

COLAB SAN LUIS OBISPO COUNTY

WEEK OF JANUARY 19-25, 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

**NEW ANTI-HARASSMENT RULES ADOPTED
BUT
WHAT ABOUT CRONYISM AND CONFLICTS?**

**PROTECT YOUR WATER RIGHTS-PROTECT
YOUR PROPERTY RIGHTS TO PROTECT
YOUR FAMILY AND WAY OF LIFE
(SEE PAGE 4 BELOW)**

HILL LIKELY CHAIR OF APCD?

Board of Supervisors Meeting of Tuesday, January 14, 2014 (Completed)

Item 4 - Appointments to Boards and Commissions. The Board unanimously adopted the assignments as recommended by Chairman Gibson. It was explained that Gibson communicated with each Board member in advance about the proposed assignments and their preferences prior to placing his recommended list on the agenda. Thus once again, the public has no idea about what each member actually thought or said, or what their preferences might be. Polling each member and then, perhaps, going back and forth to broker adjustments, sounds like an illegal serial meeting under the California Open Meeting Law. Again, and as we have reported before, the better practice would be for the Clerk of the Board to place the list of current assignments on the agenda, and then have the members express their preferences for the ensuing year in public.

Of course the backroom method currently in use, does not afford the public any real ability to express its preferences and concerns, since it has no idea what the Board members discussed in advance and it private.

Item 7 - County Updates Its Policies on Discrimination, Workplace Violence, Harassment, Sexual Harassment, and Equal Employment Opportunity. The Board unanimously adopted the updated policies on the consent calendar with no staff comment, Board debate, or explication. The issues of cronyism, consensual relationships, and conflicts of interest that underlie the repeated problems in San Luis Obispo County were never acknowledged or discussed, let alone dealt with.

The question of whether the Board members themselves are subject to the policies was never answered.

The staff report proposed updated language to the various policies. Readers may recall that as part of the Board's whitewash of the Supervisor Gibson/legislative aide affair last year, staff was directed to review the policies and report back. There was an attachment to the Board item comparing the old and new language for the various categories. It is available at the link:

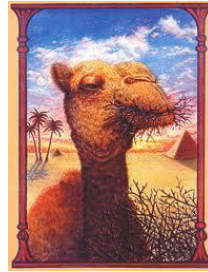
<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/2929/QXR0YWN0XzFfUG9saWN5IENvbXBhcmlzb24gTWF0cml4IF8gRXhpc3RpbmcgUG9saWN5IHZlcnN1cyBQcm9wb3NIZCBQb2xpY3kgKDIpLnBkZg==/12/n/23307.doc>

Item 14 - Request to Nominate One or More Elected Officials for Appointment by the Governor to the California Coastal Commission. In a preemptive and retaliatory strike, the Board majority (Gibson, Hill, Ray) endorsed the nominated and then (in effect) endorsed last minute candidate, Pismo Beach City Councilman Eric Howell. As we reported last week, the City Selection Committee (a legal committee of the 7 mayors of the county's cities) nominated Grover Beach City Mayor Debbie Peterson. Hill stated that "...Howell is my preference." He further stated, "I can't agree with submitting Ms. Peterson's name." Gibson stated that his "...preference is Mr. Howell".

Arnold and Meacham came out on the short end of a vote to endorse Peterson. Supervisor Ray politically split the hairs on the proverbial camel's "rump" by saying she wouldn't endorse Peterson because (since Peterson had already been nominated by the City Selection Committee), it would be a kind of double endorsement and would be an "issue of equity." Ms. Ray has reportedly been touting her political independence from other supervisors like Hill on the campaign trail—hmm?



Splitting Maul



Joe Policy

Background: The California Coastal Commission is a quasi-independent regulatory body consisting of 12 members, some of whom are appointed by the Governor, some by the Speaker of the Assembly, and some by the Senate Pro Tem. The agency is renowned for its abuse of property rights, trashing of local government policies and preferences, and its radical environmental ideology. A vacancy has occurred which must be filled by the Governor. The appointee must be a city council member or county supervisor from San Luis Obispo County, Santa Barbara County, or Ventura County.

The Board of Supervisors never took the time to state its stand on the conduct of the Commission in general or its posture on reform. Moreover, it did not take the time to ask nominee candidates what their posture would be on these important questions if in fact they were appointed. The Supervisors kept evading the real substantive issues with statements such as (we paraphrase), "It's the Governors appointment and we have nothing to say."

Item 20 - Implementation of the Paso Robles Moratorium: Resource Conservation District Proposals. The Board approved two proposals by the Upper Salinas-Las Tablas Conservation District (see their website <http://us-ltrcd.org/>). The first is to assist the County to implement an interim agricultural water offset program immediately. The second is to develop a much more comprehensive offset and conservation program for potential future adoption by the Board. The cost is estimated at around \$150,000, not including County staff costs. Representative of the Conservation District seemed very knowledgeable and practical. The District will put together a team of experts in hydrology, law, engineering, conservation, agriculture, and so forth.

It's too bad the County did not engage the District instead of adopting the precipitous and illegal Paso Basin Moratorium.

Growing Disarray Becoming Apparent: The Planning staff presentation was disjointed and confusing. The Farm Bureau, Grower Shipper of the Central Coast, Templeton Community Advisory Group, COLAB, and individuals all had questions and

comments. A hydro-geologist working with the Conservation District pointed out that the basin is not a bathtub and that conservation measures and potential water credits from savings can therefore not be adopted basin-wide. The Board had totally ignored this information when presented by others as they considered the moratorium. Proximity of a water saver with credits and a potential buyer who needs an offset will therefore be required. A farmer outside of Creston can't buy water credits from a farmer outside of San Miguel because it would only be paper water. This significantly debunks the rationale for the basin-wide moratorium.

As work moves forward, it will become more and more apparent that the entire scheme is a horrible mistake and each new proposed action will uncover a whole new can of worms.

At one point Supervisor Arnold made an eloquent statement about property rights and the problems attendant to the County or other agencies coming onto properties and into homes as part of regulatory schemes. Supervisor Mecham seems more and more confused about the details and implications of the monster which he has helped Hill and Gibson to unleash on the citizenry.

Separately but relatedly, there are indicia that some members of the Paso Basin Moratorium maven, Pro Water Equity group, are beginning to understand the scam that has been run on them. Disaffection is growing.

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

Lastly, anyone who has property overlying the Paso Basin and uses well water should join the PR-WIN Quiet Title Law Suit. Contact Cindy Steinbeck at **805-238-1854** for info or visit the web site www.pr-win.org. Even if you support a new government agency with new taxes (the proposed water management district) you need to protect yourself and your family.



A New Type of Officer?



Politics Turns California Law *Upside Down!*

Under California Law

Overlying Land Owners

Have the right to use water on their property



Under Political Control

highest < Priority > lowest



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

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.

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

No Board of Supervisors Meeting on Tuesday, January 21, 2014 (Not Scheduled)

No meeting is scheduled, as the 21st is a Tuesday following a holiday. The Board’s normal policy is to not schedule meetings on Tuesdays after Monday holidays.

San Luis Obispo County Air Pollution Control District Meeting of Wednesday, January 22, 2014 (Scheduled)

Item A-1: Selection of a Chair and Vice Chair. It would appear that the play will be to appoint Supervisor Hill as Chair. Hill is currently the Vice-Chair. The Air Pollution Control Officer’s write-up states in part:

The custom established by past Boards has been to alternate the Chair and Vice Chair between members from the Board of Supervisors and members from the cities, with the Vice Chair of the prior year, if still on the Board, traditionally being elected as Chair for the succeeding year.

In other words the APCO is recommending Hill. Questions:

- a. The Board of Supervisors continued Gibson as Chair for the full year 2014 even though he served for part of 2013.
- b. Why can't the APCD continue Atascadero City Councilwoman Roberta Fonzi, who is in an analogous situation?

Item C-6: APCD PROPOSED 2014 LEGISLATIVE PROGRAM. The proposed program essentially allows the staff and the APCD to support whatever they want. The item write-up states in part:

Given the infrequency of APCD Board meetings and speed of certain legislative matters, we do not anticipate bringing individual bills to your Board for a position. In the rare instances where it is deemed necessary for the District to provide a timely response on an important legislative issue prior to a Board meeting, the APCO will consult with the Board Chair on the proposed position to be taken and the position letter will be included on the next meeting agenda for Board review and information

The recommendation contains a list of 15 general provisions, many of which relate to preserving or increasing the revenues allocated by the State to APCDs.

- a. One clearly promotes "smart growth":

9. Support legislation that increases the viability of walking, biking, public transit and other transportation alternatives to private vehicle travel.

- b. Given the discretion handed to the staff and the Chair, what will be the APCD's position on SB 1 Smart-Growth Financing and Debt Districts?
- c. What about bills creating new fees or taxes?
- d. What about bills expanding the scope and severity of air regulations?

Item D-1: Extension of the Air Pollution Control Officer's (APCO) Contract. The District Counsel's recommendation includes:

That the Board approve the recommendation of the Executive Committee to extend the Air Pollution Control Officer's employment contract from January 22, 2014 through February 1, 2016, subject to the terms and conditions in the attached contract.

and

The current annual cost of the APCO position is approximately \$153,096 in salary and \$82,916 in benefits; that amount is already accounted for in the Fiscal Year 2013/2014 budget approved by the Board last September. Approval of the proposed contract would result in no increase in those costs unless the Board grants a cost of living or other benefit increase to APCD management staff during the term of the contract. In that event, the cost would increase by the same proportion granted to other staff.

Item D-2: Air Regulations and Permitting Requirements Stiffened for Some Large Farms. Federal EPA law requires that farms that generate 50 or more tons per year (tpy) of pollutants must obtain permits and undertake measures to reduce the emissions. The State and the APCD have incorporated that standard into their rules. Last year the EPA compelled the State to require permits even if a farm produces less than 50 tpy, if it has a potential to produce 100 tpy.

Generally, oxides of nitrogen (NOx) from diesel engines result in the highest emissions at agricultural sources. In San Luis Obispo County, all agricultural sources have actual emissions less than 50 tons per year (tpy) and currently qualify for the permit exemption. Only two sources to date were previously subject to permit because actual NOx emissions were greater than 50 tpy; both sources have now reduced actual emissions below the small source exemption by electrifying well pumps or removing large natural gas fired engines and are no longer subject to permit. Federal law mandates that every district shall require permits of agricultural sources that are classified as a "major source" and are required to obtain a Federal Part 70 Permit pursuant to Title I(42 U.S.C. §. 7401 et seq.) or Title V (42 U.S.C. § 7661 et seq.) of the federal Clean Air Act. For San Luis Obispo County, a major source is any stationary source with a potential to emit of 100 tons per year or more of any air pollutant except greenhouse gases.

The following six agricultural sources operating in San Luis Obispo County have potential to emit NOx greater than the Federal Part 70 permit threshold of 100 tpy but have actual NOx emissions less than the exemption threshold of 50 tpy:

Central Coast Farms/Red Cedar Vineyard

Franciscan Vineyards, dba: Constellation Wines US

Grimmway Enterprises, Inc.

La Panza Ranch, LLC

Teixeira Farms, Inc.

Treasury Wine Estates, dba: Meridian Home Vineyard

There is a process by which a farm can apply for a voluntary permit from the APCD rather than go through a more complicated EPA process. However, the APCD must adopt certain findings and determinations to enable this path. The permit applicants will have to meet certain verifiable standards of reduction and/or obtain credits.

- a. The write-up states that the standard fee for similar permits is \$824 per year but that the District has no real experience in estimating the processing and analytical time costs for such permits.
- b. It is not clear from the write-up if the subject farms are in agreement or have been part of the discussion.

c. It is not clear from the write-up if any agricultural organizations (Farm Bureau, Grower Shipper, Wine Alliance, etc.) were contacted about this item.

All this is yet just another example of the governmental assault on business and farming. In this case the APCD is trying to help, but why aren't the Board members wild and calling in Representative Capps and Assembly Member Achadjian, etc., and raising hell? Or do they support it all?

Item D-5: Carbon Credit Exchange. The staff recommends that the District join a Statewide carbon credit trading exchange.

Launched on January 2, 2014, the CAPCOA GHG Rx is a secure, web-based platform (www.ghgrx.org) that features locally generated and properly validated GHG emission reduction credits from voluntary projects within California and facilitates communication between those who create the credits and potential buyers and funding organizations. By listing only credits created in California, local Air Districts are able to verify that only high quality, surplus GHG emission reduction credits are listed on the GHG Rx for interested buyers. Its goal is to provide a secure, low-cost, high quality greenhouse gas exchange for emission reduction credits created in California. Financial resources invested in California will help create local jobs and realize needed air pollution co-benefits from projects throughout the state. The GHG Rx can help fulfill obligations, or mitigation needs of local projects subject to environmental review, reducing the uncertainty of using credits generated in distant locations.

Paper Air Quality: If an oil refinery in Long Beach needs credits and a winery outside of Paso is really efficient and generating credits, and the oil refinery buys them and is then allowed to produce more gasoline, how does it help air quality in the LA basin? As one observer noted, this is like the sale of indulgences during the Middle Ages and Renaissance to offset sins.

Planning Commission Meeting of Thursday, January 23, 2014 (Scheduled)
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The one item of potential policy impact (a new subdivision within the Cypress Ridge development in Nipomo – the dunes “dust zone”) is recommended to be continued to the February 6, 2014 meeting.