

Tuesday, May 17, 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:

1-12. 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 12 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			

Bid Opening:

1. Letter transmitting contract documents (Clerk’s File) for approval and advertisement for bids, for two (2) Job Order Contracts to complete countywide maintenance and repair projects; and approval of the resolution designating products by specific brand and trade names for work performed under contracts. Bid opening date set for Thursday, June 9, 2016. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-131, adopted.

Consent Agenda - Administrative Office Items:

2. 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.

Mr. Eric Greening and Dr. C. Hite (video): speak.

The Board approves as recommended by the County Administrative Officer.

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

3. Submittal of the County of San Luis Obispo’s audited Comprehensive Annual Financial Report (Clerk’s Filed), Single Audit Report (Clerk’s File), Agreed-Upon Procedures Report for the Los Osos Landfill Financial Means Test Certification, and the Statement on Auditing Standards 114 communications letter for the Fiscal Year Ended June 30, 2015. All Districts.

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

Chairperson Compton: recommends a more in depth discussion regarding pension obligation bond debt, with Mr. Dan Buckshi - County Administrative Officer responding.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - District Attorney Items:

4. Request to authorize the San Luis Obispo County District Attorney's Office Victim/Witness Division to apply for the FY 2016-17 and FY 2017-18 California Governor's Office of Emergency Services (CalOES) Victim Services (XC) Program grant \$336,874 to address and fill victim services gaps and needs as identified by the Victim Services Steering Committee. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

5. Request to approve a renewal agreement (Clerk's File) for one year (April 1, 2016- May 31, 2017) with the California Family Health Council, Inc. (CFHC) in the amount of \$129,700 to conduct reproductive health outreach and education activities. All Districts.

The Board approves as recommended by the County Administrative Officer.

6. Request to 1) approve the release of unencumbered Mental Health Services Act Housing Program funds held by the California Housing Finance Agency in the amount of \$133,644 for future housing assistance projects; and 2) delegate signing authority to the Behavioral Health Administrator to sign the required Funding Release Form. 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, 2015 – June 30, 2017 Memorandum of Understanding between the County of San Luis Obispo and the Deputy County Counsel Association (BU12) 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. 2016-132, adopted.

Consent Agenda Information Technology Items:

8. Request to approve a FY 2015-16 contract with Reliance Communications, LLC, in an amount not to exceed \$70,000 for website content management software, migration of website content and design services to replace the County of San Luis Obispo's website, to authorize a budget adjustment in the amount of \$199,520 for Countywide Automation Fund – FC 266 to conduct the Content Management System replacement project, to be funded by \$119,520 from the Automation Replacement Designation, \$20,000 from the Digital Government RFP, and \$60,000 from Website Search Applications in FC266, and to amend the fixed asset list for FC 266 to include the replacement of the Content Management System. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Parks & Recreation Items:

9. Submittal of a resolution to accept a perpetual easement and to authorize the exchange of real property to relocate a portion of the Juan Bautista de Anza National Historic Trail in the unincorporated area of Santa Margarita. District 5.

Mr. Shaun Cooper – County Parks: amends the resolution to title the four attachments as Exhibits X1, X2, X3, and X4.

Supervisor Arnold: commends the Public Works Department and Santa Margarita Ranch residents for working collaboratively on the trail improvements connecting Santa Margarita to Garden Farms.

This item is amended to title the four attachments to the resolution as Exhibits X1, X2, X3, and X4. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2016-133, adopted as amended.

Consent Agenda - Public Works Items:

- 10.** Submittal of a resolution establishing changes to the traffic regulation codes for no parking and limited parking on Avila Beach Drive, Avila Beach; Stage Coach Road and Santa Fe Road near San Luis Obispo; Ninth Street and Pismo Avenue, Los Osos; and Lopez Drive near Arroyo Grande. Districts 2, 3, 4 and 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-134, adopted.

- 11.** Request to approve an agreement with The Gordian Group for Job Order Contract consultant services to provide staff training, web-based program and program support services, updates of job order task catalogues, technical specifications and associated bid documents. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Sitting as Flood Control District:

- 12.** Submittal of a resolution to levy assessments for Flood Control and Water Conservation District, Zone 4 (Santa Maria River Levees). District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-135, adopted.

Public Comment Period:

- 13.** This is the time set time 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 7th Presidential Primary Election; the voter registration deadline and the number of returned vote-by-mail ballots.

Mr. Eric Greening: speaks the Planning Commission's decision regarding Phillips 66 and its impacts to Planning and Building staff workload.

Mr. Ben DiFatta: comments on the excessive money spending by the Los Osos Community Services District (CSD).

Dr. C. Hite: presents a video of Board Member's comments regarding the election of Chairperson and Vice-Chairperson.

Mr. Keith Wimer - Los Osos Water Committee Chairperson, Local Chapter of the Sierra Club and Los Osos Sustainability Group Member; Mr. Chuck Cesena; Ms. Leah Andrea Caulfield; Ms. Linde Owen; and Mr. Richard Margetson: address various concerns relating to the use of Los Osos conservation funds; septic tank repurposing; and the issuance of rebates to residents.

Supervisor Arnold: asks if conservation funding is available for septic tank repurposing and if recycled water from the Los Osos wastewater plant is available for delivery to residents, with Supervisor Gibson and Board Members responding. **No action taken.**

Board Business:

14. Submittal of the FY 2015-16 Third Quarter Financial Status Report. All Districts.

Mr. Dan Buckshi - County Administrative Officer: provides a brief overview of this item and the following introduction of the Proposed Fiscal Year 2016-17 Budget (Item No. 15).

Ms. Nikki Schmidt – Administrative Office and Mr. Jim Erb - Auditor-Controller, Treasurer, Tax-Collector, Public Administrator: provide the staff presentation (powerpoint).

Board Members: discuss the public’s perception of the County’s financial status; the bond debt obligation, its rating and comparison to other counties; and questions how the pension obligation bond plan affects other aspects of the County’s financial budget, with Mr. Erb and Mr. Buckshi responding.

Chairperson Compton: opens the floor to public comment.

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB) and Ms. Debbie Petersen: speak.

The Board: 1) receives, reviews, and files the Fiscal Year 2015-16 Third Quarter Financial Status Report; 2) accepts cash donations in the amount of \$5,780.50 made on behalf of Fund Center 305 – Parks; 3) accepts cash donations in the amount of \$35,907.70 and authorizes an associated budget adjustment from the Library’s Gift Trust Fund to the Fund Center 377 – Library operating budget; 4) accepts cash donations in the amount of \$10,378.50 on behalf of Fund Center 137 – Animal Services; 5) accepts a cash donation in the amount of \$5,015.63 made on behalf of Fund Center 132 – District Attorney for deposit into the Cindy Soto-Pinto Victim Emergency Fund; 6) approves a request from Fund Center 180 - Social Services for relief from accountability for uncollectable debt totaling \$16,524.70; 7) approves a budget adjustment in the amount of \$140,000 to transfer funds between Fund Center 245 – Roads to Fund Center 248 – Road Impact Fees to cover anticipated revenue shortfall for the Vineyard Drive overpass debt service; 8) approves a budget adjustment in the amount of \$560,338 to reallocate capital project savings to projects currently in design or construction in Fund Center 245 – Roads; 9) approves miscellaneous budget adjustments totaling \$2,201,425 (summarized in Attachment 1, pages 22-23 of the staff report) resulting from unbudgeted year-end costs; 10) approves a request from Fund Center 407 - Fleet Services to declare 21 vehicles as surplus, authorizes their removal from the County fleet, and authorizes their sale to recover salvage value in accordance with County Code Section 2.36.030(5); 11) directs the Auditor-Controller-Treasurer-Tax Collector-Public Administrator pertaining to the financing of the 2009 Series A Pension Obligation Bonds (POB) per the recommended actions contained in Attachment 9 of the staff report; and approves a budget adjustment in the amount of \$9,688,657 to transfer funds from the General Fund POB designation to the POB debt service fund where it will be used to increase the amount set aside to pay off the 2009 Series A Pension Obligation Bonds; 12) approves an amendment to the Fixed Asset List for Fund Center 407 – Fleet Services to add a tire changer in the amount of \$8,999; 13) approves an amendment to the Fixed Asset List for Fund Center 138 – Emergency Services to add a copier for the Emergency Operations Center in the amount of \$10,480; 14) approves an amendment to the Fixed Asset List for FC 136 – Sheriff-Coroner to add a ProHawk HDMI 3G video enhancement device in the amount of \$8,782 and a Polaris Off-Road vehicle in the amount of \$21,402; and 15) approves an amendment to the Fixed Asset List for FC 377 – Library to add a microfiche scanner in the amount of \$10,437.

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			

15. Introduction of the County of San Luis Obispo FY 2016-17 Proposed Budget, including Special Districts. (Clerk's File). All Districts.

Ms. Emily Jackson – Administrative Office: provides the staff presentation (powerpoint).

Supervisor Mecham: questions how the emphasis on housing in the Governor’s May Revise relates to the County, with Ms. Jackson and Mr. Dan Buckshi - County Administrative Officer responding.

Chairperson Compton: opens the floor to public comment.

Mr. Dale Gustin: speaks.

The Board: 1) introduces the budget document as the County’s Proposed Fiscal Year (FY) 2016-17 Budget (including Special Districts) for public review and RESOLUTION NO. 2016-136, a resolution approving the proposed budget for FY 2016-17, adopted; 2) schedules public hearings to begin Monday, June 13, 2016 in the Board of Supervisors Chambers at 9:00 a.m.; and 3) orders publication of the required legal notice scheduling the public hearings.

Motion by: Frank R. Mecham

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			

16. Annual Review of County Growth Rate in accordance with Title 26 of the County Code, Growth Management Ordinance and submittal of a resolution approving the annual growth rate for the unincorporated areas of the county. All Districts.

Ms. Jo Manson – Department of Planning and Building: provides the staff presentation (powerpoint).

Chairperson Compton: addresses the Nipomo Mesa's 1.8% annual growth rate and residential activity; the Trilogy development plan; and questions how many times, since 1991, has the County reached its maximum 2.3% growth rate, with Mr. Jim Bergman - Planning and Building Director responding.

Supervisors Arnold and Mecham: question how allocations and applications subject to time extensions are tracked, with Ms. Manson responding.

Chairperson Compton: opens the floor to public comment.

Ms. Debbie Peterson and Mr. Jeff Edwards: speak.

RESOLUTION NO. 2016-137, a resolution of the Board of Supervisors of the County of San Luis Obispo approving the proposed growth rate and an additional carryover of 10% of the maximum allotment from the previous year for use in Fiscal Year 16-17, resulting in an additional 110 units county-wide, adopted. The adopted resolution approves: 1) the annual growth rate of 2.3% for areas not in the Los Osos groundwater basin (wastewater moratorium area), the Nipomo Mesa area (Santa Maria groundwater basin), or Cambria, 2) the annual growth rate of 1.8% for the Nipomo Mesa area, 3) the annual growth rate of 0% for the community of Cambria for the period of July 1, 2015 through June 30, 2018, and 4) allows the additional carryover of 10% of last year’s allocations, but precludes the carryover for the Nipomo Mesa area.

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			

17. Submittal of the 2015 Annual Emergency Medical Services System report and a resolution proclaiming May 15 - May 21, 2016 as Emergency Medical Services Week in San Luis Obispo County. All Districts.

Ms. Penny Borenstein – Public Health Officer (video): speaks.

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

The Board receives and files the 2015 Annual Emergency Medical Services (EMS) System report and RESOLUTION NO. 2016-138, a resolution proclaiming May 15 – 21, 2016 as Emergency Medical Services Week in San Luis Obispo County, adopted.

Motion by: Adam Hill

Second by: Debbie Arnold

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:

18. 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 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.

Presentations:

19. Submittal of resolutions recognizing two employees for 30 years of County service. All Districts.

Ms. Tami Douglas-Schatz – Human Resources Director: introduces the following employees receiving their 30 years of County Service awards: Ms. Debra Mares - Auditor-Controller, Treasurer, Tax-Collector Office and Mr. Peter Newel - Public Works.

Mr. Jim Erb – Auditor-Controller, Treasurer, Tax-Collector, Public Administrator; Ms. Mares; Mr. Wade Horton – Public Works Director; and Mr. Newel: speak.

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

RESOLUTION NO. 2016-139, a resolution commending Debra Mares in recognition of thirty years of service with San Luis Obispo County; and RESOLUTION NO. 2016-140, a resolution commending Pete Newel in recognition of thirty years of service with San Luis Obispo County, adopted.

Motion by: Frank R. Mecham

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			

Board Business:

20. Provide direction by selecting one or more options regarding continued operations of Dairy Creek Golf Course with reduced reclaimed water delivery. District 2.

Mr. Nick Franco – Parks and Recreation Director: provides the staff presentation (powerpoint).

Board Members: addresses the options presented by staff to continue operations at the Dairy Creek Golf Course; impacts to the golf course from the reduction of recycled water; the Whale Rock water storage; how to attain a non-potable water source to maintain the golf course; exploring other uses the golf course; turf technologies; and potential financial impacts to keep the golf course open, with Mr. Franco, Mr. Wade Horton – Public Works Director, and Mr. Josh Heptig – Golf Course Superintendant responding.

Chairperson Compton: opens the floor to public comment.

Mr. Ian Watt; Mr. David Clew; Ms. Mary Pollock; Mr. Dale Gustin; Mr. Doug Ryan; Mr. Peter Wightman; and Ms. Theresa Schultz – San Luis Obispo County Employees Association (SLOCEA): speak.

Board Members: discuss the County’s commitment to the golf course; its value; not being supportive of utilizing potable water; the availability of Whale Rock water; grant funding opportunities; ways to increase recycled water storage; exploring other types of turf; other resourceful uses compatible for the site; and the obligation to pay the debt service on the Dairy Creek loan, with Mr. Dan Buckshi - County Administrative Officer structuring the direction staff is seeking from the Board.

On motion by Supervisor Bruce S. Gibson, seconded by Supervisor Adam Hill, to determine the use of potential potable water to irrigate the golf course is not a consideration at this time; that the golf course remains an enterprise fund to track its profit and loss separately from other aspects of County Parks operations; affirms the commitment to keep the golf course operational; directs staff to develop a short-term plan to keep operating Dairy Creek Golf Course and the other two County maintained golf courses, with a subsidy below \$485,000 annually as feasible; explore the medium and long-term options that might occur at Dairy Creek Golf Course including the possibilities of increased recycled water and on-site storage, new types of turf that would reduce water use, a campground and event center, and determining what do with any amount of excess water available

in any one given year; and out of those possibilities, return to the Board to address costs, benefits and timeframes, is discussed.

Supervisor Mecham: states he doesn't want to see a further deterioration of the money relative to the Dairy Creek Golf Course that impacts the other two golf courses.

Mr. Franco: requests the motion be modified to state that the use of potable water on the golf course is restricted to the drought time and when Whale Rock water is not available, with the motion maker and the second concurring.

The Board determines the use of potential potable water to irrigate the golf course should not be considered during a drought and when Whale Rock water is not available; that the golf course remains an enterprise fund to track its profit and loss separately from other aspects of County Parks operations; affirms the commitment to keep the golf course operational and directs staff to develop a short-term plan to keep operating Dairy Creek Golf Course and the other two county maintained golf courses with a subsidy below \$485,000 annually as feasible; explore the medium and long-term options that might occur at Dairy Creek Golf Course including the possibilities of increased recycled water and on-site storage, new types of turf that would reduce water use, a campground and event center, and determining what do with any amount of excess water available in any one given year; and out of those possibilities, return to the Board to address costs, benefits and timeframes.

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			

Hearings:

- 21.** Hearing to consider an amendment to the Growth Management Ordinance, Title 26 of the County Code, to update the fiscal year references for the maximum number of new dwelling units allowed for the Nipomo Mesa area for FY 2016-17 and extension of the allocation waiting list for Los Osos; exempt from the California Environmental Quality Act (CEQA). Districts 2 and 4.

Ms. Jo Manson – Department of Planning and Building: provides the staff presentation (powerpoint).

Chairperson Compton: 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. 3321, an ordinance amending Title 26 of the San Luis Obispo County, the Growth Management Ordinance, adopted.

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			

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 17, 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 23, 2016