

Tuesday, April 21, 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:

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

Chairperson Arnold: opens the floor to public comment.

Pulled from the Consent Agenda for Separate Action – Human Resources Items:

9. Submittal of a resolution for Management and Confidential employees, Bargaining Units (BU) 07, 08, and 11; Appointed Department Heads, BU 09; Elected Officials, BU 10; and General Management Law Enforcement, BU 16 approving an increase in compensation to address salary inequities for certain classifications within those Bargaining Units. All Districts.

District Attorney Dan Dow: speaks.

Supervisor Compton: states she will be abstaining from voting on this item.

Ms. Tami Douglas- Schatz – Human Resources Director: speaks.

The Board pulls this item from the Consent Agenda for separate action and RESOLUTION NO. 2015-98, a resolution increasing wages for employees in Bargaining Units (BU) 07- Operations & Staff Management, BU 08 - General Management, BU 09 - Appointed Department Heads, BU 10 - Elected Officials, BU 11 – Confidential Employees, and BU 16 - General Management Law Enforcement, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

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			

Consent Agenda – Review and Approval:

1-8 and 10-16. This is the time set for consideration of the Consent Agenda.

The action taken for Consent Agenda items 1 through 8 and 10 through 16 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson

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			

Items: Set for Hearing:

1. Submittal of a resolution of intention to renew the San Luis Obispo County Tourism Business Improvement District (CBID) for FY 2015-16 and set May 19, 2015 as the date of the public hearing to consider any protest to the renewal of the CBID and continued levy of assessments. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-99, adopted.

Bid Opening:

2. Letter transmitting plans and specifications (Clerk’s File) for 2014-15 Micro Surfacing, Los Osos, for Board approval and advertisement for construction bids. Bid opening date set for Thursday, May 21, 2015. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

3. Request to adopt recommended responses to the San Luis Obispo County Grand Jury's 2014-15 report “In a State of Emergency? Assessing Fire Risk in Cambria.” All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Airports Items:

4. Request to authorize the Airports Director to apply for and accept a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant in the amount of \$301,500 to fund the acquisition and installation of a new Automated Weather Observation System (AWOS) and replace the rotating beacon at the Oceano Airport. District 4.

Mr. Jeff Edwards: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Items:

5. Submittal of a resolution establishing the new classification and salary range of Capital Planning/Facilities Manager and amending the Position Allocation List (PAL) for Fund Center 113 - General Services, by adding 2.00 FTE Capital Planning/Facilities Managers and deleting 1.00 FTE Architectural Supervisor position. All Districts.

This item is amended by replacing the resolution to correct a job code that was entered incorrectly. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2015-100, adopted as amended.

Consent Agenda - Health Agency Items:

6. Submittal of a resolution required by the State to grant authority to the Behavioral Health Department to submit an application for a three year state grant, in an amount up to \$950,000, to expand and enhance services for mentally ill offenders to reduce recidivism and improve outcomes for mentally ill offenders. All Districts.

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

101, adopted.

7. Request to approve; 1) a new Allocation Agreement for Calendar Years 2015-16 with the Department of Health Care Services in an amount not to exceed \$69,772 to accept funding for Medi-Cal renewal assistance efforts, and 2) grant delegation of authority to the Health Agency Director to sign amendments to the Medi-Cal Renewal Assistance Allocation Agreement. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

8. Submittal of a resolution creating the new classifications and establish the salary ranges for Geographic Information Systems Analyst I, II, III and Senior Geographic Information Systems Analyst. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-102, adopted.

Consent Agenda - Public Works Items:

10. Submittal of a resolution establishing the 2015-16 special tax rate, and confirming the per parcel special tax amount to be placed on the 2015-16 tax roll for County Service Area No. 9, Zone I (East of Los Osos Creek). District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-103, adopted.

11. Submittal of bid opening report for the 2014-2015 Asphalt Overlay of various roads in Los Osos, to award the subject contract to CalPortland Construction, the lowest responsible bidder, in the amount of \$1,996,426. District 2.

The Board approves as recommended by the County Administrative Officer.

12. Submittal of bid opening report for the Tar Spring Creek Bridge on Branch Mill Road, Arroyo Grande, to award the subject contract to R. Burke Corporation, the lowest responsible bidder, in the amount of \$1,999,148. District 4.

The Board approves as recommended by the County Administrative Officer.

13. Submittal of a resolution commending Tim Huntington upon his retirement after 36 years with the County of San Luis Obispo. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-104, adopted.

14. Submittal of a resolution authorizing the Director of Public Works to apply for grant funding for a Conceptual Regional Wastewater Facility Assessment with Camp Roberts through the Department of Defense Office of Economic Adjustment for the Joint Land Use Study (JLUS); and authorize a budget adjustment, in the amount of \$44,059, from unanticipated grant revenues to Fund Center 201 - Services to Special Districts. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-105, adopted.

Consent Agenda - Public Works Sitting as Flood Control District:

15. Request to appoint David Romero as a member to the Zone 9 Advisory Committee of the Flood Control and Water Conservation District. Districts 2, 3, 4 and 5.

The Board approves as recommended by the County Administrative Officer.

16. Submittal of a resolution to levy assessment for costs of San Luis Obispo County Flood Control and Water Conservation District, Zone 16 (drainage basins of various subdivision tracts in Nipomo, San Miguel, and Shandon). Districts 1 and 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-106, adopted.

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. Linde Owen: suggests that solar panels and wind generators be installed at the Diablo Canyon Power Plant, based on a recent report regarding the potential for a large earthquake in California; and speaks to conservation efforts relating to the Los Osos Wastewater Project (LOWWP).

Mr. Eric Greening: discusses the Board's need to oppose legislation regarding "Fast Track".

Mr. David Weisman - Alliance for Nuclear Responsibility: encourages the Board to support Assembly Bill (AB) 361.

Ms. Rose Hansen - Concerned Citizens in Avila Beach Member: addresses development proposals in Avila Beach and a recent public forum.

Ms. Sandy Rumbler - Association of America Union for Women (AAUW): speaks to "Equal Pay Day".

Dr. C. Hite: discusses the Dalai Lama's teachings; and encourages respect and compassion in the community.

Mr. Ben DiFatta: addresses an article regarding a Santa Barbara Grand Jury report on the City of Guadalupe's budget issues; and comments on Los Osos Community Services District and their financial history.

Mr. Richard Margetson: reads and discusses Condition 5 from a Coastal Development Permit.

Mr. George Sullivan: speaks to the Department of Public Work's funding for flood control mitigation projects.

Mr. Mike Brown - Coalition of Labor, Agriculture, and Business (COLAB): recommends staff presentations be included with the posting of the agenda.

Mr. Bill Pelfrey: suggests agendaizing two public comments periods; and discusses the voting process.

Ms. Julie Tacker: addresses the Interlocutory Stipulated Judgment (ISJ) and the lawsuit by ARB Construction relating to the LOWWP.

Ms. Leslie Halls: discusses a presentation on April 7, 2015 regarding project labor agreements. **No action taken.**

Board Business:

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

Chairperson Arnold: opens the floor to public comment.

Mr. Eric Greening; Ms. Amanda Rice; and Mr. Bill Pelfrey: speak. **No action taken.**

Hearings:

19. Hearing to consider an ordinance amending Title 6 (Business Licenses and Regulations) of the County Code to provide consistency, clarity, and ease of reference for County residents and those agencies that have regulatory authority for County Business Licenses. Introduced April 7, 2015. All Districts.

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. 3296, an ordinance amending Chapters 6.00, 6.04, 6.08, 6.12, 6.20, 6.24, 6.32, 6.36, 6.40, and 6.64 and Section 6.16.010, repealing Chapter 6.44, and adding Chapters 6.75 and 6.80 of the San Luis Obispo County Code relating to Business Licensure and Regulation, adopted. Furthermore, the Clerk is directed to publish a summary in a newspaper of general circulation in the County within 15 days after adoption.

Motion by: Frank R. Mecham

Second by: Adam Hill

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			

20. Hearing to consider public testimony regarding the establishment of the San Luis Obispo County Tourism Marketing District (TMD) within the County of San Luis Obispo and levy of assessments. All Districts.

Chairperson Arnold: opens the floor to public comment.

Ms. Carolyn Stewart-Snow; Ms. Marjorie Ott; Mr. Jeff Edward; Mr. Clint Pierce; Ms. Cindy Walton; Ms. Toni LaGras; Mr. Jay Jamison; Ms. Judith Bean; Ms. Noreen Martin; Mr. Andy Hampp; and Ms. Susan Lyons: speak.

Mr. Chuck Davidson – Visit SLO County: responding. **No action taken.**

21. Hearing to consider an appeal of the South County Area 1 Road Improvement Fees by Mr. John Will, Pinetree Development. District 4.

Mr. John Will - Appellant and Mr. Gary Blake: speak.

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

Mr. Will and Mr. Blake: provide closing statements.

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

The Board finds a nexus exists to provide a reduction in the Road Improvement Fees based on when the subdivision was put in the area, excess capacity was created beyond what was required to serve the subdivision, and therefore reduces the South County Area 1 Road Improvement Fees by a 50/50 cost share.

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 Items:

22. 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

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) 3. Denee M. Deforest, et al. v. W. G. and Ono Dana Properties, et al.; 4. Los Osos Community Services District v. Golden State Water Company, et al.

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. ASLOCDS.

(Added items to Closed Session, per the addendum to the agenda. 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) 16. Mesa Community Alliance v. California Department of Parks and Recreation, et al.; 17. Friends of Oceano Dunes, et al. v. San Luis Obispo County Air Pollution Control District, et al.; 18. Los Osos Community Services District v. Golden State Water Company, et al. All requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

Chairperson Arnold: opens the floor to public comment.

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

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

23. Submittal of a resolution proclaiming May 3-9, 2015 "National Correctional Officers and Employees Week." All Districts.

Undersheriff Tim Olivas and Captain Michelle Cole: speak.

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

RESOLUTION NO. 2015-107, a resolution proclaiming the week of May 3-9, 2015 as “San Luis Obispo County National Correctional Officers and Employees Week”, adopted

Motion by: Adam Hill

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			
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Board Business:

24. Submittal of a resolution authorizing: 1) the surplus and sale of County-owned real property at 900 Main Street in Cambria by public auction; and 2) a budget adjustment to repay the Cambria Friends of the Library and reduce an outstanding loan to the County's Building Replacement Fund, by the amount of the net proceeds of sale. District 2.

Ms. Shauna Dragomir - Department of General Services Real Property Services: states no bids were received.

Ms. Linda Van Fleet – Department of General Services Real Property Services: states they have a marketing approach they would like to discuss that affects this and the next item; recommends further discussion on this item be tabled until after the clerk introduces the next agenda item.

Chairperson Arnold: opens the floor to public comment without response and tables this item.

25. Submittal of a resolution authorizing: 1) the surplus and sale of County-owned real property at 790 Cornwall Street in Cambria by public auction; and 2) a budget adjustment to repay the Cambria Friends of the Library and reduce an outstanding loan to the County's Building Replacement Fund, by the amount of the net proceeds of sale. District 2.

Ms. Linda Van Fleet – Department of General Services Real Property Services: states no bids were received.

Ms. Shauna Dragomir - Department of General Services Real Property Services: discusses their approach to marketing the Cornwall Street (previous item) and Main Street properties during Cambria's Stage 3 Water Emergency; recommends the auctions for both properties not be rescheduled; and provides new recommendations for the Board's consideration.

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

The Board: 1) directs staff to perform further analysis with the Cambria Community Services District and County Libraries on structuring water transfer; 2) authorizes staff to complete the water transfer if staff determines it will increase the overall marketability of the Cornwall Street (previous item) and Main Street properties; and 3) return to the Board at a later date with a new resolution of intention to Surplus and Sell and reschedule the auctions.

Motion by: Bruce S. Gibson

Second by: Adam Hill

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			

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

26. Discussion and approval of the Resolution of Application and Plan for Services for the Proposed Paso Robles Basin Water District and File a Notice of Exemption per Public Resources Code Section 21000 et seq. Districts 1 and 5.

(This item is amended, per the addendum to the agenda by replacing Attachment B - Plan for Services to include attachments that were inadvertently omitted. All requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

Chairperson Arnold: opens the floor to public comment.

Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Mr. Joe Plummer; Mr. Irv McMillan; Mr. Bill Pelfrey; Ms. Sally Loucks; Mr. Michael Baugh; Mr. Jerry Reaugh – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) Chairperson; Mr. Eric Greening; Mr. Michael Raine; Ms. Patricia Wilmore – Paso Basin Advisory Committee Former Vice-Chairperson; Mr. John Snyder; Mr. Ted Gilbert; Ms. Cindy Steinbeck; Mr. Bill Stansbury – Citizens Advocate Local Management (CALM); Mr. John Neil; Ms. Hilary Graves - CALM; Mr. Manny Guerrero; Ms. Kathleen Maas; Mr. Bob Brown; Ms. Laurie Gage – PRO Water Equity Vice President; Ms. Sue Luft – Paso Basin Advisory Committee Chairperson; Ms. Jan Seals – PRO Water Equity; Ms. Daniella Sapriel – Coalition of Rural Residents and Landowners (photographs); Ms. Dianne Jackson; Mr. Allen Duckworth; Mr. Paul Clark – Farm Bureau; Mr. Reddy Reddy (handout); Mr. William Frost (map); Mr. Christopher Alakel - City of Paso Robles Water Resources Manager; Mr. Allen Steinbeck; Mr. James Nielson; Ms. Mary Winfree (documents); Mr. Ed Eby; Ms. Susan Harvey – North County Watch; Ms. Coralie McMillan; Mr. Dana Merrill – Paso Robles Basin Advisory Committee and PRAAGS; Mr. Cody Ferguson; Ms. Bev Phifer; Ms. Laurie Alexiev (documents); and Mr. Steve Sinton: speak.

Chairperson Arnold: presents and discusses two documents.

On motion of Supervisor Adam Hill, seconded by Supervisor Bruce S. Gibson, the Board unanimously agrees to continue the meeting past 5:00 P.M.

The Board, acting as the San Luis Obispo County Flood Control and Water Conservation District: 1) reviews and approves the Local Agency Formation Commission (LAFCO) application material for the Paso Robles Basin Water District (Water District) formation, and RESOLUTION NO. 2015-108, a resolution of application by the San Luis Obispo County Flood Control and Water Conservation District requesting the Local Agency Formation Commission to initiate formation proceedings for the Paso Robles Basin Water District as described in Water Code Section 37900 et seq. in the Paso Robles Groundwater Basin; 2) directs staff to submit the application material to LAFCO and work with LAFCO staff on holding a LAFCO hearing(s); and 3) directs the Clerk to file a CEQA Notice of Exemption per Public Resources Code Section 21000 et seq.

Motion by: Frank R. Mecham

Second by: Adam Hill

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			

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, April 21, 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: April 24, 2015