

Tuesday, April 03, 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:** 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			

**Consent Agenda - Administrative Items:**

- Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint Linda Finley to replace Sean Wilkinson on the Cambria Local Area Advisory Board for the remaining year of his three-year term.

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

**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			

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

- Submittal of a resolution proclaiming April 4, 2012 as "National Walking Day" in San Luis Obispo County.

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

**The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-74, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
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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			

3. Request by Supervisor Frank Mecham to reappoint Betty Robinson and Rosie Flynn to the San Miguel Cemetery District.

**This item is amended by holding off on the appointment of Betty Robinson pending further review and proceed with the appointment of Rosie Flynn. Further, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board.**

**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			

**Consent Agenda - Farm Advisor Items:**

4. Request to amend the fixed asset list for Fund Center 215 – Farm Advisor to add a Kyocera copier/printer/scanner unit and authorize a budget adjustment in the amount of \$9,000 from within accounts.

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

**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			

**Consent Agenda - Health Agency Items:**

5. Request to approve Amendment No. 1 to the Fiscal Year 2011-12 renewal contract (Clerk’s File) with Community Action Partnership of San Luis Obispo County to provide case management services in support of the 2011 Public Safety Realignment Implementation Plan in the amended amount not to exceed \$301,995.

**Mr. Jeff Hamm – Health Agency Director:** amends this item to clarify the contract is not “Clerks Filed” but included as an attachment to the staff report.

**Supervisor Hill:** states he will be abstaining from voting on this item.

**This item is amended by clarifying the contract is not “Clerk’s Filed” but included as an attachment to the staff report. Further, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board.**

**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	

**Consent Agenda - Public Works Items:**

- 6. Submittal of a resolution authorizing execution of Notice of Completion and Acceptance for the Bradford Road Cooperative Road Improvements in Cambria, CA, Contract No. 300418.

**The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-75, adopted.**

**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			

- 7. Request authorization of a budget adjustment, by a 4/5th’s vote, in the amount of \$40,000 to increase the appropriation and associated funding for ADA Curb Ramps on Route 58 in Santa Margarita (WBS 300457).

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

**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			

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

- 8. Request to approve committee appointments to the Water Resources Advisory Committee of the Flood Control and Water Conservation District.

**Ms. Carolyn Berg – Public Works:** replaces “Attachment B”.

**Mr. Mike Winn – Water Resources Advisory Committee (WRAC) Chairperson:** speaks.

**This item is amended by replacing “Attachment B”. Further, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board.**

**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			

**Consent Agenda - Tax Collector/Treasurer/Public Administrator Items:**

- 9. Request to approve a resolution delegating authority to the County Tax Collector to approve validated claims for excess proceeds from the sale of tax defaulted properties, and to make payments to parties of interest on behalf of the Board.

**The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-76, adopted.**

**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			

**Presentations:**

- 10. Submittal of a resolution proclaiming April 2012 as "Month of the Child" and April 14, 2012 as "Day of the Child" in San Luis Obispo County.

**Clerk:** amends this item to clarify the resolution is also proclaiming April as "Child Abuse Prevention Month."

**Ms. Lisa Frazer – San Luis Obispo County Child Abuse Prevention Counsel Director, Ms. Cindy Cipres - Child Care Planning Counsel Chairperson (handout) and Ms. Vicky Farley – Community Action Partnership:** speak.

**RESOLUTION NO. 2012-77, a resolution proclaiming April 2012 as "Month of the Child" and "Child Abuse Prevention Month" and April 14, 2012 as "Day of the Child" in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Paul Teixeira

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:**

- 11. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

**Mr. Eric Greening:** comments on future land use area planning.

**Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB):** addresses the recent Air Pollution Control District (APCD) hearing regarding Green House Gas Emissions Thresholds.

**Mr. Bob Blair:** speaks to the previous Flood Control & Water Conservation District hearing concerning the Nipomo Supplemental Water Project.

**Ms. Gwynn Taylor, Ms. Julie Tacker, Ms. Linde Owen, Mr. Ben DiFatta, Mr. Richard Margetson (handout) and Mr. Keith Swanson:** address various comments and concerns regarding the Los Osos Wastewater Project (LOWWP).

**Dr. C. Hite - World Community Workshop:** expresses concerns regarding stereotypes. **No action taken.**

**Board Committee Reporting:**

**12.** This is the time set for Board Members to report on various committee activities.

**Board Members:** comment on their committee activities with the California State Association of Counties (CSAC); California Public Utilities Commission (CPUC) Panel; Economic Vitality Corporation (EVC), Pension Trust Board; Latino Outreach Counsel and the Homeless Services Oversight Counsel.

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

**Mr. Richard Margetson:** speaks. **No action taken.**

**Board Business:**

**13.** Report on the County’s transition to an automated agenda management system and presentation of the new website.

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

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

**Chairperson Patterson:** receives and files the report and presentation.

**Hearings:**

**14.** Hearing to consider a request by the County of San Luis Obispo to amend Sections 21.02.090 and 21.06.010(c) of the Real Property Division Ordinance (Title 21 of the San Luis Obispo County Code); and a request by the County of San Luis Obispo and the primary Shandon applicants of Fallingstar Homes, Inc. and the Peck Ranch Entities to consider the Shandon Community Plan Update.

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

**The Board tentatively approves the amendments to Title 21, the Real Property Division Ordinance.**

**Motion by:** Adam Hill

**Second by:** Frank R. Mecham

<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			

**Mr. Jay Johnson – Planning and Building:** presents revised language to standard No. 7 regarding domestic water supply – requirement for new development on page 44 of 134 of Attachment C; enters into the record a letter from North Coast Engineering, Inc. and provides additional corrections to Attachment C.

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

**Mr. Eric Greening, Mr. Steve Sinton, Mr. Mike Winn – Water Resources Advisory Committee (WRAC) Chairperson and Mr. Greg McMillan:** speak.

**The Board amends Attachment C as follows:** by labeling pages 7 of 134 through 11 of 134 “Exhibit LRP2003-00004/G030013M:D”; page 16 of 134, by deleting the third paragraph; page 19 of 134, under Principal Arterials, by replacing the first word "Widen" with "Complete the widening of". Further, amends the revised language to Standard No. 7 Domestic water supply – requirement for new development that was presented by staff, under subsection b. by replacing “a project, pursuant to the Shandon Community Plan Natural Resources Implementation Program NRIP-4, that will deliver State Water” with “the water project, pursuant to the Shandon Community Plan Natural Resources Implementation Program NRIP-4, that delivers State Water”; and subsection c., by deleting “, as it applies to the Shandon urban area,”. Furthermore, the Board tentatively certifies the Final Environmental Impact Report (FEIR), approves the Shandon Community Plan Update, amendments to the Shandon-Carrizo Area Plan, amendments to the Official Maps and amendments to the Land Use Ordinance Title 22 of the County Code as shown in Exhibits LRP2003-0004/G030013M:A, C,

**D and E as amended.**

**Motion by:** Frank R. Mecham

**Second by:** James R. Patterson

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			

**RESOLUTION NO. 2012-78, a resolution to amend the San Luis Obispo County General Plan, the Land Use Ordinance, Title 22 of the County Code, the Real Property Division Ordinance, Title 21 of the County Code and to adopt ordinances and to approve environmental documents, adopted. Furthermore, the readings of the proposed ordinances are waived and said proposed ordinances are read by title only and ORDINANCE NO. 3222, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.110 relating to the Shandon-Carrizo Planning Area and the Shandon Urban Area; ORDINANCE NO. 3223, an ordinance amending Title 21 of the San Luis Obispo County Code, the Real Property Division Ordinance, Section 21.02.090 relating to duties of the Planning Commission and Subdivision Review Board as the advisory agency and Section 21.06.010 relating to Discretionary Time Extensions; and ORDINANCE NO. 3224, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, adopted with the amendments stated above.**

**Motion by:** Frank R. Mecham

**Second by:** James R. Patterson

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:**

**15.** The Board announce they will be going into Closed Session regarding:

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. Southern California Pipeline Construction, Inc. v. San Luis Obispo County Flood Control and Water Conservation District; 3. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water); 4. In re Los Osos CSD, Bankruptcy matter.

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 5. 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. 6. 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: 7. District Attorney Investigator’s Association; 8. Association of San Luis Obispo County Deputy Sheriffs; 9. Deputy County Counsel Association; 10. San Luis Obispo Government Attorney’s Union.

III. PERSONNEL (Gov. Code, § 54954.5.) It is the intention of the Board to meet in closed session to: 11. Consider Public Employee Appointment for the Position of County Counsel.

**Chairperson Patterson:** 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 Continued:**

16. Submittal of resolutions recognizing employees for 30 years of service.

Mr. Max Keller and Mr. Daniel Qualey - Public Works Department, receive their 30 years of service awards, with Mr. Paavo Ogren - Public Works Director highlighting their history with the County.

**RESOLUTION NO. 2012-79, a resolution commending Max Keller in recognition of thirty years of service with the County of San Luis Obispo and RESOLUTION NO. 2012-80, a resolution commending Daniel G. Qualey in recognition of thirty years of service with San Luis Obispo County, adopted.**

**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			

17. Submittal of resolution commending Jamie Lopes upon his retirement after 36 years with the County of San Luis Obispo Department of Planning and Building.

**Mr. Jason Giffin – Planning and Building Director, Mr. Chuck Stevenson and Mr. James Lopes – Planning and Building:** speak.

**RESOLUTION NO. 2012-81, a resolution commending Jamie Lopes upon his retirement after thirty-six years of service with the County of San Luis Obispo, adopted.**

**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			

**Board Business Continued:**

18. Letter transmitting Plans and Specifications (Clerk’s File) for the Los Osos Wastewater Project, Collection System Areas A & D, Los Osos, CA, Contract No. 300448.08.01.AD for Board approval and advertisement for construction bids and a resolution approving the Project’s construction change order policy.

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

**Ms. Julie Tacker, Dr. C. Hite, Mr. Al Barrow – Coalition for Low Income Housing (presents award), Ms. Linde Owen, Mr. Richard Margetson and Mr. Ben DiFatta:** speak.

The Board approves the project and adopts the plans and specifications for the construction of the Los Osos Wastewater Project, Collection System Areas A & D, Los Osos, CA, Contract No. 300448.08.01.AD; authorizes the contract to be advertised for construction bids, with bid opening date set for Thursday, May 10, 2012; provides the Public Works Director, or his designee, the discretion to extend the bid opening date under

**California Public Contract Code - Section 4104.5; and RESOLUTION NO. 2012-82, a resolution approving the Los Osos Wastewater Collection System Project construction change order policy, adopted.**

**Motion by:** Bruce S. Gibson

**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			

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, April 03, 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: April 9, 2012