

Tuesday, October 28, 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:

1-16. 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 16 on the following vote is indicated for each item.

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			

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

1. Submittal of a report of the Annual Fiscal and Compliance Review of establishments subject to the County Transient Occupancy Tax Ordinance and San Luis Obispo County Tourism Business Improvement District assessment for calendar year 2013. All Districts.

The Board approves as recommended by the County Administrative Officer.

2. Submittal of a Gallina LLP Independent Accountant's Report on the County Treasury's cash balance and accountability as of June 30, 2014. All Districts.

The Board approves as recommended by the County Administrative Officer.

3. Request to approve an interim year solid waste rate adjustment of 2.0% for all unincorporated areas receiving garbage hauling services provided by Mission Country Disposal. District 2.

Mr. Richard Margetson: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

4. Request to re-appoint Linda Peterman to the Santa Margarita Public Cemetery District. District 5.

The Board approves as recommended by the County Administrative Officer.

5. Request to approve an agreement with the Los Osos Community Advisory Council allocating \$1,698 from District Two Community Grant Funds – Fund Center #106 to be used for expenses associated with holding monthly public advisory council meetings during FY 2014-15. District 2.

The Board approves as recommended by the County Administrative Officer.

6. Request to appoint Art Herbon to the Citizen's Transportation Advisory Committee as a District 4 representative. District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

7. Request for the Board of Supervisors to make appointments in-lieu of election. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

8. Request to approve a five year contract with Rocky Mountain Recreation Company for the management of the Santa Margarita Lake Marina concession operations. District 5.

The Board approves as recommended by the County Administrative Officer.

9. Request to approve a lease agreement with Robert B. Fraser and Bridget O. Fraser, Trustees of the Fraser Family Trust to provide the Department of Social Services new office spaces at 600 Quintana Road in Morro Bay for a period of up to 25 years. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

10. Request to 1) approve a renewal Standard Agreement Performance Contract (Clerk's File) with the State Department of Health Care Services for FY 2014-15 delegating to the County responsibility for establishing county-wide community mental health services related to the Mental Health Services Act, Projects for Assistance in Transition from Homelessness, and Community Mental Health Services Grant, and 2) as requested by the Department of Health Care Services, grant delegation of authority to the Health Agency Director to sign the agreement and other associated documents. All Districts.

Ms. Melinda Sokolowski - Community Action Partnership of San Luis Obispo County Family Support Services Division Manager; Ms. Molly Brown; Mr. Mark Lamore - Transitions Mental Health; and Mr. Mark Hossmyer: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

11. Submittal of a resolution authorizing the Director of the Department of Planning and Building to 1) submit a grant application in the amount of approximately \$1,252,423 to the U.S. Department of Housing and Urban Development (HUD) for the Federal Fiscal Year 2014 Continuum of Care program and 2) sign the agreements necessary to participate in the program. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-283, adopted.

Consent Agenda - Public Works Items:

12. Submittal of final project plans and right of way documents accepting conveyance to the County of San Luis Obispo from Talley Farms, Inc. for the Huasna Road Repair Project, Arroyo Grande. District 4.

The Board approves as recommended by the County Administrative Officer.

13. Submittal of a resolution approving the Americans with Disabilities Act (ADA) Transition Plan Update for the Public Right-of-Way, find that the plan is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA) and designate an ADA coordinator for the Public Right-of-Way. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-284, adopted.

14. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Collection System Areas A & D Contract (ARB, Inc.) for the Los Osos Wastewater Project, Los Osos. District 2.

Mr. Eric Greening; Mr. Ben DiFatta; Ms. Julie Tacker; and Ms. Linde Owen: speak.

Mr. John Waddell – Department of Public Works: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-285, adopted.

15. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Collection System Areas B & C Contract (W.A. Rasic Construction Company, Inc.) for the Los Osos Wastewater Project, Los Osos. District 2.

Mr. Ben DiFatta; Ms. Julie Tacker; and Ms. Linde Owen: speak.

Mr. John Waddell – Department of Public Works: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-286, adopted.

Consent Agenda - Social Services Items:

16. Request to approve amendments to the bylaws of the Homeless Services Oversight Council (HSOC) to revise existing standing committees. All Districts.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

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

Ms. Julie Rodewald – County Clerk-Recorder: states today is the last day to request a ballot to be mailed; speaks to the number of returned ballots; and announces the Elections Division of the Clerk-Recorder's office will be open to the public on Saturday, November 1, 2014 and Sunday, November 2, 2014 from 9:00 AM to 1:00 PM.

Terry Madonna; Mr. Richard Bell; and Mr. David Baldwin: ask the Board to look into a local hire policy for Public Works projects.

Ms. Julie Tacker; Mr. Eric Greening; and Ms. Linde Owen: discuss the recent conduct of meetings by the Chairperson. Additionally, Mr. Greening speaks to the upcoming election and electioneering. Furthermore, Ms. Owen, comments on Los Osos.

Mr. Greg Grewall: addresses concern regarding a recent incident that occurred outside the Board Chambers.

Mr. Chuck Cesena: comments on electioneering in the Board Chambers.

Mr. Ben DiFatta: speaks to the costs of the Los Osos sewer project; and the actions by the Los Osos

Community Services District’s (LOCSD) general manager regarding a candidates’ forum.

Mr. Richard Margetson: addresses concerns regarding the behavior of the LOCSD’s Vice-Chairperson at a recent LOCSD meeting.

Upon consensus of the Board, staff is directed to look into a local hire labor agreement. **No action taken.**

Board Business:

- 18. An update on State Legislative activities by Paul Yoder and Karen Lange, Shaw/Yoder/Antwih, Inc. and Peterson Consulting, Inc. All Districts.

Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening: speaks. **No action taken.**

- 19. Submittal of a resolution endorsing the Low Reservoir Release Plan for Lopez Lake as it pertains to County Service Area 12 (Avila Valley) and finding the project exempt from section 21000 et seq., of the California Public Resources Code (CEQA). Districts 3 and 4.

Chairperson Gibson: opens the floor to public comment.

Mr. John Wallace: speaks.

RESOLUTION NO. 2014-287, a resolution endorsing policies and procedures set forth in the low reservoir response plan for the San Luis Obispo County Flood Control and water Conservation District Zone 3, adopted.

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			

- 20. Request to authorize the Interim Airports Director to submit a grant application to the Federal Aviation Administration to receive Airport Improvement Program grant funding for the construction of a new terminal at the San Luis Obispo County Regional Airport. All Districts.

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

The Board authorizes the Interim Airports Director to submit a grant application to the Federal Aviation Administration (FAA) to fund, in part, a new terminal building at the San Luis Obispo County Regional Airport.

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			

Closed Session:

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

PERSONNEL (Gov. Code, section 54957.) It is the intention of the Board to meet in closed session to:
1. Consider Public Employee Appointment for the Position of Director of Public Works.

(Closed Session Item No. 1 was inadvertently deleted, by addendum No 1 to the agenda and was re-added as Closed Session Item No. 16, by addendum No. 2 to the agenda and reads as follows:

**PERSONNEL (Gov. Code, section 54957.) It is the intention of the Board to meet in closed session to:
16. Consider Public Employee Appointment for the Position of Director of Public Works.**

Added Items to Closed Session, per addendum No. 1 to the agenda.

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. People of the State of California v. Sani, et al., 2. People of the State of California v. Welsh, et al.

CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION (Government Code, section 54956.9). 3. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9. No. of potential cases: 2. 4. Initiation of litigation pursuant to paragraphs (4) of subdivision (d) of Section 54956.9. No of potential cases: 1.

CONFERENCE WITH LABOR NEGOTIATOR (Government 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: 5. San Luis Obispo Government Attorney's Union; 6. SLOCEA-Trades and Crafts; 7. Deputy County Counsel's Association ; 8. Sheriffs' Management; 9. SLOCPPOA; 10. Deputy Sheriff's Association; 11. DAIA; 12. SLOCPMPOA; 13. SLOCEA-Public Services, Supervisors, Clerical; 14. Unrepresented Management and Confidential Employees and 15. ASLODS. Requirements of the Brown Act have been satisfied as these notices were 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: the Board unanimously voted to appoint Wade Horton as the County's Director of Public Works. An employee contract will come before the Board on the November 4, 2014 agenda for approval and Mr. Horton will begin his employment with the County on December 8, 2014. The Board goes into Open Public Session.

Board Business:

22. Request to approve a resolution establishing an Approved Water Conservation Program for new irrigated agriculture in the Paso Robles Groundwater Basin, implementing a portion of Ordinance 3246, an urgency ordinance covering new development and new irrigated agriculture overlying the Paso Robles Groundwater Basin; California Environmental Quality Act (CEQA) Exemptions Sections 15301, 15307, 15308. Districts 1 and 5.

Chairperson Gibson: opens the floor to public comment.

Ms. Jeannette Watson; Ms. Terri Strickin; Ms. Miranda Joseph; Mr. John Snyder (handout); Ms. Claire Wineman – Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties President; Ms. Cindy Steinbeck; Mr. Allen Duckworth; Mr. Mike Broadhurst – Upper Salinas Las Tablas Resources Conservation District Chairperson; Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Mr. Greg Grewall; Mr. Charlie Kleemann; Mr. Gary Kirkland; Mr. Paul Clark – Farm Bureau; Mr. Bill Pelfrey; Mr. Jerry Reaugh; Ms. Patricia Wilmore – Paso Robles Wine Country Alliance; Mr. Tom Dawson; Ms. Elsa Dawson; Ms. Claudia Salot-Engel; Ms. Sophie Treder – Treder Land Law; Ms. Bev Phifer; and Mr. Ted Gilbert: speak.

Supervisors Mecham, Arnold, and Ray: outline their concerns with approving this plan.

On motion by Supervisor Frank R. Mecham, seconded by Supervisor Debbie Arnold, to direct staff to continue this item to a date uncertain to allow time for staff to continue discussions with the RCD on this matter; gather more information on the model update, and to consider the consequences of Pavley-Dickinson's rules and regulations as they start to unfold, is discussed.

Chairperson Gibson: states direction is needed for staff on how to proceed with offsets, suggesting it be at a category 1, with motion maker responding.

Supervisor Ray: requests the motion maker amend the motion to require a legal analysis on this item before this comes back before the Board.

The motion maker amends the motion to add the request by Supervisor Ray, with the second concurring.

The Board directs staff to continue this item to a date uncertain to allow time to continue discussions with the RCD on this matter; obtain a legal analysis on this item before it comes back; gather more information on the model update; and consider the consequences of Pavley-Dickinson's rules and regulations as they start to unfold.

Motion by: Frank R. Mecham

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			

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, October 28, 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: October 28, 2014