

**Tuesday, March 27, 2012**

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 Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.**

**Consent Agenda – Review and Approval:**

1-9. This is the time set for consideration of the Consent Agenda.

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

The action taken for Consent Agenda items 1 through 9 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

<b>SUPERVISORS</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>	<b>RECUSE</b>
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Consent Agenda - Auditor - Controller Items:**

1. Submittal of a cash procedures review of the County Treasurer's Office conducted on December 15, 2011.

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

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

2. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

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

3. Request by Chairperson James Patterson to send a letter to Assemblyman Katcho Achadjian supporting an initiative to name a section of State Highway 101 between San Luis Obispo and Pismo Beach or State Highway 1 in the vicinity of the San Luis Obispo County Sheriff's headquarters in honor of Christopher Meadows.

**Mr. Tim Meadows:** speaks.

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

**Consent Agenda - Clerk-Recorder Items:**

4. Submittal of a resolution approving the amended conflict of interest codes for Linne Community Services District, Paso Robles Cemetery District, San Simeon Community Services District and Cayucos Fire Protection District.

**The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-67, adopted.**

**Consent Agenda - Health Agency Items:**

- 5. Submittal of a resolution amending the Position Allocation List for Fund Center 160 - Public Health Department replacing one full-time Accounting Technician position with one full-time Accountant I/II position.

**The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-68, adopted.**

**Consent Agenda - Human Resources Items:**

- 6. Submittal of a resolution approving the new classification of Sheriff’s Forensic Laboratory Specialist and setting the salary range.

**The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-69, adopted.**

**Consent Agenda Public Works - Board Sitting as Flood Control District:**

- 7. Request to approve a professional services agreement with Terra Verde Environmental Consultants for an Oceano Lagoon Area biological survey.

**Mr. Jeff Edwards:** speaks.

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

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

- 8. Request to approve an employment contract with James Voge to serve as the Commander of the Sheriff's Professional Standards Unit.

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

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

- 9. Request to amend the fixed asset list to purchase two (2) replacement vehicles for the Special Operations - Narcotics Unit and authorize an associated appropriation transfer of \$60,000 from the trust account - Supplemental Law Enforcement Services-Cal MMET to Fund Center 136 Sheriff-Coroner.

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

**Board Business:**

- 18. Disposition of Parcel Map CO 08-0054 based on rejection by the County Recorder and request that this item be placed after the consent agenda.

**(Added Item. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)**

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

**The Board rescinds the approval from March 13, 2012 and directs the Clerk to return Parcel Map CO 08-0054 to the subdivider.**

**Motion by:** Paul Teixeira

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Public Comment Period:**

10. This is the time set for members of the Public wishing to address the Board on matters other than scheduled items.

**Captain Bill Vail - California Highway Patrol (CHP):** announces "National Distracted Driving Awareness Month."

**Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB), Mr. Richard Margetson, Ms. Gwynn Taylor, Mr. Ben DiFatta, Ms. Linde Owen, Mr. Jeff Edwards, Ms. Julie Tacker and Mr. Al Barrow - Coalition of Low Income Housing (map):** address various comments and concerns regarding the Los Osos Wastewater Project (LOWWP).

**Mr. Heinz Huebner:** comments on overnight parking areas for homeless.

**Dr. C Hite:** presents a video titled "The Cookie Lady" and addresses concerns regarding the Board's comments to a member of the public.

**Mr. Eric Greening and Mr. Mike Winn - Water Resources Advisory Committee Chairperson:** address concerns regarding the Master Water Plan. **No action taken.**

**Hearings:**

11. Hearing to consider an appeal by Gerd and Rosalie Kanning of the Planning Department Hearing Officer's approval of Minor Use Permit/Coastal Development Permit DRC2011-00019 (Bonaire/AT&T) for a new unmanned wireless communications facility, behind new mechanical screens, on top of an existing two-story commercial building, located at 1320 Van Beurden Drive, in the community of Los Osos.

**Ms. Rosalie Kanning, Appellant (documentation), Mr. Kevin Kanning (documentation) and Mr. Andres Eulate (documentation and photographs):** speak.

**Ms. Trisha Knight – representing Bonaire Investments/AT&T Mobility, Applicant (maps):** speaks.

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

**Ms. Linde Owen, Ms. Gwynn Taylor, Dr. C. Hite and Mr. Ben DiFatta:** speak.

**Ms. Knight:** provides closing statements.

**Mr. Paul Sittig – Planning and Building:** addresses a correction to the staff report by clarifying the Board's recommended action is to approve Exhibit A - Findings and Exhibit B - Conditions of Approval in Attachment 1 not Attachment 3.

**Mr. Gerd Kanning and Ms. Kanning, Appellants:** provide closing statements.

**On motion by Bruce S. Gibson, seconded by Adam Hill, to deny the Appeal by Gerd and Rosalie Kanning, uphold the decision of the Hearing Officer and conditionally approve the application of Bonaire Investments/AT&T mobility for Minor Use Permit and Coastal Development Permit DRC2011-00019, based on the Findings in Exhibit A and Conditions of Approval in Exhibit B, is discussed.**

**The motion maker amends the motion to include an amendment Exhibit B - Conditions of Approval, with the second concurring.**

**The Board amends Exhibit B – Conditions of Approval, No. 1. Subsection a., by replacing the word "new" with "previously permitted". Furthermore, the Board denies the Appeal by Gerd and Rosalie Kanning and RESOLUTION NO. 2012-70, a resolution affirming the decision of the Hearing Officer and conditionally approving the application of Bonaire Investments/AT&T mobility for Minor Use Permit and Coastal Development Permit DRC2011-00019, based on the Findings in Exhibit A and Conditions of Approval in Exhibit B (Attachment 1), adopted as amended.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**12.** Continued hearing to consider an appeal by Verizon Wireless of the Planning Commission’s denial of a request by Verizon Wireless and Shirley Osibin for a Conditional Use Permit to allow for the construction and operation of an unmanned wireless communications facility at 1735 Las Tablas Road in the community of Templeton. This item was continued from July 19, 2011, August 16, 2011 and September 27, 2011.

**(SUPERVISOR MECHAM RECUSES HIMSELF FROM THIS HEARING DUE TO A CONFLICT OF INTEREST AND IS NOW ABSENT.)**

**Mr. Arlin Singewald – Planning and Building:** states on March 22, 2012, the Planning Commission approved a proposal by Verizon Wireless for an alternative project site on Vineyard Drive in Templeton, and requests this hearing be continued until the appeal period for the Planning Commission’s decision ends on April 5, 2012.

**Ms. Whitney McDonald – Deputy County Counsel:** also recommends this item be continued until after the alternative project site becomes final.

**Ms. Trisha Wright - representing Verizon Wireless, Appellant:** addresses their intention to withdrawal this appeal if the Planning Commissions’ decision is not appealed.

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

**The Board continues the hearing to Tuesday, July 10, 2012.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**(SUPERVISOR MEHCAM IS NOW PRESENT.)**

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

**13.** Nipomo Supplemental Water Project Assessment District; Consideration of assessment ballots totaling \$89,801.39 for 8 parcels owned by the County.

**(This item is amended by replacing pages 5 and 8 of “Attachment E” and by revising the Board’s recommendation to the Nipomo Supplemental Water Project Assessment District to clarify the Board of Supervisors role in that action.)**

**Mr. Paavo Ogren - Public Works Director:** presents a handout titled "Table 1 Nipomo CSD Water Assessment - All County-owned Parcels" clarifying a proposed assessment that has been reduced from \$7,416.69 to \$4,343.88.

**Mr. Ed Eby - Nipomo Community Services District (NCSD) Board of Directors Member, Mr. Michael LeBrun - NCSD General Manager and Mr. Mike Winn - NCSD Board of Directors Member:** present a powerpoint presentation.

**A motion by Supervisor Paul A. Teixeira, to take the neutral staff position on the seven (7) parcels owned by**

**the county for the Nipomo Supplemental Water Project, dies for lack of a second.**

**The Board directs the Chair to sign the assessment ballots voting yes for seven (7) parcels owned by the County for the Nipomo Supplemental Water Project.**

**Motion by:** Adam Hill

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Supervisor Teixeira:** outlines his reasons for not supporting the motion.

**The Board, acting as the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, directs the Chair to sign the assessment ballots voting yes for one (1) parcel owned by the San Luis Obispo County Flood Control and Water Conservation District for the Nipomo Supplemental Water Project.**

**Motion by:** Adam Hill

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Closed Session Items:**

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

**(Added Closed Session Items. I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 10. Southern California Pipeline Construction, Inc. v. San Luis Obispo County Flood Control and Water Conservation District; 11. Los Osos Community Services District v. County of San Luis Obispo, et al. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)**

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Nipomo CSD v. County of San Luis Obispo; 2. Application of Pacific Gas and Electric Company for Approval of Ratepayer Funding to Perform Additional Seismic Studies Recommended by the California Energy Commission, California Public Utilities Application # 10-01-014; 3. Pelfrey v. County of San Luis Obispo.

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 4. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 5. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Government Code, section 54957.6.)

A. It is the intention of the Board to meet in closed session to have a conference with its Management Representative Tami Douglas-Schatz concerning the following: Name of employee organizations are:

- 6. District Attorney Investigator’s Association; 7. Association of San Luis Obispo County Deputy Sheriffs;
- 8. Deputy County Counsel Association; 9. San Luis Obispo Government Attorney’s Union.

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

**Mr. Richard Margetson:** 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:**

- 15. Submittal of a resolution proclaiming April 2012 as "Autism Awareness Month" in San Luis Obispo County.

**Ms. Susie Penner – Autism Spectrum Center Board President:** speaks.

**RESOLUTION NO. 2012-71, a resolution declaring April 2012 as “Autism Awareness Month” in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (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 proclaiming March 29, 2012 as "No Place for Hate Day" in San Luis Obispo County.

**Ms. Abbey Lassen - Anti-Defamation League Advisory Board Co-Chairperson and Mr. Jen Rose:** speak.

**RESOLUTION NO. 2012-72, a resolution proclaiming March 29, 2012 as “No Place for Hate Day” in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

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

- 17. Hearing to consider approval of a resolution of adopting a Groundwater Management Plan (GMP) for portions of the Paso Robles Groundwater Basin and formation of a Blue Ribbon Committee.

**Ms. Courtney Howard – Public Works:** amends the resolution by replacing “Attachment B”.

**Mr. Paavo Ogren - Public Works Director:** recommends adding the request by Lisa Bodrogi to direct staff to immediately undertake efforts to update the model including the development of request for proposals (RFP) and incorporate appropriate budgeting into next year’s Flood Control District budget.

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

**Ms. Kris Beal (documentation), Ms. Sue Luft, Ms. Della Barrett (documentation), Mr. Eric Greening and Ms. Claudia Engel:** speak.

**Chairperson Patterson:** asks the Clerk how many protests have been received, with the Clerk responding no written protests have been received. Further, asks anyone who is here with a written protest to submit it to the Clerk and continues public comment period.

**Mr. John Crossland (documentation), Ms. Lisa Bodrogi – Paso Robles Wine Country Alliance Government Affairs Coordinator, Mr. Paul Hoover - Paso Robles Wine Country Alliance, Mr. Don Brady (documentation) and Mr. Larry Werner- Paso Robles Groundwater Basin Management Plan Steering Committee:** speak.

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

**A motion by Supervisor Mecham, seconded by Supervisor Bruce S. Gibson, to amend the resolution to add the following: "WHEREAS, the District intends to appoint a Blue Ribbon Committee to advise on implementation of the GMP and intends the Blue Ribbon Committee will: 1) recommend actions to stabilize the basin; 2) recommend structures for management and accountability of GMP activities; and 3) recommend financing and cost sharing approaches for implementation activities;"** Further, the Board acting as the San Luis Obispo County Flood Control & Water Conservation District, adopts the resolution as amended, approving the GMP for portions of the Paso Robles Groundwater Basin and formation of a Blue Ribbon Committee, is discussed.

**Mr. Warren Jensen - County Counsel:** recommends adding a clause to the resolution to read as follows: "WHEREAS, no property owner submitted written protests to adoption of the Paso Robles Groundwater Basin Management Plan."

**The motion maker amends the motion to incorporate the clause stated by County Counsel in the resolution, with the second concurring.**

**The Board acting as the San Luis Obispo County Flood Control & Water Conservation District amends the resolution to add the following: "WHEREAS, the District intends to appoint a Blue Ribbon Committee to advise on implementation of the GMP and intends the Blue Ribbon Committee will: 1) recommend actions to stabilize the basin; 2) recommend structures for management and accountability of GMP activities and 3) recommend financing and cost sharing approaches for implementation activities;" and "WHEREAS, no property owner submitted written protests to adoption of the Paso Robles Groundwater Basin Management Plan."** Further, RESOLUTION NO. 2012-73, a resolution of the San Luis Obispo County Flood Control & Water Conservation District, California, adopting a Groundwater Management Plan for the Paso Robles Groundwater Basin, adopted as amended.

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

The Board acting as the San Luis Obispo County Flood Control and Water Conservation District directs staff to immediately undertake efforts to develop and release a request for proposals (RFP) to update the basin model and incorporate appropriate funding into next year’s Flood Control District’s budget request to conduct the update; work with the Steering Committee to create a zone of benefit to establish the boundaries of the Paso Robles Groundwater Basin for the purpose of tracking GMP implementation costs; coordinate with local agencies and applicable water service providers overlying the Basin to determine whether and how the GMP can be adopted and implemented for the entire Basin; engage with the individuals that have tentatively volunteered their wells as monitoring wells and incorporate them into this year’s monitoring; produce updated hydrographs utilizing well level measurements from 2010 and 2011 for review by the Steering Committee; and provide the Board with a report on the Blue Ribbon Committee’s progress by the end of this calendar year.

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, **JULIE L RODEWALD**, 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, March 27, 2012, 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.

**JULIE L RODEWALD**, County Clerk-Recorder And Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: March 30, 2012