COLAB SAN LUIS OBISPO COUNTY

WEEK OF MARCH 31-April 6, 2013

APCD ASKS STATE TO EXEMPT SLO FROM USELESS AG AIR REGULATIONS

SLO COG STAFF RECOMMENDS AGAINST EASING TAX VOTE RESTRCTIONS

WAAGE CHALLENGES APCD ON DUNES DUST DATA (GIBSON: OFFICIALS SHOULD NOT QUESTION EXPERTS)

Board of Supervisors Meeting of Tuesday, March 26, 2013 (Completed)

Item 14 - Children's' Bill of Rights. The Board adopted the "Children's Bill of Rights," which states that children are its highest priority. It further states that children should have adequate housing, food, medical care, education, a stable family environment, etc. Several months ago the homeless were the highest priority. At budget time, public safety is the highest priority. Back in the fall of 2012, reducing truancy was a high priority.

COLAB pointed out that the Board ought to do some real things that would actually help families and children, such as making housing easier to obtain by reforming its permitting process. COLAB additionally suggested that the Board could reform its land use ordinances to promote extended families living on the same property by allowing more granny units and more family units on farms, ranches and vineyards.

Several other speakers point out that there is already a "Bill of Rights" and that ennobling a local goals statement with such a title could be a bit grandiose. They also question whether "smart growth" would help strengthen families.

Unfortunately, there is nothing in the "Bill of Rights" that links the laudable statements to the promotion of economic growth, reducing impediments to economic growth, opening up oil and gas development (the highest paying working class jobs around), seeking the development of world class resorts, making it easier to develop head of household jobs, workforce housing, etc. It's as if the endorsers have no idea how the economy works to sustain and build family stability.

Supervisor Mecham seemed to vote for the document reluctantly and did ask that staff bring back some practical potential actions that would actually assist the development of housing.

Item 22 - Water Management and Construction Grants. The California State Department of Water Resources (DWR) awarded the County two large grants: a $10.4 million implementation grant and a $1 million planning grant. The Board approved receipt of the grants and the distribution of the proceeds to County Public Works, Nipomo Community Service District, and the City of Paso Robles.

Background: The $10.4 million implementation grant will be applied as follows: Los Osos Sewer project, $5.9 million; Oceano flood remediation, $2.2 million; Nipomo supplemental water project, $2.2 million; and administration, $55,000. The Los Osos grant will partially be used to offset costs of the project and partially to fund water saving improvements, low flow toilets, low flow showerheads, and similar devices for Los Osos residents.

Item 20 - Women's Jail Expansion Project over Budget. The project is over budget and behind schedule. The project ranges in cost from $38 million to $46 million, depending on which version is ultimately constructed. The County hired a major engineering firm to sort things out. They are at least $2.4 million over the base bid project and could use another $3+ million to do it right. The item is not clear on when they will need budget transfers or the sources.

The consultant outlined steps and analysis it had undertaken to develop a new budget and "prove" out new cost estimates". The consultant also noted controls that had built into project management to forestall future overruns. Interestingly, staff did not volunteer nor did the Board ask for a firm plan for funding the project deficits. Even more strangely, the staff did not explain how it lost control of the project and budget. The Board did not ask. In fact, Supervisor Hill stated that the Board members had been privately briefed on numerous occasions about the project, so they were fully aware of the issues.

Board of Supervisors Meeting of Tuesday, April 2, 2013 (Scheduled)

Item 4 - Request to Approve $2.1 million dollar construction management contract for the Women's Jail Expansion. The staff is recommending using an outside consultant to do the construction management for this project. They indicate that the County staff does not have the expertise. The 2012-13 County Budget shows that the General Services Department (the department responsible for managing County building and facility projects) table of organization contains 2 Assistant Capital Projects Coordinators, 4 Associate Capital Projects Coordinators, 2 Senior Capital Projects Coordinators and 1 Architectural Supervisor. These are, in addition to an Administrative Services Director, a Department Administrator and a Deputy Director. The County's Job Class Listing Table shows that an Associate Capital Projects Coordinator receives a salary of between $64,540 and $78,084 per year. Maybe they need one really high-end expert professional construction manager at $200,000 per year on staff instead of the big $2.1 million contract and so many mid- level guys.

Perhaps, had they had such expertise, the project would not be $2.4 over budget. (See item 20 above from last week's agenda)

Item 8 - Five-Year Mental Health Contract with State. This is a $65 million +/- contract with the State for the County to receive Medi-Cal reimbursement for some of the mental health services that it provides.

FY 2012-13: $2,169,655

FY 2013-14: $13,017,792

FY 2014-15: $13,017,792

FY 2015-16: $13,017,792

FY 2016-17: $13,017,792

<u>FY 2017-18: $10,848,160</u>

Total: $65,088,983

The State has based the fiscal year period for this contract on a May through April cycle, therefore, the funds for FY 2012-13 are two-months' worth (May and June) of the entire contract. Likewise, for FY 2017-18, the contract will expire April 30 and funds will cover only 10 months of the fiscal year. All other fiscal years are for 12-month periods. Additionally, the $13,017,792 State budget for 2013-14 is higher than the budgeted $11,550,208 and is in adherence with the State's requirement to include an inflated amount in order to avoid contract amendments.

For FY 2013-14, the Department provided billable services to nearly 4,000 Medi-Cal beneficiaries in San Luis Obispo County. It is anticipated that the Department will continue to provide services to at least this number of beneficiaries. The number of beneficiaries served is comparable to other similarly sized counties in the State.

They probably meant FY 2012-13. With 4000 projected Medi-Cal eligible patients and an estimated cost of $13, 017, 792, each patient will cost an average of $3,254 next year. The total Behavioral Health Budget for the County is $48.2 million. The County budget indicates that the full average annual cost for a Medi-Cal patient is $5,060 per year. The average is a composite of the cost for treating children, which is higher, and the cost of treating adults, which is lower. It is not clear if the difference is covered by County local general fund dollars, state realignment, or what.

Probably not your Beverly Hills therapist, but over $5,000 per year would be 50 sessions at $100 per visit.

Item 18 - Local Child Care Planning Council contracts transferred from County Education Office to the Community Action Partnership of San Luis Obispo (CAPSLO). The Board is being requested to transfer responsibility for staffing and administrative services for the Child Care Planning Council from the County Education Office to CAPSLO. Costs are rising at the Education Office (a government bureaucracy) and it is believed that CAPSLO, as a not for profit, would be cheaper.

In FY 2013-14, more changes are necessary in order to best serve the families and childcare providers and programs in this county. The Child Care Planning Council would like to continue to be involved with as many services as possible and doing so has become very challenging with the current economic climate and the reduced staff hours. To continue operating with limited resources, the Child Care Planning Council is requesting to transfer the LPC contracts from the San Luis Obispo County Office of Education to CAPSLO. The transfer of contracts to CAPSLO will be more cost effective due to the fact that the cost of doing business through CAPSLO will be lower than it is with the Office of Education. Lower administrative costs (staff salaries, rent and other indirect costs) will enable the SLOCoCCPC to allocate more funding toward direct services.

In 1991, the United States Congress established a Federal Child Care and Development Block Grant (CCDBG) through which each state was allocated funds to assist low-income families in obtaining child care and development services. In the same year, California Assembly Bill (AB) 2141 Chapter 1187 requested that each county establish a Local Child Care Planning Council, designate a legal entity, identify priorities for the use of the CCDBG funds, and prepare a countywide child care plan. The Local Child Care Planning Council is an advisory board to the Board of Supervisors and Superintendent of Schools. As such, the Board of Supervisors and County Superintendent of Schools are jointly designated to oversee local childcare planning council activities.

Perfect: They can have the homeless watch the kids.

Planning Commission Meeting of Thursday, March 28, 2013 (Cancelled)

The meeting was cancelled. The staff is working on adjustments to the Planned Development Ordinance (PDO) and will return on April 11, 2013 with recommendations. A key concern is whether specific language will be included to the effect that the 15 community plans (and their standards) will control (override) the PDO in their respective village areas - i.e. Templeton, Nipomo, Shandon, etc.

Air Pollution Control District (APCD) Meeting of Wednesday, March 27, 2013 (9AM County Administration Building) (Completed)

Item C-3: Rules of Procedure. The APCD updated its rules of procedure, including rules for public comment on specific items and general public comment. They actually made them less restrictive. After some pertinent and incisive public comment, the Board made several additional improvements, including clarifying provisions relating to offensive and "slanderous" speech. The effect is to support the California Open Meeting Law and protect the speakers.

Item C-1: Request to the State of California Air Resources Board (CARB) To Exempt SLO County from Useless Regulation. In a good move, the APCD Board unanimously approved requesting CARB to refrain from requiring the County to impose unproductive and costly regulations related to farm equipment on our ranchers, farmers, and grape growers.

Item C-4: Air Quality Trends In San Luis Obispo County 1991-2011 Report Questioned. Pismo Beach City Councilmen Ed Waage questioned the portion of the report dealing with dunes dust. He pointed out how certain data gaps skewed the report to make it appear that dunes dust had been increasing in recent years, when actually (the dust problem) may have been stable or may have decreased very slightly.

County Supervisor Bruce Gibson was clearly angered by Waage's questions and stated that Waage's "analysis does not hold water". He went on to say that "the report is the report –we receive this report, we go on with our lives." Waage summarized that we should have an independent review of our data, an audit. SLO Mayor Marx said that the APCD Board should listen to its staff rather than to Board members on such matters.

The problem is that these reports become the basis for policy. In this case the APCD has required the State Parks Department to undertake extensive and expensive analysis and monitoring to determine if all-terrain vehicles (ATVs) are adding to the naturally occurring blowing dust and sand. There is a fear that if mitigations fail to reduce the dust, the ultimate result would be the banning or sever restriction of activity on the dunes. This in turn would have significant economic consequences in the 5 cities area and San Luis Obispo.

A more important central question, and one that affects our whole form of government, is that if elected legislators can't question their staff, is it a democracy?

Item C-2: Establishment of an Executive Committee. The APCD Board unanimously approved the establishment of an executive committee, which would consist of the Chair, Vice Chair, and past Chair. It would focus on preparing the APCD Agenda and the annual performance evaluation of the Air Pollution Control Officer (the director). Its meetings would be Brown Acted.

San Luis Obispo County Council of Governments (SLOCOG) meeting of Wednesday, April 3, 2013 (Scheduled)

Item A-2: Regional Housing Need Plan (RHNP). This item is a request to the Board to ratify some minor changes to the housing allocation formula, which was previously presented at both the February and March SLOCOG meetings. It was discovered that there was an error calculating the employment impact component of the formula with regard to Grover Beach. This in turn required a recalculation of the entire chart. The Plan, which is mandated by the State, assigns housing zoning quotas to each of the cities and the County. Jurisdictions are not actually required to build the housing. They are required to provide the zoning, not the actual units. The larger policy significance of this issue is that it becomes yet another tool (and excuse) to promote higher densities in existing neighborhoods and thereby serves as another "smart growth" tool.

A chart illustrating the allocations is displayed below:

Employment	Population	Jurisdiction	Employment Share	X	0.6	+	Population Share	X	0.4	X	Regional Housing Need	=	Unadjusted need	%	+	Vacancy Factor (131)	-	Vacant Units Not Absorbed by 2014 (131)	=	Total Jurisdiction need	% Share
5,200	17,252	Arroyo Grande	5.42%	X	0.6	+	6.40%	X	0.4	X	4,090	=	238	5.8%	+	8	-	8	=	238	5.8%
8,400	28,310	Atascadero	8.76%	X	0.6	+	10.50%	X	0.4	X	4,090	=	387	9.5%	+	12	-	12	=	387	9.5%
6,100	13,156	Grover Beach	6.36%	X	0.6	+	4.88%	X	0.4	X	4,090	=	236	5.8%	+	8	-	8	=	236	5.8%
3,500	10,234	Morro Bay	3.65%	X	0.6	+	3.80%	X	0.4	X	4,090	=	152	3.7%	+	5	-	5	=	152	3.7%
11,800	29,793	Paso Robles	12.30%	X	0.6	+	11.05%	X	0.4	X	4,090	=	483	11.8%	+	15	-	15	=	483	11.8%
4,000	7,655	Pismo Beach	4.17%	X	0.6	+	2.84%	X	0.4	X	4,090	=	149	3.6%	+	5	-	5	=	149	3.6%
33,000	45,119	San Luis Obispo	34.41%	X	0.6	+	16.73%	X	0.4	X	4,090	=	1118	27.3%	+	36	-	36	=	1,118	27.3%
72,000	151,519	Incorporated Areas	75.08%	X	0.6	+	56.19%	X	0.4	X	4,090	=	2762	67.5%	+	88	-	88	=	2,762	67.5%
23,900	118,118	SLO County Unincorporated Area	24.92%	X	0.6	+	43.81%	X	0.4	X	4,090	=	1328	32.5%	+	43	-	43	=	1,328	32.5%
95,900	269,637	County Total	100.00%				100.00%						4090	100.00%		131	-	131		4090	100.0%

Background: The Chart above contains the analysis for the proposed assignment of housing units. The chart uses the concept of "jobs housing balance," which is planner jargon meaning that the more jobs a jurisdiction has, the more affordable housing it should be required to build.

B-4: The Regional Transportation Plan. This is an annual update of the Regional Transportation Plan, which a long-range transportation investment plan

covering the time period from 2005 to 2035. It is broken down into short-term, mid-term and long-range segments. The focus of the plan is the acquisition of funding and the distribution of that funding for key transportation improvements such as increasing the capacity of Highways 101 and 46, road and bridge improvements, transit system expansion and operation (bus), non-motorized transportation improvements such as trials and bike ways, and highway and local road maintenance (street paving and sealing). It integrates Federal, State, and local financing into a comprehensive list of accomplishments (looking back) and a forecast of future needs (looking forward). The staff summary states in part:

The Regional Transportation Plan (RTP) is our region's blueprint for a transportation system that enhances our quality of life and meets our mobility needs in the future. This RTP Progress Report (2013) is a new SLOCOG document that evaluates the accomplishments of the previously adopted Regional Transportation Plan(s). Specifically, this report focuses on key elements of the 2010 RTP within its Chapter 1 (Introduction), Chapter 4 (Highway Streets and Roads), Chapter 5 (Public Transportation), and Chapter 6 (Non-Motorized). This report does not propose new projects, services or improvements, but rather reviews our past expectations in comparison with what has been realized. Using this look back will help staff, decision-makers, and citizens to develop and provide initial input and direction into the next RTP. Projects, services and improvements are assessed to answer "How are we doing?" Additionally, the report identifies needed changes to and highlights issues for consideration in the next RTP.

The 2010 RTP is now two years closer to its 25-year horizon; approximately 8% of the way through its life and nearly halfway through the short-term (or first 5-year period). Looking at the 2005 RTP – a 20-year document, we are 1/3rd of the way through, the short-term has concluded, and we are halfway through the mid-term (or second 5-year period).

Forecast funding requirements far exceed potential sources. For this reason the Report contains an extensive discussion of the inadequacy of the gasoline tax (the highest in the country) and the need to expand it and/or develop other sources. It underscores the problem that has arisen as vehicles have become more efficient and more people use alternate transportation.

There are many bills pending in the Legislature that contain schemes to raise revenue for the State and local infrastructure deficit. Several involve a mileage tax. SLOCOG has been discussing endorsing proposals to lower tax voter override requirements. See item C-2 below.

Of course the report does not discuss economic growth as a way to naturally generate more revenue. Imagine what development of the State's energy resources could provide.

The report is well worth reading. The full report can be accessed at the link below:

https://library.slocog.org/PDFS/AGENCY_MTGS_AGENDAS/SLOCOGBOARD/2013/APRIL%202013/B-4%20ATTACHMENT%20--%20RTP%20Progress%20Report.pdf

B-6: Highway 1 Chip Seal Surface and Loose Gravel Problem. The State will conduct a test on a 1000 ft. segment of Hwy. 1 to determine if there is a way to smooth and embed the rough chips, which are hard on bicyclists and car finishes. (The Aston Martin drivers are incensed.) If the experiment doesn't work, there are 27 miles of highway which would have to be repaved at a cost of $7-8 million.

Most recently Mr. Gubbins and his staff have given their assurance that the request is being addressed presently. Caltrans Division of Research and Innovation will be teaming with UC Davis Pavement Research Center to measure the shoulder surface before and after a "test roll" of a 1,000 foot section beginning mid-March. They are performing this study to determine the most affordable and effective way to make cycling a smoother experience both in the short and long term.

And we thought that the Children's Bill of Rights (see Item 14 of Board agenda above) was the highest priority.

C-2: SLOCOG Legislative Program. This is the 3rd successive month's agenda on which this item has appeared. The key status of the key items in contention is:

1. Taxes: The staff has dropped the recommendation that the super majority voter threshold for sales tax increases and other revenue measures be reduced from 2/3rds to 55%. This is good news, and the SLOCOG needs to be monitored to insure that it remains.

2. CEQA Reform: A lukewarm compromise states: *Concur with Staff Recommendations and modify Item D to state: "Closely monitor legislation proposed to reform CEQA and reduce redundant steps and requirements while opposing measures that would deprive decision-makers of information needed to make wise decisions, or deprive communities of just and reasonable mitigation of significant impacts"*

3. A provision to endorse more taxes and fees and been watered down as follows:

~~a*) Increase State Funding for transportation: revenue from traditional sources and provide appropriate new sources of fee based revenue to broaden and increase the revenue base.*~~

Is replaced by:

<u>*Support new revenues for transportation purposes, while remaining engaged in developing specific legislative proposals that would determine allocations between the State, regions, counties, cities & transit agencies (CSAC adopted position 2/13)*</u>

4. **The SLOCOG, by requesting that dollars generated by the State's Cap &Trade program be earmarked for transportation, tacitly (if not overtly) endorses Cap & Trade:**

c) Allocation of revenue from the sale of Cap & Trade credits derived from fuels to transportation projects and programs based on the following statewide principles endorsed by a statewide transportation Coalition consisting of the League of California Cities (LCC), the California State Association of Counties (CSAC), California Alliance for Jobs, California Transit Association (CTA), Transportation California and the California Association of Councils of Governments (CALCOG): (See attached letter of support from Statewide coalition)

1. Allocate revenue to regions by a pop/road mile formula for transportation purposes.

2. Dedicate revenue to transit, road maintenance and complete streets.

3. Invest revenue in integrated transportation and land use strategies

4. Allocate revenue for development of performance measurement tools.

5. Provide incentives, assistance and flexibility to local agencies to determine how to implement SB 375 and meet GHG reduction goals voluntarily.

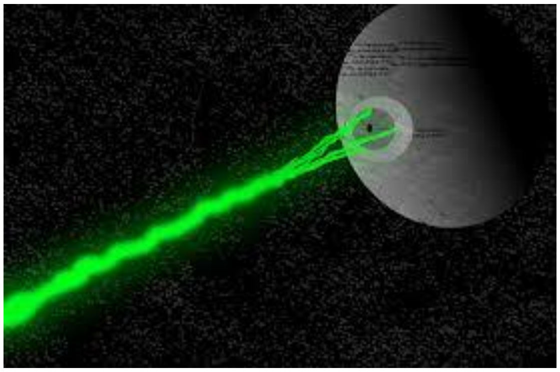
6. Program funding at the regional level under statewide criteria.

C-3: Pending State Legislation. The staff has submitted a list of some of the more potent bills impacting transportation interests (some have a much wider impact as well) which are pending in the Legislature. These include:

SB 1 - would authorize cities and counties to set up "Community Redevelopment Investment Authorities," which would constitute new quasi-independent governments which could issue tax increment backed debt, borrow money from public pension funds, supersede local plans, and conduct a number of other operations. All this would be done in the name of strategic growth and climate action planning. This bill essentially allows cities and counties to create enviro-socialist **death star machines (** new taxing structures) which could run rampant in implementing climate action plans, in reducing local control, in financing and building dense developments in existing communities and neighborhoods, and in creating new requirements, etc. The staff actually recommends opposing this one in its current form.

SB 391 - would impose a $75 fee on every real estate instrument, paper, or notice, to be paid at recording. The revenue would be used for affordable housing. This is simply a new tax. The staff recommends supporting this one.

AB 1290 - would give the California Transportation Commission additional power to enforce smart growth development at the local level through the Regional Transportation Plans, increased reporting requirements, requiring urban infill mixed use development at higher densities, and requiring developments with "residential units in a compact area with a walkable environment". The staff recommends opposing AB 1290.



In the Star Wars movies, death stars were moon sized terror weapons capable of annihilating an entire planet.