

Tuesday, February 11, 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.

Chairperson Gibson: requests a moment of silence in memory of Cliff Smith, a former Legislative Assistant Supervisor Harry Ovitt.

Consent Agenda – Review and Approval:

1-9. 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 8 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 re-appoint Jayesh Patel and Steve Hennigh to the Cayucos Local Area Advisory Board. District 2.

The Board approves as recommended by the County Administrative Officer.

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

2. Submittal of a resolution adopting the Countywide Cost Allocation Plan for FY 2014-15. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-38, adopted.

Consent Agenda - Board of Supervisors Items:

3. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d). All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

4. Submittal of a resolution amending the Position Allocation Lists for Fund Centers 113 GSA-General Services and 114 GSA-Information Technology to reflect classification changes related to a reorganization of the General Services Agency. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-39, adopted.

5. Request to approve a FY 2013-14 contract with Aviat U.S. Inc., in the amount of \$1,076,072 to replace the County-wide digital microwave system hardware and software, and provide training and installation services. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

6. Submittal of two resolutions approving: 1) the July 1, 2013 – June 30, 2015 Memoranda of Understanding between the County of San Luis Obispo and the San Luis Obispo County Probation Peace Officers Association (SLOCPPOA), Probation Unit (BU 31) and Probation Supervisory Unit (BU 32); 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. 2014-40 and 2014-41, adopted.

Consent Agenda - Public Works Items:

7. Submittal of a resolution authorizing conveyance of County real property interests acquired in conjunction with the Willow Road Interchange Project to the State of California, Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-42, adopted.

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

8. Request to: 1) modify the Paso Robles Groundwater Basin Advisory Committee to include Paso Robles Groundwater Basin Blue Ribbon Committee recommendations; and 2) appoint Dan Gilmore as the San Miguel Community Services District alternate member to the Paso Robles Groundwater Basin Blue Ribbon Committee. Districts 1 and 5.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

9. 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. Brian Bullock - American Cancer Society: speaks to upcoming Relay for Life events and asks for the Board's support.

Mr. David Weisman - Alliance for Nuclear Responsibility: comments on the closures of the Crystal River Nuclear Power Plant in Florida and the Morro Bay Power Plant and financial and community impacts to the potential closure of the Diablo Canyon Nuclear Power Plant.

Ms. Rochelle Becker: speaks to the closure of the San Onofre Nuclear Power Plant and the potential closure of the Diablo Canyon Nuclear Power Plant.

Ms. Julie Tacker; Mr. Ben DiFatta; Ms. Linde Owen (photographs); Mr. Chuck Cesena; Mr. Richard Margetson; and Mr. Jerri Walsh: address various comments and concerns relating to the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Walsh discusses an email from Ms. Pandora Nash-

Karner.

Mr. John Synder: presents and discusses a handout regarding a report of overdraft conditions in Santa Maria Groundwater basin.

Dr. C. Hite: expresses her various concerns regarding the impacts to limited public transportation.

Mr. Eric Greening: addresses the upcoming California Coastal Commission meetings and the difficulty of using public transportation services to attend those meetings.

Ms. Cindy Steinbeck: asks for clarity regarding a document in 2005 titled "The Prior Agreement".

Ms. Nicole Smith - Coastal San Luis Resource Conservation District: speaks to their Storm Rewards Program.

Mr. Gary Kirkland: presents and discusses a reading from the Bible, Psalm 23. **No action taken.**

Board Business:

10. Consideration of the County’s 2014 State Legislative Platform. All Districts.

Ms. Karen Lange - Shaw/Yoder/Antwih, Inc. and Peterson Consulting: presents the report.

Chairperson Gibson: opens the floor to public comment.

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

Supervisor Arnold: reviews her proposed changes to the legislative platform, with Board Members, Mr. Dan Buckshi – County Administrative Officer, and Ms. Lange responding.

Chairperson Gibson: directs staff to craft language, under Section 1., titled “San Luis Obispo County Specific Issues, Transportation, Public Works, Planning and Agriculture”, that seeks support from our legislative delegation to secure funding for emergency drinking water supplies should this drought persist.

A motion by Supervisor Frank R. Mecham to approve the Legislative Platform, with Chairperson Bruce S. Gibson seconding the motion, and requests the motion to be amended to include the direction to staff he previously stated, with the motion maker agreeing to the amendment.

Supervisor Arnold: addresses why she will not be supporting the motion.

The Board approves the County’s proposed 2014 State Legislative Platform and directs staff to craft language, under Section 1., titled “San Luis Obispo County Specific Issues, Transportation, Public Works, Planning and Agriculture”, that seeks support from our legislative delegation to secure funding for emergency drinking water supplies should this drought persist.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

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		

Hearings:

11. Hearing to consider a resolution for a request by the Cambria Community Services District to waive the application fees for: 1) a Development Plan/Variance (DRC2013-00037) for a new water tank at 1975

Stuart Street in Cambria; and 2) a Development Plan (DRC2013-00038) for the Rodeo Grounds Pump Station Replacement Project. District 2.

Chairperson Gibson: opens the floor to public comment.

Ms. Amanda Rice - Cambria Community Services District (CSD) Director: speaks.

RESOLUTION NO. 2014-42A, a resolution approving the request by the Cambria Community Services District to waive permit processing fees for 1) a Development Plan/Variance (DRC2013-00037) for a new water tank at 1975 Stuart Street in Cambria and 2) a Development Plan (DRC2013-00038) for the Rodeo Grounds Pump Station Replacement Project, adopted. Further, the Board bases their determination upon the findings in Exhibit "A".

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			

- 12. Hearing to consider a request by Robert and Melanie Tucker for a variance granting modification of special construction standards in a flood hazard zone and submittal of a resolution approving the requested variance. District 5.

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

RESOLUTION NO. 2014-42B, a resolution approving a variance and exception waiving certain construction standards of the land use ordinance in a flood hazard area, adopted.

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			

Closed Session Items:

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

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. SLOGAU; 5. SLOCEA-Trades and Crafts; 6. DCCA.

(Added Closed Session, per the 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: B. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 7. People of the State of California v. Sani, et al., 8. People of the

State of California v. Welsh, et al.” Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirements.)

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.

Presentations:

- 14. Submittal of a resolution proclaiming February 2014 as "Grand Jury Awareness Month" in San Luis Obispo County. All Districts.

Mr. Frank Loversky – 2013-2014 Grand Jury Pro Tem; Ms. MiMi Kalland – San Luis Obispo Former Grand Jurors Association President; and Mr. Jim Ragan – The State of California Grand Jurors Association President: speaks.

RESOLUTION NO. 2014-42C, a resolution proclaiming February 2014 as “Grand Jury Awareness Month” in San Luis Obispo County, adopted.

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			

Board Business – Sitting as both the Flood Control District and the Board of Supervisors:

- 15. Consideration of a Legislative Platform Policy Statement for the Paso Robles Groundwater Basin. Districts 1 and 5.

Mr. David Church – Local Agency Formation Commission (LAFCO) Executive Director: presents and discusses a flow chart showing LAFCO’s process for the formation of a Water District, with Board Members and staff responding.

Mr. Jerry Reaugh – Paso Robles Agriculture Alliance for Groundwater Solutions (PRAAGS) Chairperson and Ms. Sue Luft – PRO Water Equity President: present a powerpoint.

Mr. Larry Werner - Blue Ribbon Committee Chairperson and Mr. John Ashbaugh – Water Resources Advisory Committee (WRAC): speak.

Chairperson Gibson: opens the floor to public comment.

Ms. Sally Loucks; Ms. Maria Stover; Ms. CC Coats –PRO Water Equity Secretary; Mr. Kent Gilmore - PRAAGS; Ms. Pam Fulmer; Mr. John Crossland; Ms. Laurie Gage - PRO Water Equity 2nd Vice President; Mr. Joe Plummer – PRAAGS Member; Mr. Eric Greening; Ms. Patricia Wilmore – Paso Robles Wine Country Alliance Government Affairs Coordinator; Ms. Marcia Rice; Mr. Dennis Loucks; Ms. Andrea Seastrand; Ms. Bev Phifer; Ms. Erin Faulkner; Ms. Laurie Alexiev; Ms. Elsa Dawson; Mr. Bill Pelfrey; Mr. Ron Bridgman (handout); Ms. Claudia Engel – Blue Ribbon Committee; Ms. Sheila Healy; Mr. John Snyder (handout); Mr. Mike Ryan; Mr. Cody Ferguson; Mr. Bob Brown – PRAAGS Member; Ms. Cindy Steinbeck; Mr. Greg Grewall; Ms. Jan Seals – PRO Water Equity Treasurer; Mr. Gary Kirkland; Mr. Michael Baugh; Ms. Susan Harvey – North County Watch; Ms. Maria Lorca (handout); Ms. Shelia Lyons; (handouts); Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Ms. Daniella Sapriel (Exhibits); Ms. Kelley Sutherland; Ms. Sue Schimandle; Ms. Terri Stricklin; Mr. Paul Clark – Farm Bureau; Mr. Joseph Sulse; and Ms. Della Barrett: speak.

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

Ms. Kathryn Sweet; Mr. Steve Sinton; and Ms. Carol Rowland: speak.

Ms. Karen Lange- Shaw/Yoder/Antwih, Inc. and Peterson Consulting: speaks to the State’s legislative process regarding the formation of a locally organized District.

Supervisor Ray: questions the possibility of a 1 person 1 vote for the formation of a water district, with Ms. Rita Neal - County Counsel responding. Further, questions if the Clerk or Assessor's can administer what is being proposed, with Ms. Julie Rodewald - County Clerk-Recorder responding to the election processes. Furthermore, addresses concerns regarding the public's understanding of the process; the need for more public engagement; and outlines her reasons for this matter to be brought back for one more public hearing.

On motion by Supervisor Frank R. Mecham, seconded by Supervisor Adam Hill, to continue this hearing to the afternoon session on Tuesday, February 18, 2014, is discussed.

Supervisor Mecham: states he will be in Sacramento tomorrow (February 12, 2014) to hear the State’s intentions on water management this matter and will report back next week.

Chairperson Gibson: questions how public comment will be handled next week and questions the motion maker’s intent on how this continued item will be agendized, with Ms. Neal responding that new information will be presented and recommends the appropriate amount of public comment be offered, and Supervisor Mecham, clarifying this item will be continued to consider endorsement of the legislative platform, with Supervisor Hill, as the second, agreeing to the motion maker’s intent on this matter.

Upon further discussions regarding next week’s agenda, Chairperson Gibson, directs staff to re-order the agenda for next week; agendize this item as further consideration of the legislative platform; and find the appropriate dates to reschedule two items on next week’s agenda, the Human Resources Department’s presentation and the Planning and Building priorities, with Ms. Neal, responding. Additionally, Supervisor Arnold, requests boundary information be included in the staff report next week, with Ms. Neal and Mr. Buckshi responding. Further, Supervisor Ray, asks if public comment will be allowed next week, with Chairperson Gibson responding yes.

The Board continues this matter to Tuesday, February 18, 2014.

Motion by: Frank R. Mecham

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

- 16. Request to approve a resolution implementing a portion of Ordinance 3246 for the Paso Robles Groundwater Basin new development water conservation program. Districts 1 and 5.

(This item is amended, per the addendum to the agenda, by amending the subject line to provide additional clarity. The subject should read: “Request to approve a resolution that establishes an Approved Water Conservation Program for new development in the Paso Robles Groundwater Basin, thereby implementing a portion of Ordinance 3246, an urgency ordinance covering new development and new irrigated crop production overlying the Paso Robles Groundwater Basin; California Environmental Quality Act (CEQA) Exemptions Sections 15301, 15307, 15308. Districts 1 and 5.” Requirements of the Brown Act have been satisfied as this noticed was posted prior to the 72-hour noticing requirement.)

Chairperson Gibson: opens the floor to public comment.

Mr. John Sydner (handout) and Mr. Greg Grewall: speak.

The Board continues this item to a date to be determined by staff.

Motion by: Frank R. Mecham

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			

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, February 11, 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: February 21, 2014