

Tuesday, November 26, 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, Caren Ray, Debbie Arnold and Acting Chairperson Bruce S. Gibson

ABSENT: None

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

Consent Agenda – Review and Approval:

1-27. This is the time 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 27 on the following vote is indicated for each item.

Motion by: Frank R. Mecham

Second by: Caren Ray

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

Items Set for Hearing:

1. Submittal of a resolution introducing gas franchise ordinance and declaring intention to grant a franchise to Southern California Gas Company for transportation and distribution of gas in San Luis Obispo County. Hearing date set for December 17, 2013. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-278, adopted.

2. Introduction of an Ordinance Amending Title 19 (Building and Construction Ordinance) of the County Code to remove conflicting language and add a new Chapter 9 (Stormwater Management). Hearing date set for December 3, 2013. All Districts.

The Board approves as recommended by the County Administrative Officer.

3. Submittal of a resolution regarding local conditions and introduction of an Ordinance Amending Title 19 (Building and Construction Ordinance) by adopting the 2013 edition of the California Building Standards Code and setting December 3, 2013 as the date to hold a public hearing. All Districts.

Mr. Richard Margetson: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-279, adopted.

4. Submittal of a resolution Regarding Local Conditions; Introduction of an Ordinance Amending Chapter 16.10 of the San Luis Obispo County Code by adopting and amending the 2013 Edition of the California Fire Code and setting of December 3, 2013 as the date to hold a public hearing; and a request for Use of Alternative Publication Procedures as authorized by Government Code section 25124.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-280, adopted.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

5. Request to approve the 2014 County Treasury Investment Policy.

The Board approves as recommended by the County Administrative Officer.

6. Submittal of a compliance audit of the Health Agency - Office of the Public Guardian for calendar year 2012.

The Board approves as recommended by the County Administrative Officer.

7. Review of the District Attorney's Office State of California Department of Insurance Automobile Insurance Fraud Program Grant for Fiscal 2012-13.

The Board approves as recommended by the County Administrative Officer.

8. Review of the District Attorney's Office State of California Department of Insurance Workers Compensation Insurance Fraud Program Grant for Fiscal Year 2012-13.

The Board approves as recommended by the County Administrative Officer.

9. Submittal of the Annual Routine Cash Shortages and Overages Report and the Departmental Bank Accounts and Cash Funds Listings for the fiscal year ended June 30, 2013.

The Board approves as recommended by the County Administrative Officer.

10. Request to receive, review, and file the Annual Treasury Compliance Audit conducted by Gallina LLP for the fiscal year ended June 30, 2013.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

11. Request to approve an agreement with the Los Osos Community Advisory Council allocating \$2,090 from District Two Community Grant Funds – Fund Center #106 to be used for expenses associated with holding monthly public advisory council meetings during FY 2013-14.

The Board approves as recommended by the County Administrative Officer.

12. Submittal of a resolution declaring November 3, 2013 as the "Jay A. Connor Cops 'n Kids Annual Field Day" in San Luis Obispo County.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-281, adopted.

13. Request by Supervisor Frank Mecham to appoint Melanie Blankenship to the Ag Liaison Advisory Board.

The Board approves as recommended by the County Administrative Officer.

14. Submittal of a letter to Bureau of Land Management re-nominating Debbie Arnold to serve as the District 5 representative on the Carrizo Plains National Monument Advisory Council to serve a two year term.

This item is amended by changing the length of the term from 2 to 3 years. Further the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - County Fire Items:

15. Submittal of a resolution to approve an agreement with the California Department of Forestry and Fire Protection for a grant in the amount of \$20,000 to purchase hand-held radios for County Fire firefighters.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-282, adopted.

Consent Agenda - Health Agency Items:

16. Request to: 1) approve the Local Primacy Delegation Agreement (Clerk's File) with the California Department of Public Health to enforce the State's drinking water requirements for community water systems serving 199 or fewer service connections; 2) approve the Grant Funding Agreement (Clerk's File) with the California Department of Public Health to provide one time funding in the amount of \$365,500 to support local primacy agency activities; 3) authorize the Health Officer or designee to sign the three attachments within the two agreements; 4) authorize a related budget adjustment for FY 2013-14 in the amount of \$50,000 from unanticipated revenue for Fund Center 160 - Public Health; and 5) authorize the Health Officer or designee to sign any future amendments related to the small water system program that does not increase the level of General Fund Support required by the Health Agency.

The Board approves as recommended by the County Administrative Officer.

17. Request to approve a second amendment to the Trauma Center Agreement with Sierra Vista Regional Medical Center to extend the term from October 31, 2013 to February 28, 2014 with all other provisions remaining the same.

The Board approves as recommended by the County Administrative Officer.

18. Request to approve an employment agreement with Anne Robin to serve as the County's Behavioral Health Administrator.

The Board approves as recommended by the County Administrative Officer.

19. Submittal of resolution amending the Position Allocation List for Fund Center 166 – Behavioral Health by deleting 3.50 FTE Medical Records Technician and 5.00 FTE Senior Medical Records Technician positions and adding 6.50 FTE Health Information Technician I or II and 2.00 FTE Health Information Technician III, approving the new classification series Health Information Technician I/II/III and setting salary range.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-283, adopted.

Consent Agenda - Planning & Building Items:

20. Request to authorize the use of alternative publication procedures for amendments to the County's General Plan – Safety Element to incorporate by reference the adopted San Luis Obispo County Local Hazard Mitigation Plan and Titles 19 (The Building and Construction Ordinance), 22 (The Land Use Ordinance) and 23 (The Coastal Zone Land Use Ordinance) of the County Code to implement the Post Construction Stormwater Requirements. All Districts

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

21. Submittal a resolution ratifying the execution of various road program supplements under the Master Agreement, Administering Agency – State Agreement for State Funded Projects. Districts 1 and 4.

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

284, adopted.

22. The following maps have been received and have satisfied all the conditions of approval that were established in their public hearings on their tentative maps: A. Parcel Map CO 10-0085 a proposed subdivision resulting in 2 lots by the A. Terry Speizer Trust, Orcutt Road south of San Luis Obispo, District 3. 1. Act on the attached resolution to accept the relinquishment of ingress and egress along Orcutt Road; and B. Parcel Map CO 11-0059 a proposed subdivision resulting in 2 lots by the Mark Stephen Fluitt Revocable Trust, Orcutt Road south of San Luis Obispo, District 3. 1. Act on the attached resolution to accept the relinquishment of ingress and egress along Orcutt Road. C. Parcel Map CO 04-0627, a proposed subdivision resulting in 2 lots by Richard and Kimberly A. Rogers, Hollyhock Lane, east of Templeton, District 5. 1. Act on the attached resolution to accept the offer of dedication for widening of Hollyhock Lane.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2013-285, 2013-286 and 2013-287, adopted.

23. Submittal of a resolution authorizing execution of notice of completion and acceptance for the widening of Templeton Road from Bluebird Hill Lane to South El Pomar near Templeton. District 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-288, adopted.

Consent Agenda - Sheriff - Coroner Items:

24. Request to approve a transfer from the Federal Asset Forfeiture Trust Account in the amount of \$92,083, authorize a corresponding budget adjustment in Fund Center 136 – Sheriff-Coroner and amend the fixed asset list in Fund Center 136 - Sheriff-Coroner.

The Board approves as recommended by the County Administrative Officer.

25. Request approval to increase the Segura Security Services Contract from \$50,000 to an amount not to exceed \$350,000 for FY 2013-14.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

26. Submittal of a resolution to amend the Position Allocation List for Fund Center 180 - Social Services Administration to add 18.0 FTEs in various classifications to support implementation of changes to the CalWORKS and CalFresh programs, and request to approve a corresponding budget adjustment in the amount of \$3,109,700 to augment CalWORKS and CalFresh funding for this purpose and augment CalWIN funding in support of the Affordable Care Act.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-289, adopted.

Consent Agenda - Veterans Services Items:

27. Request to approve a special certificate of compliance for a one-time subvention funding communications program with the California Department of Veterans Affairs and authorize a budget adjustment in the amount of \$400,000 for Fund Center 186 - Veterans Services.

The Board approves as recommended by the County Administrative Officer.

Presentations:

28. Submittal of a resolution proclaiming November 2013 as "Family Caregivers Appreciation Month" in San Luis Obispo County.

Mr. Darrell Johnson and Ms. Kat Lauterback – Department of Social Services: speak.

RESOLUTION NO. 2013-290, a resolution proclaiming November 2013 as “Family Caregivers Appreciation Month”, adopted.

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			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

29. Submittal of a resolution proclaiming November 2013 as "National Hospice Month" in San Luis Obispo County.

Ms. Gracie Ray – San Luis Obispo County Hospice: speaks.

RESOLUTION NO. 2013-291, a resolution proclaiming November 2013 as “National Hospice Month” in San Luis Obispo County, adopted.

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			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

30. This is the time set for members of the public wishing to address the Board on matters that are not scheduled on the agenda.

Mr. Tom Dawson and Ms. Elsa Dawson: briefly comment on the urgency ordinance and issues.

Mr. David Weisman - Alliance for Nuclear Responsibility: presents a video the U.S. Senate Environment and Public Works Committee Oversight Hearing of the November 21, 2013 Nuclear Regulatory Commission (NRC) Meeting.

Mr. Eric Greening: comments on the County Library Director appointment; the status of the Planning and Director appointment; and issues relating to fuel pools at Diablo Canyon Powerplant.

Mr. Ben DiFatta; Ms. Julie Tacker; Dr. C. Hite; Mr. Richard Margetson (handout); Ms. Linde Owen; Dr. C. Hite – Rural Community Workshop; and Mr. Tom Salmon: address various comments and concerns relative to the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Tacker, comments on the speakers wanting to address the urgency ordinance in general public comment; Mr. Salmon, speaks to the urgency ordinance; and Dr. Hite, addresses issues with affordable health care services.

Mr. Laura Mordaunt: speaks to the Resilience for Communities Pledge and Santa Maria Energy; and overuse of power.

Ms. Nanci Palmer; Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB); Ms. Laura Alexiev; Ms. Bev Phifer; and Mr. Bill Pelfrey: address providing commentary on the urgency ordinance during general public comment period. Further, Supervisor Arnold, questions County Counsel on the matter of commenting on the urgency ordinance and if it is a separate issue from Item No. 33, with

Ms. Rita Neal – County Counsel and Acting Chairperson Gibson responding.

Mr. Gary Kirkland: speaks to passed ordinances containing terminology that is not clearly defined.

Ms. Julie McCloskey: speaks to the urgency ordinance; and issues relating to State water and banking.

Ms. Cindy Steinbeck: speaks to lawsuits she recently served on the County.

Mr. John Olejczak - Bicycle Advisory Committee Chairperson: thanks to Ryan Chapman for his support with the committee.

Acting Chairperson Gibson: announces the San Luis Obispo Prado Day Center will be open on Thanksgiving Day to serve as a warming shelter. **No action taken.**

Board Business:

- 31.** Presentation by San Luis Obispo Council of Governments on the US Highway 101 Mobility Study Update. All Districts.

Ms. Jessica Berry – San Luis Obispo Council of Governments (SLOCOG) (powerpoint presentation) and Mr. Ronald De Carli - SLOCOG Executive Director: speak.

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening: speaks.

The Board receives the San Luis Obispo Council of Governments presentation on the US Highway 101 Mobility Study Update.

Closed Session Items:

- 32.** 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. Negranti & Sons v. San Luis Obispo County; 2. People of the State of California v. Sani, et al., 3. People of the State of California v. Welsh, et al.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) 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: 4. SLOCEA-Public Services, Supervisors, Clerical; 5. SLOCEA-Trades and Crafts. 6. DCCA; 7. SLOGAU; 8. SLOCPPOA.

(Added Item, per Addendum to the Agenda. 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) 9. In re Los Osos Community Services District (Bankruptcy). Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speaks.

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.

Board Business:

- 33.** Consideration of a resolution providing direction to staff regarding vested rights determinations described in Ordinance No. 3246 that established a moratorium on new or expanded irrigated crop production, conversion of dry farm or grazing land to new or expanded irrigated crop production, and new development dependent upon a well in the Paso Robles Groundwater Basin unless such uses offset their total projected water use by a ratio of 1:1. Districts 1 and 5.

Ms. Kami Griffin – Acting Planning and Building Director: amends the resolution by replacing section 1 a. to read: “Evidence of a valid well permitted applied for and accepted as complete, including any required fees pursuant to Chapter 8.40 of the County Code prior to August 27, 2013.”

Acting Chairperson Gibson: opens the floor to public comment.

Ms. Patricia Wilmore; Mr. Bill Stansbury; Ms. Jan Seals – PRO Water Equity Treasurer; Ms. Sue Luft - PRO Water Equity President; Mr. Steve Lohr – J. Lohr Vineyard and Wines; Mr. Steve Christian; Ms. Jeannette Watson; Mr. Doug Kuentzel; Ms. Cindy Steinbeck; Ms. Laura Mordaunt; Mr. Gary Kirkland; Ms. Claire Wineman – President of Growers-Shippers Association of San Luis Obispo and Santa Barbara Counties; Ms. Jennifer Soni - Lions Peaks Vineyards; Ms. Julie McCloskey; Ms. Sophie Treder – Treder Land Law; Ms. Laura Alexiev; Ms. Bev Phifer; Ms. Nanci Palmer; Mr. Joseph Snyder; Ms. Jamie Kirk; Mr. David Parrish; Mr. Bill Pelfrey; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB) (handout); Ms. Daniella Sapriel – Coalition of Rural Residents and Land Owners; Mr. Eric Greening; Ms. Joy Fitzhugh – Farm Bureau; Mr. Joe Plummer; Ms. Patty King; Ms. Susan Harvey – North County Watch; Ms. Sheila Lyons – Creston Advisory Body Chairperson; Ms. Lisa Bodrogi – Cuvée Consulting; Mr. Donald Marks; Mr. Charles Kleeman (letter); Mr. Mike Ryan; and Mr. Randy Record: speak.

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

The Board amends the resolution as follows: by replacing section 1. a. to read: “Evidence of a valid well permit applied for and accepted as complete, including payment of any required fees pursuant to Chapter 8.40 of the County Code prior to August 27, 2013.”; by adding in section 1. d., “on sites of greater than 20 acres,” between the words “nuts” and “evidence”; by removing subsections iii. and iv. from section 1. d.; by renumbering subsequent subsections in section 1. d.; by replacing subsection iii. (previously v.) in section 1. d. to read: “Any fencing that is necessary to maintain the crop has been installed as evidenced by invoices for fencing materials dated prior to August 27, 2013 or a contract paid in full for installation of fencing.”; by adding in Section 1. e., “on sites of greater than 20 acres,” between the words “pasture” and “evidence”; by removing subsections iii., iv., and v. in section 1. e.; by renumbering subsequent subsections in section 1. e.; and by removing the second sentence from section 3. Furthermore, RESOLUTION NO. 2013-292, a resolution regarding a vested right to complete site preparation, planting, or sale of product under Ordinance No. 3246, adopted as amended.

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			
Ray, Caren (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, November 26, 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: December 2, 2013