

Tuesday, December 10, 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:

1-10. 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 10 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			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request for approval to accept \$302,716 from the Federal Fiscal Year 2013 Homeland Security Grant Program and authorize related budget adjustments and changes to fixed asset lists. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

2. Request to appoint Randy Heinzen to the Upper Salinas-Las Tablas Resource Conservation District Board of Directors. Districts 1, 2, 4 and 5.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

3. Submittal of a resolution establishing participation in a separate Post Employment Health Plan for the San Luis Obispo County Sheriff’s Managers Association (SLOCSMA). All Districts.

This item is amended to add the plan document referenced in the resolution as Attachment A that was inadvertently left out of the packet. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2013-297, adopted.

4. Submittal of three resolutions approving amendments to: 1) the July 1, 2010 – June 30, 2013 Memorandum of Understanding between the County of San Luis Obispo and the San Luis Obispo County Employees’ Association (SLOCEA) Public Services Unit (BU01), Supervisory Unit (BU05), and Clerical Unit (BU13); and 2) amendments to the San Luis Obispo County Employees Retirement Plan Appendices. All Districts.

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

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2013-298, 2013-299, and 2013-300, adopted.

Consent Agenda - Planning & Building Items:

5. Submittal of five resolutions approving new land conservation contracts pursuant to the California Land Conservation Act of 1965. Districts No. 1, 3 and 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2013-301, 2013-302, 2013-303, 2013-304, and 2013-305, adopted.

6. Request to approve Affordable Housing Debt Forgiveness Policy for Individual Owner Occupied Homes. All Districts.

This item is amended to modify the subject line to include a reference to consideration of a resolution and the recommendation to include a reference to the Debt Forgiveness Policy. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2013-306, adopted.

7. Submittal of a resolution authorizing the Department of Planning and Building to submit an application to the California Coastal Commission for a Local Coastal Program Assistance Grant in the amount of \$222,250. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-307, adopted.

Consent Agenda - Public Works Items:

8. The following parcel map has been received and has satisfied all the conditions of approval that were established at the public hearing for lot line adjustment COAL 13-0044, a proposed lot line adjustment resulting in 2 lots by Patricia Diane Vineyards LLC and the Richard J. Woodland and Patricia D. Woodland Trust, Paso Robles. District 1.

The Board approves as recommended by the County Administrative Officer.

9. Submittal of a resolution authorizing and directing the actions necessary to satisfy the conditions to effectiveness of the amended bankruptcy in In re the Los Osos Community Services District. District 2.

Mr. Marshall Ochylski – Los Osos Community Services District (LOCSO) Director; and Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speak.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-308, adopted.

Consent Agenda Public Works - Board Sitting as Flood Control District:

10. Submittal of a resolution to authorize the Director of Public Works to execute engineering reimbursement agreements for District services associated with utility service requests. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-309, adopted.

Public Comment Period:

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

Ms. Rita Neal - County Counsel: discusses Child Welfare Service matters; states these matters are in the sole jurisdiction of the Juvenile Courts and this Board has no authority or jurisdiction over them. Furthermore, states she has confirmed with the Board that she has thoroughly reviewed the file regarding the recent removal of three children by Child Protective Services (CPS), has been in regular contact with the Director of Social Services and after reviewing the matter, in her opinion, it has been handled appropriately, professionally and according to the law, with Board Members responding.

Mr. Dane Sensor; Mr. Tom Salmon; Ms. Becky Jorgeson; Ms. Laura Mordaunt; Ms. Andrea Seastrand; Ms. Sue Schimandle; Mr. Tom Dawson; Ms. Cindy Sasur; Ms. Elsa Dawson; Ms. Willow Walking Turtle; Mr. Don Hedrick; Mr. John Grady; Mr. Gerald DeGroots; Ms. Saundra King; Mr. Edward Veek; Ms. Janet Holland-McHugh; Mr. Brian Der-Garabedian; Ms. Terry Strickland; Mr. George Smith; and Mr. Pegiwald Barry Corella: address various comments and concerns regarding the recent removal of children by CPS.

Mr. Lee Collins - Department of Social Services Director: speaks to foster care procedures and funding.

Dr. C. Hite: speaks to the passing of Gwynn Taylor; and issues relating to CPS.

Mr. Eric Greening: speaks to the upcoming Philips 66 Tract Extension Project meeting at the Mesa Elementary School.

Mr. Ben DiFatta: comments on various issues related to Board Members.

Ms. Linde Owen: comments on the passing of Gwynn Taylor; and presents photographs relating to the Los Osos Wastewater Project (LOWWP).

Mr. Julie Tacker: speaks to the manner of public comment today; and addresses the recent Regional Water Quality Control Board (RWQCB) meeting.

Mr. Richard Margetson (flyer) and Ms. Jerri Walsh: announce the 8th Annual Needs 'N Wishes Holiday Fundraiser on Saturday, December 14, 2013. **No action taken.**

Board Business:

- 12. Request to approve the revised San Luis Obispo County Local Hazard Mitigation Plan (Clerk's File). All Districts.

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening: speaks.

The Board receives a presentation on the updated and revised San Luis Obispo County Local Hazard Mitigation Plan, and approves and authorizes the Acting Chairperson to sign the updated and revised Local Hazard Mitigation Plan.

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			

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

- 13. Request to approve the revised San Luis Obispo County Local Hazard Mitigation Plan (Clerk's File). All

Districts.

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening: speaks.

The Board, acting as the San Luis Obispo County Flood Control and Water Conservation District, receives the presentation on the updated and revised San Luis Obispo County Local Hazard Mitigation Plan; and approves and authorizes the Acting Chairperson to sign the updated and revised Local Hazard Mitigation Plan on behalf of the District.

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			

Hearings:

- 14. Hearing to adopt the Annual Road Improvement Fee Reports for the fee areas of Avila, Los Osos, South County, Templeton, North Coast, and San Miguel. All Districts.

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Victor Montgomery – Economic Vitality Corporation (EVC) Design Build Construct Committee, Subcommittee on Infrastructure Chairperson; and **Mr. Dave Watson:** speak.

The Board receives the 2013 Road Improvement Fee Reports; and RESOLUTION NO. 2013-310, a resolution of the Board of Supervisors of the County of San Luis Obispo modifying the road improvement fee for all development within portions of the San Luis Bay Planning Area of the County of San Luis Obispo, and adopting the required annual update; RESOLUTION NO. 2013-311, a resolution of the Board of Supervisors of the County of San Luis Obispo continuing the road improvement fee for all developments within portions of the Estero Planning Area of the County of San Luis Obispo, and adopting the required annual update; RESOLUTION NO. 2013-312, a resolution of the Board of Supervisors of the County of San Luis Obispo continuing the road improvement fee for all developments within portions of the South County Area of the County of San Luis Obispo, and adopting the required annual update; RESOLUTION NO. 2013-313, a resolution of the Board of Supervisors of the County of San Luis Obispo modifying the road improvement fee for all developments within portions of the North Coast Planning Area of the County of San Luis Obispo, and adopting the required annual update; RESOLUTION NO. 2013-314, a resolution of the Board of Supervisors of the County of San Luis Obispo modifying the road improvement fee for all developments within portions of the San Miguel Road Fee Area of the County of San Luis Obispo, and adopting the required annual update; and RESOLUTION NO. 2013-315, a resolution of the Board of Supervisors of the County of San Luis Obispo modifying the road improvement fee for all developments within portions of the Templeton Area of the County of San Luis Obispo, and adopting the required annual update, adopted.

Motion by: Caren Ray

Second by: Adam Hill

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			

Closed Session Items:

15. 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: Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Steinbeck, et al. v. County of San Luis Obispo, et al.; 2. Paso Robles Water Integrity Network v. County of San Luis Obispo, 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: 3. SLOCPPOA; 4. SLOCEA-Trades and Crafts; 5. DCCA; 6. SLOGAU.

(Added Item, per Addendum to the Agenda. III. PERSONNEL (Gov. Code, section 54957.) It is the intention of the Board to meet in Closed Session to: 7. Consider Public Employee Appointment for the Position of Director of Building and Planning. 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.

Acting Chairperson Gibson: states they will continue Closed Session at the end of the day.

Hearings:

16. Public needs hearing for the proposed annual 2014 Action Plan for the Community Development Block Grant (CDBG), HOME Investment Partnerships Act (HOME), and Emergency Solutions Grant (ESG) Programs. All Districts.

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Aaron Lewis – Community Action Partnership of San Luis Obispo (CAPSLO) Data Analyst; Ms. Della Wagner – Maxine Lewis Memorial Homeless Shelter Program Manager; Ms. Janna Nichols - 5 Cities Homeless Coalition; Ms. Linda Van Fleet – General Services Agency; Ms. Marina Washburn – Dana Adobe Nipomo Amigos Executive Director; Mr. Steve Fernandez – Grid Alternatives Regional Director; Mr. Santos Sarabia; and Ms. Anna Lisa Lukes – Grid Alternatives: speak.

The Board receives a staff presentation on unmet community development needs. **No action taken.**

17. Hearing to consider a request by DANA (Dana Adobe Nipomo Amigos) for a Land Use Ordinance amendment to: 1) Section 22.112.030.B (South County Planning Area Standards, Combining Designations, Historic Area (H) Dana Adobe), and 2) Section 22.112.080.G (South County Planning Area Standards, Nipomo Urban Area, Recreation – Dana Adobe) to allow the applicant to process a Conditional Use Permit for the site to include a visitor's center, outdoor amphitheater, Chumash Interpretive Area and associated support features, within and immediately adjacent to the community of Nipomo. District 4.

(This item is amended, per the addendum to the agenda, by modifying the subject to include a reference to certification of the Final Environmental Impact Report and is replaced to read as follows: "Hearing to consider a request by DANA (Dana Adobe Nipomo Amigos) for a Land Use Ordinance Amendment to: 1) Section 22.112.030.B (South County Planning Area Standards, Combining Designations, Historic Area (H) Dana Adobe), and 2) Section 22.112.080.G (South County Planning Area Standards, Nipomo Urban Area, Recreation – Dana Adobe) to allow the applicant to process a Conditional Use Permit for the site to include a visitor's center, outdoor amphitheater, Chumash Interpretive Area and associated support features, within and immediately adjacent to the community of Nipomo and certify the Final Environmental Impact Report pursuant to the California Environmental Quality Act. District 4."

Mr. Brian Pedrotti – Planning and Building: presents two letters they received from the Santa Barbara

Museum of National History and the Northern Chumash Tribal Council (NCTC).

Ms. Shawna Scott – SWCA Environmental Consultant: presents a portion of Staff’s powerpoint.

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Allen Daurio and Ms. Helen Daurio – Dana Adobe Nipomo Amigos (DANA) Board of Directors; Ms. Penny Koines; Mr. Fred Collins – NCTC Tribal Administrator; and Ms. Felicity Lazo: speak.

Mr. Pedrotti: states they received 45 postcards in support of the project.

The Board certifies the Final Environmental Impact Report (FEIR); and adopts the CEQA Findings and LUO Amendment Findings as set forth in the attached Exhibit LRP2011-00001C. Furthermore, the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3254, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Section 22.112.030B and Section 22.112.080G relative to the DANA Adobe, adopted.

Motion by: Caren Ray
Second by: Adam Hill

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			

Closed Session Continued:

18. The Board announces they will be going back into Closed Session.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: The Board met in Closed Session regarding the interviews and appointment of Planning and Building Director. The Board directed the County Administrative Officer (CAO) and the Human Resources Director to notify the Board's top candidate to make a job offer and make efforts to negotiate a contract, assuming that that can be completed and the candidate agrees to accept the job, a formal announcement will be made and a formal contract for the appointment of the Planning and Building Director will come back to this Board for final action in open 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, December 10, 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 10, 2013