

Tuesday, February 10, 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: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton and Chairperson Debbie Arnold

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.**

**Consent Agenda – Review and Approval:**

**1-11.** This is the time set for consideration of the Consent Agenda.

**Chairperson Arnold:** opens the floor to public comment.

The action taken for Consent Agenda items 1 through 11 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

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

**Bid Opening:**

- Letter transmitting plans and specifications (Clerk’s File) for San Miguel Gateway and Pedestrian Enhancements, San Miguel for Board approval and advertisement for construction bids; and find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Bid opening date set for Thursday, March 12, 2015. District 1.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Administrative Office Items:**

- Request by the San Luis Obispo County Tourism Business Improvement District (CBID), to appoint James Bahringer to the Cambria Local Area Advisory Board. District 2.

**The Board approves as recommended by the County Administrative Officer.**

- Request to re-appointment Martin Settevendemie as the County Agricultural Commissioner/Sealer of Weights and Measures. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Board of Supervisors Items:**

- Request to appoint Steve Yamaichi as one of the Board's representatives to the Citizens Advisory Committee at the California Men's Colony. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

- Request to re-appoint Connie O'Henley as a District 4 representative to the Parks and Recreation Commission. District 4.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Health Agency Items:**

6. Request to approve an amendment to the contract with Hani Boutros, M.D. for calendar year 2015 to extend the contract through June 30, 2015 to provide medical services to Mental Health patients. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Human Resources Items:**

7. Submittal of a resolution approving: 1) the July 1, 2014 – June 30, 2016 Memorandum of Understanding (MOU) between the County of San Luis Obispo and the San Luis Obispo County Employees' Association (SLOCEA) Trades, Crafts, and Services Unit (BU02); and 2) amendments to the San Luis Obispo County Employees Retirement Plan Appendices. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-36, adopted.**

**Consent Agenda - Planning & Building Items:**

8. Submittal of Amendment #1 to the contract with Rincon Consultants, Inc. for consultant services to prepare an Environmental Impact Report for the San Miguel Community Plan in the amount of \$105,582. District 1.

**The Board approves as recommended by the County Administrative Officer.**

9. Request to authorize the use of Alternative Publication Procedures for the Spring 2015 General Plan Amendment Cycle. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

10. Submittal of a resolution authorizing execution of the notice of completion and acceptance of construction for the South Higuera Street Rehabilitation Project near San Luis Obispo. District 3.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-37, adopted.**

**Consent Agenda - Social Services Items:**

11. Request to approve a resolution to amend the Position Allocation List for Fund Center 180 – Social Services Administration to add 11.75 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 \$378,992 from State and Federal sources to increase salary appropriation to cover the cost of these positions for the remainder of the fiscal year. All districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-38, adopted.**

**Public Comment Period:**

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

on the agenda.

**Mr. Alan Alward (map); Mr. Jeremiah Obrien (document); and Mr. Eric Greening:** speak to the proposed marine sanctuary in Morro Bay. Additionally, Mr. Greening comments on the process for putting items on the agenda.

**Ms. Julie Tacker; Ms. Linde Owen; Mr. Dane Senser; Dr. C. Hite; Mr. Ben DiFatta; and Mr. Bill Pelfrey:** address various comments and concerns relating to the Board's reorganization and a recent newspaper editorial by a Supervisor. Additionally, Mr. Senser speaks to various incidents of violence. Mr. Pelfrey comments on the private property rights and need for the Board to listen to the public.

**Ms. Jeannette Watson:** presents and discusses a photograph of bladder dams in Orange County.

**Ms. Tom Dawson:** encourages the Board to take another look at Todd Engineering report for the Paso Robles Groundwater Basin.

**Mr. John Waddell:** presents a powerpoint presentation announcing a Los Osos Wastewater Project (LOWWP) Public Forum on February 25, 2015 at the Los Osos Middle School.

**Ms. Cindy Steinbeck:** speaks to an email by Paavo Ogren and Supervisor Gibson regarding discussion on the Paso Robles Groundwater Basin.

**Mr. Gary Kirkland:** discusses a Supervisor's request to amend the Board's Rules of Procedures regarding Supervisors placing items on the agenda.

**Ms. Laura Mordaunt:** comments on importance and the use of solutions and ideas that members of the public address to the Board.

**Supervisor Mecham:** requests the Board reconsider agendaing the possibility of an Ag Offset Ordinance, with Board Members, Ms. Rita Neal - County Counsel, Mr. Tim McNulty – Assistant County Counsel responding.

**On motion by Supervisor Frank R. Mecham, to bring back a discussion regarding Ag Offsets and the emergency ordinance, with options, on a future agenda, is discussed.**

**The motion maker withdraws his motion.**

**The Board directs staff to agendaize a discussion regarding the proposed marine sanctuary.**

#### **Board Business:**

- 13.** Consideration of the County's 2015 State Legislative Platform. All Districts.

**(This item was withdrawn, per the addendum to the agenda. This item is tentatively scheduled on Tuesday, February 24, 2015.)**

#### **Hearings:**

- 14.** Hearing to consider a resolution approving and ordering the annexation of territory to Zone A of San Luis Obispo County Service Area No. 7 (Oak Shores), without an election, and finding the project to be exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 1.

**Mr. Doug Rion - Department of Public Works:** clarifies a typographical error in Recommendation No. 3 to correct the Public Resources Code Section to read "21000" not "2100."

**Clerk:** reports no written protests were received.

**Chairperson Arnold:** opens the floor to written protests and public comment, without response.

**The Board conducts the public hearing for the annexation of territory to Zone A of San Luis Obispo**

**County Service Area No. 7 (Oak Shores); finds that there is no majority protest within the proposed annexation area; and RESOLUTION NO. 2015-39, a resolution approving and ordering annexation of territory to Zone A of the San Luis Obispo County Service Area No. 7 (Oak Shores) without an election (acting on behalf of San Luis Obispo County Services Area No. 7), adopted. Furthermore, the Board finds that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA).**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

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

**The Board directs staff to bring back an item to revisit the Water Offset Program with no limitations to the discussion.**

**Motion by:** Adam Hill

**Second by:** Bruce S. Gibson

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

**Hearings**

- 15. Hearing to determine the extent of the “vested rights” of claimants Negranti & Sons and Mainini Management Company LLC to conduct surface mining and quarrying at the mine known as the Cayucos Pit and /or the Whale Rock Pit (CA Mine ID # 91-40-0010), located approximately 4,000 feet northeast of the intersection of Montecito Road and Old Creek Road, pursuant to Public Resources Code section 2776. This item was continued from November 25, 2014. District 2.

**Clerk:** swears in all persons intending to present statements of fact.

**Supervisor Compton:** states for the record that she has listened to all the prior hearings on this matter.

**Mr. Brad Johnson, Applicant’s representative:** presents a powerpoint presentation and presents a revised resolution for the Board’s consideration.

**Chairperson Arnold:** opens the floor to public comment without response.

**On motion by Supervisor Bruce S. Gibson, to approve staff recommendations, dies for a lack of a second.**

**On motion by Supervisor Compton, to approve the revised resolution presented by the Applicant’s representative, Mr. Johnson, is discussed.**

**Ms. Rita Neal – County Counsel:** recommends one change to the resolution presented by Mr. Johnson, on page 3 of 6, Section 7 (c), by removing the third sentence.

**The motion maker amends the motion to remove the third sentence of the revised resolution as recommended by Counsel, with Supervisor Frank R. Mecham seconding the amended motion.**

**Supervisor Gibson:** outlines why he will not support the motion.

The Board amends the revised resolution presented by Mr. Brad Johnson, Applicant’s representative, on Page 3 of 6, Section 7 (c), by removing the third sentence that reads “The reclamation plan that the County subsequently approved pursuant to SMARA is not relevant to determining the geographic extent of the Whale Rock Quarry vested mining rights.” Furthermore, RESOLUTION NO. 2015-40, a resolution determining the scope and nature of established vested rights for the mine known as the Cayucos Pit and/or Whale Rock Quarry (CA Mine ID # 91-40-0010), adopted as amended.

**Motion by:** Lynn Compton  
**Second by:** Frank R. Mecham

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

**Closed Session:**

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

CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION (Government Code, section 54956.9).  
 1. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9. No. of potential cases: 2.  
 2. 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: 3. San Luis Obispo Government Attorney’s Union; 4. SLOCEA-Trades and Crafts; 5. Deputy County Counsel’s Association; 6. Sheriffs’ Management; 7. SLOCPPOA; 8. Deputy Sheriff’s Association; 9. DAIA; 10. SLOCPMPOA; 11. SLOCEA-Public Services, Supervisors, Clerical; 12. Unrepresented Management and Confidential Employees; and 13. ASLODS.

**Chairperson Arnold:** opens the floor to public comment without response.

**Supervisor Mecham is 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.

**Presentations**

17. Submittal of a resolution proclaiming February 2015 as "National Meat Month" in San Luis Obispo County. All Districts.

**Ms. Susan Cochran - CattleWoman’s Association President:** speaks.

**Chairperson Arnold:** opens the floor to public comment without response.

**RESOLUTION NO. 2015-41, a resolution proclaiming February 2015 as National Meat Month in San Luis Obispo County, adopted.**

**Motion by:** Bruce S. Gibson  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			

Compton, Lynn (Vice Chairperson)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

18. Submittal of a resolution acknowledging the contributions made by the Morro Bay Friends of the Library and the community for the newly renovated Morro Bay Library and announcing the grand opening celebration set for March 1, 2015 from 2-4pm. District 2.

**Mr. Chris Barnickel – County Library Director and Mr. Robert Davis – Morro Bay Friends of the Library:** speak.

**Chairperson Arnold:** opens the floor to public comment without response.

**RESOLUTION NO. 2015-42, a resolution recognizing the Morro Bay Friends of the Library and the community of Morro Bay for their contributions to the newly renovated Morro Bay Library at 625 Harbor Street, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

**Hearings:**

19. Submittal of a resolution declaring the intention to establish the San Luis Obispo County Tourism Marketing District (TMD) within the County of San Luis Obispo, levy an assessment on lodging businesses within such district, and fix the time and place of public meetings regarding the establishment of the district. All Districts.

**Ms. Nikki Schmidt – Administrative Office:** presents updated Streets and Highways Codes and an amended resolution to correct the name of the district in Section 6 to read “San Luis Obispo County Tourism Marketing District (TMD)” not “San Luis Obispo County Tourism Improvement District (TMD)”.

**Ms. Stacie Jacobs and Mr. Chuck Davis – Visit San Luis Obispo County:** present a powerpoint presentation.

**Chairperson Arnold:** opens the floor to public comment.

**Mr. Mike Hauchett; Mr. Mike Manchak; Mr. Ed Waage; Mr. Clint Pearce; Mr. Charlie Yates; Ms. Amanda Diefenderfer; Ms. Noreen Martin; Ms. Suzen Brasile; Mr. Terence Concannon; and Mr. John Summer:** speak.

**On motion by Supervisor Adam Hill, seconded by Supervisor Lynn Compton, to approve staff recommendations, is discussed.**

**Supervisor Gibson:** addresses concerns approving staff recommendations without amending the section in the Management District Plan regarding appointments and terms.

**The motion maker amends the motion by amending the Management District Plan, Page 11 of 56, under Board of Directors, by removing the words “be self elected” from the second sentence; and by adding a new section under the fourth bullet point, that reads as follows: The Board of directors shall be selected as follows: (bullet point) One lodging business representative from each of the cities shall be appointed by the respective jurisdiction’s City Council or tourism organization, as each city determines. (bullet point) One lodging business representative shall be appointed by the County Board of Supervisors. (bullet point) One additional representative at-large shall be appointed by the County Board of Supervisors. (bullet point) Nominations shall be sought from the assessed lodging businesses for the remaining six seats. Nominations to will be verified by the nominating committee and a slate provided to the Board of Directors for election. The slate will take into**

consideration the requirement for various business types. The Board of Directors shall serve for staggered three-year terms. The initial Board shall serve for terms of one, two, or three years. At the initial meeting, each director shall draw lots to determine their term. Approximately one-third of the initial board shall serve for a one-year term, one-third for a two-year term, and one-third for a three-year term, with the second concurring.

The Board amends the Management District Plan, Page 11 of 56, under Board of Directors, by removing the words “be self elected” from the second sentence; and by adding a new section under the fourth bullet point, that reads as follows: The Board of directors shall be selected as follows: (bullet point) One lodging business representative from each of the cities shall be appointed by the respective jurisdiction’s City Council or tourism organization, as each city determines. (bullet point) One lodging business representative shall be appointed by the County Board of Supervisors. (bullet point) One additional representative at-large shall be appointed by the County Board of Supervisors. (bullet point) Nominations shall be sought from the assessed lodging businesses for the remaining six seats. Nominations to will be verified by the nominating committee and a slate provided to the Board of Directors for election. The slate will take into consideration the requirement for various business types. The Board of Directors shall serve for staggered three-year terms. The initial Board shall serve for terms of one, two, or three years. At the initial meeting, each director shall draw lots to determine their term. Approximately one-third of the initial board shall serve for a one-year term, one-third for a two-year term, and one-third for a three-year term. Further, the Board amends the resolution to correct the name of the district in Section 6 to read “San Luis Obispo County Tourism Marketing District (TMD)” not “San Luis Obispo County Tourism Improvement District (TMD)” and RESOLUTION NO. 2015-43, a resolution of the Board of Supervisors of the County of San Luis Obispo declaring its intention to establish the San Luis Obispo County Tourism Marketing District (TMD), declaring its intention to levy an assessment on lodging businesses within such district beginning Fiscal Year 2015-16, and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof, adopted as amended. Furthermore, the Board directs the County Clerk to mail an executed copy of the notice of proposed assessment, the resolution of intention and protest form to all lodging businesses within the proposed TMD; and publish notice of the public meeting and public hearing no less than ten (10) days prior to the date of the public meeting.

**Motion by:** Adam Hill

**Second by:** Lynn Compton

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

**Board Business:**

- 20. Submittal of the Parks and Recreation Commission's calendar year 2014 Report. All Districts

**Chairperson Arnold:** opens the floor to public comment.

**Ms. Pandora Nash-Karner:** speaks.

**Chairperson Arnold:** receives and files the Parks and Recreation calendar year 2014 Report.

- 21. Presentation by the Coastal San Luis and the Upper Salinas Las Tablas Resource Conservation Districts on resource conservation activities in the County. All Districts.

**Mr. Devin Best – Upper Salinas - Las Tablas Resource Conservation District (US-LTRCD) Executive Director and Ms. Jackie Crabb – Coastal San Luis Resource Conservation District (CSLRCD) District Manager:** provide a powerpoint presentation.

**Chairperson Arnold:** opens the floor to public comment.

**Mr. Robert Hartzell:** speaks.

The Board receives the presentation by the Coastal San Luis and Upper Salinas Las Tablas Resource Conservation Districts. **No action taken.**

**Hearings:**

- 22.** Hearing to consider an amendment to the Health and Sanitation Ordinance, Title 8 of the County Code, changing the requirements for sellers of real property within the Los Osos Groundwater Basin to retrofit plumbing fixtures with water-efficient fixtures at the time of sale. Continued from November 25, 2014. District 2.

**Chairperson Arnold:** 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. 3286, an ordinance amending Title 8 of the San Luis Obispo County Code, the Health and Sanitation Ordinance, by amending Chapter 8.91 relating to a Plumbing Fixture Retrofit Upon Sale Ordinance in the Los Osos Groundwater Basin, adopted and based on the findings in Attachment 3.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

- 23.** Hearing to consider an amendment to the Building and Construction Ordinance, Title 19 of the County Code, changing the requirements for retrofitting of plumbing fixtures in connection with additions, remodels, and new development of residential, commercial and other structures within the Los Osos Groundwater Basin. Continued from November 25, 2014. District 2.

**Chairperson Arnold:** opens the floor to public comment.

**Mr. Richard Margetson:** speaks.

**The Board adopts the ordinance and waives the reading.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

**The motion fails.**

**On motion by Chairperson Debbie Arnold, to approve the ordinance, with the omission to Section 4, is discussed.**

**Ms. Rita Neal – County Counsel:** states if changes are made to the ordinance, the ordinance will have to be re-introduced.

**The motion on the floor dies for a lack of a second.**

**On motion by Supervisor Bruce S. Gibson, to continue this item to March 10, 2015, is discussed.**

**The motion maker withdraws his motion.**

**The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3287, an ordinance amending Title 19 of the San Luis Obispo County Code, the Building and Construction Ordinance, by amending Section 19.07.042 relating to Water Conservation in the Los Osos Groundwater Basin, adopted and based on the findings in Attachment 3.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)		x		
Compton, Lynn (Vice Chairperson)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (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, February 10, 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:** February 23, 2015