



THE COALITION OF LABOR,
AGRICULTURE, AND BUSINESS

COLAB
San Luis Obispo County

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STRATEGIC POLICY CHANGE FOR SAN LUIS OBISPO COUNTY

By Michael F. Brown

From time to time we are asked what policies should be substituted for the current overarching County Strategic Growth Plan (formerly Smart Growth) system and other policies. The list beginning on the next page is by no means exhaustive but would constitute a good start. It necessarily, and in addition to substantive policy changes, also contains some suggestions for adoption of management tools which have the potential of lessening the pressure for endless fee increases and development exactions. Most of these have been presented over the past four years and have been ignored or subjected to derisive commentary. There are many more good tried and true ideas, but we have limited space. We are most willing share ideas with the Board and/or County management in detail.



First and foremost, the County officially conceives itself to be a provider of consumptive societal goods, which it characterizes as "Community Results." There is nothing intrinsically wrong with these broad goal statements (See the County chart –above right). They can be found almost word for word on the web sites and in policy documents of literally thousands of cities and counties across America. In effect they echo the founding Puritan vision of a Peaceable Kingdom

enshrined in the American heritage. A problem is that as utilitarian goals, they focus the organization on expanding the services and products as its highest value and reason for its existence. This misses the ultimate and most important guiding purpose. As we pointed out last month:

The unique and animating historic genius of the American Constitutional system was and is that its key purpose is to protect people from their government. The Constitution and its derivative state and local laws recognize that on a practical level, government exists to insure freedom, safety of persons and property, legal stability, public order, and the general welfare in society. Its very distinctive character is that it recognizes that governments themselves have always been and always will be the greatest threat to those very purposes. Accordingly, the County would do well to adopt the statement below as its overarching purpose and organizational value, against which substantive policy and organizational values are measured.

PROTECT LIBERTY, PERSONAL SECURITY, PRIVATE PROPERTY, AND FREEDOM WHILE PROMOTING INDIVIDUAL RESPONSIBILITY, STRONG FAMILIES, AND ECONOMIC OPPORTUNITY.

Then on the operational level some practical first steps would include:

1. Place a moratorium on the adoption of new regulatory plans, ordinances, and regulations.
2. Place a moratorium on fee increases, new fees, tax increases, and new taxes.
3. Rescind the Paso Robles Water Basin Urgency Ordinance (Moratorium).
4. Request PRAAGS to follow the normal petition circulation process for the creation of an AB 2453 Paso Basin Water Management District. This will provide some indication (without the huge cost now contemplated) of the potential for its approval by the voters.
5. Withdraw the County's opposition to the quiet title legal action.
6. Pass the water anti-exportation ordinance. (An exception to #1 above to reduce fear of exploitation of the Paso Basin).
7. Re-orient the staff assignment (project) to prepare a LAFCO application for formation of the district:
 - a. Have them prepare an agenda report which lists in outline form the information required for the LAFCO application and the cost of producing each component.
 - b. Have them list in outline form the powers including regulatory which they recommend be included in the application for LAFCO approval. Hold an open public workshop with PRAAGS to receive its requests on these items.
 - c. Have them prepare an outline of the activities and functions which they recommend that the proposed district undertake.

d. Have them prepare a 1-year and 5-year sample operating budget (including staffing) and revenue plan which covers items b and c above. The revenue plan would detail the level of assessments, fees, and taxes that would be necessary to operate the powers

e. Have them separately prepare the same information for a scenario in which the County Flood Control/Water Agency would function as the SB 1168 Paso Water Management entity.

8. Require the County departments, County dependent districts, APCD, SLOCOG, and IWMA staffs to prepare preliminary FY 2015-16 financial plans and work programs on the basis of no new fees or taxes.

9. Direct the County Administrative Officer to submit a monthly vacancy report by department and division which shows the individual vacancies, their fully loaded value per pay period, the number of weeks the positions have been vacant, and the year-to-date accumulated savings. The savings should be differentiated by true local discretionary general fund and categorical (restricted) funds. The report should forecast any yearend balance.

10. Direct the County Administrator to submit a quarterly lost time (absence) report by department and division. Lost time is failure to report to work as scheduled for any reason. Note, "As scheduled" means that vacation, maternity leave, bereavement leave, training, etc., are not counted as lost time. The report should be broken down to show lost time from sickness, workers' comp., and AWOL. The hours lost should be expressed both in ordinate numbers and as

percentages. Lost time in safety departments can generate the need for more employees and, of course, over time, the need to fill "mandated" post positions. With 2400 employees, an average lost time rate of 5% would mean an effective work force of 2280. It would be as though 120 employees never existed.

11. Direct the County Administrator to submit an annual report on actual hours worked vs. hours paid. For example, employee X is paid for a standard 2080-hour work year (40 hour week), but not all of the 2080 hours are working hours. Employee X may receive 3 weeks of vacation, which subtracts 120 hours.

Employee X may be absent for a week with an illness, which subtracts 40 hours. He or she may receive 11 paid holidays, which subtracts another 88 hours. All in all, employee X (assuming he or she arrives every day on time and does not leave early for lunch or quitting time) actually puts in 1832 hours. Accordingly, 248 hours, or more than 10% of the hours paid, are not productive. If this ratio were true on average for the County's 2400 employees across the system, it means that of the 2400 employees paid, it as if 10% or 240 never existed.

The 240 employee example in item 11, when combined with the 120 employee example in item 5, would mean that the County would be paying for the equivalent of 360 employees who were not present for a full year. Of course the County is paying the full health insurance, pension, and salary costs, whether they are actually working or

not. Is anyone managing these ratios? Is privatization an alternative?

12. Direct the County Administrator based in part on the data for items 9, 10, and 11 above, to prepare a hypothetical scenario in which the County operated with 200 less regular staff positions and a pre-budget preparation alternative analysis on the service impacts. Maintain the County's current public safety priority.

13. Direct the County Counsel to prepare an analysis (a formal opinion) of whether a Climate Action Plan (The Energy Wise Plan) is required by law. Should the Plan or any part be legally required, prepare a recommendation about how to achieve compliance with least action and cost. Should the Plan or any part be legally required, prepare a full EIR assessing the impacts, including accumulative impacts resulting from the Plan itself, other existing and pending land use initiatives of the County, and other existing and pending land use and related regulatory provisions of the State, Central Coast Regional Water Quality Control Board, California Coastal Commission, APCD, and SLOCOG.

14. Similarly, direct the County Counsel to prepare an analysis of whether AB 32 (The California Global Warming Solutions Act) requires the County by law to do anything. The fact that aggressive activist Attorney Generals are suing counties and cities is a problem, but it is political problem, not a legal mandate. If any part of the answer is affirmative, the Board should direct the County Counsel to develop the rationale for protecting itself within the context of the County's new policy.

15. Get a 2nd opinion on both items 13 and 14 (just like surgery).

16. Cease involvement in the US Department of Fish and Wildlife Habitat Conservation Plan (HCP) program. Cease staff work on the North County HCP. (Note: work may have to continue on the Los Osos HCP because it is required as a condition of the Coastal Commission approvals for the Los Osos Sewer System project.)

17. Make sure that work on the amended Agricultural Cluster Subdivision Ordinance has stopped. Substitute work on a plan including implementing plan amendments and ordinances, which would facilitate:

- a. The development of intergenerational family homes on farms and ranches.
- b. Homes for farm workers on farms and ranches and in agricultural areas.
- c. The development of high value estates and ranchettes in rural, semi-rural, and urban rural fringe areas as part of an agricultural capitalization and preservation program.
- d. The development of small clustered heritage subdivisions on non-prime land containing smaller houses.

18. Conduct a formal review of the impacts of the County's Strategic Growth Strategy. How has it impacted job growth (especially jobs that can support a family); homes affordable to the workforce; growth of core local county discretionary revenues (property tax, sales tax, TOT); indexes of social stress including homelessness, truancy, failure to graduate rates, divorce, family instability, crime, single parent

households, dependency, substance abuse, etc.; “Strategic Growth” – an oxymoron since it is neither strategic (since it is based on an ideology, not an analysis of conditions, problems, and needs – e.g., strategic scan) nor does it encourage growth. The review should include:

a. Formal study by a conservative economics firm.

b. Formal testimony by organizations representing general business, realtors, hospitality industry, homebuilders, farmers, ranchers, and persons expert in the County’s land use entitlement process.

c. Formal testimony by Social Service agencies including not-for-profits, criminal justice agencies, affordable housing providers, and health providers.

19. Make sure work on the current version of the Events Ordinance has stopped.

20. Initiate a strategy to promote expansion of existing and development of new resorts, luxury hotels, boutique country inns, and bed and breakfasts. These may be adjuncts to promoting sustainable agriculture.

21. Prepare an assessment of the potential for development of oil and gas that explores the benefits, risks, and costs.

22. Require the Planning Director, Public Health Director, and Public Works Director to file monthly reports (on forms which are approved by the CAO) on the volumes and velocities of permits. The reports should be on a fiscal year basis and should show the current month and year-to-date. The APCD Officer should be required to submit a

parallel report to the APCD Board. (There are reports currently posted on the Planning website, but the format is not correct and presents relative data. There is no velocity data.)

23. Schedule an annual presentation during a Board meeting by the SLO Pension Trust Actuary to offer a one-, five-, ten-year, and long-term analysis of the likely growth of the unfunded accumulative actuarial liability of the system. During the meeting the CAO should exhibit schedules that show the impact for each year in a 5-year budget forecast.

24. Direct the CAO and Departments to develop a Strategic Scan of the current and future demographic, social, economic, and educational attainment trends that will impact the County and its citizens. This document should be updated every 3 years or so and should be used as a baseline to inform policy. It does not require an expensive consultant or protracted process. All the data exists and is in the possession of the Planning Department, some of the other departments, SLOCOG, the Census, and some State agencies. A staffer from the CAO’s office can lead the effort. It should take only a month or two. The Scan should postulate 3 or 4 likely scenarios based on choices about land use, State and Federal policy, economic development policy, and the most likely trends.

25. The Strategic Scan should be used as the fact basis to develop a Strategic Plan (not a land use plan). Land use is only one component. The Strategic Plan should drive land use, not the other way around.

26. Eliminate the Housing In Lieu “Fee” program.

27. Direct staff to prepare an inventory of zoned land by acre which shows how many dwelling units can be approved over the counter, how many need some level of discretionary permit and, how many need plan amendments and/or zone changes.

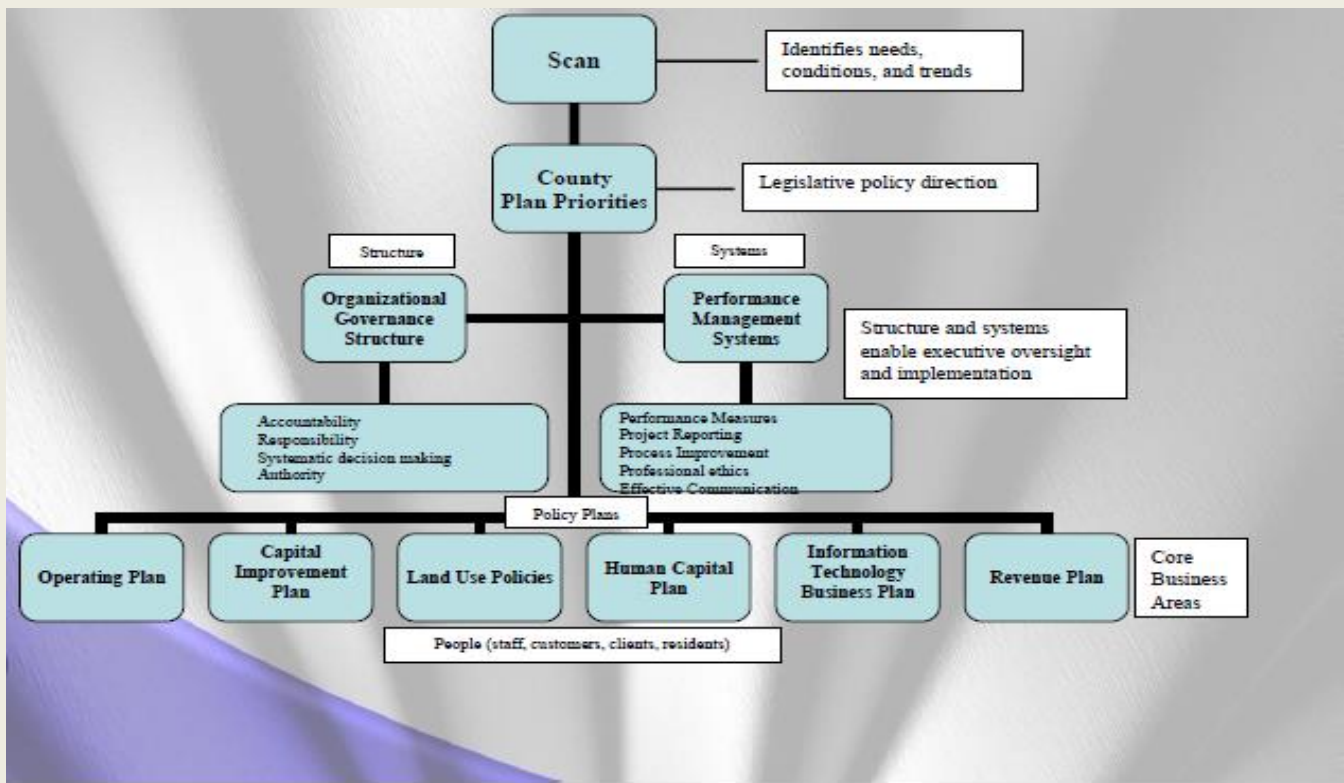
28. Allow the public to speak on each consent agenda item versus the current practice of allowing them only 3 minutes one time to cover all the items of interest.

29. Require that staff attach PowerPoint be

included as part of the electronic agenda file.

30. Request an independent financial and management audit of the Los Osos Sewer system project.

31. Use a set of rigorous integrated management tools (See concept chart below).



GUEST COMMENTARY

FREE WATER TO FEE WATER - DOWN THE YELLOW BRICK ROAD ... AGAIN

By Publius

The San Luis Obispo County Board of Supervisors is up to their old tricks. It seems that the Todd Engineering Report on the Paso Robles Groundwater Basin that was contracted by the Supervisors and leaked to the public early didn't quite fit the template the Board wanted. So they withdrew it, manipulated it and the Board of Supervisors now has the results they wanted to fit their original scenario, rather than the accuracy of transparency of a scientific investigation.

As a result, we are now told that the alleged overdraft is even greater than the real data in their report suggests. The Board is claiming that this is proof that the situation has become so dire that the Paso Robles Groundwater Basin residents can only save themselves from complete ruin by taxing themselves and giving up their constitutional water rights to a new, expensive, crony quasi-government agency “with teeth” to force them to cut back on water use to fix the mythical overdraft of the Paso Robles Groundwater basin.

There is a problem with this scenario that the County and other appropriators and municipal pumpers of water in the basin do not want you to know. If the situation is as dire as the Supervisors claim, it is not the basin's overlying property owners' legal responsibility to solve the overdraft. That responsibility begins with the appropriators and purveyors of water in the County who under current law only have legal access to surplus groundwater. Surprise, surprise!! These are same people who publicly supported both the current Urgency Ordinance and AB 2453. They are pushing the formation of an AB 2453 water district, but don't want to be subject to any regulation themselves. As one example, the City of Paso Robles which chose to openly support AB 2453, does NOT want to be included in the new water district if formed. In other words, let me hold your coats while you and him fight.

According to the County's report, municipal pumpers, of whom SLO County is one, withdraw 12,200 acre feet of water per year from the basin. That is four times the

estimated amount of domestic pumping by basin residents, who have legal primary pumping rights over the appropriators. Depending upon which version of the report you want to believe, the appropriators also represent four to six times the overdraft. If indeed there is "an overdraft," then there should be no surplus water for the appropriators. So, where is the call for the governmental appropriators to cut back their pumping to fix the overdraft and bring the basin back into balance?? Rather they want to take from the residents and domestic users to solve their problem.

The county and the municipalities have conveniently exempted themselves from both the SLO County Urgency Ordinance and any proposed basin management "structure" as in an AB 2453 water district. That leaves the entire burden for balancing the basin to the residents or domestic users. In this mythical time of alleged dire water shortages, while supporting the proposed water district and restricted pumping rights for the residents of the basin, the county and cities, as secondary water rights holders have shown no willingness to support a No Basin Water Export Ordinance, nor any restraint in approving new development requiring increased future water use. In fact, local media recently ran feature reports on all the new proposed development within the County. If new development is predicated upon increased available water supplies, where do they propose to get it? There is only one reliable local source, the Paso Robles Groundwater Basin, and the appropriators are not legally entitled to it

unless of course they can trick the residents into giving up their groundwater rights in favor of a water district which will then make all the decisions regarding their water for them.

The basin residents need not and indeed should not accept a "solution" drafted by self-absorbed, special interest minority rights holders which will harm the basin and destroy domestic property rights. This will not stand up under legal adjudication of the basin, which is why the county and cities are fighting the Quiet Title Action recently filed in court by an ever increasing number of concerned basin residents and property owners.

But the big lie in all this is the proponents' assertion that the basin *needs* AB 2453, to satisfy the recently passed State water regulations contained in a law known as Pavley Dickinson.

Untrue! The basin already has an AB 3030 water district in place that only needs a groundwater management plan implemented (a better expenditure of that \$350,000) to be fully compliant. And unlike legal adjudication, a solution which also explicitly complies with Pavley Dickinson because it encompasses the entire basin and all its users, the proposed AB 2453 water district will not satisfy the Pavley Dickinson call for a "sustainable ground water management plan" because AB 2453 explicitly exempts the county and the cities. There would have to be an additional Joint Powers Agreement between the AB 2453 water district and ALL the municipalities and ALL the appropriators to satisfy this new State law.

Kind of like herding cats. Might there be a hidden agenda for AB 2453?

An AB 2453 water district has nothing to do with solving the supposed overdraft problem. It is not compliant with Pavley Dickinson and proposes absolutely NO solutions. It is just a Trojan Horse whose real purpose is to turn property owners with the highest, constitutionally guaranteed water rights into just another controlled dependency class of water users with no guaranteed water rights, only “water allowances” arbitrarily allocated or removed by the political whim of a crony quasi-government agency, run for the benefit of a group whose identity has been obscured by the Board of Supervisors interceding and filing for Local Agency Formation approval on the proponents behalf. This kind of blatant violation of constitutionally guaranteed water rights has never been done in California before and could NOT be done without the special provisions of AB 2453. Additionally this move is going to cost the taxpayers of SLO County a reported \$350,000 for the application process alone - an exercise that should be paid for by the district advocates, not taxpayers.

It makes no legal or financial sense for the basin property owners, who are the primary water rights holders, to agree to be part of this scheme. They have nothing to gain and their water rights to lose. Not only will they lose economically with lowered property values as a result, it will effectively elevate the minority rights of the appropriators and municipalities to a level greater than the

current primary rights of overlying property owners and do absolutely nothing to balance the basin overdraft.

It should be clear that AB 2453 was not drafted taking into account the best interests of either the health of the Paso Robles Groundwater Basin, or the basin residents. It damages both. It is legal and financial suicide for basin residents to agree to the formation of the AB 2453 water district.



Publius Dismantles the Palace

Publius Valerius overthrew the monarchy in the 4th Century BC and established the Roman Republic.

NOTE: WE WOULD WELCOME A COUNTERVAILING GUEST COMMENTARY WHICH WOULD DETAIL THE ADVANTAGES OF THE PROPOSED AB 2453 WATER DISTRICT AND WHICH WOULD EXPLAIN WHO REQUESTED THE PROVISION WHICH ENABLES THE COUNTY TO ACT AS THE APPLICANT BEFORE THE LOCAL AGENCY FORMATION COMMISSION AND WHY THE BOARD OF SUPERVISORS ACCEPTED IT.

FARMERS LOSE GROUND TO VERY LARGE PEST

BY ANDY CALDWELL

Let's face it: If it were not for the technological genius of American farmers, most of the world would be starving to death. We should all be proud that our farmers produce the most abundant food supply on the earth using the least amount of water and by the safest means possible. Nevertheless, the state of California and activists of various persuasions continue to pester our farmers and ranchers.

Farmers are being assaulted on a number of fronts. Fresh water that is bought and paid for, instead of being delivered to farmers, is being dumped into the ocean to save a bait fish in the Sacramento Delta. Tens of thousands of acres of the most productive farmland in the world is being converted to a man-made dust bowl as a result.

Other agriculturalists are being hassled over the quality of water in their wells and ditches as regulators attempt to require these waters to be cleaned to drinking water and human contact recreation standards, even though these standards are impossible to achieve and irrelevant to the actual uses of the water.

On another front, the Central Coast was on the verge of becoming the largest strawberry-producing region in the world. Instead of celebrating, the state has instead delivered a serious blow by severely restricting the use of a chemical called chloropicrin. The chemical is injected under a tarp laid over the dirt in order to kill bugs that attack the plant. No one is allowed access to the field until the chemical has safely dissipated.

Andy Caldwell is the executive director of COLAB and host of the Andy Caldwell Radio Show, weekdays from 3-5 p.m., on News-Press Radio AM 1290. This article first appeared in the Santa Barbara News Press on January 29, 2015.

Chloropicrin also just happens to be used today by fumigators to kill termites under a tarp that has been wrapped around an infested structure. Because the main chemical used to kill termites is odorless, in order to warn the public, and to keep thieves and others from accessing the property before it is safe to do so, the industry adds chloropicrin as an irritating safeguard.

So, on the one hand, our government is restricting the application and use of the only chemical farmers still have on hand out of concern for exposure to the chemical, which for the most part causes mild, temporary discomfort. On the other hand, it is a state-sanctioned industry standard to use chloropicrin in order to purposely afflict anybody who ventures beneath a fumigator's tarp in order to save a life. Does any of this make sense?

As someone who lived on a farm and worked in the industry, I can tell you that sometimes accidents do occur. Having said that, for the most part, there are few incidences involving chemical applications by farmers because there are plenty of rigorous safeguards in place to protect workers, the public and the environment in general.

California already has the strictest regulations in the world affecting agriculture. Having no substitute for chloropicrin is leaving our farmers in a serious bind, as they must compete with farmers in other states and nations who are not subject to these same restrictions.

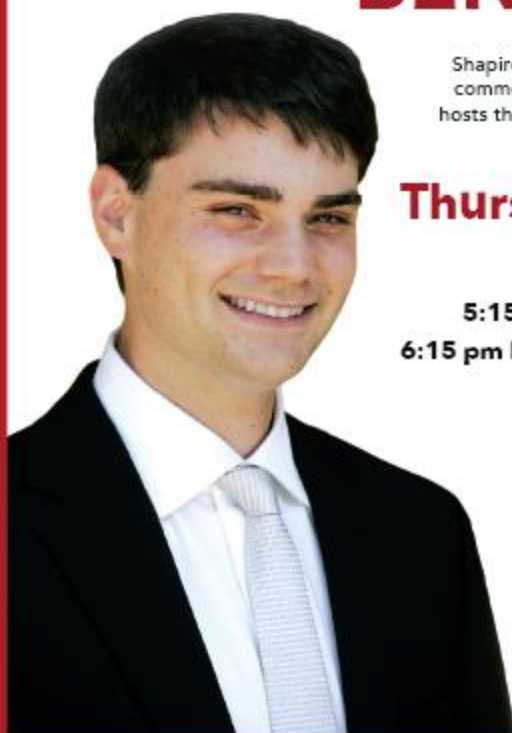


DINNER & FUNDRAISER

BEN SHAPIRO

Keynote Speaker

Shapiro, a provocative and biting national political commentator, is editor at large of *Breitbart News*, hosts the daily radio show *Morning Answer* and is a *New York Times* best selling author.



Thursday, March 26th

Alex Madonna Expo Center

5:15 pm Social Hour, No Host Cocktails

6:15 pm Filet Mignon Dinner including Wine

\$125 per person / \$1,100 per table of ten

Reserved seating for Tables of Ten

For tickets, mail your check to:

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San Luis Obispo, CA 93406

For more information call: (805) 548-0340

or email to colabslo@gmail.com

Cocktail Attire Optional

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THANK YOU!

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