

# AGENDA

Jim Grant  
Interim County  
Administrator



# BOARD OF SUPERVISORS

Frank Mecham, Vice-Chairperson, 1st District  
Bruce S. Gibson, Chairperson, 2nd District  
Adam Hill, 3rd District  
K.H. "Katcho" Achadjian, 4th District  
James R. Patterson, 5th District

## SEPTEMBER 22, 2009

CONSENT AGENDA	9:00
PRESENTATIONS	
PUBLIC COMMENT PERIOD	
BOARD BUSINESS	
HEARINGS	10:45
CLOSED SESSION	11:15
NOON RECESS	12:00
REPORT ON CLOSED SESSION	
PUBLIC COMMENT PERIOD	
HEARINGS CONTINUED	
ADJOURNMENT	5:00

The Board of Supervisors of the County of San Luis Obispo are now meeting in regular session. Public hearings are scheduled to start at 9:00 A.M.

The Board of Supervisors' weekly agenda and staff reports are available at the following website: [www.slocounty.ca.gov](http://www.slocounty.ca.gov). Packets are also available at the County Government Center and the Atascadero, Arroyo Grande, Paso Robles, Nipomo, Morro Bay, SLO City/County Libraries and the SLO Law Library.

All persons desiring to speak on agenda items, during Public Comment or prior to Closed Session, are asked to fill out a "Board Appearance Request Form" to submit to the Clerk of the Board prior to the start of the Board item. Each individual speaker is limited to a presentation total of a MAXIMUM of three (3) minutes per item during the Consent Agenda, Public Comment period, Public Hearings, Board Business and prior to Closed Session.

Please refer to the informational brochure located in the back and outside of the Board Chambers for additional information regarding accommodations under the Americans with Disabilities Act, supplemental correspondence, and general rules of procedure.

## FLAG SALUTE

## CONSENT AGENDA - REVIEW AND APPROVAL

**Administrative Office Item:**

- A-1 Submittal of a resolution proclaiming September 2009 as "California Wine Month". (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

**Auditor-Controller Items:**

- A-2 Submittal of an annual cash shortages report and departmental bank accounts/cash funds listing for the fiscal year ended June 30, 2009. (RECOMMEND ITEM BE RECEIVED AND FILED.)

[Staff Report](#)

- A-3 Submittal of a cash procedures review of the Tax Collector's Office conducted on June 30, 2009. (RECOMMEND ITEM BE RECEIVED AND FILED.)

[Staff Report](#)

- A-4 Submittal of a cash procedures review of the Board of Supervisor's Office conducted on August 19, 2009. (RECOMMEND ITEM BE RECEIVED AND FILED.)

[Staff Report](#)

- A-5 Submittal of a report of establishment audits of compliance with the County Transient Occupancy Tax Ordinance for the period of January 1, 2008 through December 31, 2008. (RECOMMEND ITEM BE RECEIVED AND FILED.)

[Staff Report](#)

**Board of Supervisors Items:**

- A-6 Request to approve an employment contract with James E. Grant to serve as permanent County Administrative Officer. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

- A-7 Request by Supervisor Hill to appoint Dianne Tuttle to the Commission on the Status of Women as District Three representative. (RECOMMEND APPROVAL.)

[Staff Report](#)

- A-8 Request by Chairperson Gibson to allocate \$1,049 from District Two Community Project Funds - Fund Center 106, to the North Coast Advisory Council to be used for costs associated with holding North Coast Advisory Council monthly meetings. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

**General Services Agency Items:**

- A-9 Submittal of a resolution amending General Services Agency - Information Technology's Position Allocation List by adding one Administrative Services Manager and a .5 FTE Account Clerk,

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

deleting one Software Engineer position and reducing by .25 FTE a Computer Systems Technician Confidential position. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-10 Submittal of a resolution of intent to purchase real property located in the unincorporated area of Cambria for the intention of a new library site located at 1043 Main Street; 2nd District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-11 Submittal of a resolution thanking the San Luis Obispo Parks' volunteers for their time, contributions and donations for Fiscal Year 2008/2009. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-12 Submittal of a resolution to surplus and sell County-owned vacant real property totaling approximately 2.4 acres in the unincorporated area of California Valley to a qualified adjacent property owner and a corresponding budget adjustment in the amount of \$20,000 from unanticipated revenue; 5th District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-13 Request to create a maintenance project, "Health - Atascadero - Mental Health Hospital Renovation" and approve a corresponding budget adjustment in the amount of \$116,000 from operational savings within the Health Agency - Fund Center 161; 5th District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-14 Request to approve a contract (Clerk's File) with Cornerstone Consulting, Inc. in the amount of \$61,950 for consulting services and training for General Services Agency employees designed to improve the quality and effectiveness of the services provided to the public through strategic planning, organizational reviews, leadership development and staff training. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-15 Submittal of a bid opening report for construction of the San Luis Obispo County Regional Airport Terminal Parking Ramp project and a corresponding budget adjustment in the amount of \$5,588,310 from Federal Aviation Administration grant funds and airport revenues; 3rd District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

**Health Agency Items:**

A-16 Request to approve a renewal agreement (Clerk's File) in the amount of \$50,000 with San Luis Obispo Child Development Center, Inc. to provide mental health services to Medi-Cal eligible children. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-17 Request to approve a renewal contract (Clerk's File) with Catholic Charities CYO of the Archdiocese of San Francisco to provide mental health services to youth for Fiscal Year 2009-10. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-18 Request to approve a renewal contract (Clerk's File) in the amount of \$1,166,600 with Kinship Center to provide mental health services for Fiscal Year 2009-10. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-19 Request to approve a contract (Clerk's File) in the amount of \$94,000 with Choices House to provide alcohol and drug-free housing that offers special services for pregnant and parenting women and their children for Fiscal Year 2009-10. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-20 Request to: 1) approve a Drug Court Partnership renewal notice of grant award (Clerk's File) with the State Department of Alcohol and Drug Programs; and 2) a resolution to grant authority to the Drug and Alcohol Services Division Manager, or designee, to sign the agreement and any amendments thereto. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-21 Request to: 1) approve a Dependency Drug Court renewal notice of grant award (Clerk's File) with the State Department of Alcohol and Drug Programs; and 2) a resolution to grant authority to the Drug and Alcohol Services Division Manager, or designee, to sign the agreement and any amendments thereto. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-22 Request to: 1) approve a Comprehensive Drug Court Implementation renewal notice of grant award (Clerk's File) with the State Department of Alcohol and Drug Programs; and 2) a resolution to grant authority to the Drug and Alcohol Services Division Manager, or designee, to sign the agreement and any amendments thereto. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-23 Request to approve a renewal contract (Clerk's File) in the amount of \$25,000 with Good Samaritan Shelter, Inc. to provide substance abuse detoxification services to men and women and sober living environments to pregnant and parenting women and their children. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-24 Request to approve a renewal contract (Clerk's File) in the amount of \$14,000 with Gatehelp to provide sober living environments to individuals participating in San Luis Obispo County's

Behavioral Health Services. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-25 Request to approve a contract (Clerk's File) in the amount of \$14,000 with Captive Hearts to provide sober living environments to individuals participating in San Luis Obispo County's Behavioral Health Services. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

**Planning and Building Items:**

A-26 Request to approve membership for the Homeless Services Oversight Committee. (RECOMMEND APPROVAL.)

[Staff Report](#)

A-27 Submittal of a request to amend the County of San Luis Obispo Coastal Impact Assistance Program (CIAP) Plan to the California Resources Agency; amendments include the acceptance and allocation of \$124,482 in new CIAP funding, budget adjustments for all CIAP funds received to date, to fund projects that are consistent with the CIAP guidelines, and the creation of a new project in the County's Maintenance Project Fund Center (Fund Center 200) that will be developed by the Parks and Recreation division of the General Services Agency. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

**Public Works Items:**

A-28 Submittal of a resolution authorizing execution of a notice of completion for the Vineyard Drive Interchange Project in Templeton; 1st District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-29 Submittal of a resolution appointing Daniel J. Manion to the Office of County Surveyor; All Districts. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-30 Submittal of a resolution authorizing execution of a notice of completion for the construction of the 48 inch diameter storm drain along 14th Street/River Road from 150' west of Mission Street to the Salinas River in San Miguel; 1st District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-31 Submittal of a bid opening report for Orville Avenue Cooperative Road Improvements in Cambria; 2nd District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN CONTRACT DOCUMENTS WITH MICHAEL FREDERICK PAVING CORP. IN THE AMOUNT OF \$41,222.)

[Staff Report](#)

A-32 Submittal of: 1) Cooperative and Freeway agreements (Clerk's File) with the Department of Transportation regarding the design, funding and construction of the Willow Road and State Route 101 Interchange; and 2) resolutions requesting a new public road connection at Willow Road to Route 101 with County funding commitments and authorizing the real property acquisitions for the interchange improvements in Nipomo; 4th District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-33 The following map has been received and has satisfied all the conditions of approval that were established in the public hearings on its tentative map: CO-04-0516, a proposed subdivision resulting in 2 lots by Thomas and Donna Newton, Lyn Road in Nipomo; act on the resolution to accept the offer of dedication for road widening purposes on Camino Perillo, Nipomo; 4th District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-34 Submittal of a resolution for the acceptance of road improvements on Live Oak Road, County Road No. 1305, Nipomo; 4th District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

**SITTING AS THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR ITEMS A-35 AND A-36**

A-35 Submittal of a resolution accepting the work and authorizing execution of a notice of completion for the construction of the Nacimiento Water Project Pipeline Central; All Districts. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

A-36 Request to: 1) approve an Engineering Consultant Agreement the amount of \$70,620 with Fugro West Inc. relating to the Paso Robles Groundwater Basin; 2) authorize the Director of Public Works, or designee, to approve time extensions and contingencies in an amount not to exceed \$6,240; 3) approve a reimbursement agreement in the amount of \$51,360 with the Cities of Paso Robles and Atascadero, Templeton Community Service District and the Atascadero Mutual Water Company; and 4) approve a corresponding budget adjustment in the amount of \$51,360 to Fund Center 450 - Fund Control and Water Conservation; 1st & 5th Districts. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

**PRESENTATIONS**

B-1 Presentation of resolutions:

A. Proclaiming September 27, 2009 as "Connections with Nature Day".

[Staff Report](#)

B. Proclaiming October 3, 2009 as "San Luis Obispo County Creek Day".

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

[Staff Report](#)

(RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

B-2 Presentation of employee 25 year service awards. (RECOMMEND APPROVAL.)

[Staff Report](#)

B-3 Submittal of a resolution recognizing James B. Lindholm, Jr. for his thirty-one years of service as the first County Counsel for San Luis Obispo County and the dedication of a plaque in his honor. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

**PUBLIC COMMENT PERIOD**

Members of the public wishing to address the Board on matters other than scheduled items may do so when recognized by the Chairperson. Individuals interested in speaking should fill out a "Board Appearance Request Form" located at the back of the Board Chambers and hand it to the Clerk of the Board. Presentations are limited to a maximum of three minutes per individual.

**BOARD BUSINESS**

**Administrative Office**

D-1 Request to: 1) review, receive and file the Fiscal Year 2008-09 Fourth Quarter Financial Report; and 2) approve the acceptance of various gifts/donations and the associated budget adjustments. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

**PUBLIC HEARINGS**

C-1 Submittal of: 1) resolutions to amend the 2007, 2008 and 2009 Action Plans by reallocating Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME), Emergency Shelter Grant (ESG) funds, to remove the American Dream Downpayment initiative program from the 2009 Action Plan and to authorize the Director of Planning & Building to execute agreements necessary for implementation; and 2) approve a budget adjustment in the amount of \$50,000 - Fund Center 290 - Community Development to reallocate CDBG administrative funds for consultation costs associated with the development of the County's Economic Strategy; All Districts. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

[Staff Report](#)

**CLOSED SESSION ITEMS**

I. PENDING LITIGATION (Gov. Code, §54956.9.) It is the intention of the Board to meet in Closed Session concerning the following items:

- A. Conference with Legal Counsel - Existing Litigation (Gov. Code, §54956.9(a.)) (Formally initiated) ) 1. Wilcox v. County of San Luis Obispo (CV 090351); 2. Sierra Club v. County of San Luis Obispo, et al. (CV080059); 3. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water); 4. Sunny Acres v. County of San Luis Obispo;

5. County of San Luis Obispo v. Kajima Construction, et al.; 6. County of San Luis Obispo v. Robert D. Sellers, et al.; 7. Herrera, et al. v. County of San Luis Obispo.

- B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.) 8. Significant exposure to litigation (Gov. Code, §54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 9. Initiation of litigation (Gov. Code §54956.9(c).) No. of cases 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code §54957.6.)

- A. It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator Kelly Tuffo and Tami Douglas-Schatz concerning the following: Name of employee organizations are: 10. DCCA;
- B. 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: Name of employee organizations are: 11. Unrepresented Management and Confidential Employees; 12. SLOCPPOA; 13. SLOCEA-Public Services, Supervisors, Clerical; 14. Deputy Sheriff's Association; 15. DAIA; 16. SLOCEA-Trades and Crafts; 17. Sheriffs' Management; 18. SLOCPMPOA;
- C. It is the intention of the Board, sitting as the Governing Board of the San Luis Obispo County In Home Support Services Public Authority, to meet in Closed Session to have a conference with its Labor Negotiator Kelly Tuffo concerning the following: Name of employee organization: 19. United Domestic Workers.

III. PERSONNEL (Gov. Code, §54957.)

- A. It is the intention of the Board to meet in Closed Session to: 20. Consider Public Employee Appointment for the Position of Director of Building/Planning.

**NOON RECESS**

**REPORT ON CLOSED SESSION**

**PUBLIC COMMENT PERIOD**

Members of the public wishing to address the Board on matters other than scheduled items may do so when recognized by the Chairperson. Individuals interested in speaking should fill out a "Board Appearance Request Form" located at the back of the Board Chambers and hand it to the Clerk of the Board. Presentations are limited to a maximum of three minutes per individual.

**HEARINGS CONTINUED**

- C-2 Hearing to consider an appeal by Keshav Gupta of the Planning Commission's approval of Development Plan/Coastal Development Permit (DRC2008-00001) to allow: 1) conversion of 38 hotel rooms to efficiency dwellings; 2) conversion of 16 hotel rooms into vacation rentals; and 3) a parking waiver reducing the required number of off-street parking spaces from 70 to 65 located at 9490 Avonne Avenue in the community of San Simeon Acres; 2nd District. (RECOMMEND DENIAL OF THE APPEAL.)

[Staff Report](#)

- C-3 Hearing for discussion on status of the Countywide Master Water Plan and recommendations regarding water resource planning efforts associated with State Water, Lopez Reservoir, County



Service Area 12 - Avila Valley, the Nipomo Community Services District and City of Santa Maria Waterline Intertie project, and County Service Area 23 - Santa Margarita; All Districts. (RECOMMEND APPROVAL OF STAFF DIRECTION.)

[Staff Report](#)

**ADJOURN**

**THE FOLLOWING IS FOR PUBLIC INFORMATION ONLY AND IS NOT PART OF THE BOARD OF SUPERVISORS' AGENDA**

**WEEKLY REPORT OF ENVIRONMENTAL DOCUMENTS AVAILABLE FOR REVIEW**

The purpose of the environmental review process is to provide information about the environmental effects of the actions and decisions made by the County, so that environmental considerations become a part of the decision making process. The following is a summary of the most recent determinations made by the County's Environmental Coordinator. The purpose of this listing is to notify the public of pending actions, which may affect the environment of San Luis Obispo County.

You are invited to participate in this process by reviewing and providing comments on the recommendations of the Environmental Coordinator. Your comments should be in writing and should be delivered to: Ellen Carroll, Environmental Coordinator, Department of Planning and Building, 976 Osos Street, Room 300, San Luis Obispo, Ca 93408-2040. For more information about the environmental review process, please write to the address above, call the Environmental Division of the Department of Planning and Building at (805) 781-5600, or review information on our website which is [www.sloplanning.org](http://www.sloplanning.org).

**Proposed Negative Declarations**

A Negative Declaration is issued for projects that would not result in significant effects on the environment. In many cases, the project applicant has added mitigation measures to the project to reduce environmental impacts in order to qualify for a Negative Declaration. If you disagree with the issuance of a proposed Negative Declaration, you may provide comments or file a Request for Review (appeal) of the Negative Declaration. Requests for Review must be filed within two weeks of the date that the proposed Negative Declaration is posted and must address only environmental issues. There is a fee for the request. If you would like more information about this process, please contact the Environmental Coordinator.

**For Week of September 10, 2009**

**Cayucos Area**

**Armas Variance/Coastal Development Permit.** Request by Harvey and Lillian Armas to allow for the grading for and construction of a new three-story, 2,813 square foot single family residence with an attached 519 square foot garage on slopes of greater than 30%. The project will result in the disturbance of approximately 3,750 square feet of a 5,898 square foot parcel, as well as approximately 8,000 square feet of disturbance due to the improvement of Richard Avenue to County standards to the nearest County maintained road. The project is located on the east side of Richard Avenue at 2659 Richard Ave., approximately 430 feet east of Obispo Avenue, in the community of Cayucos, in the Estero planning area. ED09-033 (DRC2008-00035)

**Templeton Area**

**Gross & Fuller Minor Use Permit.** Request by Kevin and Genoa Riley to allow for the construction

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

of an approximately 9,422 square foot one-story winery facility to include: a 1,168 square foot tasting room, 1,072 square foot barrel storage area, offices, restrooms, 3,500 square foot covered crush pad area, an outdoor patio, parking lot and related site improvements. The project does not include special events but industry wide events are allowed by ordinance. Anticipated wine production is 5,000 cases annually. The project will result in the disturbance of approximately 1.38 acres on a 32.08 acre parcel. The project does not include special events but industry wide events are allowed by ordinance. Anticipated wine production is 5,000 cases annually. The proposed project is within the Agriculture land use category and is located at 5430 Vineyard Dr., approximately 4 miles west of the community of Templeton. The site is in the Adelaida planning area. ED08-224 (DRC2008-00090)

#### **Templeton Area**

**Vogt Minor Use Permit.** Request by Phillip Vogt to allow a two phased project. Phase 1 is a request to hold 15 temporary events per year: 13 events of no more than 150 attendees and 2 events with no more than 200 attendees. Phase 2 is a request to construct a winery to include 4,500 square feet of processing and 3,700 square feet of tasting area. The project also includes a request to waive the 200 foot required setback to allow 127 feet and 160 feet to property line. Case production is anticipated to be 4,000 cases annually. The project will result in the disturbance of approximately 20,000 square feet on a 35 acre parcel. The proposed project is within the Agriculture land use category. The project is located at 8345 Green Valley Road, on the southern side of Highway 46 West, approximately 330 feet east of Dover Canyon Road, 6.5 miles west of the community of Templeton, in the Adelaida planning area. ED08-115 (DRC2008-00047)

#### **San Luis Obispo Area**

**Moore Conditional Use Permit.** Request by Jason Moore to authorize 1) unpermitted grading involving approximately 10,918 cubic yards of cut and fill (individually) and approximately 10.05 acres of site disturbance; 2) proposed grading for new building pads and driveways, totaling 28,310 cubic yards of cut and 2,641 cubic yards of fill and approximately 2.75 acres of site disturbance; 3) development of a single-family dwelling, guesthouse, pool house, outdoor kitchen, decks, greenhouse, and detached garage/workshop, resulting in approximately 22,831 square feet of gross structural area; and 4) installation of a new culvert and drainage realignment as part of a restoration plan, involving 507 cubic yards of cut and fill and site disturbance of approximately 0.793 acres. The proposed project is within the Rural Lands land use category and is located at 2020 Happy Trails Road, approximately 1000 feet north of Black Walnut Road, two miles west of the community of San Luis Obispo. The site is in the San Luis Bay Inland planning area. ED08-157 (DRC2007-00011)

**For Week of September 17, 2009**

**NO NEGATIVE DECLARATIONS THIS WEEK**