

**BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, January 15, 2008

PRESENT: Supervisors Harry L. Ovitt, Bruce S. Gibson, Jerry Lenthall, K.H. 'Katcho' Achadjian, and Chairperson James R. Patterson

ABSENT: None

In the matter of the Consent Agenda:

This is the time set for consideration of the Consent Agenda.

Thereafter, on motion of Supervisor K. H. 'Katcho' Achadjian, seconded by Supervisor Harry L. Ovitt, and on the following roll call vote:

AYES: Supervisors K.H. 'Katcho' Achadjian, Harry L. Ovitt, Bruce S. Gibson, Jerry Lenthall, Chairperson James R. Patterson

NOES: None

ABSENT: None

Consent Agenda Item B-1 is withdrawn for separate action. Item B-6 is amended by replacing the resolution to change Paragraph 2(c) by adding the language "written recommendation to the Board". Item B-16 is added to the Consent Agenda. Consent Agenda Items B-1 through B-16 are approved as recommended by the County Administrative Officer and as amended by this Board. Further, Consent Agenda Items B-1 through B-16, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

File  
1/16/2008 cmc

STATE OF CALIFORNIA )  
                                  )     ss.  
County of San Luis Obispo )

I, JULIE L. RODEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 16<sup>th</sup> day of January, 2008.

(SEAL)

**JULIE L. RODEWALD**  
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: CMChristensen  
Deputy Clerk

4 B-1 thru B-16

1/15/2008

B-11

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE SAN LUIS OBISPO COUNTY FLOOD  
CONTROL AND WATER CONSERVATION DISTRICT,  
ZONE 3, AND CENTRAL COAST SALMON ENHANCEMENT  
FOR A JOINT PROJECT TO MODIFY OR REPLACE THE  
ARROYO GRANDE GAGE STATION #2 AT ARROYO GRANDE CREEK**

This MEMORANDUM OF UNDERSTANDING is entered into by and between the San Luis Obispo County Flood Control and Water Conservation District, Zone 3, hereinafter referred to as "District" and Central Coast Salmon Enhancement, hereinafter referred to as "Enhancement" on this 15<sup>th</sup> day of January 2008.

**WHEREAS**, District operates the Lopez Water Project in accordance with a permit issued by the California State Water Resources Control Board (State Board) in 1961; and

**WHEREAS**, in 1990 the State Board notified District that as it's water rights permit does not reflect it's historical operations District must submit a revised water rights application that does reflect District's operations; and

**WHEREAS**, on May 11, 1999, District contracted with a consulting firm for the development of an Integrated Habitat Conservation Plan and Environmental Assessment (HCP) for the Lopez Project to address the issues raised by the State Board; and

**WHEREAS**, subsequently District developed and submitted the Final Draft HCP to the appropriate state and federal resource agencies in March 2004; and

**WHEREAS**, the Final Draft HCP identified a number of projects for improvement of the steelhead habitat within and around Arroyo Grande Creek including a project to either modify or relocate the Arroyo Grande Stream Gage Station as the Gage Station has been identified as a passage barrier by state and federal resource agencies; and

**WHEREAS**, Enhancement has completed it's own set of independent studies of Arroyo Grande Creek and, in addition, developed a listing of proposed improvement projects in Arroyo Grande Creek including the Gage Station; and

**WHEREAS**, on May 3, 2005, the San Luis Obispo County Board of Supervisors executed a resolution authorizing the Director of Public Works to develop a Memorandum of Understanding between the District and Enhancement for the purpose of a joint project to either modify or relocate the Gage Station; and

**WHEREAS**, Enhancement has submitted a grant application to the California Department of Fish and Game for funding to develop a project to either modify or relocate the Gage Station; and


**WHEREAS**, District and Enhancement share common interests to improve steelhead habitat conditions and to implement a project that assists in the promotion of long-term recovery of naturally-spawned steelhead populations within the Arroyo Grande Creek; and

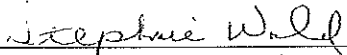
**WHEREAS**, District and Enhancement wish to develop a cooperative and joint working relationship to secure funding and to implement a project for the Arroyo Grande Gage Station.

**NOW, THEREFORE**, District and Enhancement agree to work together in good faith and in a cooperative manner to seek funding and to subsequently design and construct the necessary improvements/modifications to the Arroyo Grande Gage Station as follows:

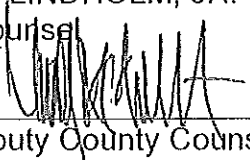
1. The parties hereto recognize and hereby acknowledge that the Arroyo Grande Gage Station is the property of District and that District has certain obligations to its contractors, constituents and to the general population of San Luis Obispo County to ensure the Gage Station remains operational into the foreseeable future and that therefore, any modification, replacement, relocation and/or any other specified or unspecified changes to the Gage Station resulting from efforts associated with this agreement must be approved by District in writing prior to implementation.
2. In accordance with Provision 1 herein above, the parties hereto do hereby agree that prior to implementation of any and all action(s) stemming from this agreement, the party initiating said action(s) shall provide to the other party a detailed written summary of the proposed action(s) at least 30 days in advance of implementing said action(s).
3. The parties hereto recognize and agree that Enhancement has and will continue to pursue grants and/or other sources of funding for the Gage Station project from appropriate state and federal agencies and that said funding shall constitute the entire funding for the design and construction of a Gage Station project except as specified herein below.
4. The parties hereto recognize and agree that District staff shall: 1) attend project scoping and planning meetings, 2) conduct various site and project inspections, and 3) review and approve all design concepts, design submittals, construction plans, change orders and other project related documents prior to final completion and acceptance of said documents and that said review and approval shall be conducted by District at District's expense.
5. District hereby agrees to support Enhancement's grant applications for funding for the Gage Station project in as much as District has provided Enhancement with a resolution indicating District's support for said project and Enhancement has submitted said resolution as an attachment to its grant applications.

IN WITNESS WHEREOF, the parties hereto have executed this MOU effective on the dates provided hereof.

By:   
San Luis Obispo County Flood Control  
And Water Conservation District, Zone 3

By:   
Central Coast Salmon Enhancement, a California non-profit corporation

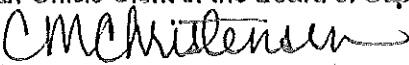
APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel  
By:   
Deputy County Counsel

Dated: 12.3.07

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ATTEST:

Julie L. Rodewald, County Clerk-Recorder  
and Ex-Officio Clerk of the Board of Supervisors  
By:   
Deputy Clerk

- B-8 Request to approve an agreement (Clerk's File) with the State Department of Mental Health for the continued funding and delivery of Mental Health Services Act services through Fiscal Year 2007-08. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

Public Works Items:

- B-9 Request to approve an agreement with Martin Y. Hsu, PE, CVS & Associates, Inc. to prepare a Value Analysis Report for the Willow Road/Hwy 101 Interchange; 4<sup>th</sup> District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)
- B-10 Request to approve a temporary Construction Easement Deed and Right of Way Agreement for the Moonstone Beach Drive Bridge Replacement Project at Leffingwell Creek in Cambria 2<sup>nd</sup> District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

**SITTING AS THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

- B-11 Request to approve a Memorandum of Understanding between the San Luis Obispo County Flood Control and Water Conservation District, Zone 3 and Central Coast Salmon Enhancement to replace the Arroyo Grande Stream Gage Station; 3<sup>rd</sup> & 4<sup>th</sup> Districts. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON.)

Other Items:

- B-12 Submittal by the Board of Supervisors of a resolution recognizing Chief John Couch for 17 years of community leadership and service with the City of Atascadero Police Department. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON.)
- B-13 Request by the Auditor-Controller to approve an interim year rate adjustment of 1.96% for the garbage hauling services provided by San Luis Garbage Company. (RECOMMEND APPROVAL.)
- B-14 Submittal by County Counsel of the annual report of the Law Library. (RECOMMEND ITEM BE RECEIVED AND FILED.)
- B-15 Request by Social Services to approve changes to the Bylaws of the Commission on Aging. (RECOMMEND APPROVAL.)
- B-16 Request by Supervisor Patterson to approve the appointments of Board members to various committees and commissions. (RECOMMEND APPROVAL.)