

Tuesday, November 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:**

1-4. 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 4 on the following vote is indicated for each item.

**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			

**Items: Set for Hearing:**

1. Introduction of an ordinance amending Title 19 (Building and Construction Ordinance) to adopt by reference Sections 490-495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations the Model Water Efficient Landscape Ordinance as mandated by the State of California Department of Water Resources per Executive Order B-29-15. Hearing date set for November 24, 2015. All Districts.

**Mr. Edward Veek; Ms. Laura Mordaunt; Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB); Dr. C. Hite; Ms. Terri Stricklin; Mr. Bill Pelfrey; and Mr. Greg Grewal:** speak.

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

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

2. Request to appoint David Wierenga to the Cambria Cemetery District. District 2.

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

**Consent Agenda - Social Services Items:**

3. Submittal of a resolution supporting local efforts to house San Luis Obispo County’s homeless veterans and recognize and thank those who have chosen to help house veterans in our County. All Districts.

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

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-294, adopted.**

**Consent Agenda - Sheriff - Coroner Items:**

4. Request to approve a FY 2015-16 contract with U.S. Corrections for an estimated annual amount of \$80,600 for Inmate Transportation Services with the option to renew for up to five (5) additional twelve (12) month periods; and authorize the Sheriff-Coroner to sign any routine amendments to the contract. All Districts.

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

**Public Comment Period:**

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

**Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB):** comments on the Countywide Water Conservation Program; the State Landscape Regulation; the fee ordinance; the housing in-lieu fees; and Item Nos. 7, 8, and 9.

**Ms. Laura Mordaunt and Ms. Jeannette Watson:** express various concerns regarding the Board; how they vote various items; and its impacts. Additionally, Ms. Watson, states the Board should allow the voters to decide on the creation of a Water District.

**Dr. C. Hite:** outlines her contributions to the Los Osos Community Garden; and the need for eucalyptus trees.

**Mr. Eric Greening and Mr. David Broadwater (documents):** address their concerns relating to the sewage sludge ordinance. Additionally, Mr. Greening speaks to the tentative dates scheduled for the Phillips 66 hearings.

**Mr. Ben DiFatta:** comments on the Los Osos CSD General Manager; and a recent appeal regarding medical marijuana.

**Mr. Gary Kirkland:** addresses legislation allowing physician assisted suicide; how State and local governments are working in opposite directions; and 4th amendment violations with the Water District ordinances.

**Ms. Linde Owen:** presents photographs showing the condition of the Los Osos Tri-W site; requests an update on the ARB lawsuit and information regarding the Septic Management District.

**Mr. Greg Grewall:** comments on false statements relating to the Paso Robles Groundwater Basin District.

**Mr. Bill Pelfrey:** speaks to Agenda 21.

**Ms. Cindy Steinbeck:** discusses potential reasons why some individuals are not in the water rights quiet title action.

**Mr. Chuck Prichard:** addresses Item No. 8.

**Mr. Jim Byrne and Mr. Wayne Montgomery:** comment on "government overreach". **No action taken.**

**Hearings:**

6. Hearing to consider a resolution approving and authorizing submittal of proposed amendments to the Urban County of San Luis Obispo Program Year 2010, 2011, 2013 and 2014 Action Plans for Community Development Block Grant (CDBG) funds as requested: 1) by the City of Arroyo Grande to create a new project, and 2) by the County of San Luis Obispo to eliminate a project while reallocating funds to an existing project. All Districts.

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

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

**RESOLUTION NO. 2015-295, a resolution approving and authorizing submittal of proposed amendments to the Program Year 2010, 2011, 2013, and 2014 Action Plan of the Urban County of San Luis Obispo Consolidated Plan for the Community Block Grant (CDBG) Program, 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			

- 7. Hearing to consider a resolution establishing Zone 19 of the San Luis Obispo County Flood Control and Water Conservation District and find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Districts 1 and 5.

**Mr. John Diodatti – Department of Public Works:** adds a recommendation to direct the Clerk to file the Notice of Exemption.

**Chairperson Arnold:** presents and discusses a Fugro Boundary and Department of Water Resources (DWR) Bulletin 118 Boundary Map and Paso Robles Groundwater Basin (PRGWB) Technical Information.

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

**Mr. Tom Dawson; Mr. Eric Greening; Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB); Ms. Laura Mordaunt; Mr. Allen Duckworth; Mr. Greg Grewal (letter); Mr. Ted Gilbert; Mr. John Snyder; Ms. Coralie McMillan; Ms. Sue Luft; Ms. Laurie Gage; Mr. Bill Spencer – Non-Viticulture Irrigated Crop Agronomist Committee Member; Mr. Michael Baugh; Ms. Patricia Wilmore – Wine Country Alliance, Government Affairs Coordinator; Mr. Edward Veek; Ms. Terri Stricklin; Mr. Gary Kirkland; Mr. Bill Pelfrey; and Mr. Michael Raine:** speak.

**Board Members:** address Ms. McMillan’s request to exclude her parcel from the proposed zone and the number of other similar requests that weren’t granted, with Mr. David Church – LAFCO (map of McMillian’s parcel) and staff responding.

**Chairperson Arnold:** states for the record her support for the Atascadero Sub-Basin to be recognized by the DWR as a sub-basin separate from the PRGWB. Further, addresses her concerns and the confusion with this item and Nos. 8 and 9; and states the information presented is not specific enough for her to support the establishment of Zone 19.

**RESOLUTION NO. 2015-296, a resolution of the San Luis Obispo County Flood Control and Water Conservation District, California, establishing Zone 19 of the Flood Control and Water Conservation District, adopted. Further, the Board finds the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA) and directs the clerk to file the Notice of Exemption.**

**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			

**Closed Session Items:**

10. 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) Mesa Community Alliance v. State of California Department of Parks and Recreation, et al.; (4) Santa Maria Valley Water Conservation District v. City of Santa Maria, 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, 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.

**Hearings - Public Works - Board Sitting as Flood Control District**

8. Hearing to consider a resolution calling for a special tax election to impose a special tax upon parcels located within Flood Control District Zone 19 for the purpose of funding the services necessary to comply with the requirements of the Sustainable Groundwater Management Act of 2014; approve the Acreage and Land Use Category appeal document; consider and provide direction to staff regarding the development of a ballot argument and rebuttal for the proposed special tax measure in Zone 19; direct the Director of Public Works to write a letter to the State Water Resources Control Board (SWB) formally requesting information specific to fees and management activities in the Paso Bas in if SGMA was implemented by the SWB; and find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Districts 1 and 5.

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

**Mr. John Texiera; Ms. Cindy Steinbeck; Mr. Eric Greening; Mr. Gary Kirkland; Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB); Ms. Laura Mordaunt; Mr. Allen Duckworth; Mr. Greg Grewal (document); Mr. Robert Brown; Ms. Sue Luft – Paso Basin Advisory Committee Chairperson; Ms. Laurie Gage; Mr. Ted Gilbert; Ms. Laura Mordaunt; Ms. Patricia Wilmore – Wine Country Alliance, Government Affairs Coordinator; Mr. Edward Veek; Mr. Jerry Reaugh – PRAAGS Chairperson; Ms. Ann Myhre; Mr. Bill Pelfrey:** speak.

**On motion by Supervisor Frank R. Mecham, seconded by Supervisor Adam Hill, to approve staff recommendations 1 through 5, directing staff to not submit a ballot argument or rebuttal for the proposed special tax measure in Zone 19 (Recommendation No. 3), is discussed.**

**Supervisor Compton:** asks the motion maker to amend the motion to take separate votes on the recommendations.

The motion maker and second amend their motion to take separate votes on the recommendations outlined in the staff report, is discussed.

On motion by Supervisor Frank R. Mecham, seconded by Supervisor Adam Hill, to approve staff recommendations 1, 2, 3 and 5, directing staff to not submit a ballot argument or rebuttal for the proposed special tax measure in Zone 19 (Recommendation No. 3), is discussed.

Supervisor Compton: states she is not supportive of this Water District but is supportive of people having the ability to vote for it.

The Board of Supervisors acting as the Flood Control and Water Conservation District: 1) RESOLUTION NO. 2015-297, a resolution of the Board of Supervisors of the County of San Luis Obispo, California calling and giving notice of the holding of special all mailed ballot elections to be held on March 8, 2016, for the submission to the voters of a question relating to the formation of the Paso Robles Basin Water District and election of the initial board of directors for said district, adopted; 2) reviews and approves the Acreage and Land Use Category (LUC) appeal document; 3) directs staff to not submit a ballot argument or rebuttal for the proposed special tax measure in Zone 19; and 5) 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: 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			

The Board of Supervisors acting as the Flood Control and Water Conservation District: directs the Director of Public Works to write a letter to the State Water Resources Control Board (SWB) formally requesting information specific to fees and management activities in the Paso Basin if Sustainable Groundwater Management Act (SGMA) was implemented by the SWB (Recommendation No. 4).

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			

**Board Business:**

9. Submittal of a resolution calling and giving notice of the holding of special all mail ballot elections to be held on March 8, 2016, for the submission to the voters of a question relating to the formation of the Paso Robles Basin Water District (Water District) and election of the initial Board of Directors for said district; approve the Election on the Formation of the Water District Policies and Procedures; consider and provide direction to staff regarding the development of a ballot argument and rebuttal for the question of whether the Water District should be formed; direct the County Elections Official to designate precincts and polling places and to take any other action necessary to provide for the conduct and the canvass of returns of the elections; and adopt the procedures for the nomination of candidates for directors of the Water District as set forth in the Special Board of Directors Elections of the Proposed Paso Robles Basin Water District Candidate Information Booklet. Districts 1 and 5.

Chairperson Arnold: opens the floor to public comment.

Mr. Eric Greening; Mr. Gary Kirkland; Ms. Terri Stricklin; Mr. Tom Dawson; Ms. Elsa Dawson; Ms. Laura Mordaunt; Ms. Jeannette Watson; Mr. John Texiera; Mr. Allen Duckworth; Mr. Greg Grewal; Ms. Lydia Thompson; Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB); Mr. Edward Veek; Ms. Sheila Healy; Ms. Andrea Seastrand; Ms. Laurie Alexiev; Mr. Ted Gilbert; Ms. Cindy Steinbeck; Mr. Jim Byrne; Mr. Wayne Montgomery; Mr. George Sullivan; Ms. Ann Myhre; Ms. Sue Luft – Paso Basin Advisory Committee Chairperson; Mr. Steve Sinton; Ms. Mary Russell; Ms. Patricia Wilmore – Wine Country Alliance, Government Affairs Coordinator; and Mr. Bill Pelfrey: speak.

**Mr. Tommy Gong – County Clerk-Recorder:** responds to Chairperson Arnold’s questions regarding the ballot content.

**Supervisor Compton:** states she is not supportive of a special water district for this area; expresses her concerns regarding the recommendations outlined in the staff report; that her opposition is in the minority on this Board; and that she doesn’t believe the Board has a choice other than to move forward on this matter.

**Chairperson Arnold:** addresses her concerns with the ballot measure which she cannot support.

**The Board:** 1) **RESOLUTION NO. 2015-298, a resolution of the Board of Supervisors of the County of San Luis Obispo, California calling and giving notice of the holding of special all mailed ballot elections to be held on March 8, 2016, for the submission to the voters of a question relating to the formation of the Paso Robles Basin Water District and election of the initial board of directors for said District, adopted;** 2) **approves the Election on the Formation of the Paso Robles Basin Water District Policies and Procedures and direct staff to follow the policies and procedures set forth therein in conducting the election on the question of the formation of the Water District and election of the initial Board of Directors;** 3) **directs staff to not develop and submit a ballot argument or rebuttal for the question of whether the Water District should be formed;** 4) **directs the County Elections Official to designate precincts and polling places and to take any other action necessary to provide for the conduct and the canvass of returns of the election, as determined by the San Luis Obispo County Local Agency Formation Commission (LAFCO);** and 5) **adopts the procedures for the nomination of candidates for directors of the Water District as set forth in the Special Board of Directors Elections of the Proposed Paso Robles Basin Water District Candidate Information Booklet.**

**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, November 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:** December 7, 2015