

Tuesday, September 24, 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 R. Mecham, Adam Hill, Debbie Arnold and Acting Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY ACTING CHAIRPERSON BRUCE S. GIBSON.

(Per the addendum to the agenda, the agenda is amended by switching consent items 12 and 13 in order to match the sequence in which they appear in the board packet and on-line. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

Ms. Rita Neal – County Counsel: states there will not be Closed Session today.

Consent Agenda – Review and Approval:

1-15. & 23. This is the times set for consideration of the Consent Agenda.

Acting Chairperson Gibson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 15 and 23 on the following vote is indicated for each item.

Motion by: Adam Hill

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to approve an agreement in the amount of \$150,000 with the SLO Noor Foundation for grant funds through Fund Center 106 – Contributions to Other Agencies for Fiscal Year 2013-14.

Dr. Ahmad Nooristani – SLO Noor Foundation: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

2. Request to approve an agreement with the Oceano Advisory Council allocating \$2,000 from District Three (on behalf of District Four) Community Project Funds – Fund Center #106 to be used for expenses associated with holding monthly advisory council meetings.

Ms. Julie Tacker: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - District Attorney Items:

3. Submittal of a resolution amending Fund Center 132-District Attorney's Office Position Allocation List (PAL) by deleting a 1.00 FTE Supervising Legal Clerk II position and replacing it with a 1.00 FTE Paralegal position.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-226, adopted.

Consent Agenda - General Services Agency Items:

4. Request to authorize a budget adjustment in the amount of \$77,000 from the Public Works Operating Budget, Fund Center 405, to Capital Projects, Fund Center 230, for the Public Works Water Quality Lab Renovation project, located at 1355-C Kansas Avenue. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

5. Request to approve: 1) a renewal agreement (Clerk's File) with the California Department of Public Health for FY 2013-14 in the amount of \$773,451 for the Public Health Emergency Preparedness (PHEP) program; 2) a related budget adjustment in the amount of \$30,000 from unanticipated revenue for Fund Center 160 - Public Health; and 3) authorize the Health Agency Director or designee to sign any amendments to the recommended agreement that do not increase the level of General Fund support.

The Board approves as recommended by the County Administrative Officer.

6. Request to: 1) amend the fixed asset list to purchase a Geographic Information System (GIS) software application for Environmental Health; 2) approve a resolution amending the Position Allocation List for Fund Center (FC) 160 - Public Health to add a 0.75 FTE Mapping/Graphics System Specialist II position; and 3) approve a related budget adjustment in the amount of \$39,321 from unanticipated revenue for FC 160 - Public Health.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-227, adopted.

7. Submittal of a resolution commending Anita Rogers for her retirement after 36 years of service to the County of San Luis Obispo.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-228, adopted.

Consent Agenda - Human Resources Items:

8. Submittal of a resolution approving the July 1, 2013 - June 30, 2015 Memorandum of Understanding (MOU) between the County of San Luis Obispo and the San Luis Obispo County Sheriff's Managers Association (SLOCSMA).

Ms. Tami Douglas-Schatz – Human Resources Director: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-229, adopted.

Consent Agenda - Public Works Items:

9. Submittal of a resolution establishing changes to the Traffic Regulations Code east of Arroyo Grande, Cayucos, Los Osos, Nipomo, and south of the City of San Luis Obispo. Districts 2, 3 & 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-230, adopted.

10. Submittal of a resolution requesting a functional classification change for three County roads: Air Park Drive in Oceano; Buckley Road south of the City of San Luis Obispo; and River Road near San Miguel, by

the State of California, Department of Transportation. Districts 1, 3 and 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-231, adopted.

11. The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on the tentative map: Woodlands Tract 2341-Unit 6B, a proposed subdivision resulting in 65 lots by Monarch Dunes, LLC, near Willow Road at Via Concha Way, Nipomo Mesa; act on the attached resolutions to approve Open Space Easement Agreements. District 4.

Mr. Jim Harrison – Nipomo Community Services District (NCS) Board of Director: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2013-232 and 2013-233, adopted.

12. Submittal of a resolution to ratify the existing Master Agreement with the State of California for State Funded Projects and authorize the Director and Deputy Director of Public Works to accept program supplement agreements. All Districts.

The Board pulls this item from the Consent Agenda, per the addendum to the agenda, to allow time for staff to make a correction to the resolution.

13. Submittal of bid opening report for Los Osos Valley Road Widening between Doris Avenue and Pine Avenue in Los Osos, and to award the subject contract to R. Burke Corporation, the lowest responsible bidder, in the amount of \$203,698. District 2.

The Board approves as recommended by the County Administrative Officer.

14. Submittal of bid opening report for Oklahoma Avenue Sewer Line replacement at the County Operations Center, and to award the subject contract to Tierra Contracting, Inc., the lowest responsible bidder, in the amount of \$119,400. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Sheriff - Coroner Items:

15. Request to approve the use of Citizen's Options for Public Safety (COPS) Program funds, authorize a corresponding budget adjustment of \$82,000 in Fund Center (FC) 136 - Sheriff-Coroner and amend the fixed asset list to purchase two (2) replacement vehicles for the Rural Crime Unit.

The Board approves as recommended by the County Administrative Officer.

(This following item was added, per the addendum to the agenda. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

Added Item – Consent Agenda – Public Works:

23. Request approval of Contract Change Order No. 1 to the agreement with Souza Construction, Inc. for the See Canyon Road Slip-Out Repair, Avila Beach, in the amount of \$195,000. District 3.

The Board approves as recommended by the County Administrative Officer.

Presentations:

16. Submittal of a resolution proclaiming October 2013 as "Rideshare Month" and Wednesday, October 9, 2013 as "International Walk to School Day" in San Luis Obispo County.

Ms. Mallory Jenkins – San Luis Obispo Regional Rideshare: speaks.

RESOLUTION NO. 2013-234, a resolution proclaiming October 2013 as “Rideshare Month” and October 9, 2013 as “International Walk to School Day” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 17. Submittal of a resolution proclaiming September 27-28, 2013 as “SLO Green Apple Days of Service” in San Luis Obispo County.

Ms. Jennifer McIntyre and Ms. Victoria Carranza: speak.

RESOLUTION NO. 2013-235, a resolution proclaiming September 27-28, 2013 as “SLO Green Apple Days of Services” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 18. Submittal of a resolution to proclaim October 2013 "San Luis Obispo County Domestic Violence Awareness Month."

Mr. Gerald Shea – District Attorney; Ms. Beth Rob – San Luis Obispo Women’s Shelter Program (brochure); and Ms. Cindy Marie Absey – District Attorney Victim/Witness Assistance Program Director: speak.

RESOLUTION NO. 2013-236, a resolution designating October 2013 as San Luis Obispo County Domestic Violence Awareness Month, adopted.

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

- 19. This is the time set for members of the public wishing to address the Board on matters not scheduled on the agenda.

Ms. Sherry Lewis - San Luis Obispo Mothers for Peace: speaks to the spent nuclear fuel pools at the Diablo Canyon Power plant and urges the Board to attend the Nuclear Regulatory Commission on October 7, 2013 following an agendized item on this matter.

Mr. Eric Greening: echoes the previous speaker’s request; comments on last week’s presentation by the Public Works Director; questions the timing regarding the release of the updated Paso Robles Groundwater model and the selection of the Planning and Building Director. Furthermore, speaks to the negative declaration that was certified at the recent State Lands Commission meeting.

Ms. Elsa Dawson; Mr. Tom Dawson; Ms. Jeanette Watson (flyer); Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB); Mr. Bill Pelfrey; and Mr. Edward Veek: addresses various concerns regarding International Council for Local Environmental Initiatives (ICLEI) and the last week's request to agendaize a discussion regarding the Resilient Communities for America agreement and its involvement with ICLEI. Additionally, Mr. Pelfrey and Mr. Veek, comment on the conduct of the Board during last week's meeting

Ms. Terri Stricklin and Mr. Keith Swanson: express concerns regarding the Board's recent conduct at meetings.

Dr. C. Hite: comments on the democratic process.

Ms. Julie Tacker (maps); Mr. Ben DiFatta; Ms. Linde Owen; Mr. Chuck Cesena; Mr. Richard Margetson; and Ms. Jerri Walsh: address various concerns regarding the Los Osos Wastewater Project (LOWWP) and the presentation by the Public Works Director during last week's public comment period. Additionally, Mr. Cesena, speaks to an article in the Los Angeles Times regarding groundwater overdraft.

Mr. Gary Kirkland: comments on the various issues brought before the Board at meetings.

Ms. April McLaughlin: announces a fundraiser for Oceano Farmers Market on September 28, 2013 at the Rock and Roll Diner. **No action taken.**

Board Business:

- 20.** Presentation of options for Agricultural Producers' Access to California Department of Food and Agriculture (CDFA) Labeled Diphacinone and Chlorophacinone Rodenticide Baits.

Mr. Marty Settevedemie – Ag Commissioner: amends the staff report as follows: on page 7 of 9, in the title of Option 3, by correcting the 66% cost recovery to 68%; by correcting the annual impact amount to the County's General Fund from \$31,317 to \$28,995; on page 8 of 9, under Option 3 of the table, by correcting the annual program cost from \$92,085 to \$89,763; by correcting annual impact amount to the County's General Fund from \$31,317 to \$28,995; by correcting the 66% cost recovery to 68%; and on page 9 of 9, under financial considerations, by correcting the budget augmentation amount of \$31,317 to \$28,995.

Acting Chairperson Gibson: opens the floor to public comment.

Ms. Jackie Crab – Farm Bureau: speaks.

The Board reviews the options for agricultural producers' access to CDFA labeled Diphacinone and Chlorophacinone rodenticide baits and approves Option 1, that users will continue to purchase bait directly from the Kings and Monterey County Agricultural Commissioners and the San Luis Obispo County Agricultural Commissioner will increase outreach and education to rodenticide users.

Motion by: Debbie Arnold

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 21.** Request to create a new capital project for development of final construction documents for the new terminal at the San Luis Obispo County Regional Airport and authorize a budget adjustment in the amount of \$584,250 from Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant and \$30,750 from the Passenger Facility Charge (PFC) fund.

Acting Chairperson Gibson: opens the floor to public comment without response.

The Board approves the creation of a capital improvement project to create final construction documents (CD) for the new terminal at the San Luis Obispo County Regional Airport, and authorizes a budget adjustment in the amount of \$584,250 from Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant and \$30,750 from the Passenger Facility Charge (PFC) fund to the Terminal Construction Design project.

Motion by: Adam Hill

Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

22. 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. North County Watch v. County of San Luis Obispo (Santa Margarita Ranch Subd., CV098031); 3. In Re OSHA No.Y0393.

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.

III. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code ' 54957.6.)

A. It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 6. SLOCEA-Public Services, Supervisors, Clerical; 7. Deputy Sheriff's Association; 8. DAIA; 9. SLOCPMPOA; 10. DCCA; 11. SLOGAU; 12. Sheriffs' Management; 13. SLOCPPOA.

B. It is the intention of the Board, sitting as the Governing Board of the San Luis Obispo County In Home Support Services Public Authority, to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: Name of employee organization: 14. United Domestic Workers.

(This item is amended, per the addendum to the agenda, by adding the Closed Session descriptions to the agenda which were inadvertently omitted when the agenda was printed. The items were available on the website for the public to review. Further, this item is amended by revising the descriptions removing reference to "SLOCPMPOA" and correcting numbering sequences. The revised descriptions are as follows: 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. North County Watch v. County of San Luis Obispo (Santa Margarita Ranch Subd., CV098031); 3. In Re OSHA No. Y0393. 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 (Gov. Code ' 54957.6.) A. It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 6. SLOCEA-Public Services, Supervisors, Clerical; 7. Deputy Sheriff's Association; 8. DAIA; 9. DCCA; 10. SLOGAU; 11. Sheriffs' Management; 12. SLOCPPOA. B. It is the intention of the Board, sitting as the Governing Board of the San Luis Obispo County In Home

Support Services Public Authority, to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: Name of employee organization: 13. United Domestic Workers.)

Ms. Rita Neal – County Counsel: cancels Closed Session today.

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, September 24, 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: September 26, 2013