

Tuesday, May 10, 2016

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, Debbie Arnold, and Chairperson Lynn Compton

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.

Consent Agenda – Review and Approval:

1-22. This is the time set for consideration of the Consent Agenda.

Chairperson Compton: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 22 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

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

Consent Agenda - Administrative Office Items:

1. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to re-appoint Jayesh Patel and Steve Hennigh to the Cayucos Local Area Advisory Board. District 2.

The Board approves as recommended by the County Administrative Officer.

2. Request approval of the policy for the Infrastructure/Beautification Grant Program. All Districts.

The Board approves as recommended by the County Administrative Officer.

3. Request by the San Luis Obispo Business Improvement District (CBID) to reappoint William Lee to the Los Osos/Morro Bay (unincorporated) Local Advisory Board. District 2.

The Board approves as recommended by the County Administrative Officer.

4. Submittal of a resolution approving participation in the 2016-17 State-Local Partnership Program and designating the San Luis Obispo County Arts Council as the Local Arts Planning Agency. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-118, adopted.

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

5. Request to approve a five year contract with InfoSend, Inc., in an amount not to exceed \$40,000 per year to provide property tax bill printing and mailing services. All Districts.

The Board approves as recommended by the County Administrative Officer.

6. Submittal of Brown Armstrong, CPAs Independent Auditor's Report on the County Treasury's cash balance and accountability as of March 31, 2016. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

7. Submittal of a resolution recognizing May 1-7, 2016 as "National Travel and Tourism Week" in San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-119, adopted.

8. Request to approve the Memorandum of Understanding (MOU) with the Student-Community Liaison Committee. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

9. Request to approve a resolution from the Cayucos Fire Protection District, requesting consolidation of the district election with the June 7, 2016, Presidential Primary Election. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - County Fire Items:

10. Request to approve a FY 2015-16 renewal contract with Allen Hancock Joint Community College for the San Luis Obispo County Fire Department to provide instruction in firefighting and related subjects. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

11. Request to approve: (1) a renewal agreement with San Luis Ambulance Service Inc. (Clerk's File) to continue to provide ambulance services in the North, Central and South ambulance service areas through June 30, 2018; and (2) a renewal agreement with the Cambria Community Healthcare District (Clerk's File) to continue to provide ambulance service in the North Coast ambulance service area indefinitely. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Pension Trust Items:

12. Submittal of a resolution approving technical and housekeeping amendments to the San Luis Obispo County Employees Retirement Plan and By Laws. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-120, adopted.

13. Submittal of a resolution approving amendments to the San Luis Obispo County Employees Retirement Plan Appendices for employees in the San Luis Obispo County Superior Court. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-121, adopted.

14. Submittal of a resolution approving amendments to the San Luis Obispo County Employees Retirement Plan Appendices for employees in the San Luis Obispo County Air Pollution Control District. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-122, adopted.

Consent Agenda - Planning & Building Items:

15. Submittal of a resolution accepting an Avigation Easement from Community Health Centers of the Central Coast, Inc., a California Corporation, for the Oceano County Airport. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-123, adopted.

Consent Agenda - Probation Items:

16. Request to amend the FY 2015-16 Fixed Asset list for Fund Center 139 - Probation to purchase six mobile data computers with a total cost of \$45,330 to be funded with 2011 Public Safety Realignment (AB 109) revenue. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

17. Submittal of a resolution to levy water availability charges for County Service Area No. 16 (Shandon), and County Service Area No. 23 (Santa Margarita). Districts 1 and 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-124, adopted.

18. Submittal of a resolution to levy sewer availability charges for County Service Area No. 7-A (Oak Shores) and for County Service Area No. 18 (San Luis Obispo Country Club Estates). Districts 1 and 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-125, adopted.

Consent Agenda - Public Works Sitting as Flood Control District:

19. Request to: 1) approve the Memorandum of Agreement (MOA) for Integrated Regional Water Management (IRWM) Planning and Funding in the State of California Department of Water Resources (DWR) Central Coast Funding Area (CCFA), acting as the Lead Agency for the San Luis Obispo County Regional Water Management Group (RWMG); 2) authorize the Director of Public Works to execute the MOA; and 3) designate the Director of Public Works, or his designee, as the individuals authorized to coordinate with IRWM Regions in the CCFA. All Districts.

Supervisor Arnold: questions Proposition 1 grant funding opportunities and designating funding for the Sustainable Groundwater Management Act (SGMA), with Mr. Mark Hutchinson - Department of Public Works, Deputy Director responding.

The Board approves as recommended by the County Administrative Officer.

20. Declaration of Surplus Water for Zone 3 of the San Luis Obispo County Flood Control and Water Conservation District (Lopez Project) and update on the status of the Low Reservoir Response Plan for Zone 3. Districts 3 and 4.

This item is amended, per the addendum to the agenda, to replace the staff report and attachments to correct an error in the acre feet amount in the recommendation which affected all the tables in

the staff report and attachments. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Social Services Items:

- 21.** Request to approve a FY 2016-17 through FY 2018-19 renewal contract (Clerk’s File) with California State Association of Counties (CSAC) for the Welfare Client Data Systems (WCDS) Consortium in the total amount of \$334,772. All Districts.

The Board approves as recommended by the County Administrative Officer.

- 22.** Request to approve a new Agreement (Clerk's File) with the California Department of Social Services (CDSS) for The Work Number, a service of TALX Corporation (TALX), for California Work Opportunity and Responsibility for Kids (CalWORKs) and CalFresh participant employment and wage verification. The effective date is April 22, 2016, or upon approval by the CDSS, whichever is later, through September 30, 2017. All Districts.

The Board approves as recommended by the County Administrative Officer.

Presentations:

- 23.** Submittal of a resolution proclaiming May as “Mental Health Awareness Month” in San Luis Obispo County. All Districts.

Ms. Anne Robin – Behavioral Health Administrator; Ms. Pam Zweifel - National Alliance on Mental Illness (NAMI) Vice President; Ms. Jill Bolster-White – Transitions Mental Health Executive Director; and Mr. Martin Bragg – Behavioral Health Board Chairperson: speak.

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

RESOLUTION NO. 2016-126, a resolution to proclaim May 2016 as “Mental Health Awareness Month” in San Luis Obispo County, adopted.

Motion by: Debbie Arnold
Second by: Bruce S. Gibson

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

- 24.** Submittal of a resolution to recognize May as “National Foster Care Month” in San Luis Obispo County. All Districts.

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

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

RESOLUTION NO. 2016-127, a resolution proclaiming May as “National Foster Care Month” in San Luis Obispo County, adopted.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

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

Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

25. Submittal of resolution proclaiming May 2016 as "Older Americans Month" in San Luis Obispo County. All Districts.

Ms. Laura DeLoye – Adult Services Policy Council Chairperson: speaks.

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

RESOLUTION NO. 2016-128, a resolution proclaiming May 2016 as "Older Americans Month" in San Luis Obispo County, adopted.

Motion by: Lynn Compton

Second by: Frank R. Mecham

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

Public Comment Period:

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

Mr. Tommy Gong - County Clerk-Recorder: provides an update on the June 7, 2016 Presidential Primary election; highlights increased voter activity and the need for pollworkers.

Mr. Scott Barnes: discusses his recent surgery; an upcoming jury trial; and addresses concerns regarding two Administrative Office employees.

Mr. Eric Greening: speaks to a District 3 Candidate Forum on May 11, 2016; an upcoming agenda item regarding the next steps to the Sustainable Groundwater Management Act (SGMA); and recommends resources to the Board and staff.

Ms. Julie Tacker: addresses the need to redirect the focus from Diablo Canyon's desalination plant being a source of South County water by exploring other available water resources.

Mr. Ben DiFatta: comments on overpaid management jobs in the County, Cities, and Community Services Districts (CSD); and past CSD manager's misconduct.

Ms. Brenda Hampton-Ortiz: highlights her concerns regarding how the Department of Public Works determines that the goals on bid contracts are being met.

Mr. Gary Kirkland - San Luis Obispo County Tax Payer's Association Board of Directors and Howard Jarvis Tax Payers Tax Association Member: urges the Board to not approve the self-help tax proposal by the San Luis Obispo Council of Governments (SLOCOG).

Ms. Linde Owen: comments on the Los Osos lateral hook-ups; the needed opportunity to repurpose septic tanks into cisterns; and announces a homeowner's lateral informational forum on May 14, 2016 (flyer).

Mr. John Snyder: addresses matters contained in the Water Conservation District Budget Report (documents).

Dr. C. Hite: discusses concerns regarding transportation for seniors and disabled citizens (video). **No action taken.**

Board Business:

27. Presentation of the 2015 Annual Agricultural Statistics for San Luis Obispo County. All Districts.

Mr. Martin Settevendemie - Agricultural Commissioner/Sealer of Weights and Measures: provides the 2015 Annual Agricultural Statistics.

Supervisors Mecham and Arnold: address the County's ranking; specific portions of the industry affected by labor shortages; its contribution to the decline in crop value; and comments on the category titled "Rangeland Grazed".

Chairperson Compton: opens the floor to public comment.

Mr. John Snyder: speaks.

Supervisor Gibson: questions if there are any emerging trends with specialty crops; what State level conversations are occurring regarding marijuana cultivation; and asks when this matter will return to the Board, with Mr. Settevendemie and Mr. Guy Savage – Assistant Administrative Officer responding.

Chairperson Compton: receives the files the 2015 Annual Agricultural Statistics.

Hearings:

28. Hearing to consider an appeal by Dana Merrill of the Planning Commission approval of a Conditional Use Permit to allow the phased expansion of existing winery operations, located at 5036 South El Pomar Road, approximately 7 miles east of the community of Templeton, and to consider approval of the Conditional Use Permit and adoption of the Mitigated Negative Declaration pursuant to CEQA. District 5.

Board Members: report their ex-parte communications relating to this hearing.

Ms. Brandi Cummings and Ms. Ellen Carroll – Department of Planning and Building: provide the staff presentation (powerpoint).

Supervisor Hill: confirms the staff report that went before the Planning Commission recommended approval of the condition that the Appellant/Applicant is appealing before this Board, with Ms. Cummings responding.

Supervisor Arnold: addresses the neighborhood's support; if there were any opposition to the project; and questions the number of annual events generally allowed in that particular area, with Ms. Cummings responding.

Ms. Jamie Kirk – Appellant's/Applicant's Representative: provides a presentation (powerpoint).

Chairperson Compton: opens the floor to public comment.

Mr. Matt Merrill; Ms. Patricia Wilmore – Paso Robles Wine Country Alliance, Government Affairs Coordinator; and Mr. Dale Gustin: speak.

A motion by Supervisor Arnold, to uphold the appeal, approving the original condition that the Appellant/Applicant requested, is discussed.

Board Members: discuss the Appellant's/Applicant's outreach to the neighbors; future concerns as more events are being permitted; the idea to hold joint sessions with the Planning Commission; and the difficulty to revise the events ordinance in way that it can apply to any area.

Supervisor Hill seconds the motion on the floor.

Supervisor Gibson: seeks input regarding approving a project as it was originally conditioned with an

undefined term of "wine industry-wide events" which doesn't have a cap on the number of events allowed; and questions if a number is defined in the Land Use Ordinance, with Ms. Whitney McDonald – Deputy County and Ms. Karen Nell – Department of Planning and Building responding. Further, asks if the motion maker will modify the motion to permit 28 annual events, remove the "wine industry-wide events" language; and allow the Appellant/Applicant to schedule those types of events as they choose, with the motion maker stating no.

The Board upholds the appeal of Dana Merrill; amends Condition of Approval No. 2 to read "This approval authorizes 25 special events per year for no more than 200 attendees each, in addition to wine industry-wide events. Amplified music between the hours of 10:00 a.m. and 10:00 p.m. is permitted and subject to Conditions 48-49. Maximum noise levels shall not exceed 65 dB as measured at the property line. No events shall be located at or associated with the vacation rental."; and amends the resolution by correcting the title to reflect the appeal is being upheld; replaces the last "WHEREAS" paragraph to read: "WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be upheld and the decision of the Planning Commission modified and affirmed and that the application should be approved subject to the findings and conditions set forth below.'; and replaces No. 4 to read: "4. That the appeal filed by Dana Merrill is hereby upheld, that the decision of the Planning Commission is modified and affirmed, and that the application of Dana Merrill for Conditional Use Permit DRC2014-00004 is hereby approved subject to the modified conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full." Furthermore, RESOLUTION NO. 2016-129, a resolution upholding the appeal of Dana Merrill, modifying and affirming the decision of the Planning Commission, and conditionally approving the application of Dana Merrill for Conditional Use Permit DRC2014-00004, adopted as amended.

Motion by: Debbie Arnold

Second by: Adam Hill

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

Chairperson Compton: rearranges the order of the agenda to hear Item No. 30 before Item No. 29.

- 30.** Submittal of a resolution authorizing: 1) the surplus and sale of County-owned real property at 790 and 800 Cornwall Street in Cambria by public auction; and 2) a budget adjustment to repay the Cambria Friends of the Library and pay the Library Department's Facilities Planning Reserve Fund Center 1205, by the amount of the net proceeds of sale less costs of sale, by 4/5 vote. District 2.

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

Ms. Shauna Dragomir – Real Property Manager: announces no written bids were received by the May, 9, 2016 5:00 PM deadline; and presents the Clerk with a new resolution, with no change in terms, rescheduling the auction to Tuesday, August 9, 2016.

Supervisor Mecham: questions if the rescheduled auction amount is being reduced; and addresses the financial loss to the County from attempting to sell at reduced amounts, with Ms. Dragomir responding.

The Board reschedules the auction to Tuesday, August 9, 2016 with no change in terms; and RESOLUTION NO. 2016-130, a seventh amended resolution of intention to surplus and sell County-owned real property in the unincorporated area of Cambria, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			

Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

29. 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: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

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) Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, 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 Compton: opens the floor to public comment.

Mr. John Snyder (document): 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.

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, May 10, 2016, 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: May 18, 2016