



## COLAB SAN LUIS OBISPO COUNTY



### WEEK OF NOVEMBER 9-15, 2014

**NO BOARD MEETING ON NOVEMBER 11<sup>TH</sup>  
(VETERANS DAY)**

**GIBSON APPOINTED TO CSAC TO RETAIN  
EXECUTIVE COMMITTEE POSITION  
PREEMPTS A JANUARY DECISION**

**LYNN COMPTON WINS 4<sup>TH</sup> DISTRICT**

#### **Board of Supervisors Meeting of Tuesday, November 4, 2014, (Completed)**

**CSAC Appointment:** The Board voted unanimously to appoint Gibson as its California State Association of Counties (CSAC) representative for 2015. Gibson serves on the CSAC Executive Committee. This assignment gives him strong influence on CSAC positions on pending legislation. It also gives him an inside track on what's going on in Sacramento and the ability to position his colleagues. For example, several years ago when Proposition 30 (the state income and sales tax hikes) were in play, he voted at CSAC to endorse the measure, thereby representing San Luis Obispo County as being in support. The matter was never placed on the agenda or voted on by the Supervisors in public. The new Board majority could replace Gibson in January as part of its organizational meeting. Whether there would be 3 votes to do so is a question. Perhaps Gibson could continue to serve at CSAC and in turn would be gracious and vote to place Supervisor Arnold in his current slot on the Local agency Formation Commission (LAFCO), since its main issue of 2015 will be the creation of the AB 1453 water district in the Paso Basin. Much of Arnold's district and many of her constituents live in the basin. Gibson lives on the northwest coast.

The Board also appointed Hill as Gibson's alternate in the event he could not attend a meeting or meetings.

**Item 35 - Report from the Economic Vitality Corporation (EVC) regarding its progress in implementing its Economic Strategic Plan with financial support from the County and other sources.** The Board listened to a 16-slide PowerPoint presentation about a number of EVC activities calculated to expand the local economy. There was no description or data demonstrating how the activities actually expanded the economy. For example: which firms expanded as a result of which activities? Which firms were recruited into the community because

of which activities? Instead, the message seems to be that somehow an overall positive climate has been established, and that accounts for any positive trends (which were themselves not detailed).

There was some lamentation in the verbal report about the lack of workforce housing, which is essential for employers to be able to recruit and retain key employees necessary for their success. At least, and insofar as the County’s scheme of land use goes for the unincorporated area, there is virtually nothing happening with respect to workforce housing or other types of affordable housing. Several charts prepared for this week’s Planning Commission meeting sum it up.

**Table 4: Trend in Residential Development – Fiscal Years 2008-2014**

Final Building Permits	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Single-Family	519	362	364	200	266	359
Multi-Family	82	114	30	22	0	0
Total	601	476	394	222	266	359
% Multi-Family	13.6%	23.9%	7.6%	9.9%	0%	0%

Note that there were no multi- family units permitted in the last 2 fiscal years by the County.

**Table 5: Housing Units Permitted Compared to Housing Element Objective for Calendar Years 2009-2013**

	Very Low and Low Income	Moderate Income	Above Moderate Income	Total
Housing Element Objective*	858	418	924	2,200
Housing units completed in 2009	18	6	402	426
Housing units completed in 2010	100	4	290	394
Housing units completed in 2011	32	2	133	167
Housing units completed in 2012	13	2	195	210
Housing units completed in 2013	8	2	316	326
Number of housing units (below) or above the Housing Element Objective	(687)	(402)	412	(677)

\* Total number units desired by the Housing Element during the 2009-2014 period.

The Board asked no questions and had no comments. The report was simply received.

**Background:** The County issued a \$148,775 contract for FY 2014-15 with the EVC. Essentially, the not-for-profit EVC serves as the County’s economic development department. It also conducts other services and programs not necessarily related to the County government. The EVC has been very successful in raising contributions (sponsorships) from many large and small businesses currently and over the years. This evinces that those businesses find the EVC program to be valuable to them.

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

The Board will not meet on the November 11<sup>th</sup> Veterans Day holiday.

## November 4<sup>th</sup> Election

**4<sup>th</sup> San Luis Obispo Supervisorial District:** Supervisor Elect Lynn Compton was the outsider candidate who was not supposed to win. “Why-- she has never even been on an advisory board.” Her opponent, Caren Ray, who was appointed by Governor Brown to fill Paul Teixeira’s uncompleted term, had the full backing of the state Democratic machine, powerful public employee unions, and numerous local elected officials. A partial list of endorsers derived from Ray’s campaign website is displayed below. Clearly Ray and her team were very proud of repeated San Luis Obispo Tribune newspaper endorsements. Of course the Tribune (a carpet bag journalistic backwater staffed by corporate lackeys) endorsement is the kiss of death in much of the County. Significantly, all 5 members of the Arroyo Grande City Council endorsed Ray, even as they converted a sensitive personnel matter into a scandal and then a cover-up.

Revealingly, whoever prioritized Ray’s list placed two safety unions with large County contracts at the top along with the Tribune. Similarly, and further down, the list contains the ruling City of San Luis Obispo leftist triumvirate of Marx, Ashbaugh and Christianson who was Supervisor Hill’s Planning Commissioner before she went on the City Council. Also note that Supervisors Hill and Gibson are not on the endorser list. No doubt their personal behavior and dictatorial demeanor were regarded as liabilities. Ray’s handlers tried to portray her as a moderate. But what is moderation? On her second day in office she voted with Gibson, to impose the so-called Paso Robles Urgency Water Ordinance, a water use and development moratorium. She did this despite repeated pleas from the affected communities that there was no real data to demonstrate an imminent threat to public, health, safety, and welfare. Of course the Tribune did everything within its power, including generating a 5-part series supporting the moratorium. The 4<sup>th</sup> district voters connected the dots. The ordinance

- The San Luis Obispo Tribune
- SLO Deputy Sheriffs’ Association
- Cal Fire Firefighters Association
- Golden State Manufactured-Home Owners League
- SLO County Filipino Community
- Brian and Johnine Talley
- Tony Ferrara, Mayor, Arroyo Grande
- Jim Guthrie, Council Member, Arroyo Grande
- Joe Costello, Council Member, Arroyo Grande
- Tim Brown, Council Member, Arroyo Grande
- Kristen Barneich, Council Member, Arroyo Grande
- John Shoals, Former Mayor, Grover Beach
- Shirley Bianchi, San Luis Obispo District Supervisor, Retired
- Karen Bright, Council Member, Grover Beach
- Matthew Guerrero, President, Oceano Community Services District
- Karen White, Oceano Community Services District
- Kris Vardas, Council Member, Pismo Beach
- Erik Howell, Council Member, Pismo Beach
- Jan Marx, Mayor, San Luis Obispo
- John Ashbaugh, Council Member, San Luis Obispo
- Carlyn Christianson, Council Member, San Luis Obispo
- Art Herbon, Retired Manufacturing Executive, South County Advisory Council Member (Nipomo)
- Don Stewart, Lucia Mar Board of Trustees
- Mark Millis, Lucia Mar Board of Trustees
- Colleen Martin, Lucia Mar Board of Trustees
- Michael Winn, Former Nipomo Community Services District Board Member Advisory Council

is a radical and illegal attempt by the current Board of Supervisors majority to shut down development in the north county. These same Supervisors, including Ray, have directed staff to draft amendments to the Plan of development and implementing ordinances backed by the police power to make the moratorium permanent and spread it to other parts of the County. Fourth District voters saw this coming.

Compton's volunteers were an especially valuable group. Members are deeply committed to limited government, private property, and liberty. They also possess a variety of skills that are very useful in various aspects of a campaign. This group could develop into a mobile strike team available for future campaigns and could replicate itself by training others in different parts of the County for future action.

The next County election cycle (Primary June 2016 and General November 2016) for Supervisor includes the 3<sup>rd</sup> District (Hill), 5<sup>th</sup> District (Arnold), and the 1<sup>st</sup> District (Mecham). Notwithstanding his normal leftist ideological proclivities, Hill has from time to time placed political expediency above those proclivities and cast a deciding vote that goes against the grain of the anti- suburban, anti- agriculture, and anti- private property doctrines inherent in the county's so called "smart growth" strategy. This happened in reference to the onerously and essentially property value eroding attempt to gut the Agricultural Cluster Subdivision ordinance. Similarly and several weeks ago, Hill was quick to state his opposition to various emerging regulatory schemes. He also recently stated that he is a fiscal conservative.

Given that he will now have two popular and fearless colleagues (Arnold and Compton) who will relentlessly challenge the current policy edifice ("smart growth," attacks on private property, massive centralized water regulation, etc.) will he abandon Gibson and betray Mecham, who has voted with him on many critical matters. Should this occur, and if the County staff cannot swiftly and imaginatively generate a whole new comprehensive policy, would Hill support sweeping restructuring? He clearly knows that a number of County programs which are important to him are not performing and are not rigorously measured or managed. It is unknown what specific strategies Arnold and Compton may have in mind. It is also unknown where Mecham stands on policy reform. There is opportunity if it is seized.



Other than that and at the micro level, perhaps Compton and Arnold, with the help of any one of the others, could persuade the County Executive Officer to include the numerous PowerPoints in the electronic agenda attachments.

**Santa Barbara County Measure P-Anti Oil Ban.** The ballot measure intended to shut down the oil industry in Santa Barbara County was defeated by over 62% of those voting. The ban would have had negative impacts on jobs and businesses in San Luis Obispo County as well as devastating effects in Santa Barbara County. COLAB of Santa Barbara County helped lead a massive information campaign against the measure. COLAB SBC produced 24 News Press editorials, 10 Santa Maria Sun half-page Op/ads, 80 radio segments of at least 15 minutes on the subject of Measure P and the oil industry, and 50 Plus interviews, speeches, and other sundry efforts to consult and help form the coalition and effort at the grassroots level.

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

**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.** This item would suggest that the APCD and State Parks Department are working cooperatively to monitor dunes dust and find a positive solution which will allow off-road vehicles to recreate on the dunes. It should be noted that legal actions challenging the APCD's actions are still underway. The agenda also includes the following items for its executive session, which would suggest all is not rosy with the collaborative approach:

Conference with District Counsel Pursuant to Government Code Section 54956.9 Concerning Pending Litigation: Friends of Oceano Dunes v. San Luis Obispo County Air Pollution Control District, ET. al. (Three Cases)

Conference with District Counsel Pursuant to Government Code Section 54956.9 Concerning Pending Litigation: Kevin P. Rice v. San Luis Obispo County Air Pollution Control District, et al.

There was no actual substantive report included with the item on the agenda. We will probably be treated to a PowerPoint during the meeting, and thus will have no opportunity to prepare in advance.

**Item B-2: Proposal for funding emission reduction projects to offset air quality impacts from the Los Osos Wastewater Treatment project using off-site mitigation funds from that project. Recommendation: Consideration and approval (Selling Indulgences).** This item provides a good example of the waste and hypocrisy implicit in much the current environmental regulatory scheme. During the environmental review of the Los Osos Sewer Treatment Project, the APCD determined that there would be harmful environmental impacts during the

construction phase. One of these impacts is that the activities would generate nitrogen oxides (NO<sub>x</sub>), which are a precursor to ozone formation. You may recall that some years ago hydro-fluorocarbons, which were used as propellant in hair spray, paint, and other pressurized product dispensers, were determined to be destructive of ozone in the earth's atmosphere and were banned. Ozone depletion could result in harmful ultraviolet rays penetrating the atmosphere causing gene mutations and other problems. Now the ozone has been restored but is itself regarded as a problem. The APCD is concerned that NO<sub>x</sub> contributes to ozone formation. So is ozone good or bad?

In any case, it was determined that nothing could be done to reduce NO<sub>x</sub> at the project site. Therefore the County would have to pay into a mitigation fund which could be used to finance future NO<sub>x</sub> reducing projects. The County has now paid the money, and APCD proposes the uses listed in the table below.

Project Categories to Mitigate Construction Phase Emissions	Funding Amounts	LOWWTP Incentive Program Category Description
1. <b>Electric Vehicle Charging Infrastructure</b>	\$30,000	Installation of an electric vehicle charging station in Los Osos. Location to be determined.
2. <b>Enhanced Voluntary Accelerated Vehicle Retirement Program</b>	\$50,000	Enhanced-VAVR incentive amounts for Los Osos residents to retire their old vehicles (\$1,200 to \$1,600 per vehicle vs. \$1,000 for current VAVR)
3. <b>Wood Fireplace/Woodstove Change-Out Incentive Program</b>	\$50,000	Incentives to replace fireplaces (\$2,000) and wood stoves (\$1,000) with heater-rated gas stoves.
4. <b>Alternative Transportation Commuter Incentive Program</b>	\$5,628	Funding for approximately 1 year of Rideshare's Back & Forth Club Visa Rewards incentives for Los Osos commuters who use alternative commute modes
<b>Total</b>	<b>\$135,628</b>	

It should also be noted that in addition to the \$135,000, the APCD is charging the County \$20,000 for "administration".

The staff report indicates that the NO<sub>x</sub> will be a problem for neighboring "sensitive receptors" in Los Osos. This seems to be a euphemism for the neighboring residents. In the end, here is the "perfect" bureaucratic solution. The sensitive receptors still get to breathe the NO<sub>x</sub>. The project costs \$155,000 more than it would have if this fee had not been levied. (Remember, the total project cost is passed on the Los Osoans in the form of special assessments, higher taxes, and a sewer fee.) The APCD staff rakes off \$20,000, which can be used for raises or whatever. Oh well, at least the Los Osoans will have a place to charge their new Teslas after they trade in their old vehicles under the Enhanced Vehicle Retirement Program.



**Central Coast Regional Water Quality Control Board (CCRWQCB) Meeting of Thursday, November 13, 2014, 9AM, 895 Aerovista Place, San Luis Obispo (Scheduled)**

**Item 15 - Alternative Well Users Notification Procedures.** The Ag. Order, which requires that farmers treat field runoff and /or recharge water which percolates back into the ground to the quality of drinking water, contains a provision that where exceedances are detected, the well operator and CCRWQCB must notify those people served by the offending well. Remember that some of the levels defined as exceedances are minute. Nevertheless, the Board will be considering alternative notification requirements.

The language in the staff report is confusing. Moreover, privacy issues are in play. This is a good example of the progressively more intense regulatory process run amok. The text states in part:

*As individual growers and the CCGC implement the groundwater monitoring requirements of the Agricultural Order, the potential severity and urgency of the health issues associated with drinking water with high concentrations of nitrate continues to be a high priority for the Central Coast Water Board. Consequently, the process to effectively notify well users of these conditions has become an important aspect of the Irrigated Lands Regulatory Program.*

*In conclusion, with regards to the CCGC drinking water notification process, three options are available to Water Board staff:*

*1. Maintain the status quo: As presently constructed, the information that the CCGC submits does not allow staff to verify that notification has occurred for domestic wells that exceed the drinking water standard for nitrate.*

*2. Require CCGC to provide all notification letters: This option allows for Water Board staff to verify notification has taken place, but does not factor in concerns of some CCGC members regarding privacy and security.*

*3. Require additional information that allows Water Board staff to associate CCGC Field Point Name with Ranch-specific Global ID: This option provides staff sufficient information to verify that notification has taken place, while providing consideration for CCGC member concerns as stated above.*

*Option 3 allows Water Board staff to verify CCGC member compliance with the Agricultural Order for domestic wells that exceed the nitrate drinking water standard by providing staff with sufficient information to audit notification process. As such, Water Board staff finds that Item No. 15 6 November 13 - 14, 2014 CCGC's drinking water notification process is functionally equivalent to the Water Board's drinking water notification process for individual growers. Water Board staff has discussed these issues with both CCGC and CRLA. Additionally, staff*

*concludes that sufficient information is available in the case that the Water Board has a need to follow-up on a particular drinking water exceedance.*

*Discussion of this item and subsequent direction from the Board satisfies the CLRA request for discretionary review of the CCGC groundwater monitoring program and the Executive Officer's approval letter as it relates to this issue.*

Ag. Organizations representing farmers with irrigated operations subject to the Ag. Order should obtain clarification from the staff. If this raises more red flags, they should be prepared to file comments.

**Veterans Day 2014: Remember and Recognize**

