

Tuesday, September 09, 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:

1-26. 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 26 on the following vote is indicated for each item.

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			

Bid Opening:

- Letter transmitting plans and specifications (Clerk’s File) for Olde Towne Nipomo Park & Ride Lot, Nipomo, for Board approval and advertisement for construction bids. Bid opening date set for Thursday, October 9, 2014. District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

- Request to approve the FY 2014-15 through FY 2017-18 agreement with Brown Armstrong Accountancy Corporation in the amount not to exceed \$500,000 (\$125,000 per fiscal year) to provide professional independent auditing services. All Districts.

The Board approves as recommended by the County Administrative Officer.

- Thirty-day update on current drought conditions and related management actions for Board’s review of the continuing need for the March 11, 2014 proclamation of local emergency pursuant to Government Code section 8630. All Districts.

Mr. Eric Greening: speaks.

Mr. Mark Hutchinson – Department of Public Works and Mr. Dan Buckshi – County Administrative Officer: speak.

The Board approves as recommended by the County Administrative Officer.

- Request to appoint Will Clemens to the Oversight Board of the Successor Agency of the former City of Arroyo Grande Redevelopment Agency. District 4.

The Board approves as recommended by the County Administrative Officer.

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

5. Submittal of a resolution approving FY 2014-15 Final Budget Actions. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-227, adopted.

6. Request to approve a budget adjustment in the amount of \$123,700 to establish a maintenance project for office remodel costs associated with consolidation of the Auditor-Controller's and Treasurer-Tax Collector's offices. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

7. Request to approve Consent to Assignment and Assumption of the Site J lease agreement at the San Luis Obispo County Regional Airport from Barbara Cooper-Ferrini dba West Coast Air Service, a sole proprietorship, to West Coast Air Service LLC. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

8. Request to approve a FY 2014-15 renewal contract with Community Action Partnership of San Luis Obispo in an amount not to exceed \$290,504 to provide mental health services to youth and adults in accordance with the Mental Health Services Act and services in support of the 2011 Public Safety Realignment Implementation Plan. All Districts.

The Board approves as recommended by the County Administrative Officer.

9. Request to approve a FY 2014-15 renewal contract with San Luis Coastal Unified School District in the amount not to exceed \$90,059 under which the County will provide on-site support in addition to educationally related mental health services in the District's special education classes. Districts 2 & 3.

The Board approves as recommended by the County Administrative Officer.

10. Submittal of a resolution proclaiming September 9, 2014 as Fetal Alcohol Spectrum Disorders Awareness Day. All Districts.

Ms. Lisa Fraser – San Luis Obispo County Child Abuse Prevention Council Executive Director: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-228, adopted.

11. Request to approve a FY 2014-15 renewal contract with Sanford L. Friedlander, M.A., L.P.T., L.M.F.T. in the amount of \$491,886 to provide mental health crisis intervention services. All Districts.

The Board approves as recommended by the County Administrative Officer.

12. Request to approve renewal FY 2014-15 contracts with Coast Unified School District and San Miguel Joint Unified School District in the cumulative amount not to exceed \$95,034 to provide drug and alcohol prevention counseling services. Districts 1 & 2.

The Board approves as recommended by the County Administrative Officer.

13. Request to approve: 1) a three year renewal agreement (Clerk's File) with the California Department of Public Health for FY 2014-15 through 2016-17 in a total amount not to exceed \$2,371,527 for the

Public Health Emergency Preparedness (PHEP) program; and 2) authorize the Health Agency Director or designee to sign any amendments to the recommended agreement that do not increase the level of General Fund Support. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

14. Submittal of a resolution approving an agreement establishing Restrictions and Obligations for real property adjusted by Lot Line Adjustment COAL 13-0098 with Stephen B. Samerjan, III, Trustee of the Lifetime Benefit Trust. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-229, adopted.

15. Submittal of a resolution to approve an Avigation Easement from JLK Commercial LLC, a California Limited Liability Company, for the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-230, adopted.

16. Request to authorize the use of Alternative Publication Procedures for the Fall 2014 General Plan Amendment Cycle. All Districts.

The Board approves as recommended by the County Administrative Officer.

17. Request to approve a renewal agreement with Economic Vitality Corporation (EVC) in the amount of \$148,775 to implement the San Luis Obispo County Clusters of Opportunity Economic Strategy. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Probation:

18. Request to accept \$50,000 in Recidivism Reduction Grant Program funds from the Board of State and Community Corrections. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

19. Submittal of bid opening report for South Higuera Street Rehabilitation Project, San Luis Obispo County, to award the subject contract to Souza Construction, Inc., the lowest responsible bidder, in the amount of \$195,977. District 3.

The Board approves as recommended by the County Administrative Officer.

20. Request to amend the FY 2014-15 Fixed Asset List for Fund Center 405 – Public Works Internal Service Fund (ISF) in the amount of \$10,000, and to purchase one All-Terrain Vehicle (ATV). All Districts.

The Board approves as recommended by the County Administrative Officer.

21. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Sidewalk Improvements for Crocker Street in Templeton. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-231, adopted.

22. Submittal of a resolution vacating a portion of River Street, a paper street, and the east half of the Alley Way in Block 56 by Summary Vacation, and finding that the project is exempt from section 21000

et seq. of the California Public Resources Code (CEQA), in the unincorporated community of Oceano. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-232, adopted.

23. Request approval of Parcel Map CO 05-0190, a proposed subdivision resulting in 2 lots by Daniel and Thomas Herlihy and reject the offer of dedication for slope easement, Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer.

24. Request to: 1) approve and execute, subject to phased notices to proceed, a sole source agreement for professional engineering services with Cannon in the amount of \$86,810 for final design of the County Service Area No. 23 (CSA 23 - Santa Margarita)/Atascadero Mutual Water Company /Garden Farms Community Water District Emergency Intertie Project; and 2) authorize the Public Works Director to sign future amendments to the agreement. District 5.

The Board approves as recommended by the County Administrative Officer.

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

25. Submittal of a resolution to continue emergency contracting for Nacimiento Water Pipeline repairs and continue the authorization of the Director of Public Works to execute contracts up to \$425,000. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-233, adopted.

Consent Agenda - Sheriff - Coroner Items:

26. Request to approve a contract with DataWorks Plus, LLC, in the amount of \$50,000 from CAL-ID funds to purchase a booking photograph repository system. All Districts.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

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

Mr. Craig Mesman – Hope’s Village of San Luis Obispo: speaks to their need for land to proceed with their project.

Dr. C. Hite: comments on the recent request for an update on the Los Osos Wastewater Project and various housing issues in Los Osos.

Mr. Eric Greening: speaks to the Chorro Valley Intertie alternative analysis; and the September 15, 2014 deadline for comments on the Negative Declaration for the Huckfest event.

Mr. Dane Senser: addresses concerns regarding the money used to build a homeless shelter; refers to two articles regarding tiny homes built to help homeless; and discusses the latest “Shredder” column in the SLO New Times.

Mr. David Weisman - Alliance for Nuclear Responsibility: speaks to a recent article regarding the redacted tsunami study by Nuclear Regulatory Commission (NRC) at the Diablo Canyon Power Plant site; and requests this study be publically released.

Chairperson Gibson: states he and Supervisor Hill submitted a letter to the NRC requesting the report be made public as well as more information regarding Dr. Michael Peck’s professional opinion on this

issue.

Mr. Ben DiFatta: speaks to the interruption during his public comments last week regarding a matter involving the City of Arroyo Grande, with Chairperson Gibson, stating that is not within the Board's purview. Further, Mr. DiFatta comments on Assembly Bill (AB) 194.

Mr. Bud Newman: discusses he is working on legislation called "American California Emergency Contingency Clause" to allow people to reside in their vehicles with property owner approval.

Ms. Julie Tacker: speaks to the upcoming "Hobo" event and the comments made by Board Members on this matter.

Ms. Linde Owen: addresses Chairperson Gibson's comments to Mr. DiFatta; speaks to a recent article in the Tribune regarding future growth in Los Osos; and the need to install metering on all private wells.

Mr. Gary Kirkland: discusses the commodity market and wheat growing.

Mr. Richard Margetson: commends Supervisor Arnold's request for an update on the LOWWP; and speaks to the Water Conservation Program in Los Osos.

Ms. Linda Seally and Ms. Elizabeth Brouse - San Luis Obispo Mother's for Peace: thank Chairperson Gibson and Supervisor Hill for the letter they submitted to the NRC; encourages a letter be sent on behalf of the entire Board; and comments on the "precautionary principle."

Ms. Jeanne Blackwell: speaks to recent articles addressing hydraulic fracking and presents photographs regarding this matter. **No action taken.**

Board Business:

- 28. Submittal of a resolution commending the Save Cayucos Pier Committee, acceptance of a \$235,000 donation from Save Cayucos Pier Committee for pier reconstruction and lighting, and approval of a corresponding budget adjustment to move donation funds into the Cayucos Pier Restoration project. District 2

RESOLUTION NO. 2014-234, a resolution commending the Save Cayucos Pier Committee for their commitment to the community in raising funds for the Cayucos Pier Restoration Project, adopted.

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			

Mr. Greg Bettencourt: speaks.

Chairperson Gibson: opens the floor to public comment.

Ms. Pandora Nash-Karner – Parks and Recreation Committee Chairperson: speaks.

The Board accepts a \$235,000 donation from the Save Cayucos Pier Committee to assist in funding the Cayucos Pier Restoration project and Cayucos Pier lighting and approves a Budget Adjustment in the amount of \$235,000 to Fund Center 230 for the Cayucos Pier Restoration project.

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			

29. Request by Chairperson Bruce Gibson to discuss and appoint one of three applicants to the Airport Land Use Commission: Eric Schaefer, Michael Cripe or Robert Tefft. All Districts.

Supervisors Hill and Arnold: state they have conducted interviews for all (3) three applicants and recommend appointing Mr. Cripe.

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

The Board appoints Michael Cripe to fill the vacancy left by Larry Cooper on the Airport Land Use Commission. The new appointee's term will expire May 1, 2017.

Motion by: Adam Hill

Second by: Debbie Arnold

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:

30. Hearing to consider a resolution to establish Underground Utility District No. 31 along San Luis Street between San Rafael Street and First Street in Avila Beach and finding that the District is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 3.

Chairperson Gibson: opens the floor to public comment.

Mr. John Wallace: speaks.

RESOLUTION NO. 2014-235, a resolution establishing Underground Utility District No. 31 along San Luis Street between San Rafael Street and First Street in the town of Avila Beach Supervisorial District No. 3, adopted. Furthermore, the Board finds that the District is exempt from Section 21000 et seq. of the California Public Resources Code California Environmental Quality Act (CEQA).

Motion by: Adam Hill

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			

31. Hearing to consider a resolution to establish Underground Utility District No. 32 along South Bay Boulevard between Turri Road and Morro Bay city limits north of the Town of Los Osos and approve a Memorandum of Understanding with the City of Morro Bay to identify the project management authority for the portion of Utility District No. 32 located within the Morro Bay City Limits and finding that the District is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 2.

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

RESOLUTION NO. 2014-236, a resolution establishing Underground Utility District No. 32 along South Bay Boulevard between Turri Road and Morro Bay City limits North of the town of Los Osos Supervisorial District No. 2, adopted. Furthermore, the Board approves a Memorandum of Understanding with the City of Morro Bay to identify the project management authority for the portion of Utility District No. 32 located within the Morro Bay City Limits; and finds that the District is exempt from Section 21000 et seq. of the California Public Resources Code California Environmental Quality Act (CEQA).

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			

Closed Session Items:

32. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Gov. 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 (Gov. Code, section 54956.9(a).) (Formally initiated) 1. Barrette v. State of California, et al.

(Added Closed Session Items, per the Addendum to the Agenda. 1. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION (Government Code, section 54956.9). Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9. No. of potential cases: 1. Initiation of litigation pursuant to paragraphs (4) of subdivision (d) of Section 54956.9. No of potential cases: 1. 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 employee organizations: 2. SLOCEA-Trades and Crafts; 3. SLOCEA-Public Services, Supervisors, Clerical; and 4. ASLOCDs. 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.

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. Presentation of options for an ordinance regulating the exportation of groundwater. All Districts.

Supervisor Arnold: presents an article titled “Merced County landowners try to sell groundwater”.

Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening; Mr. George White; Mr. Greg Greywall (handout); Ms. Julie Tacker; Mr. Ted Gilbert; Ms. Della Barrett; Mr. Allen Duckworth; Mr. Bill Pelfrey; Mr. Doug Fillipponi; Ms. Susan Harvey – North County Watch; Mr. Andrew Chrstie – Sierra Club Santa Lucia Chapter; and Mr. Bill Grant: speak.

The Board directs staff to prepare an ordinance that defines “groundwater export” as: "Extraction of groundwater underlying county for use outside county boundaries or for use outside of the basin from which it was extracted (county and basin based)” as described in item 3. in the staff report, page 3 of 7 and as summarized in item c) in the staff report, page 4 of 7; that includes the exemptions listed on page 4 of 7 in the staff report, as well as an exemption for certain de minimis exports, defined as the

export of 1/2 an acre foot or less per year; that contains the required permit findings and conditions outlined in the staff report on page 5 of 7; that provides for a publicly noticed administrative hearing as part of the permitting structure. Further, the Board emphasizes the following regarding the provisions of the ordinance dealing with required findings and conditions: the issuance of any export permit shall be based on strong findings of no harm; staff should develop appropriate guidelines for assessing the required findings; permit conditions should include required metering, monitoring, and reporting of the amounts of water exported pursuant to any permit on a regular basis. The Board directs that the ordinance contain a fixed permit term tentatively set at one year, with the option to re-apply after expiration of the one year term, and that the permit should not run with the land in perpetuity as the Board does not want to create a permanent right to export through the issuance of these permits and entitlements; that the ordinance include a section regarding violations/penalty for violations for the ordinance as discussed on page 6 of 7 of the staff report; that the ordinance establish a sunset clause—the ordinance will sunset after (tentatively 5 years) unless extended by the Board. The Board further directs staff to conduct outreach to the Water Resources Advisory Committee (WRAC), Ag Liaison Board, Paso Robles Basin Advisory Committee, and any other appropriate outreach to affected stakeholders. Furthermore, the Board discusses returning back as expeditiously as possible with the introduction of an ordinance.

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, September 09, 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: September 15, 2014