

Tuesday, January 23, 2018

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: Bruce S. Gibson, Adam Hill, Lynn Compton, Debbie Arnold, and Chairperson John Peschong

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JOHN PESCHONG.

Consent Agenda – Review and Approval:

1-30. This is the time set for consideration of the Consent Agenda.

Chairperson Peschong: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 30 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Peschong, John (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Gibson, Bruce S (Board Member)	x			
Compton, Lynn (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Items: Set for Hearing:

1. Introduction of an ordinance amending Title 3 (Revenue and Finance) of the County Code to set an election to impose a general tax on commercial cannabis businesses. Item set for hearing on February 6, 2018. All Districts.

The Board approves as recommended by the County Administrative Officer.

Bid Opening:

2. Letter transmitting plans and specifications (Clerk’s File) for 2017-18 Surface Treatment, Various County Roads, San Luis Obispo County, for Board approval and advertisement for construction bids; and find the project exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Bid opening date set for Thursday, February 22, 2018. Districts 1, 2, and 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

3. Request to approve Contract Amendment No. 1 to the existing contract with the County’s primary Public Defender service provider, San Luis Obispo Defenders, to increase the annual amount by \$84,000. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Airports Items:

4. Request to approve Amendment No. 1 to a previously approved Fixed Base Operator (FBO) Lease and Operating Agreement for Site L at the San Luis Obispo County Regional Airport, by and between the County of San Luis Obispo and Aviation Consultants, Inc. (ACI), a California Corporation, by a 4/5 vote, District 3.

Supervisor Hill: commends airport staff and partners.

The Board approves as recommended by the County Administrative Officer.

5. Request to approve Amendment No. 4 (Clerk’s File) to the Fixed Base Operator (FBO) Lease and Operating Agreement for Lease Site M at the San Luis Obispo County Regional Airport, between the County of San Luis Obispo and Aviation Consultants, Inc. (ACI) a California Corporation by 4/5 vote. District 3.

Supervisor Hill: commends airport staff and partners.

The Board approves as recommended by the County Administrative Officer.

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

6. Submittal of a resolution to join the California Cannabis Authority Joint Powers Authority. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-10, adopted.

7. Report of the Annual Fiscal and Compliance audits of establishments subject to the County Transient Occupancy Tax Ordinance for calendar year 2016. All Districts.

The Board approves as recommended by the County Administrative Officer.

8. Submittal of the County of San Luis Obispo's audited Comprehensive Annual Financial Report (Clerk's File), 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 and the Single Audit Management Letter for the Fiscal Year Ended June 30, 2017. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

9. Request to approve an agreement with the Shandon Advisory Council allocating \$4,500 from District One Community Project Funds – Fund Center #106 to be used for expenses associated with advisory body meetings and projects. District 1.

The Board approves as recommended by the County Administrative Officer.

10. Request to reappoint Margaret A. Marshall to the Atascadero Cemetery District. District 5.

The Board approves as recommended by the County Administrative Officer.

11. Submittal of a resolution honoring Steve Lohr as the 2017 Paso Robles Wine Country Wine Industry Person of the Year. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-11, adopted

12. Submittal of a resolution recognizing the Nipomo Lions Club for adopting the Willow Rd/101 Freeway Underpass to clean and maintain the artwork designed by local artists Barbara Westfall and Cheryl Weiss. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-12, adopted.

Consent Agenda - Clerk-Recorder Items:

13. Request to approve the award of a contract to Dominion Voting (Clerk's File) in the amount of \$498,000 for specified voting systems and to authorize a budget adjustment of \$498,000 from unanticipated revenues provided from state and federal grants to Fund Center (FC) 11003 – Clerk-Recorder Elections Division and update the department's fixed asset list. 4/5 vote is required. All Districts.

The Board approves as recommended by the County Administrative Officer.

14. Submittal of a resolution amending Appendix C of the County Uniform Conflict of Interest Code for County Agencies. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-13, adopted

15. Request to appoint Kevin Piper to the Coastal San Luis Resource Conservation District Board of Directors. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - County Fire Items:

16. Request to approve FY 2017-18 through FY 2020-21 renewal agreement for cooperative fire protection services with California Department of Forestry and Fire Protection (CAL FIRE) in the amount of \$82,227,069. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

17. Request to approve a new contract for the period of February 1, 2017 through September 30, 2018, with the option to renew for two additional years (through September 30, 2020), with Community Health Centers of the

Central Coast (CHC) in the amount not to exceed \$142,000 to provide services related to integrating physical and behavioral health care for adult County Behavioral Health clients who have serious mental illness. All Districts.

The Board approves as recommended by the County Administrative Officer.

18. Request to approve calendar year 2018 renewal contracts with Rose Drago, M.D and Victor Perez Preciado, M.D. in the cumulative amount not to exceed \$75,461 to provide psychiatric services for County Mental Health patients. All Districts.

Ms. Ann Robin – Behavioral Health Administrator: corrects the amount listed in the recommendation to read “\$75,461” not “\$75,431”.

This item is amended by correcting the amount listed in the recommendation to read “\$75,461” not “\$75,431”. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

19. Request to 1) receive and approve the Mental Health Services Act (MHSA) Annual Update and Three-Year Plan for FY 2017-18 through FY 2019-20 (Clerk's File); 2) approve a resolution amending the Position Allocation List (PAL) for Fund Center (FC) 166- Behavioral Health to add 1.00 Full Time Equivalent (FTE) Drug and Alcohol Specialist I-IV; and 3) authorize a corresponding budget adjustment for Fund Center (FC) 166 – Behavioral Health in the amount of \$282,438 for MHSA programs, by 4/5 vote. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-14, adopted

20. Request to approve Amendment No. 1 to the contract with the Health Agency's Behavioral Health Electronic Health Record vendor, Cerner, to extend the term for the period of November 1, 2017 – October 31, 2018. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

21. Submittal of Civil Service Commission Annual Report for the Fiscal Year 2016-17. All Districts.

The Board approves as recommended by the County Administrative Officer.

22. Submittal of a resolution to approve the new classifications and establish the salary ranges for Sheriff's Dispatcher I/II/III and Sheriff's Dispatch Supervisor and amend the Position Allocation List (PAL) in FC 136 - Sheriff-Coroner to delete 17.00 FTE Sheriff's Dispatcher, 3.00 FTE Sheriff's Senior Dispatcher, and 1.00 FTE Sheriff's Dispatcher Supervisor positions, and add 19.00 FTE Sheriff's Dispatcher I/II/III and 2.00 FTE Sheriff's Dispatch Supervisor positions. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-15, adopted

Consent Agenda - Library Items:

23. Submittal of a resolution amending the Position Allocation List (PAL) for Fund Center 377 – Library to delete a vacant 0.75 FTE Librarian I-II and add a 1.00 FTE Librarian. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-16, adopted

Consent Agenda - Public Works Items:

24. Submittal of a resolution amending the Position Allocation List (PAL) for Fund Center 405 – Public Works, by adding 1.00 FTE Accountant I/II/III, 2.00 FTE Administrative Assistant I/II/III, 1.00 FTE Department Automation Specialist I/II/III, 1.00 FTE Software Engineer I/II/III, 1.00 FTE Wastewater Systems Worker Trainee I/II/III and 1.00 FTE Water Systems Worker Trainee I/II/III. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-17, adopted

25. Submittal of a resolution approving the 2017 Storm Damage Road Repair Projects – Central and South Coast and adopting the Initial Study - Mitigated Negative Declaration pursuant to Section 21000 et seq. of the California Public Resources Code (CEQA); and direct staff to proceed with associated project development activities. Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-18, adopted

26. Submittal of a resolution commending Creed Bruce upon his retirement after 23 years with the County of San

Luis Obispo. All Districts.

Supervisor Gibson: thanks Mr. Bruce for all his efforts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-19, adopted

- 27. Submittal of a resolution 1) approving the Salt and Nutrient Management Plan (Clerk’s Filed) for the Los Osos Groundwater Basin; 2) authorizing the Director of Public Works or his/her designee to submit the plan to the Regional Water Quality Control Board and to take actions necessary to implement the plan related to monitoring and reporting; and 3) finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 2.

Mr. Eric Greening: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-20, adopted

- 28. Submittal of a resolution approving the 2017 Storm Damage Road Repair Projects – North Coast and adopting the Initial Study - Mitigated Negative Declaration pursuant to Section 21000 et seq. of the California Public Resources Code (CEQA); and direct staff to proceed with associated project development activities. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2018-21, adopted.

Consent Agenda - Public Works Sitting as Flood Control District:

- 29. Request to appoint Stephen Sinton as Member and Kevin Peck as Alternate Member to the Water Resources Advisory Committee of the San Luis Obispo County Flood Control and Water Conservation District for the Shandon San Juan Water District. All Districts.

Mr. Greg Grewal and Ms. Linda Chipping: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

- 30. Request to 1) approve a sole source FY 2017-18 new service contract (Clerk’s File) for the Emergency Child Care Bridge for Foster Care program services with Community Action Partnership of San Luis Obispo County, Inc., in the amount of \$89,090; and 2) authorize a corresponding budget adjustment for Fund Center 180-Social Services Administration in the amount of \$89,090 for the program, by 4/5 vote. All Districts.

The Board approves as recommended by the County Administrative Officer.

Presentations:

- 31. Submittal of a resolution recognizing Charron Sparks for 30 years of County service. All Districts.

Ms. Charron Sparks is presented with a resolution read by Supervisor Gibson.

Mr. Tom Bordonaro – County Assessor and Ms. Sparks: speak.

Chairperson Peschong: opens the floor to additional public comment without response.

The Board adopts RESOLUTION NO. 2018-22, a resolution commending Charron Sparks in recognition of 30 years of service with San Luis Obispo County.

Motion by: Debbie Arnold
Second by: Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Peschong, John (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Gibson, Bruce S (Board Member)	x			
Compton, Lynn (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

- 32. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Mr. Eric Greening: recommends agendized Board discussions regarding the La Grande Tract and assessing the threat of possible seismic blasting.

Mr. Gary Kirkland and Ms. Janice Carr: address personal attacking during board meetings.

Ms. Mary Beth Armstrong: speaks to her support for Supervisor Hill.

Mr. Ben DiFatta: comments on immigration reform and high cost of taxes.

Ms. Laura Mordaunt: discusses concerns regarding water costs concerns from Golden State Water Company.

Dr. C. Hite: presents a video on women's rights.

Mr. Greg Grewal: speaks to a memorandum of agreement between the Public Works Department and water purveyors relating to the Groundwater Sustainability Plan (GSP) (documents).

Ms. Cecelia Werner: requests the County include all registrants on the cannabis cultivation operators list that properly checked “co-op and collective” on their application, with Chairperson Peschong and Supervisor Compton responding. **No action taken.**

Board Business:

33. Request to receive and file the 40 Prado Detoxification Center Planning Project Report, and provide staff direction as necessary. All Districts.

Ms. Ann Robin – Behavioral Health Administrator: introduces Mr. Joel Diringer from Diringer and Associates.

Mr. Diringer: provides the powerpoint presentation.

Chairperson Peschong: opens the floor to public comment.

Mr. Ian Parkinson - Sheriff-Coroner and Ms. Amelia Grover: speak.

Board Members: address their support for the program; concerns relating to “unknowns”; operating costs; timelines; and exploring existing facilities.

The Board directs staff to continue discussions with agencies to move the project forward.

Motion by: Debbie Arnold
Second by: Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Peschong, John (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Gibson, Bruce S (Board Member)	x			
Compton, Lynn (Board Member)	x			
Arnold, Debbie (Board Member)	x			

34. Study Session on General Plan Annual Progress Report for Fiscal Year 2016-17. All Districts.

Mr. Benjamin Schuster – Planning and Building: provides the powerpoint presentation.

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

The Board accepts the General Plan Annual Progress Report for Fiscal Year 2016-2017.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Peschong, John (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Gibson, Bruce S (Board Member)	x			
Compton, Lynn (Board Member)	x			
Arnold, Debbie (Board Member)	x			

35. Receive and file reports on the technical feasibility of Community Choice Aggregation for the Central Coast and request to provide staff direction on preferred next steps for Community Choice Aggregation. All Districts.

Mr. Chris Read – Planning and Building: provides the powerpoint presentation.

Chairperson Peschong: opens the floor to public comment.

Mr. Gary Kirkland; Mr. Eric Veium – SLO Clean Energy; Mr. Laura Mordaunt; Ms. Jeannette Watson; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); and Ms. Terri Stricklin: speak.

Supervisors Chairperson Peschong, Arnold and Compton: state they will not be supporting the motion to move forward with Community Choice Aggregation at this time.

The Board directs staff to move forward on the next steps for the Community Choice Aggregation; explore and get more information both options 2 and 3 of the staff report, to form a local Community

Choice Aggregation with Cities and Northern Santa Barbara County; and compare that to joining the Monterey Bay Community Power Community Choice Aggregation Program.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Peschong, John (Chairperson)		x		
Hill, Adam (Vice Chairperson)	x			
Gibson, Bruce S (Board Member)	x			
Compton, Lynn (Board Member)		x		
Arnold, Debbie (Board Member)		x		

Motion fails.

No further action taken.

Closed Session Items:

36. 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) PG&E's 2017 General Rate Case A: 15-09-001; (4) Application Filed by PG&E for Retirement of Diablo Canyon Power Plant A: 16-08-006; (5) PG&E's 2015 Nuclear Decommissioning Cost Triennial Proceeding, A.16-03-006; (6) ARB, Inc. v. County of San Luis Obispo; (7) Friends of Oceano Dunes, et al. v. California Coastal Commission, et al.: 2:17-CV-8733.

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: (8) San Luis Obispo Government Attorney's Union (SLOGAU); (9) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (10) Deputy County Counsel's Association (DCCA); (11) Sheriffs' Management; (12) San Luis Obispo County Probation Peace Officers' Association (SLOCPPOA); (13) Deputy Sheriff's Association (DSA); (14) District Attorney Investigators' Association (DAIA); (15) San Luis Obispo County Probation Managers' Peace Officers' Association (SLOCPMPOA); (16) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (17) Unrepresented Management and Confidential Employees; and (18) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDs).

PERSONNEL (Government Code section 54957.) It is the intention of the Board to meet in closed session to: (19) Consider Public Employee Appointment for the Position of County Health Agency Director; (20) Consider Public Employee Appointment for the Position of Director of the Department of Planning and Building; (21) Consider Public Employee Appointment for the Position of Director of Public Works.

Chairperson Peschong: opens the floor to public comment.

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

Ms. Rita Neal – County Counsel: responds to Mr. Brown.

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.

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, January 23, 2018, 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: January 23, 2018