

Tuesday, March 04, 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:

1-10. This is the time set for consideration of the Consent Agenda.

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

The action taken for Consent Agenda items 1 through 10 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. Submittal of a resolution to ratify an ordinance adopted by the Templeton Community Services District which adopts and amends the 2013 Fire Code. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-57, adopted.

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

2. Submittal of a Gallina LLP Independent Accountant’s Report on the County Treasury’s cash balance and accountability as of September 25, 2013. All Districts.

The Board approves as recommended by the County Administrative Officer.

3. Submittal of a Gallina LLP Independent Accountant’s Report on the County Treasury’s cash balance and accountability as of October 23, 2013. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

4. Submittal of a resolution recognizing the City of Paso Robles 125th anniversary. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-58, adopted.

Consent Agenda - Health Agency Items:

5. Request to approve a FY 2013-14 renewal contract (Clerk's File) with Paso Robles Joint Unified School District in an amount not to exceed \$67,033 under which the County will provide on-site support in addition to educationally related mental health services in the District's special education classes. District 1.

The Board approves as recommended by the County Administrative Officer.

6. Request to approve Amendment No. 1 to extend the State Water Resources Control Board Agreement (Clerk's File) for an additional year and provide an incremental increase of \$27,000 to continue the ocean water monitoring program from September 30, 2013 through September 30, 2014 and approve a resolution authorizing the Health Officer as the official representative to sign this amendment and future amendments. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-59, adopted.

Consent Agenda - Public Works Items:

7. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Asphalt Overlay 2013, Ramada Drive and El Pomar Drive, southeast of Paso Robles and east of Templeton. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-60, adopted.

8. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Water Distribution System Upgrades, County Service Area 10A, Cayucos. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-61, adopted.

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

9. Request to appoint Kathy Smith and Dan Gilmore to the Water Resources Advisory Committee of the Flood Control and Water Conservation District. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Veterans Services Items:

10. Request to approve a contract for the special one-time communications program with McNally Temple Associates in the amount of \$372,000. All Districts.

This item is amended by replacing the contract with a signed contract by Counsel and by adding Attachment A that was inadvertently left out. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Presentations:

11. Submittal of a resolution proclaiming March 31, 2014 as "San Luis Obispo County Music Education Day" in honor of Michael Nowak's 30th anniversary season as music director of the San Luis Obispo Symphony. All Districts.

Ms. Suzette Harbour: speaks.

RESOLUTION NO. 2014-62, a resolution recognizing San Luis Obispo County Music Education Day in honor of Michael Nowak's 30th Anniversary Season as Music Director of the San Luis Obispo Symphony on March 31, 2014, 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			

Public Comment Period:

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

Mr. Eric Greening: speaks to the Governor's drought declaration.

Mr. Ben DiFatta (photograph); Ms. Julie Tacker; Ms. Linde Owen; Mr. Chuck Cesena - Los Osos Sustainability Group; and Mr. Richard Margetson: address various issues relating to the Los Osos Wastewater Project (LOWWP). Additionally, Mr. Cesena and Mr. Margetson, speak to the recent town hall meeting in Los Osos.

Ms. Cynthia Steinbeck: presents a flyer announcing that the upcoming SLO Film Festival will be having a documentary of the Steinbeck family. Further, speaks to adjudication; and presents and discusses an email she submitted to the Board regarding the Paso Robles Groundwater Basin.

Dr. C. Hite: presents a video of her comments at the recent California Coastal Commission meeting.

Ms. Laura Mordaunt; Ms. Elsa Dawson; and Mr. Mike Brown - Coalition of Labor, Agriculture, and Business (COLAB): discuss the Planning Commission's approval of the Cypress Ridge housing development on the Nipomo Mesa; air quality; and the Air Pollution Control District Officer's report.

Ms. Jeannette Watson: speaks to water management in the County. **No action taken.**

Board Business:

- 13. Submittal of the FY 2013-14 Second Quarter Financial Report. All Districts.

Chairperson Gibson: opens the floor to public comment.

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

The Board: 1) receives, reviews, and files the Fiscal Year 2013-14 Second Quarter Financial Report; 2) accepts cash donations in a total amount of \$72,498.52 on behalf of Animal Services, Libraries, Parks, Public Health, and the Department of Social Services, and approves associated adjustments as outlined in Section 4 of the FY 2013-14 Second Quarter Financial Report; 3) approves a budget adjustment in the amount of \$15,000 from General Fund contingencies to Fund Center (FC) 111 – County Counsel to pay for outside counsel; 4) accepts Proposition 63 State Awarded Grant funds in the amount of \$43,998, and approves a budget adjustment transferring funds into FC 186 – Veterans Services to increase veteran outreach efforts; 5) accepts California State Library funding in the amount of \$40,634 and approves a budget adjustment transferring these funds into FC 377 – Library to support the San Luis Obispo County Literacy Council; 6) approves a budget adjustment in the amount of \$206,542 to move funds from the Library's trust fund to the Atascadero Library Expansion Project budget (FC 230 – Capital Projects) on behalf of the Friends of the Atascadero Library; 7) approves a request from the Health Agency- Public Health Department for relief from accountability for uncollectable debt in the amount of \$10,716 for the Public Health Laboratory; 8) approves a request from the Department of Social Services for relief from accountability for uncollectable debt in the amount of \$34,355.27 for the CalWORKs, CalFresh, Foster Care and General Assistance programs; 9) amends the Fixed Asset List for FC 109 – Assessor to include a storage cabinet in the

amount of \$5,832 for the preservation and storage of historic maps; 10) amends the Fixed Asset List for FC 132 – District Attorney to include a communications system upgrade in the amount of \$5,398.93; 11) amends the Fixed Asset List for FC 113 – General Services to add a plotter printer in the amount of \$10,166; and 12) approves a request from the General Services Agency to declare 48 vehicles as surplus, authorizes their removal from the County fleet, and authorizes their sale to recover salvage value in accordance with County Code Section 2.36.030(5).

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			

- 14. Request to authorize processing of possible amendments to the Conservation and Open Space, Agriculture and other elements and policies of the County General Plan and various Titles of the County Code, including Title 8 (Health and Sanitation Code), Title 19 (Building and Construction Ordinance), Title 21 (Real Property Division Ordinance), Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance) and Title 26 (Growth Management Ordinance) to implement countywide water resource policies and strategies. All Districts.

Chairperson Gibson: introduces Jim Bergman, the new Planning and Building Director.

Mr. Richard Lichtenfels - Environmental Health: addresses the Board’s questions regarding amendments to Title 8.

Chairperson Gibson: opens the floor to public comment.

Ms. Claire Wineman – Grower Shipper Association of Santa Barbara and San Luis Obispo Counties President; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Ms. Laura Mordaunt; Ms. Elsa Dawson; Ms. Joy Fitzhugh; Ms. Amanda Rice; Ms. Jeannette Watson; Mr. Eric Greening; and Mr. Richard Margetson: speak.

On motion by Chairperson Bruce S. Gibson, seconded by Supervisor Adam Hill, to authorize processing of amendments on Nos. 8a and 8e in Exhibit A, is discussed. The motion maker states upcoming changes to Title 8 regarding Nos. 8b, 8c, and 8d are under Environmental Health, with Mr. James Caruso - Planning and Building, clarifying Nos. 8b and 8d are not part of Environmental Health’s upcoming changes. **Further, the motion maker amends his motion to include Nos. 8b and 8d, with the second agreeing.**

Mr. Caruso: clarifies that Nos. 5 and 6 in Exhibit A are part of Environmental Health's current revisions to Title 8, with Supervisor Ray responding.

Supervisor Arnold: outlines her suggested changes to the motion.

The Board authorizes staff to proceed with processing of amendments on No. 8 - Countywide Water Conservation Ordinance: a. New Landscape Requirements, b. Retrofit on Sale, d. Water Waste Ordinance, and e. Water Neutral New Development 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		

The Board authorizes staff to proceed with processing of amendments on No. 4 – Water Supply Assessments 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			

Chairperson Gibson: states No. 3 is follow up work for consistency with other amendments to the Ag Element.

On motion by Chairperson Bruce S. Gibson, seconded by Adam Hill, to direct staff to bring back further discussion, prior to authorization, regarding processing of amendments on Nos. 1 and 2 in Exhibit A, is discussed.

Supervisor Arnold: requests 2a not be considered.

The motion maker amends his motion to direct staff to bring back further discussion, prior to authorization, regarding processing of amendments on all of the items in No. 1 and 2b in Exhibit A, with the second agreeing.

Mr. Mike Wulkan – Planning and Building: questions if the last motion includes direction to staff regarding outreach, with Chairperson Gibson stating stakeholder outreach is desired by the Board, the WRAC in particular, and clarifies the amount of outreach is at the discretion of staff, with Supervisor Ray, commenting on outreach to the ag community.

Supervisor Ray and Supervisor Arnold: outline their reasons for not supporting the motion.

The Board directs staff to bring back further discussion, prior to authorization, regarding processing of amendments on all of the items in No. 1 – Protecting Agricultural Water Supplies and 2 – As Directed by Board – Protecting Agricultural Water Supplies: b. Amend TDC Ordinance 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		

Mr. Caruso: questions when the Board wants staff to report back on items in the previous motion, with Chairperson Gibson responding no more than 90 days.

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.; 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. Mesa Community Alliance v. State of California Department of Parks and Recreation, et al. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

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

(SUPERVISOR FRANK R. MECHAM AND SUPERVISOR DEBBIE ARNOLD ARE NOW ABSENT.)

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.

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, March 04, 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: March 7, 2014