

Santa Margarita Area Advisory Council

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Regular Meeting Minutes

7 PM, Wednesday, April 10, 2013
At the Santa Margarita Elementary School

Regular meetings are held on the 2nd Wednesday of the month except December and July
Special or called meetings and rescheduled meeting dates will be noticed

Members Present: Sue Andros, Keith Wales, Bob Righetti, Butch Pope, Charlie Whitney, George Sullivan, Mike Cole, Glenn Sparks, Jeremy Burns, David Blakely, John Reed, Sophie Treder, Steve Rossi. New members seated following item 5: Joe Patterson, Sue Christian, Michael Whiteford, Dana Tryde.

1) **Call to order.** 7:06 pm.

2) **Pledge of Allegiance.**

3) **Approval of the minutes from the previous meeting(s).** Two minor corrections were made to the minutes. Charlie Whitney noted that regarding the Margarita Creek Bridge, the minutes should note that the Bridge was handed over from the State to the County and not vice versa. This correction was made. George Sullivan wished to add the words "and final contract approval" to the end of the penultimate sentence in the discussion of the Tassajara Creek Road/Highway 58 intersection improvements. This change was made. Minutes approved as amended with one abstention (David Blakely).

4) **Approval of the agenda.** Motion to approve by Glenn Sparks, 2nd by George Sullivan. Agenda approved unanimously.

5) **SMAAC Election:**

a) **Results of election.** Charlie Whitney announced that he is protesting the results of the election, and provided a copy of his protest petition. He also announced that he had received a resignation from Elizabeth Beeman the afternoon of April 10, 2013, so there are now two vacancies for the Parkhill Area. Charlie then handed the meeting over to Vice Chair and Elections Chair Su Andros. Su announced the election results, which showed all non-contested candidates being elected (i.e. having each received at least one vote), and showed the results of the contested Parkhill seat as Dana Tryde receiving 60 votes and Charlie Whitney receiving 59 votes, without the three provisional

ballots being counted. The Council read Charlie Whitney's protest, which was based on several apparently ineligible voters having voted in the election. He requested a two month period to investigate the election results. It was discussed that, because there was impossible and improper to know which candidate a voter voted for, if even one voter was found ineligible, the election would have to be rerun. Butch Pope moved that, given the two vacant seats, the Council accept the apparent winning candidate for the two year term, and the runner up candidate for the one-year term vacated by Elizabeth Beeman, subject to Charlie Whitney withdrawing his protest petition. Seconded by George Sullivan. There was much Council discussion regarding the motion and which section of the bylaws might pertain to this situation. Sophie Treder handed out copies of the bylaws which had recently been updated to include the June 2011 revisions, and was of the opinion that Article I, Section 1-B pertaining to the procedure for two vacant seats in an election should govern. David Blakely believed that Section 1-C, pertaining to a non-election vacancy should govern. Butch Pope added that perhaps there wasn't a specific bylaw applicable to this exact situation, but that his motion seemed the most democratic and efficient solution. Motion passed 8 in favor, 2 opposed (David Blakely and Su Andros), 2 abstained (Charlie Whitney and Glenn Sparks). [Steve Rossi joins the meeting] There was continued discussion following the passing of the motion. David Blakely made a contrary motion that the Council instead have the Elections Chair verify the election results and report back. Sophie Treder objected that it wasn't proper under the rules of procedure to introduce a contrary motion trying to undo a motion that had just been voted on. Motion seconded by Su Andros. Motion failed—2 in favor, 6 opposed, 3 abstained (Glenn Sparks, Steve Rossi, Charlie Whitney).

b) Acceptance of election results. Sophie Treder moved that we accept the Election Results subject to Butch's motion, which provided that Charlie Whitney would be withdrawing his protest. John Reed seconded. Motion passed with 2 opposed (David Blakely and Su Andros). At this point all new members were seated and all departing members left the dais.

c) Certificates of appreciation. Supervisor Arnold clarified that they are on their way.

d) Election of Chairman - Supervisor Arnold. It was brought up that the Council should also seat any open people first—Mike Whiteford was at the meeting with 5 signatures for the long-vacated Rinconada seat and was then seated as a representative of Rinconada. Chair nominations were then opened. George Sullivan nominated Charlie Whitney as Chair, but Charlie declined. Sophie Treder nominated Mike Whiteford as Chair, but the nomination was declined. Butch Pope nominated Sophie Treder as Chair, but the nomination was declined. Su Andros and Glenn Sparks were all nominated but declined. There were no volunteers. Charlie Whitney nominated Joe Patterson, which was seconded by Mike Whiteford. The nomination was accepted and there being no other nominations, Joe Patterson was unanimously elected Chair.

e) Election of officers - Chairman. All elections were conducted by secret ballot per the bylaws. Su Andros was the only nominee for Vice Chair and

was elected unanimously. Sophie Treder was the only nominee for Secretary and was elected unanimously. Charlie Whitney was the only nominee for treasurer and was elected with one abstention. Sophie Treder moved to postpone appointment of the standing committees until May, to give the new Chair time to become familiar with the bylaws and the individual council members and their interests. Seconded by John Reed, MPU.

6) Open comment:

a) Public announcements and comments regarding items not on the agenda. Robert Davis, president of the SLO Bicycle Club, gave a presentation about the upcoming Wildflower ride on April 27. Further details were provided in his email to the Council. Stated he does not anticipate conflicts with the Pozo Stampede traffic because the riders should be off of Pozo Rd. fairly early in the morning. Dana Tryde had some questions regarding riders riding more than single file. Mr. Davis explained the rules of the Vehicle Code and encouraged anyone to report violators to the CHP, whether they are bicyclists or drivers.

Tina Salter requested that the minutes and agenda be sent out regularly and posted. A public email list was circulated.

John Beccia, who was present when the ballots were counted, wanted the Council to know that the provisional ballots would not have changed the results of the election.

b) Council announcements and comments regarding items not on the agenda. David Blakely invited everyone to a program that the Santa Margarita Historical Society is putting on April 28th at the Community Hall; they will have an author who recently released a book on the Asistencia. He passed around a flyer. Charlie Whitney reminded everyone of the State Mining & Geology Board hearing tomorrow morning at the Atascadero City Council Chambers at 9:00 am. He also announced that the County is doing a community workshop on the Las Pilitas Quarry on April 25th, location TBD. Charlie also suggested that the Chair appoint the Quarry EIR review committee without waiting until May, since that matter was time-sensitive.

7) Public Safety: None.

- a) Cal Fire/ County Fire Department.**
- b) Sheriff's Department.**
- c) Highway Patrol.**
- d) Other agencies.**

8) County Service Area 23 update. David Blakely and George Sullivan gave the report. There was some loan money left over from the upgrade to the water tower, so they used some of it to purchase some new equipment, and they are looking for some grant money to fund an emergency tie-in to the State Water

Project. They also discussed the Margarita Creek bridge improvements. CSA 23 will also be looking at the Las Pilitas Resources EIR regarding traffic through town and impacts on their area, etc. They would also like to have a better method of exchanging information with SMAAC, so it was suggested that Joe Patterson get in contact with the CSA Chair.

9) Treasurer's report. Charlie Whitney will get the information from Elizabeth Beeman.

10) Unfinished Business.

a) DRC 2009-00025 Mining/reclamation project - review of DEIR. Staff presentation ,discussion and public comment. Council recommendations will be made at the May 8 meeting following additional public comment and discussion. Please

note: The DEIR was released on April 5, 2013. Murry Wilson gave the presentation for the County. Murry passed around CDs of the EIR, and announced that copies are available at the local libraries. ASAP Reprographics can also print copies upon request for approximately \$80. The public comment period has been extended to 60 days, and all comments should be submitted in writing. Every comment that comes in in writing will be addressed. The County is also having a workshop as previously announced, on April 25th. County Staff and the EIR Consultant will be available to provide a general understanding of what is in the document, as well as to answer questions and hear the public's thoughts about the content of the EIR. The item is tentatively scheduled to go before the Planning Commission on September 26th.

Ken Johnston gave the report for the Applicant. The Draft EIR is out, they are reviewing it, and look forward to hearing everyone's comments. If you have questions or comments go to the website- www.laspilitasresources.com.

Item opened to the public: Charlie Kleemann recommended that the subcommittee get a hard copy of the EIR and start with the project description and executive summary, if nothing else, and please really dig in. John Beccia asked Murry how cumulative effects are addressed in light of the previous Santa Margarita Ranch studies. Are they looking at that document for some lead? Murry responded that they looked at the SMR document when analyzing cumulative impacts, as well as other projects that are listed in the EIR's table of cumulative projects.

Back to the Council: David Blakely pointed out that the original committee was himself, Su Andros (Chair), Butch Pope, and Jack Horner, who was then replaced by John Reed. He encouraged the Chair to keep that committee together as they work well together. He also asked Supervisor Arnold about getting a hard copy of the EIR for the committee. Murry said he will work directly with David Blakely to get them a hard copy. There was one hard copy that he

brought to the Council, so that will have to be the committee's copy for now, and the committee will work with Murry to get another copy as needed.

The EIR is also on the County's website for download. The file at ASAP Reprographics was created by Charlie Kleeman, but they don't have the appendices; those area available in hard copy at the libraries or on the County's website.

11) New Business.

a) State Mining & Geology Board. Sophie Treder said she hoped to have a representative from the SMGB present, but no one from SMGB was able to make it.

Item opened to the public. Charlie Kleemann: clarified that this issue is completely unrelated to the Las Pilitas Quarry. SMGB classification and designation is a process unto itself. Anyone with interest should go to the SMGB meeting and pay attention.

Charlie Whitney added that going to the meeting should clarify a lot of misinformation.

Ken Johnston clarified that Special Report 215 (the basis for the SMGB's designation) is reprinted in the Appendices for the Las Pilitas DEIR.

Roy Reeves made some additional comment about the areas that would be affected by the designation. The County has an ordinance in place that will create some permitting issues following designation.

Supervisor Arnold gave some additional information based on her research into the issue, as a follow-up to questions she had received from the Kleemanns and Roy Reeves. She gave some clarification about the difference between the State laws and the County ordinances that will kick in.

12) Fifth District Supervisor's report. Supervisor Arnold gave the report. She provided a handout regarding the Salinas River Trail Corridor. David Blakely provided some background on the origins of the trail plan for the benefit of the new members. There was some discussion about how the Santa Margarita Ranch trail between Garden Farms and Santa Margarita related to this project. The Chair said that he would agendize the SMR trail for an update.

Supervisor Arnold also reported that there has been a delay with the construction of the Atascadero Library project due to a bid protest.

Public comment: Tamara Kleemann added that there had been two public meetings on the Salinas River Trail Corridor, and there will be additional ones, so please attend. The website is www.salinasrivertrail.com. Cheryl Cole asked

Supervisor Arnold how far behind construction on the Atascadero Library will be. Supervisor Arnold reported that the Board will be voting on rejecting and rebidding on April 16th. Jim Patterson added that Parks could come talk to the Council about the Santa Margarita Trail, and what SLOCOG is working on is trying to link all the existing trails that are out there. He also commented on the Atascadero Library delay.

13) Chairman's report and meeting reminder - next regular meeting

May 8, 2013. The Chair clarified that the existing committee to review the Las Pilitas Quarry EIR will remain: Su Andros will chair, Butch Pope, David Blakely, and John Reed (who will be sharing the work with his alternate). The next meeting will be in Room 8 again to save costs, as the school library had gotten too expensive. Su Andros asked why not the Community Hall, but it was pointed out that they already have a regular meeting on the 2nd Wednesday of the month, plus the parking and acoustics are bad.

13) Adjournment by 9:30 PM. Meeting adjourned at 9:35 pm.