



COLAB SAN LUIS OBISPO COUNTY

WEEK OF DECEMBER 20-26, 2015



COLAB 7th ANNUAL
San Luis Obispo County

DINNER & FUNDRAISER

SAVE THE DATE

Friday, March 11th
Alex Madonna Expo Center

Tickets go on sale January 11th
Tables \$1,100.00 Individual Tickets \$125.00 each



*One of the Biggest Parties in San Luis Obispo County
You Won't Want to Miss It!*

COLAB San Luis Obispo County
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ALERT
PROPOSED MARINE “SANCTUARY”
FEDERALIZING YOUR FISH



**National Oceanic Atmospheric Administration (NOAA) Hearing Wednesday
January 6, 2016 - Morro Bay Vets Memorial Building, 209 Surf Street
6:00 PM**

THIS WEEK

**BOARD OF SUPERVISORS AND OTHER BOARDS
DORMANT FOR 2 WEEK WINTER RECESS**

LAST WEEK

**BOARD APPROVES YET ANOTHER GOVT.
HOME LOAN/ENERGY BOONDOGGLE &
WELFARE FOR THE RICH**

**IN HOME SUPPORTIVE SERVICES COSTS
AND STAFFING EXPANSION
(GOVT. JOB & OVERTIME FOR TAKING CARE OF YOUR GRANDMA)**

MARIJUANA FARMING REGULATIONS TO BE DRAFTED / ACTION AVOIDS REAL IMPACT ISSUES

**(LIKE GLOBAL WARMING, THE BENEFITS OF MARIJUANA ARE
“SETTLED SCIENCE” BUT WILL THEY LEAVE YOUR CHILDREN
DOCILE, DEPENDENT, AND DEFENSELESS — SEE PAGE 6**

SLOCOG RUSHED AGAIN

(BOARD NEEDS TO DEDICATE A FULL DAY PER MONTH)

IMPORTANT STATE SUPREME COURT DECISION ON CEQA

THIS WEEK’S HIGHLIGHTS

None- No Board of Supervisors Meeting on Tuesday 22, 2015 (Not Scheduled). There will be no Board meeting as there will be a two week winter recess. Other bodies are also dormant.

LAST WEEK’S HIGHLIGHTS

California State Supreme Court Decision of December 17, 2015 - CEQA

CALIFORNIA BUILDING INDUSTRY ASSOCIATION (CBIA), Plaintiff

Versus

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) A135335, A136212
MANAGEMENT DISTRICT, Alameda County, Defendant**

CBIA sued BAAMQD after it promulgated a regulation which required agencies to conduct a California Environmental Quality Act (CEQA) impact analysis on the residents or users of a proposed project. CBIA argued that the purpose of CEQA was to analyze the impacts of a proposed project on the environment of the surrounding, potentially impacted community - not the project itself. CBIA won in the Superior Court, lost in the District Court of Appeals, and has a partial win in the State Supreme Court. The decision summary states:

In light of CEQA's text, statutory structure, and purpose, we conclude that agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment — and not the environment's impact on the project — that compels an evaluation of how future residents or users could be affected by exacerbated conditions. Our reading is consistent with certain portions of administrative guidelines issued by the California Natural Resources Agency (Resources Agency), to whom we owe a measure of deference in a case such as this one.

This could have some interesting impacts. For example the SLO County APCD has adopted regulatory measures to control fermentation gases from winemaking. It charges wineries annual permit fees to inspect wineries. There are no indicia that wine fermentation gases harm the neighbors, the general public, or let alone, the countywide environment.

Interestingly, and in a bit of irony from the standpoint of “smart growth supporters,” the Court pointed out that:

During the public hearing process, CBIA (before BAAQMD) expressed concern that the District's proposed thresholds and guidelines were too stringent and would make it difficult to complete urban infill projects located near existing sources of air pollution. CBIA claimed the proposed thresholds would require environmental impact reports (EIRs) for many more projects than before, and would result in non-approval of other projects. If these infill projects were not feasible, CBIA argued, development would occur in more suburban areas and result in even more pollution from automobile commuter traffic.

The Court agreed. How should this impact APCD's greenhouse gas thresholds, which are especially pointed at larger denser residential projects?

The link below leads to the actual Court decision. It is interesting to read in relation to the specific subject. It also contains a very nice discussion of the purpose of CEQA and its current state.

Board of Supervisors Meeting of Tuesday, December 15, 2015 (Completed)

The December 15th meeting was the last one of the year. The Board will reconvene on Tuesday, January 5, 2015, after a two-week winter recess. Election of a Board Chair and Vice-Chair will lead off the agenda. Under the normal rotation system Supervisor Compton would be up for Chair and Supervisor Hill for Vice-Chair.

Item 14 - Request to approve: 1) contract renewals to the Energy Watch Partnership Program contracts for \$633,500 to extend the PG&E contracts through the calendar year of 2017 and the SoCalGas contract through the calendar year of 2016; 2) a contract renewal to the emPower Program contract for \$204,522 to extend through the calendar year of 2016; and 3) a resolution amending the Position Allocation List for corresponding Limited Term positions for Fund Center 142 – Planning and Building. The Board approved this item on the consent calendar 5/0 without comment or question.

Huge Boondoggle: The emPower program was developed by the County of Santa Barbara in 2010 after the Federal Housing Finance Agency (FHFA) put the kybosh on Property Assessed Clean Energy loans (PACE) programs.¹ Subsequently Ventura County and San Luis Obispo County entered into contracts for Santa

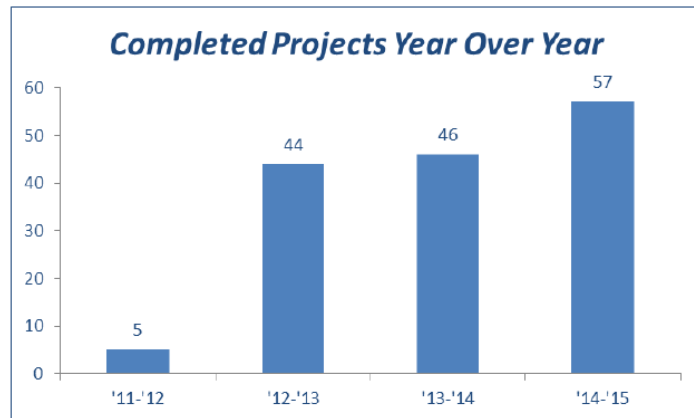


Figure 14. emPower projects reported by year

Barbara County to run programs in their jurisdictions. In September 2015 the Santa Barbara County Board of Supervisors received a report on the performance of the program in all 3 counties since its inception. The numbers are devastating and document the disappointingly insignificant and costly results, even after spending millions and adding staff in all three counties.

Bottom line: This is not a cost effective program and there are clearly few customers, given the massive publicity effort that really constitutes the “substance” and main cost of the program. Ventura, San Luis Obispo, and Santa Barbara Counties have a combined population of 1,501,000, yet only 151 program-financed projects have been completed in 4 fiscal years. And besides, you are paying for it in your natural gas rates and all in the name of saving energy to

¹ See the link here for the details about the recently adopted PACE program in SLO County. http://www.colabslo.org/prior_actions/Weekly_Update_November_22-28_2015.pdf

stop global warming. Note: it is unclear from the staff report if some emPower related costs are also subsidized from electric rates passed through the Energy Watch program or some other means.

Item 24 - Submittal of a resolution amending the Position Allocation List for Fund Center (FC) 180 – Social Services Administration to add 14.00 FTE positions and eliminate a 0.75 FTE position in various classifications to support implementation of changes to various programs as directed by State and Federal legislation; and request to authorize an associated budget adjustment in the amount of \$1,593,208 to increase expenditure appropriations to cover the cost of these positions and for participant services. The item was approved on the consent calendar without question or comment by the Board.

The agenda item reported here is a classic and insidious example of how a public policy that is adopted in the name of good (taking care of grandma) will ultimately have major long-range implications and contribute to the undermining and weakening of society.

Background: The instant action added 14 employees to the County roster of almost 2,600. According to the staff report the action was necessitated by State expansion and enrichment of the In Home Supportive Services (IHSS) program in which the Federal, State, and County dollars are used to pay individuals to care for aging and disabled people in their homes. In many cases the caregivers are relatives. The caregivers are required to belong to one of several unions, which constantly push for increased pay and benefits. The County write-up emphasized that most of the new cost will be covered by the State, as if this somehow absolved officials from any responsibility. Of course the state money is also tax money.

Readers may remember, in a similar State mandated ploy, that scores of staffers have been added to the County Social Services Department roster to administer eligibility and related aspects of the Affordable Care Act (Obama Care). Tens of thousands of individuals have been added to the MediCal roles.

Now you can get overtime for taking care of grandma. What if she lives in your house? Aren't you on duty all the time?

Item 36 - Marijuana Farming – More State Pressure and Intrusion – Another Urgency Ordinance and Failure to address the More Fundamental Issues: The Board voted 5/0 to direct the staff to prepare an urgency ordinance as a fall back measure and as a hedge against the State failing to correct AB 243. Supervisor Hill reported that he had talked to 8 members of the State Assembly who assured him that the deadline noted below in the Background paragraph on the page below would be eliminated in January 2016. Out of caution the Board determined to have staff prepare an urgency ordinance just in case the law is not corrected. There were 18

speakers who were part of a much larger audience which clearly supported the use of marijuana as both a medicinal drug and as a recreational drug. Of the 18 speakers, 17 supported the Board's moving ahead to adopt a local follow-on ordinance to AB 243, which would permit marijuana cultivation. One speaker, from the San Luis Obispo Farm Bureau, requested that the County include the Bureau as a major stakeholder in the design of any regulations and ordinances.

Background: At the end of the 2015 Legislative Session, AB 243 was approved and signed by the Governor and is law. This new law both enables and sets statewide standards for both the indoor and outdoor cultivation of marijuana plants. The immediate problem for the County is that the law stipulates that for a city or county to retain land use control of regulation at the local level, it must have its own ordinance in place. Since the State Legislation is new, the County never had a reason to adopt its own ordinance. The problem now is that under the County's complex and slow land use procedures, there is not time to go through the ordinance approval process by the State-imposed deadline of March 1, 2016. If a jurisdiction does not have its ordinance in place by March 1, the State will administer the regulations and thus usurp local control. The Board item discusses some options, but in the end and to be safe, recommends adoption of an urgency ordinance.

The proposed regulations generally both allow and regulate the amount of area that can be used for growing marijuana and seek to prevent odors from bothering neighbors. It is likely that some farmers or potential future farmers are eyeing the large profits that can be derived from growing, processing, and selling marijuana. Greenhouse operators are especially interested.

Tuesday's Discussion: The discussion was fairly lengthy. The California State Association of Counties and the California League of Cities had recommended to their members that they simply ban cultivation of marijuana and then work on ordinance amendments in the future, since the state had created the time deadline problem. Clearly Hill and Gibson did not want this to happen. Gibson said he opposed an out-and-out ban, which he thought would lead to other problems (more illegal trespass farms in the back country, etc.). In addition to the zoning issues and local control, Hill saw the issue as being larger and being about "overcoming bias" towards marijuana. He went on to say: "If I were an agriculturalist, I would resent a ban... We can't keep letting fear guide us."

Gibson said that he was in agreement with Hill. "We need to get out in front of this. We need to bring this issue out of the shadows into the light." Later Gibson said, "We need to move forward or we will be left in the dust." Hill added, "We need to be in tune with will of the voters."

Clearly Hill and Gibson are looking forward to a statewide referendum in November 2016 to legalize marijuana for recreational use, as has been done in the State of Colorado. The current issues on this agenda are subordinate to and ultimately prefatory to that presumed legalization.

Key Fundamental Issues Ignored: The larger issue of whether widespread casual use of marijuana is beneficial or harmful to society has been swept under the carpet. This critical issue needs to be brought out of the shadows and into the light. Consider the following:

1. Probably most of the readers of these pages know or have known someone who became a heavy marijuana user and ended up losing ambition, mental acuity, force of will, competitiveness, and economic potential. Certainly alcohol abuse can result in similar outcomes and has been legal since the 1930's in most of the country. Moreover, alcoholism results in often violent and anti-social behavior as well as loss of productivity. The existence of the legal use of alcohol is often cited as a reason not to discriminate against marijuana. On the other hand, much of the consumption of alcohol, particularly beer, is related to quenching thirst and satisfying taste, not escaping reality. Similarly, most use of vintage wines is more related to taste than achieving an altered mental state. Even hard liquors such as a pre-dinner cocktail or a brandy after dinner, although relaxing, are usually more about taste than getting high.

2. The same is not true of marijuana, which is smoked as a cigarette to suppress anxiety, become sedated, or achieve a high. It produces a pungent and sickly sweet smell that clings to its users as well spaces where it issued. Most hotels and motels ban tobacco use in their rooms for this reason as well as the potential for harm to nonsmokers. One only need walk down the first 5 blocks of Telegraph Avenue in Berkeley, Santa Barbara's nightclub zone, or Austin's 6th street music row to get some whiffs. For 50 years American governments and health advocates have done everything they can, short of outright , criminalization, to wean society off of tobacco smoking. Why now the big push by the left to promote marijuana smoking?

3. Once marijuana use is expanded and perhaps fully legalized, will many of our denser shopping areas, transit system platforms and stations, and other public areas reek of the ubiquitous herb. In San Francisco's civic center area, one is often overpowered by a combination of the smell of marijuana and urine. San Francisco is, of course, one of the most tolerant and progressive cities in the country.

4. What will be the County's posture with respect to tasting rooms and retail sales of marijuana grown in the County if it is legalized? Will wineries expand into marijuana farming? Could you sample which is the best Pinot for pairing with Paso Golden Grasso?

5. Colorado legalized marijuana for recreational use in 2013. The Rocky Mountain High Intensity Drug Trafficking Area 2015 report: The Legalization of Marijuana in Colorado Impact provides a detailed review of the trends, thus far, which are already reason for significant caution.

Section 1 – Impaired Driving:

- *In 2014, when retail marijuana businesses began operating, there was a 32 percent increase in marijuana-related traffic deaths in just one year from 2013.*
- *Colorado marijuana-related traffic deaths increased 92 percent from 2010 – 2014. During the same time period all traffic deaths only increased 8 percent.*
- *Marijuana-related traffic deaths were approximately 20 percent of all traffic deaths in 2014 compared to half that (10 percent) just five years ago.*
- *In 2014, when retail marijuana businesses began operating, toxicology reports with positive marijuana results of active THC results for primarily driving under the influence have increased 45 percent in just one year.*

Section 2 – Youth Marijuana Use:

- *In 2013, 11.16 percent of Colorado youth ages 12 to 17 years old were considered current marijuana users compared to 7.15 percent nationally. Colorado ranked 3rd in the nation and was 56 percent higher than the national average.*
- *Drug-related suspensions/expulsions increased 40 percent from school years 2008/2009 to 2013/2014. The vast majority were for marijuana violations.*
- *Positive THC urinalyses tests, for probationers ages 12 to 17 years old, increased 20 percent since marijuana was legalized in 2013.*
- *A 2015 survey of school resource officers and school counselors revealed similar results about increased school marijuana issues since the legalization of recreational marijuana.*

Section 3 – Adult Marijuana Use:

- *In 2013, 29 percent of college age students (ages 18 to 25 years old) were considered current marijuana users compared to 18.91 percent nationally. Colorado, ranked 2nd in the nation, was 54 percent higher than the national average.*
- *In 2013, 10.13 percent of adults ages 26 years old and over were considered current marijuana users compared to 5.45 percent nationally. Colorado, ranked 5th in the nation, was 86 percent higher than the national average.*
- *Positive THC urinalyses tests, for probationers age 18 to 25 and 26+ years old, increased 49 and 87 percent respectively since marijuana was legalized in 2013.*

Section 4 – Emergency Room Marijuana and Hospital Marijuana-Related Admissions:

- *In 2014, when retail marijuana businesses began operating, there was a 29 percent increase in the number of marijuana-related emergency room visits in only one year.*

- *In 2014, when retail marijuana businesses began operating, there was a 38 percent increase in the number of marijuana-related hospitalizations in only one year.*

- *In the three years after medical marijuana was commercialized, compared to the three years prior, there was a 46 percent increase in hospitalizations related to marijuana.*

Children’s Hospital Colorado reported 2 marijuana ingestions among children under 12 in 2009 compared to 16 in 2014.

Section 5 – Marijuana-Related Exposure:

- *In 2014, when retail marijuana businesses began operating, marijuana-only related exposures increased 72 percent in only one year.*

- *In the years medical marijuana was commercialized (2009 – 2012), marijuana-related exposures averaged a 42 percent increase from pre-commercialization years (2006 – 2008) average.*

- *During the years 2013 – 2014, the average number of all age exposures was 175 per year. Exposures have doubled since marijuana was legalized in Colorado.*

- *Young children (ages 0 to 5) marijuana-related exposures in Colorado:*

- o *During the years 2013 – 2014, the average number of children exposed was 31 per year.*

- *This is a 138 percent increase from the medical marijuana commercialization years (2009 – 2012) average which was a 225 percent increase from pre-commercialization years (2006 – 2008).*

Section 6 – Treatment:

- *Over the last ten years, the top three drugs involved in treatment admissions, in descending order, were alcohol (average 12,943), marijuana (average 6,491) and methamphetamine (average 5,044).*

- *Marijuana treatment data from Colorado in years 2005 – 2014 does not appear to demonstrate a definite trend. Colorado averages approximately 6,500 treatment admissions annual for marijuana abuse*

Section 7 – Diversion of Colorado Marijuana:

- *During 2009 – 2012, when medical marijuana was commercialized, the yearly average number interdiction seizures of Colorado marijuana increased 365 percent from 52 to 242 per year.*

- *During 2013 – 2014, when recreational marijuana was legalized, the yearly average interdiction seizures of Colorado marijuana increased another 34 percent from 242 to 324.*

- *The average pounds of Colorado marijuana seized, destined for 36 other states, increased 33 percent from 2005 – 2008 compared to 2009 – 2014.*

Section 8 – Diversion by Parcel:

- *U.S. mail parcel interceptions of Colorado marijuana, destined for 38 other states, increased 2,033 percent from 2010 – 2014.*
- *Pounds of Colorado marijuana seized in the U.S. mail, destined for 38 other states, increased 722 percent from 2010 – 2014.*
- *From 2006 – 2008, compared to 2013 – 2014, the average number of seized parcels containing Colorado marijuana, that were destined outside the United States, increased over 7,750 percent and pounds of marijuana seized in those parcels increased over 1,079 percent.*

Section 9 – THC Extraction Labs:

- *In 2013, there were 12 THC extraction lab explosions compared to 32 in 2014.*
- *In 2013, there were 18 injuries from THC extraction lab explosions compared to 30 in 2014.*

Section 10 – Related Data:

- *Overall, crime in Denver increased 12.3 percent from 2012 to 2014.*
- *Colorado annual tax revenue from the sale of recreational marijuana was 52.5 million (CY2014) or about 0.7 percent of total general fund revenue (FY2015).*
- *The majority of cities and counties in Colorado have banned recreational marijuana businesses.*
- *National THC potency has risen from an average of 3.96 percent in 1995 to an average of 12.55 percent in 2013. The average potency in Colorado was 17.1 percent.*
- *Homelessness increased with the appeal of legal marijuana being a factor.*
- *Denver has more licensed medical marijuana centers (198) than pharmacies (117).*

It is likely that next year's report will be devastating.

This year's full report can be accessed at the link:

<http://www.rmhidta.org/html/2015%20FINAL%20LEGALIZATION%20OF%20MARIJUANA%20IN%20COLORADO%20THE%20IMPACT.pdf>

The Left's Push for Wide Spread Marijuana Use In Society

The push for expanded marijuana use in the name of medicinal benefits is a first step. The legalization of marijuana cultivation is a second step. The proposed 2016 ballot legalization of marijuana for general use is the third step. Again we see the left's general agenda for weakening society, disguised in the name of good, but untimely designed to render the people docile, dependent, and defenseless.

San Luis Obispo County Council of Governments Meeting of Wednesday, December 16, 2016 (Completed)

Once again we observed a meeting that lasted from 8 AM to 12:30 PM. The agenda contained important items which were submitted with detailed back up and, in many cases, staff presentations. The problem was that there was not enough time to properly consider the items. In the end it was a rushed meeting in which presentations were skipped over and the consent colander was completed in 2 minutes. There are major funding shortfalls and a commensurate inability to design and build projects that are vitally needed for safety and economic survival, as well as to allow the construction of desperately needed housing. The elected officials who serve on SLOCOG need to commit to a full day per month to conduct this vital business in a measured and complete atmosphere. After all, they are all volunteers and should be willing to provide whatever time commitment is necessary to fulfill their roles as elected officials.



COUNTY OF SLO HOLIDAY GREETINGS