

COLAB SAN LUIS OBISPO COUNTY

WEEK OF FEBRUARY 2-8, 2014

KEYNOTE SPEAKER
Dr. Sam Blakeslee

THURSDAY, MARCH 27 2014

SAVE THE DATE

5th Annual Dinner & Fundraiser

MADONNA EXPO CENTER

Details to follow... We hope to see you there!

COLAB SLO COUNTY

**RAY JOINS HILL IN SHAMEFUL DECEIT
AS THEY SUCKER PUNCH COLLEAGUES
(IN SEWER PLANT BID DISPUTE)**

INVOKING THE “D” WORD - DESALINATION

**LOS OSOS SEWER PLANT OVERRUNS
CONFIRMED
(MAY BEGIN TO IMPACT ROAD’S BUDGET NEXT)**

BASIN WATER SUPPLY OPTIONS STUDY LAUNCHED

**FILE YOUR QUIET TITLE CLAIM
SAVE YOUR WATER TO SAVE YOUR PROPERTY
TO SAVE YOUR FAMILY AND WAY OF LIFE**



Politics Turns California Law *Upside Down!*

Under California Law

Overlying Land Owners

Have the right to use water on their property



Fact: Overlying owners have highest priority. In the event of an overdraft (declared shortage), those who sell water must cut back first to balance the basin.

Fact: Overlying owners have nothing to “win” in a lawsuit -we are simply asking the courts to affirm the rights we already have under the law.

Under Political Control

highest < Priority > lowest



Overlying Land Owners
If no action taken to secure their property rights!

Fact: “Quiet Title” is the necessary action to take to right this wrong!

Fact: Water basin management is best under court supervision according to the law, rather than politicians or a Board of Supervisors managing the basin.

Learn more about what you can do to protect your water rights at www.pr-win.org

Even if you support the new proposed Water Management District, protect your rights. Things can go awry fast and long-term policies over the years cannot be known now. Soon the powers and functions of the proposed district will be delineated in draft legislation. Once this happens, it will be somewhat easier to assess the costs, benefits, and feasibility of the proposal.

Board of Supervisors Meeting of Tuesday, January 28, 2014 (Completed)

Item 15 - Application to US Department of Housing and Development (HUD) for Homeless Program Funds - \$1.0 million. Even though over half of the money is slated for CAPSLO homeless programs, Supervisor Hill did not recuse himself from the vote on approving this item on the consent calendar. Reportedly, Hill’s girlfriend is in charge of CAPSLO homeless programs.

Item 27 - Paso Basin. After considerable discussion, the Board approved six action items related to the management of water in the Paso Basin. These included:

1. Receive Paso Robles Groundwater Basin Management Plan implementation update in order to provide staff direction on recommended actions as the Board deems appropriate; and

2. Consider a FY 2013-14 agreement with Carole Engineers in an amount not to exceed \$1,484,161 to prepare a Supplemental Water Supply Options Feasibility Study for the Paso Robles Groundwater Basin (Supply Options Study Agreement – Attachment “1”); and

Note: Item two was modified at the request of Supervisor Mecham. He requested, and the Board agreed, that the work be broken into phases and that the amount of the contract be reduced proportionality. It appears the Board would like to understand the detail of sub-projects involved. Presumably, the staff will return to the Board to present progress, and the Board will determine which parts actually go forward. The project is designed to assess the feasibility of developing supplemental sources of water for the basin, such as Nacimiento project water, Salinas River water, State water, and recycled water (treated effluent from sewer treatment plants).

INVOKING THE “D” WORD

Desalination: Fourth District Supervisor Ray, in a surprise move, asked why the study did not include desalination. She reported that she has received calls from constituents asking that question. After a somewhat confusing discussion, it appears that the Board will allow staff to direct the consultant to include in the analysis the potential feasibility of desalination. Supervisor Gibson was highly dismissive of the idea and forecast that it would be dropped in a hurry. One supervisor commented that “... the idea would evaporate like a snowflake in a warm place.”

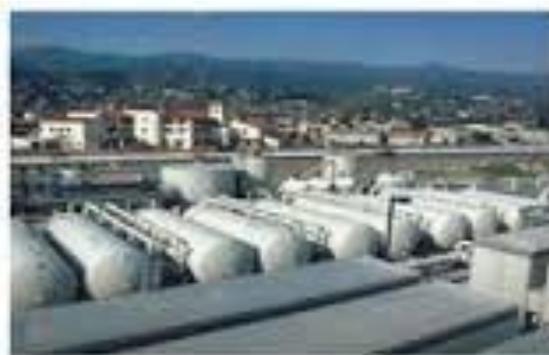
Not so Fast - Status in Carlsbad (San Diego Water Authority). The United States largest desalination plant is under construction and progressing. The San Diego Water Authority reported in January 2014:

The project includes what will be the nation's largest seawater desalination plant and a 10-mile pipeline through North County Pipeline installation is nearing completion in San Marcos and Vista; construction in Carlsbad is under way and expected to last through 2015. - See more at: <http://www.sdcwa.org/issue-desal#sthash.7jZBVd8g.dpuf>

*Poseidon Water is developing the plant and pipeline with joint-venture contractor Kiewit Shea Desalination. **The project will deliver up to 50 million gallons a day of drought-proof, highly reliable water** that will become a core, day-to-day resource for the region. It is projected to meet 7 percent of San Diego County's demand in 2020. In addition, the reverse-osmosis plant will make the region's water supplies more reliable by reducing dependence on imported water from the Los Angeles-based Metropolitan Water District of Southern California that is vulnerable to droughts, natural disasters and regulatory restrictions - See more at: <http://www.sdcwa.org/issue-desal#sthash.7jZBVd8g.dpuf>*

Water from the plant is expected to cost between \$1,849 and \$2,064 per acre-foot, depending on how much is purchased. The total cost, including a major pipeline to deliver the desalinated water, is projected at \$2,014 to \$2,257 per acre-foot. While that is more costly than current water supplies, the water will be more reliable than imported water. Water Authority projections also show seawater desalination could become cost-competitive with imported water sources by the mid-2020s.

The City of Santa Barbara Considers Reactivation its Desalination Plant: In the late 1980's, during a major drought, the City constructed and started operating a small 3,000-acre-ft. per year (afy) plant. When the drought ended, it was shut down and the filters were sold (because they decay over time). The rest of the plant was mothballed. Now the City, which uses a reported 12,000 afy, is assessing the feasibility of reactivating its plant.



SB Facility

Anathema to the Enviros: Gibson's negative comments are right in line with the fear by the enviro-socialists that progress on the desalination front would expose and destroy much of the rationale for their strategy of reduction of the standard of living (the limits of growth) and concomitant rationale for more government control. We would expect the

local environmental bunch to come unglued if desalination is seriously considered. The California Coastal Commission, Sierra Club, and similar Luddite groups would be major obstacles. In the end, the advances in technology and the security of private property are powerful antidotes to statists and socialists.



Continuing the remainder of the actions: The other actions included within this Board item were approved as submitted:

. Consider a FY 2013-14 contract with Hollenbeck Consulting in an amount not to exceed \$90,000 to provide technical assistance with the development of feasibility studies for the Paso Robles Groundwater Basin (Technical Assistance Agreement – Attachment “2”); and

4. Consider a budget adjustment, by a 4/5 vote, in the amount of \$1,574,161 from Flood Control District reserves in Fund 1300000000 to Flood Control Fund 19 for the Supply Options Study and Technical Assistance Agreements; and

5. Create the Paso Robles Groundwater Basin Advisory Committee (Attachment “3”) and direct the Clerk to post vacancies pursuant to requirements of the Maddy Act; and

6. Appoint Megan Silcott as the Farm Bureau alternate member to the Paso Robles Groundwater Basin Blue Ribbon Committee.

Item 28 - Los Osos Sewer Project Cost Overruns. The Board approved the contract amendments and budget transfers. Mecham summarized the issue, “It’s kind of like flying in plane across the Atlantic, and being two thirds across. You have to keep going because there is not enough fuel to go back.”

It appears that the budget is fully committed at this point. Staff reports that there are \$14 million in contingences spread among contracts already issued.

Road Issues Could Be Achilles’ Heel: Sooner or later the County will have to deal with the road reconstruction in Los Osos. As the streets have been trenched to install the sewer collection pipes, project funds have been used to restore the portions which average about 4 feet wide. The problem is that the streets were already severely deteriorated and the movement of heavy construction equipment and trucks has aggravated the problems. The County has already experienced overages in the project budget because it had been assumed that the trenches would be 2 feet wide.

The underfunded County general roads budget may have to be diverted to mend the broader problem. This could be trouble for road maintenance in other sections of the County.

Note: Supervisor Arnold’s previous proposals for making roads a major County priority have been rejected out of hand and mocked by other supervisors in the past. When she brought it up again in this context, there was silence.

Background: This is the return of the same item (it has been revised and expanded for this hearing) that was continued from the December 17, 2013 meeting. Both Arnold and Mecham had questions. Gibson and Hill wanted to jam it through, but Ray (although she said she was fine with approving the contract), deferred to Mecham’s plea for more time. He indicated he had been consumed with Paso water matters.

The bottom line is that the project, originally budgeted at \$173.4 million, has now grown to \$183.4 million, a \$10 million overrun. Luckily for the County, it has received \$10 million in “unexpected” State water grants, which keep the wolf outside the door for the moment. Even with these grants, the Board will need to authorize internal borrowing in order to facilitate sufficient cash flows as the new sewer treatment plant begins to be constructed.

Upon examining the matter a little more deeply, the issue is much more serious than a \$10 million gap. The real problem is that the sewer treatment plant, which was originally budgeted at \$36.1 million, came in at \$50.6 million (including a \$2.4 million contingency). There have been other overruns on certain consulting/design/management engineering contracts. At this point the staff is projecting a \$13.4 million savings in the cost of the collection and disposal systems, and is applying \$2.2 million of the project’s \$6.3 million contingency plus the \$10 million in new grants to show a *currently* “balanced” budget.

Item 29 - Los Osos Sewer Treatment Plant Construction Contract Award.

RAY FOLLOWS HILL LEAD IN SUCKER PUNCH

In one of the more cheesy grandstanding moves we have seen in years, Hill and Ray, after verbally supporting the recommendation to award the bid to the company which staff determined to be the lowest responsible bidder, profusely agreeing with their staff engineering and legal advice, and stating that it was the most prudent course to avoid liability, then voted against the bid award. Hill’s rationale was that while he agreed with all the recommendations and that awarding the bid was the right thing to do, he was “symbolically” voting no. Ray, who voted after Hill, provided no statement for her lack of ethics and voted “no” in a hesitant and weak voice. Gibson and Mecham had already voted yes. This left Arnold as the deciding vote. Arnold stood tall and voted for what she considered the public interest. In taking the high road, she rejected a golden opportunity to create potential political turmoil for Gibson.

The two Board members are trying to appeal to local construction labor groups that would have received more work from one of the bidders which had been rejected. Why didn’t these Board members express their true position earlier in the deliberations and

forthrightly move for a rebidding of the contract? Why did they pretend that they were supporting the staff recommendation until the vote was actually called? Are they so cynical and disrespectful, that they believe the trades organizations won't see through the scam?

Are they so shallow and devious that their desire to "have their political cake and eat it too" transcends the public interest, which they themselves touted during the deliberations on the question?

AND IN THE BIGGER PICTURE

Why hasn't the County adopted an ordinance that would give preferences to bidders and sub-contractors which employ local tradesmen and residents?

Background: The County received five bids for the project, which had originally been budgeted at \$36.1 million. In order to soften the negative perception of the overrun, the County persists in referencing the bids in terms of last summer's engineer's estimate of \$46.6 million and neglects to mention the actual May 11, 2011, Board-adopted budget, which can be seen in an attachment to the agenda item Exhibit A-1. The bids were as follows:

Engineer's Estimate \$46,579,000.00

Balfour Beatty Infrastructure, Inc. \$46,390,170.78

Anderson Pacific Eng. Const., Inc. 47,540,170.78

Auburn Constructors, Inc. 48,180,299.00

Archer Western Const., LLC. 52,839,250.00

PCL Construction, Inc. 55,519,806.78

Further complicating the issue is that the two lowest bidders have been disqualified as being unresponsive (mistakes in their submissions). Thus, the Board had to decide if it wished to award the bid to Auburn.

Board of Supervisors Meeting of Tuesday, February 4, 2013 (Scheduled)

Item 16 - Adoption of Amendments to the Land Use and Circulation Elements (LUCE) of the Plan of Development and the Inland Land Use Ordinance. This item consolidates and restructures the Land Use and Circulation elements of the County General Plan and the Inland Land Ordinance. Benefits claimed for the new version include:

- *Saving time and costs when plans are updated in the future.*
- *Enabling updates to area plans for an entire region at one time, making for more effective planning for land use and transportation and water resources.*

- *Consolidating the goals, policies, programs, and information into separate plans, making the LUCE easier to use.*

The key issue is whether the structural change has any impact on the actual rules which regulate landowners and those who may seek entitlements and permits.

In this regard the staff has explicitly stated:

This proposal does not involve changes or updates to general plan goals policies, programs, data, or statistics. In addition, there will be no change in the effect of planning area standards.

And

The only modifications proposed to any planning area standard are to improve clarity. Some redundant and extraneous planning area standards have been removed. The modifications proposed as part of this project do not change the net effect of the Planning Area Standards. As such, site-specific standards restricting density, requiring elevated permits, or imposing other requirements will remain intact

We aren't so sure:

The current eleven geographic planning areas have been reduced to four and made, to the extent possible, to be congruent with water basins. Does this presage a whole new set of water based resource restrictions which will be slid into the new structure?

With four, instead of eleven, planning areas will it be easier to develop, process, and adopt new restrictive smart growth planning policies and regulations?

Are the more clearly designated towns and villages better targets for smart growth stack-and-pack development?

Are some being set up to become SB-1 tax increment funding districts?

Cost: The amendment process was a long and complex project. The Board letter does not say how much it cost or how many staff FTE's were consumed over the years in its development. Were any consultants used? If so, how much did they cost?

Is there a cost benefit to the project? It is claimed that it will streamline and make things more efficient. What is the staff reduction attendant to these alleged benefits?

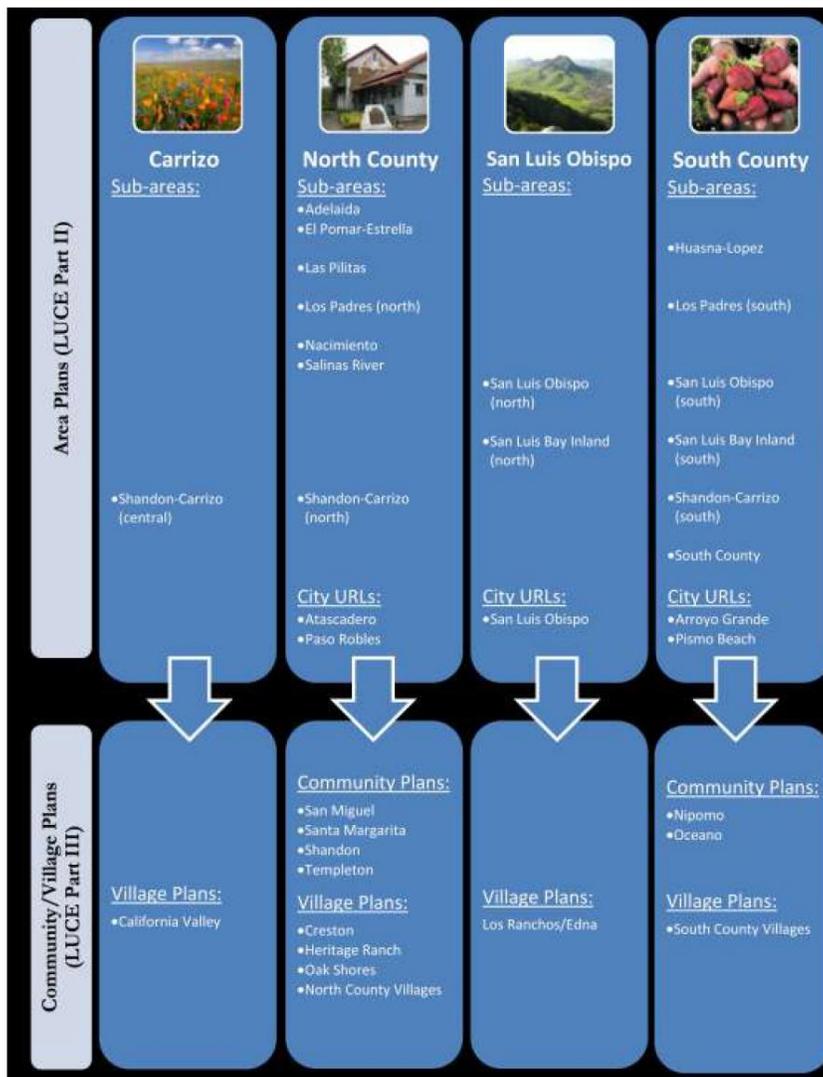
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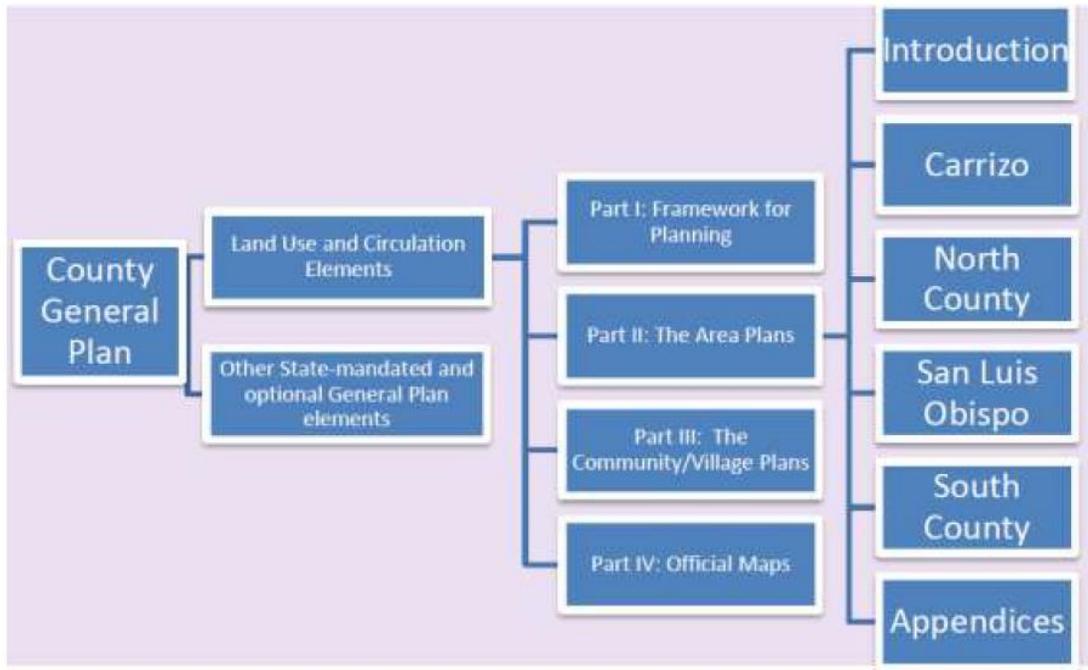
The Board of Supervisors originally authorized a major update and consolidation of the Land Use and Circulation Elements (LUCE) of the County General Plan in July of 2008. In March of 2011, the Board revised the authorization to a scaled-back project to just consolidate and reorganize the Inland Land Use Element and Land Use Ordinance. This proposal does not involve changes or updates to general plan goals, policies, programs,

data, or statistics. In addition, there will be no change in the effect of existing planning area standards. The proposed LUCE reorganization includes the following:

- The 11 existing inland planning areas are consolidated and reorganized into four new inland planning areas based largely on watershed boundaries.
- The plans for the four new inland planning areas are combined into a single document called *The Area Plans*.
- Individual community and village plans are proposed for urban areas and villages.
- The planning area standards in the Land Use Ordinance are reorganized into rural and urban/village standards according to the new planning areas.

The following charts and discussion detail the proposed LUCE organization and consolidation:





Matters Scheduled at or after 1:30 PM

Item 18 - Port San Luis Fee Waiver. Staff recommends that the Board grant an \$8,664 waiver from Planning and Building Department review charges to the district for a campsite project. The write up states:

The Port San Luis Harbor District, a public agency, has applied for a waiver of the land use permit-processing fee associated with the Development Plan/Coastal Development Permit request for the Harbor Terrace Project. The Harbor Terrace Project is located across from the Old Port beach on the uphill side of Avila Beach Drive adjacent to the entrance to Diablo Canyon. The project would develop a mix of tent camping sites, cabins/yurts/bungalows, RV campsites, related amenities such as food and beverage, restrooms, and parking, as well as office and storage facilities to serve the Port. The Harbor Terrace Project and associated land uses are identified in the Port San Luis Master Plan, the Local Coastal Plan and the San Luis Bay Area Plan. The proposed project is intended to be consistent with development standards for the Harbor Terrace project site as identified in the Port San Luis Master Plan, the Local Coastal Plan and the San Luis Bay Area Plan. The project would require a Development Plan/Coastal Development Permit.

The narrative does not indicate how the loss of revenue to offset the “services” would be made up. Will the Department just inflate some hours and charges to private sector applicants to make up the difference?

Item 19 - Property Rights/Mobile Home Park Conversion. This is an appeal by a mobile home park owner of a County determination that he did not follow the required procedures to assess the degree of resident support for conversion of the park to resident ownership. State law requires that owners who propose to sell their park to the residents must obtain an opinion petition indicating to what extent the residents support such a conversion. The governing body of a city or county can take into account that petition in determining whether to grant the necessary permits and entitlements.

Of course, this system raises a fundamental question of government expropriation of private property, because the regulating jurisdiction could decide not to grant the necessary permits.

The attached link to the Board item illustrates the problems stemming from this sort of law, not to mention how the bureaucrats take over.

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/3001/SXR1bSBEB2N1bWVudCAoUHVibGljKSA=/14/n/24191.doc>

Planning Commission Meeting of Thursday, February 6, 2014 (Scheduled)
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Item 3- McDonald’s Restaurant in Los Osos. This not a major public policy item, but it does have some community opposition.

Request by MWF Properties LLC / McDonalds for a Minor Use Permit to allow a change of use from an office (former Bank of America) to a restaurant; in an existing building of 3,978 square feet (3,078 square foot restaurant and 900 square foot remaining office space). The proposed restaurant will utilize the existing drive through.

The project will result in a disturbance of 500 square feet of the 21,408 square foot parcel (to make minor modifications to the drive-through configuration). The project is located on the north side of Los Osos Valley Road, approximately 280 feet east of 10th Street at 1076 Los Osos Valley Road, in the community of Los Osos, in the Estero planning area.