



COLAB SAN LUIS OBISPO COUNTY



WEEK OF NOVEMBER 16-22, 2014

**NO BOARD MEETING ON NOVEMBER 18TH
(COUNTY ASSOCIATION CONVENTION)**

GIBSON AND PALS ON APCD PUSH DUST RULES

**ALERT
LAFCO IS UP TO SOMETHING ON PASO DISTRICT
MEETING ON THURS. NOV. 20 ,9AM
MAY DETAIL PROCESS
SEE PAGE 5**

No Board of Supervisors Meeting on Tuesday, November 11, 2014 (Not Scheduled)

The Board did not meet on the November 11th Veterans Day holiday.

No Board of Supervisors Meeting on Tuesday, November 18, 2014 (Not Scheduled)

California State Association of Counties (CSAC) Annual Convention: There is no Board meeting as the members have an opportunity to attend the convention which is being held at the Disneyland Hotel (shown at right) in Anaheim. CSAC is the County’s lobbying organization with its primary focus on the State Legislature and State agencies. California counties are legally administrative subdivisions of the state and derive many of their functions from the Legislature.



There is constant encroachment as the Legislature thinks up new ways for the counties to bother their citizens. Of course, and very often, it is the counties themselves that are begging for authority to create more regulations, fees, and taxes. For example, the SLO Board of Supervisors

(minus Arnold) in February supported legislation which would allow counties to conduct tax override elections in the unincorporated areas separate from the incorporated cities (this one passed). It was supported on the specious theory that it's OK to endorse such provisions since they are ultimately submitted to the voters. Well, if the voters aren't clamoring for it in the first place, why does the Board, feel it has to champion the possibility? The real reason in this case is that the SLO Board majority knows that it needs \$409 million new dollars to fund the stack-and-pack plans for the "smart growth" target communities of Nipomo, Oceano, Templeton, and San Miguel. This is because the communities lack the infrastructure to support the higher proposed densities. In turn the higher densities, taller buildings, and intense urban services are needed to carry out the overall "smart growth plan," which ultimately prohibits suburban and rural development of single-family freestanding homes with yards, garages, and privacy.

Similarly the Board endorsed the idea that the Legislature should create a ballot initiative to reduce the Proposition 13 tax override vote from a 2/3rds to 55% for selected items such as capital improvements (it didn't pass). These and many other initiatives are always swirling around in the CSAC dance.

Remember Caren Ray (falsely defended by the SLO Tribune) insisted that the Board never supported legislation weakening Proposition 13 protections, even though they approved a Leg. Platform on a 4/1 vote (February 16, 2014) with Arnold dissenting, which states:

- Authorize any county Board of Supervisors to submit a sales tax increase to the voters within only the unincorporated area for their approval. Should a Constitutional amendment be proposed to reduce the Proposition 13 supermajority for the threshold, also seek inclusion in that amendment for counties to raise a tax in the unincorporated area only.*
- Reduce the approval threshold from 2/3rds to 55% for approval of various tax measures affecting roads, libraries, public facilities, etc.*

Election Perspective: Jon Coupal of the Howard Jarvis Taxpayers Association provided the update below. Clearly, protecting Proposition 13 is a major issue. Four members of the San Luis Obispo County Board of Supervisors flubbed it last year when they supported legislative action to start the ball rolling to weaken it. Let's hope they can do better when the 2015 Legislative Program is presented.

Reprieve for Prop 13

By now, most Californians have read dozens of analyses from experts and partisans alike about the meaning of last Tuesday's election. Analyzing the national scene is not rocket science. Republicans romped and Democrats took a shellacking. But understanding the impact here in ever-so-blue California is a bit more complicated. While it is true that Republicans, who tend to be more taxpayer friendly, did not win a single statewide seat, the news for fans of Proposition 13 is actually quite good. Rather than focus on the statewide races, the Howard Jarvis Taxpayers Association was laser focused on using our political muscle to prevent the tax-and-spend majority party from securing the dreaded two-thirds supermajority in both the California

*Senate and Assembly. The reason why a two-thirds supermajority is so dangerous is two-fold. First, under Proposition 13, taxes imposed by the state cannot be imposed without the two-thirds vote. As long as the minority Republicans hold firm against tax hikes, Californians will be protected. (And it's not like California needs higher taxes. We already have the highest income tax rate, the highest sales tax rate and the highest gas tax in America). Second, it takes a two-thirds vote of each house to place a proposed amendment to the California Constitution on the ballot. Had the majority party achieved the supermajority, it could have placed anti-Proposition 13 measures on the ballot at will. But, because the Democrats were thwarted in their efforts, they will have to convince their political allies – principally the public sector unions – to spend several million dollars to collect the necessary signatures to qualify such a proposal. Another observation about this year's election is that, as if there were any doubt, the branding of Proposition 13 has never been stronger. Both true Proposition 13 defenders and pretenders used Proposition 13 as a talking point in their campaigns. Turns out that those candidates who were true Proposition 13 defenders – meaning they had the endorsement of the HJTA Political Action Committee – did very well. So much, in fact, that most of the endorsed candidates won, even those whom the pundits thought had little chance of victory. **That Proposition 13 itself was such a centerpiece of this election cycle is astounding.** This landmark measure was on the ballot more than 35 years ago and yet incumbent legislators who had bad Proposition 13 votes while in the Legislature suddenly felt vulnerable. A former legislator who was openly anti-Proposition 13 lost badly to an HJTA endorsed candidate, Janet Nguyen, in a contested Senate seat. Her opponent, Jose Solorio, was in such deep trouble that Governor Brown cut one of his very few television ads this election cycle in a failed attempt to save him. As in 1978, Jerry Brown was bested by Proposition 13. But to those who think that these political victories allow us a chance to rest, think again. Already, the enemies of Proposition 13 are conducting extensive political research – both polling and focus groups – to determine how best to dismantle these critical taxpayer protections. And left leaning anti-taxpayer groups have intensified their efforts to convince local governments and school district boards to pass anti-Proposition 13 “resolutions.” These resolutions may be non-binding, but our adversaries are laying the groundwork for a repeal of Proposition 13 in 2016. That much is very clear. But for now, let's enjoy the victories just achieved. Just in time for the coming holiday, taxpayers and homeowners in California have much to be thankful for. And while we realize our reprieve will be short and that we must prepare for battle anew in a few short weeks, these victories give us the much needed hope that California can, once again, become the Golden State it once was.*

Jon Coupal is president of the Howard Jarvis Taxpayers Association — California's largest grass-roots taxpayer organization dedicated to the protection of Proposition 13 and the advancement of taxpayers' rights. - See more at: <http://www.flashreport.org/blog/2014/11/11/reprieve-for-prop-13/#sthash.rK2X1EoF.dpuf>

In contrast, CSAC provided its own summary of the election and never mentions Proposition 13. CSAC wants to weaken it. SLO County Supervisor Bruce Gibson serves on CSAC's Executive Committee and uses the County's adopted legislative program to justify his advocacy.

California Election Summary What the Results Mean for California Counties

California experienced its own version of the nationwide Republican victory. Here on the West Coast, though, it's not a question of which party is in the majority, but whether the Democrats achieve the 2/3 supermajority that would allow them to pass taxes and propose constitutional amendments to voters without any Republican votes. Republicans did as well as they could have expected, breaking the recently achieved supermajority in both the Senate and the Assembly. However, they failed to win any statewide offices.

California Senate

The Democrats lost one seat, as expected, leaving them one shy of a supermajority in the upper house. Surprisingly, all of the races where Democrats might have picked up that extra seat were not very close, and one seat that should have been very safe for the Democrat, SD 32, is running closer than expected (currently 51.8% to 48.2%).

Former county supervisor Roger Dickinson appears to have lost his same-party runoff against Richard Pan, while Jeff Stone, a Riverside County supervisor, won his same-party runoff. Current county supervisor Janet Nguyen won her Orange County race easily, as did her colleague on the board Pat Bates. Also newly elected to the Senate is Mike McGuire from the Sonoma County Board of Supervisors.

California Assembly

The Republicans needed to net two seats to break the Democrats supermajority in the Assembly, and it appears that they outdid themselves, netting three seats. This is a fairly surprising outcome, as pre-election predictions varied from Republicans picking up a maximum of two to Democrats possibly picking up two additional seats. Like the California Senate, several districts saw Democrats running more weakly than expected or Republicans running more strongly than expected, including one district, AD 66, that appears to be dumping their Democratic incumbent and switching red. Whether these are a result of historically low turnout, nonpartisan voters voting more Republican than they have in the recent past, or something else is not clear.

*One county supervisor, Bill Dodd of Napa County, is now a newly elected member of the Assembly. Several former county supervisors retained their Assembly seats: Brian Dahle, Frank Bigelow (a former CSAC president), Susan Bonilla, Rich Gordon (another former CSAC president), Mark Stone, and **Katcho Achadjian**, as well as two other former county officials who held an elected position other than supervisor, Phil Ting and Tom Daly.*

Statewide Propositions

California voters approved by wide margins the two ballot measures presented by the Legislature, a \$7.5 billion water bond and a constitutional amendment strengthening requirements for the state's General Fund reserve. CSAC supported both measures. Voters also passed a measure CSAC opposed that will require misdemeanor sentences for certain drug and property crimes instead of felonies, unless the offender has a previous conviction for a violent, serious, or sex crime. Voters roundly rejected a proposition that would have dramatically increased caps medical malpractice awards, which CSAC opposed. Voters also rejected a

proposal to give the state Insurance Commissioner authority to reject health insurance rate hikes and voted no on a measure to allow an off-reservation casino.

Congress

In one of the most heavily contested races in the country, Republican Doug Ose leads incumbent Democrat Ami Bera by 2.8%. In other close races, incumbent Democrat Jim Costa is 1% behind his Republican challenger, incumbent Democrat Julia Brownley is 0.4% ahead of moderate Republican challenger Jeff Gorell, and Democrat Pete Aguilar is 2% ahead in the race to replace Republican Gary Miller.

Former county supervisor and state legislator Mark DeSaulnier easily won his race for CD 11.

Neither of California's US Senate seats was up this year.

County Supervisors

*Forty new supervisors will be sworn in for 2015, out of California's total of 296. 25 were elected yesterday, 14 in June, and one in a special election in September. **Of the 84 supervisors who ran for re-election, 93% were successful.** Perhaps the most notable new supervisor in national news is former state Senator Sheila Kuehl, who won her race against Bobby Shriver for an open seat on the Los Angeles County Board of Supervisors.*

The achievement of Lynn Compton is underscored in the context of the statistic highlighted in yellow above. Remember that Supervisor Debbie Arnold dumped an incumbent 2 years ago.

ALERT

**San Luis Obispo County Local Agency Formation Commission Meeting of Thursday
November 20, 2014 (Scheduled) 9:AM**

C-1 : Study Session: Draft Paso Robles Basin Water District Formation Guide
(Recommend Receive and Discuss)

It is unknown what will actually transpire or what is on the agenda. As of Friday afternoon November 14, 2014 no actual agenda item (write –up) had been posted. Paso Basin residents should be vigilant and monitor this meeting. Something is up. The item title suggests promulgation of some sort of rules or outline for processing the County's application. The agenda says that this is an informational item and no action will be taken. Be careful.

**San Luis Obispo County Air Pollution Control District (APCD) Meeting of Wednesday,
November 12, 2014 (Completed)**

Item B-1: Staff from the California Air Resources Board (ARB) and California Department of Parks and Recreation (State Parks) will make presentations to the Board and public on the status of implementing Rule 1001 through the Consent Decree process, including progress to date, proposed dust controls for the coming Spring, and the long-term plan for meeting the emission reduction requirements of the Rule. The Deputy Director of the California State Parks Off Highway Vehicle Division (OHV) and representatives of the California State Air Resources Board (ARB) made a presentation on progress to lower the amount of a dust particulate (PM₁₀), which is generated by blowing dunes sand. Supervisor Bruce Gibson was quick to point out that he was not satisfied with the progress. Supervisor Hill was also unhappy, along with Grover Beach Councilwoman Bright and SLO Mayor Marx. Hill focused on the critical issue of emissivity. Emissivity is a measure of the amount of PM₁₀ generated from a particular geographic area. The question is: do areas in which OHVs are ridden generate more PM₁₀ than areas where they are not ridden? It turns out that anywhere from 2x to 5x more PM₁₀ is generated from riding areas than non-riding areas. One area close to a dust monitoring device generated 8 times as much.

The APCD has required that State Parks reduce the amount of PM₁₀. State Parks is required to develop and implement a plan to reduce the amount of PM₁₀ to a set state standard. It is believed that by slowing wind velocity close to the surface of the dunes, the PM₁₀ can be lowered. Methods to lower the velocity included spreading hay bales over large areas, encouraging the spread of plants, installing snow fence, and limiting riding in certain windy periods. Questions include:

- a. Will this work? (The state ARB representatives think it will.)
- b. Will these mitigation measures eliminate a significant portion of the riding area?
- c. What if they don't work?
- d. Should residents of recently permitted residential development in the path of the downwind plume be allowed to kill the recreational activities of State Park which have been going on for decades?

Most of the proponents of stiff regulation, except for Gibson, state that they are not supportive of forbidding the dunes recreation. At the same time, there is no clear promise to maintain the activity if the mitigations don't work.

A number of public speakers pointed out that the Nipomo Mesa (where the complainers have chosen to live) is a geologic formation made of sand, which has been blown there by the wind over millions of years. They have chosen to live in a windy and sandy environment next to a cold open ocean. As inland temperatures rise, air is drawn over the cold ocean water and onto the land by a process known as thermal advection. Choosing live in this pathway and then complaining is like choosing to live next to the Delt House fraternity and complaining about the parties and the motorcycles.

It turns out that the State Parks Department has spent over \$2 million dollars trying to comply with the SLO County APCD dunes dust order (known as Rule 1001).

It should be noted that the same people who are clamoring to shut down the dunes are also opposing the addition of rail spur tank car storage at the Phillips 66 refinery in Nipomo.

Gibson was particularly critical of the lack of a concrete interim plan to mitigate the dust during the 2015 high wind season (March - June). Will the APCD invoke the penalties under Rule 1001, which can run from \$1000 to \$10,000 per incident of exceedance?

The Broader Policy Picture: Prohibiting dunes recreation, prohibiting the parking of more tank cars at the refinery, opposing the relicensing of the Diablo Nuclear Power Plant, prohibiting the drilling of new oil wells, prohibiting the expansion of gravel mines, and prohibiting new subdivisions in some of the cities are all issues being championed by some advocates in the south county and elsewhere. Elected officials and especially the Board of Supervisors in their primary role as Supervisors and as their derivative role on the APCD are seeking technical solutions to bevel the real issue through apparent compromises. That real issue is, do they believe in maintenance and growth of an industrial civilization, which although it does have costs, provides jobs, critical government revenues that support safety and justice, and, ultimately, our standard of living?

Do you suppose that the railroad line through the Cuesta Grade could be approved today? What about Highway 101?