



**COLAB SAN LUIS OBISPO  
WEEK OF MARCH 26 - APRIL 1, 2017**



**DINNER &  
FUNDRAISER**

**CELEBRATE SUCCESS - REINFORCE REFORM**

**Thursday, March 30, 2017**



**Lynn Compton**  
District 4 Supervisor  
San Luis Obispo County



**John Peschong**  
District 1 Supervisor  
San Luis Obispo County



**Debbie Arnold**  
District 5 Supervisor  
San Luis Obispo County



**Jordan Cunningham**  
Assemblyman  
CA 35th Assembly District

**Alex Madonna Expo Center, San Luis Obispo**

**5:15 PM - Social Hour, No Host Cocktails**

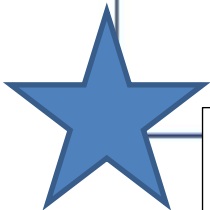
**6:15 PM - Filet Mignon Dinner including Wine**

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TICKETS & TABLES**

# **ALERT**

**SAVE TUESDAY APRIL 4, 2107  
GIBSON & HILL TO DEMAND VOTE FOR DA TO  
INVESTIGATE BOARD MAJORITY ON ALLEGED  
BROWN ACT VIOLATION**

**AND HILL AND GIBSON TO DEMAND THAT  
BOARD CONDITION WATER MANAGEMENT  
PLANNING ON NEW TAX**

## **THIS WEEK**

**NO BOARD OF SUPERVISORS MEETING  
LOCAL AGENCY FORMATION COMMISSION  
POSTPONED TO APRIL 6, 2017**

## **LAST WEEK**

**ALLEGED BROWN ACT VIOLATIONS  
HILL AND GIBSON CALL FOR DA INVESTIGATION OF  
ARNOLD, COMPTON, AND PESCHONG  
STIFFER AG POND REGULATION ADOPTED**

**POLICY MATTER POWERPOINTS TO BE GRUDGINGLY PROVIDED**

**APCD HIRES HEADHUNTER TO FIND NEW AIR POLLUTION CONTROL OFFICER**

**SLO COLAB IN DEPTH**

**(SEE PAGE 9)**

**WHAT CALIFORNIANS COULD BUILD USING THE \$64 BILLION BULLET TRAIN BUDGET**

**BY ED RING**

**THIS WEEK'S HIGHLIGHTS**

**No Board of Supervisors Meeting on Tuesday, March 28, 2017 (Not Scheduled)**

Usually the Board does not meet on the 5<sup>th</sup> Tuesday of the month. From time to time the Board does not meet on 4<sup>th</sup> Tuesdays either.

**LAST WEEK'S HIGHLIGHTS**

**Board of Supervisors Meeting of Tuesday, March 21, 2017 (Completed)**

**Item 32 - General Public Comment For Matters not on the Agenda – Alleged Brown Act Violations/Attack on New Board Majority.** During the public comment period rural Paso Robles resident, PRAAGS leader, and pro tax advocate Laurie Gage strongly suggested that Supervisors Arnold, Compton, and Peschong are guilty of California Open Meeting Law (Brown Act) violations. Gage hedged her bet by stating that there were “possible violations.”

Gage essentially posited (without naming names) that Board majority Supervisors Arnold, Compton, and Peschong violated the Brown Act by conducting an illegal serial meeting through an intermediary. The issue was on a vote for the County to fund the cost of planning for compliance with the State Groundwater Management Act (SGMA) using funds that were already being collected. The Board had previously adopted a policy (although the meaning of the vote is in dispute) last the fall which would have ultimately required voters in the unincorporated area (and who are not in a city or water district) to vote to tax themselves to pay the costs of SGMA planning. If that future Proposition 218 vote were to fail, those residents would be condemned to very costly State management of the groundwater in their area.

Supervisors Hill and Gibson jumped on the issue like jackals on the carcass of a dying zebra. Both immediately called for an investigation by the County District Attorney.

The cause of Gage’s ostensible accusation is a January 27, 2017 letter from rancher Greg Grewal to an undisclosed property buyer encouraging him to withdraw his new property from one of the new proposed water management districts that are being formed in the Paso Basin to allow local property owners to represent themselves in the SGMA process. One paragraph in Grewal’s letter states:

**4. After various conversations with the current BOS supervisors (confidentially) they are going to declare the county the GSA (with regards to SGMA.) This action is to happen in the immediate future. They have no intentions of charging extra fees, as the county flood control board already performs all the actions required of the GSA, is already doing all the studies, etc. mandated by the state and will continue to do so. They already collect county taxes for this purpose and so have no need to raise fees or charge a new tax.**

Hill and Gibson believe that the paragraph triggers the need for a District Attorney investigation to determine if the other Supervisors told Grewal they were planning to change the policy which had been adopted last fall. During the March 7 Board of Supervisors meeting, Supervisor Arnold proposed the change during a discussion of the status of staff work on the SGMA process as it impacts various water basins in the County. In the end and after much rancorous debate, Supervisors Arnold, Compton, and Peschong voted for the change. This vote was then used as evidence that the Brown Act violation had occurred.

**Keep in mind:**

1. For years Arnold has opposed a new tax and has said the County Water District should do the SGMA Planning and she has said so every chance she gets. In fact she has repeatedly pointed out that property owners in the unincorporated area have already paid property taxes for water planning for decades. A small portion is used for flood management and water planning and development. Arnold, who believes that overlayers have fundamental State Constitutional rights with respect to water, is suspicious of water management districts because the voting power is based on acreage which empowers the largest land owners. She favors management by the democratically elected Board of Supervisors.

2. Somewhat similarly, Compton has opposed a new tax and has favored the County Water District doing the planning in those areas which have not opted to form their own water management districts. She does not oppose formation of water management districts. In fact she has had questions about some of the cost estimates for the County conducting the process.

3. Peschong actually campaigned on the issue and has said repeatedly that the County should manage the unincorporated areas that are not managed by an existing district.

4. Accordingly, the 3 Supervisors did not need to confer with each other on a future vote. Nor did they need to conduct an illegal serial meeting to find out what each other was thinking. They already knew. Actually anyone who had been paying attention already knew.

5. There was nothing confidential about their positions.

6. This then feeds into a potential separate alleged Brown Act violation. During the March 7<sup>th</sup> meeting, and after the staff presentation, Arnold proposed a motion for the County to use its own water district funds to do the SGMA planning in unincorporated areas that are not in other water management districts. The vote passed 3/2 with Gibson and Hill dissenting.

7. Subsequent to that vote it was alleged by Gage that the meeting was not properly noticed for the Board to take and action since the words, "and take such action as directed" (a nicety which has often been overlooked in the past by Gibson and Hill themselves) were not contained in the title of the related agenda item. The County Counsel has said she thought that, at the time, the action was proper and did not violate the Brown Act but that the County should avoid the costs of litigation and simply redo the vote. As noted in the Alert at the top of this Update, the revote will take place on the meeting of April 4, 2017.

There will also be a huge wrangle about the investigation demanded by Hill and Gibson. All this is designed to wound the new Board majority, disrupt their policy work, and ultimately provide negative fodder for whomever the alt left puts up to run against Compton in 2018.

**Item 33 - Agricultural Ponds, Reservoirs, and Basins.** The Board voted unanimously to adopt a more stringent regulation for ag ponds. The Grower Shippers of the Central Coast, SLO County Farm Bureau, and Paso Robles Wine Alliance all had problems with the ordinance. The primary supporters seemed to be from the Adelaida area. COLAB suggested that the Board approve an ordinance for only the Adelaida area and not burden the rest of the county, since no data had been developed detailing well interference problems from ag ponds.

**Background:** The issue is whether or not the rest of the inland County area requires increased regulation. A number of residents believe that such increased regulation is needed because large corporate farming companies are installing large pumps and large basins. It is feared that these may impact neighbors' wells.

One problem is that the adopted ordinance covers large areas of the county that have varying conditions. Moreover, there has been no advance study to determine if ag ponds are negatively impacting aquifers or neighbors. Is an ordinance actually needed?

The write-up did not indicate if there are any County verified cases where any of the ponds that have actually been built have had an adverse impact on neighbors' wells. Again and notwithstanding the emotions triggered by the Resnick debacle, the County has launched yet another effort to expand regulation without a clear statistical and verified impact of the supposed problem.

1. How much staff time and how many dollars were expended on this?
2. How much will the new permits cost in County fees?
3. How much will the applicant have to expend on expert consultants and permitting facilitators to get an application through?
4. Does the amount of water saved justify these costs and the potential impacts on agriculture?
5. Without a defined and proven methodology to calculate the impact of the ponds on neighboring wells (and as noted above, no statistically significant data has been presented that the existing ponds have impacted neighboring wells), is the 1000 ft. neighbor notification provision justified?
6. Is the amount of annual savings of water and cost justified? Separately, both the Paso Robles Wine Country Alliance and the San Luis County Farm Bureau have provided information on the importance of agricultural ponds for their members' survival.

The Board of Supervisors should have directed staff to provide verified statistical evidence of ANY problem that is broad enough to demand substantial increased countywide regulation before considering this matter.

**Item 34 - Extension of the Ag Ponds Urgency Ordinance.** This was a contingency item that would have extended the current urgency ordinance for up to one year. It was placed on the agenda in case the Board [had] needed more time to consider item 33 above. Since item 33 was approved, item 34 was moot.

**Item 40 - Should the County include PowerPoints which will be presented during Board meetings in the regular agenda package?** The Board voted 3/2 (Gibson and Hill dissenting) to require that the staff include PowerPoint presentations in the regular agenda package. An ongoing issue is that the County's practice has been not to include these with the regular Wednesday agenda materials distribution and online posting.

Hill was particularly nasty in his dissent, calling out COLAB Government Affairs Director Mike Brown in public from the dais for proposing the change and labeling Brown as an "untruthful lobbyist." Where were the League of Women Voters "civility" monitors?

This item shouldn't have even needed to be on the agenda. Having the PowerPoints available with the rest of package is simply a service and communications enhancement which you would think management would be only too happy to provide. Not in San Luis Obispo County.

**Background:** For the past 6 years and from time to time, COLAB has requested that PowerPoints used during the presentation of a particular agenda item be included in the regular posted agenda package. We believe this is helpful to the public and impacted citizens and groups because the PowerPoints provide clarity through graphics, tables, and summaries which are not always included (or are obscured) in the sometimes dense write-ups.

Additionally, and sometimes, the PowerPoints provide new information, emphasis, or nuance that is important for the public to consider prior to the meeting.

The County administration has consistently resisted this request, stating that having to have the PowerPoints ready with the rest of the material would delay the publication of the agenda packages past the current Wednesday normal practice. Characteristically and in line with its resistance, the administration has taken the trouble to conduct a survey of the practices within other agencies to demonstrate that most do not include the PowerPoints with their agendas. Why wouldn't SLO County wish to do better?

#### **Planning Commission Meeting of Thursday, March 23, 2017 (Completed)**

**There were no items of general policy concern on this agenda.**

#### **SLO County Air Pollution Control District (APCD) Meeting of Wednesday, March 22, 2017 (Completed)**

**Item B-1: Selection of an Executive Search Firm to conduct Recruitment for the Air Pollution Control Officer (APCO).** The APCD Board voted unanimously to hire CPS HR Consulting to conduct the recruitment. It is a well-known executive recruitment and human resources consulting entity. The firm also provides exams, HR training, test validation, merit system design and validation services, and class and compensation services. CPS is unique in that it casts itself as a "self-supporting public agency." We could not find a legal basis for its

creation as a “public agency,” such as establishment as a joint powers authority or creation by the Legislature.

Its governing board seems to be some sort of self-perpetuating cadre of HR directors from various cities, counties, school districts, and special districts. The presentation is all about making people excited to work for various government agencies. Pictures from the CPS website such as the one below illustrate excited younger bureaucrats happily interacting during a meeting, training session, or whatever. The dress code of this imaginary organization seems pretty conservative. The guys seem to be following the US Marine hair cut code of high and tight.



Whether the process led by this consultant will discover any candidates who understand and who are sympathetic to business, agriculture, home building, oil field development, or Oceano dunes recreation is a question. Given the educational requirements and the professional experience requirements, are there any candidates who actually would treat fossil fuel development, vehicle riding and camping in the Ocean dunes, and new home subdivisions with respect and practical approaches? What about CO<sub>2</sub> and related greenhouse gas barriers?

City of Arroyo Grande representative Barbara Harmon noted that one paragraph in the CPS proposal states:

*CPS HR is focused on reaching a diverse candidate pool and would recommend publications/websites that are targeted to minority and female candidates. CPS HR will specifically research other jurisdictions in which the demographics mirror those of the San Luis Obispo County area and target outreach to those individuals. In addition to placing ads on websites aimed at minority candidates, we will contact leaders within appropriate associations to gain their insight and referrals of possible candidates .*



She expressed concern that building in such filters might exclude some of the most qualified candidates. The APCD's Counsel Ray Biering had already expressed concern that, due to the rigorous scientific qualifications required, the pool of qualified candidates is already very restricted. Separately, once applicants see the County's housing prices, it is likely that some will be frightened away.

If CPS pays a lot of attention to the demographic filter highlighted in yellow above, it will have to find some independently wealthy grannies who are air pollution experts and who wish to come back to work.

**Background:** The current APCO, Larry Allen, is retiring in December. The District's Counsel recommended that the Board select a recruitment firm from a list of 3 which he had provided. All three firms are well known and long term players in the California local government recruitment market. All will cost about the same amount: +/- \$ 27,000. The district had approached the County to see if its substantial Human Resources Department could conduct the recruitment, but the idea was apparently rejected.



## SLO COLAB IN DEPTH

In fighting the troublesome, local day-to-day assaults on our freedom and property, it is also important to keep in mind the larger underlying ideological, political, and economic causes and forces

### **What Californians Could Build Using the \$64 Billion Bullet Train Budget**

By Ed Ring

California's High-Speed Rail project fails to justify itself according to any set of rational criteria. Its ridership projections are absurdly inflated, its environmental benefits are overstated if not actually net detriments, and its cost, its staggering cost, \$64 billion by the latest estimate, overwhelms anyone with even a remote sense of financial proportions. To make this final point clear, here is an assortment of California infrastructure projects that could be paid for with a \$64 billion budget.

If these projects were built, instead of the bullet train, Californians would have abundant, cheap electricity, abundant fresh water, and upgraded roads and freeways capable of handling all the traffic a surging economy could possibly dish out.

**(1) Build 10 natural gas power plants generating 6.2 gigawatts of electrical output for \$5.7 billion.**

According to the U.S. Energy Information Administration, a modern natural gas power plant generating 620 megawatts can be built at a capital cost of \$568 million. Someday, when electricity storage technologies are inexpensive and safe, the solar age can ripen to maturity, but in the meantime, California's private energy companies can tap abundant in-state natural gas reserves, enabling California's public utilities to provide cheap electricity to the public.

Since California's peak demand rarely exceeds 50 gigawatts, increasing capacity by 12% will drive the price for electricity way down, making California competitive again with other states. Cheap electricity will also obviate the need to force consumers to purchase extremely expensive "energy sipping" appliances that are internet enabled, monitor your behavior and penalize you if you run your dryer at the "wrong" time, break down a lot, are unnecessarily complex, and require ongoing warranty and software upgrade payments forever.

Who needs that? Build natural gas power plants and develop natural gas.

**(2) Build plants to desalinate 1.0 million acre feet of seawater per year, supplying 1/3 of ALL California's residential (indoor and outdoor) water requirements for \$15 billion.**

Desalination plants are being developed all over the world, and California, with only one major desalination plant operating (Carlsbad in San Diego), is way behind. Desalination requires no more energy today than the amount of energy already being used to transport water from California's northern regions several hundred miles south (and over the Tehachapi mountains) to Southern California's coastal cities. The California current, second in flow volume only to the legendary Gulf Stream, can easily disperse the brine left over after extracting fresh water. The energy and environmental issues surrounding desalination have been addressed, and nobody would ever build these plants more responsibly than Californians.

While desalinating water from the sea, at a capital cost of \$15,000 per acre foot of annual output, is the most expensive means of increasing California's water supply, it has the unique virtue of being the only way to actually create fresh water, as opposed to reuse or redistribution. It is a technology that has been proven at large scale for decades and is a necessary part of California's strategy to increase water security as the state alternates between wet and dry multi-year weather cycles.

## What Californians Could Build on a \$64 Billion Budget

5.7	Add 6.2 gigawatts of natural gas generating capacity
15.0	Desalinate 1.0 MAF of seawater
10.0	Reclaim and reuse 2.0 MAF of sewage
4.4	Build 1.8 MAF Sites Reservoir (off-stream)
3.3	Build 1.3 MAF Temperance Flat Reservoir
15.4	Widen and resurface 2.931 miles of major freeways
10.2	Resurface 8,160 miles of 4-lane roads
<hr/>	
64.0	

### **(3) Build plants to reclaim and reuse 2.0 million acre feet of sewage per year, supplying 2/3 of ALL California's residential (indoor and outdoor) water requirements for \$10 billion.**

Californians produce about 3.0 million acre feet of sewage per year, and today only a small fraction of that sewage is treated to "potable" (drinkable) standards. In California's huge coastal urban centers this sewage is treated sufficiently to be released into the environment where it is wasted as outfall into the ocean. A recent installation in Orange County, the "Ground Water Replenishment System" (GWRS) plant, reclaims as indirect potable water 70,000 acre feet of sewage per year, at a capital cost of only \$350 million (not much when compared to the bullet train budget). This equates to a capital cost of \$5,000 per acre foot of annual output, which is one of the most cost-effective ways to increase the supply of fresh water for Californians.

Sewage reuse combined with desalination not only have the potential to fulfill 100% of California's residential water requirements for a combined price of \$25 billion, but the treated water can be injected into coastal aquifers, combating saltwater intrusion. Currently these aquifers are often replenished with water transported from rivers hundreds of miles to the north, at equal or greater cost.

### **(4) Build the Sites Reservoir for \$4.4 billion.**

Anyone who has taken a look recently at the San Luis Reservoir in Central California, now 100% full, can appreciate the beauty of off-stream storage. Fed by surplus run-off water that is delivered there by aqueduct, and available for farms and urban use, this reservoir minimizes environmental harm because it doesn't block the flow of any river. Like San Luis and just as big, the proposed Sites Reservoir, with a planned capacity of 1.8 million acre feet, will be situated in the semi-arid foothills of California's Central Valley. Unlike San Luis, the Sites Reservoir will require almost no aqueduct, because it will be up in the northern Central Valley, immediately west of the Sacramento River. If the Sites were available today, it would already be filled up with runoff from this year's many storms, and filling it would have taken pressure off of levees from Sacramento all the way to the delta.



*The vast, 100% full San Luis reservoir, 84 square miles, holding 2.0 MAF.*

**(5) Build the Temperance Flats Reservoir for \$3.3 billion.**

While this proposed reservoir is in-stream, and would dam the San Joaquin River, it nonetheless has virtues that make a strong argument for its construction. First of all, there are already dams on the San Joaquin River, which would be submerged beneath the larger Temperance Flat dam. With planned storage of 1.3 million acre feet, the Temperance Flat reservoir would guarantee more water to farmers in the dryer reaches of the San Joaquin Valley even during droughts. It would also ensure a reliable flow into the San Joaquin river, to protect its riparian habitats during droughts.

**(6) Widen and resurface every major interstate (and then some) in the entire state.**

Are you tired of risking your life on Interstate 5 when it's only two lanes in each direction, and trucks clog the slow lane and speeding tailgaters own the fast lane? Then spend \$15.4 billion to add lanes and resurface the entire length of Highway 101 (807 miles), Interstate 5 (796 miles), Route 99 (415 miles), Interstate 15 (294 miles), Interstate 10 (243 miles), Interstate 80 (204 miles), and Interstate 8 (172 miles). According to the American Road and Transportation Builders Association, this will cost \$5.25 million per mile, and the freeways just listed total 2,931 miles.

**(7) Fix the Potholes.**

With everything noted so far, we have only used up \$53.8 billion. That is, for only 84% of the bullet train budget, we have delivered to Californians cheap, abundant energy, abundant water, and unclogged our major freeways. But we still have \$10.2 billion left. What to do? Why not fix the potholes? For \$10.2 billion, we can resurface 8,160 miles of 4-lane roads, or, presumably, an even greater length of 2-lane roads. Isn't that the first thing that goes when governments go astray, and prioritize pet (and useless) environmentalist mega-projects ahead of serving the public? Potholes?

Apart from the fact that a few farms have been purchased in Fresno County, and a few pylons have been stuck in the ground, and a handful of extremely well-paid bureaucrats are doing

everything they can to preserve their jobs, why is high speed rail still being pushed? The reasons are a disappointing example of our dysfunctional democracy here in California. Because you could accuse every project on the above list of being susceptible to cronyism and cost-overruns, and you'd be right. Just as the Bullet Train will never get built for a mere \$64 billion, it is likely these projects will also, in aggregate cost more than \$64 billion. But we'd have abundant energy, abundant water, and a 21st century network of wide, upgraded freeways. If you're going to play the innately corrupt game of public works, build things that help people live better, more prosperous lives!

Instead, California contends with an alliance of financial oligarchs whose pecuniary interests depend on Californians paying punitive prices for energy and water. Their green energy and high-tech ventures depend on forcing Californians to completely retool their homes with new, upgraded appliances (all of them – washer, dryer, dishwasher, air-conditioner, furnace, refrigerator) that are efficient to the point of diminishing returns. As mentioned, these appliances now double as surveillance devices that will force us to live our lives according to utility company algorithms. Utility companies, of course, no longer make profits based on the quantities of energy or water they deliver, but rather on fixed percentages over cost, which means to please their shareholders, units of energy and water have to cost more. Much more. And manufacturers are thrilled to design all this frippery into their appliances so they can sell them as a service requiring perpetual payments, instead of a durable good.

Our household has a washer that we bought, already used, for \$25 in 1999. It has never broken down. No ongoing warranty payments. No ongoing “software update” payments. Do you think you'll be able to say any of that about any appliance purchased in the last few years?

For anyone who wants this lucrative, exploitative party for the oligarchs to continue, high speed rail is a good place to put what remains of California's public financing capacity. The environmentalist lobby, firmly in the pocket of these oligarchs, offers up high speed rail to private construction unions, who lack the clout or the vision to demand something that might actually adhere to their ideals – i.e., the projects listed above, that would help ordinary working families in California.

*Ed Ring is the vice president of policy research for the California Public Policy Center. This article first appeared in the California Policy Center Latest News of March 21 , 2017.*



# ANNOUNCEMENTS

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TODAY'S DATE: \_\_\_\_\_

(Revised 2/2017)