

Tuesday, March 22, 2016

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, Debbie Arnold and Chairperson Lynn Compton

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.**

**Consent Agenda – Review and Approval:**

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

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

The action taken for Consent Agenda items 1 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
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Consent Agenda - Administrative Office Items:**

- Request to approve acceptance of Federal Fiscal Year 2015 Homeland Security Grant Program funds in the amount of \$352,388; authorize related budget adjustments; amend the Fixed Asset List for FC 136 - Sheriff’s Office and for FC 140 - County Fire. All districts.

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

**Consent Agenda - Airports Items:**

- Request to approve Consent to Assignment and Assumption of the Site A, Site L, and Site M lease agreements at the San Luis Obispo County Regional Airport from Aviation Consultants Inc., a California Corporation, to ACI AIR LLC., a California Limited Liability Company. District 3.

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

- Request to approve Amendment No. 1 to a previously approved Use Permit and Lease Agreement to extend for one year the rental of terminal office space by the Transportation Security Administration (TSA) at the San Luis Obispo County Regional Airport. District 3.

**Mr. Craig Piper – Airport:** corrects the total annual rent amount in the staff report under financial considerations to read “\$13,814” not “\$13,184”.

**This item is amended by correcting the total annual rent amount in the staff report, under financial considerations, to read “\$13,814” not “\$13,184”. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

**Consent Agenda - Health Agency Items:**

- Request to approve a new FY 2015-16 contract, with the option to renew for two additional years,

with Ascend Medical Staffing, LLC not to exceed the budgeted amount of \$1,014,000 to provide locum tenens (temporary) licensed psychiatrist services. All Districts.

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

**Consent Agenda - Parks & Recreation Items:**

5. Submittal of a resolution authorizing the Director of the Department of Parks and Recreation to execute all documents necessary for the completion of a grant in the amount of \$156,675 from the State of California Department of Housing and Community Development for the expansion and/or revitalization of San Miguel Community Park and improvements to L Street in the community of San Miguel. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-71, adopted.**

**Consent Agenda - Public Works Items:**

6. Submittal of a resolution amending the Position Allocation List (PAL) for Fund Center 405 Public Works, by adding 1.0 Full Time Equivalent (FTE) Engineer IV. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-72, adopted.**

7. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the removal and replacement of the reservoir liner at the Santa Margarita Booster Station Reservoir in Santa Margarita. District 5.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-73, adopted.**

8. Request to appoint Brad Hagemann and John King to the Zone 3 Advisory Committee representing County Service Area 12. District 3.

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

9. Request approval of Parcel Map CO 06-0010, a proposed subdivision resulting in 2 lots by Joe Peter and Jo Ann Constance Overholtzer Dominic, Kirk J. Dominic, Jodie Graebar, Christy J. Conner and Debbie J. Trinidad, which has been received and has satisfied all the conditions of approval that were established at the public hearing on the tentative map, rural Arroyo Grande. District 3.

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

10. Request approval of Parcel Map CO 14-0031, a proposed subdivision resulting in 2 lots by Scott and Elaine McElmury, Trustees of the Scott and Elaine McElmury Trust, which has been received and has satisfied all of the conditions of approval that were established at the public hearing on the tentative map; and act on the attached resolution to accept the offer of dedication for Lincoln Avenue, in the town of Templeton. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-74, adopted.**

11. Request to amend the FY 2015-16 Fixed Asset List for Fund Center (FC) 430 – Los Osos Wastewater System Fund to add the following Water Quality Laboratory equipment: one UV-Visible Spectrophotometer, one autoclave, one Type 1 water purification system at a total estimated cost of \$32,000 within the existing Los Osos Wastewater project budget. District 2.

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

12. Submittal of right of way documents accepting conveyance from Pismo Coast Village, Inc., for the

Oceano Drainage Improvement Project, Oceano. District 4.

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

**Consent Agenda - Social Services Items:**

13. Request to approve a sole source FY 2015-16 new service contract (Clerk's File) for California Work Opportunity and Responsibility to Kids (CalWORKs) Expanded Subsidized Employment (ESE) with Eckerd Youth Alternatives, Inc. (Eckerd), in the amount of \$146,817. All Districts.

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

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

14. Submittal of a resolution to permit the destruction or disposal of certain Sheriff's Office records, documents and papers. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-75, adopted.**

**Public Comment Period:**

15. 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:** suggests a document to read when preparing options for the five basins subject to the Sustainable Groundwater Management Act (SGMA) titled "Designing Effective Groundwater Sustainability Agencies: Criteria for Evaluation of Local Governance Options" by the Wheeler Water Institute Center for Law Energy & the Environment, UC Berkeley School of Law.

**Mr. Ben DiFatta:** speaks to the outcome of Paso Robles Groundwater Basin election and the involvement of two Supervisors.

**Ms. Julie Tacker:** questions why the public hasn't been invited to events relating to the Los Osos Wastewater Project; and with the project near completion, what will happen to staff assigned to the project.

**Dr. C. Hite:** presents and discusses a video of 13 years of advocacy and a past agenda.

**Mr. Chuck Cesena and Ms. Linde Owen:** address various issues relating to septic tank repurposing in Los Osos. Mr. Cesena comments on the Los Osos Basin Management Committee meetings that are not being videotaped and Ms. Owen states with the water shortages, the County needs to consider a building moratorium.

**Mr. Brad Snook - Surfrider Foundation Co-Chairperson:** presents and discusses their quarterly newsletter and that their efforts are aimed to benefit the County.

**Ms. Natalie Beller:** states she tested her well water after finding out an oilfield near her residence was injecting wastewater into an aquifer; and asks the Board to reaffirm their commitment to protect the County's water.

**Ms. Jeannette Watson:** presents and discusses a "Proclamation and Declaration to a Safe, Clean, Healthy Environment" for the Board to sign.

**Supervisor Gibson:** announces the first phase to the Los Osos sewer lateral connections will start on March 28, 2106; announces public workshop sessions will be held this evening at the Los Osos Middle School for property owners within the first phase; and responds to Ms. Tacker. **No action taken.**

**Board Business:**

16. Submittal of the 2015 Annual Report for the County of San Luis Obispo. All Districts.

**Ms. Whitney Szentesi – Administrative Office:** presents the 2015 Annual Report.

**Chairperson Compton:** opens the floor to public comment without response and receives and files the report.

17. Update of the Diablo Canyon Desalination Project with direction to staff to proceed with project development and coordination work, and request authorization of a corresponding budget adjustment in the amount of \$900,000 from San Luis Obispo County Flood Control and Water Conservation District Reserves. Districts 3 and 4.

**Mr. Wade Horton - Public Works Director and Mr. John Waddell – Public Works:** provide a staff presentation (powerpoint).

**Board Members:** discuss: the three project scenarios from the Feasibility Study; the water supply agreement’s financing terms; Lopez Lake water levels; the sub-committee’s outreach efforts; the decision to pursue an Environmental Impact Report; desalinization permitting process and requirements; Zone 3 proportionate shares; and potential rate payer impacts, with Mr. Waddell responding. Additionally, Chairperson Compton states she recently went to Washington D.C. to meet with Senators Boxer and Feinstein and Congresswoman Capps regarding financial assistance for this project.

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

**Mr. Jeff Edwards; Mr. Eric Greening; Mr. David Nelson; Mr. Nicholas Cook; Mr. Jeff Eckles – Home Builders Association of the Central Coast Executive Director; Mr. Brad Snook - Surfrider Foundation Co-Chairperson; Mr. Mike Brown - Coalition of Labor, Agriculture, and Business (COLAB); and Ms. Linda Seeley:** speak.

**Mr. Tom Jones – Pacific Gas and Electric Company (PG&E):** states the duration of desalination water is not linked to the operation of the facility and will continue to need desalination water through current and future operations and the decommissioning phase.

**Board Members:** address various questions and concerns raised during public comment; the County's efforts in pursuing recycled water; the benefits of desalination water; the cost comparison between State and desalinated water; and South County water supply predications, how this water will help replenish the area but is not an exclusive solution, with Mr. Horton responding.

**The Board acting as the San Luis Obispo County Flood Control and Water Conservation District:** receives and files the **Diablo Canyon Power Plant Desalination Hydraulic Feasibility Analysis;** directs staff to: **engage the Pacific Gas and Electric Company (PG&E) to establish a Water Supply Agreement for a term not less than 30 years, or the financing period of project financing sources, whichever is less, continue to engage stakeholders in Flood Control District Zone 3 (Five Cities and Avila Beach areas) regarding all phases of project development, including time lines, costs, financing considerations, and water supply amounts and conditions, to establish a Conditional Reimbursement Agreement; initiate the scoping and consultant selection portions of the Environmental Review and Permitting phase of the project by initiating the California Environmental Quality Act (CEQA) process, including ongoing consultation with the California Coastal Commission, State Water Resources Control Board, and the Regional Water Quality Control Board, and return to the Board with an executed Water Supply Agreement, Conditional Reimbursement Agreements, and CEQA Consultant Agreements before proceeding further with project development; and authorizes a budget adjustment in the amount of \$900,000 from San Luis Obispo County Flood Control and Water Conservation Reserves.**

**Motion by:** Lynn Compton

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			

Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

18. Request to receive and file the EnergyWise Plan 2016 Update. All Districts.

**Mr. Jon Griesser and Mr. Trevor Keith – Department of Planning and Building:** provide a staff presentation (powerpoint).

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

**Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB) and Ms. Rachael Foe:** speak.

**Supervisor Gibson:** comments on: improving the timely collection of data; the close connection between water supply and energy use; opportunities to reduce emissions and save energy; and the progress of water efficiency with County facility operations and maintenance, with Mr. John Diodati - Public Works and Mr. John Shoals - PG&E Governments Relations Coordinator responding.

**Chairperson Compton:** receives and files the update.

**Closed Session Items:**

19. 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) Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al.; (4) Gentle Hills Vineyards, LLC v. County of San Luis Obispo, et al.

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: (5) San Luis Obispo Government Attorney’s Union (SLOGAU); (6) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (7) Deputy County Counsel’s Association (DCCA); (8) Sheriffs’ Management; (9) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (10) Deputy Sheriff’s Association (DSA); (11) District Attorney Investigators’ Association (DAIA); (12) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (13) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (14) Unrepresented Management and Confidential Employees; and (15) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

**Chairperson Compton:** opens the floor to public comment without response and states the Board will not be going into Closed Session today. **No action taken.**

**Presentations:**

20. Submittal of a resolution commending Chief Deputy Probation Officer Mike Dutra upon his retirement after 17 years of service to the County of San Luis Obispo and 26 years of service to the community corrections profession. All Districts.

**Chief Probation Officer Jim Salio and Mr. Mike Dutra:** speak.

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

**RESOLUTION NO. 2016-76, a resolution of the Board of Supervisors of San Luis Obispo County**

**recognizing Mike Dutra for his seventeen years of service to the County, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 21. Presentation of the 2015 Conservationists of the Year Award to the Buckingham Family from the Coastal San Luis Resource Conservation District. All Districts.

**Mr. Neil Havlik - Coastal San Luis Resource Conservation District President and Mr. Jeff Buckingham:** speak.

**Supervisor Gibson:** presents a certificate of recognition to the Buckingham Family on behalf of the Board of Supervisors.

**Chairperson Compton:** opens the floor to public comment without response. **No action taken.**

**Hearings:**

- 22. Hearing to consider protests to proposed solid waste disposal rate increase within areas surrounding the Los Osos Community Services District (LOCSD), to consider adoption of the resolution if no majority protest exists and to find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 2.

**Mr. Jim Hamilton – Auditor-Controller, Treasurer, Tax Collector:** provides a staff presentation (powerpoint).

**Chairperson Compton:** opens the floor to written protests without response; opens the floor to public comment without response; and closes the time for submission of written protests

The Clerk announces 0 written protests have been received for the 120 parcels subject to the rate increase which does not constitute a majority.

**The Board finds that there is no majority protest based on the absence of a 50% protest since the County received 0 written protests for the 120 parcels subject to the rate increase; RESOLUTION NO. 2016-77, a resolution of the Board of Supervisors of the County of San Luis Obispo, California establishing solid waste collection rate increases within areas surrounding the Los Osos Community Services District, adopted; finds the rate increase exempt from CEQA; and directs staff to file a Notice of Exemption.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 23. Hearing to consider protests to proposed solid waste disposal rate increase within the boundaries of the Los Osos Community Services District (LOCSD), to consider adoption of the resolution if no majority protest exists and to find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 2.

**Mr. Jim Hamilton – Auditor-Controller, Treasurer, Tax Collector:** provides a staff presentation (powerpoint).

**Chairperson Compton:** opens the floor to written protests without response; opens the floor to public comment without response; and closes the time for submission of written protests

The Clerk announces 3 written protests have been received for the 5,878 parcels subject to the rate increase which does not constitute a majority.

**The finds that there is no majority protest based on the absence of a 50% protest since the County has only received 3 written protests for the 5,878 parcels subject to the rate increase; and RESOLUTION NO. 2016-78, a resolution of the Board of Supervisors of the County of San Luis Obispo, California establishing solid waste collection rate increases within the boundaries of the Los Osos Community Services District, adopted; finds the rate increase exempt from CEQA; and direct staffs to file a Notice of Exemption.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Board Business:**

- 24. Submittal of a resolution formally initiating the Los Osos Groundwater Basin boundary modification request with the California Department of Water Resources, and find the project exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 2.

**Mr. Wade Horton – Public Works Director; Ms. Catherine Martin – Public Works; and Mr. Spencer Harris - Cleath-Harris Geologists:** provide a staff presentation (powerpoint).

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

**Mr. Dale Gustin:** speaks.

**RESOLUTION NO. 2016-79, a resolution formally initiating the Los Osos Valley Groundwater Basin boundary modification request with the California Department of Water Resources and find the project exempt from Section 21000 et seq. of the California Public Resources Code (CEQA), adopted. Furthermore, the Board authorizes the Public Works Director or designee to act as “Requesting Manager,” submit the boundary modification request to the California Department of Water Resources (DWR) and coordinate with DWR as needed throughout the subsequent review and approval process.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

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

- 25. Submittal of a resolution of support for the County of San Luis Obispo’s pursuit of boundary

modifications for the Los Osos Valley Groundwater Basin. District 2.

**Mr. Catherine Martin – Department of Public Works:** provides a staff presentation (powerpoint).

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

**The Board, acting as the San Luis Obispo County Flood Control and Water Conservation District, RESOLUTION NO. 2016-80, a resolution of support for Los Osos Valley Groundwater Basin Boundary modification request by the County of San Luis Obispo to the California Department of Water Resources, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 26. Report describing timelines for a marijuana (cannabis) ordinance and request for direction on the scope of an ordinance. All Districts.

**Mr. Guy Savage – Assistant County Administrative Officer:** provides a staff presentation (powerpoint).

**Board Members:** question the status of input from cannabis growers; how other county's have proceeded with the environmental process; the potential contents of an ordinance; interim zoning ordinance options; the difference between an urgency and interim zoning ordinance; what progress the cities are making and if they are revisiting previous actions; and suggests reviewing the County's existing retail medical marijuana policy, with Ms. Whitney Donald – Deputy County Counsel, Mr. Savage and Mr. Dan Buckshi - County Administrative Officer responding.

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

**Mr. Simon Caleb:** speaks.

**Supervisor Gibson:** suggests the preparation of an ordinance without the California Environmental Quality Act (CEQA) as a consideration; have staff continue public outreach; identify the public policy issues relating to both medical and recreational marijuana; bring back updates, including a proposed ordinance structure; and an ordinance crafted in a timely manner; and then engage in the appropriate environmental CEQA analysis, with Board Members responding.

**Board Members:** discuss time is necessary with the development of these regulations; and the potential impacts to the County if an initiative is passed, with Ms. McDonald and Mr. Buckshi responding.

**The Board receives and files the report describing timelines related to the development of a permanent medical marijuana (cannabis) ordinance and directs staff to continue the preparation of both medical and potential recreational cannabis ordinances; continue stakeholder outreach, in a timely manner that is consistent with quality work; and consider the appropriate level of CEQA review when a proposed ordinance is presented.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			



Arnold, Debbie (Board Member)	x			
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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, March 22, 2016, 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:** March 25, 2016