motion.

**The Board directs staff to return on June 18, 2013 with a progress report on all the things that have been brought forward in the modified recommendations; explore the Land Use Management options as spelled out in the Blue Ribbon Committee’s report, section 4.3; and report back on the timeframes for completing recommendations 1 through 6, motion fails.**

**Motion by:** Adam Hill

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)		x		
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)		x		
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)		x		

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 07, 2013, 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:** May 17, 2013