

# COLAB SAN LUIS OBISPO COUNTY

WEEK OF JANUARY 27-FEBRUARY 2, 2013

**SUPV. HILL DENIED APCD CHAIRMANSHIP  
COUNTY ADMINISTRATION GREASES WHEELS FOR  
GIBSON LEG. AIDE REINSTATEMENT**



**COLAB SLO County**  
***4th Annual Dinner & Fundraiser***  
Thursday, March 21st, 2013  
Madonna Expo Center, San Luis Obispo

Social hour - 5:30 pm  
Dinner - 6:30 pm

*Details to follow... We hope to see you there!*

**SAVE THE DATE!**



*Speaker Victor Davis Hanson*

<b>Board of Supervisors Meeting of Tuesday, January 22, 2013 (Cancelled)</b>
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The meeting was cancelled because the Board adopted a procedure under which the meeting is cancelled if it occurs on a day following a County observed holiday. Monday, January 21, 2013 was the Martin Luther King Jr. holiday, so the meeting was automatically cancelled.

<b>Board of Supervisors Meeting of Tuesday, January 29, 2013 (Scheduled)</b>
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**Item 8 - Appointment of Board Members to Various Committees and Commissions.**

The item contains a recommendation that Supervisor Gibson be appointed as the County's representative to the California State Association of Counties (CSAC). Given the current turmoil surrounding Gibson, is this the best representative of the County, its Board, employees, and citizens on this State-wide body which works on important legislative matters in Sacramento? Similarly, Gibson is proposed to represent the County on the Local Agency Formation Committee (an inter-governmental body which controls annexations).

**Item 13 - Increased Funding for the Community Action Partnership (CAPSLO) for Case Management Services.** This is a routine matter which augments a contract with CAPSLO as follows:

*The AB 109 Plan Update includes an additional \$58,034 for CAPSLO for FY 12-13. The existing contract with CAPSLO amounts to \$360,132 for an amended amount of \$418,166. The Board action adopted on October 30, 2012 amended the affiliated County Departments' budgets which included the additional revenue of \$58,034 from Public Safety Realignment revenue and an associated increase in Professional Services to fund the contract amendment for Behavioral Health, Fund.*

An issue is whether or not Supervisor Hill can vote on funding for CAPSLO. It has been alleged that he has a close personal relationship with a CAPSLO Manager.

**Item 24 - Appointments to the Homeless Services Oversight Council (HSOC).** This is a routine item under which the Board appoints citizens to the HSOC. An issue is whether or not Supervisor Hill can vote on one of the appointments, Dee Torres. He is alleged to be in close personal relationship with Ms. Torres. It appears from the Board material that Ms. Torres has excellent qualifications for the appointment. She has been an executive or manager at CAPSLO for 15 years, supervising its Homeless Services Division, and would be representing not-for-profit agencies on the HSOC.

**Item 26 - Presentation by Mike Miller, Ferguson Group, the County's Federal Lobbyist.** The write-up states in part:

*Mike Miller of the Ferguson Group will be meeting with Board members as well as various department heads and their staff on January 28th and 29th in order to begin the development of the County's CY 2013/FFY 2014 Federal Agenda and Work Plan. The purpose of today's presentation is for Mr. Miller to provide an update on the results of the Ferguson Group's efforts on behalf of the County this past year. Additionally, Mr. Miller will address any current or proposed Federal legislation that may affect the County.*

The report contains examples of matters on which the consultant has assisted the County and SLOCOG. It appears that considerable effort was expended on facilitating the grants and loans for the Los Osos Sewer system project. Given the Federal debt and fiscal cliff issues, the consultant does not forecast much practical action on matters such as highway funding. The full report can be seen at the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/1790/RmVkZXJhbF91cGRhdGVfMjAxMi0xLTExLTEzLnBkZg==/12/n/11532.doc>

**Item 31- Request for Authorization to Begin Work on the 2014-19 Housing Element.**

This item commences the next segment of the State Housing and Community Development (HCD) mandated quotas for forcing the zoning in of more housing of different economic levels. As readers may recall, the State assigned the geographic county a quota of 4,090. SLOCOG then divided the number up among the unincorporated County and the 7 cities. The County's quota is depicted in the table below:

**County's Share of Housing Needs 1-1-2014 – 6-30-2019**

Extremely Low and Very Low Income

331

Low Income

208

Moderate Income

234

Above Moderate Income

555

TOTAL

1,328

The County now has to calculate whether it has enough zoned land to provide for the 1,328 units and, more particularly, to sufficiently zone land at high enough densities to permit the low through moderate income categories. These generally require densities of 20 or more dwelling units per acre to work economically. The dilemma then becomes, which existing neighborhoods and communities will accept the higher densities and low income people. This issue is now intertwined with the "smart growth policy" of the County, which restricts rural and suburban development and requires most new development to be within existing villages. The HCD requirement becomes leverage for the "smart growers" to promote their doctrine.

The staff write-up summarizes the issue:

*While the overall countywide RHNA allocation of 4,090 is approximately 16% less than the allocation of 4,885 for the previous period, the County's share increased from 26.5% (1,295 units) to 32.5% (1,328) due to the County having a higher share of countywide employment, but approximately the same percentage of the population than the previous cycle.*

*One of the most important aspects of the Housing Element under State law is to show that enough vacant land is designated for development of housing at 20 units per acre or more to meet the needs for low and very low income households.*

#### **Planning Commission Meeting of Thursday, January 24, 2013 (Completed)**

The Commission had only 2 items on its agenda, neither of which contained broad policy concerns.

One item involved a permit for a wireless facility, which was approved.

The second was more of a wrangle. The First California Bank owns contiguous residential properties at 2150 Pine, 520-550 Los Osos Valley Rd., and 2170 Broderson Avenue in Los Osos. Reportedly, the properties are and have historically been dilapidated. The number of units exceeds the current allowable density. The Bank would like to rehab the units and rent them. The County would like the units to be torn down and the property developed in accordance with the current zoning. The Planning Director maintained that the units were uninhabited and thus any claim that the old density prevailed had lapsed. The Commission agreed with the Director and denied the appeal. The action is appealable to the Board of Supervisors.

A Planning Commission meeting scheduled for February 14 (Valentine's Day) is cancelled for a reported lack of business. Apparently the February 28<sup>th</sup> meeting also might be cancelled for lack of business. Is it possible the staff is slowing the march of new plans and regulatory items?

#### **San Luis Obispo County Air Pollution Control District (APCD) Meeting of Wednesday, January 23, 2013 (Completed)**

**Supervisor Hill Denied APCD Chairmanship.** For the 2<sup>nd</sup> time in as many weeks, Supervisor Adam Hill was denied a Chairmanship of a powerful regional body. In this case he was slated to automatically rotate into the Chairman's slot in accordance with a long term agency policy. After considerable public comment, several rounds of voting, and Board discussion, County Supervisor Paul Teixeira was appointed Chairman and Atascadero City Councilwoman, Roberta Fonzi, Vice Chair.

Initially Supervisor Gibson placed Hill's name in nomination. Then City of Grover Beach Mayor, Debbie Peterson, placed Roberta Fonzi's name in nomination. The matter was then opened for public comment. There were 29 speakers, of which 17 supported Hill and 12 opposed him. Most of Hill's supporters were residents of Nipomo and other areas affected by blowing Dunes dust in the southern County. A number of the pro Hill Speakers are regulars at APCD meetings when the Dunes dust issue is on the agenda. A number seek to prohibit

or severely curtail the use of all-terrain vehicles (ATV's) on the dunes, because they believe they stir up the sand which then increases the amount of dust blowing into their neighborhoods. They feel Hill has championed their cause. (During the debate on the nomination, Hill said he is for balance and does not favor completely closing the dunes to ATV's).

**Unnamed Lobbyist is Bothering Hill:** Susan Devine, a former Hill legislative aide, led off the public comment and tried to frame the issue. She said the rotation should be followed to avoid politics and extolled Hill's virtues as a competent, analytical, fair leader. She rhetorically asked how the Supervisors could get along and work together if any voted against their colleague Hill. Devine characterized Hill's opposition as people with "axes to grind." She emphasized that there is a "paid lobbyist" who is part of the anti-Hill group. She did not name the paid lobbyist. Another speaker said Hill was being targeted by a "paid lobby working for a small group." Again, neither the lobbyist nor the small groups were named.

Speakers opposed to Hill cited a variety of impediments to his appointment:

- His past bullying behavior.
- His attacks on those who disagree with him.
- His email castigating the State Parks Department and some officials.
- His compulsive cyclical behavior (outburst followed by "apology").
- The potential negative impact of his email on the lawsuit against the dunes dust regulation.

COLAB pointed out that the APCD is a regulatory agency which regulates oil facilities, among other industries. Hill's prior outbursts render him unqualified to head a regulatory agency, which must be absolutely fair and unbiased. (See Background below for more details.)

During the debate Hill soliloquized that "what we have before us is matter of tradition." He said he has spent a lot of time on these issues. The rotation provides a way to promote "collegiality and public trust." He went on to point out that he had "just been reelected overwhelmingly." He said he was being opposed "by a small group of people who do not like him." He went on to state that he supported the Phillips Petroleum conditional use permit for expanded product throughput at its Nipomo facility. (This was actually approved by the Planning Commission, not the Board of Supervisors). Hill stated that he had visited the Plant to show his support and had met with Plant management in his office.

Several of the APCD Board members expressed disappointment in the Hill email to State officials. They also expressed concern that they felt left out of many issues and learned of things from the media or citizens, not the District administrative boss (Air Pollution Control Officer), Larry Allen. **Note that COLAB has consistently pointed out that SLO County**

**and the various derivative agencies (SLOCOG, APCD, and IWMA) run a very tight and cozy culture. See the item below on page 8, which is a glaring example of the cozy sweep-it-under-the-rug SLO County organizational/politicized culture.**

Grover Beach Mayor Debbie Peterson discussed the need for ethical behavior implicit in the conduct of elected public officials.

**The Votes:** The first vote was on Hill. There was a 6 to 6 tie, which meant the motion failed. Those supporting Hill included Costello, Arroyo Grande; Gibson, County; Hill, County; Marx, SLO; Smuckler, Morro Bay; and Teixeira, County. Those opposed included Arnold, County; Fonzi, Atascadero; Hamon, Paso Robles; Mecham, County; Peterson, Grover Beach; and Waage, Pismo Beach.

At this point Teixeira was nominated and elected unanimously. They barely asked him if he was willing to serve. Fonzi was elected vice chair. It was time to get out of Dodge.

**Background:** The APCD is a powerful County body governed by a city councilor or mayor from each of the 7 cities and the 5 County Supervisors. In addition to generating and enforcing its own local ordinances, it enforces State and Federal laws and regulations. This body has been very forward about expanding its interference in the community in the name of greenhouse gas regulation and “smart growth”, and by enthusiastically embracing the provisions of AB 32, SB 375 and other intrusive top-down State attacks on the economy and local control. This is the agency that adopted the dunes dust regulations in an attempt to ultimately limit off-the-road recreational vehicles on the dunes. Hill’s attacks on opponents, including State Parks administrative officials, have resulted in the State Attorney General seeking to include his attack comments and other records in trial documents related to State claims against APCD.

By way of publically disparaging a State official on the dunes matter, Hill said the official should work for the Koch Brothers or Exxon Mobil. Hill denigrates those business corporations and by implication their employees, customers, and stockholders. We wonder if the County Pension Trust has, now or ever, benefited from holding Exxon, Mobil, or Exxon-Mobil (the new combined corporation) oil stock. Would Hill include other oil companies in his disparaging remarks?

**ItemC-7 - APCD 2013 Legislative Program.** The APCD Board considered its legislative program to be used to guide State and Federal elected legislative officials with respect to opposing or supporting various bills.

**A Refreshing Departure:** Supervisor Arnold astutely questioned some of the “smart growth” and global warming doctrinal items underscored in yellow below. Supervisor Mecham joined in. This is a refreshing departure from past years when the party line was shoved through without comment or question. Member Ed Waage nailed it: Why should the APCD even have a legislative program? The County has one. The County works on

legislative matters through its own lobbyists and CSAC. The cities work on theirs through the League of California Cities.

Bruce Gibson was irritated.

**Background:** *San Luis Obispo County Air Pollution Control District  
Proposed 2013 Legislative Platform*

*The San Luis Obispo County Air Pollution Control District will:*

- 1. Encourage and support legislation that facilitates achievement and maintenance of State and Federal ambient air quality standards.*
- 2. Encourage and support legislation that retains local control over air quality programs, and oppose legislation that would move overall air program responsibility from the local level to the state or federal level.*
- 3. Encourage and support legislation that retains local control over the use of motor vehicle registration surcharge fees for implementing California Clean Air Act requirements and reducing emissions from motor vehicles.*
- 4. Encourage and support legislation that provides latitude to air districts in their programs to meet air quality goals, does not remove important emission reduction programs from consideration by the districts, and does not unduly limit the ability of local boards to provide the resources needed to conduct these programs.*
- 5. Support legislation that encourages cooperation and reduces or eliminates overlap and duplication among air districts and other local entities, and/or increases the efficiency and effectiveness of the regulatory process.*
- 6. Support legislation that continues the California motor vehicle emission control program.*
- 7. Support legislation that retains and/or strengthens requirements for zero, ultra-low and low emission vehicles and encourages development of advanced hybrid, electric and fuel cell vehicles.*
- 8. Support legislation that encourages or provides incentives or funding for the use of cleaner fuels or alternative transportation.*
- 9. Support legislation that increases the viability of walking, biking, public transit and other transportation alternatives to private vehicle travel.*
- 10. Support legislation that assists local businesses in reducing greenhouse gas emissions to meet state and federal requirements.*
- 11. Support legislation that prohibits or reduces the release of cancer causing and other toxic emissions in quantities that pose a significant health risk to the public.*
- 12. Support legislation that maintains or enhances state and/or federal funding for mandated air quality programs and/or provides funding for new air quality programs adopted at the state or federal level.*
- 13. Support legislative programs to maintain or increase incentive funding available to districts for programs such as Carl Moyer that provide funding to assist businesses, agriculture and other entities in achieving voluntary early compliance with state and federal emission reduction requirements.*
- 14. Oppose legislation to eliminate or reduce the effectiveness of air quality programs currently in place in State and Federal Law.*

*15. Oppose legislation that would divert or eliminate any source of District revenue provided or passed through from the State.*

<b>COUNTY COUNSEL AND COUNTY ADMINISTRATIVE OFFICER FACILITATE RATIONALE TO RETURN GIBSON AIDE AISPUR TO GIBSON'S OFFICE</b>
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In one of the more bizarre and flagrantly disrespectful legal/administrative actions we have seen, County Counsel Rita Neal and CAO Dan Buckshi developed a rationale for Supervisor Bruce Gibson to have his administrative aide assigned back to his 2<sup>nd</sup> District Supervisorial office. As readers may recall, Gibson informed Neal and Buckshi that he and the aide Cherie Aispuro, were in a long term relationship. The two top County bureaucrats (direct Board reports) sanctimoniously announced that the aide had been transferred to the Clerk Recorder's Office to separate them in the workplace. This was explained as "County Policy." When questions were raised about how an at-will non-civil service person could be unilaterally transferred to a civil service job without passing the usual examinations, etc., the story was changed to "it's a temporary (extra help position) and the aide will have to take the tests to qualify for a regular vacancy in the future." Now it turns out that Neal and Buckshi have determined that since the position is "an at will appointment," there is no problem and Gibson can reappoint her. To "protect the County from future liability," they concocted a legal agreement under which Gibson and his aide promise not to sue each other or the County if things go sour. According to Neal and Buckshi, this makes everything OK. Were they pressured?

**Some Questions:**

Did the other Supervisors approve of this deal (or know about it in advance)?

Do the other Supervisors support this deal, either overtly or by saying and doing nothing?

Since it involves a sensitive personnel matter and potential litigation (as evidenced by Neal's insistence on the "no litigation agreement"), should this matter have been submitted to the full Board in Executive Session prior to the two high level bureaucrats moving forward?

Did Neal commit a Bar violation and/or County job description violation by serving one Supervisor in this matter, to the exclusion of the other four?

Did Neal and the County Counsel's office draw up the "no lawsuit agreement" or did Gibson hire a private attorney? In either case, were County resources used (for legal research, writing, or review) to promote one Supervisor's desires.

Or on the other hand, did Neal and Buckshi check with other Supervisors privately to get approval? If they did, they conducted an illegal serial meeting vote in violation of the California Open Meeting law, and both they and any involved Supervisors are subject to prosecution and legal sanctions.



Neal and Buckshi defend the deal on the grounds that the supervisorial aide position is at will and thus is not subject to normal County standards. What sort of example does this provide for the rest of the organization?

Do County Supervisors constitute some sort of “noble” class where normal community standards for leaders do not apply?

**Independent Investigation Required:** Once again, we recommend that the County Board hire an independent expert attorney from outside the Central Coast to conduct a full investigation of this continuously expanding scandal. The attorney should separately interview each Board member, their aides, the County Administrator, the former County Administrator, the County Counsel, and the former County Counsel. An offsite office should be set up and hours set for any employees or other witnesses to speak confidentially to the attorney-investigator. The attorney would deliver an independent report to the Board and the County Clerk for publication.

### **County’s Image Statewide:**

#### ***California Flash Report* Idiot of the Week Award: Gibson Got 3<sup>rd</sup> Runner Up for the January 25, 2013 edition:**

*Runner up #3 – San Luis Obispo County Supervisor Bruce Gibson. Back in November the story broke that this Stupidvisor had been having a longtime affair with one of his staff members. When the scandal broke, the staffer was banished into the county bureaucracy. Well, until this week, when Gibson announced that, basically, after searching for a new aide, only his lover fit the bill. So while he’s busy divorcing his wife, he has decided to return his girlfriend onto his personal staff. Seriously*

NEW SEAL OF THE COUNTY OF SAN LUIS OBISPO



I'm green for you!