



# COLAB

## San Luis Obispo County

April 2011 Newsletter

Volume 1, Issue 3

## COLAB - DEFINED BY MIKE BROWN!

**S**ome people on the left are irritated with COLAB. They are annoyed. They don't like the relentless independent analyses, editorials, radio shows, newsletters, and alerts. They don't like our public critiques at their board and commission meetings. They don't like the weekly updates on our website. They don't like it when we mobilize the public to show up and protest against new regulations, fees and taxes. They say other groups "work with us." "Why can't you be like them?" So COLAB goes a step further, and in addition to exposing bad public policy on the substantive basis, we expose bad process which is designed to trick us into believing that most groups accept the bad policy. A good example is the perversion of the Delphi technique of group decision making and issue exploration used by San Luis Obispo County. They conduct endless so called public workshops about climate management, smart growth, water management plans, and related subjects. These are really indoctrination sessions. This is simply the use of the old left 1960's radical organizing technique to divide, conquer, and ultimately jam through the new plan, regulation, fee, tax or policy. It is a perversion and misuse of the Delphi technique of decision making. (This was a form of scenario planning and issue exploration developed in World War II.) It is supposed to be open ended, use confidential surveys prior to any workshop meeting and be analytically based. This "education" (indoctrination) is provided because we in the uninitiated, non-elite public don't understand why these things are so necessary. We must be "enlightened."

Did you ever go to one of these sessions? First, you sit through an hour and a half power point presentation by some bureaucrat about why you should surrender some

more property rights (usually under the guise of remedying some newly discovered threat to a fish or civilization in general). Then you paste colored dots on preset lists of new regulatory ideas displayed on the walls. Months or years later, when the new policy or plan or regulation is presented for public adoption, it is claimed that it has been vetted through hundreds of hours of public input. Of course your point of view didn't get enough dots. This is just a trick to undermine your vote and ability to confront these issues in the regular democratic process. Productive people who work for a living don't have the luxury of attending workshop after workshop. COLAB exposes trick manipulative processes which provide cover for bad policy development.

So why is COLAB so annoying? Well, of course we have Andy Caldwell (a living blood pressure accelerator). Is it all these things we are generating? I think it's deeper. **We are the one organization which conducts analysis horizontally across all of public policy, including land use, taxation, pensions, regulation, government structure and process, energy, agriculture, constitutional threats and so forth.** We also look vertically in terms of local, State and Federal. Finally, we look at the fundamental ideological purposes of why public policy makers on the left promulgate these economically destructive and freedom limiting policies.

It is this third and most important COLAB capacity which is most threatening to the left because it deals with deeper values of our country and history, which they fear most. Before detailing how this works I would like to tell you a little bit about how I came to know something about this.

*(Continued on page 2)*

Some of you are thinking, "Why would an ex- government guy, who was City Manager of Berkeley, and some other fairly progressive jurisdictions, have anything helpful to say about our situation here on the central coast of California?" By way of full disclosure, it's actually worse. I was once appointed by one of my former employers (the City of Hartford) to represent the City on the Center for Alternative State and Local Government Policies. Jane Fonda, Tim Hayden, Dennis Kucinich, Bella Abzug, Loni Hancock, and Donna Shalala were some of the leading lights. (Jane Fonda actually made me put out my cigar at one of the meetings.) This was an ultra-left outfit that incubated many of the progressive-left policies which have proliferated in recent decades. Rent control, utilization of government pension funds to rehabilitate poor neighborhoods, welfare advocacy (that is sign up as many people as you can), and project labor agreements were some of the recommended policies. One of the more provocative was acquisition of large tracts of private sector property by local governments so as to become the predominant property owner within their boundaries. The purpose of this was to have policy control over the private sector. The city I was representing had the world headquarters of Travelers Insurance, Aetna Life and Casualty, the ITT Hartford Insurance Group, several very large New England banks, Colt Fire Arms, and The United Technologies Corporation. These guys employed tens of thousands of people in some very nice jobs locally, and hundreds of thousands nationwide. They controlled billions, back when a billion was worth something. The CEOs of these corporations were locally nicknamed the "Bishops." The Bishops were not impressed. Imagine, here I am, 34 years old, telling a ninth generation Connecticut Yankee CEO of Travelers to give the headquarters buildings to the City Council. After a while one of my colleagues became City Manager of Santa Monica. I became City Manager of Berkeley. Another one of our guys became Budget Director of San Francisco. I heard Mayor Feinstein adored him.

Ironically, it was not Hartford and Connecticut which drank the Kool-Aid. It was New York City (for a while). It was Washington, D.C. It Was Santa Monica, Berkeley, Santa Barbara, Santa Cruz, Oakland, San Francisco, some California coastal counties, and, most problematically, the State of California. Having lived in the belly of the beast,

so to speak, I would submit that my credentials are impeccable.

The following is a short story which illustrates our current predicament here on the central coast and in California.

## COYOTE STORY: A PARABLE

### CALIFORNIA:

- The Governor of California is jogging with his dog along a nature trail in Tilden Park in the Oakland Hills. A coyote jumps out and attacks the Governor's dog, then bites the governor.
- The Governor starts to intervene, but reflects upon the movie "Bambi" and then realizes he should stop because the coyote is only doing what is natural.
- He calls animal control. Animal control captures the coyote and bills the State \$200 for testing it for diseases and \$500 for relocating it.
- He calls a veterinarian. The vet collects the dead dog and bills the State \$200 for testing it for diseases.
- The Governor goes to the hospital and spends \$3,500 getting checked for diseases from the coyote and on getting his bite wound bandaged.
- The running trail is shut down for 6 months while Fish and Game conducts a \$100,000 survey to make sure the area is now free of dangerous animals.
- The City of Oakland establishes a \$2500 coyote open space fee exaction for any building permit in the Oakland Hills to buy new open space for coyotes.
- The Governor spends \$50,000 in state funds implementing a "coyote awareness program" for residents of the area.
- The Governor's security agent is fired for not stopping the attack. The State spends \$150,000 in legal fees defending its action.
- In the end, the Public Employees Review Board restores the Agent to full duty with back pay. Meanwhile the Security Agent files a stress claim and is given a tax free lifetime disability pension worth \$2,300,000.
- PETA protests the coyote's relocation and files a \$5 million law suit against the State.

### WYOMING:

The Governor of Wyoming is jogging with his dog along a nature trail. A coyote jumps out and attacks the dog.

*(Continued on page 3)*

# COLAB - DEFINED BY MIKE BROWN! (continued)

1. The Governor shoots the coyote with his State-issued pistol, saves the dog, and keeps jogging. The Governor has spent \$0.50 on a .45 Automatic Caliber Pistol hollow point cartridge.
2. The Buzzards eat the dead coyote.

That's' why we're broke and they are not.

While we can kid and laugh about the ludicrous environment which has evolved over the past 40 years, and which has brought us to this sorry state of affairs, we, and all of society, suffer from the negative economic and social consequences. A good example is the difficulty of improving our property.

**If we want to use our property to build a house, or 100 houses, or plant crops, or whatever the zoning "allows," we discover that the law is no longer really the law.** For decades there was a 3-tier system of land regulation with a plan of development on top, a zoning ordinance in the middle and regulations (like subdivision regulations and building and safety codes) on the bottom. The plan of development was general and showed how the community was supposed to generally develop in which areas over time. The zoning would be more specific and tell what lot sizes were permitted, how much of the lot could be covered by structures, how tall the structures could be, and how far the structures had to be from the property lot boundaries. The regulations provided more detail about utilities, drainage, roads, and amenities like parks. Imagine our shock when we find that these traditional rules (which are pretty objective) have been over washed by a gigantic tsunami of subjective law and process, interpreted by a vast ideological tax paid priesthood, indoctrinated in a quasi-religious doctrine of nature veneration, and ignorant of basic economics. Yes! You may be able to split your lot, but you must hire a team of expensive experts to prepare extensive documentation with respect to:

- The California Environmental Quality Act
- The California Coastal Act
- The California Air Resources Act
- The California Water Resources Protection Act
- The Fish and Wild Life Act
- Architectural Design Standards
- Visual Resources Rules (Could you build the Golden Gate Bridge today? It is this big reddish unnatural steel structure that obstructs the views of the bluffs, the golden gate channel, and the Pacific Ocean. It must interfere with some animal or fish.)
- Open space fee or "donation" exactions
- Affordable Housing In lieu Fee exactions
- Transportation fee exactions
- Police, fire, library, and administrative fee exactions
- AB 32 and SB 375 greenhouse gas mitigation rules and soon exactions (forcing purchase of carbon credits - the most pervasive and insidious.

**If you rolled all this up into one philosophy or movement, you might say it is environmentalism,** but environmentalism is only the ostensible solution to a package of alleged crises including anthropomorphic engendered climate change resulting from industrialization (and the improved standard living which results). Species extinction, the depletion of open space, deteriorated water quality, deteriorated air quality, and so forth must be stopped as part of the crisis. **The crisis is promoted as so**

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**severe that radical restrictions on the use of property, how we travel, where we can live, what we can eat, where we can work, what kind of houses we live in and so forth must be imposed by an ever growing and more intrusive set of government bureaucracies. BUT, this crisis is not the end game. It is bait to lure society into accepting, acquiescing and being scared into the long term doctrine of the political left.** The technique is not new. This was tried before in the name of eradicating poverty starting in the 1960's. It was supplemented by a housing crisis in the 1970's. It was further supplemented by vast federal expansion into public education programs. One could say national health care is the latest addition to that old bait.

The new bait is powerful bait. It predicts an environmental apocalypse. Like ancient peoples, we are told we must make sacrifices to propitiate the gods and demons. We need to give the priesthood more authority and money. (A problem: along with money, California is kind of short on sacrificial virgins this year.) The demons of ecotopia include carbon dioxide and the automobile, methane, oil drilling, CFCs/Ozone depletion, bio-tech, nuclear power, hazardous waste, wood burning fire places, the incandescent light bulb, electromagnetic field radiation, and red meat. (And now it turns out that the Sierra Club and other groups are opposing solar arrays and big windmills.)

## **The Left's REAL Program: Goals and Process**

### **The Goals: What is being done?**

- Diminished freedom in the name of engineered social equality and subsidized citizenship. Social equality and subsidized citizenship result in the tyranny of the majority of the independent dependent.
- Concentration of authority at higher levels, and upshifting of local authority of cities and counties to the state, upshifting of states' authority to the Federal (United States Government) and ceding sovereignty<sup>1</sup> of the United States to international bodies (United Nations, global warming treaties and protocols, International Council for Local Environmental Initiatives [ICLEI], and the World Congress of

Local Governments for a Sustainable Future of the United Nations).

- Expansion of the role of government and penetration into more and more aspects of life. (The functions of the state).
- The source of authority devolves from the people to governments. Powerful unelected, derivative bodies such as the Coastal Commission, State and Regional Water Quality Control Boards, Air Pollution control boards, Public Employees Review Board.

### **The Process: How it is being done?**

Driven by activism, lured and coerced by environmentalism, suppressed and intimidated by the tyranny of political correctness, and deprived of our deepest traditions and beliefs by value relativism, we are propelled into the new ecotopian welfare state.

### **COLAB's Mission:**

As COLAB, we expose these deeper underlying canons of the so called progressive left agenda. We do this by demonstrating the linkages of the practical day to day issues and problems to underlying forces and ultimate goals. All of us should join in the coalition to resist these forces. We should use our coalition to propagate alternatives. Whatever our industry, business, type of agriculture, labor group - we need to unite. After all, what this is really about is reasonable and efficient limited government, private property, capitalism, and economic independence, which are the real underpinnings of freedom and liberty.

<sup>1</sup> Recently ICLEI changed its name to Local Governments for Sustainability. It states on its Web page that this was to bring its name more in to line with its updated mission.

*This article was prepared by Mike Brown, Governmental Affairs Director of the Coalition of Labor, Agriculture and Business of San Luis Obispo County. Brown has 42 years of state and local government experience.*



Last month's Newsletter exposed the County's high general fund expenditures for its Planning and Building Department. The County is choking on the workload which it has created for itself in expanding and intensifying its scheme of land use regulation in order to implement its policies to reduce greenhouse gases and "smart growth". Additionally, there are required updates, adjustments, ordinance revisions, and the ongoing permit processing workloads. The Board schedules quarterly reviews to manage this situation. During its regular meeting of March 29, 2011, delays in revising the Land Use and Circulation Element juxtaposed with work necessary to implement the Paso Robles Groundwater Basin Resource Capacity Study forced a serious discussion. It demonstrates the growing dilemma.

**Water Basin Workload:** The Board recently certified the Water Basin at a Level of Severity Three (at or near overdraft). This action has had the effect of putting into limbo all current and future permit applications pending development of implementing ordinances and rules (12 to 18 months). In the meantime, and in the absence of guidelines, staff has suggested that applicants provide individual project proposals on a case by case basis and hope that the County will accept them. Imagine, an applicant spends tens of thousands of dollars on engineering, design, environmental analysis, survey work and pays the County processing fees. Then staff says, "This isn't what we wanted. Go back and try again." In the end the Board had to add \$50,000 of precious general fund reserves to the \$6.2 million already budgeted to help staff try and speed up the work.

In the meantime, permit applicants are faced with a list of general restrictions from which the staff may pick and choose in its discretion to approve, restrict, or deny each project application.<sup>1</sup>

- Do not approve General Plan amendments that result in a net increase in the nonagricultural use of groundwater.
- Prohibit new land divisions in the rural areas of the basin.
- All discretionary development shall offset its water use with non-agricultural water, except proposed agricultural processing uses.
- New wineries shall use best management practices.
- Amend existing water efficient landscape ordinance to

broaden where applicable.

- Best management practices for prevalent land uses in the basin.

Interestingly, staff states on page 7 of its report that its goal with respect to the Paso Robles basin ordinance and plan revisions is to develop in draft format a project description which will qualify for a negative declaration. This expressed intent violates CEQA in that the appropriate level of environmental assessment should flow from the analysis and not be prejudged. Decision makers have presumably read the staff report. Do they concur?

To summarize, the staff recommended and the Board adopted the water basin restrictions without having a plan or the funding to execute the implementing actions. The impact on other competing projects was not considered. Since there are so many new plans, amendments to plans, related analyses, Planning Commission meetings, and workshops all underway, it is likely that more workload management conflicts and related funding needs will become apparent. Will applicants and ultimately the economy become stymied as the County is unable able to manage and execute all of the implementing actions which it has beckoned in the name of smart growth and climate management?

**Land Use and Circulation Element Workload:** In another example, there was a detailed discussion of the lack of progress on the Land Use and Circulation Element. Reportedly and by way of slowing the project down, the staff was unable to present enough detail in a draft document for consultants to bid on the related EIR. During the meeting staff recommended and the Board approved that the project be broken up and spread over more years. The need to redefine and extend project scope is one of the tell-tale signs of management and/or policy problems. Known as "project creep," this is usually accompanied by a need for more money and staff.

**Choking On Too Many Projects:** Along these lines, the staff presented the Board with a review of its project workload. It was emphasized that accelerating work on some projects slows others down unless more resources in dollars and staffing are applied.

There are scores of projects, analyses, and updates. The Board of Supervisors has designated a "Top Ten".<sup>2</sup>

1. Implement permit streamlining measures and incen-

*(Continued on page 6)*

tives for projects in alignment with Board priorities and in collaboration with a Streamlining Committee.

2. Adopt and begin implementation of the Climate Action Plan (CAP).
3. Adopt and begin implementation of the Economic Strategic Plan in collaboration with the Economic Vitality Commission.
4. Prepare ordinance amendments to implement a Planned Development Ordinance.
5. Prepare general plan and ordinance amendments for review and approval to modify the agricultural cluster policies and provisions.
6. Prepare the Public Review Draft of the Land Use and Circulation Element update and Environmental Impact Report.
7. Complete draft Los Osos Habitat Conservation Plan - begin Fish and Wildlife agency review.
8. Complete Paso Robles Groundwater Basin Resource Capacity Study.
9. Adopt ordinance amendments regarding Special Events.
10. Shandon Community Plan public hearings.

**Fiscal Warning:** The Assistant Planning Director spelled out the accumulating workload predicament and gave a fiscal warning in the text of her report:

"If the Board directs the Department to take on additional tasks, program or implementation of policies prior to the items on the lists being completed, the Department will need to reevaluate our ability to complete the items within the timeframes outlined and this could lead to deferment of the programs and projects listed. Currently the Department estimates that in order to complete the revenue generating items on List 1, 42 FTEs (full time equivalent) are needed. The mandates on lists 2 and 3 require an approximate additional 48 FTEs. The Department currently has 90.25 FTE's on the Position Allocation List. Any change to the number of FTEs on the Department Position Allocation List would affect the ability to complete the programs that are currently budgeted, as well as, the Departments ability to take on any additional work."

This confirms our suspicion, outlined in the March COLABSLO Newsletter article (SLO Spends Too Much On Planning), that more staffers than the 17 reportedly assigned to the Long Range Planning Division are working on the policy development projects. This helps explain the high ratio of general fund dollars being expended by the Department.

It also underscores what COLAB and other affected groups have been saying: **There are too many projects for the public, business groups, agriculture, home builders, developers, and others to monitor. There are too many workshops to attend. The hierarchical inter-relationship of all the plans, implementing ordinances, and regulations is confusing.**

- Again, we recommend a time out.
- Again, we recommend that each project have its discrete staffing and budgetary costs presented in a simple 1 page per project standard format. Expenditures prior to FY 2010-11, estimated expenditures for 2010-11, estimated expenditures for proposed FY 2011-12, estimated expenditures beyond FY 2012, and an estimated grand total for the entire life of the project should be listed on simple tables. Right now it's like going to the auto-mall and trying to pick cars without knowing the price. Decisions should not be made until this fundamental project by project information can be considered.
- We recommend that this workload and its costs be considered in terms of the County's own adopted budget austerity plan, "The Seven Year Pain Plan", and the impending downshifting of State costs and reductions of revenues which will result from the State's fiscal disaster.
- We recommend that the County develop an official chart which depicts the hierarchical legal relationship of the various policies, plans, and implementing tools so that citizens and applicants can understand both the policy direction and how staff and decision makers will conduct their analysis of permit applications.

<sup>1</sup> These bulleted items comprise the Planning Department's list of restrictions that it will apply during the limbo period.

<sup>2</sup> Please note that the lists referenced in this paragraph are extensive and contain scores of work items

# COALITION OF LABOR AGRICULTURE AND BUSINESS

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## Contributions for those who don't want to join but want to support COLAB:

- I would like to contribute \$ \_\_\_\_\_ to COLAB and my check or credit card information is enclosed.  
(Donations do not require membership though it is encouraged in order to provide updates and information. Your membership and donation will be kept strictly confidential unless you choose to make it public.)

## Membership Information

Name: \_\_\_\_\_

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## How Did You Hear About COLAB?

- Radio  Internet  Public Hearing  Friend

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All applications are subject to review and approval by the COLAB Membership Committee. Applications that are not accepted will have the dues or donations promptly refunded.



# COLAB

San Luis Obispo County

P.O. Box 13601  
San Luis Obispo, CA 93406

## URGENT ACTION ALERT!

### CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD Continued Hearing on the Agricultural Order

**Meets Wednesday May 4, 2011, 10:00 AM, San Luis Obispo**

**Regional Board Headquarters, 895 Aerovista Place, Suite 101 (next to the San Luis Obispo Airport)**

#### **Spend a Day or Spend a Lifetime on this Regulation—Your Choice!**

This will eventually impact all of agriculture. The Board has broken the Order into 3 tiers of increasingly intrusive and costly regulation to divide our opposition. Don't be fooled that this will only affect strawberries and other row crops. It threatens all of agriculture, all who provide services and equipment to agriculture, trucking and its support, and all business and employment in San Luis Obispo, Monterey, and Santa Barbara Counties because of agriculture's base industry multiplier effects on the entire economy. It will cost agriculture \$250,000,000. Prohibited discharges include nitrates, pesticides, sediments, and nutrients. The Board wants water on farms and ranches treated as if it were drinking water. The Agricultural community has come up with a better more effective regulatory system. So far the Board has not listened.

#### **Your Constitutional First Amendment Rights Are Now Subverted!**

On March 17, 2011, the Regional Water Board conducted a hearing in Watsonville. There were so many speakers that they ran out of time and continued the hearing to the May 4, 2011 date in San Luis Obispo. They want to curtail your rights as a citizen to inform and challenge your government by ruling that only those who had a filed speaker slip in Watsonville and who did not speak there, may speak in San Luis Obispo. This violates the very logic of the rotating geographic meeting system under which the Board operates. Moreover, it will have been almost 2 months since the original hearing. This long time interval and the fact that the Board did not issue its final draft order until March 2, 2011, further compels allowing everyone to speak.

**It is now even more important that you come and defend your rights!**