

COLAB SAN LUIS OBISPO COUNTY

WEEK OF APRIL 6-12, 2014

IS THE BOARD EMBARRASSED YET?
(ONLY A LITTLE BIT AND NOT ENOUGH TO DO ANYTHING)

LAST WEEK WE ASKED:
WILL HILL BREAK YET ANOTHER PROMISE?
YES!
HE SAT ON THE DAIS AND VOTED –“ABSTAIN”
(SEE PAGES 8-9)

LOTS MORE IRRITATING STUFF

Board of Supervisors Meeting of Tuesday, April 1, 2014 (Completed)

Item 3 - Audit Finds Overcharges/Lax Controls/Duplicate Billings in Los Osos Plumbing Retrofit Contracts.

Note: This item was on the Consent Agenda in an obvious attempt to blow it by everyone.

A number of speakers commented on the report. This in turn caused the Board members to comment as well. Auditor Controller Jim Erb opined that the problems in (Los Osos) were not serious enough to question establishing a much larger program covering the entire Paso Basin (see the **Background** below for the connection). Public Works Director Ogren stated that “the impact to the Paso Basin is different.” We aren’t sure what that statement has to do with the price of baloney. The Board members seemed to think that it is a onetime small problem which can be fixed. They want it to go away. It was unclear if a plumbing company, which was the main source of the problem, had actually been suspended.

Background: On March 5, 2014, the Auditor Controller submitted a report which exposes significant problems in the Los Osos Plumbing fixture rebate program. The program is part of the Los Osos Sewer Plant project and is designed to help residents pay for the costs of mandatory water saving measures that the County imposed as part of the project to lessen the use of groundwater, which will receive less recharge when septic systems are replaced by a central sewer system. It is important to note that the County CEO, Public Works Director, and County Counsel actually requested the audit because they suspected or knew there was a problem. The very highest level officials of the County, who know there was a problem and who knew that these questions were absolutely on point and relevant to the Board’s decision, never said a word. We cannot

know for sure, but it is very likely that the Board knew of the Auditor's investigation and had some idea of the problems, which would be disclosed to them just a few days later on March 5, 2014.

Staff Cover-up: Aside from the management failures, a much more significant issue is that the staff's suspicions and the fact that the Auditor was conducting a study were covered up when the Board was approving a **Plumbing Fixtures Retrofit Program** for the entire Paso Robles Basin. During the Board meeting of February 28, 2014, the Board directed staff to implement a massive water conservation program for the Paso Basin. The relevant adopting language stated:

For purposes of implementing Ordinance 3246, the Approved County Water Conservation Program for new development shall operate as follows: 1. The County will facilitate the retrofitting of houses in the area of the Paso Robles Groundwater Basin (Basin) subject to the Urgency Ordinance. Retrofitting will target houses and buildings constructed prior to January 1994 with 3.5 gallons per flush (gpf) toilets. Houses and buildings constructed prior to 1980 used 6.0 gpf toilets; however, due to the newer age of the housing stock and natural replacement rates, 6.0 gpf toilets are not expected to be found in substantial quantities.

2. An Offset Clearance request will ordinarily be part of a building permit application for new or expanded development in the area of the Basin subject to the Urgency Ordinance.

The building permit application will be reviewed by the Department of Planning and Building, which will set the volume of water needed for offset purposes for both interior and exterior use and establish a "prior to final inspection" compliance condition with the Ordinance.

COLAB POINTED OUT THESE VERY PROBLEMS. THE BOARD BLEW US OFF.

How will the County's official plumber be selected? Will this be a monopoly?

How will the County prevent price gouging, improper appliance and toilet price markups, and collusion by the County's official contracted plumber, its subcontractors, and its suppliers?

Item 21 - Month of the Child Proclamation. Supervisor Gibson proposed a syrupy Resolution proclaiming April as the "Month of the Child." This is one of those feel good items which leftists constantly propagate instead of actually adopting policies which help the group they purport to support – in this case, children. Expert and articulate citizen Board observer and commentator, Elsa Dawson, nailed the issue perfectly in her public comment:

"I don't mean to rain on anyone's parade...Proclaiming April as "Month of the Child" sounds so caring, so compassionate.

But based on the direction this Board is taking our county with the Community Action Plans and AB 3030 measures, I have a few questions about your sincerity. How will these plans affect our children's future?

The County's overall policy reveals an effort to prohibit future rural developments and require families to live in dense urban settlements. You continue to move this plan forward even though the results of your own recent EVC survey undeniably affirmed the preference of both employers and employees for free-standing, single family homes with garages, gardens, and yards...privacy! Our children want and need homes which will protect the family as a unit.

What about our teenagers, the ones dreaming of driving, and maybe owning, their first car? But no - they cannot have their dream - we must reduce those harmful emissions down to zero (even though we have already reduced them considerably.) Will they have to switch their dream to RTA buses? But wait - due to the deferred maintenance of our roads and other infrastructure, our buses may also be at risk.

What about our college students? How motivated are they to struggle through the debt incurred for a college education only to graduate and find very few job opportunities in our community?

So what exactly does their future hold? Our children won't be able to own private property because of your progressive land use control. Driving cars will be outlawed by your Climate Action Plans. AND they will be struggling with exorbitant taxes to pay for the debt of the policies you are voting for now!

The best thing this Board can do for children is to allow their parents to operate their businesses unencumbered by oppressive fees and regulations which kill their businesses. Encouraging a healthy, robust economy raises the standard of living for children and produces young people who will be motivated, creative, productive members of society. I believe Our children would say, "Don't give us a month! - Give us a future!"

Incidentally, it hasn't escaped our attention that this "compassionate" proclamation is being issued on...April 1st! Well, we aren't "fooled" and neither are your constituents. "

General Public Comment - Adam Hill Behavior: A number of speakers commented on Supervisor Adam Hill's negative attack on the Community Action Program of San Luis Obispo which occurred after his fiancé, a CAPSLO manager, was demoted in reorganization. Chair Gibson attempted to separate himself and the rest of the Board from the issue, stating that... Hill's comments about CAPSLO are between himself and their Board, not this Board. He has recused himself from ... (votes on CAPSLO matters). Ray indicated that she had sought guidance from the County Counsel on the matter with respect to his comments and their relationship to the Board. County Counsel Neal pronounced an irrelevant verbal opinion to the effect that any one Board member's improper action does not affect the rest of the Board.

Again the Board gives tacit approval by not passing a motion of censorship and removing Hill from his committee and standing assignments on various other boards and commissions where the Board of Supervisors has authority to appoint its own members.

By The Way: Remember that just last month the Board included the following clauses in a contract for one of its major executives (Deputy County Administrator):

Among the reasons the executive is subject to dismissal are:

Failure to maintain exemplary behavior either during or outside working hours, that become a source of discredit to the CAO or Board of Supervisors

And: Discourteous treatment of the public or other employees

By not dealing with Hill, the Board of Supervisors is allowing a double standard – one for politicians and one for everyone else. And we thought that, in a democracy, the lawmakers were subject to the law.

Item 25 - Contract for Santa Barbara County to Manage the emPower Energy Home Improvement Program For San Luis Obispo County. The Board unanimously approved a contract for Santa Barbara County to run an energy conservation home loan program for SLO County.

Background

emPower was developed by the County of Santa Barbara to help homeowners countywide overcome obstacles to making energy saving improvements to their homes. By making home upgrade projects easier and more affordable through incentives, financing, qualified contractors and expert energy advice, emPower helps homeowners be more comfortable in their homes and lower utility bills. emPower teamed up with the statewide Energy Upgrade California and California Solar Initiative programs, which allow homeowners to take advantage of high-dollar utility rebates. The program also partnered with local Credit Unions in Santa Barbara County to offer unsecured loans with low rates and flexible terms of loan repayment in order to achieve manageable monthly costs.

Item 26 - Presentation on the Complete Communities Survey (Clerk's File) that identifies infrastructure needs and strategies to fund and implement needed improvements to infrastructure and public facilities in four unincorporated communities: Nipomo, San Miguel, Oceano, and Templeton. The Board (and especially Supervisor Ray) was not happy with the report because it was too general and contained mapping and factual errors about sidewalks, community facilities and other matters. Staff was sent back to work on the matter and told to return when the problems were fixed.

The larger policy issues about how the money would be raised to pay for the enormous need for capital improvements (\$504million) to implement the high density community plans were largely ignored.

Background: This item contains the presentation of a State funded consultant study which examined the need for utilities, libraries, water supply, parks, street improvements, and overall community design for San Miguel, Templeton, Nipomo, and Oceano between now and 2035. The County will have to find ways to fund infrastructure to carry out its plan for stack-and-pack housing in the four target communities.

Board of Supervisors Meeting of Tuesday, April 8, 2014 (Scheduled)

Item 2 - Drought Update. Every 30 days the staff provides an update on the drought and related County activities. It will also renew the declaration of the drought emergency proclaimed in March. The report contains a variety of charts and details County activities that seem to be largely comprised of meetings and ongoing handwringing about the potential impacts to agriculture and the economy. There is also considerable concern about increased wildfire potential. Quick and practical solutions proposed by ranchers and others, such clearing the cottonwoods and willows out of streambeds and the Salinas River, which soak up huge amounts of water, are not on the list. Similarly, cutting weeds such as Star Thistles, which suck up water, is absent from the list. The County's own environmental policies (fostered by the enviro-left) make such actions difficult to impossible.

Since there is a state of emergency, couldn't the County waive all permits for such activities and coordinate a proactive systemic approach?

San Luis Obispo County Precipitation Totals (in inches):

Community	Rainfall Total Received from Last Update (3/8/14 to 3/24/14)	Rainfall To Date 3/24/2014	Avg. Rainfall
Nipomo South (730)	0.00	3.228	16
Lopez Dam (737)	0.00	6.710	21
SLO Reservoir (749)	0.00	6.89	25
Los Osos Landfill (727)	0.00	5.472	20
Cambria (717)	0.00	5.276	22
Rocky Butte (703)	0.00	9.094	39
Santa Margarita (723)	0.00	6.614	26
Salinas Dam (719)	0.00	5.787	23
Atascadero (711)	0.00	4.764	18
Templeton (762)	0.00	4.843	14.7
Paso Robles (city)	0.00	4.99	14.33
Hog Canyon (709)	0.00	3.071	16

Source: www.slocountywater.org County of San Luis Obispo-City of Paso Robles Website

Reservoir Levels (% of capacity):

Note: Historical averages calculated using data from the following time frame:

Nacimiento: 1959 – 2013; Lopez: 1994-2013; Salinas: 1987-2013; and Whale Rock: 1985-2013.

Reservoir	% of Capacity	Avg. % Capacity	Updated
Nacimiento	22%	62%	3/25/2014
Lopez	56%	78%	3/25/2014
Salinas	38%	77%	3/25/2014
Whale Rock	55%	79%	3/19/2014

Source: www.slocountywater.org County of San Luis Obispo

The full report can be accessed at the link:

http://agenda.slocounty.ca.gov/agenda/sanluisobispo/3230/QXR0YWNobWVudDFfTW9udGhs_eSBEcm9lZ2h0IFVwZGF0ZS0gU2FuIEExIaXMgT2Jpc3BvIENvdW50eS5wZGY=/12/n/26801.doc

Remember and as various statisticians have always known: “Never let a good crisis go to waste.” (Joseph Goebbels and Rahm Emanuel among others).

Item 6 - Gibson Travel to Berkeley. In among the travel expense reports filed by Board members is one from Supervisor Gibson for travel to Berkeley. The purpose was stated as “IPRP.” Could this be a meeting with the International Plan for Recovery of Plutonium to study the risks of stored spent nuclear fuel rods.

Item 10 - Appointments to the new Paso Robles Groundwater Committee (Successor to the previous Blue Ribbon Advisory Committee.) The write-up state in part:

The Paso Robles Groundwater Basin (Paso Basin) Advisory Committee (AC) was formed on January 28, 2014, to advise the Board of Supervisors, acting either as the San Luis Obispo County Flood Control and Water Conservation District or San Luis Obispo County, concerning policy decisions relating to:

- 1. Implementation of the Basin Groundwater Management Plan*
- 2. Development of an “enhanced” Groundwater Management Plan for the Basin*
- 3. Formation of a new water district*
- 4. Transition of an initial County-supported district to an independent district*
- 5. Other policies and ordinances*

Number 4, highlighted in yellow, is significant. There may be delays in obtaining enabling legislation to create a Division 13 California Water District over the Paso Basin. It would appear from the highlighted item that someone contemplates creating a County-dependent district in the meantime and then transitioning it to independence.

The lists of appointments by category can be accessed at the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/3222/UFJHQiBBdHQgMSBSZWNvbW1lbmRlZCBNZW1iZXJzaGlwIFBERiBBLnBkZg==/12/n/26711.doc>

Item 16 - Renewable Energy Study Session. The Board will conduct a study session to review the recommendation from the Planning Commission to make it easier to obtain permits for renewable” energy projects. The County seems to define renewable energy as wind, solar and geothermal. Nuclear and hydro are conspicuously absent because they are considered taboo in the enviro-socialist creed. You would think that since the enviro - socialists are always bragging about how science-oriented they are, they would recognize that nuclear is one of the fundamental renewable sources in the Universe.

The write-up states in part:

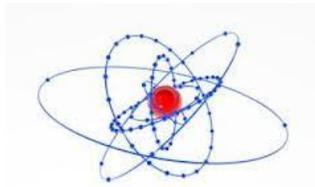
This grant will enable the adoption of streamlined County policies, regulations and processes that encourage renewable energy development, in particular, small to mid-scale solar and wind energy projects consistent with the Community-wide Results of a Healthy, Livable and Prosperous Community. The proposal will also be of use as a pilot to other county land use jurisdictions that may wish to streamline renewable energy development.

Key provisions of the effort include:

- The use of local renewable energy resources will be maximized as part of an overall energy portfolio. (COSE Goal E 6)*
- Evaluate large-scale commercial solar projects (i.e., over 10 megawatts) to favor technologies that maximize the facility’s power production and minimize the physical effects of the project. (COSE Policy E 6.2, Implementation Strategy E 6.2.1)*

- *Encourage and support the development of solar and wind power and other renewable energy systems as commercial energy enterprises, and ... examine the potential for use of previously disturbed sites such as former mine sites, or disturbed urban areas such as parking lots. (COSE Policy E 6.2, Implementation Strategy E 6.2.3)*
- *Encourage distributed energy resources to increase the efficiency of the power and transmission system and use of local renewable fuel sources. (COSE Policy E 6.6)*
- *Designate and protect areas that contain renewable energy resources such as wind, solar, geothermal, and small hydroelectric. (COSE Policy E 6.8)*
- *Where renewable energy resources have been identified and mapped, renewable energy shall be given high priority while balancing the protection of other environmental resources. (COSE Policy E 6.9)*

Note that the item highlighted in yellow above suggests the concept of “greenlining.” Will the County draw buffer zones around potential renewable energy sites, which will prohibit other current or future land uses within their boundaries? For example, you cannot build homes within a stipulated distance from an area designated for windmills. This could become yet another anti-development and property confiscation tool.



Item 19 - Appeal By McDonalds Restaurant Corporation of Refusal of the Planning Commission to Allow Drive-Up Window at its Proposed New Los Osos Facility. The staff report summarizes the issue:

On February 19, 2014, MWF Properties LLC and McDonald’s USA LLC filed appeals of the Planning Commission’s decision. The applicant and property owner are appealing condition of approval 1c. Condition 1c states no drive-through is allowed.

Staff Response: The applicant proposed a drive-through for the new restaurant, using the existing drive-through at the site that was used by a bank that closed approximately eight years ago. The Planning Commission listened to testimony from community members, reviewed the project analysis in the staff report and the Initial Study and determined that the drive-through component could impact the circulation of the shopping center. The adequacy of the traffic study was questioned by Commissioners. Concerns were raised that patrons of the shopping center would become stuck in their parking stalls waiting for the drive-through line to move. Testimony from the public was not supportive of the drive-through. Members of the public and the Planning Commission were concerned that the addition of a fast food restaurant with a drive-through would change the unique character of their town and requested that this use not be allowed, until the update of the community plan is finished. In addition, removal of the drive-through component of the project would eliminate the 24 hour aspect of the project (the drive-through was proposed to be open 24 hours a day) and removes a significant amount of directional lighted signage. Staff has included revised findings supporting the removal of the drive-through, consistent with the Planning Commission’s decision.

There is considerable community opposition to the restaurant itself. During the Planning Commission hearing, a McDonald's representative stated that "if there is no drive-up window, there will be no restaurant."



Will the Supervisors Be Luv'n It?

Planning Commission Meeting of Thursday, April 10, 2014 (Scheduled)

There are a number of technical matters on the agenda, which at this time do not seem to rise to major policy status. One is the annual update of the Nipomo Growth Management Ordinance, which regulates the number of new building permits that can be issued every year. There is no change of the existing formula. This item will ultimately make its way to the Board of Supervisors and at that point will be accompanied by data about permit trends.

San Luis Obispo County Council of Governments (SLOCOG) Board of Directors Meeting of Wednesday, April 2, 2014 (8:30 AM)

Item 1-1: Joint purchase of a property at 40 Prado Lane. The SLOCOG, in its role as Board of the Regional Transit Authority (RTA), approved purchase of a portion of the property to serve as the RTA administrative headquarters and bus maintenance facility. The Community Action Agency of San Luis Obispo County (CAPSLO) also seeks to purchase a portion, which would be used to locate its proposed Homeless Service Center. The two agencies could not afford the entire property on their own. Neither agency needs the entire property. RTA would use 68% of the property and CAPSLO would use 32%.

Hill didn't actually recuse himself during the hearing, sat there through consideration of the entire item, and voted to abstain. THIS IS NOT A RECUSAL. The law prohibits a public official from voting on an issue when a "reasonable person" would suspect a conflict because of financial ties or the interest of a spouse or family member. It also includes a catchall category for "any other commitment or relationship that is substantially similar" to those spelled out.

Hill, in his prior week “apology,” promised to recuse himself from any matters pertaining to CAPSLO. This means, when the item is called by the Chair, the person with a conflict states the conflict, rises, and leaves the dais and does not return until the matter is completed. Hill’s presence on the dais could be construed as intimidating. COLAB asked the SLOCOG Board and Hill on the record, if he was going to recuse himself. He nodded yes, and because he did not speak, COLAB stated in the record that he nodded yes. Then, instead of leaving, he remained on the dais and voted. An abstention is a vote. Neither the SLOCOG Chair nor the SLOCOG Counsel intervened.

Hill actually saw an example of how a recusal is supposed to work just the day before. Supervisor Arnold, during the BOS meeting, stopped the proceedings on a matter because her son may be working as subcontractor on a project related to the item under consideration. She stated her potential conflict, left the Dais, and did not return until called back by Chair Gibson.

No doubt Hill did not want to stand and take the walk of shame in front of the entire SLOCOG Board and the audience.

Another promise broken.

Background: As noted above, the County is being requested to contribute \$250,000 now (and undoubtedly much more in the future). This raises the issue of how Supervisor Adam Hill can participate in any vote on such funding. He is doubly conflicted. On the one hand, his fiancée (and soon to be spouse) is a CAPSLO Manager in charge of part of the CAPSLO Homeless Services. On the other Hand, Hill’s fiancée was recently demoted in CAPSLO reorganization. As a result, Hill has become suddenly and very overtly critical of the CAPSLO management.

1. On either account, how can Hill be allowed to vote on this matter?
2. This situation is just the latest in a long litany of Hill outrages.
3. The other members of the Board of Supervisors and the Board of SLOCOG had nothing to say about the CAPSLO Board of Directors’ recent official complaint about Hill’s threats and intimidation?