

**COLAB**

San Luis Obispo County



The Coalition of Labor Agriculture and Business

**WEEKLY UPDATE NOVEMBER 24 - 30, 2019**

**COLAB**  
San Luis Obispo County



# **DINNER & FUNDRAISER**

*11th Anniversary*

**SAVE THE DATE!**

Thursday March 26, 2020

**Alex Madonna Expo Center**

*details coming soon...*

*United We Stand, Supporting  
a Vision of Liberty & Prosperity*

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



**THIS WEEK**



**THANKSGIVING PROCLAMATION – PAGE 22**

**NO BOS MEETING**

**OTHER AGENCIES NOT SCHEDULED**

**LAST WEEK**

**BAN TIGHTENED ON DUNES RIDING  
APCD SETS STRICT DEADLINES, PHASED REDUCTIONS  
OF RIDING AREA & PROHIBITION OF CAMPING NEXT  
TO OCEAN**



**SOME PERMITTING FEES INCREASED**

**HOME BUILDERS, REALTORS, & DEVELOPERS QUIET – CANNABIS GROWER  
REP SQUAWKS**

**4<sup>TH</sup> ELECTRIC POWER SOCIALIZATION FEASIBILITY STUDY  
LAUNCHED**

**AMENDMENTS TO LEGISLATIVE PROGRAM:**

**GIBSON AND HILL OPPOSE SUPPORTING ACA 18 TO DEFINE NUCLEAR  
ENERGY & LARGE HYDRO AS CO<sub>2</sub> FREE - ASSERTING THE EFFORT IS CHEAP  
PARTISANSHIP**

**AMENDMENTS TO BUILDING & FIRE CODES HEARING –  
WILL THEY PUNISH YOU BECAUSE YOU HAVE AN OLD  
UNPERMITTED STRUCTURE?**

**PASO GROUNDWATER MANAGEMENT AREA REVISED TO  
CONFORM TO WATER DISTRICT OPT OUTS**

**MORE OPT OUTS FROM NORTH COUNTY WATER DISTRICTS  
APPROVED AT LAFCO**

**CANNABIS GETS WILLIAMSON ACT PROTECTIONS**

**(AG PRESERVES)  
IS IT AG OR ISN'T IT?**

**SLO COLAB IN DEPTH**  
**SEE PAGE 15**

**THE SEVEN DEADLY SINS OF CALIFORNIA'S  
POLITICAL ESTABLISHMENT**  
**BY EDWARD RING**

**THE DEEP STATE: THE HEADLESS FOURTH  
BRANCH OF GOVERNMENT**  
**RYAN MCMAKEN**

**THIS WEEK'S HIGHLIGHTS**

**No Board of Supervisors Meeting on Tuesday, November 26, 2019 (Not Scheduled)**

The next meeting is scheduled for Tuesday, December 10, 2019. The last scheduled meeting of the year is Tuesday, December 17, 2019.

The other agencies have not scheduled any meetings for this week.

**LAST WEEK'S HIGHLIGHTS**

**APCD Hearing Board Meeting of Monday, November 18, 2019, 9 AM, South County Regional Center, 800 West Branch St., Arroyo Grande (Completed)**

**Item 6 - Hearing on Abatement Order 17-01 – Modification of Order 17-01 or Issuance of a New Abatement Order.** The Hearing Board modifications were adopted on a 4/1 vote, pretty much as recommended by the Air Pollution Control Officer (APCO), who is the Executive Director of the APCD. The modified Order is not too different from the previously adopted 2018 Order. It does set some additional strict deadlines and scheduled reviews to determine if progress on various physical installations to lower dust generation have been installed.

Board Member Carr, who voted no, sought to close the La Grande Tract (500 acres) immediately. His plan was to close the tract for as long as it takes for State Parks to comply with the 50% dust reduction. His motion did not attract a 2<sup>nd</sup>.

Meanwhile the revised order, which was adopted, reaffirms the progressive reduction in the amount of acreage allocated to off road riding as well as camping in 50-acre increments over the next 4 years. These are to occur until the dust generation is reduced by 50%.

If progress is not achieved on schedule, the APCD and the Hearing Board could convene a nuisance hearing and seek more severe restrictions or closure.

**Coordinated Effort to Shut Down the Dunes:** It is not coincidental that the SLO Tribune Newspaper was running a full front page series of articles on the dunes issues leading up to last Mondays' hearing. Moreover, and per a recent Tribune editorial on the subject, Tribune staff has urged its Sacramento Bee sister staff to alert the Governor to its point of view and to pressure him into some sort of action. Is the Tribune an objective newspaper or a propaganda arm for the progressive left?



Camping by the water is banned after December 31, 2019.

**Board of Supervisors Meeting of Tuesday, November 19, 2019 (Completed)**

**Item 3 - Submittal of the proposed project framework and scope of services for a study analyzing Monterey Bay Community Power.** The Board approved the item on the consent calendar. This is the 4<sup>th</sup> study of the subject. The first one was undertaken jointly by SLO County, Santa Barbara County, and Ventura County to examine the feasibility of a regional Community Energy Authority (CEA). That study found that such a 3-county arrangement would be infeasible for both financial and operational reasons. The next effort was a joint study by the City of SLO and the County of the feasibility of the 2 jurisdictions forming a CEA, which was

inconclusive. Moreover the City of SLO has become so extreme in its policies that the County would end up the dog being wagged by the tail. A 3<sup>rd</sup> study commissioned by the County found that joining Monterey Bay Community Power (MBCP) would be highly risky and could generate both long and short term financial liabilities if the County ever wished to withdraw. Supervisors Hill and Gibson were very angry and disputed both the findings and the competence of the study. Accordingly, the Board agreed to undertake a 4<sup>th</sup> study.

Per the schedule below, the key decision date is likely to be June 16, 2020.

**Background:** Several months ago, the Board directed staff to conduct a further study of the feasibility of joining the Monterey Bay Community Power Authority. The staff, before soliciting consultant proposals, was prudently checking in with the Board on items which should be covered in the future study.

**The approved project schedule is displayed below:**

Project: Monterey Bay Community Power Additional Analysis Framework	
<b>BOS Direction:</b>	
<ul style="list-style-type: none"> <li>• Prepare a framework for additional analysis of Monterey Bay Community Power</li> <li>• Prepare an RFP Scope of Services and return to the BOS for approval</li> </ul>	
Task	Deadline
1) BOS, framework and scope of services (consent)	November 19, 2019
2) RFP distributed to public (3 weeks)	November 26, 2019
3) RFP submittals due	December 13, 2019
4) Vendor selected	January 3, 2020
5) BOS, approval of contract and financial allocation	January 28, 2020
6) Consultant analysis	January 28 – May 31, 2020
7) Consultant submittal to staff for consideration	May 15, 2020
8) Consultant final deliverables due to County	May 31, 2020
9) BOS, staff and consultant to return with findings	June 16, 2020
<i>If action is requested, possible resolution and introduction of first reading of the ordinance</i>	
10) Pending on actions on June 16, possible second reading of the ordinance	July 7, 2020
11) Pending on actions on June 16, Monterey Bay Community Power deadline to join JPA	August 1, 2020

**The scope of work approved by the Board would be as follows:**

**Legislative and Regulatory Landscape**

- What legislation and regulation governs MBCP and its operations today?
- What pending legislation and regulation may affect MBCP and its future operations?
- If adopted, how will pending legislation and regulation affect the future operations of MBCP and how is MBCP addressing and/or mitigating any pending legislation or regulatory changes?

### **Pro Forma Analysis**

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- What is MBCP's current and forecasted operational budget, debt, reserves, and existing non-cancellable commitments?
- What is MBCP's approach to rate setting?
- What is MBCP's current opt-out rate for the service territory?
- How will MBCP's consideration of a new business model affect customers in terms of rates, rebates, and energy programs and the organization's operations in terms of operations, debt, and reserves as compared to their current business model.
- What are the opportunity costs to county residents and businesses of this potential new model?

### **Power Procurement and Service**

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- What is MBCP's current and forecasted power portfolio?
- What is MBCP's strategy for power procurement?
- What are the risks and benefits to MBCP and its customers of a changing energy market in terms of future supply, pricing, etc.?
  
- How do MBCP's current and forecasted rates compare to PG&E's and how much money will residents and businesses save by being MBCP customers?"
- How has MBCP planned for or contracted for sufficient renewable power during the afternoon ramp period when solar power declines and wind power may not be available?
- How will MBCP's strategy for projected power procurement affect or contribute to the County's General Plan adopted greenhouse gas reduction goals?
- How will MBCP address the reliability issues which are part of the draft CPUC Rulemaking 16-02-007?
- How and to what extent has MBCP analyzed the future load when electric vehicles replace internal combustion engine vehicles and substantial charging will occur overnight?
- How has MBCP analyzed the production offshore wind and whether it is a good fit for its projected load needs?
- How has MBCP planned for or contracted for sufficient battery storage to meet needs when neither solar nor wind are available?

### **Energy Programs**

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- What is MBCP's current and forecasted customer energy program portfolio?
- How much of MBCP's current and forecasted budget is dedicated to customer energy programs?
- What are the benefits of current and future energy programs to MBCP customers?
- How are MBCP's energy programs different than PG&E energy programs?

### **Governance**

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- What is MBCP's current governance structure?
- What is MBCP's approach to governance as it transitions a three-county organization to a five-county organization, and what does that mean for County of San Luis Obispo representation?
- How can residents influence decision making and participate in energy democracy given a large organization?

#### PG&E's State of Affairs

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- How will PG&E's bankruptcy and potential re-organization affect customers in terms of power supply, rates, service, etc.?
- What are the opportunity costs for maintaining the current relationship with PG&E for our residents and businesses?

#### County of San Luis Obispo Risks

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- What are the long-term risks, probability and financial obligations are posed to the County by joining MBCP?
- How can the County best manage these risks?

Especially if the State or some State corporation has taken over PG&E or might take it over.

**Item 37 - An update on State Legislative activities by Paul Yoder and Karen Lange, Shaw/Yoder/Antwih/Schmelzer and Lange, and request to update the 2019 legislative platform.** The original purpose of this item was to update the Board on the recently completed State Legislative Session and to add a plank to the County's Legislative Platform to promote funding to local governments to cover the costs of emergency services resulting from PG&E power shutoffs. This portion was not controversial and is discussed below in the background section.

### NUCLEAR ENERGY AS CARBON FREE AND RENEWABLE

The trouble started when COLAB asked, "Since you are on the subject of energy today, "What about Assemblyman Cunningham's bill, ACA 18, which could make Diablo more viable?" After Arnold, Compton, and Peschong expressed some interest, Hill and Gibson attacked the idea as a partisan political stunt and hypocritical.

Hill, referring to his "deep contacts in Sacramento and PG&E," said, "This is not going anywhere and is sloppy politics"

The Board voted 4-1 to advocate that nuclear and large hydro be considered CO<sub>2</sub> free but demurred on actually supporting ACA 18 specifically. This vote was less meaningful than if they had actually supported ACA 18.

#### ACA 18

*The California Constitution establishes the Public Utilities Commission with jurisdiction over all public utilities, subject to control by the Legislature. Existing statutory law establishes various programs to encourage the deployment of renewable energy and zero-carbon resources, as defined. One of these programs, the California Renewables Portfolio Standard Program, requires most retail sellers of electricity to procure a minimum quantity of their electricity products from eligible renewable energy resources, as defined. This measure would require that the state's programs relating to renewable energy and climate change include nuclear energy as a renewable energy resource and zero-carbon resource. **The measure would require that the***

*state's programs relating to renewable energy and climate change include electrical generating facilities that use nuclear energy as renewable electrical generation facilities, eligible renewable energy resources, and zero-carbon resources. The measure would require renewable electrical generation facilities, eligible renewable energy resources, and zero-carbon resources to include, for licensing and certification purposes, electrical generating facilities that use nuclear energy. The measure would also prohibit the Legislature from enacting any law related to energy unless the law is technology neutral, as specified.*

**Background:** Separately from the Diablo issue, the Board directed that the following provision be added to the Leg. Program immediately:

#### **Amendment to 2019 Legislative Platform**

*Pacific Gas and Electric (PG&E) filed for Chapter 11 bankruptcy protection on January 29, 2019 after coming under significant financial pressure due to claims tied to significant and deadly wildfires. For example, initial settlement agreements for the 2017 Northern California wildfires and the 2018 Camp Fire are over \$11 billion. As part of its response to existing liabilities and in an attempt to prevent future liabilities, PG&E has pursued an aggressive Public Safety Power Shutoff (PSPS) program. The PSPS program turns off electricity when high winds, dry conditions, and a high fire risk are predicted. While San Luis Obispo County has, so far, been spared from a PSPS event, dozens of counties throughout the State have experienced days without power. Given PG&E's difficulties in managing PSPS events, many are beginning to call for governmental take-overs of PG&E assets.*

*Resolution: Support legislative or administrative action, and budget actions which would aid in the preparation, response, and recovery of local government and citizens due to the PSPS program and PSPS events. Support legislative or administrative action that ensures the county is protected from negative impacts due to PG&E bankruptcy proceedings or governmental take-overs of PG&E assets.*

**Item 37 - A request to 1) receive and file an update on the state of recruitment and retention with the County and 2) direct staff to return by June 30, 2020 with specific recommendations on key priorities identified in the update.** This is an important report on the increasing difficulty in recruiting and retaining qualified employees. There is not room to go into it in this Weekly Update. Take a look at the link:

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/meeting/Details/1173>

Scroll down to item 38 and open the report.

**Item 39 - Hearing to consider an ordinance implementing the County Fee Schedule "A" for Calendar Year 2020 and Fee Schedule "B" for FY 2020-21.** In the end the Board approved the fee increases on a 3/2 vote (Arnold and Compton dissenting). For the first time in several years there was considerable discussion about the fees. An Ad Hoc Committee of Supervisor Peschong and Supervisor Gibson will step in and examine the permitting fee issue.

Interestingly, much of the debate involved large proposed increases in the permitting fees for cannabis operations.

It should be noted that these are not the large exaction fees imposed on development to mitigate its impact. These are the fees for staff processing of applications or for providing specific services.

Most of the increases are attributed to increased staff salary and benefit costs.

Three weeks ago, as an early warning, we provided a detailed schedule of the fee changes for Planning and Development, Public Works, AG Commissioner, and Public Health. These are the main ones that directly impact COLAB members and friends. Rather than reposting them here and taking up space you can see them at the link:

[http://www.colabslo.org/prior\\_actions/2019/Weekly%20Update\\_Nov-3\\_Nov-9\\_2019.pdf](http://www.colabslo.org/prior_actions/2019/Weekly%20Update_Nov-3_Nov-9_2019.pdf)

When it opens, scroll down to page 5 and see the COLAB presentation from 2 weeks ago.

### **Background:**

Once a developer finds a parcel actually zoned for housing (if ever), the permitting process (an expensive a role of the dice) clicks in. As an example, open the link below, which summarizes the documents and analyses required to obtain a permit for a condominium project. The document indicates that it was adopted in 2004, 15 years ago.

<https://www.slocounty.ca.gov/getattachment/31c797f3-2dd5-47be-a166-e36352c8017c/Condominium-Planned-Unit-Development-Application-Package.aspx>

A great deal of information must be presented to the County to demonstrate that the proposed project conforms with a multitude of zoning, environmental, engineering, and utility requirements, which are embedded in numerous County ordinances and State laws. There are so many offices and departments involved that the applicant must submit 15 copies of everything.

Weeks, months, or even years are required for these various offices to analyze the project. Each Department charges its own set of fees on top of the planning Department fees. The fees are to cover the cost of all the staffers who are involved in analyzing the project.

The project applicant must employ land surveyors, planners, architects, engineers, attorneys, environmental experts, utility experts, transportation experts, etc., ad nauseum. Many of these experts must seal their documents, guaranteeing that they conform to all the rules and that they are accurate. Meanwhile the County has planners who are not professional experts with technical degrees in these fields to conduct the reviews. In other words, someone with a degree from Cal Poly or UCSB in Environmental Studies decides whether or not the project meets the requirements.

What if instead, the County gave applicants a choice? They could go through the current process, or, as an alternative, the County could accept the development plan if it met the zoning requirements in general. The difference would be that the applicant would have to post a bond equivalent to the estimated assessed value of the completed project, including a 10% cash proportion which would be called if it later turned out the project contained violations or omissions.

This would mean less staff, less time, less cost for the developer, less cost for the home buyer or renter, and perhaps better projects designed by experts without having former liberal arts or social science majors substituting their judgment.

The objection will probably be that the state might not allow this for some reason. The County could (a) test the system with some specimen projects, and (b) seek legislative remedies if necessary.



The County has almost 2,000 different fees, most of which are not increasing. Some are actually decreasing. Staff did a nice job of isolating and presenting in the tables above, summarizing some of the important ones which are increasing for next year. The ability to hold the line to a great extent is appreciated.

**Item 40 - Hearing to consider 1) amendments to the Building and Construction Ordinance, Title 19 of the San Luis Obispo County Code, to be consistent with the most recently adopted State codes and to implement other non-substantive changes and 2) the determination that this project is exempt from environmental review under CEQA based on the common sense exemption, CEQA Guidelines § 15061(b)(3).** The Board approved the changes after some discussion of potential hoop house requirement exemptions. These will be brought back in the future as part of further updates of the cannabis and hemp ordinances.

There are numerous changes in the Definitions section of the ordinance, which should be of interest to builders, contractors, developers, and agriculturists. The general theme is to add detail and specificity.

The Board letter summarizes some of the major changes in the list below. However, we believe that it is more extensive.

*Adoption of Appendix Q of the California Residential Code, Tiny Homes. This will complement the land use requirements for tiny homes and provides relaxed building code requirements.*

- Updated Chapter 3 – Building Codes by restructuring Tables 903.1 and 903.2 for easier understanding and two methods of calculating fire sprinkler requirements for revisions and alterations. This will provide flexibility and options.
- Updated Chapter 7 – Plumbing Code to reflect onsite wastewater (septic) permit requirement authority.
- Updated Chapter 11 – Stormwater Management to be consistent with state permit language.

For example, if you have an old chicken coop, tank tower, shed, or other structure, you may be required to obtain a separate retroactive permit prior to building your barn, putting an extension on your home, or other development. This is another way for the Planning Department to generate revenue.

- c. Refusal to Issue Permits. The Building official may refuse to issue a permit, or refuse to extend, or renew any permit to any person who has a structure or structures without the benefit of permit on the property. Permits will be issued and receive final inspection in a manner and sequence determined by the building official.

During the Board meeting several weeks ago there was considerable discussion on this new requirement. The staff did not know if the State had required it or if someone in the County had inserted it gratuitously. The question did not come up during the current discussion and the provision has apparently been included in the ordinance revisions.

There is an extensive section pertaining to septic systems, which includes parcel size, distance from structures, rainfall, and density.

There are also new requirements for calculation of foundation structures on slopes.

See the link below. When it opens, click on the tab Amendments to Title 19 (Showing Changes)  
<https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/10955>

**Item 41 - Hearing to consider an ordinance amending Chapters 16.04, 16.08, and 16.10 of the County Code by adopting and amending the 2019 Edition of the California Fire Code and an ordinance amending Title 16 of the County Code, Fire Prevention, to provide for abatement of fire hazardous weeds and rubbish in County Service Area No. 10 – Cayucos.**

The Board approved revisions and additions to the County Fire Code and the Cayucos Hazard Abatement area. The Fire Code changes pertain to more flexible requirements for rural roads and driveways. There are also increased vegetation distance requirements for areas around water tanks and other structures. The changes for the Cayucos area mainly pertain to upgraded brush clearance requirements.

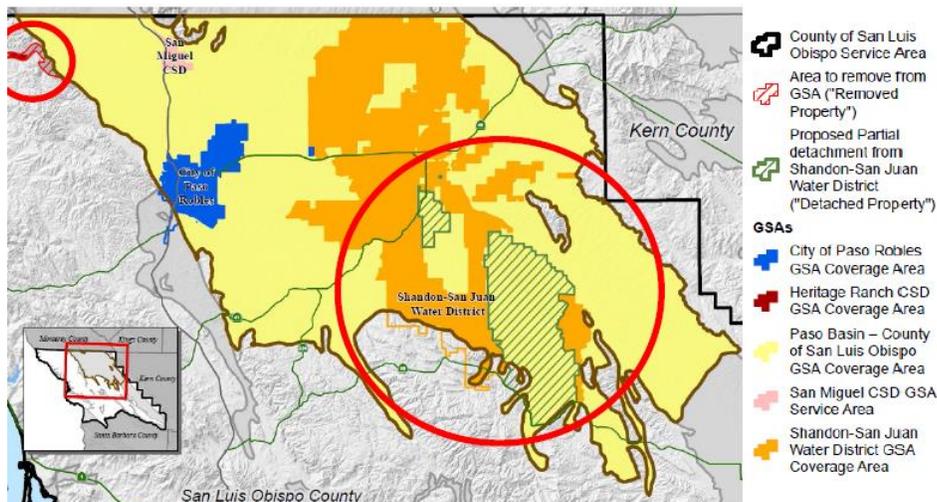
Discussion of stricter requirements for private events ensued. Arnold and Compton were concerned that these requirements could interfere with private family events such as birthday parties. Staff was directed to bring back recommendations for refinements.

All these can be seen at the link below. Click on the various attachment tabs to see the details. You have to guess which ones pertain to which issues and documents, as they are unlabeled as to specific subject.

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/11077>

**Item 43 - Hearing to consider adoption of a resolution: 1) modifying the service area boundaries of the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency to align with the revised State Department of Water Resources basin boundary; 2) modifying the service area boundaries of the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency to align with the revised Shandon-San Juan Water District boundary as identified in San Luis Obispo Local Agency Formation Commission Resolution 2019-05 and subject to satisfaction of conditions contained therein; 3) authorizing the Director of Public Works to take actions to effectuate said modifications.** The prior detachment of several properties from the Shandon – San Juan Water District required that the County update the boundaries for its County GSA coverage area.

### Paso Basin Groundwater Sustainability Agency (GSA) Boundaries - if modified



Note that in the LAFCO item further down in this Weekly Update, there are several other properties requesting detachment from the Estrella-El Pomar-Creston Water district.

**Item 44 - Hearing to consider submittal of a resolution approving a request by the County of San Luis Obispo to amend The Williamson Act Rules of Procedure to Implement the Land Conservation Act of 1965 (LRP2019-00003) to 1) add "Cannabis Activities" as allowed uses under Table 2 "Agricultural and Compatible Uses for Lands Subject to Land Conservation Contracts and Farmland Security Zone Contracts" in the Coastal Zone and 2) amend references to Inland "Cannabis Activities" to reflect adopted Phase 2 Cannabis Amendments. The Board voted unanimously to allow cannabis operations to be eligible for designation as ag preserves. The staff and the Agricultural Advisory Committee both**

recommended including cannabis cultivation and some related activities in the Williamson Act preserves program.

### APRC Recommendations

- Cultivation and nurseries
  - Generally compatible (allowed)
  - Non-soil dependent (allowed with APRC review)
- Manufacturing
  - Allowed but limited to processing of raw materials
  - Infusion or compounding (not allowed)
- Dispensaries
  - Allowed
- Distribution & Testing Facilities
  - Not Allowed

**Local Agency Formation Commission (LAFCO) Meeting of Thursday, November 21, 2019 (Completed)**

### Item B-1-1: DETACHMENT #1 AND SPHERE OF INFLUENCE REVISION FROM THE ESTRELLA-EL POMAR-CRESTON WATER DISTRICT AVA/MORRISON/BLACKWELL).

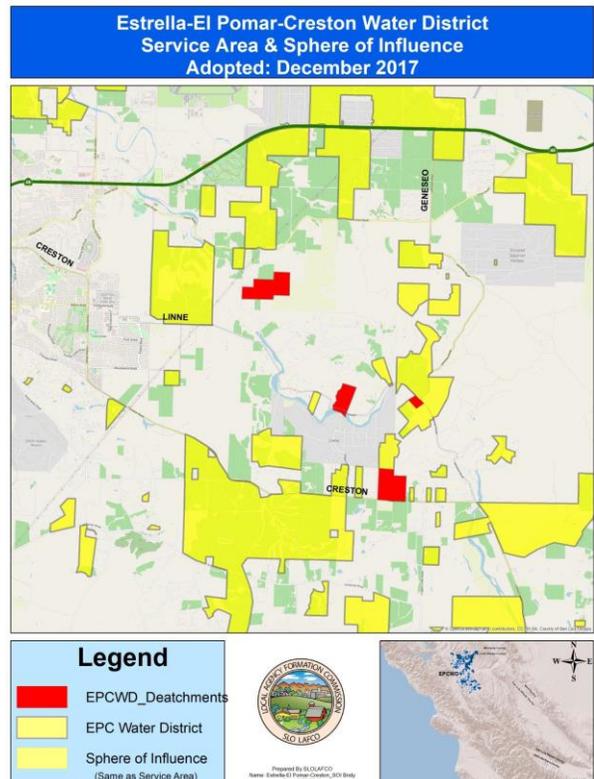
The Commission voted to unanimously approve the detachments. It turned out that several more were added to the agenda late last week. One commissioner inquired about the impact if the detachments continue. Staff indicated that they had been approached by some other property owners who expressed interest but have not yet filed applications. It was asked if there is a point where the District is no longer financially viable if this pattern continues. Staff said it has not reached that point yet but they will continue monitoring the situation.

It is not known how much land area is included in the last minute applications.

Hillary Graves, who is the Vice-President of the District, spoke and indicated that the district is voluntary and did not oppose the detachments.

The applications total 365 acres in area. The write-up stated in part:

*The application is to detach approximately 365 acres from the Estrella-El Pomar-Creston Water District. The District was formed as an opt-in water district and the landowners would now prefer to opt out of the District and be regulated under the County at*



*no cost or a reduced cost. This boundary change would allow the detachment area to be solely under the jurisdiction of the County for services, instead of the District and County. The Sphere of Influence revision maintains a coterminous boundary for the District service area after the detachment is complete.*

## 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**

# THE SEVEN DEADLY SINS OF CALIFORNIA'S POLITICAL ESTABLISHMENT

BY EDWARD RING



To be fair, California's politicians aren't alone in their quest to destroy America's rights, freedoms, prosperity, culture, traditions, and pride. They're just more advanced in their quest. But since what happens in California often ends up happening later in the rest of America, it's important to highlight just how bad it's gotten in the Golden State.

Just as a theologian might argue there are more than seven deadly sins that are fatal to spiritual progress, there are more than seven policy areas where California's political leadership have fatally undermined the aspirations of ordinary Californians. But in the interests of brevity and clarity, here are what might be the most damning seven deadly sins of California's political establishment.

**Law and Order** – Californians have prided themselves on being trendsetters in human rights, but the pendulum has swung too far. Thanks to Prop. 47, the "[Reduced Penalties for Some Crimes Initiative](#)" approved by California's voters in 2014, it is nearly impossible to arrest and

hold anyone for possession of hard drugs, so long as they claim the drugs are for personal use. Prop. 47 also downgraded the punishment for property crimes if the value of the stolen goods are under \$950 per offense.

The consequence of these laws are public drug use and rampant theft to support these drug habits. Other ridiculous laws include AB 953, the "[Racial and Identity Profiling Act](#)" (2015) that requires police to fill out an extensive questionnaire after every encounter with a member of the public, even if it doesn't result in an arrest. The purpose of this is to prevent disproportionate encounters with members of disadvantaged groups, and the consequence of it is fewer stops, fewer arrests, and more crime.

**Environment** – It's hard to know where to begin when it comes to environmentalist extremism that tyrannizes ordinary Californians. Central to California's central planning state is AB 32, the "[Global Warming Solutions Act](#)" (2006), and follow on legislation. These laws aim to reduce California's net "greenhouse gas" emissions to [zero by 2045](#).

To accomplish this, it is becoming almost [impossible to develop land outside of existing cities](#) in California, which is driving the price of land and housing to unaffordable levels. Next on the "climate change" agenda is to charge Californians for "[vehicle miles traveled](#)," wherein everywhere people go in their cars will be monitored and taxed.

Well before AB 32 came along, though, California's gone overboard with environmentalism. The [California Environmental Quality Act](#) (CEQA), passed by the state legislature in 1971, requires environmental impact reports to accompany any building permit. Since a separate report is required for every permit application, and since major building projects require approval from dozens of agencies, in California, the costs to file applications and pay fees often exceeds the cost of the actual construction itself.

Then there's [forestry management](#), taken over by environmentalist zealots who prohibited logging, suppressed controlled burns with byzantine application gauntlets and endless litigation, and turned California's forests into tinderboxes.

**Energy & Water** – Californians pay among the highest prices for gasoline, electricity and natural gas in the United States, despite the fact that California has [abundant reserves of oil and gas](#).

But instead of approving new refineries, more connecting pipelines, oil and gas drilling, and clean natural gas power plants, California's policymakers are shutting down conventional energy in favor of "renewables." Even clean, emissions free nuclear power is forbidden, as California's last nuclear power plant, Diablo Canyon, is [scheduled to be shut down](#) by 2025.

Not only does this leave Californians without affordable energy, as they're herded to the nearest retailer to purchase "[demand response](#)" appliances that don't work very well, but utilities

investing in renewables don't have money left over to upgrade their power lines to better manage wildfires.

As for water, instead of storing more storm runoff behind dams and within aquifers, and [investing in reuse and desalination](#), California's turned to rationing. [Starting in 2020](#), Californians will be restricted to 55 gallons of indoor water use per person per day, with that amount being lowered in subsequent years.

**Transportation** – Freeways in California are among the [most congested in the nation](#), but instead of widening roads and building new freeways, California's policymakers have declared war on the car. Never mind that [cars are the future of transportation](#), destined to be entirely clean, autonomous, capable safely driving at high speeds while their occupants work, sleep, or entertain themselves.

Instead California's political leadership remains committed to a [high speed train that will never pay](#) for itself, light rail when light rail ridership is in decline, and zoning that will make it impossible for people to park their cars where they live. California's transportation policy is misanthropic and misguided. Meanwhile, ordinary Californians cope with super commutes on [neglected roads](#).

**Housing** – Despite the fact that most young married couples, given a choice, would [prefer to raise their children in a single family home](#) with a yard, California's elite have decided that single family homes and suburbs are “unsustainable.” This despite California sprawling over 160,000 square miles, of which only around 5 percent is urbanized.

Californians instead are expected to construct all new housing via [high density “infill,”](#) where there is minimal open space, parking is unavailable, and prices are sky high thanks to the artificially created shortage.

As noted, the costs to prepare permit applications and pay fees often exceeds the construction costs, notwithstanding the fact that high rise and midrise construction always costs far more per square foot than what it costs to construct one or two story wood frame homes.

**Homeless** – In a state where you can't build anything without paying fees that cost more than the construction costs, and where utility bills and other hidden taxes make the cost-of-living the highest in the nation, it should be no surprise that California has a homeless crisis.

Add to that the best weather on earth, and laws that permit public consumption of hard drugs and prevent detention of petty thieves, and you have a recipe for a homeless population explosion. Moreover, court rulings make it impossible to remove homeless encampments unless you can offer them “permanent supportive housing,” and rampant (totally legal) [public sector and nonprofit corruption](#) have driven the costs for such housing to exceed on average \$500,000 per unit.

To top it off, state laws make it, for all practical purposes, [impossible to incarcerate the mentally ill](#). If these laws and court settlements were overturned, overnight, half of California's homeless would find shelter with relatives and friends, and the rest would get cost-effective help. But it's a meal ticket for the corrupt public sector.

**Education** – Save the worst for last. This is perhaps the most unforgivable sin of all in California. Instead of teaching children to read and write, [they are being indoctrinated](#). Instead of being held accountable, incompetent teachers are [protected by union labor laws](#), and [disruptive students are kept in classes](#) in order to fulfill quotas designed to prevent “discrimination.”

The University of California, which – [under threat of lawsuits](#) – is about to [abandon using SAT scores entirely](#), has already engineered its admissions policies to [circumvent federal prohibitions](#) on affirmative action. From higher education down through the K-12 public schools, leftist propaganda and identity politics are the goal of California's [unionized public education system](#), instead of teaching children the skills they will need to become more productive graduates.

This is the future that awaits America. It is a future abetted by a complicit media, an activist entertainment industry, a unionized public bureaucracy and public education system, and nearly every significant corporate and financial player. The political model it embraces is often labeled as socialist, but might more accurately be described as [economic fascism](#) – a merging of public and private, a partnership of corporations, oligarchs, and the public sector.

While people typically cringe at use of the term “fascist,” the fascism we're seeing in California is not the hardcore fascism of WWII era Germany, but rather a soft fascism as envisioned by Aldous Huxley in his novel *Brave New World*. California's citizens are being channeled into high-density apartments, forced to use mass transit, and increasingly made dependent on government subsidies, in exchange for the illusory freedoms of legal drugs and anything-goes gender exploration.

At the same time, Californians are deluged with fearmongering propaganda – a classic fascist tactic – concerning the rise of the oceans thanks to “climate change” and the rise of “white nationalism” thanks to President Trump. Both of these threats are preposterously overstated, but when that's the only message you ever hear, it feels very real.

This 21st century fascism being pioneered in California touts itself as “anti-fascist” at every opportunity, but the system nonetheless fits the definition of fascism. It is corporate, collectivist, centralized, and autocratic. With an equally unhealthy and excessive fervor, it exalts the planet instead of the nation, and celebrates “diversity” instead of one culture. It punishes dissent, protects the oligarchy, and deludes the overtaxed, over-regulated, overpaying majority.

In a world where truth, justice, and the American Way still exist, an America that believes in God, or at least believes in good, evil, and some sort of ultimate accountability, what California's elites are doing is literally sinful. Their path to salvation is simple:

Enforce common sense drug laws and punish thieves. Quit using environmentalism as a punitive religious faith and start logging the forests, building roads, drilling for oil and gas, and approving nuclear power plants instead of shutting them down. Stop extorting more money in permitting costs than it costs to construct homes, and start building them again on open land. Get vagrants off the streets, build cost-effective shelter for the truly needy, and put the mentally ill back into institutions. Fire incompetent teachers and hold our students to immutable, objective academic standards instead of filling their heads with divisive nonsense.

Americans would do well to look to California today, and whatever they're doing, do the opposite. Before it's too late.

## **THE DEEP STATE: THE HEADLESS FOURTH BRANCH OF GOVERNMENT**

**RYAN MCMAKEN**

School children learn that there are three branches of government: the legislative, executive, and judicial. In actual practice, however, there are *four* branches of government.

The fourth is what for decades now has been called a "headless fourth branch of government," the administrative state.



As early as 1937, in a "[Report of the President's Committee on Administrative Management](#)," the authors write:

*Without plan or intent, there has grown up a headless "fourth branch" of the Government, responsible to no one, and impossible of coordination with the general policies and work of the Government as determined by the people through their duly elected representatives.*

The problem of waste and lack of accountability in this fourth branch, the report notes, has "been clearly recognized for a generations and ha[s] been growing steadily worse decade by decade."

## The Spoils System and the Permanent Bureaucracy

The report isn't wrong. By the late nineteenth century, "civil service reform" had ended the old system "spoils system" and the advent of lifelong "professional" civil servants, brought the establishment of a bureaucratic class which saw its interests and loyalties as separate from the elected civilian government. This detachment from elected policymakers meant the administrative state was not terribly concerned with either efficiency or responsiveness to the public. It became an interest group all its own, but with far more power than any *ordinary* interest group.

The creation of the professional civil service had been [a victory over the legacy of the populist Andrew Jackson](#) who had demanded a move away from the old "professional" bureaucracy established by the Federalists. Jackson denounced the professional bureaucrats, concluding such persons "acquire a habit of looking with indifference upon the public interests and of tolerating conduct from which an unpracticed man would revolt." Instead, the Jacksonians insisted "rotation" in government offices "constitutes a leading principle in the republican creed."

In practice, of course, this new non-political bureaucracy was anything but unbiased. Over time, the bureaucracy became self-consciously devoted to the "merit" system under which the bureaucrats imagined they gained and retained their offices by virtue of their own excellence.

Nonetheless, this problem of the bureaucracy as self-interested class would have remained quite limited were the powers of the bureaucracy more limited. Yet with the advent of the New Deal under Franklin Roosevelt, the size, scope, and power of the administrative state multiplied.

## The Bureaucracy Takes Over the Functions of the Other Branches of Government

Moreover, as the New Deal progressed, the regulatory agencies came to assume all the powers that were *supposed* to be reserved to the branches of government that were given specific powers in the federal constitution. In his book *Ex America* (aka *The People's Pottage*) Garet Garrett described this transformation:

*These agencies have built up a large body of administrative law which the people are obliged to obey. And not only to they make their own laws; they enforce their own laws, acting as prosecutor, jury and judge; and appeal from their decisions to the regular courts is difficult. ... Thus the Constitutional separation of the three governmental powers, namely, the legislative, the executive and the judicial is entirely lost."*

Thus, thanks to the rise of this fourth branch of government, an American is subject to laws not passed by any Congress, and subject to judicial punishments not commanded by any court of

law. It's all done "administratively" but nonetheless allows the agencies to "make and execute their own laws."

## The Rise of the National Security Bureaucracy

At the same time the *regulatory* administrative state was making so many gains, so was the federal government's domestic police force.

First came the Justice Department's Bureau of Investigation — later the FBI — and its General Intelligence Division used to spy on Americans during the First World War. The Division's head J. Edgar Hoover helped execute the "Palmer Raids" used to persecute Americans who were insufficiently worshipful of the Wilson administration's national security policies. Over time, Hoover would work tirelessly to turn the FBI into a law unto itself, using it to blackmail politicians, harass innocent Americans, and generally twist American law and the American political system to benefit Hoover, his cronies, and the FBI itself.

Things became worse after the Second World War when Congress made permanent the intelligence agencies that had formed during the war to gather intelligence on the Axis.

These organizations — most notably the Central Intelligence Agency — would come to function virtually without oversight, with most of their activities declared too secret to endure public scrutiny. Over time, these ostensibly civilian organizations would become increasingly intertwined with the growing "special operations" arms of the Department of Defense. [By the early twenty-first century](#), the Pentagon would develop "its own clandestine intelligence" capabilities and take over many of the "covert paramilitary activities and unconventional warfare" operations once directed by the CIA. The line between the nation's intelligence agencies and the conventional military agencies became increasingly blurred.

But these agencies always exercised far more power in the American political system than was indicated on paper. As Hoover knew all too well, intelligence agencies can use their powers to collect information on elected officials, and use that information to protect the intelligence agencies themselves. The strategic use of "leaks," reports, investigations, and criminal prosecutions through the Justice Department allow the intelligence organs of the United States to "nudge" policymakers in directions that service the preferred agenda of the security agencies themselves.

Ordinary and obscure Americans, of course, are all the more at the mercy of organizations like the FBI. Few regular people possess the resources necessary to mount a defense against the Justice Department's gargantuan budgets and legions of attorneys that can be aimed at any American who becomes annoying to these federal law enforcement bureaucrats and their friends.

## The "Deep State"

It has perhaps become impossible to discuss the realities of this headless fourth branch of government without noting the increasing awareness of a so-called deep state within the federal

government. What portions of this administrative state constitutes the deep state, however, remains a matter of debate. Some contend it could include any and all independent administrative agencies. Others suggest the term ought to be applied only to the national-security agencies.

Certainly, the term "deep state" carries connotations beyond just regulatory agencies, but tends to point toward those agencies that can — by invoking national security and the need for secrecy — stifle efforts and oversight of the organizations in question.

Moreover, it is this national-security oriented branch of the administrative state that is likely to prove the most dangerous. This is due to these agencies' ability to carry out operations kept secret from the public, their access to seemingly limitless amounts of funding, and their ability to investigate and prosecute elected policymakers. Consequently, these agencies possess immense leeway in pursuing their own interests independent of the civilian elected government, and with relative impunity. They have become, [in the words of historian Alfred McCoy](#), "in many ways autonomous from the executive, and increasingly so."

And who can be surprised by such autonomy? We live in a country where the federal government collects more than \$3 trillion in revenue per year. Trillion-dollar budget deficits can be managed by monetizing debt through the central bank, or by selling even larger piles of government bonds. The Pentagon, for example, doesn't know what it did with \$6 trillion — but nothing will come of it. Being a government agency in such an environment means never having to justify the agency's existence. The public can be trusted to conclude it's all in the name of "national security" or "public service."

Meanwhile, every two years we're told that electing "the right people" will change our fortunes and finally bring accountability and a new direction to a federal government in the midst of a crisis of legitimacy.

The army of federal agents, officers, and administrators know better. And they're fine with it.

[Ryan McMaken](#) ([@ryanmcmaken](#)) is a senior editor at the Mises Institute. Send him your article submissions for Mises Wire and [The Austrian](#), but read [article guidelines](#) first. Ryan has degrees in economics and political science from the University of Colorado, and was the economist for the Colorado Division of Housing from 2009 to 2014. He is the author of [Commie Cowboys: The Bourgeoisie and the Nation-State in the Western Genre](#). This article originally appeared on Mises Wire of November 20, 2019.

## A Connecticut Thanksgiving Proclamation

State of Connecticut

*By His Excellency Wilbur L. Cross, Governor*

## Proclamation

Time out of mind at this turn of the seasons when the hardy oak leaves rustle in the wind and the frost gives a tang to the air and the dusk falls early and the friendly evenings lengthen under the heel of Orion, it has seemed good to our people to join together in praising the Creator and Preserver, who has brought us by a way that we did not know to the end of another year. In observance of this custom, I appoint Thursday, the twenty-sixth of November, as a day of

## Public Thanksgiving

for the blessings that have been our common lot and have placed our beloved State with the favored regions of earth -- for all the creature comforts: the yield of the soil that has fed us and the richer yield from labor of every kind that has sustained our lives -- and for all those things, as dear as breath to the body, that quicken man's faith in his manhood, that nourish and strengthen his spirit to do the great work still before him: for the brotherly word and act; for honor held above price; for steadfast courage and zeal in the long, long search after truth; for liberty and for justice freely granted by each to his fellow and so as freely enjoyed; and for the crowning glory and mercy of peace upon our land; -- that we may humbly take heart of these blessings as we gather once again with solemn and festive rites to keep our Harvest Home.

Given under my hand and seal of the State at the Capitol, in Hartford, this twelfth day of November, in the year of our Lord one thousand nine hundred and thirty six and of the independence of the United States the one hundred and sixty-first.



*Wilbur L. Cross, Governor*

# ANNOUNCEMENTS



COLAB  
San Luis Obispo County



**DINNER &  
FUNDRAISER**

*11th Anniversary*

**SAVE THE DATE!**

Thursday March 26, 2020  
Alex Madonna Expo Center

*details coming soon...*

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Listen to Andy Live Monday Thru Friday 3:00 PM to 5:00 PM



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**MIKE BROWN  
ADVOCATES BEFORE THE BOS**



**VICTOR DAVIS HANSON ADDRESSES A COLAB FORUM**



DAN WALTERS EXPLAINS SACTO MACHINATIONS AT A COLAB FORUM

See the presentation at the link: <https://youtu.be/eEdP4cvf-zA>



AUTHOR & NATIONALLY SYNDICATED COMMENTATOR BEN SHAPIRO APPEARED AT A COLAB ANNUAL DINNER



NATIONAL RADIO AND TV COMMENTATOR HIGH HEWITT AT COLAB DINNER

Coalition of Labor, Agriculture and Business  
San Luis Obispo County  
"Your Property - Your Taxes - Our Future"  
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Email: colabslo@gmail.com / Website: colabslo.org

## MEMBERSHIP APPLICATION

### MEMBERSHIP OPTIONS:

General Member: \$100 - \$249  \$ \_\_\_\_\_ Voting Member: \$250 - \$5,000  \$ \_\_\_\_\_

Sustaining Member: \$5,000 +  \$ \_\_\_\_\_

*(Sustaining Membership includes a table of 10 at the Annual Fundraiser Dinner)*

General members will receive all COLAB updates and newsletters. Voting privileges are limited to Voting Members and Sustainable Members with one vote per membership.

### MEMBER INFORMATION:

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

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### How Did You Hear About COLAB?

Radio  Internet  Public Hearing  Friend

COLAB Member(s) /Sponsor(s): \_\_\_\_\_

### NON MEMBER DONATION/CONTRIBUTION OPTION:

**For those who choose not to join as a member but would like to support COLAB via a contribution/donation.**

I would like to contribute \$ \_\_\_\_\_ to COLAB and my check or credit card information is enclosed/provided.

Donations/Contributions do not require membership though it is encouraged in order to provide updates and information.

Memberships and donation will be kept confidential if that is your preference.

Confidential Donation/Contribution/Membership

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(Revised 2/2017)