



COLAB SAN LUIS OBISPO
WEEK OF SEPTEMBER 24 - 30, 2017



COLAB
 San Luis Obispo County

FALL FORUM

**WHAT CAN BE DONE TO
 SAVE CALIFORNIA**



Thursday, October 12th

5:30—7:30 PM

**Holland Barn
 2275 Carpenter Canyon Rd.
 San Luis Obispo**

From SLO: Just past the Cold Canyon Landfill entrance, on the right. From AG: Just past the Cold Canyon Landfill entrance, on the left.

Speaker

Dan Walters
 Sacramento Watchdog &
 California Expert



Dan Walters is the preeminent interpreter of California politics and public policy. In a 57 year career as a reporter, editor, bureau chief, and columnist (over 9000 columns to date), of which 33 years was spent holding politicians to account while at The Sacramento Bee. He called it like it is at the Capitol through the terms of five California governors: Deukmejian, Wilson, Davis, Schwarzenegger and Jerry Brown (both times). He has developed the most in-depth and comprehensive understanding of the underlying causes of the State's deepening dilemma. Spend a stimulating early evening at the rustically charming Holland Ranch Barn considering what is to be done to stem the spiraling economic, tax, and cost of living problems confronting our state and localities. Dan will entertain questions and suggestions at the end of his talk.

This is a free educational sponsored event.
 Guests will enjoy local beers, wines, and hot and cold appetizers.

RSVP's appreciated by Friday, October 9th

Email: colabslo@gmail.com or call (805) 548-0340

THIS WEEK

**SUSPICIOUS ENERGY PROGRAM
WILL THEY TELL YOU HOW MUCH
ELECTRICITY YOU CAN USE AND WHEN?**

**COUNTING THE CHICKENS BEFORE THEY
ARE FULLY HATCHED ON NEW SB-1 GAS TAX
REVENUE**

**HOUSING FACILITY FEES COULD BE
MODERATED – PROPOSAL NEEDS SOME
ADDITIONS**

**APCD RUCKUS ON DUNES DUST SLATED
DISAGREEMENT ON A NEW APCD CHIEF?**

LAST WEEK

**BOS SUPPORTS NEW ART MUSEUM
CONTRIBUTION**

**ONTARIO RIDGE (AVILA BEACH) PRIVATE
PROPERTY-TAKING ISSUE AT BAY FOR NOW**

**SPECIAL APCD MEETING ON SEPT. 20TH
MAY HAVE DETERMINED APCD CHIEF
(RESULTS MAY BE KNOWN AT APCD MEETING ON SEPT. 27TH)**

SLO COLAB IN DEPTH

(SEE PAGE 12)

CALIFORNIA LEGISLATURE ABANDONS MIDDLE CLASS

By Jon Coupal

THIS WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, September 26, 2017 (Scheduled)

Item 10 - Suspicious California Energy Commission Grant. The write-up states in part:

On March 7, 2017, the Board approved submittal of a grant application to the California Energy Commission (CEC) to determine financial, technical, and organizational feasibility of developing and supporting “zero net energy neighborhoods” in existing low income areas of the county. The work program in the grant application proposes to assess how much neighborhood energy efficiency potential exists using existing County programs; how much renewable energy is required to meet existing neighborhood electricity load; what types of energy storage, infrastructure and energy management systems are required to manage neighborhood energy supply and demand; how much these assets would cost; and how they would be financed, owned, and operated. A small portion of the grant would be used to prepare an emissions inventory update for the County’s EnergyWise Plan.

- a. Is the County going to use the data to regulate how much energy people can use?
- b. What does “manage energy supply and demand” mean?
- c. The write-up states that the study would assess “what types of energy storage, infrastructure, and energy management systems are required to manage neighborhood energy supply and demand.”

(1) Is someone in the County thinking of taking over part of PG&E’s property?

(2) Do you really want the County telling you when you can run the dishwasher or bake the pie?

d. Is this somehow tied to the impending Community Choice Aggregation government socialization of electricity proposal? Santa Barbara County's consultant Wildan has found CCA to be infeasible in Santa Barbara and Ventura Counties. Wildan claims that it might be financially feasible in SLO County.

This one should be yanked off the Consent Calendar and set for a fully noticed public hearing with lots of disclosure.

Item 21 - Counting the Chickens Before They Are Fully Hatched – First Allocations of SB 1 Funds – New Fuel Tax. The Public Works Department will present a report on the impact of SB-1 on the unincorporated county. There is nice PowerPoint about the subject at the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/7862/U0IxIFBvd2VyIFBvaW50IFByZXNlbnRhdGlvbjIuMDkyNjE3ICgwMDIplnBkZg==/12/n/83768.doc>

The staff will also present its recommendations for the first allocations for resurfacing certain streets. Templeton and Creston hit the jackpot on this one.

<u>Project</u>	<u>Type of Work</u>	<u>Length of Repairs</u>	<u>RMRA Funds</u>
O'Donovan Road, Creston	road rehabilitation	5.6 miles	\$1,900,000
Bennett Way, Templeton	road rehabilitation	0.5 miles	200,000
Main Street, Templeton	road rehabilitation	<u>1.8 miles</u>	<u>200,000</u>
	Total	7.9 miles	\$2,300,000

The tax increase takes effect on November 1, 2017. There is a local and statewide initiative being proposed (signatures being collected to get it on the ballot in 2018) to repeal the tax.

Some issues include:

When will the State issue checks to the County for the first round of funding, \$2.3 million? Note that it is estimated that the tax could provide the County \$9 million per year when fully phased in.

Will the funding be on a front end basis or be by reimbursement for work completed?

If the ballot measure qualifies, will the State Comptroller hold up the checks to the County and other jurisdictions or will she assume that the tax is collectible and distributable until repealed?

How much risk is there if the County advances funds and the allocation of the new tax is slow or is held up?

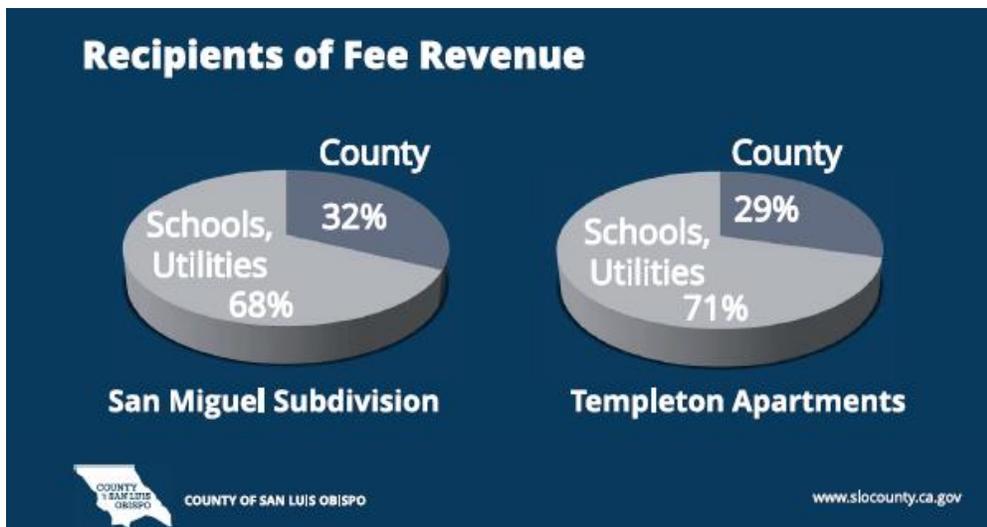
Item 22 - Impact of Fees on Housing Costs – Potential Easing. Last year the Board gave the Planning and Building Department an assignment to explore methods to make it easier and less costly to develop housing within the County. The first component being reported is the issue of fees. Remember there are 3 general categories of fees:

1. Permitting fees to cover the County’s and other agencies’ (school districts, fire districts, etc.) costs for reviewing and processing the permits for the zoning entitlements and then subsequent construction.
2. Public Facility fees, which are actually a form of tax to cover the offsite impact of the new development of public infrastructure such as libraries, schools, drainage and flood control, fire houses, parks, and so forth. (Note: roads are also covered a separate regulation).
3. “Hook-up” fees required by government utility systems such as water and sewer districts and departments.

All these fees are collected by various jurisdictions and placed in capital reserve funds to pay for expansion and maintenance of roads, new buildings, expanded water and sewer plant capacity, expanded schools, and so forth, which result from the addition of new population, heavier use, etc.

It has been sacred government planning policy in much of the country since the 1970’s that “new development must pay for itself” in terms of these costs.

The staff has calculated the pattern of these fees by type of jurisdiction per the table below for 2 recent projects:



The detail is presented in the table below:

	24 Lot Subdivision San Miguel		30 Unit Apartment Templeton	
Project Valuation	\$5.4 Million		\$3.5 Million	
Development Fees	\$968,000		\$1.2 Million	
<i>Construction Permit</i>	\$115,000	12%	\$46,500	3%
<i>Land Use / Environmental</i>	\$23,500	2%	\$14,500	1%
<i>Agency Referral</i>	\$13,000	1%	\$2,000	<1%
<i>Impact Fees</i>	\$816,500	84%	\$1.13 M	95%
- <i>Public Facility</i>	\$90,000	9%	\$29,500	2%
- <i>Roads</i>	\$147,500	15%	\$259,000	22%
- <i>Utilities, Schools</i>	\$579,000	60%	\$844,500	71%
Fees : Valuation	18%		34%	
Fees Per Unit				
<i>County Fees</i>	\$12,983		\$11,724	
<i>Non-County Fees</i>	\$27,368		\$28,150	
<i>Total</i>	\$40,351		\$39,874	
(County + Non-County)				

Clearly one problem is that 60 to 70 percent of the fees are not levied by the County but by schools and government utilities (mainly water and sewer districts).

For those fees under County control the staff provides the list below for possible consideration:

Options for Fee Modifications

Staff recommends that the Board of Supervisors consider the following fee modification options.

1. Allow the Director to waive all construction permit fees, land use and environmental review fees, and agency referral fees for affordable projects.

This option would grant the Planning Director the ability to waive fees for projects that meet County affordability standards (Sections 22.12.070; 23.04.094). These fees are estimated at roughly \$2,000 to \$6,000 per unit. This would be accomplished by adopting a resolution modifying the fee schedule for the Department of Planning and Building.

2. Allow the Director to waive up to \$5,000 in construction permit fees and land use and environmental review fees for “workforce housing.”

This option would give the Director of Planning and Building the authority to waive up to \$5,000 of development fees for a project that provides satisfactory workforce housing. This option would be accomplished by adopting a resolution modifying the fee schedule for the Department of Planning and Building. Projects requesting waivers in excess of \$5,000 would require Board of Supervisors approval.

3. Extend the Public Facilities Fee deferral program.

Between 2011 and 2014, the County allowed payment of public facilities fees to be deferred. Instead of collecting the fees at issuance of building permit, this program allowed payment to occur just before final inspections. This option would modify Title 18 of the County Code to extend the fee deferral program. Variations on this option could include the following:

- a. Extend the deferral program for a specific period of time.*
- b. Extend the deferral program indefinitely.*
- c. Extend the deferral program, but restrict it to affordable or workforce housing projects.*
- d. Allow the program to be re-enacted from time-to-time by resolution.*
- e. Allow the deferral period to extend beyond final inspections.*
- f. Expand the deferral program to cover construction permit fees in addition to public facility fees.*

4. Pursue a program to adjust or eliminate Public Facilities Fees for affordable projects.

This option would modify the Public Facility Plan and Title 18 of the County Code in order to reduce or eliminate the Public Facility Fee charges for projects that meet County affordability standards. An updated nexus study would likely be needed to support this effort. Additionally, a supplemental source of revenue would be needed to cover the fair-share contribution for affordable units.

The immediate objection will be that elimination or reduction of these fees will impact the general fund. But if housing is a priority, why not? Some additional thoughts:

1. Accumulative Capital Reserve Fund Plan: One way to provide the funding and not impact existing programs would be for the County to adopt a budget policy that allocates percentage of natural general fund revenue growth (property tax, sales tax, and hotel tax) to a capital reserve fund each year. This allocation would be base building. Thus, if these taxes grew \$9 million in FY 2016-17 and the policy was to allocate 18%, \$1.6 million would be placed in the fund. The next year the board would allocate a new \$1.6 million plus whatever 18% of whatever the new natural growth in the general fund revenues provided. For example, if the growth were \$7 million, $18\% \times \$7,000,000$ would provide a new \$1.26 million. Accordingly, \$1.6 million + \$1.6 million + \$1.2 million would total \$4.46 million by the end of the 2nd year. The process would be repeated every year accumulatively. In years when there was no natural growth or negative growth, the program would be suspended so as not to impact ongoing service levels.

Such a fund could have easily covered the road and public facility fees in the two sample projects above.

2. Time Payments for Apartment Houses: In the past the County allowed deferral of fee payments until the project was approved for final occupancy instead of when the permits were issued. For whatever reason that program has not been used.

To really have an impact, why not allow apartment projects to make time payments over some stipulated period – perhaps 7 to ten years. The County does not build the entire new infrastructure in the first year, so why collect all the money in the first year? The receivable could be booked, and the County would have recourse against the property if for some reason the payments ceased.

3. Other Agency Participation: The school districts and public utilities, which generate a much larger proportion of the fee costs for facilities, should be approached to determine if they would adopt programs parallel to the County.

4. Temporary Tax Abatements: The State of California made the large solar farms almost totally exempt from the property tax on the theory that green energy will reduce greenhouse gases. In SLO County tens of millions of property taxes are forgone each year. The exemptions are forever.

Why not obtain State legislation that would allow the Board of Supervisors to negotiate phased tax fixing agreements for 7 to 10 years on apartment houses and affordable developments (those that are not tax exempt already because they are owned by a government agency). The property tax payment would start out at a low rate the first year and build up over 10 years to the full value payment.

Item 26 - Public Facilities Fees Program (PFFP) Annual 2016 -17 Annual Report. The report is required by State law. It reports the amounts collected from individuals and developers for the “impacts” of their development on parks, firehouses, sheriff’s facilities, libraries, and general government. It also reports on the expenditures. Data is reported for the most recent fiscal year and historically.

Readers will remember that after last year’s report was presented, Supervisor Compton raised serious questions about the allocation of Parks fund exactions because \$11million had been collected in her area but only \$2 million expended. The rest was exported to other districts. The growth was in Nipomo but the money was expended elsewhere,

The former County Administrator and current County Counsel have strongly asserted, perhaps on behalf of Supervisors Gibson and Hill, that no nexus between the source of the funds and their expenditure was required. The County’s write-up states in part:

Purpose

The PFFP is a financing mechanism by which the County can collect fees to offset the costs associated with providing new public facilities to accommodate new growth and development.

County facilities provide services for the benefit of all county residents and employees, which is known as the service population. As the service population increases, so does the demand for County facilities. As developers build new homes and non-residential buildings, the County must provide proportional amounts of facilities to serve this new development if it is to maintain existing standards. The PFFP is one mechanism to offset the costs of maintaining existing standards as the service population grows.

This highlighted yellow section suggests that the staff still insists on defining the entire county as the service area. The state enabling legislation, Section 66000 of the Government Code, states in part:

(a) In any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency shall do all of the following:

(1) Identify the purpose of the fee.

(2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.

(3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

(4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

*(b) In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. **NOTE: Here the law says there must be a relationship between the fee and the cost of the public facility attributable to the development on which the fee is proposed.***

(c) Upon receipt of a fee subject to this section, the local agency shall deposit, invest, account for, and expend the fees pursuant to Section 66006.

If it was determined that various projects in Nipomo required fees to mitigate impacts, how could those fees be legally used outside of the impacted area, as an example for a skate park in Cambria?

Separately, section 66001(f) of the statute states with respect to reimbursements for funds not spent on the original purpose:

(f) If the administrative costs of refunding unexpended revenues pursuant to subdivision (e) exceed the amount to be refunded, the local agency, after a public hearing, notice of which has been published pursuant to Section 6061 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other

purpose for which fees are collected subject to this chapter and which serves the project on which the fee was originally imposed.

While the purpose of this section is to set up the rules for unexpended funds, it does reveal that the Legislature had in mind that the funds collected be used “within the area of the development project.”

A major problem for the Board of Supervisors, is how are they going to raise the \$9 million or so which was imposed to mitigate the impacts of the Nipomo projects but which were spent far from the impacted community.

SLO Air Pollution Control District (APCD) Meeting of Wednesday, September 27, 2017 (Scheduled)

Item B-3: Joint Presentation on the Status of Rule 1001 Implementation, Emissions and Dispersion Modeling Effort for the Oceano Dunes, and Next Steps for Implementing Emission Controls. The presentation will provide an update on how the APCD, State Parks Department, and State Air Resources Board will use an advanced dust model to determine what can be done to reduce the amount of blowing dust and the sub-particle PM₁₀, which in sufficient and protracted quantities is alleged to be harmful to health – particularly the respiratory system.

The write-up does not contain any preview or PowerPoint slides. Thus the APCD Board and public are set up for a nice ambush.

It is likely that the anti-dunes riding crew will be out in force, aided and abetted by Supervisors Hill and Gibson, who are promoting the issue as a sword to come at Supervisor Compton in her re-election campaign.

Those who value the dunes recreation better be ready to fight back.

Item B-1: Air Pollution Control Officer Candidate Employment Contract. This could be the announcement of who will be the new chief and the approval of his or her contract if the Board reached agreement on an appointment in executive session last week.

Planning Commission Meeting of Thursday, September 28, 2017 (Scheduled)

The Commission’s agenda does not contain matters of general policy interest – just poor stiffs and businesses attempting to get their permits.

LAST WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, September 19, 2017 (Completed)

Item 22 - San Luis Obispo Museum of Art Request for \$400,000 County Contribution. The Board unanimously approved a \$400,000 contribution toward the construction of a new building for the museum (replaces the existing building) in the Mission Plaza.

Background: The Board approval of this request for an expanded museum program in terms of both the permanent collection and traveling shows as an important short- and long-range investment in the economic development of the County. The benefit is not derived from the increased revenues from visitors alone. A growing art museum program is an important attractant to business location and retention as part of an increasingly sophisticated community fabric.

Item 27 - IS PRIVATE PROPERTY SAFE IN SLO COUNTY? - Hearing to consider an appeal by Tarren Collins of the Planning Commission's approval of the McCarthy Development Plan/Coastal Development Permit (DRC2014-00072) to allow relocation and construction of a public trail to the neighboring property to the west by amending the trail's legal description in the existing access easement (Cave Landing easement), in the community of Avila. The Board on a 2/2 vote (Gibson and Hill against denial and Arnold and Peschong for denial) denied the appeal of the Planning Commission approval per the recommendation of staff. Compton recused herself because she felt she might have the appearance of a conflict of interest because she had received a campaign contribution from one of the parties some years ago.

The tie vote resulted in the denial of the appeal. Hill got nasty and implied that Compton was somehow at fault even though she wasn't even in the room. He generally chastised COLAB, Mike Brown, and the Weekly Update, which he characterized as "Pablum week after week."

He also accused the citizen applicant of "gaming the process."

The issue was ostensibly about relocating a trail. Supporters of the appeal [claim](#) that the current route of the trail is better and that they support improving it. The problem is that the Coastal Commission wants an alternate route. Failure to satisfy the Coastal Commission means the

McCarthy's home project is dead. This exposes the opponents' real purpose and hypocrisy, which has always been to kill the McCarthy's home project in the first place.

Separately from the alleged technical planning and physical issues involved and which the Planning staff feels have been satisfied, this item is important because at rock bottom, it deals with fundamental property rights. Can a group of people seize your private property simply because they believe it to be a good idea, or they like the view, or they don't want to see your house on the hillside? This outrageous story has played out over many years.

See last week's Update for all the gory details.

Special Air Pollution Control District (APCD) Meeting of Wednesday, September 20, 2017 at 10:30 AM (Completed)

One-item Agenda. The meeting concerned the appointment of a new Air Pollution Control Officer (APCO) to replace Larry Allen, who is retiring in December. The recruitment has been rumbling along for months. The meeting will be conducted as a closed session to interview finalists or to discuss them or both. News reports indicated that the Supervisors were interviewing 3 finalists.

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

CALIFORNIA LEGISLATURE ABANDONS MIDDLE CLASS

By Jon Coupal

Does anyone honestly think that the California Legislature's complete abandonment of the middle class is unrelated to the state's highest-in-the-nation poverty rate?

This past week presented a stark contrast in the Golden State. First, the controller reported state tax proceeds from all categories are exceeding budget projections. Specifically, the state brought in almost \$9 billion in August, exceeding projections in the state budget by over \$340 million. All three of the major sources of state revenue —



personal and corporate income tax plus sales tax — were up over last year. While a substantial portion of this uptick in economic activity can be attributed to the Trump recovery, there is no denying that California remains an economic powerhouse in its own right.

However, about the same time as we were getting cheery news about state revenue, the U.S. Census Bureau reported that over 20 percent of Californians live in poverty. The “Supplemental Poverty Measure,” which takes into account California’s absurdly high cost of living, gives us the highest poverty rate in the country while the rest of the nation has shown improvement.

So how is it that the most economically powerful state in the union has a poverty level that would make even Mississippi blush? In large part, the answer lies in California’s toxic mix of crony capitalism with mindless pursuit of progressive policies. And both were on full display in the final week of this year’s legislative session.

Few bills moving through the last hectic hours at the Capitol could be remotely characterized as helping the middle class. For example, Assembly Bill 1250 is a complete sop to labor interests. It would prohibit counties from contracting out for services “customarily” performed by county workers unless 14 complicated requirements are met. This would drive up the costs of county government — ultimately paid by taxpayers — and would hurt nonprofits, which provide low cost, effective services to county governments. Fortunately, it appears that AB1250 has been stymied this year but will be pushed into 2018.

On a more grand scale, little compares to the various bills moving through the Legislature to deal with the housing crisis. Special interests have formed a conga line outside the governor’s and legislative offices to get a slice of the public pie (baked, of course, with taxpayer dollars). First is a massive housing bond. Keep in mind that a \$4 billion dollar bond will likely incur \$8 billion in taxpayer costs after interest and the cost of bond underwriting (Wall Street loves California debt). Second, labor once again wants any public dollars spent on housing to be subject to costly labor restrictions such as Project Labor Agreements or prevailing wage requirements. Who pays for the higher costs? Why, taxpayers, of course.

Overall, California’s housing policies being pursued are designed to reward special interests rather than increase housing stock in any significant way. It is totally lost on our elected

leadership that the best housing policy would be for government to reduce regulations that stand in the way of housing construction rather than increase regulations. One bill, Senate Bill 35, does provide a little relief from burdensome CEQA requirements but it contains 18 separate provisions that developers must meet in order to qualify for the expedited permit process for residential development.

The only bill of which we are aware that would have significantly helped housing affordability was Assembly Bill 1100, co-authored by Assemblymen Phil Chen, R-Brea, and Matthew Harper, R-Huntington Beach, to increase both the current homeowners exemption (which provides homeowners with a scant \$70 of annual tax relief) and the renters credit. This proposal would require no new government program nor impose new regulations, which probably explains why it lacked popularity in the Capitol. However, it would have put immediate cash into the pockets of all Californians who have to pay for the roof over their heads. That's what we call middle-class tax relief.

Middle-class Californians have a choice. Stay in California and continue to be the piñatas for progressives and special interests or bail out to other states. Increasing numbers of California's middle class are choosing the latter.

Jon Coupal is president of the Howard Jarvis Taxpayers Association. He has appeared at various COLAB events. This article was originally published by the Orange County Register and was posted on California Political review of September 19, 2017



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(Revised 2/2017)