

**Tuesday, May 22, 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.**

**1-4.** This is the time set for consideration of the Consent Agenda:

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

The action taken for the Consent Agenda Item 1 through 4 on the following vote is indicated for each item.

**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			

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

1. Submittal of a resolution honoring Retired & Senior Volunteer Program Volunteers in San Luis Obispo and Northern Santa Barbara Counties.

**Ms. Marie Brinkmeyer:** speaks.

**The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-129, 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			

**Consent Agenda - General Services Agency Items:**

2. Request to authorize a budget adjustment in the amount of \$1,659,888 to finalize a previously approved loan from the General Fund to the Airport to fund construction of the Quick Turn Around Rental Car Facility at the Airport.

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

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

**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			

**Consent Agenda - Public Works Items:**

3. Submittal of letters opposing AB 2231 (Fuentes) which would transfers the cost of sidewalk repair from the adjoining property owner to the County; All Districts.

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

**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			

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

4. Submittal of a resolution delegating joint authority to the Public Works Director and County Counsel to execute confidentiality agreements with the California Department of Water Resources. All Districts.

**The Board withdraws this item from the Consent Agenda.**

**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			

**Presentations:**

5. Presentation of Richard J. Weyhrich Leadership Scholarship awards to students.

**Mr. Donn Clickard:** introduces the following Richard J. Weyhrich recipients as follows: Letisia Muniz, Benton M. Lowerison, Owen S. Sebo, Ian M. Cocroft, Hyun Joo Judy Ha, Scarlett E. Harris, Madhuri Panchal, Dustin W. Weir, Natalie G. Hagler, Anson J.R. Castillo, Jenna A. MacCarley, Kylie Bergquist, Stephanie A. Tonegato, and Allen L. Bailey.

**the Board approves the presentation calendar.**

**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:**

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

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

**Ms. Julie Rodewald - County Clerk-Recorder:** updates the Board on upcoming election deadlines and the new ballot drop off box at the Government Center.

**Ms. Gewynn Taylor, Ms. Julie Tacker, Ms. Linde Owen (Liquefaction Map), Ms. Piper Reilly, Mr. Ben DiFatta, Mr. Gary Freiberg, and Mr. Al Barrow – Coalition for Low Income Housing (Maps):** discuss the Los Osos Wastewater Project.

**Mr. Gary Fowler:** discusses his concerns with the new location of the Homeless Shelter.

**Dr. Fred Vernacchia and Dr. Steve Hansen:** urges the Board to support Proposition 29, with Supervisor Hill, directing the Administrative Office to add a letter of support on the next meeting’s agenda, with Supervisor Gibson and Chairperson Patterson agreeing.

**Mr. Eric Greening:** asks prior to Item 4 coming back to the Board that it be presented to the Water Resources Advisory Committee.

**Ms. Cheryl Lawson:** discusses the "Golden Future 2063".

**Mr. Richard Margetson (CRWQCB Nitrate letter):** speaks to an interview by Supervisor Hill and his comments regarding Los Osos Wastewater speakers.

**Dr. C. Hite:** addresses her concerns with the County not meeting ADA compliance standards.

**Mr. Bill Petrick:** presents and discusses the election results for the Nipomo Community Services District regarding the Assessment District.

**Mr. Michael Winn – Water Resources Advisory Committee Chairperson and Nipomo Community Services District Director:** asks the Board for direction to the WRAC when they are ready for them to review the wastewater affluent from the LOWWP; highlights the results of NCSA Assessment District. **No action taken.**

**Board Business:**

7. Submittal of the Fiscal Year 2011-12 Third Quarter Financial Report.

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

**Mr. Gary Freiberg:** speaks.

**The Board: 1) receives, reviews, and files the Fiscal Year 2011-12 Third Quarter Financial Report; 2) approves miscellaneous budget adjustments totaling \$1,521,515 (summarized on page 18 of the attached report) resulting from unbudgeted year-end costs. The recommended financing for the adjustments consists of \$358,750 from General Fund contingencies and the remaining \$1,162,765 from unanticipated revenues and expenditure savings from within departmental budgets; 3) approves an appropriation totaling \$141,459 from Public Facilities Fees - Library collected during FY 2011-12 to make the annual loan payment, and increase the Designated Fund Balance-Library Cambria in the General Government Building Replacement Fund by a corresponding amount; 4) increases the Designated Fund Balance- Library Cambria in the General Government Building Fund by \$70,430, the amount of the Cambria Library loan repayment amount in FY 2009-10; 5) amends the Fixed Asset list for Fund Center 140- County Fire, as outlined in the staff report from County Fire on pages 19-20 of the attached report; 6) amends the Fixed Asset list for Fund Center 136- Sheriff-Coroner, as outlined in the staff report from the Sheriff-Coroner on pages 21-23 of the attached report, and approves corresponding budget adjustments; 7) amends the Fixed Asset list for Fund Center 137- Animal Services to replace one high capacity washer with two smaller industrial washers and a water heater, as outlined on pages 24-25 of the attached report; 8) accepts cash donations and approves a budget adjustment in the amount of \$33,337.73 from the Library’s Gift Trust Fund to the Fund Center 377 - Library operating budget; 9) accepts cash donations and approves a budget adjustment in the amount of \$6,719 from Park’s Gift Trust Fund to the Fund Center 305 - Parks operating budget; 10) accepts a contribution of \$200 made to Fund Center 139- Probation from the California Association of Probation Service Administrators; 11) accepts donations and approves a budget adjustment in the amount of \$1,579 from the Social Services Gift Trust Fund to the Fund Center 180 - Social Services Administrative operating budget; 12) approves a request from the Public Works Department for relief from accountability for uncollectable Engineering Checking and Inspection Agreement charges in the amount of \$1,535; 13) approves a request from the General Services Agency to declare 18 vehicles as surplus, authorizes their removal for the County fleet, and authorizes their sale to recover salvage value in accordance with County Code Section 2.36.030(5).**

**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			

**Hearings:**

- 8. Hearing to consider public testimony regarding the renewal of the San Luis Obispo County Tourism Business Improvement District (CBID) and continued levy of assessments.

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

**The Board receives and files the Annual Report of the San Luis Obispo County Tourism Business Improvement District.**

**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			

- 9. Hearing to consider approval of a resolution terminating a water shortage emergency for County Service Area No. 10, Zone A, Cayucos Water System. District 2.

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

**Mr. Felix Rusnak and Mr. Jim Conway:** speak.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-130, resolution terminating a Declaration of a Water Shortage Emergency in County Service Area No. 10, Zone A adopted.**

**Motion by:** Bruce S. Gibson

**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			

**Closed Session Items:**

- 10. 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. Sunny Acres, Inc., et al. v. County of San Luis Obispo, et al. (CV090360).
  - B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 2. 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. 3. 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: 4. Association of San Luis Obispo County Deputy Sheriffs.

**ADDED - ALL 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) 5. Dubbink v. County of San Luis Obispo, et al

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

**Dr. C. Hite:** 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 Continued:**

- 11. Submittal of a resolution proclaiming May 19 - 25, 2012 as "National Safe Boating Week" in San Luis Obispo County.

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

**RESOLUTION NO. 2012-131, resolution proclaiming May 19<sup>th</sup>-May 25<sup>th</sup>, 2012, as “National Safe Boating Week” in San Luis Obispo County, adopted.**

**Motion by:** Paul Teixeira

**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			

**Hearings Continued:**

- 12. Hearing to consider protests regarding the proposed CSA 23 Drought Reliability Assessment District (2012) in the community of Santa Margarita. District 5.

**(SUPERVISOR FRANK MECHAM IS NOW ABSENT DUE TO A CONFLICT OF INTEREST.)**

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

**A motion by Chairperson James R. Patterson, seconded by Supervisor Bruce S. Gibson, to pay the assessment fee for the county-owned parcels is discussed. The motion maker and second amend their motion and replace the motion as follows: to vote the county-owned parcels in the affirmative and further directs the Clerk of the Board to tabulate the ballots and return to the Board on June 5, 2012.**

**The Board authorizes ballots for County Parcels to be voted in the affirmative and directs the Clerk of the Board to collect and tabulate the ballots and report the results of the ballot tabulation at the regularly scheduled meeting of June 5, 2012.**

**Motion by:** James R. Patterson

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSENT	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 FRANK MECHAM IS NOW PRESENT.)**

**Board Business Continued:**

- 13. 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.

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

**Mr. Michael Winn – Nipomo Community Services District Director, Mr. Muril Clift – Cambria Community Services District:** speaks.

**RESOLUTION NO. 2012-132, 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 12-13, resulting in an additional 110 units county-wide, 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			

- 14.** Hearing to consider an amendment to Title 26 of the County Code, the Growth Management Ordinance, regarding fiscal year reference updates for the maximum number of new dwelling units allowed for the Nipomo Mesa area for Fiscal Year 2012-2013, maintenance of the 0% Cambria growth rate per fiscal year for the period from July 1, 2012 through June 30, 2015, and update of the frequency of approval of the Resource Management System Resource Summary Report. Districts 2 and 4.

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3227, an ordinance amending Title 26 of the San Luis Obispo County Code, the Growth Management Ordinance, adopted.**

**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			

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

- 15.** Consideration of: 1) a status update of the flood mitigation efforts in Oceano; 2) a budget adjustment of \$706,000 for the Arroyo Grande Creek Waterway Management Plan (WMP), by a 4/5th’s vote; 3) request to approve a professional services agreement with Waterways Consulting, Inc., in the amount of \$330,000 for design services; 4) a request to authorize the Public Works Director to approve amendments to the agreement in an amount not to exceed a contingency of \$33,000; and 5) a request to authorize the Public Works Director to sign and submit applications for federal financing for implementation. District 4.

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

**Mr. Jeff Edwards:** speaks.

**The Board, acting on behalf of the San Luis Obispo County Flood Control and Water Conservation District (District), accepts the status update of the flood mitigation efforts in Oceano; authorizes a budget adjustment, by 4/5<sup>th</sup> vote, in the amount of \$706,000 to provide funding for project implementation efforts for the WMP Alternative 3a project and the WMP Modified 3c project; approves a Professional Service Agreement with Waterways Consulting in the amount of \$330,000, for final design of the Zone 1/1A Waterway Management Program, Alternative 3a and Modified 3c Projects; authorizes the Public Works Director to approve amendments to the agreement in an amount not to exceed a contingency of \$33,000; and authorizes the Public Works Director to sign and submit applications to the United States Department of Agriculture (USDA) for participation in the Community Facilities Loan program and to Cal EMA for participation in the Hazard Mitigation Grant Program (HMGP).**

**Motion by:** Paul Teixeira

**Second by:** Frank R. Mecham

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			

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, May 22, 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/ Catrina M. Christensen, Deputy Clerk-Recorder

DATED: June 21, 2012