



COLAB SAN LUIS OBISPO COUNTY



WEEK OF JANUARY 18-24, 2015

SAVE THE DATE
6th ANNUAL
DINNER &
FUNDRAISER
COLAB SLO  **2015**

Thursday, March 26, 2015 • Alex Madonna Expo Center
Social 5:15 p.m. • Dinner 6:15 p.m.

Keynote Speaker Ben Shapiro is a Shillman Fellow at the David Horowitz Freedom Center, as well as a nationally syndicated columnist, a *New York Times* bestselling author and a graduate of Harvard Law School. Ben Shapiro has been endorsed and honored by Political and cultural leaders. Currently, Ben Shapiro is an editor-at large of *Breitbart News* and the host of *The Morning Answer* on KRLA in Los Angeles.

NO BOARD MEETING ON JANUARY 20, 2015

**BOARD ELECTION OF CHAIRMAN AND VICE
CHAIRMAN WILL BE DONE OVER
(DATE NOT CERTAIN-MAY BE JAN. 27 OR FEB. 3 2015)**

**COULD A SOLAR FARM OR WIND FARM BE
YOUR NEW NEIGHBOR?**

Brown Act Violations and Election of a Board Chairman and Vice-Chairman

The following discussion is divided into two parts, I-Procedural and II-Policy Substance.

I- PROCEDURAL

Special Public Comment Period. The Board of Supervisors agendized a special public comment period in an attempt to forestall legal actions and fines as a result of its violation of the California Open Meeting law (the Ralph M Brown Act). The violation(s) occurred when the Board held a special meeting on Monday, January 5, 2015, to swear in newly and re-elected County officials. It also elected Frank Mecham as Chairman and Adam Hill as Vice-Chairman for 2015. The swearing in of the newly elected officials was ceremonial and contained no policy. The election of the Chairman and Vice-Chairman is a policy matter. The problem was (and is) that no general public comment for matters not on the agenda was scheduled or noticed and no public comment for the item on the election of the Chairman or Vice-Chairman was noticed or conducted.

- a. The Board and County Counsel have inferred that this was an inadvertency, and they have apologized. They have also written a letter promising not to allow the situation to recur in future years. There is no way for lay citizens outside the upper reaches of County government to know what really happened. A good assignment for the Civil Grand Jury would be calling in each Board member separately to swear them and question them about what they know about the preparation of the agenda for January 5, 2015. They should similarly question the County Administrative Officer and the Clerk of the Board (and her staff) to ascertain how such an inadvertency occurred, since the practice at all prior officer appointment sessions included noticed opportunities for public comment. Presumably the Jury cannot question County Counsel, as she is protected as the Board's attorney.
- b. This notwithstanding, there is indicia that at least 3 members of the Board may have sought to avoid controversy during the meeting.
- c. Moreover, it turned out that they sought to forestall any substantive discussion of the adequacy of fairness of the traditional rotation of Board members through these leadership offices.
- d. It is rumored that Supervisor Arnold was desirous of being elected Vice-Chair. It is also rumored that at least 3 members were vigorously opposed to the election of Supervisor Arnold because she has been a consistent questioner and critic of certain Board policies. She has been especially critical of the overall Paso Water Basin initiatives, restrictions, and pending policies.
- d. As a result of the failure to properly notice and conduct the legally required public comment periods, Los Osos Citizen activist Julie Tacker filed a formal legal demand for the Board to remediate the situation.

e. Probably on the advice of county Counsel Rita Neal, Board Chairman Mecham (and perhaps other members) determined to schedule a special public comment period on the meeting of January 13, 2015. The notice of that special public comment period came out late on Friday, January 9, 2015, long after the regular agenda and its component items had been posted earlier in the week. Had COLAB not spotted the item and published an Alert, it is not known if very many citizens would have been aware of the special public comment period. The Cal Coast News also covered the item.

The Special Hearing Could Not Have Cured and Corrected the Violation: During the special January 13, 2015 public comment period, COLAB pointed out that simply conducting a hearing after the fact could not possibly cure and correct the problem because the Supervisors had already voted. It would be legally and logically impossible to correct by conducting comment on a matter which had already been settled.

There was more than one Brown Act Violation: The second violation occurred because there were two separate votes. The first vote (5/0) was the one in which Mecham was elected Chairman. He became Chairman that instant. Gibson, who was the incumbent Chairman, should have stepped aside and passed the gavel to Mecham. Instead, he continued to hold the chair and gavel when the second motion for Vice-Chairman was considered.

The third violation (of both the Brown Act and the Board's own Rules of Procedure) occurred when Gibson (who was no longer actually chair) refused to allow Supervisor Arnold to discuss the rotation. It turns out that Arnold was going to propose that the Board schedule a separate item at a future meeting to review and consider the adequacy of the rotation system, in general, with a look toward possible future reform and better fairness. Gibson curtly cut her off stating, "We have already discussed this." In fact, he had no idea what she was going to say. He probably thought that she was going to question the rotation being proposed that day or that she might question the wisdom of electing Hill as Vice-Chair, given his years of aberrant behavior and open hostility towards various segments of the community. In the end, Gibson, who was no longer Chair, cut off discussion even before it started.

Public Comment – Actions on January 13, 2015: Somewhere between 12 and 15 people spoke during the special comment period. The Brown Act violation, the lack of prudence in appointing Hill Vice-Chair, and the arrogance of Gibson were covered. COLAB and several other speakers suggested that there had to be a "re-do," that is, the election of Chairman and Vice-Chairman must be noticed for a future meeting, public comment held, and a new vote conducted.

At this point in the meeting the Board ignored the request for the "re-do," and when Arnold actually was allowed to propose her idea of studying the rotation issue at some future meeting, the Board ultimately voted to direct the staff to agendize it. Interestingly, Chairman Mecham asked if she had anything else. Were he or County Counsel secretly hoping she would propose the "re-do"? Arnold said no, she was done.

Supervisor Compton Asks the Critical Question: Supervisor Compton asked County Counsel Rita Neal if the just completed public comment period and letter promising not to omit public

comment at future elections of Board officers were sufficient to cure the matter and protect the County from future legal action and to erase the now admitted violation. Neal answered in the affirmative. But, she then interestingly listed off various alternative actions that the Board might take, including rescheduling the item (the re-do). Neal did not make a recommendation, but was she beckoning a vote on a “ re-do”?

The Bathroom Break: Chairman Mecham then called a 10-minute break because the Board had been sitting for over 2 hours. After the break and when the Board was seated, Chairman Mecham called the meeting back to order and stated that he was concerned about transparency and openness. He stated in part, “In terms of the current issue we need to get this past us.” He then proposed that the matter be rescheduled for January 27 or as soon as possible thereafter, noticed, and that a new public comment period and vote be scheduled.

Gibson and Hill did not like it one bit (paraphrasing):

Gibson: We listened to all these people – there was not one new face. We have much more important issues, such as the water issues. We sat and listened for over an hour.

Hill (somewhat petulantly): We are reacting to a small group of people who come all the time. If my supporters came and attacked you, Mr. Mecham or Ms. Arnold or Ms. Compton, I would disavow them. He then went on to accuse a group which he did not name of organizing the speakers. He said that group was attempting to break up Board collegiality. He had said that he been told this by someone supposedly familiar with the group.

After further discussion, the board voted 3/2 (Hill and Gibson dissenting) to reschedule.

DATE IN DOUBT

As of this writing the date for the “re-do” has not been set. The County Administrator is concerned that the Agenda of January 27th is already too crowded. It also contains “major water items.” A possible date would be February 3, 2015.

II- POLICY SUBSTANCE

Key policy issues implicit in the re-do/re-vote include:

- A) Why is Supervisor Arnold not being given a chance to serve as Vice-Chair during her first term?
- B) Why Supervisor Hill should not be appointed Vice Chair.

1. Supervisors Gibson, Mecham, and Hill have all served as Chairman of the Board. Gibson and Mecham (including his current appointment) have served twice. Lynn Compton is brand new. Why has Supervisor Arnold been excluded from the rotation under these circumstances?

- a. She is forthright in asking questions and in some instances opposing certain portions of the County's water policies.
- b. She personally lobbied heavily in Sacramento to amend AB 2432 to require a popular vote of all property owners in the Paso basin as the threshold vote to approve a water management district.
- c. She has voted against certain fee increases.
- d. She has voted against Hill for leadership positions in the past (Board, APCD, and SLOCOG).
- e. She has an innate and humble respect for her constituents and the public. She rejects the arrogance of the entitled left.
- f. She voted against the Board raises.
- g. She has voted against portions of the Legislative program which promote increased authority to tax and which weaken Proposition 13.
- h. She Supported Lynn Compton's candidacy.
- I. She would not cave to verbal bullying from Gibson and Hill.
- j. We, of course, have no idea what transpires in Executive Session but suspect there could be disagreements.
- I. She asks too many questions for some people.
- j. She would be a fair and open Chairwoman of the Board and would make the County Government more transparent. For example, what if she placed on the agenda a status report on the Los Osos Sewer Project which included detailed financial, progress, and grant/loan conditions compliance data?
- k. She has an impeccable personal record and character.

B. Why in the world would Mecham, Compton, and Arnold Vote For Hill for Vice Chair - Especially When It's Arnold's Turn?

The rotation generally means that the Vice-Chairman becomes Chairman in the subsequent year. Both Arnold and Hill are up for re-election in 2016. Why would they vote to give Hill the power to set the agenda, control the dialog, and exploit the prestige and visibility – especially after the way he has treated Arnold?

- a. Think about how Hill characterized public speakers just last Tuesday, January 13, 2015.
- b. Think how he has voted on “smart growth” stack and pack anti-home schemes.
- c. Remember how he supported the plastic bag ban.
- d. Remember his total disdain for anyone who disagrees with him.

e. It has been suggested by some Board members (and perhaps Hill himself) that it is really not any business of the rest of the Board members to consider Hill's bullying, aberrant behavior, and substantive policy positions in determining whether he should be appointed Vice-Chairman and ultimately Chairman (for 2016). After all, it is asserted that he was elected 2 times by large majorities in his district. What business is it of the rest of the Board to judge? The problem is that Board members are only elected by district. Once in office, they govern the entire County, not just their district. They also have prominent governance powers on the APCD, SLOCOG, LAFCO, and the Waste Management Authority, as well as considerable influence in regional and state fora.

f. Remember Hill's weird and revealing New Times Column from January, 2014 (repeated below)

Adam Hill Letter/Jan 16, 2014

Who is susceptible to conspiracy-theory thinking?

Adam Hill - San Luis Obispo County supervisor, San Luis Obispo -

Not only the superficially educated and narrow-minded, not only bumpkins with bad breath and worse teeth, not only the gullible and aggrieved, not only those who are nostalgic for a past that never was, not only those who are afraid of losing control—the fire-breathers, the weapons-collectors, wearers of bespoke body armor, anonymous online trolls, lovers of Ayn Rand novels for whom the gift of literacy is truly wasted, not only the teacher's pets from cardio-prayer class, and the self-appointed scolds of free speech and the memorizers of parables about power ...

Not only them, and not only the emotionally obese whose dreams are scarily self-tunneling and find themselves most alive when watching themselves rerun on the government channel late at night while wearing a human mask ...

Not only the sufferers of psychosomatic persecutions who use their cats as food tasters, not only the scavengers of propaganda, not only the depressed and bed-crazy, not only those who hear voices in other people's heads, not only the owners of 66 books on terror, not only those who crowd their homes with canned goods and medical salts, not only the connoisseurs of cartoon porn, not only those with ominous hair and gnawing vendettas against the IRS, not only proudly unregistered voters or voters registered to parties with serpents in their logo ...

Not only them, and not only the over-medicated who've barricaded themselves behind an alternative reality as a way to hide from their own damaged lives and turn to AM radio for the comforts of hate and heart-worming pet tales ... **So is everyone who listens to KPRL, KVEC, and KUHL indulging in the "comfort of hate"? What about the people who host the programs on these stations? What about the citizens who are guests on these stations? What about their advertisers?**

And not only the adrift and the paranoid and the resentful, not only the rural white, not only the panicky liars, not only racists and anti-Semites, not only those who speak in spittled spurts about the Constitution, not only the no-longer-employable-work-from-homers, not only the smelling-impaired, not only those who would never donate their organs to strangers, not only defunct politicians, not only the fanatics, not only those who fear world music

f. What and insulting screed. How could anyone support him for Chairman?

g. Remember when Hill accused COLAB and its members of being racist? Andy Caldwell's response below dissected and exposed the true character. Hill has never apologized.

Text of COLAB's response to Supervisor Adam Hill:

By Andy Caldwell

June 23, 2011

County Supervisor Adam Hill has accused me of being a racist. He has accused 2,000 Central Coast members of COLAB of being hate-mongers. He accused the nationally renowned presidential impersonator at the Santa Barbara County COLAB dinner this past April (attended by over 800 people) of using black-face and employing a "racist lynching type of humor" as he portrayed President Obama. Hill did all of this in an email to State Senator Sam Blakeslee as he accused the Senator of pandering to hate-mongers. He then copied the press on the email and expounded further in interviews.

These are very serious accusations. Can Hill defend his statements? Don't you think he should? What proof does he offer of these allegations?

In our legal system, somebody that is accused of something has three fundamental rights in court. They are considered innocent until proven guilty. They have the right to face their accuser. And, they have the right to defend themselves. I am hoping that the good citizens of San Luis Obispo County will demand that Adam Hill give all the people that he defamed, slandered and libeled in this unprovoked attack the same rights in the court of public opinion!

Perhaps the Tribune would like to host such a forum?

I spoke at this past Tuesday's Board of Supervisors meeting. I asked Supervisor Hill to do one of two things. Either defend the accusations or retract them! I don't believe that is too much to ask of a public official who used his name and office to smear members of the public. Hill either has proof of his accusations or he doesn't. Can he defend what he said in an open forum? The next day, he offered a very weak apology for what he characterized as a broad generalization on the issue. The rest of his press release was replete with issues and instances of no relevance to the issue at hand or COLAB. His apology was no apology. He did not accept responsibility for the fact that he was completely and totally wrong to associate our organization with racism. He can't point to a single quote, mannerism, or any content of our entertainers act that could be even slightly construed as having anything to do with racial stereotyping or else he would

produce it! The only way to interpret Hills follow up is to say that he didn't mean to call ALL of our members racists! That is not a retraction.

Our organization has a right and the public should demand to hear proof from Adam Hill as versus innuendo. I want the opportunity to defend myself and the organization I represent. I consider Hill's goal to have been nothing but an unmerited and unprovoked political attack against Blakeslee, myself and COLAB using the proverbial "race-card". I don't believe he has anything to base his opinion on except that which he would distort and take out of context. In that regard, the residents of SLO need to understand this man is not telling the truth about this situation. He is too proud to apologize and accept responsibility for his statements at the expense of our reputation, and that of our good Senator and the entertainer, Steve Bridges.

Bridges is the absolute best presidential impersonator in America. He impersonates Clinton, Bush and Obama in their role and style as Presidents. Race has nothing to do with his impersonation. If he had ever said anything inappropriate, believe me you would have read about it by now.

Further, Hill accused us of being a hostile and secretive organization in his email blast. Hill has thus been trying to make political hay out of the fact that COLAB is a private organization and we don't reveal who our members are. And for good reason! We have been attacked before, just as Hill is attacking us now! So, just who are the members of COLAB?

COLAB, the Coalition of Labor, Agriculture and Business, is comprised of members of organized labor, farmers and ranchers, and members of the business community, such as doctors, lawyers, industrialists, and other family owned businesses, including those owned by Hispanics, African Americans and Native Americans; none of whom are racist. Our members are from all walks of life. We enjoy the support of democrats, republicans, and libertarians. We are non-partisan. We don't donate to candidates. We don't endorse candidates. Our goal is to preserve our quality of life, but unlike the progressives in our community, we firmly believe there is no quality of life without a job! If Hill wants to know who our members are, he could have come to one of our annual meetings attended in the aggregate by over 1,400 members.

Some folks have asked who represents Labor in COLAB as if organized labor couldn't possibly belong to a group they so desperately want to dismiss as being right-wing. During our twenty year history, we have had on our board of directors representatives from the Service Employees International Union (SEIU), the United Auto Workers, the United Food and Commercial Workers Union, the Building and Construction Trades Council, the International Brotherhood of Electrical Workers, the Deputy Sheriff's Association, the County Firefighters Union, and others. Do these organizations represent the right wing, as Hill has charged in his slam of COLAB and Blakeslee? Of course not.

We are of the opinion that Supervisor Hill is attacking us for the simple reason that we are exposing things about SLO County government that he would rather the public not know. Such things as the insurmountable debt burden of county government, the over-reaching of the Planning Dept as it undermines property values in the county, the folly of Smart Growth, among other things. These are the issues that should be the subject of our debate with Hill, not spurious allegations of racism and hatemongering. Hill is trying to deflect attention away from the real issues and our real concerns. We invite you to visit the SLO COLAB website at www.colabslo.org to learn more.

We would love to have a public forum and debate Hill and any of the other Supervisors on any of these hot topics on a regular basis! We are not afraid to defend our organization, our reputation or our positions in public. Can the same be said of Adam Hill and his colleagues??

Again, please ask yourself, and more importantly, continue to ask Adam Hill, if he has the courage and the proof to defend his outrageous attack on COLAB and by inference, Senator Blakeslee and our entertainer? Charges of racism are a serious matter, if Supervisor Hill called you a racist, wouldn't you like the opportunity to defend your reputation? That is all we are asking for unless and until he publishes an unequivocal apology and retraction.

Given a choice, why wouldn't the other members appoint Supervisor Arnold? Again, how could the Board appoint Hill as its Vice-Chairman and future Board Chairman? After all, does false collegiality trump substance?



Contact these Supervisors and ask them to vote for Supervisor Arnold for Vice-Chair:

Contact info

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Item 22 - Board Adoption of a Sustainable Groundwater Management Strategy and Direction to Staff to Implement Said Strategy. Taking advantage of the Sustainable Groundwater Management Act of 2014 (SGMA), the Board, on a unanimous vote, launched an extensive effort to create a new layer of water basin management agencies. Their work will involve setting up a new layer of government in water basins that the state considers to be at risk. Costs are unknown.

Background: This item contained a comprehensive staff recommendation for the Board to adopt a strategy to implement the provisions of the Sustainable Groundwater Management Act (SGMA) of 2014. The Law is made up of 3 separate Bills, including SB 1168, which require jurisdictions overlying certain categories of water basins to develop long-range plans and implementing regulations to bring the basins into balance.

The full document can be accessed at the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/4221/MjAxNC4xMi4yMiBTR01BIFN0cmF0ZWd5IERvY3VtZW50IDAwNCAxMI8zMV8xNCBtaCBURVNUMi5wZGY=/12/n/38572.doc>

Groundwater Sustainability Agencies

A key provision of the proposed plan is for the County to facilitate the creation of groundwater sustainability agencies (GSAs). COLAB forecast, back when SB 1168 was approved by the Legislature, that a new layer of agencies would have to be created to coordinate among the existing agencies. As the staff report indicates, each water basin is served/governed by a variety of water districts, community service districts, cities, and the County itself. Each agency has the responsibility to contribute to bring whichever basin it overlies into long-term sustainability. The problem is that some of the agencies overlie only a small portion of a basin. The cities and water districts have independent authority to control their portions of the basins. They are not subject to County water policy. But the SGMA requires that each basin be brought into sustainability, which in turn requires some method of uniform governance to allocate extraction quotas so that the ultimate basin sustainability goals can be met.

No Timeout

COLAB pointed out that given the impacts of the SGMA, the Board should declare a timeout (moratorium?) on the whole water policy program and reassess. They keep throwing more logs on the water policy fire. Sometimes this can actually smother a fire.

- a. Hold up on the district application to LAFCO.
- b. Hold up on the work to make the Paso Basin Moratorium permanent.
- c. What about adjudication? Are they afraid to hold a hearing on its pluses and minuses and to discuss it in public?

The Board ignored the recommendation and unanimously directed staff to plow ahead.

Item 25 - Paso Basin Groundwater Model. The Board unanimously approved a staff request to extend consultant contracts to further “refine” the model. The basic purpose of the model is to develop an accurate analysis of the extent to which more water is extracted from the basin than flows into the basin. The model also contains a 29-year comparative forecast which presents a no-growth scenario and a growth scenario. Obviously the growth scenario uses more water than the no-growth scenario, so by prohibiting growth it supports the County’s “smart” growth plan to concentrate further development into the cities and inside the unincorporated urban limit lines.

The County portrays the model as a benign “tool” to be used to develop policy. It will be used to justify more and more regulation of the basin, making permanent of the moratorium, and locking out new vineyards and new homes.

Planning Commission Meeting of Thursday, January 22, 2015 (Scheduled)

Item 5 - Easier Permitting For “Green” Energy Projects (Solar and Wind). The County used funding from a \$638,000 State Energy Commission grant (you paid for this in your electric bill) to prepare revisions in order that various portions of the Plan of Development and the Inland Zoning Ordinance could “streamline” permitting in some geographic areas for solar and wind projects. The write-up summary states:

This RESP is intended to encourage and streamline permitting of renewable energy projects, primarily solar and wind energy projects, in the most suitable locations in the inland area of the county. It accomplishes this primarily by revising permitting requirements in the Land Use Ordinance for certain renewable energy projects This will result in more certainty of outcome for the project developer while reducing the time and cost required to permit these projects. The RESP is funded by a grant from the California Energy Commission (CEC) that was awarded to five California counties.

Areas where such solar and wind energy facilities are now prohibited and in which they will now be allowed include:

North County Planning Area

- Stockdale and Wellsona Roads
- Spanish Camp and Almira Park
- San Miguel
- Santa Margarita
- Sites near and within Shandon
- Templeton
- Heritage Ranch and Oak Shores
- Pozo



San Luis Obispo Planning Area

- O'Connor Way/West Foothill area
- Irish Hills
- Edna and Buckley Roads
- West of Bear Valley Estates
- Squire Canyon
- Avila Valley and San Luis Bay Estates



South County Planning Area

- Tiffany Ranch Road
- Nipomo and Santa Maria (Oso Flaco) Valleys
- Willow Road/Via Concha
- Oceano
- Nipomo
- Palo Mesa



SOLAR ARRAYS IN A VINEYARD.
(Will they keep the birds away from the grapes?)

But don't try to build a single-family freestanding house with a yard and garage.