

Tuesday, January 14, 2014

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 Chairperson Bruce S. Gibson

ABSENT: None

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

Consent Agenda – Review and Approval:

1-12. This is the time set for consideration of the Consent Agenda.

Chairperson Gibson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 12 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. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint Lori Maraviglia to the Arroyo Grande/San Luis Obispo (unincorporated) Local Area Advisory Board. Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer.

2. Request to approve an employment agreement with James Bergman as the Planning and Building Director. All Districts.

The Board approves as recommended by the County Administrative Officer.

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

3. Submittal of a compliance audit of the County Clerk-Recorder's implementation and performance of the Social Security Number Truncation Program. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

4. Request to approve the appointments of Board Members to various committees and commissions. All Districts.

Mr. Bill Pelfrey; Ms. Elsa Dawson; and Mr. Tom Dawson: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

5. Request to approve: 1) new January 1, 2014 through June 30, 2015 contracts with Apex Pharmacy dba Bestcare Pharmacy and En Soleil Pharmacy, Inc. at a rate of \$4 per qualified prescription dispensed to provide pharmacy services for qualified Behavioral Health clients; and 2) a new January 1, 2014 through June 30, 2015 contract with Kyoko Mitsuoka at a rate of \$85 per hour to provide pharmacy management for the Psychiatric Health Facility. All Districts.

The Board approves as recommended by the County Administrative Officer.

6. Request to approve two reappointments and one new appointment to the Board of Directors of the Santa Barbara San Luis Obispo Regional Health Authority (CenCal Health) for two-year terms expiring January 13, 2016. All Districts.

Dr. C. Hite – Rural Community Workshop: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

7. Request to approve three updated County Policies: Workplace Violence Policy, Policy Against Discrimination, Sexual Harassment and Retaliation and the Equal Employment Opportunity Plan. All Districts.

Mr. Bill Pelfrey and Mr. Tom Dawson: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

8. Request to authorize the use of Alternative Publication Procedures for amendments to the inland Land Use and Circulation Elements of the County General Plan and the Land Use Ordinance, Title 22 of the County Code. All Districts.

Supervisor Arnold: discusses the summary publication and recommends more details should be advertised for increased public awareness, with Ms. Ellen Carroll – Planning and Building, Mr. Dan Buckshi – County Administrative Officer, and Board Members responding.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

9. Submittal of a resolution amending the Position Allocation List for Fund Center 405 - Public Works Internal Service Fund by adding a 1.0 FTE Department Automation Specialist I, II or III. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-11, adopted.

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

10. Request to approve the Second Modification to the lease with the Boy Scouts of America modifying terms to operate Camp French, Lopez Lake. District 4.

Mr. Curtis Black – General Services Agency Parks Deputy Director; and Mr. Ron Walsh – Boy Scouts of America: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

11. Request to approve a Memorandum of Understanding with the California Department of Social Services outlining the roles and responsibilities of the Resource Family Approval program in San Luis Obispo County effective November 1, 2013 through June 30, 2017.

Mr. Lee Collins – Social Services Director: amends this item by replacing the Memorandum of Understanding (MOU) with one signed by County Counsel. Further, clarifies no changes have been made to the MOU.

This item is amended by replacing the Memorandum of Understanding (MOU) with one that is signed by County Counsel. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

12. Request to approve an amendment to the existing Memorandum of Understanding with the 5Cities Homeless Coalition, authorizing them to continue operating a Warming Center at the Department of Social Services' building in Arroyo Grande during inclement weather through March 31, 2014. District 4.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

13. 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. Dane Senser: speaks to a movie called "Lone Survivor"; and expresses his gratitude to veterans.

Ms. Cindy Steinbeck: presents and discusses a handout titled "Politics Turns California Law Upside Down" and how it relates to the Paso Robles Groundwater Basin.

Ms. Julie Tacker and Mr. Eric Greening: discuss concerns relative to the Phillips 66 Project. Additionally, Ms. Tacker, comments on the reduced time to speak in general public comment period.

Dr. C. Hite: presents a video titled "parable".

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): comments on the process of the Chairperson appointing Board Members to various committees and commissions.

Mr. Bill Pelfrey - Templeton Advisory Group Vice Chairperson: responds to the comments made in Item No. 8 regarding the difficulty getting the word out on various matters going before the Board. Further, requests a presentation on the Paso Groundwater Basin model update; and comments on International Council for Local Environmental Initiatives (ICLEI).

Mr. Ben DiFatta; Mr. Keith Wimer - Los Osos Sustainability Group Member (handout); Mr. Chuck Cesena; Mr. Richard Margetson; and Ms. Linde Owen: address various issues relating to the Los Osos Wastewater Project (LOWWP). Additionally, Mr. DiFatta; Mr. Wimer; Mr. Margetson; and Ms. Owen: speak to the reduced time limit for general public comments. **No action taken.**

Board Business:

14. Request to nominate one or more elected officials for appointment by the Governor to the California Coastal Commission. All Districts.

Board Members: discuss the appointment process and clarifies that this Board is not making the appointment. Further, address the letter submitted by Mr. Erik Howell; and the selection of Mayor Debbie Peterson by the City Selection Committee, with Ms. Rita Neal – County Counsel responding.

Chairperson Gibson: opens the floor to public comment.

Mayor Debbie Peterson; Dr. C. Hite; Mr. Tom Dawson; Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB); Ms. Linde Owen; Ms. Julie Tacker; and Mr. Erik Howell: speak.

Chairperson Gibson: asks if any members of this Board would like to be nominated, with no Board Members coming forward.

Supervisor Hill: outlines why he will not support the nomination of Mayor Peterson.

The Board nominates Mr. Erik Howell to fill a potential South Central Coast Region vacancy on the California Coastal Commission and will transmit the name to the Governor’s Office.

Motion by: Adam Hill

Second by: Frank R. Mecham

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

On motion by Supervisor Debbie Arnold, seconded by Supervisor Frank R. Mecham, to also nominate Mayor Peterson, is discussed.

Chairperson Gibson: outlines why he will not support the motion, with Supervisor Arnold, highlighting why she feels both Mr. Howell and Mayor Peterson should be included in their nominations list to the Governor.

The Board nominates Mayor Peterson, motion failed.

Motion by: Debbie Arnold

Second by: Frank R. Mecham

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

15. Submittal of the County's 2013 Annual Report. All Districts.

Ms. Penny Burciaga – Administration Office: presents the annual report.

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

The Board receives the 2013 County Annual Report.

Board Business - Sitting as both the Flood Control District & the Board of Supervisors

16. Request to approve Amendment No. 1 to the Operating Agreement between San Luis Obispo County Flood Control and Water Conservation District, and GSA-County Parks, dated June 3, 2008 to enable the inclusion of Camp Mabel French within County Parks' operations of the Lopez Lake Recreation Area effective through December 31, 2014, should the Boy Scouts of America choose to terminate their lease. District 4.

Chairperson Gibson: opens the floor to public comment.

Mr. Ron Walsh – Boy Scouts of America: speaks.

The Board approves Option 3 - The District could allow GSA-County Parks to operate the Camp in similar fashion as they have operated the other recreation and utility facilities with the Lopez Lake Recreation Area (LLRA). Further, the Board, sitting as the Governing Board of the San Luis Obispo Flood Control and Water Conservation District, approves Amendment No. 1 to the Operating Agreement between the San Luis Obispo County Flood Control and Water Conservation District and GSA-County Parks, dated June 3, 2008 to include Camp Mabel French within GSA-County Parks' operations of the Lopez Lake Recreation Area effective through December 31, 2014, should the Boy Scouts of America choose to terminate their lease.

Motion by: Caren Ray

Second by: Adam Hill

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

The Board approves Option 3 - The District could allow GSA-County Parks to operate the Camp in similar fashion as they have operated the other recreation and utility facilities with the LLRA. Further, the Board, sitting as the Board of Supervisors for the County of San Luis Obispo, approves Amendment No. 1 to the Operating Agreement between the San Luis Obispo County Flood Control and Water Conservation District and GSA-County Parks dated June 3, 2008 to include Camp Mabel French within GSA- County Parks' operations of the Lopez Lake Recreation Area effective through December 31, 2014, should the Boy Scouts of America choose to terminate their lease.

Motion by: Caren Ray

Second by: Adam Hill

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

Board Business:

- 17. Annual progress report on the County's General Plan for Fiscal Year 2012-13. All Districts.

Chairperson Gibson: opens the floor to public comment

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

The Board receives and files the General Plan Annual Progress Report.

Closed Session Items:

- 18. 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. 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.; 3. Coast National Bank v. County of San Luis Obispo.

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 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: 6. SLOGAU; 7. SLOCPPOA; 8. SLOCEA-Trades and Crafts; 9. DCCA.

Chairperson Gibson: 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.

Board Business:

- 19. Consideration of a request to authorize processing of amendments to Title 19, Section 19.07.042e (Building and Construction Ordinance) and Title 8, Chapter 8.91 of the County Code to revise the Los Osos Groundwater Basin plumbing retrofit programs, including clarification of the source of retrofit credits and status of water conservation certificates. District 2.

Chairperson Gibson: opens the floor to public comment.

Mr. Keith Wimer (handout); Ms. Elaine Watson; Mr. Jeff Edwards; Ms. Julie Tacker; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); and Mr. Richard Margetson: speak.

Supervisor Ray: questions why outdoor water calculations are not being used, with Mr. James Caruso - Planning and Building responding. Further, Chairperson Gibson, suggests looking at outdoor water use through the County's land use authority and not adding it to the retrofit table until it is looked at on a countywide basis, with Ms. Kami Griffin - Assistant Planning and Building Director responding.

Chairperson Gibson: suggests direction on Title 19 to exclude the Prohibition Zone (PZ) as a source of retrofit credits and modify the retrofit table to the new water use estimates presented by staff. Further, discusses modifying Title 8 and questions whether to take it outside the PZ or keep it inside the PZ to ensure that when any house is sold within the PZ, it is retrofitted at that point whether or not it has participated in the water conservation program, with Board Members responding.

Supervisor Arnold: outlines why she has always been opposed to retrofit on sales.

Board Members: discuss Title 8 with Chairperson Gibson suggesting the proper direction to staff on would be to consider whether an amendment to Title 8 is in our best interest overall either by restricting the area or not and to bring back a proposed amendment after considering the staff costs of administering the Title 8 retrofit on sale program, with Mr. Caruso stating staff can come back with some options and analysis of the effect of those options .

Chairperson Gibson: suggests staff come back and analyze water conservation certificates further and see if there are options for recognizing these certificates by, for instance, allowing parcels with certificates to move to the front of the line in receiving building permits when issued for vacant parcels. Supervisor Ray, asks staff to also consider what else could be done with the certificates besides the suggestion by Chairperson Gibson.

The Board authorizes staff to process amendments to Title 19; provide options for Title 8; and options for recognition of the water certificates over the Los Osos Groundwater Basin, as discussed.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			

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

20. Status report on a water conservation program for new development and a request for direction on the Upper Salinas-Las Tablas Resource Conservation District’s proposals for an irrigated agriculture offset program pursuant to Ordinance No. 3246, an urgency ordinance covering new development overlying the Paso Robles Groundwater Basin. Districts 1 and 5.

Board Members: comment on the irrigated Agriculture Offset Program, with Ms. Laura Edwards - Upper Salinas-Las Tablas Resource Conservation District Executive Director and Mr. Jeff Barry – Hydrogeologist responding and briefly speaking to their proposal.

Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Ms. Claire Wineman – Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties President; Mr. Paul Bestwick; Mr. Bill Pelfrey; Ms. Joy Fitzhugh – Farm Bureau: speak.

Board Members: address various comments and concerns with the proposed irrigated agriculture offset program as they move forward.

On motion of Supervisor Debbie Arnold, seconded by Supervisor Frank R. Mecham, to direct staff to work with the Upper Salinas Las Tablas RCD proposals for an irrigated agricultural offset program in order to implement the ordinance that was adopted, is discussed.

Chairperson Gibson: clarifies that the direction is also to pursue the interim program that the Upper Salinas Las Tablas RCD has proposed, with motion maker and second agreeing.

Ms. Kami Griffin – Assistant Planning and Building Director: states the department is not funded for this proposal in their current budget and will be addressing funding as they move forward with this direction, with Mr. Dan Buckshi – County Administrative Officer, addressing possible next steps of returning to the Board with a contract and the necessary budget adjustments to fund this.

The Board directs staff to work with the Upper Salinas Las Tablas RCD proposals for an irrigated agricultural offset program in order to implement the ordinance that was adopted; and pursue the interim program that the Upper Salinas Las Tablas RCD has proposed.

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

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	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, January 14, 2014, 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: January 16, 2014