



COLAB SAN LUIS OBISPO COUNTY

WEEK OF DECEMBER 6-12, 2015

THIS WEEK

**NO MAJOR POLICY MATTERS ON
DECEMBER 8, 2015 BOARD AGENDA**

SLOCOG POSTPONED TO DEC. 16TH

**PLANNING COMMISSION IN ACTION ON
DECEMBER 10TH --TEMPLETON
BEHAVIORAL HEALTH & ASSISTED
LIVING FACILITIES**

LAST WEEK

**NO BOARD MEETING ON TUES. DEC. 1ST
BOS IN MONTEREY
(AT CALIF. COUNTIES ANNUAL CONFERENCE)**



COLAB
San Luis Obispo County

7th ANNUAL



DINNER & FUNDRAISER

SAVE THE DATE

Friday, March 11th
Alex Madonna Expo Center

details coming soon...

**One of the Biggest Parties
in San Luis Obispo County**
You Won't Want to Miss It!

COLAB San Luis Obispo County
805-548-0340 colabslo@gmail.com

THIS WEEK

Board of Supervisors Meeting of Tuesday December 8, 2015 (Scheduled)

No Large Policy Matters on the December 8, 2015 Agenda - Board Has Already Done Enough Damage for 2015. There are no major policy matters on this agenda. As readers well know, this is a one-week respite from the constant assault of initiatives designed to expand the role of government, deepen the County's regulatory authority, and insinuate social engineering schemes into daily life of citizens. For example the Board of Supervisors took the actions listed below:¹

1. Adopted, property tax-secured home improvement loan franchises known as Property Assessed Clean Energy (PACE) loans.
2. Adopted a massive and intrusive countywide ordinance restricting and regulating landscaping (lawns, shrubs, trees, flowers). (The Board was told it had to vote for this because it came down as Governor's Executive Order). The Board should lead a revolt, not acquiesce.
3. Adopted a new round of fee increases that are concentrated in functions which regulate the business, home building, and agriculture sectors.
4. Perpetuated the so-called housing-in-lieu fee program, which is actually a tax on market-rate new home construction and commercial development.
5. Directed staff to investigate the feasibility of the County joining with Santa Barbara County to operate a so-called Community Choice Aggregation Program. The counties would create a new government authority to purchase electricity from "green" sources and retail it within their jurisdictions.
6. Adopted sweeping amendments to the Land Use, Agriculture, and Conservation and Open Space elements of the General Plan to make the Paso Water Basin water and development moratorium permanent for over 400,000 acres of private property. These actions also spread the moratorium to Nipomo. Likewise and to implement the program, the Board amended the Inland



¹ Note Arnold and Compton voted against most of these items.

Land Use Ordinance, a portion of the Health Ordinance pertaining to wells, and portions of the Building and Construction Ordinance.

7. Denied approval of a rock and gravel quarry outside of Santa Margarita.
8. Adopted an ordinance creating a new taxing district over the Paso Water Basin for purposes of capturing tax revenue to produce a plan to bring the water basin into balance – a plan that will cost \$1 million per year, each year for 5 years.
9. Added supplemental funding to the Willow Road interchange project for oak tree planting, bringing the total oak tree boondoggle expense to over \$1 million dollars
10. Supported strategy and executed actions for the County to serve as the Applicant before the Local Agency Formation Commission (LAFCO) for creation of Paso Basin Water Management Authority.
11. Directed staff to begin a project to make the events ordinance stricter and regulate inland vacation rentals.
12. Adopted “Civility Resolution” but regularly flouts it when compliance becomes inconvenient, troublesome, inopportune, problematic, awkward, bothersome, and embarrassing.
13. Persists in legally opposing the Quiet Title Water Rights Confirmation efforts of 700 of their citizen constituents (mainly small free holders) representing over 17,000 acres in the Paso Basin.
14. Exactly one year ago the Board approved the \$1000 per employee Christmas gift for a total of \$2.4 million of your taxes. But now members are supporting a new tax of \$1 million per year for 5 years to develop a water rationing plan for the Paso Basin because the County doesn’t have the money.²

Item 5 - Request to approve a new FY 2015-16 contract with Ever Well Health Systems, LLC, not to exceed the cumulative amount of \$2,506,458 to provide residential board and care, social support, and outpatient mental health services to adults with serious mental illness. At first blush this agenda item appears to be the somewhat routine award of a large contract for board and care of some of the county’s mental health patients. The write-up states that the Behavioral Health Department has a number of such contracts with other vendors. The text continues with the statement:

The Behavioral Health Department wishes to contact with one new additional facility, Ever Well Health Systems, Inc. This additional facility is necessary to provide appropriate care for new clients who have a diagnosis or condition that the currently contracted facilities are not able to

² Compton was not on the Board at the time of this vote.

adequately treat. The contract provider is licensed by the State Department of Health Services as a board and care facility. Due to the lack of available board and care facilities in San Luis Obispo County, Behavioral Health utilizes the aforementioned contractors depending on bed availability.

The item is confusing. The contract on the Board agenda states that the services will be provided at a facility in Morada, California. Ever Well's address is listed as 391 Front Street in Grover Beach. The contract language states:

Residential Services: Services rendered pursuant to this Agreement shall be provided at Enclave at the Delta, 4951 E. Eight Mile Road, Morada, CA 95212

Morada is in San Joaquin County outside of Stockton. The county patients will be shipped hundreds of miles away to the Morada facility illustrated to the right. Why is Ever Well's headquarters at 391 Front St. in Grover Beach, when its operations are in the San Joaquin Valley? Ever Well's web site claims that it has 3 locations, the Morada site, a facility in Terra Bella (Tulare County) and Grover Beach. But the Grover Beach site is an office, not an actual service delivery board and care facility.



The need to ship these patients hundreds of miles away is further testament to the failure of the County's overall architecture of land use regulation. Perhaps a nice board and care could be built at the Las Pilitas site in lieu of a gravel mine.

The contract is retroactive:

- a. Services shall commence on or after July 1, 2015 and shall end upon the end of the duration date.

Does this mean that the County has already sent patients to an Ever Well facility? Failure to process contracts through the Board of Supervisors before their start date is a bad practice. In this case the fiscal year is already half over. What if the Board says "no"?

The \$ 2.5 million cost listed in the Board item covers all the board and care contracts for County Behavioral Health. The write-up states that this contract simply adds Ever Well to the list. Depending on the severity of the patient's needs, the cost runs from \$150 to \$175 per day. Accordingly, the County controls against the total \$ 2.5 million rather than amounts for the individual contractors. Hence it is not clear what percentage of that total Ever Care would earn in

a typical contract year. What is the actual control mechanism to insure that with multiple providers and multiple referrers, the total amount is not exceeded?

Ever Well actually receives other payments for the patients via their Supplemental Social Security (SSI) income payments. As the Board letter states, the \$150 to \$175 per day is only a “patch” to cover the difference between what SSI covers and the full price per day. The Board item does not disclose the full cost.

Some questions:

1. Are the number of patients and/or the severity of the diagnoses increasing?
2. Are the bed days increasing?
3. How was Ever Well Health Systems LLC selected? Bid, request for proposals, friendly referral, or what? How would County staff suddenly discover this new resource 300 miles away?
4. What is Ever Well’s track record in running such facilities? How long have they been in business? Their web site suggests they have other facilities. But confusingly, the public record shows that the company was only created in the last year. Perhaps they have acquired the actual service sites.
5. Reportedly, County staff visited the Morada site to assess the quality of the program. What prompted the County to suddenly determine that a new contract with Ever Well was needed in the first place?
6. What special services and care is Ever Well going to provide that the current facilities cannot provide for new clients who have diagnoses or conditions that the currently contracted facilities are not able to provide?

State business filings show the status outlined below for Ever Well:

Ever Well Health Systems, LLC is a California Domestic Limited-Liability Company filed on July 14, 2014. The company's filing status is listed as Active and its File Number is [201419510489](#).

*The Registered Agent on file for this company is **D Andrew Fetyko** and is located at 391 Front St Ste E, Grover Beach, CA 93433. The company's principal address is 391 Front St Ste E, Grover Beach, CA 93433 and its mailing address is 391 Front St Ste E, Grover Beach, CA 93433.*

*The company has 2 principals on record. The principals are **Christopher L Zubiarte** from Morgan Hill CA and D Andrew Fetyko from San Luis Obispo CA.*

It appears that Zubiante is a mental health professional (Social Worker) with decades of experience. According to the website, Fetyko who is listed as the founder and Chairman, is described as having experience in real estate investment and development.

Founder and Chairman D. Andrew Fetyko is responsible for all real estate property acquisitions, improvements, and sales; as well as investor relations.

As a founder, Mr. Fetyko offers his experience of more than 25 years starting and building operating businesses. Andy holds an expansive knowledge of all aspects in real estate development- including appraising, developing, managing, and securing debt and equity financing.

Since 2001, Mr. Fetyko has served as CEO, Managing Member for multiple LLCs and Corps, the most recent of which was NE Prop, LLC (formed in 2009) - a real estate development company that has focused on residential and commercial development.

Mr. Fetyko was recently invited to be a speaker for the Commercial Real Estate Financial Council (CREFC) speaking on distressed assets. Andy has dedicated his time to many civic organizations over the years through membership, volunteer effort, and service.

In addition to Zubiante and Fetyko the website indicates that the company has a Chief Financial Officer whose expertise is in corporate accounting and investment banking. Another executive is characterized as a sort of all-purpose human resources and organizational development type with local connections:

Prior to joining Ever Well, Kasey (Cassandra Trimble) was instrumental in establishing the Personnel and Administration Sections for the California Army National Guard. As an active duty NCO, her areas of expertise included recruitment, staffing, benefits, employee relations, and payroll. Her background in a detailed, mission critical organization was very helpful during her active duty deployment to Iraq, where she was responsible for supervising a department of 10 personnel who supported over 2000 soldiers. Kasey has also been a volunteer member of the San Luis Obispo County Sheriff's Posse for over 20 years and held the position of Secretary / Treasurers for 4 years .

Planning Commission Meeting of Thursday, December 10, 2015 (Scheduled)

There are a number of matters which impact individual applicants, including requests for variances, time extensions, and smaller subdivisions. Staff reports are generally favorable to the applicants' requests. There is a major controversial issue (item 19) as outlined below.

Item 19 Will Not Be Considered Until After 11:00 AM

Item -19 Request by Dr. Harvey Billig for a for a Vesting Tentative Parcel Map and concurrent Conditional Use Permit to 1): subdivide an existing 4.9 acre parcel into two parcels of 1.46 acres and 3.44 acres; and 2) construct a 36,503 square foot (sf) assisted living facility (60 beds) on the 1.46 acres parcel, and a 70,419 sf, Behavioral Health Hospital with 91 beds, on the 3.44 acre parcel including site improvements for grading, parking, and landscaping and a common driveway and shared parking between the proposed buildings. The request includes a modification to the height standards for the proposed hospital to allow a height of 44 feet from average natural grade instead of 35 feet as provided by ordinance. The proposed project will result in the disturbance of approximately 3.5 acres and 22,230 cubic yards of cut and 17,260 cubic yards fill on a 4.9 acre parcel. The project is within the Office and Professional land use category, and is located on the south side of Las Tablas Road (directly opposite Twin Cities Hospital), approximately ¼ mile west of Bennett Road in the community of Templeton, in the Salinas River Sub Area of the North County Planning Area. The staff report summarizes the key elements of the project:

The proposed project includes the following elements:

- 1. Proposed parcel map to create a 3.44 acre parcel for the hospital and a 1.46 acre parcel for the assisted living facility,*
- 2. Behavioral Health Hospital with 91 beds,*
- 3. Assisted living facility with 60 beds,*
- 4. Grading of 22,230 cubic yards,*
- 5. Parking for 162 vehicles both underground and in surface lots,*
- 6. A shared parking and access agreement between parcels,*
- 7. A height modification request for a maximum height of 44 feet,*
- 8. A subsurface retention basin.*

The Planning and Building staff supports the project and has prepared findings for the Planning Commission to approve it.

There is very significant community opposition to the project including by the Templeton Area Advisory Group. There is also considerable support, mostly from outside the community. It is likely that this will be a very extensive hearing and it may be that the Planning Commission will need an additional meeting to hear every one and then conduct its questions and deliberations. It is also likely that whatever decision is made by the Commission, the matter will be appealed to the Board of Supervisors.

San Luis Obispo County Council Of Governments (SLOCOG) Meeting of Wednesday, December 9, 2015 - Rescheduled to Wednesday, December 16, 2016 at 8:00 AM.

Note the earlier start time. SLOCOG usually starts at 8:30 AM. Something must be up for which they need more time.

**The SLOCOG Board
“ Special Meeting”
on December 9, 2015 has been
CANCELLED
and
MOVED to Wednesday,
DECEMBER 16, 2015**

Please Note:
*This special meeting will be held 8:00 a.m. to 12:00 p.m. at:
San Luis Obispo County Board of Supervisors Chambers
COUNTY GOVERNMENT CENTER
1055 Monterey Street, San Luis Obispo, California 93401*

LAST WEEK

There was no Board Meeting as some members were attending the annual California State Association of Counties (CSAC) Conference in Monterey.