

**Tuesday, July 24, 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 R. 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:**

**1-14.** This is the time set for consideration of the Consent Agenda.

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

**Items Set for Hearing:**

1. Introduction of a proposed ordinance amending Title 2, Chapter 2.11 of the County Code to establish provisions regulating the use of facilities and vacant land that are owned or operated by the County. Hearing date set for August 21, 2012. All Districts.

**Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB), Mr. Chip Tamagni, Mr. Kosta Radisavljevic, Ms. Barbara Radisavljevic, Mr. Bill Pelfrey, Mr. Doug Hilton, Ms. Joyce Albright, Mr. Jim Griffin, Mr. Edward Veek, Mr. David Broadwater, Mr. Bruce Hilton, Mr. Kevin Rice, Ms. Laurie Alexiev, Mr. Eric Greening, Mr. Michael Winn, Ms. Laura Mordaunt, Ms. Catherine Crawford Arnold, Mr. Ben DiFatta, Ms. Julie Tacker, Ms. Linde Owen, Ms. Andrea Seastrand, Mr. Richard Margetson, Ms. Sue Schimandle and Mr. Al Barrow – Coalition of Low Income Housing:** speak.

**Mr. Jim Grant – County Administrator:** discusses his intentions for bringing this item forward; states based on today’s public comments, he recommends this item be pulled from the Consent Agenda for further staff evaluations.

**The Board pulls this item from the Consent Agenda and directs staff to refine the ordinance to include clarity in the protection of free speech under the First Amendment and how those issues are balanced with health and safety issues; add a clear articulation of the purpose of the ordinance including the usage of outside government buildings for rallies and demonstrations without a fee or permit requirement; consult further with advisory groups and send this matter back to the Parks Commission for review.**

**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			

**Consent Agenda – Review and Approval:**

**2-14.** The Board now takes into consideration Consent Agenda Items 2 through 14.

**Supervisor Gibson:** states he will be abstaining from voting on Item No. 4 due to a conflict of interest.

**Chairperson Patterson:** states he will be abstaining from voting on Item No. 8 due to a conflict of interest.

The action taken for Consent Agenda items 2 through 14 on the following vote is indicated for each item.

**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			

**Consent Agenda - Administrative Items:**

- Request to approve a two year agreement in the total amount of \$752,000 with Mental Marketing Inc. and TJA Advertising to provide marketing services on behalf of the San Luis Obispo County Tourism Business Improvement District (CBID). All Districts.

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

**Consent Agenda – County Fire:**

- Request to approve the FY 2012-13 annual agreement (Clerks' File) for cooperative fire protection services with the California Department of Forestry and Fire Protection (CAL FIRE) and a related a related budget adjustment to add \$488,268 of expenditure appropriation and matching revenue to Fund Center 140 County Fire to reflect the First Solar paramedic contract for service in California Valley approved by the Board on June 19, 2012.

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

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

- Request to approve a "Local Food Purchase Policy" for use by the County of San Luis Obispo.

**Ms. Jenna Smith – Central Coast Ag Network Executive Director, Ms. Jackie Crabb – Farm Bureau, Mr. Ed Guerena – County Health Commission Chairperson, Ms. Jenifer Rhynes – YMCA Director and Healthy Eating Active Living San Luis Obispo Chairperson (brochure), Mr. Carl Hanson - Food Bank Coalition Executive Director and Food System Coalition Chairperson, Ms. Sue Hughes – First 5 San Luis Obispo County Executive Director (letter) and Ms. Claire Wilson – Center for Sustainability: speak.**

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

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

**Consent Agenda - Health Agency Items:**

- Request to approve four renewal contracts (Clerk’s File) for Fiscal Year 2012-13 in the aggregate amount not to exceed \$636,560 with four Institutes of Mental Disease (IMD) to provide residential and intensive mental health services in locked facilities to adults who cannot care for themselves due to their mental illness.

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

- Request to approve a renewal contract for Fiscal Year 2012-13 with Wilshire Community Services (Clerk’s File), to provide prevention and early intervention behavioral health services to older adults throughout the county, in the amount not to exceed \$296,339.

**Ms. Traci Mello – Wilshire Community Services:** speaks.

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

- Request to approve a renewal contract for FY 2012-13 with Community Counseling Center (Clerk’s File), to provide prevention and early intervention behavioral health services to individuals and families throughout the county, in the amount not to exceed \$38,889.

**Mr. James Statler – Community Counseling Center Executive Director:** speaks.

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

8. Request to approve a renewal contract for FY 2012-13 with Central Coast Link (The Link) (Clerk's File), to provide prevention and early intervention behavioral health services to middle school students and their families throughout the county, in the amount not to exceed \$141,892.

**Chairperson Patterson:** states he will be abstaining from voting on this item due to a conflict of interest.

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

**Consent Agenda - Human Resources Items:**

9. Request to approve a side letter for amendments to the Memorandums of Understanding (MOUs) with the San Luis Obispo County Employees' Association (SLOCEA) (Bargaining Units 01, 05 and 13) to further reduce the impact to employees in the positions that were eliminated or reduced in hours in the FY 2009-10, FY 2010-11, FY 2011-12 and FY 2012-13 adopted budget.

**Ms. Tami Douglas-Schatz – Human Resources Director and Ms. Kimberly Daniels – San Luis Obispo County Employees' Association (SLOCEA):** speak.

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

**Consent Agenda - Pension Trust:**

10. Submittal of a resolution which will approve technical amendment to Section 18.02: Retirement Plan Amendment or Termination of the Retirement Plan.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-184, adopted.**

**Consent Agenda - Public Works Items:**

11. Submittal of a resolution for the addition of delinquent water and sewer availability charges for County Service Area Nos. 7-A (Oak Shores), 16 (Shandon), 18 (Country Club Estates) and 23 (Santa Margarita) to the 2012-13 Property Tax Bills. Districts 1, 3, and 5.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-185, adopted.**

12. Submittal of two resolutions for the Los Osos Wastewater Project to: 1) reduce specified assessments; and 2) ordering change of proceedings to increase assessments on two parcels. District 2.

**Mr. Richard Margetson:** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2012-186 and 2012-187, adopted.**

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

13. Submittal of a resolution authorizing the Director of Public Works to make an application to California Department of Public Health for Proposition 50 (Water Security) Grant Funding for Capital Projects in Flood Control Zone 3. Districts 3 and 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-188, adopted.**

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

14. Request to appoint Jerel Haley, Atascadero Chief of Police, to the California ID System Advisory Board.

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

**Public Comment Period:**

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

**Ms. Gewynn Taylor, Mr. Ben DiFatta, Mr. Richard Margetson, Ms. Julie Tacker, Ms. Linde Owen and Mr. Al Barrow (chart):** address various concerns regarding the Los Osos Wastewater Project (LOWWP).

**Ms. Betsy Ehrler - 5 Cities Homeless Coalition Secretary Treasurer:** announces a forum regarding homelessness in our community on July 31, 2012 from 6:00 PM to 8:00 PM at the Arroyo Grande Saint Barnabas Episcopal Church.

**Mr. Gary Frieberg:** comments on the recent Dana Adobe Nipomo Amigos (DANA) hearing.

**Mr. Eric Greening:** requests a discussion concerning the process and environmental impacts to the proposed seismic testing near Diablo Canyon Power Plant prior to it going before the California State Lands Commission, with Supervisor Gibson stating he is proposing a presentation regarding this matter at the August 7, 2012 meeting.

**Ms. Lynn Schutz:** comments on the upcoming Excelaron Appeal hearing.

**Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB):** suggests it would be beneficial for staff powerpoint presentations to be posted to the agenda online prior to the meetings and outlines why he feels ordinances should have three readings instead of two.

**Chairperson Patterson:** announces they received a letter from Frank Lanzone, the General Manager and President of KCBX Radio, informing the Board that as July 31, 2012 they will no longer broadcast Board of Supervisor meetings after 30 years due to other opportunities for the community to listen to the meetings, with Mr. Vince Morici – Administrative Office, stating that he just spoke to a member of the KCBX Radio management staff and they have tentatively agreed to continue broadcasting through the end of the calendar year. **No action taken.**

**Hearings:**

16. Hearing to consider a resolution authorizing the addition of delinquent service charges for County Service Area 10A (Cayucos), County Service Area 16 (Shandon - Water Service), County Service Area 23 (Santa Margarita - Water Service), to the 2012-13 Property Tax Bills. Districts 1, 2, and 5.

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

**Supervisor Mecham:** announces that he no longer has to recuse himself from voting on decisions relating to Santa Margarita as the property he owned in Santa Margarita has been sold.

**RESOLUTION NO. 2012-189, resolution of the Board of Supervisors acting as the Governing Board of San Luis Obispo County Service Area 10A (Cayucos), County Service Area 16 (Shandon - water service), 23 (Santa Margarita - water service), verifying delinquent service charges and confirming report, adopted. Further the Board directs the Clerk to file the copy of the approved resolution with the County Auditor prior to August 10, 2012.**

**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			

17. Hearing to consider a request by the County of San Luis Obispo to amend Title 19 of the San Luis Obispo County Code by adopting the 2010 edition of the California Building Standards Code including Annual Supplements, State and Local Amendments – LRP2011-00012. All Districts.

**Chairperson Patterson:** 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. 3229, an ordinance amending Title 19 of the San Luis Obispo County Code by adopting and amending the 2010 California Building Standards Code, including annual supplements and state amendments and errata, 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			

- 18. County-initiated Notice of Nonrenewal of Land Conservation Contract for the Charles and Audrey Murray Living Trust property (AGP2009-00020). District 5.

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

The Board approves the request to serve the property owner with a County-initiated Notice of Non-Renewal.

**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			

- 19. County-initiated Notice of Nonrenewal of Land Conservation Contract for the Daniel Jung property (AGP2008-00009). District 1.

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

The Board approves the request to serve the property owner with a County-initiated Notice of Non-Renewal.

**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			

**Closed Session Items:**

- 20. The Board announces 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-Anticipated Litigation (Government Code, section 54956.9.) 1. 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. 2. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

**ADDED – REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISFIED AS THIS NOTICE WAS POSTED PRIOR TO THE 72-HOUR NOTICING REQUIREMENT.**

II. PERSONNEL (Gov. Code, § 54954.5.) It is the intention of the Board to meet in Closed Session to: 3. Consider Public Employee Appointment for the Position of County Administrator.

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

**Mr. Warren Jenson - County Counsel:** states the Board did meet in Closed Session but has not finished the business that they were transacting. Therefore, there is no reportable action at this point and the Board will resume Closed Session after the following item.

**Board Business:**

21. Consideration of options pertaining to 1) Prop 84 round 1 grant funding; 2) Prop 50 grant funding for County Service Area (CSA) 16 (Shandon) and CSA 23 (Santa Margarita); and 3) submittal of a resolution authorizing the Director of Public Works to make application for Prop 50 grant funding. All Districts

**Mr. Dean Benedix - Public Works Utilities Division Manager:** amends the staff report on page 3 of 6 by correcting the date the Nipomo Community Services District (NCS D) will be considering the scaled down project from July 23, 2102 to July 24, 2012.

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

**Mr. George Sullivan, Mr. Michael Winn – Water Resources Advisory Committee (WRAC) and NCS D, Mr. Jim Harrison – NCS D Board of Director and Mr. Gary Freiberg:** speak.

The Board directs staff to work with the San Luis Obispo County Integrated Regional Water Management (IRWM) Plan Regional Water Management Group (RWMG) to identify an alternative water supply project or projects to replace the Nipomo Supplemental Water Project in the Proposition 84 Round 1 Implementation Grant Award if the Nipomo Supplemental Water Project does not proceed; submit the Shandon (CSA 16) State Water Turnout Project to the IRWM Plan RWMG for consideration as a Prop 84 replacement water supply project and submit the Santa Margarita (CSA 23) State Water Turnout Project to the IRWM Plan RWMG for consideration as a Prop 84 replacement water supply project. Further, RESOLUTION NO. 2012-190, a resolution authorizing the Director of Public Works to apply for Proposition 50 grants from the State of California Department of Public Health for County Service Area No. 16 (Shandon) and County Service Area No. 23 (Santa Margarita), 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			

**Closed Session Continued:**

20. The Board announces they will be going back 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-Anticipated Litigation (Government Code, section 54956.9.) 1. 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. 2. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

**ADDED - REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISFIED AS THIS NOTICE WAS POSTED PRIOR TO THE 72-HOUR NOTICING REQUIREMENT.**

- II. PERSONNEL (Gov. Code, § 54954.5.) It is the intention of the Board to meet in Closed Session to:
  - 3. Consider Public Employee Appointment for the Position of County Administrator.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board considered the appointment of County Administrator to succeed Jim Grant, who is retiring. The Board decided to appoint Dan Buckshi to the position. The effective date of the appointment and his compensation will be determined by future action of the Board. The vote was unanimous. The County will be issuing a press release shortly with further details. 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, **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, July 24, 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: August 3, 2012