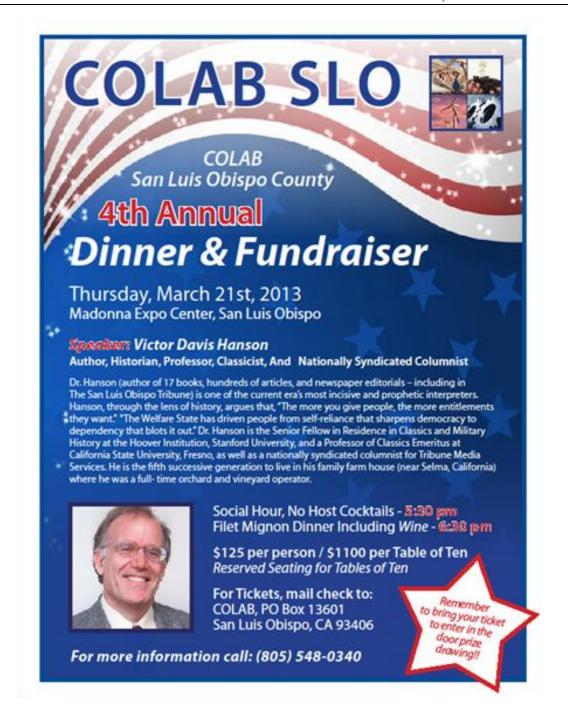
COLAB SAN LUIS OBISPO COUNTY

WEEK OF FEBRUARY 24 - MARCH 2, 2013



BOARD FAILS TO CURTAIL 2013-14 PLANNING SCHEMES (ALLOWS SMART GROWTH PROJECTS AND COSTS)

BOARD MUTE ON CAPSLO and FAMILY TIES (CAO SAYS NO AUDIT NECESSARY)

COUNTY GETTING READY FOR OBAMA CARE (COULD ADD 35,000 NEW INDIGENT PATIENTS)

Board Meeting of Tuesday, February 19, 2013 (Completed)

Public Requests for CAPSLO/Family Ties Explanation or Audit Stonewalled. County Administrative Officer Dan Buckshi rejected calls by COLAB and a number of speakers for a review of the CAPSLO and Family Ties agencies' custodianship of funds paid to them by homeless people for future lease and utility deposits. Buckshi essentially evaded the question, and said that San Luis Obispo County's annual Federal Single Audit (which includes some pass-through funds to some non-profits) is perfect and thus nothing needs to be done. It should be noted that the annual Federal Single Audit is actually conducted by a County-hired independent accounting firm and is based on limited sampling of actual transactions.

The Auditor Controller wasn't so sure. He stated that he did not know if the Single Audit would even reach the accounts in question. He should examine the relevant accounts at CAPSLO and Family Ties and determine whether the monthly payments by each homeless payer, the total for each payer, the deposit payments, and the grand total all match both accounting and cash-wise. He should then report.

Item 4 - Planning and Building Department Priorities and Work Program. The FY 2013-14 Work Program was approved on a 4-1 vote with Supervisor Arnold dissenting. Arnold questioned the wisdom of furthering work on the Land Use and Circulation Element of the General Plan (LUCE) given all the front-end language subordinating the Plan to the "smart growth" doctrine of suburban and rural prohibition, combined with densification of the existing incorporated cities and unincorporated villages and towns. The Board missed an opportunity to shut the process down. Now and as a result of the vote, the staff can plan on going ahead with projects such as:

• Prepare ordinance amendments to revise standards to encourage in-fill development Status: In Progress. The Department received a grant to complete amendments that would evaluate and revise existing provisions in the Real Property Division Ordinance (Title 21), Land Use Ordinance (Title 22) and Coastal Land Use Ordinance (Title 23) which make it difficult to develop on in-fill sites in urban areas in compliance with the County's strategic

growth policies. A Request for Proposal process was completed and a consultant was chosen. Public outreach is occurring and drafts of these amendments should be available in the Summer/Fall of 2013.

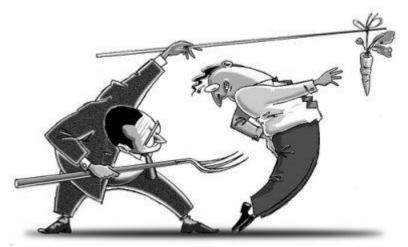
Bait and Switch: Thus while the staff is telling us that the work on the LUCE is organizational and contains no regulatory changes, the "In Fill Development Project" is changing the very standards within the LUCE to be "in compliance with the County's strategic growth policies."

Deputy Planning Director Kami Griffin took pains to refute the assertion by COLAB and a number of speakers that some of the projects would result in increased densities. Her point was amplified by Supervisor Gibson. Griffin pointed out that actually changing the maximum densities within a particular area would require an elaborate Plan amendment process with CEQA. While this is true on the surface, the various densification schemes, which would reduce setbacks, add height, reduce parking, and reduce yards, will actually increase density over what would be normally permitted after projects are subjected to current standards. In other words, if for instance under current zoning, a parcel is allowed up to 20 dwelling units (DU's) per acre, during permitting the planners usually reduce some of the potential DU's as a result of setback, height, lot coverage, side yard, parking, open space, and other requirements. Under some of the "smart growth" concepts, many of these requirements would be waived, thus resulting in higher density without Plan Amendment and CEQA.

Remember: The County's main defense in the COLAB lawsuit (which the Appeals Court unfortunately bought) was that it did not need to do CEQA (an Environmental Impact Report) when it adopted "smart growth" because it would conduct the CEQA process as specific implementing actions took place in the future. Now they are repudiating that "promise" - again.

Moreover, the County also plans to give density bonuses above the Plan limits to developers and builders who are compelled to build dense projects in the towns and villages.

Stick and Carrot: Some Board members tried to argue that the In Fill project and other densification schemes have been requested and endorsed by the homebuilders. This is true in the narrow sense, since they are being discouraged from building single-family free-standing houses with yards in the suburban and rural areas (which is what the market wants). The existing standards for the permitting of dense projects do not pencil economically. Thus the County must logically change its standards to make such projects economically more feasible.



Suburban and rural development bans vs. planned densification incentives.

Ms. Arnold tried to explain to the Board some of the issues and problems inherent in the "smart growth plans" for rural areas, and especially rural villages such as Creston. She provided examples and requested a fuller discussion. A number speakers as well as Ms. Arnold questioned whether the planning area boundaries proposed in the LUCE were prefatory to a reduction in the number and role of the community advisory councils and other citizen planning advisory bodies. Supervisor Meacham said the Board should stay on course with the projects, and "see what we get" and then decide. He did not want "to throw the bay out with the bath water."

Gibson stated, "I'm not going to wade into the ideological discussions of smart growth or sustainable development which are feeding a conspiracy theory." He did not say who is promulgating a conspiracy theory or exactly what the supposed conspiracy theory is. Perhaps those citizens who are concerned about smart growth and sustainable development are regarded by Gibson as not worthy and should be mocked and marginalized — a tried and true leftist tactic. Remember this when he is up for Board Chairman next year. Remember it if he is still around and runs again. Remember it if he is ever up for appointment to State or Federal office. Remember it when the other supervisors who don't challenge him ask for your vote.

Item 2 - County and State Budget Update. In a perfunctory presentation, the County Administrative Officer presented projections on the County FY 2013-14 Budget, which is currently being prepared. There was no information in the Board letter. The actual financial data, policy information, and recommendations were presented in a power point during the meeting. Thus, the public had no opportunity to review and analyze the substance in advance and prepare for public comment.

County Administrative Officer Rejects Including Power Point Presentations in Agenda Materials: COLAB requested for the 3rd year in a row that staff power points be included as part of the Agenda material in the name of full disclosure and meaningful public input. Recently appointed County Administrator Buckshi strongly rejected the idea as impossible,

as too time consuming, and as slowing down the flow of agenda preparation. The Board sat silently and accepted its CAO's rationale without a peep. Other jurisdictions do it. Why is it too difficult in San Luis Obispo County?

The CAO is projecting a "status quo" budget because key local revenues such as the property tax are relatively flat. The County has forestalled cost growth by negotiating wage and benefit concessions with its employee unions. New rounds of collective bargaining over wage and benefits will take place next fiscal year. The target budget does not contain any funding for raises. The County must bargain in good faith. If it has not set aside any funding for negotiations, this will be difficult, particularly in light of the concessions already made. The CAO said it is not a problem. If it is not, there must be plans of which we are not aware and which are not part of the "public" budget strategy. Perhaps they will tap their reserves.

Board Meeting of Tuesday, February 26, 2013 (Scheduled)

Item 18 - \$300,000 State Grant to Train People How to use Obama Care. The Health Department is requesting Board authorization to apply for a \$300,000 to teach people how to access Obama Care. The purposes of the grant are listed as:

The expected results are as follows:

 \Box Educate approximately 10,000 eligible residents through direct educational sessions \Box Provide roughly 35,000 educational brochures, presentations, messages through social media, and individual contacts

The overall results from this initiative will further the County vision of a healthy, well-governed community.

The staff report indicates that there will be a large group of people who will need to be educated about the program. The Health Department and other health advocates will be recruiting health providers to serve the newly eligible population.

Data analysis of the forthcoming eligible population indicates that as many as 37,000 citizens of this county may comprise the newly eligible/mandated health insurance population, split roughly equally between Medi-Cal and the state's health benefits exchange, known as Covered California.

The Department will also be educating small businesses about their requirements to participate.

Item 28 - County's State Legislative Program. The Board will consider adoption of the FY 2013 Legislative Program, which consists of general policies and specific actions which it hopes the State Legislature would adopt. Some of the more pertinent ones are noted below in the order in which they occur in the document:

One With Which We Agree:

5. Encourage, seek and support legislation efforts to streamline, improve and modernize state land use regulations and/or policies such as the California Environmental Quality Act (CEQA), California Coastal Act, Subdivision Map Act, etc. without compromising or undermining the original intent and tenets of these laws.

Is this one code for smart growth?

7. Encourage and seek legislation that protects, promotes and preserves the County's quality of life, its diverse natural resources, its economic base, and the character and history of the County, including legislation which would provide funding to local agencies to develop programs, policies and projects.

Although not named, is the County concerned about the out-of-control California Coastal Commission?

13. Support the preservation, protection, and enhancement of the California coastline through proper planning. San Luis Obispo is committed to preserve and provide access to the coast and support where appropriate beach activities, boating activities, and other recreational uses in developing and implementing precise coastal plans and appropriate zoning. Statewide efforts related to the California coastline must respect local land use authority. Support collaborative and cooperative work with State, other counties and cities to ensure decisions do not erode local control and decision-making. Encourage, seek and support efforts to streamline, improve and modernize coastal development permit and local coastal planning processes, without compromising or undermining the original intent and tenets of these laws.

The Program states on page 14 that the County (Board of Supervisors) intends to implement provisions 32 and SB 375 climate action and smart growth requirements. They would like additional money to help them do so.

Problem: AB 32 (Nunez) and SB 375 (Steinberg), both which deal with the control of emissions of greenhouse gases, are examples of significant and impactful legislation which the County intends to implement; however, these directives create expense, unfunded mandates for local jurisdictions. The cost and time associated with implementing this legislation will be significant to the County.

Resolution: Seek and support full funding for the implementation of the mandates included in AB 32 and SB 375, and any future legislation.

Board Wants Ability to Solicit New Sales Taxes.

Problem: Current statute prohibits a Board of Supervisors from being able to implement a sales tax increment in the unincorporated area of the county only in order to fund vital services, such as law enforcement and fire services in the unincorporated area.

Resolution: Sponsor and support legislation which authorizes a Board of Supervisors to submit a sales tax increase to the voters in the unincorporated area only of a county for their approval.

The full Legislative Program Document can be viewed at the link:

http://agenda.slocounty.ca.gov/agenda/sanluisobispo/1881/MjAxM19Qcm9wb3NlZF9MZWdpc2xhdGl2ZV9QbGF0Zm9ybV9zdHJpa2Vfb3V0X3VwZGF0ZWRfMi0xMi0xMy5wZGY=/12/n/12226.doc

Item 30 - Central Coast Regional Water Quality Control Board (CCRWCB) Says Start Treating Former Landfill Plume or Else. The County faces a \$5000 per day fine if it doesn't move fast to pump and clean the polluted water from the former Los Osos Landfill - 2285 Turri Road.

The Board will have no choice, as noted in the staff report paragraph below. There is no financial appropriation to cover the cost.

At a meeting in December of 2012, RWQCB staff advised County staff to move forward as soon as possible in constructing and initiating operations of a groundwater pump and treat facility at the landfill, or face enforcement action. In subsequent correspondence with County staff, RWQCB staff has noted that violations of the landfill Waste Discharge Requirements (WDR's) subjects the County to civil liability of up to \$5,000 for each day the violation occurs per California Water Code section 13350(a)(2) and (e), which is attached (Exhibit "I").

No Funding Source: The anticipated capital cost for design, construction and implementation of a Pump and Treat system is estimated at \$631,000 (Engineers Estimate Exhibit "G"). If so directed today by your Board, the Public Works Department will work with the County Administrative Office to identify funding alternatives for including the project in the FY 2013-14 proposed budgets. Additional recurring annual operation, maintenance and monitoring costs of \$75,000 to \$105,000 would start after year three of system start-up and continue to be required throughout the foreseeable future. Ongoing operations costs would be included in routine annual budget requests.

Item 33 - Vacation Rental Dispute. An Avila Beach resident applied for a minor conditional use permit for a vacation rental. The County Planning Department held a hearing and approved the permit. The approval has been appealed to the Board of Supervisors. The written record does not show any substantive facts which support denial of the permit. One of the appeal supporters is Carla Frisk, a well-known enviro advocate,

former staffer to former St. Senator Jack O' Connell, and former Trust For Public Land executive.

Item 35 - Appeal of the Phillips 66 Permit to Increase Production at its Nipomo Facility. In December, the Planning Commission approved a permit for Phillips to increase the amount of oil it processes at the plant. This is important to maintain the plant as a viable economic unit. In turn, preservation of the plant is important because it is a major employer and purchaser of goods in the local economy. The appeal is actually narrow and does not challenge the overall permit or project. The appellant feels that a trail, which was required by the County as a condition of approval, is too narrow. The County is requiring a ten-foot wide trail and the appellant says it should be 100 ft. wide.

The sad facts:

- -The Plant is in an industrial zone where oil processing is expressly allowed under the zoning.
- -This notwithstanding, the County requires that Phillips dedicate (a confiscation by the government of private property) some of its land for a public trail to the beach in exchange for a permit to which it is entitled. The trail has nothing to do with processing oil.
- -Phillips is forced to undergo more cost and time delay to defend the appeal because one person wants a 100 ft. wide trail.
- -No one has any idea if a trail at this location will be used, if it can be maintained, and whether or not it will be safe. Users will have to cross the main track of the Union Pacific Railroad.



Item 2 - FY 2011-12 Consolidated Annual Financial Report (CAFR). The FY 2011-12 CAFR is on the consent agenda. It is one of the most important reports issued by any government agency. It is independently audited and provides both summary and detailed information about the County government's financial health. It is surprising that it is not scheduled as a regular hearing item. The Board should receive a presentation, question staff, explore underlying causes for various trends which are presented in the report, and consider potential actions.

The tables on the following 4 pages illustrate just some of the valuable policy information which is included and which can be used as a rich source of public dialog and Board planning.

The full report can be accessed at the link:

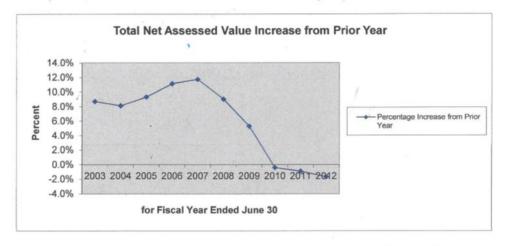
http://www.slocounty.ca.gov/Assets/AC/Digital/2011-12+CAFR.pdf

The tables displayed below and on the following 3 pages include data about assessed value of property, County financial reserves, principal tax payers, and County debt.

County of San Luis Obispo Assessed Valuation* Last Ten Fiscal Years (in thousands) (UNAUDITED)

	Fiscal Year	Secured	Unsecured	Exemptions	Net Assessed Valuations	Percentage Increase from Prior Year	Tax Rate
_	2003	25,044,192	874,639	(632,857)	25,285,975	8.7%	1.0023
	2004	27,134,968	859,295	(658,326)	27,335,938	8.1%	1.0023
	2005	29,677,821	836,182	(627,898)	29,886,105	9.3%	1.0023
	2006	32,984,334	933,185	(701,193)	33,216,326	11.1%	1.0022
	2007	36,890,449	1,000,873	(781,070)	37,110,252	11.7%	1.0021
	2008	40,252,987	1,035,443	(835,356)	40,453,074	9.0%	1.0020
	2009	42,348,044	1,132,435	(891,949)	42,588,530	5.3%	1.0020
	2010	42,185,284	1,148,662	(914,309)	42,419,637	-0.4%	1.0020
	2011	41,846,720	1,118,384	(927,194)	42,037,910	-0.9%	1.0029
	2012	41,223,923	1,081,597	(965,089)	41,340,431	-1.7%	1.0030

Source: County Property Tax Information Booklet



^{*}Due to Article XIIIA, added to the California Constitution by Proposition 13 in 1978, the County does not track the estimated actual value of all county properties. Proposition 13 fixed the base for valuation of real property at the full cash value which appeared on the Assessor's 1975-76 assessment roll. Thereafter, full cash value can be increased to reflect: (1) annual inflation up to two percent; (2) current market value at time of ownership change; and (3) market value for new construction. As a result, similar properties can have substantially different assessed values based on the date of purchase.

County of San Luis Obispo Principal Property Taxpayers Current Year and Ten Years Ago (in Thousands) (UNAUDITED)

		Fisc	al Year	2012	Fiscal Year 2003					
Taxpayer	Industry	Assessed Value	Rank	Percentage of Total County Assessed Value	_	Assessed Value	Rank	Percentage of Total County Assessed Value		
Pacific Gas & Electric Co.	Utility	2,543,033	1	6.15%	\$	2,163,485	1	7.88%		
TOSCO Corp	Petroleum & Gas	138,970	2	0.34%		176,951	2	0.64%		
Plains Exploration & Prod Co	Petroleum & Gas	91,305	3	0.22%						
Beringer Wine Estates Company	Winery	89,882	4	0.22%		58,283	5	0.21%		
Pacfic Bell Telephone	Communications	81,038	5	0.20%				-		
CSHV Mustang Village LLC	Apartments	75,358	6	0.18%				-		
Southern California Gas Co	Utility	63,738	7	0.15%		48,942	6	0.18%		
Martin Hotel Mgmt Co LLC	Hotel	61,074	8	0.15%						
Sierra Vista Hospital	Hospital	56,615	9	0.14%		45,450	7	0.17%		
Twin Cities Com Hospital	Hospital	53,788	10	0.13%						
Duke Energy Morro Bay, LLC	Utility					110,431	3	0.40%		
SBC California	Utility					92,297	4	0.34%		
Charter Communications	Communications					42,564	8	0.16%		
ESJ Centers LLC ETAL	Real Estates			*		37,070	9	0.14%		
Vons Companies	Grocery Store	145				32,432	10	0.12%		
Total		\$ 3,254,802		7.89%	\$	2,807,905		10.24%		

Source: County Property Tax System

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This chart indicates that 2 of the County's top ten tax payers are oil companies. What if there were more? Why doesn't the Board consider this issue as part of its economic development planning and long range financial planning? Is the subject taboo in the politically correct enviro-socialist hothouse? The Diablo Power Plant is number one. Now that Gibson and company have rung the closure bell, they have a huge potential problem.

County of San Luis Obispo Fund Balances, Governmental Funds Last Ten Fiscal Years (in thousands) (UNAUDITED)

			Fiscal Year											
			2003		2004		2005		2006		2007		2008	2009
General Fund														
Reserved		\$	21,772	\$	19,194	\$	18,255	\$	5,246	\$	2,538	\$	31,853	\$ 40,561
Unreserved		_	70,147		59,105		76,200		99,343		102,030		64,886	63,626
Total General Fund		\$	91,919	\$	78,299	\$	94,455	\$	104,589	\$	104,568	\$	96,739	\$ 104,187
All Other Governmental Funds														
Reserved		\$	64,454	\$	73,309	\$	41,727	\$	9,039	\$	30,278	\$	50,422	\$ 42,697
Unreserved, reported in:														
Special Revenue Funds			38,779		32,263		42,828		80,293		70,630		60,384	51,703
Capital Project Funds			17,117		13,793		19,877		27,245		31,638		21,233	23,248
Debt Service Funds	*	_	-								-		-	-
Total all other Governmental Funds		\$	120,350	\$	119,365	\$	104,432	\$	116,577	\$	132,546	\$	132,039	\$ 117,648
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			2011		2012									
General Fund		-	2011	_	2012									
Nonspendable		5	3,333		3,176		100							
Restricted		4	7,113	*	6,682		1							
Committed			62,380		68,880									
Assigned			-		-									
Unassigned			87,741		102,291									
Total General Fund		\$	160,567	\$	181,029									
All Other Governmental Funds														
Nonspendable		\$	352	\$	390									
Restricted			22,065		19,788					1				
Committed			55,446		61,144									
Assigned			94		-									
Unassigned		_												
Total all other Governmental Funds		\$	77,957	\$	81,322									

Note: In 2011, the County began implementation of GASB Statement 54, which changed the classifications of the fund balance. Fund balance information in years prior to 2011 is presented according to the previous guidelines.

Source: Balance Sheet - Governmental Funds

The chart above shows that the County has \$102 million in "unassigned" general fund reserves. Is this amount truly available for any legal purpose? What are the policy alternatives? Why not have a presentation and discussion about it?

County of San Luis Obispo Ratios of Total Debt Outstanding Last Ten Fiscal Years (in thousands)

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Governmental Activities										
Certificates of Participation Less deferred amounts:	\$27,601	\$26,487	\$25,323	\$23,107	\$27,125	\$33,319	\$31,920	\$30,420	\$28,820	\$27,895
For issuance discounts:					-	(119)	(115)	(111)	(107)	(103)
Pension Obligation Bonds		137,194	137,194	135,199	130,504	129,034	127,169	125,444	122,689	119,429
Total bonds and notes payable	\$27,601	\$163,681	\$162,517	\$158,306	\$157,629	\$162,234	\$158,974	\$155,753	\$151,402	\$147,221
Less resources restricted for principal repayment	(2,464)	(5,241)	(6,888)	(10,018)	(13,505)	(15,297)	(10,929)	(10,665)	(9,752)	(9,666)
Net total bonds and notes payable	\$25,137	\$158,440	\$155,629	\$148,288	\$144,124	\$146,937	\$148,045	\$145,088	\$141,650	\$137,555
Business Type				1						
Certificates of Participation Pension Obligation Bonds	23,539	23,068	22,577	22,069	21,535	20,985	20,848	20,657	19,897	19,060
State Note	3,003	3,211	3,077	15,126	26,144	31,824	32,283	32,418	31,024	35,884
Revenue Bonds	705	71	66	61	56	196,461	196,456	196,450	196,444	193,483
Add deferred amounts:										
For issuance premiums:				-	-	6,371	6,371	6,371	6,371	6,158
General Obligation Bonds	12,980	12,750	12,510	12,260	12,000	11,730	11,450	11,155	10,760	10,245
Add deferred amounts:										
For issuance premiums:	-		-	/			-	-	1,128	1,072
Bond Anticipation Notes	-				-			-	8,677	
Assessment Bonds					-	-	-			15,364
Total bonds and notes payable	40,227	39,100	38,230	49,516	59,735	267,371	267,408	267,051	274,301	281,266
Net total bonds and notes payable	\$40,227	\$39,100	\$38,230	\$49,516	\$59,735	\$267,371	\$267,408	\$267,051	\$274,301	\$281,266
Total Outstanding Debt less restricted resources	\$65,364	\$197,540	\$193,859	\$197,804	\$203,859	\$414,308	\$415,453	\$412,139	\$415,951	\$418,821
Percentage of Personal Income	0.88%	2.48%	2.30%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Percentage of Assessed Value of								0.070	0.0004	
Taxable Property*	0.28%	0.74%	0.66%	0.60%	0.55%	1.02%	0.98%	0.97%	0.99%	1.01%
Net outstanding debt Per Capita	\$264.64	\$785.36	\$769.95	\$789.47	\$ 769.57	\$ 1,538.25	\$ 1,536.27	\$ 1,508.39	\$ 1,535.07	\$ 1,542.72

Note:

1. See the Demographic Statistics Schedule for detail information on personal income and population.

2. Source - Notes to the Financial Statements, Note 10

*Due to Article XIII-A, added to the California Constitution by Proposition 13 in 1978, the County does not track the estimated actual value of all county properties; therefore, the ratio of net outstanding debt to the estimated actual value of taxable property is unable to be determined; however, the ratio of net outstanding debt to the assessed value of taxable property is determinable and presented in the table.

The table above displays the growth of County debt over the past ten years. It shows principal only. The reader of the CAFR has to go to a separate set of tables on page 77 to discover that the interest amount owed is \$ 374,384,000. Thus the true combined number is the \$481,821,000 in principal, from the chart above, plus the \$374, 384,000 for a total of \$856,205,000. This will increase by over \$300,000,000 million when the loans for the Los Osos Sewer system are fully drawn down. Some County spokesmen belittle the impact by pointing out that much of debt is public utility debt for projects such as the Nacimiento Water Project and is supported by water bill payments and special assessments, not taxes. (Most people are paying both). Since most citizens and civic group staffers are probably not reading the 200 page CAFR cover to cover, the Board would do well to have a public session and explore some these issues. The \$856.2 million + \$300 million = \$1.156 billion. On a separate front, the unfunded accumulated actuarial liability of the pension system is \$326 million and growing. The Public Works Director has pointed out that the unfunded deferred road maintenance backlog is \$ 176 million. The SLOCOG Director has pointed out that the unfunded countywide (cities and County) transportation system needs (such as widening 101) are \$ 2.5 billion.

Would the Board spend as much time on an integrated and comprehensive consideration of these strategic issues as it does on a detailed discussion of the redesign of an existing gate to an existing permitted winery?

Planning Commission of Thursday, February 28th, 2013 (Cancelled)

Again there apparently were not sufficient items for a meeting. Actually the Planning Commission should be looking at strategic issues too.