

Tuesday, January 27, 2015

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: Bruce S. Gibson, Adam Hill, Lynn Compton, Debbie Arnold and Chairperson Frank R. Mecham

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON FRANK R. MECHAM.

Consent Agenda – Review and Approval:

1-16. This is the time set for consideration of the Consent Agenda.

Chairperson Mecham: 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: Bruce S. Gibson

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

Consent Agenda - Administrative Office Items:

1. Request for approval to accept the Federal Fiscal Year 2014 Emergency Management Performance Grant in the amount of \$182,565. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Assessor Items:

2. Request to approve a contract with Environmental Systems Research Institute, Inc. in the amount of \$465,000 for the conversion of Assessor parcel map data to Geographic Information System Parcel Data, beginning February 1, 2015 and continuing until January 30, 2017, the target completion date of the conversion. All Districts.

The Board approves as recommended by the County Administrative Officer.

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

3. Submittal of a resolution adopting the Countywide Cost Allocation Plan for FY 2015-16. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-17, adopted.

Consent Agenda - Board of Supervisors Items:

4. Request to appoint Sherri Danoff to the Water Resource Advisory Committee as a District 3 representative. District 3.

The Board approves as recommended by the County Administrative Officer.

5. Request to re-appoint Margaret Marshall to the Atascadero Cemetery District. District 5

The Board approves as recommended by the County Administrative Officer.

6. Submittal of a resolution recognizing Derby Wine Estates for being selected by the Paso Robles Chamber of Commerce for the 2014 Beautification award. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-18, adopted.

Consent Agenda - District Attorney Items:

7. Request to approve recurring contracts (Clerk's File) for \$30,533 each with the Women's Shelter Program of San Luis Obispo County and RISE San Luis Obispo County for disbursement of County Domestic Violence Program Special Fund Monies and Battered Women's Shelter Trust Account Monies. All Districts.

The Board approves as recommended by the County Administrative Officer.

8. Request to approve a FY 2014-15 through FY 2016-17 renewal contract with the California Department of Health Care Services in the amount not to exceed of \$7,459,104 to provide funding for Substance Use Disorder Services. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

9. Request to approve: 1) a FY 2014-15 through FY 2016-17 renewal contract with Aegis Treatment Centers, LLC., in an amount not to exceed \$1,001,059 per year to provide Narcotic Treatment Program services and 2) a budget adjustment in the amount of \$550,000 from unanticipated revenue to Fund Center 166-Behavioral Health. All Districts.

The Board approves as recommended by the County Administrative Officer.

10. Request to approve CY 2015 renewal contracts with: Joshua Deane, M.D.; Rose Drago, M.D.; David K. Fennell, M.D.; Gayle D. Gaines, M.D.; Enn Mannard, M.D.; and Victor Perez Preciado, M.D. in the cumulative amount not to exceed \$178,640 to provide psychiatric services for Mental Health patients. All Districts.

The Board approves as recommended by the County Administrative Officer.

11. Request to approve: 1) a grant award from the Substance Abuse and Mental Health Services Administration for a four year Behavioral Health Treatment Court Collaborative program in the amount of \$1,392,568; 2) a corresponding budget adjustment in the amount of \$268,738 from unanticipated revenue to Fund Center (FC) 166 – Behavioral Health; and 3) a related resolution amending the Position Allocation List for FC 166 to add Limited Term positions of 1.0 FTE Mental Health Therapist IV, a 1.0 FTE Drug and Alcohol Services Specialist II, and a .50 FTE Administrative Assistant III. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-19, adopted.

Consent Agenda - Planning & Building Items:

12. Submittal of resolution approving and accepting an Open-Space Agreement granting an Open-Space Easement for Major Grading Permit PMT2014-00151 with Charles Raymond Grove and Stacey L. Eldridge. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-20, adopted.

Consent Agenda - Public Works Sitting as Flood Control District:

13. Submittal of a resolution concluding emergency contracting for Nacimiento Water Pipeline repairs. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-21, adopted.

14. Request to approve an agreement with ECORP Consulting, Inc., in the amount of \$210,062, for hydrogeologic services for the Lopez Water Project Habitat Conservation Plan. Districts 3 and 4.

Mr. Eric Greening and Mr. Jeff Edwards: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Sheriff - Coroner Items:

15. Submittal of a resolution to: 1) amend the Position Allocation List in Fund Center 136 - Sheriff-Coroner to add 1.00 FTE Department Automation Specialist II; 2) authorize a budget adjustment in the amount of \$37,223 using Cal ID funds as the financing source and increase Salary (\$35,223) and Services and Supplies (\$2,000) appropriations. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-22, adopted.

Consent Agenda - Social Services Items:

16. Request to approve a resolution to amend the Position Allocation List for Fund Center 180 – Social Services Administration to add 17.75 FTE in various classifications and eliminate 1.0 FTE Administrative Services Officer II in order to support implementation of changes to various programs, as directed by State and Federal legislation; and request to authorize a corresponding budget adjustment in the amount of \$518,730 from State and Federal sources to increase salary appropriation to cover the cost of these positions for the remainder of the fiscal year.

(This item was withdrawn from the agenda, per the addendum to the agenda, due to a recent court ruling. All requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

The Board withdraws this item from the agenda.

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.

Mr. Eric Greening: speaks to a recent meeting by Mother's for Peace regarding nuclear power plants; and suggests a study session on local emergency response plans.

Ms. Jeanne Blackwell: comments on the Board's Mission Statement; and the need for ban on countywide well stimulation.

Ms. Lucille Craig: requests the Board consider Laura's Law; and support the proposed mental health treatment center in Templeton.

Ms. Ben DiFatta and Ms. Linde Owen: discuss various water issues in Los Osos.

Ms. Julie Tacker: speaks to the latest Watchdog Report in the Telegram Tribune titled "e-mail policies limit the public's ability to monitor local governments"; and concerns regarding the County's process on public record e-mail requests.

Mr. Randy Harris - Central Coast Commission for Senior Citizens, Board of Directors Treasurer: announces upcoming listening sessions for the senior community.

Mr. Terry Madonna - Plumber and Pipe Fitters and Mr. David Baldwin - Tri-County Build and Trades President: discuss the need for a local hire agreement for Public Works Department projects.

Mr. Greg Grewall: comments on the Board's reorganization.

Mr. Chuck Cesena: speaks to the upcoming Los Osos Wastewater Project (LOWWP) and Water Conservation Program update.

Ms. Rita Neal - County Counsel: states her office has been doing research on project labor agreements and will be bringing a presentation to the Board.

Mr. Dan Buckshi - County Administrative Officer: discusses the status on the proposed mental health treatment facility in Templeton; and states the Board's reorganization will come back on Tuesday, February 3, 2015.

Supervisors: address Laura's Law and issues regarding salt water intrusion, with Mr. Buckshi responding. **No action taken.**

Hearings

- 18. Hearing to consider sidewalk repair assessments of specific properties within the Creekside Ranch Subdivision in accordance with Section 5618 of the Streets and Highway Code, and adopt a resolution confirming report of Superintendent of Streets for sidewalk repairs in the Creekside Ranch and approving Agreements for Release of Lien, Templeton. District 1.

Mr. Don Spagnolo – Department of Public Works: replaces Page 5 of 5 of the resolution and Page 4 of 5 of the staff report to correct the number of affected properties that have returned the release of lien agreement.

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

The Board holds a public hearing to consider the Superintendent of Street report of sidewalk repairs and objections or protests by property owners liable for assessment of reimbursement costs associated with work performed by the Department of Public Work in repairing sidewalks; replaces Page 5 of 5 of the resolution and Page 4 of 5 of the staff report to correct the number of affected properties that have returned the release of lien agreement; and RESOLUTION NO. 2015-23, a resolution confirming report of Superintendent of Streets for sidewalk repairs in the Creekside Ranch and approving Agreements for release of lien, adopted as amended. Furthermore, the Board directs the Clerk to record the resolution and release of lien agreements.

Motion by: Frank R. Mecham

Second by: Debbie Arnold

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

- 19. Hearing to consider resolutions authorizing the formation of a zone of benefit within County Service Area (CSA) 21 for road improvements and to call a special tax election for Leonard Place in the community of Cambria. District 2.

Chairperson Mecham: opens the floor to public comment.

Mr. Bruce Fosdike and Mr. Don Duron: speak.

RESOLUTION NO. 2015-24, a resolution creating a zone for road improvements within the San Luis Obispo County Service Area No. 21 for Leonard Place; and RESOLUTION NO. 2015-25, a Mail-Ballot Election - County Service Area No. 21, Road Improvement Zone – Leonard Place, a resolution calling for a special election in the Road Improvement Zone – Leonard Place of County Service Area No. 21 of San Luis Obispo County, for the purpose of submitting to the voters of the zone a measure for imposition of a special tax for road improvement services, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

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

- 20.** Hearing to consider an appeal by Betsy Brown of the Planning Commission’s approval of a request by PG&E / Portnoff Trust for a Conditional Use Permit (DRC2014-00006) and associated Mitigated Negative Declaration to allow for the construction of a new 100’ tall lattice communications tower including associated antennas and ground equipment. The proposed project is located at 1945 Adelaida Road, approximately 1.3 miles west of Paso Robles, in the Adelaida sub-area of the North County planning area. District 1.

Ms. Betsy Brown – Appellant; Ms. Cheryl Armstrong - Appellant’s representative; and Mr. John Shoals – PG&E, Applicant: speak.

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

Ms. Armstrong; Ms. Brown; and Mr. Kris Vardas and Mr. Gary Long – Applicant’s representatives: provide closing statements.

The Board amends Exhibit B – Conditions of Approval, under Electric and Magnetic Fields, No. 16, by adding the following sentence: “This shall include correcting any electronic interference caused by the PG&E facility consistent with federal law.”; and under Noise, No. 17, by removing the first sentence that reads: “The proposed PG&E facility shall be operated to ensure noise generated is not audible from adjacent parcels.” Further, the Board denies the appeal filed by Betsy Brown and RESOLUTION NO. 2015-26, a resolution affirming the decision of the Planning Commission and conditionally approving the application of PG&E and Portnoff Trust for Conditional Use Permit DRC2014-00006, adopted as amended. Furthermore, the Board approves the Mitigated Negative Declaration.

Motion by: Frank R. Mecham

Second by: Debbie Arnold

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

Closed Session Items:

- 21.** 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. Paso Robles Water Integrity Network v. County of San Luis

Obispo, et al.; 2. Los Osos Community Services District v. Golden State Water Company, 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: 2

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.

Ms. Rita Neal – County Counsel: states they will not be going into Closed Session today.

Hearing:

22. Hearing to consider adoption of an ordinance repealing and replacing Chapter 6.48 of the County Code (Cable TV Franchises) to conform with State video franchising laws. All Districts.

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

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3284, an ordinance of the County of San Luis Obispo repealing and replacing existing County Code Chapter 6.48 with new Chapter 6.48 to conform with State video franchising laws, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

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

Board Business - Public Works - Board Sitting as Flood Control District

23. Discussion of Paso Robles Basin Water District Formation and Consideration of District Formation Topics. Districts 1 and 5.

Chairperson Mecham: opens the floor to public comment.

Mr. Eric Greening; Mr. John Neil – Paso Basin Advisory Committee Chairperson and Atascadero Mutual Water Company; Mr. Grigger Jones; Mr. David Martin; Mr. Tom Mora; Mr. Jeff Briltz - Templeton Community Services District (CSD); Ms. Tina Mayer – Templeton CSD (letter); Mr. Gregory Egger; Ms. Cindy Steinbeck; Ms. Laurie Gage; Ms. Roberta Fonzi - Atascadero City Council Member; Mr. Jim Patterson; Mr. Greg Grewal; Mr. Jerry Reaugh – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) Chairperson; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Ms. Gwen Pelfrey; Ms. Susan Harvey – North County Watch (article); Ms. Patricia Wilmore - Paso Basin Advisory Committee Vice-Chairperson; Dr. Mary Winfree; Ms. Andrea Seastrand; Mr. Bill Pelfrey; Ms. Jeannette Watson; Mr. Robert Brown; and Mr. Michael Baugh: speak.

Mr. David Church – Local Agency Formation Commission (LAFCO) Executive Officer: speaks.

The Board reviews and discusses the Water District boundaries:

The Board directs staff to exclude the Atascadero Subbasin from the Water District boundaries and to designate it as a (positive) Sphere of Influence.

Motion by: Frank R. Mecham

Second by: Debbie Arnold

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

The Board reviews and discusses the Water District powers:

The Board directs staff to bring back the authorized powers with a comparison analysis between the powers of AB 2453 and Pavley-Dickinson; and to look into what it means to not undermine the powers of the County.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

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

The Board reviews and discusses Mechanism to fund the Water District:

The Board continues the mechanism to fund the Water District until further analysis is prepared on the property related fees and special tax fees.

Motion by: Frank R. Mecham

Second by: Adam Hill

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

The Board reviews and discusses the Water District formation process schedule:

The Board directs staff to bring back the formation process schedule within a target timeframe of 90 days.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

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

The Board of the San Luis Obispo County Flood Control and Water Conservation District: receives a status update on the preparation of the Paso Robles Basin Water District (Water District) formation application and Local Agency Formation Commission (LAFCO) application requirements; and approves the motions above regarding the Water District boundaries, powers, funding mechanisms,

and timing.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

SUPERVISORS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Mecham, Frank R. (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Gibson, Bruce S. (Board Member)	x			
Compton, Lynn (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, **TOMMY GONG**, 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 27, 2015, 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.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: March 24, 2015