

# Santa Margarita Area Advisory Council

www.smaaconline.org

## DRAFT MINUTES

7 PM, Wednesday, December 3, 2014

Santa Margarita Community Hall

22501 I Street, Santa Margarita, CA 93453

1. **Call to order:** Chairman Patterson called the meeting to order at 7:02pm.  
Present: Robert Stockel, John Beccia, Richard Gayou, Wade Cromley, Tamara Kleemann, Dana Tryde, Butch Pope, Guy Rathbun, George Sullivan, Joseph Fariss, Jeremy Burns, Stuart Souza, Bob Righetti, JoAnn Head, Steve Rossi, Joe Patterson, Stacey Phillips, Sue Christian, Doug Filipponi
2. **Pledge of Allegiance:**
3. **Approval of the minutes from the previous meetings:** October 1, 2014 and November 5, 2014 minutes with an addendum for the SLOCOG presentation by Jeff Brubaker were available for review. Patterson corrected the spelling for Gayou's last name for both months, corrected the scope of Wade Dylan's presentation to include water status for the entire county not just the Paso Robles Water basin. Motion made to accept the corrected October 2014 minutes, seconded and passed (on voice vote); motion by Sullivan, to accept corrected November 2014 minutes, second by Burns, passed on voice vote Filipponi, Pope, and Tryde abstained. June meeting minutes will be addressed next meeting.
4. **Approval of the agenda:** Chairman Patterson asked for approval of tonight's agenda as proposed. Rathbun made the motion, seconded by Tryde, passed unanimously on voice vote.
5. **Review of Meeting Structure:** Chairman Patterson reviewed the meeting structure as follows (**see attached SMAAC Meeting Procedure and Rules**).
  - a. Audio/Video Recorders
  - b. SMAAC meeting procedure for project review
  - c. Rules for presenting testimony
  - d. Agenda item requests – submit requests no later than ten days prior to meeting. Requests to be submitted through representatives to Chairman. Late requests must be submitted in writing and may be included in the agenda at the Chairman's discretion.
6. **Public Safety:** No public safety agencies were present
7. **CSA 23 Update:** Roy Reeves (public) attended the CSA 23 meeting. Public Works reported the well levels are okay. The emergency intertie with Atascadero Municipal Water may still have money issues due to grant issues, the Encina & El Camino Real (HWY 58) crosswalk was discussed and traffic calming proposals (Hwy 58) regarding the center island and road narrowing.
8. **By-Laws Discussion:**
  - a. Conflicts of Interest & Assign subcommittee to address by-laws changes before next meeting:

Chairman Patterson noted he'd received an email request from Ken Johnston of Las Pilitas Resources stating their view that Tamara Kleemann, council member, has a conflict of interest regarding their quarry project. The email (dated Dec 1, 2014) was cc'd to all council members by Johnston. Johnston asked that Kleemann be removed from the subcommittee formed to review the quarry Final Environmental Impact Report (FEIR) and recused from voting on the project. Patterson responded to the email promising to follow-up with Kleemann and Johnston and noted an agenda item was added to this meeting to discuss the issue (**see attached Johnston Email String**).

Patterson noted he'd attended a recent meeting for all area Advisory Council Chairpersons in the county. One of the many issues discussed was conflict of interest. Patterson specifically asked for input on how other councils handled the issue. Most recommended against widespread recusal as our county is small and very interconnected. All of the councils had

bylaws covering the issue. One suggestion involved council members stating before a vote if they had a conflict and stating what it was.

Council discussion followed with public participation: It was noted that Patterson had previously emailed Jennifer Caffé, Legislative Assistant for 5<sup>th</sup> District Supervisor Arnold, regarding council member discussion, during the November SMAAC meeting, about recusals after formation of the subcommittee to review the quarry FEIR. An answer was provided by Rita Neal, County Counsel for San Luis Obispo County, and an additional response to Neal's answer was provided by Sophie Rowlands (Treder), SMAAC council member. **(see attached Recusal Question Email String)**

The current bylaws regarding conflict of interest were read several times (see excerpt from Bylaws below):

SANTA MARGARITA AREA ADVISORY COUNCIL BY-LAWS Revised: February 2014  
Article V. Meetings

Section 1A: Representative or their alternates may not vote on issues or motions in which they have a direct financial interest through ownership in the property or properties that is the subject of the issue or motion

Tryde spoke regarding being careful about splitting things into parts – likes bylaws as is.

Phillips did not agree with concept of members stating their conflicts of interest.

Sullivan said every step should be taken for members to be objective and avoid hostilities about personal decisions

Stockel said he'd reviewed the Cayucos Area Advisory Council bylaws and council members stated whether they had a conflict, but it was optional to include the reason.

Patterson said the Cayucos chair did not say providing the conflict reason was optional, at the meeting he attended.

Jim Bergman, Planning Director, said the current SMAAC bylaw was clear. He warned that as councils represent smaller and smaller communities it is very difficult to avoid conflict. Don't vote if you can't be objective.

Eric Cleveland, public, felt that properties adjoining a proposed project should be excluded as a conflict.

Treder, as a member of public, noted that financial benefits are only one consideration and benefits other than financial exist. She mentioned the legal case she cited in response to Rita Neal's, County Counsel, email. That case involved an ocean view where voting against a project that would have impaired the voters' view constituted a conflict of interest.

Stockel stated Neal's email pointed out that the simplest solution is to follow the council's bylaws and because advisory councils are only advisory, that it's not required someone recuse themselves from voting on an item. He also advised care in applying the findings of a court case involving a decision maker, city council, to someone on an advisory council.

Bergman commented that Advisory Councils are not subject to the Brown Act (Note: this covers CA legal requirements for public meetings) and lack the legal support to address legal issues. Councils need to consider their resources.

Patterson said he'd had many discussions regarding Kleemann and others (Souza, Cole, Treder) and conflict of interest issues.

Kleemann stated Johnston's email was not accurate in that she and Charlie don't own or have anything to do with a Facebook page called "No Quarry on 58". She's been objective about quarry impacts. She followed the current bylaws when she ran for a council seat and wouldn't have run if they'd shown there was a conflict. She has an issue when council alternates vote when the member they are an alternate for has a conflict.

Filipponi said we should simply follow our bylaws and members should recuse themselves or not.

Phillips said to abide by the current bylaws.

Patterson suggested we address this issue later as a part of bylaw review.

Pope agreed we should address later.

Rathbun (*note: he made a comment I failed to record – RS*)

Phillips stated as an alternate she doesn't ask who she's filling in for how to vote and no one tells her how to vote.

Tina Salter, public S. Atascadero, likes the idea of when a member is voting or discussing an issue that they identify if they have a conflict and say what it is.

Righetti said he comes to the meetings and represents the people in his area and what they want not his personal feelings.

Roy Reeves, public, feels a conflict of interest should include both direct financial property interest and others with financial interests that aren't based on property.

Cromley, Coles alternate, said he has no financial interest in the quarry, works for a competitor's construction company, and no one tells him how to vote.

Patterson said he'd like the standing bylaws committee to meet regarding "conflict of interest". Committee members are Treder, Kleemann, and Pope. Stockel volunteered to join.

Pope asked what the process was for tonight's meeting – are we voting for anything?

Reed noted the meeting goes to 10. (*my notes don't make this comment clear, sorry – RS*)

Treder said Las Pilitas will ask for a project endorsement from the council.

Patterson closed discussion on this issue.

**9. Open comment:**

- a. Public announcements and comments regarding items not on the agenda: None made.
- b. Council announcements and comments regarding items not on the agenda: None made.

**10. New Business:**

- a. Tassajara Creek Road Maintenance – George Sullivan: Sullivan stated Tassajara Creek Road is in bad condition with no improvements made since capping it 22 years ago, besides some cold patching of potholes. The road has been deteriorating since the 1994 Hwy 41 fire and

damaged by the truck traffic used for rebuilding homes. It needs attention and repairs made by Public Works.

Chairman Patterson requested an email from Sullivan summarizing the issues and will then request a Public Works presentation for our next meeting. Patterson will contact Don Spagnollo, Public Works, and request his presence. It was noted that Public Works electronic database does not contain road repair and condition information prior to 2004. Public works will make updates based on information provided to them by the public. Public Works has some prior written records regarding road maintenance but it is not part of their electronic database

- b. Hanson Quarry Expansion – Terry Marshall, Hansen Land Manager, Ryan Jacoby, General Manager, and Cindy Chambers, Wallace Group. made a presentation regarding the draft Environmental Impact Report for a proposed 33 acre expansion of the existing quarry: The presentation was short basically stating that it was simply adding an additional mining area to the current quarry and extending its operational life without changing any other operational features related to production quantity or types. A public meeting will be held at the Santa Margarita Elementary School at 6 pm tomorrow night regarding the project. Questions were taken from the council and public after the short presentation.

Eric Cleveland noted that the original quarry project planted pines to block the view shed from El Camino Real, but the trees all died. He asked if this would be addressed.

A public member commented that he lived on Digger Pine Road and that the expansion would further affect the view shed as the current quarry is visible from there.

Charlie Kleemann asked if Hansen owned any of the parcels contiguous to the expansion and what the extent was of any buffering parcels around the project. Answer: the entire project consists of multiple parcels and that some buffering parcels are owned by Hansen, but other adjoining parcels are owned by others. A figure in the DEIR identifies ownership for contiguous parcels.

Tryde asked if the purpose of the project was to increase production. Answer: the purpose was mainly to add reserves to extend the life of the quarry which allows the ability to finance equipment upgrades, to address mining safety issues posed by some steep faces currently being mined. They started the expansion request process about 10-12 years ago.

Patterson asked what the operational quarry life was now and with the expansion. Answer: current projection is for an additional 17 years and an addition of 42 years with the expansion. Current projection is an operational life going to 2076.

Pope asked what reclamation has been done to date. Answer: minimal as they are still in Phase 1, once they move away from the current mining areas reclamation will begin.

Beccia asked about current maximum production. Answer: Current maximum is 700,000 tons (which won't change with expansion); current average is about 560,000 tons with wide variations due to demand. Maximum allowed truck trips (one way) are 294 including the asphalt hot plant and the average is about 89.

Kleemann clarified that the round trip truck traffic is then 2 times the average of 89 truck trips.

Blake Finnegan asked what the split was for truck routing to the north and south. Answer: Majority of truck go north along El Camino Real to Santa Barbara Rd and then to HWY 101. About 12% of trucks go south on El Camino Real through Santa Margarita to Hwy 101.

Cleveland asked if truck trips related to average production. Answer: Yes. Approximately 105 of truck trips are for asphalt and 30-35% for washed rock, other aggregate trips make up the rest.

Xzandra Fowler Planning Dept. was present and noted the DEIR copies were available online, at the Planning Dept. and at the San Luis Obispo and Santa Margarita County Libraries. Public comment on the DEIR closes on January 12, 2015. Submit comments to the Planning Dept.

Chairman Patterson noted a subcommittee would be formed for review of the proposed expansion during the Chairman's Report.

- c. Oster/Las Pilitas Resources Quarry – Subcommittee to present comments and concerns from FEIR review (60 min)

Patterson introduced Ken Johnston, Las Pilitas Resources, to open with a presentation on the quarry followed by the subcommittee FEIR report.

#### Project Presentation

Cheryl Cole made a short presentation about the Cole's current trucking business: they've been in business for 30 years and in Santa Margarita for 23 years; their trucks were based near the proposed quarry location for 18 years and made 200,000 trips on HWY 58 without incident; all their trucks exceed the EPA environmental standards. They're asking for the council's support for the project.

Johnston provided a general project overview focusing on truck trips; quarry noise (equipment, trucks, and blasting); air, water and open space: Oster's have owned the property for over 100 years and long planned for the potential to develop a quarry. FEIR looks at worst case scenario for truck trips and so overstates the impacts. Quarries don't operate at 100% capacity. Hansen stated earlier that they've averaged 50-60-% capacity. Some days there will be no trucks or a very limited number of truck trips (e.g. rainy days). This quarry won't change the regional demand for aggregate, so the overall total number of truck trips won't change. It is necessary for adequate aggregate supplies into the future. The rock crushing equipment is portable and will be brought in as needed, anticipating operating 3-4 months of the year, equipment back-up alarms are now proximity based (only alarm when close to the hazard) which limits noise.

Johnston provided a detailed overview of current blasting techniques that minimize noise. Noted blasting could potentially occur 20 times a year with advance notice to nearby residential properties. Blasting noise will be monitored.

Johnston discussed truck noise through town (Santa Margarita) and noted hours of operation will be from 7 am- 5 pm. Truck traffic will vary, but at maximum will only contribute an additional 1.9 decibels to current Hwy 58 (El Camino Real) traffic noise. People can't tell the difference when decibel increases are less than 10.

Johnston briefly touched on air and water issues. He noted that through the Air Pollution Control District (APCD) air quality issues aren't significant and are mitigated through APCD requirements for dust and truck. Only water use will be for dust control - no washed aggregate – and in addition main truck roads will be paved. Water is from onsite and sufficient for dust control and reclamation irrigation for vegetation establishment. Briefly mentioned recreation issues (bicycles) and that they've offered aggregate for bike projects in the county.

Sophie Treder, with input from Johnston, provided a traffic overview and addressed project proposed mitigations by location at the quarry and through town. The quarry will establish a

complaint line to report problems. Truck driver education will be established for start times, use of Jake brakes, speed limits, etc. Drivers that don't follow the rules would face a ban from the quarry. A turn lane is required for truck traffic entering the quarry. The quarry would fund the school district if necessary to ensure a crossing guard is available at the H St and Estrada Ave. (Hwy 58) Elementary School crosswalk. The 90 degree turn on HWY 58 at J St slows the trucks as they approach the school crosswalk and they have better visibility for the crosswalk than cars as the drivers sit higher. They've offered the town traffic calming measures (speed bumps for I St, automated speed tracking signs). The quarry will provide their share, based on traffic, toward a signal at El Camino & Hwy 58 (at the railroad tracks) for the anticipated regional cumulative traffic impacts at that location. Trucks are assessed a fee for their road use based on trip numbers to help maintain the roads. Treder concluded the project presentation.

Patterson asked John Beccia, FEIR subcommittee Chair, to present the subcommittee's report.

Stockel requested a break prior to proceeding. The consensus was for a break which Patterson granted.

#### SMAAC FEIR Subcommittee Report (see attached SMAAC FEIR Report)

Beccia provided background for the subcommittee which was formed on Nov 5 (members: Beccia, Stockel, Kleemann, Tryde, Sullivan, and Pope). A limited number of report copies were provided to the council. After Sullivan's appointment to the subcommittee he later made a decision to recuse himself for personal reasons. Pope was added to the subcommittee after Sullivan's recusal.

Beccia thanked all members for their hard work and input in reviewing a large and complex document in a very short amount of time, due to the timing of its release, the Dec 11 scheduled Planning Commission meeting, and it coinciding with the Thanksgiving Holidays. The subcommittee met 4 times.

Beccia discussed Patterson's email regarding Kleemann's perceived conflict of interest with the group. No one felt she needed to remove herself from the committee and agreed her knowledge of the project would benefit the committee assessment.

The subcommittee decided to limit their FEIR assessment to whether the comments SMAAC previously made and submitted for the DEIR were adequately addressed by the FEIR. The original SMAAC DEIR comments matched the DEIR and FEIR layouts and was broken into sections (e.g. Aesthetics and Visual Resources, Transportation and Circulation, etc.) with numbered responses. The subcommittee FEIR report follows the same layout with the original SMAAC comment in **bold**, the FEIR response in *italics*, and the subcommittee assessment of the FEIR response in *red italics*. The subcommittee assessments were formed and modified by consensus.

Beccia went through the entire report paraphrasing the information. Overall the subcommittee felt that the FEIR did respond appropriately to SMAAC's DEIR comments, with minor exceptions, but noted that the FEIR still identified significant unmitigable impacts that would result from the project. At the end of the report other potential issues were identified for study by the subcommittee, dependent on SMAAC council desire and premised on the Planning Commission needing a second meeting, in January, to complete their work. Topics included: 1) Land Use Compatibility, 2) Hanson Quarry Expansion, 3) Community Benefits.

Patterson opened the agenda item to public comment:

## Public Comment

Charlie Kleemann: Noted that this meeting had not followed and doesn't match the agenda item.

Harry Harlow (Digger Pine): extremely concerned about quarry noise. He's close enough to hear the noise and concerned about the potential 3 months of crushing, equipment back-up noise, safety on Hwy 58. He's tremendously worried and opposed to the project.

Eric Booker: He's against this project it will re-distribute the truck traffic. More truck traffic, than that currently generated by Hansen's, will go through town.

Eric Cleveland: We need to support our local commercial businesses. Keep money local and not moving to foreign based aggregate companies. There have only been 3 pedestrians hit at the El Camino Real & Encina crosswalk in town – all by cars not semis. That crosswalk has been improved by changing its location. All of the truck drivers are professionals.

Tyse Safreno (sp) has two kids 5 and 9: He's neither for or against the project. Runs a technology business and technological improvements will mitigate impacts. Cole has tier 4 trucks which reduce emissions by 90% over tier 3 trucks. Standards and trucks will be even better in the future and further mitigate issues as technology improves. Predicts radical changes in mining operations, specifically blasting for safety and noise as current military technology becomes available.

Roy Reeves: Noted that the Planning Department Staff report was released today and that staff is recommending that the Planning Commission deny the project.

Dilger (Note: missed first name – RS): I've been on Parkhill for 29 years and never met a SMAAC representative. Do they really represent me? No one gets notified of the meetings. He's concerned with lack of road shoulders on Hwy 58 between Pozo Rd and the bridge. The EIR is poorly done for the quarry. Personal stance on property is unless there's a violation or harm leave them alone. He's noted truck off-tracking at a specific corner and had a near accident. Thinks the FEIR did not address some of his concerns. Feels an alternate route that does not go through town is the answer. Problems should be avoided not mitigated. The public takes safety risks for private property.

Blake Finnegan (Calf Canyon) related an accident, because he made a mistake, which he had on Hwy 58 while towing a trailer. The accident would have been much worse if the quarry truck traffic existed as a truck wouldn't have been able to stop.

## Council Comment

Sullivan: Likes the community here, but when improvements are needed and wanted they can't be done without aggregate. We need the quarry resources to meet the demand.

Patterson (Garden Farms): He's heard many times that all traffic should go through Hanson, which is ironic as it just moves it from Santa Margarita to Garden Farms. Hanson hasn't been an issue for Garden Farms. The traffic impact town (Santa Margarita) and general traffic safety seems mitigatable.

Righetti: When Robertson owned the ranch around Santa Margarita and they proposed a project including a bypass that didn't put traffic through town it was shot down by the community, now they don't want traffic through town. Cal Trans needs to address traffic issues. All 3 quarries can exist.

Pope: There are issues with any project. If legal rights exist to do a project it should be allowed. With local projects you can call and talk to the owners for problem resolution.

Patterson: As a civil engineer (CE) he hasn't seen any proposed project operate at the maximum proposed level. From a CE perspective the 273 average daily trips won't be realized. He sees flaws in the calculations regarding traffic.

Beccia: he doesn't have an issue with quarries, in general, but location of this quarry is a concern. He sees it as incompatible with rural residential areas and town. Decision is not made on a personal basis.

Kleemann: The quarry property isn't zoned for mining. It is in an area which has an Extractive overlay. The overlay includes properties zoned as rural residential.

Head: Believes in "buyer beware" for the zoning overlay. She has a problem with denials after the fact.

Kleemann: The Extractive Overlay happened after the houses were in place.

Patterson: How does waiting occur for the trucks prior to opening the quarry?

Treder: The zoning overlay was placed in 1992.

Johnston: There's room for 20 trucks inside the quarry property. They can't control drivers deciding to stop in town for coffee. It's not proper for an EIR to address traffic management. They will develop a truck management plan (TMP) similar to the Rocky Canyon quarry with a demarcation point drivers are not to pass before a certain time. There will be mechanisms to report complaints. They can enforce the TMP, but not driving laws.

Patterson: Is there an appropriate staging area if the quarry capacity is exceeded? Hanson has a more than adequate staging area with no traffic issues for Garden Farms.

Treder: They will be developing "no queuing zones" as part of the TMP.

Kleemann: The extractive overlay encompasses a huge area which can accommodate a properly placed quarry.

Sullivan: When Cole operated his trucks from Hwy 58 he didn't know Cole's trucks were out there. Cole is a good operator.

Bergman: He's impressed with this community and appreciates its respectfulness. The key is the Planning Commission and their meeting on the 11th. Whatever their decision it will probably be appealed to the Board of Supervisors. This has helped prepare you to represent yourselves and your positions before the Planning Commission. We'll see what the Planning Commission does.

Patterson thanked the subcommittee for their work. Discussion followed regarding the next step. Council consensus was that there was no need to vote regarding the subcommittee's

report and a vote in favor of or opposed to the project occurred. Some council members felt the subcommittee report should be voted on for submittal to the Planning Commission.

Patterson wanted a tallied vote taken, with reasons recorded from the council members for their decision for or against the project, to aid the Planning Commission in their decision making process. Patterson called for a vote. Stockel asked that a motion be made to hold the vote. Sullivan made a motion to hold a vote for or against the project recording council member's reasons if they chose to state them. Pope seconded the motion. Stockel announced the vote count. Treder noted her count was different. The vote was re-held confirming Treder's count. Stockel thanked Treder for the correction. The motion passed with 11 in favor, 6 opposed, and 1 abstention.

The project vote was 11 in support, 5 opposed, with 1 abstention, and 2 recusals.

Stockel, using a tool developed by Patterson, called each council member in turn to vote and recorded their reasons, if stated. Patterson and Stockel agreed to have Stockel provide him with a written record by Friday Dec 5, which he would send to all council members for their review and any corrections to Stockel's record. Resubmittal by council members was due by Tuesday Dec 9 so Patterson could submit the record to the Planning Commission prior to their meeting on the 11<sup>th</sup>. **(see Attached Vote)**

## **11. Continued Business**

- a. None

**12. Treasurer's Report:** Moved to next meeting due length of tonight's meeting.

**13. Public Information Committee Report:** No report.

**14. 5<sup>th</sup> District Supervisor's Report:** Supervisor Arnold provided 3 updates – 1) Santa Margarita was chosen for the emergency water tie-in to Atascadero mutual water Co.; 2) the Santa Margarita cemetery expansion is moving forward; 3) the Salinas River Trail section near Santa Margarita and Garden Farms continues to progress.

## **15. Chairman's report – 9:50pm (10 min)**

- a. Chairman's Advisory Council Meeting Update: Chairman Patterson postponed the report.
- b. Schedule January Meeting: January is a month without a normally scheduled meeting. Council discussed scheduling a meeting specifically for the Hanson Quarry expansion DEIR as comments will be due to the Planning Department prior to the February SMAAC meeting. Pope made a motion to schedule a meeting on January 7, 2015 for a single agenda item – review and discussion and potential vote regarding the Hanson Quarry Expansion DEIR, seconded by Sullivan, passed unanimously on voice vote.
- c. Hanson Quarry Expansion DEIR subcommittee assignments were made. Souza appointed Chair with Tryde and Pope also on the subcommittee.
- d. By-laws subcommittee assignments were made. Treder (Chair), Kleemann, and Pope as members of the standing committee with Stockel as an added volunteer.
- e. Assignment to send project referral responses to County Planning – No action taken

## **16. Adjournment – 11:00pm**

- a. Next Meeting – January 7, 2015 at 7:00pm

### **SMAAC Meeting Procedure for Project Review**

1. The Chair will open the discussion by first asking county staff to present any information or reports on the specific project. When the staff presentation is concluded, the Council will have an opportunity to ask questions.
2. The applicant and/or agent will then be given an opportunity to make a presentation, after which, the Council will again have an opportunity to ask questions.
3. Any committees tasked with reviewing the project will give presentations, reports and recommendations and respond to questions from the Council.
4. The general public will have an opportunity to comment on the project in accordance with the guidelines set forth below. After public comment has been closed, the Chair will invite staff and the applicant to respond to the public testimony.
5. Finally, the Council will further discuss the project and take any action deemed appropriate.

### **Rules for Presenting Testimony**

1. Members of the public who wish to present testimony should conduct themselves with dignity and be courteous and respectful to all parties involved.
2. When speaking before the Council, please identify yourself for the record.
3. Address your testimony to the Chair. Conversations, debate, or discussions between or among the speaker and the audience, the applicant/agent, the staff or members of the public are not permitted.
4. Keep your testimony brief and to the point. Address the proposal and not the individuals involved. If absolutely necessary, refer to individuals by title only. For example: the Chair, the staff member, the applicant, the previous speaker, etc.
5. Public testimony will be limited, at the discretion of the Chair, generally to three minutes per individual. And please, no audience reaction (applause or otherwise) during or after the testimony.
6. Written testimony (letters or e-mail) is acceptable. Please submit testimony at least five calendar days prior to the SMAAC meeting to your area representative. The area representative may read your testimony on your behalf during the meeting.

## SMAAC/Las Pilitas Sub Committee Conflict of Interest Concerns

Inbox x



**Ken Johnston** <ken@laspilitasresources.com>

Dec 1 ☆



to joe.smaac, dacbt5, me, headsurveys, stuart, kleemann, Coletrucking04, richardgayou, pozorigetti, soj

**Joe Patter**

Add to circ



Dear Chairman Patterson,

I am writing on behalf of Las Pilitas Resources, LLC. It has come to our attention that SMAAC member Tamara Kleemann had herself appointed to the committee reviewing the Las Pilitas project. Ms. Kleemann lives next door to the proposed project, and has been a vocal opponent of the project since it was first proposed. I have attended almost every SMAAC meeting for the last five years, and prior to Ms. Kleemann's election to the Council, she often spoke at public comment against the project. Ms. Kleemann and her husband own and operate a website and Facebook page called "No Quarry on 58."

According to the guidance provided to SMAAC by County Counsel, Ms. Kleemann has a conflict of interest because she owns property immediately adjacent to the proposed project, and thus having the project denied would benefit her personally. IN addition, Ms. Kleemann has shown herself to have a strong bias against the project, given that she and her husband head an organization whose sole purpose is to defeat the project.

Las Pilitas Resources formally objects to Ms. Kleemann participating as a voting member on any actions involving the quarry, and asks that she be removed from the committee that is reviewing the project. Per the SMAAC Bylaws Article IV, Section 1, committee members serve at the discretion of the Chair. We respectfully ask that you remove Ms. Kleemann from the committee effective immediately. We request that Ms. Kleemann also do the honorable thing and recuse herself from voting on the project at all, as others on the council have previously done.

Please contact me if you wish to discuss these concerns further.

Sincerely,

Ken Johnston  
Project Manager  
Las Pilitas Resources, LLC

Phone [805-610-7186](tel:805-610-7186)  
[ken@laspilitasresources.com](mailto:ken@laspilitasresources.com)



**Joe Patterson**

Dec 1 ☆



to Ken, Dana, me, JoAnn, Stuart, Tamara, Coletrucking04, Richard, Bob, Sophie, Butch, Mike, Guy, Jere

Ken:

Thank you for your email regarding your concerns. I will follow up with you and Tamara before this week's meeting. Because the quarry project is of great concern to everyone within the community, I have spent considerable personal time in an attempt to identify the most appropriate course of action to resolve conflicts of interests or the appearance of conflicts. The agenda this week has a line item included for the council to address this issue. In my chairman position within SMAAC I have heard a lot of opinions on the quarry - in favor, in opposition, and mixed opinions. I will do my best to lead SMAAC in providing unbiased community perspectives to County Planning.

Thank you,  
Joe Patterson  
SMAAC Chairman  
[www.smaaconline.org](http://www.smaaconline.org)

...

## Recusal Question Email String

From: Joe Patterson <[joe.smaac@gmail.com](mailto:joe.smaac@gmail.com)>  
To: Jen Caffee <[jcaffee@co.slo.ca.us](mailto:jcaffee@co.slo.ca.us)>  
Date: 11/10/2014 01:23 PM  
Subject: Re: Recusal Question

---

Jen:

Could you please ask county counsel when it is appropriate for advisory council members to recuse themselves during discussion or voting of agenda items during a CAC meeting? Last SMAAC meeting I asked for some council members to recuse themselves but it was received with strong opposition so I allowed the formation of a subcommittee but I am not sure if I was correct in so doing. I would really appreciate the help.

Thank you,  
Joe Patterson  
SMAAC Chairman  
[www.smaaconline.org](http://www.smaaconline.org)

----- Forwarded message -----  
From: <[jcaffee@co.slo.ca.us](mailto:jcaffee@co.slo.ca.us)>  
Date: Wed, Nov 12, 2014 at 11:21 AM  
Subject: Fw: Recusal Question  
To: [joe.smaac@gmail.com](mailto:joe.smaac@gmail.com)

Here's the response from County Counsel. Please let me know if I can be of any further assistance.

Jen

Jennifer Caffee  
Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
[\(805\) 781-4339](tel:(805)781-4339)/FAX [\(805\) 781-1350](tel:(805)781-1350)

----- Forwarded by Jennifer Caffee/BOS/COSLO on 11/12/2014 11:20 AM -----

From: Rita Neal/Counsel/COSLO  
To: Jennifer Caffee/BOS/COSLO@Wings  
Date: 11/12/2014 11:08 AM  
Subject: Re: Fw: Recusal Question

---

Hello Jen,

Let me do my best to answer the question below with the caveat that I don't have a lot of facts to go on as to what the conflict of interest is. Initially, I would note that each Advisory Council should have their own approved by-laws. The formation guidelines for Community Advisory Councils (CAC's) set out minimum requirements for bylaws of a CAC. One of those requirements is to "Have Conflict of Interest Guidelines or policy". Further, the CAC Handbook addresses conflicts of interest and has the following language in it:

***"A conflict of interest exists if financial interests or other opportunities for tangible personal benefit may exert a substantial and improper influence upon a council member's judgement in exercising decision making.***

***Council members can avoid a conflict of interest by:***

- abstaining from a vote on a proposed project if the member is directly involved with the project***
- not talking privately about matters that concern the Community Advisory Council and the community***
- not accepting gifts from people whose projects are in the review process and will be voted on by the council***
- clearly stating at public meetings and hearings whether you are representing the action of the whole of the council or whether you are speaking as a private citizen "***

I don't know if the SMAAC bylaws address conflicts of interest which would provide guidance on how to handle the current situation. Assuming they don't, the question is whether a council member would directly and financially benefit from an item before the council, or if a personal benefit from the item would be such that the member cannot exercise unbiased decision making. Additionally, there is always the concerns of an "appearance of conflict". This type of conflict is more difficult to decipher but ultimately, if the member believes that there is an appearance of a conflict such that he or she could not be fair and impartial, it would be recommended that member recuse him/herself.

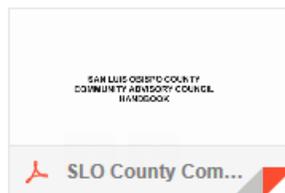
Some examples of conflicts: If a member of the SMAAC is a project proponent of a project before the SMAAC, a clear conflict exists. If a member of the SMAAC is employed by a project proponent, it's also likely a conflict exists. An appearance of a conflict might be that a member of SMAAC heads an organization that clearly opposes or supports a particular project.

With regard to CAC's, because they are advisory only, its difficult to argue that someone is legally required to recuse themselves from voting on an item. That is, there really aren't any legal ramifications for a member who refuses to recuse themselves in the face of a conflict of interest unless they are violating the bylaws. However, if the bylaws require such recusal, than that makes things simple. If a member refuses to recuse him/herself, than the concern of a conflict by other members could be noted in the minutes and in the information that is passed on to the Planning Commission and/or Board of Supervisors.

For your information, I am attaching the Formation Guide and Handbook.

Please feel free to let me know if you and/or Mr. Patterson has further questions with regard to this issue.

## 2 Attachments





**Sophie Rowlands** <sophie.rowlands@gmail.com>

Nov 12 ☆



to Joe, me, Bill, Bob, Butch, Charlie, Commander, Dana, Doug, Eric, George, Guy, Heidi, Holly, Jeff, Jeri

Thank you for this information, Joe. I would just also add to what County Counsel said: in case it was not clear, that a "tangible personal benefit" requiring recusal does not have to be monetary. Once definite example is when a councilmember owns property that is adjacent or in close proximity to the proposed project. Please see the below excerpt from the published case *Clark v. City of Hermosa Beach*, which is generally accepted as one of the leading cases on when councilmembers must recuse themselves in such situations:

"The public is entitled to have its representatives perform their duties free from any personal or pecuniary interest that might affect their judgment. Public policy forbids the sustaining of municipal action founded upon a vote of a council member in any matter before it which directly or immediately affects him or her individually. A finding of self-interest sufficient to set aside municipal action need not be based upon actual proof of dishonesty, but may be warranted whenever a public official, by reason of personal interest in a matter, is placed in a situation of temptation to serve his or her own purposes, to the prejudice of those for whom the law authorizes that official to act. An individual member ordinarily cannot vote on a matter in which that member is interested. If the member does, the action taken by the body of which he or she is a member is invalidated. . . .

Applying these principles, we conclude that the Clarks were deprived of a fair hearing in three respects. First, under the common law, Councilmember Benz had a conflict of interest in voting on the Clarks' project. In denying the requested permits, the Council majority (which included Benz) found that the height and lot coverage of the proposed structure would interfere with the use or enjoyment of other property in the area. Also, in opposing the Clarks' 1989 application, Benz stated his belief that the project would "further constrict the view of the ocean from homes that are located behind . . . the lot." Because Benz lived one block inland of the Clarks, he stood to benefit personally by voting against the Clarks' project. It is irrelevant that Benz did not own his residence; an interest in preserving his ocean view was of such importance to him that it could have influenced his judgment. Of course, a public official may express opinions on subjects of community concern (e.g., the height of new construction) without tainting his vote on such matters should they come before him. (See *City of Fairfield v. Superior Court* (1975) 14 Cal. 3d 768, 780-781.) Here, Benz's conflict of interest arose, not because of his general opposition to 35-foot buildings, but because the specific project before the Council, if approved, would have had a direct impact on the quality of his own residence. In addition, Benz's personal animosity toward the Clarks contributed to his conflict of interest; he was not a disinterested, unbiased decisionmaker.

**Clark v. City of Hermosa Beach** (1996) 48 Cal. App. 4th 1152, 1171-1173.

As County Counsel pointed out, SMAAC is not legally required to follow the same recusal rules as the Board of Supervisors, but I think it would be prudent for SMAAC to do so all the same, since they are advisory to the Board, and in order for SMAAC's votes on matters to be unquestionable valid and not "stacked." While there can be some real gray areas when you are talking about a community this small, where everyone knows everyone else, I would suggest that the minimum recusal standards would be (1) a direct financial or pecuniary interest in the proposed project; and (2) owning property immediately adjacent or in very close proximity to the proposed project.

Just to be clear, I have always abstained from votes involving the quarry, and will be recusing myself and sitting in the audience at the December meeting (and any necessary subsequent meetings).

...

----- Forwarded message -----

From: Joe Patterson <[joe.smaac@gmail.com](mailto:joe.smaac@gmail.com)>

Date: Wed, Nov 12, 2014 at 5:49 PM

Subject: Fwd: Fw: Recusal Question

To: Robert Stockel <[rstockel@gmail.com](mailto:rstockel@gmail.com)>, Bill Borgsmiller <[bill@acijet.com](mailto:bill@acijet.com)>, Bob Righetti <[pozorighetti@wildblue.net](mailto:pozorighetti@wildblue.net)>, Butch Pope <[butchpope@butchpopeconstruction.com](mailto:butchpope@butchpopeconstruction.com)>, Charlie Kleemann <[chazkleemann@gmail.com](mailto:chazkleemann@gmail.com)>, Commander Conway <[kconway@co.slo.ca.us](mailto:kconway@co.slo.ca.us)>, Dana Tryde <[dacbt5@gmail.com](mailto:dacbt5@gmail.com)>, Doug Fillipponi <[doug@ftdrilling.com](mailto:doug@ftdrilling.com)>, Eric Michielssen <[ericm@pozoorganicfarm.com](mailto:ericm@pozoorganicfarm.com)>, George Sullivan <[sullysprings@att.net](mailto:sullysprings@att.net)>, Guy Rathbun <[rathbunproductions@gmail.com](mailto:rathbunproductions@gmail.com)>, Heidi Quiggle <[hquiggs@gmail.com](mailto:hquiggs@gmail.com)>, Holly Phipps <[hphipp@co.slo.ca.us](mailto:hphipp@co.slo.ca.us)>, Jeff Brubaker <[JBrubaker@slocog.org](mailto:JBrubaker@slocog.org)>, Jeremy Burns <[Jeremy93453@hotmail.com](mailto:Jeremy93453@hotmail.com)>, JoAnn Head <[headsurveys@hughes.net](mailto:headsurveys@hughes.net)>, Joe Fariss <[joe@soaringhawkvineyards.com](mailto:joe@soaringhawkvineyards.com)>, John Reed <[johnreedspace@gmail.com](mailto:johnreedspace@gmail.com)>, John Wilkins <[john@thewilkins.com](mailto:john@thewilkins.com)>, Kristin Burtress <[kristin@ftdrilling.com](mailto:kristin@ftdrilling.com)>, Mike Cole <[cheryl@colefarmstrucking.com](mailto:cheryl@colefarmstrucking.com)>, Mike Whiteford <[mawhite4d@aol.com](mailto:mawhite4d@aol.com)>, Rich Murphy <[RMurphy@slocog.org](mailto:RMurphy@slocog.org)>, Richard Gayou <[richardgayou@gmail.com](mailto:richardgayou@gmail.com)>, Sophie Rowlands <[sophie.rowlands@gmail.com](mailto:sophie.rowlands@gmail.com)>, Stacey Phillips <[phillips.stacey@gmail.com](mailto:phillips.stacey@gmail.com)>, Steve Rossi <[steve@rossi-ent.com](mailto:steve@rossi-ent.com)>, Stuart Souza <[stuart@souzaconstructioninc.com](mailto:stuart@souzaconstructioninc.com)>, Sue Christian <[suechristian@sbcglobal.net](mailto:suechristian@sbcglobal.net)>, Tamara Kleemann <[kleemann@slonet.org](mailto:kleemann@slonet.org)>, Tara Lancaster <[tara.smaac@gmail.com](mailto:tara.smaac@gmail.com)>

All:

After last week's meeting, I requested advice from County Counsel regarding when it is appropriate for advisory council members to recuse themselves. I did so because during last week's meeting there were many concerns regarding recusal of council members for the Las Pilitas Resources Proposed Quarry EIR review. I want to make sure that I am doing the right thing and that all of the council members are doing what is right as representatives of our community in our advisory positions. I encourage everyone to review the response I received from Rita Neal (County Counsel).

Please make it your moral obligation to recuse yourself, as appropriate, from SMAAC subcommittees or participating in SMAAC discussions where you have a conflict of interest as represented by Rita Neal's response. This applies to Las Pilitas Resources Quarry, Hanson Quarry, and all future projects.

At the December SMAAC meeting I think it is appropriate to assign the by-laws committee to review the by-laws and make changes appropriately to specifically include a "Conflict of Interest Guidelines or Policy".

John Beccia - As subcommittee chairman I ask you to please evaluate the subcommittee members involvement and if you feel it is prudent that any member should recuse him/herself please act appropriately.

Thank you to all of you for your involvement in the community. I am appreciative of working with you and aim to do what is right as a member of our community.

Thank you,  
Joe Patterson  
SMAAC Chairman  
[www.smaaconline.org](http://www.smaaconline.org)

## **Santa Margarita Area Advisory Council Sub-committee Report on the FEIR for the Las Pilitas Quarry**

**Members: Butch Pope, John Beccia, Tamara Kleemann, Robert Stockel, and Dana Tryde**

**The numbered comments are SMACC's comments about DEIR. The response in the FEIR follow each comment and are italicized. The sub-committees reactions and suggestions are followed in red.**

### **Aesthetics and Visual Resources**

**1. The recommended re-vegetation of the project suggests using “mostly” native plants. It is a concern that 100% native plants are not being used and that the upkeep and maintenance of that vegetation are not called out.**

*RESPONSE refers to section 22.16.040 County Code that requires revegetation to be "predominantly" native. (FEIR Vol 2-page 9-105) Though the committee feels 100 % natives should be used in the reclamation, it is a relatively minor issue.*

**2. In addition to the users of Hwy 58 there are 12 residences that are affected by the visual impact of the quarry.**

*RESPONSE acknowledges that "several" residences in the vicinity views will be affected by the project but never states an exact number. (FEIR Vol 2-page 9-105)*

*Committee agrees with EIR finding that AES Impact 1 is significant and not mitigable but would like to see a specified number to show how widespread this impact is. Figure 4.8-1, shows 5 residences but figure 4.14-1 shows a large area of Rural Residential zoning that could include more residences.*

**3. 4.1-12 We are concerned that the quarry address any nighttime glare to protect against local glare.**

*RESPONSE states that Mitigation Measure AES-1 adequately addresses this issue.*

*(FEIR Vol 2-page 9-106)*

*Committee feels this is addressed.*

**4. Make a condition of approval that the hours of operation be determined and then codified into the EIR.**

*RESPONSE states that the hours of operation do not need to be specified with regards to the lighting and glare issue. (FEIR Vol 2-page 9-106)*  
*Committee feels normal hours of operation should be specified, and possibly be used as a mitigation measure with regards to Noise, Air Quality, and Traffic.*

**5. 4.1-13 Of significant note: As this area is designated for extraction it is reasonable to expect other quarries could be constructed. The accumulation of re-vegetated slopes and graded slopes could have a major cumulative visual impact.**

*RESPONSE agrees that the cumulative impacts are significant and not mitigated. (FEIR Vol 2-page 9-106)*

*Committee agrees with response that impacts are significant and not mitigated, and would like to see impacts of Las Pillitas Quarry compared to other nearby quarries.*

**6. As a way to mitigate visual impacts the committee ask for clarification on some of the grading plans starting on page 6-6 be discussed. The way the quarry is graded can affect what the public can see.**

*RESPONSE notes that the different alternatives, depending on which, could have a greater or lesser visual impact than the proposed project. (FEIR Vol 2-page 9-106)*

*Committee agrees with response.*

## **Transportation and Circulation**

**1. The California Public Utilities Commission (CPUC) has jurisdiction over railroad crossings (RRX). The committee feels that the CPUC comments should be incorporated into the EIR.**

*RESPONSE notes that the CPUC (comment letter S.06 has been incorporated into the EIR. (FEIR Vol 2-page 9-107)*

*Committee agrees with response.*

**2. 4.11-3 Of concern, is the ability of trucks to avoid “off-tracking” on the roadway starting at the quarry site all the way to just past the “J” street’s 90 degree turn.**

*RESPONSE notes that generalized traffic concerns are presented in Section 4.11.*

*(FEIR Vol 2-page 9-107)*

*Committee notes that in Volume 1, page 4.11-3 there is a short discussion the "off-tracking" issue. It states that CALTRANS lists SR 58 from J St eastward as a 30 foot KPRA advisory route. This advisory means that longer trucks may not be able to stay in their designated lane. It states that longer trucks may legally use the highway and are subject to ticketing by the CHP. It does not state that the typical trucks used to haul aggregate are longer than 30 feet, but only says that they are capable of navigating SR 58 w/o off-tracking.*

**3. 4.11-4 If two semis are in the "J" street 90 degree turn at the same time is there an ability to transit safely through?**

*RESPONSE refers to figure 4.11-5 that shows templates of 2 trucks operating simultaneously in the roadway at the J street curve, thus drawing the conclusion that it is possible for 2 trucks to safely navigate the curve. (FEIR Vol 2-page 9-107)*

*Committee was unable to find substantiation of figure 4.11-5. In Appendix C , page 8 of the Traffic Impact Analysis it states that CalTrans Truck Advisory on SR 58 is for trucks with a 30 foot KPRA. However typical trucks using the quarry will be longer than that, as noted in the Traffic Impact discussion in Volume 1, page 4.11-3. (as noted in previous comment)*

**4. 4.11-24 It is imperative that the mitigation measures here be strongly codified in the EIR. The need to make sure trucks are not queuing up on SR58 at the quarry entrance or queuing/ idling off site in Santa Margarita as they wait for the quarry to open.**

*RESPONSE cites Mitigation Measure Traffic 3-b that states that the applicant shall designate and publicize off-site limits where trucks cannot park while waiting for quarry to open. (FEIR Vol 2-page 9-107)*

*Committee feels this "off limits" zone should be designated before approval so the community knows where this impact shall be and how it will be handled. Committee agrees with the requirement of a left had turn lane for safety reasons, but that does not answer the question of where trucks wait for the quarry to open.*

**5. 4.11-25 The cumulative effects on traffic at the intersection of SR58 and El Camino Real can become onerous over the years as population increases and puts more stress on the intersection. It is strongly felt by the committee that**

whether the intersection is signalized or not, a back up of traffic will put a strain on the residential streets. It cannot be stressed enough that even without the proposed quarry, anecdotal evidence suggests, cars and trucks alike avoid RXXs that are down. They also avoid backed up traffic from the approach to the SR58 and ECR intersection. They avoid it by using the east – west streets in Santa Margarita to facilitate transit through the area.

*RESPONSE states that because of the speed limit reduction and the 3 turns required that there is little reason to believe that drivers would go down I Street to avoid the intersection of SR 58 and El Camino. (FEIR Vol 2-page 9-107)*

*Committee feels this response shows a lack of knowledge of the community since this avoidance of the SR 58 and ECR intersection is already happening under current conditions. We would once again ask that the impact be assessed.*

**6. This Committee would like a full discussion of the Haul Road mentioned on figure 6.8-1. It could partially mitigate some of the transportation concerns.**

*RESPONSE points out that the discussion of this alternative route is included in the EIR in Section 6. (FEIR Vol 2-page 9-108)*

*Committee feels that the feasibility of this route is never addressed, concerning the permission required, and the cost involved. Thus, it may not meet CEQA's requirement as a reasonable alternative.*

## Noise

**1. Creating, maintaining and enforcing (respecting) a quiet zone through the Santa Margarita area. The committee would like to see definitive mitigation measures. How is the quarry going to enforce the zone and what are the consequences for non-compliance? Will there be a suspension period? We would like to see the enforcement plan codified in the table on 4.8-16.**

*RESPONSE refers to Mitigation Measure -MM Noise 1 which concludes that this is a significant and not mitigable impact. (FEIR Vol 2-page 9-108)*

*Committee feels that the response and mitigation measures do not address SMACC's request for establishing a quiet zone. This zone would have to be designated and mapped, and would then need to have the requirements*

*needed to have this occur.*

**2. Will the quarry blasting sirens be aimed or directed towards the quarry?  
4.8-25**

*RESPONSE refers to OSHA requirements for blasting sirens. Notes that the sirens are "typically" located and directed toward the blasting area and not located along the perimeters of the property. (FEIR Vol 2-page 9-108)*

*Committee has no further issues.*

**3. Committee suggests that the mitigation measures mentioned in chart 4.8-22 2b be the established plan or criteria for daily operations at the quarry.**

*RESPONSE notes that Mitigation Measure -MM Noise 2 that includes the Quarry Operations Noise Management Plan would be adopted simultaneously with the certification of the EIR. (FEIR Vol 2-page 9-108)*

*Committee concurs with response but notes that in spite of the mitigation measures this remains a significant and not mitigable impact.*

**4. Did the study consider the truck noise generated in the staging area at the quarry? The trucks have a hill to pull, which creates noise. Is there room to stage up away from the highway.**

*RESPONSE states that truck operations on the access road were considered in analysis of truck traffic noise but not separately computed and added to the on-highway truck noise because this would not affect anybody other than the residents who live on site. (FEIR Vol 2-page 9-108)*

*Committee recommends that the quarry operators enforce a "no use of jack brake requirement on the access road because of the potential for an additional significant noise impact.*

**Air Quality**

**1. 4.3-24 It is suggested that any funds collected from SLOAPCD for fines or fees be kept in account for use here in Santa Margarita for local mitigation measures.**

*RESPONSE states that referred to mitigation fees are under the jurisdiction of the SLOAPCD and that the County does not have the authority to dictate where these are spent. (FEIR Vol 2-page 9-109)*

*Committee feels that the applicant and County should explore the possibility of keeping these fees for local use by incorporating language into the*

*mitigation plan. However, we also point out that paying a mitigation fee to SLOAPCD does nothing to truly lower the impact on the community and mitigations that lower the impacts would be preferred.*

**2. SMAAC requests further clarification and explanation of paragraph 3 on 4.3-24**

*RESPONSE states that the county is unclear to what SMACC was asking for, then it refers to Thematic Response #3 and the Air Quality Mitigation.(FEIR Vol 2-page 9-109)*

*Committee has same response with regards to keeping mitigation fees local, and that we also favor mitigations that would truly lower the impacts for the community.*

---

---

**Other Potential Future Issues for Study by our Committee**

- 1) Land Use Compatability ..... 2) Hanson Quarry Extension..... 3)  
Community Benefits
- 
-

Santa Margarita Area Advisory Council

Date: DEC 3, 2014

Secretary: Robert Stockel

Chairman: Joe Patterson

Votes by SMAAC Council

RE: Las Pilitas Resources Quarry Support or Opposition

Council Member	Area Represented	Support	Oppose	Abstain	Recusal	Additional Notes to Qualify Vote
Joe Patterson	Garden Farms	X				Supports: As long as traffic safety is adequately addressed which it appears to be.
Stuart Souza	Garden Farms	X				None provided
Tamara Kleemann	HWY 58		X			Opposed: due to impacts
Wade Cromley (Alternate)	HWY 58	X				Supports: thinks this will create jobs and competition in the aggregate market
Joseph Fariss	Las Pilitas	X				None provided
Richard Gayou	Las Pilitas	X				None provided
Dana Tryde	Park Hill			X		Abstained: Needs more time and information to decide; sees the applicants attempting to run a good project, feels she didn't represent anyone on Parkhill (note: previously stated she'd had no contact with anyone regarding this project), would not make a strictly personal vote.
JoAnn Head	Park Hill	X				Supports: proposed mitigations in FEIR are good.
Bob Righetti	Pozo	X				Supports: Applicants provided a presentation specifically providing details regarding property and families, project overview, truck trips, traffic overview and mitigations, quarry noise, air issues, water, and open space.
Stacey Phillips (Alternate)	Pozo	X				None provided
Butch Pope	Rinconada	X				None provided
Robert Stockel	Santa Margarita		X			Opposed: not on a personal basis but for the accumulative significant environmental impacts identified for the town of Santa Margarita
Guy Rathbun	Santa Margarita		X			Opposed: for Robert Stockel's reasons and the intense air pollution that will be added to the choking conditions that already exist in downtown Santa Margarita. Also believes we were railroaded into making a decision - should consider the community.
Jeremy Burns	So. Atascadero	X				None provided
Sue Christian	So. Atascadero		X			Opposed: but applauds the applicants for their efforts to mitigate effects
George Sullivan	Tassajara Canyon	X				Supports: for the greater needs of the community and for the benefits the project will provide to the community. It will provide blessings to our community.
John Beccia (Alternate)	Tassajara Canyon		X			Opposed: mostly because of the location and doesn't feel the benefits outweigh the environmental impacts
Doug Filippini	SM Ranch				X	Conflict of interest
Steve Rossi	SM Ranch				X	Conflict of interest
<b>TOTAL</b>		<b>11</b>	<b>5</b>	<b>1</b>	<b>2</b>	