

Tuesday, September 15, 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:**

**1-13.** 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 13 on the following vote is indicated for each item.

**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    |      |         |        |

**Consent Agenda - Administrative Office Items:**

- Request for approval to apply for the Federal Fiscal Year 2015 Emergency Management Performance Grant in the amount of \$182,047 and approval of related and required grant documents. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-235, adopted.**

- Request to approve the FY 2015-16 agreement with the Cal Poly Corporation to support the SLO HotHouse in the amount of \$200,000 for provision of Economic Development Services from FC -290 Community Development. All Districts.

**Ms. Judy Mahon – SLO HotHouse:** speaks.

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

- Request to approve the FY 2015-16 agreement with the SLO Noor Foundation in the amount of \$175,000 for the free health care clinic from Fund Center 106 – Contributions to Other Agencies. All Districts.

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

- Request to approve a FY 2015-16 through FY 2019-20 agreement with San Luis Obispo County Visitors and Conference Bureau, Incorporated, dba Visit San Luis Obispo County (Visit SLO County) to act as the Owners’ Association for the San Luis Obispo County Tourism Marketing District (TMD). All Districts.

**Ms. Julie Tacker:** speaks.

**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 2015-16 Final Budget Actions. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-236, adopted.**

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

6. Submittal of a resolution recognizing Neil Olsen as the recipient of the 2015 "Freddy of the Year" Award in San Luis Obispo County. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-237, adopted.**

7. Request to appoint Robert James (Jim) Garing to the Water Resources Advisory Committees the District 4 representative. District 4.

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

8. Request to appoint Claudia C. Berkman as the District 5 representative to the Bicycle Advisory Committee. District 5.

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

**Consent Agenda - District Attorney Items:**

9. Request to approve a renewal grant agreement (Clerk's File) for FY 2015-16 to receive funding from the State's Life and Annuity Consumer Protection Program in the amount of \$5,000 and submittal of a resolution authorizing the District Attorney to sign the State agreement and other grant related documents. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-238, adopted.**

**Consent Agenda - General Services Items:**

10. Request to approve the Reciprocal Access and Parking Agreement with Hotel Park Business & Professional Center Association, Inc., and The Atascadero Historical Society, Inc., to memorialize terms, responsibilities, and proportionate allocation of the shared costs to maintain and repair the Reciprocal Driveway and Parking Lots Easement to serve the North County One Stop Service Center at 6555 Capistrano Avenue in Atascadero. District 5.

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

**Consent Agenda - Public Works Items:**

11. Submittal of a resolution authorizing the Director of Public Works to execute engineering reimbursement agreements associated with groundwater export permit processing. All Districts.

**Dr. C. Hite and Mr. Eric Greening: speak.**

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-239, adopted.**

12. Submittal of a resolution approving a road maintenance agreement with Hanson Aggregates Mid-Pacific, Inc. Conditional Use Permit DRC2011 00098. District 5.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-240, adopted.**

- 13. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the 2014-15 Americans with Disability Act (ADA) Upgrades - Los Osos. District 2.

**Dr. C. Hite:** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-241, adopted.**

**Presentations:**

- 14. Submittal of resolutions recognizing County employees for 30 years of service. All Districts.

**Mr. Lee Cunningham – District Attorney’s Office:** receives his 30 year service award, with District Attorney Dan Dow speaking to his history with the County.

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

**RESOLUTION NO. 2015-242, a resolution commending Lee V. Cunningham in recognition of thirty years of service with the County of San Luis Obispo County, adopted.**

**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    |      |         |        |

**Ms. Jodyne Forsmann – Probation Department:** receives her 30 year service award, with Mr. Jim Salio – Probation Chief Officer speaking to her history with the County.

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

**RESOLUTION NO. 2015-243, a resolution commending Jodyne Forsmann in recognition of thirty years of service with San Luis Obispo County, adopted.**

**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    |      |         |        |

- 16. Submittal of a resolution recognizing the 9th annual Celebration of Mexican Independence from Spain, “El Grito de la Independencia.” All Districts.

**Ms. Jacqueline Frederick – Latino Outreach Council Chairperson (flyer):** speaks.

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

**RESOLUTION NO. 2015-244, a resolution recognizing the 9<sup>th</sup> Annual Celebration of Mexican Independence from Spain, “El Grito de la Independencia” in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Lynn Compton

| 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    |      |         |        |

- 15. Submittal of a resolution affirming the commitment to preventing the Commercial Sexual Exploitation of Children in San Luis Obispo County. All Districts.

**Ms. Tracy Schiro – Department of Social Services:** speaks.

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

**RESOLUTION NO. 2015-245, a resolution affirming the commitment to preventing the Commercial Sexual Exploitation of Children in San Luis Obispo County, adopted.**

**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    |      |         |        |

**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:** presents and discusses photographs of the initial site for the Los Osos Wastewater Project (LOWWP) and requests the County restore the property.

**Mr. Eric Greening:** addresses two continued Planning Commission hearings regarding the Laetitia Ag Cluster Subdivision and the Waiver of Clean Water Act in the Arroyo Grande oil field.

**Mr. David Weisman - Alliance for Nuclear Responsibility and Ms. Rochelle Becker:** speak to the passing of Assembly Bill (AB) 361. Additionally, Ms. Becker recommends the Board send a letter to the Governor requesting support of the bill.

**Ms. Sharron Sultz - Concerned Citizens of Avila:** urges the Board set a high priority to update the Avila Beach Area Plan.

**Mr. Butch Powers - Port San Luis Commercial Fisherman's Association President (map); Mr. David Kirk (handout); and Mr. Steve Rabuch:** discuss concerns regarding the proposed national marine sanctuary. Additionally, Mr. Kirk requests the Board oppose this matter by adoption of a resolution.

**Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB):** addresses a quiet title action; questions why the County opposes this process; and states he wants an explanation from the Board.

**Dr. C. Hite:** speaks to various housing issues in Los Osos.

**Mr. Ben DiFatta:** comments on the Sheriff's Family Day event; construction work in Los Osos; upcoming campaigning; and oil by rail issues.

**Mr. Greg Grewal:** discusses issues with the Water Basin Advisory Committee; members disclosing

conflict of interests; and the committee meeting minutes.

**Ms. Ellen Sturtz:** expresses her concerns regarding a public facility in Morro Bay being used by an indetified "hate" group.

**Mr. Chuck Cesena:** suggests the Board consider reducing the interest rate for the LOWWP’s revolving fund loan; comments on water desalination; and an article titled “How Less Water Can Be Plenty.”

**Ms. Julie Tacker:** comments on the County's interest in Diablo Canyon's desal water; its harmful impacts to the marine environment; and why the County should stop spending any more time on this matter.

**Supervisor Gibson,** with consensus of the Board, directs the Administrative Office to prepare a letter on behalf of the Board to the Governor to sign AB 361.

**The Board directs staff to agendize a presentation on the most recent National Marine Sanctuary proposal.**

**Motion by:** Debbie Arnold

**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    |      |         |        |

**Board Business:**

- 18. Submittal of the FY 2014-15 Year-End Financial Status Report. All Districts.

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

**The Board:** 1) receives, reviews, and files the FY 2014-15 Year-End Financial Status Report; 2) approves a request for Relief from Accountability in the amount of \$2,055 for a non-collectible balance on behalf of Fund Center (FC) 405 – Public Works Internal Service Fund; 3) approves a request for Relief from Accountability in the amount of \$13,947 on behalf of FC 180 – Social Services for client overpayments for non-collectable debt for CalWORKs, CalFresh and General Assistance programs; 4) approves a request for Relief from Accountability in the amount of \$19,382 on behalf of FC 160 – Public Health for Environmental Health Services accounts that have been determined uncollectible; 5) approves a request for Relief from Accountability in the amount of \$23,048 on behalf of FC 160 – Public Health for Public Health Laboratory accounts that have been determined to be uncollectible; 6) approves a budget adjustment in the amount of \$311,896 using a contribution from the Cambria Friends of the Library to pay down the loan from the General Government Building Replacement Fund; and 7) approves a request to declare seventeen (17) vehicles as surplus, authorize removal from County fleet, and authorize their sale to recover value in accordance with County Code 2.36.030(5).

**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    |      |         |        |

**Hearings:**

19. Hearing to consider protests to a proposed water service charge increase in San Luis Obispo County Service Area No. 23 (Santa Margarita) and consider adoption of the Ordinance if no majority protest exists. District 5.

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

**Ms. Barbara Ahern:** speaks.

**Chairperson Arnold:** offers one final opportunity for anyone to submit a written protest and closes the time for submission of protests.

The Clerk asks for the hearing to be continued to the afternoon session so that all written protests can be counted.

**The Board continues the hearing to the afternoon session.**

**Motion by:** Debbie Arnold  
**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    |      |         |        |

**Closed Session Items:**

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Two; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Two.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) Los Osos Community Services District v. Golden State Water Company, et al.; (4) Cantinas Ranch, LLC v. County of San Luis Obispo, 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 (SLOGAU); (6) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (7) Deputy County Counsel’s Association (DCCA); (8) Sheriffs’ Management; (9) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (10) Deputy Sheriff’s Association (DSA); (11) District Attorney Investigators’ Association (DAIA); (12) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (13) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (14) Unrepresented Management and Confidential Employees; and (15) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

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

Thereafter, pursuant to the requirements of the Brown Act, Assistant County Counsel reports out on the items discussed during Closed Session as follows: regarding the Los Osos Groundwater adjudication matter, the Los Osos Community Services District versus the County, the Board subject to certain minor technical revisions, has authorized the County to enter into the Stipulated Judgment for

the case and will be submitting that to the trial court along with the other parties.

The Board goes into Open Public Session.

**Hearing Continued:**

- 19. Hearing to consider protests to a proposed water service charge increase in San Luis Obispo County Service Area No. 23 (Santa Margarita) and consider adoption of the Ordinance if no majority protest exists. District 5, is brought back.

The Clerk announces 262 written protests have been received which constitutes a majority.

**The Board holds the hearing to consider protests to the proposed increase in Water Service Charges in County Service Area No. 23, and upon conclusion of the hearing, finds that there is a majority protest based on the County’s receipt of at least 261 written protests for the 520 parcels subject to rate increase, and that the proposed ordinance shall not be enacted.**

**Motion by:** Frank R. Mecham

**Second by:** Debbie Arnold

| 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, September 15, 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:** October 8, 2015