



**COLAB SAN LUIS OBISPO COUNTY**



**WEEK OF JULY 5-11, 2015**

**RIPLEY'S BELIEVE IT OR NOT SLO STYLE:  
GIBSON HONORED AS PARAGON OF  
CIVILITY & CIVIL DISCOURSE  
(SEE PAGE 5 FOR THE SHAMELESS DETAILS)  
1:30 PM TUESDAY JULY 7, 2015**

**HILL GETS HUGS TOO**

**SAVE THURSDAY, JULY 30, 2015  
(FOR THE PLANNING COMMISSION FINAL HEARING ON THE  
MORATORIUM, AG OFFSET REQUIREMENTS, AND MORE)**

**Board of Supervisors Meeting of Tuesday, July 7, 2015 (Scheduled)**

**Item 2 - Traffic Signals in Nipomo.** The write up states in part:

*The project includes installation of traffic signals and associated improvements at the following locations in the community of Nipomo:*

- Pomeroy Road at Willow Road*
- Thompson Avenue at Titan Way (High School)*

By way of cost perspective the staff report also indicates:

*Pomeroy Road & Willow Road - WBS 300510, in the amount of \$417,850. The total project costs are estimated at \$347,482. The project will be funded from Regional State Highway Account (RSHA), Road Impact Fees Black Lake Development, and the Road Fund.*

*Thompson Avenue and Titan Way - WBS 300524, in the amount of \$467,000. The total project costs are estimated at \$412,315. The project will be funded from Urban State Highway Account (USHA) and the Road Fund.*

The Pomeroy at Willow intersection has been interesting since it was put into service. It's a large, well-marked intersection with clear sightlines, but drivers seem inherently confused about when their turn is at the 4-way stop signs. At least no one decided to put in a \$3 million rotary (traffic circle). These have become politically correct because they are "environmentally better" – no idling at a red signal.

**Item 16 - Budget Software – Request to approve a contract (Clerk's File) with Sherpa Government Solutions LLC, in the amount of \$834,989, to provide budgeting software and migration services to replace Budget Prep and request to approve a budget transfer from the designated fund balance for Budget System Development in the Countywide Automation Fund to the Budget Prep Replacement project in the Countywide Automation Fund - FC 266 in the amount of \$770,274 and amend the Fixed Asset List in the Countywide Automation Fund – FC 266 in the amount of \$750,000 to include the purchase for the project.** This item seeks authorization from the Board to approve a contract for \$835,000 to purchase software to enhance preparation of the budget.

The full cost of the project is displayed in the chart below:

Total budgeted expenses for the project are as follows:

System	\$ 918,324
Backfill staff	\$ 542,625
IT Project Manager	\$ 230,000
Contingencies	\$ 300,863
<b>TOTAL</b>	<b>\$1,991,812</b>

It is important for organizations to maintain up-to-date functional software for financial management. The write-up indicates that the current budgeting software is 25 years old and does not connect with the County's main accounting system without tedious, time consuming workarounds.

The write-up states in part:

*A new budget preparation system will: provide departments with a user-friendly, functionally rich and modern software product; increase the reliability of availability of the budgeting system; save time and money by reducing the number of hours spent cobbling together solutions and systems in support of the existing BP system; provide robust reporting to support budget analysis; and improve the integration between the budgeting system and other existing systems, such as SAP, the County's existing Enterprise Financial System.*

- a. So what exactly will be fixed with regard to user-friendliness by installing the new system?
- b. What specific “functional improvements” will occur? Does it require extensive training to use?
- c. How many and which types of employees will be able to use the system?
- d. What types of reports and analysis will be available that are not now available? Will non-technical users be able to create reports and analyses?
- d. What is unreliable about the current system and how will the new system fix this?
- e. Which features constitute “robust”?
- f. Which comparable jurisdictions (size, complexity) use the version of the Sherpa software being purchased by the County currently? How do the front line users like it (not just management who bought it)? What do the Supervisors and city council members in organizations which use the proposed version think? Did the SLO County Project Team visit any of these locations to observe it in the production mode? The write-up indicates that the selection process was as follows:  
*On January 30, 2015, Information Technology competitively bid Request for Proposals (RFP) through the County’s e-procurement website, Public Purchase. Five responses were received. A selection committee reviewed the proposals and interviewed the firms in April 2015.*  
*Sherpa Government Solutions LLC received the highest scores from the selection committee based on completeness of submittal, understanding and approach to the project, professional qualifications, experience with similar projects, response to interview questions and local vendor preference.* Notifications were made to non-selected companies and no protests were received.  
 Sherpa appears to be based in Denver. How does this work with local vendor preference?
- g. Who are Sherpa’s owners, management, and key staffers? (Sherpa’s website does not list any of this).
- h. If Sherpa is so great and user friendly, why does it take a whole project team of consultants and special staff 2 years to install it and get it running?

The proposed contract with Sherpa was not included in the electronic agenda. Citizens are directed to go to the Clerk’s office and to ask to see a copy on file there.

You would think the Board might want to see a live demo of the functionality of Sherpa software, which is embedded in the \$2 million project.

**From Sherpa’s Website:**

Sherpa’s website does not include any substantive product information. There are no lists of current clients. The information is non-substantive and simply makes very general claims:

*About Us*

*Why “Sherpa”? Sherpas live in the Himalayas and are hired by mountain climbers to provide support, guidance, and of course carry their equipment during their trek to summit Everest (one even dragged a cappuccino machine up the mountain for a particularly persnickety client). Sherpas are known for providing support to get the job done. That is just what we do at Sherpa Government Solutions.*



*We are an organization made up of talented, dedicated and innovative individuals who utilize Information Technology as a primary tool in solving customers’ on-going challenges and helping them to meeting future growth opportunities.*

*Sherpa Government Solutions consultants combine extensive knowledge of the public sector and information system technology to create breakthrough results. Our goal is to help our clients meet their strategic and performance goals through the practical use of technology. We provide proven approaches to systems implementation while adapting to each client and scenario. We provide the skills, knowledge, and experience it takes to help you succeed.*

*Sherpa Government Solutions helps you do things better, do things differently. We help you revamp your systems, reshape your strategy, and implement your vision.*

*If you are looking for technology solutions, we have your answers. Sherpa takes a hands-on approach with all clients to ensure project success. Sherpa – we’ll get you there!*

We didn’t know working on the Budget is so much fun.

**AND**

# Budget Software Support

Sherpa consultants are among the most experienced in public sector budgeting software. Sherpa not only implements our [Budget Formulation and Management \(BFM\)](#) software, but we also support other software including CGI's BRASS and Performance Budgeting solutions as well as SAP's PBF. Our consulting team has a well-rounded skill set that spans from functional budgeting consulting to database tuning, report creation, and interface development. Sherpa brings creative solutions to budgeting software issues based on our 15 years of supporting the applications.

Services offered by Sherpa include:

- Software implementation support
- Software procurement support
- CGI's Performance Budgeting support
- SAP Business Objects Report Development and Training
- SAP PBF Support - Reporting
- BRASS - InfoMaker reporting
- BRASS Support
- BRASS transition to [BFM](#)

**Item 32 - Continued hearing to consider an appeal by Wilton and Helen Webster, and Ron Jolliffe and Collen Runyen of the Planning Department Hearing Officer's approval of Willow Creek NewCo LLC Minor Use Permit (DRC2013-00028) to allow the phased expansion of an existing olive oil/wine processing facility, 20 temporary events with 200 guests, and modifications to ordinance standards to allow adjustments to setbacks, and an increase to the limits of retail sales area and consideration and adoption of the Mitigated Negative Declaration at 8530 Vineyard Drive, west of the community of Templeton, continued from June 2, 2015. District 1.**

The staff recommends that the appeal be denied. The content of the appeal is fairly technical and raises all the usual issues of traffic, water, procedural errors, and land use incompatibility. There is extensive correspondence. It is strange that this item was not set for an afternoon session. It is not clear if there will be extensive public interest. Essentially the applicants wish to expand their facility, add events, and increase the sales area in response to a growing agricultural business.

### **Matters After 1:30 PM**

**Item 34 - Submittal of a resolution supporting the Civility and Civil Discourse Accord resolution.**

The League of Women Voters of San Luis Obispo thinks that meetings of local public bodies need to be more civil. It does not cite any data demonstrating that the conduct of members of the Board of Supervisors, regional agencies, various city councils, special districts, or school boards are characterized by uncivil behavior by disruptive citizens or public officials. The

League “study” of the matter is essentially moot on the degree of the problem in San Luis Obispo County:

*How Elected Officials in SLO County Promote Civil Discourse*

*On October 24, 2013, the League of Women Voters of San Luis Obispo County sent letters to 39 incumbent elected officials of the seven cities and San Luis Obispo County to solicit their responses on how they promote civil discourse in their governmental bodies. Below is a very brief summary of response highlights that were universal and/or unique. The full report will be available online.*

- Arroyo Grande emphasizes the importance of the Presiding Official “thanking” each speaker.*
- Atascadero provides training for conducting meetings and interacting with the public, including the use of electronic technology.*
- Grover Beach emphasizes respectful listening, the use of facts, careful use of non-verbal reactions, and has adopted detailed civil discourse procedures: it has a strict Code of Ethics and enforcement procedure.*
- Morro Bay has adopted several resolutions regarding policy and procedures for meetings and methods for enforcement.*
- Paso Robles has adopted a Code of Ethics and emphasizes rule-enforcement.*
- Pismo Beach has published a Handbook detailing their policies and procedures: violation is a misdemeanor offense.*
- City of San Luis Obispo has adopted Rules of Procedure agreed upon by council and commissioners. In 2011, the U.S. Conference of Mayors identified best practices that focus on respect, understanding, careful word choice, truth seeking, humility, and service.*
- The San Luis Obispo County Election Officials’ Civility Accord was adopted June 6th, 2013: it emphasizes openness, responsibility, professionalism, and the aim of debate as betterment, not destruction.*

*While it is evident from our field research that our local officials strive to promote Civil Discourse with each other, their staff, and citizens, they told us that they welcome suggestions from the LWV of SLO County on ways to improve Civil Discourse in local government. Mayor Tom O’Malley has already invited the LWV of SLO County to present our findings on Civil Discourse to the 1st fall Meeting of the Mayors to be held in Atascadero. After our year-long study on Civil Discourse, we realized that by updating our Government position to include Civil Discourse and by adding Strategic Goal #5 to emphasize the promotion of Civil Discourse, we would finally be in a position to educate, train, and advocate on behalf of Civil Discourse in local government.*

**Which Planet Is the League On?** Of course, and as regular attendees at Board meetings and other bodies well know, Supervisor Gibson is the poster boy for dismissive and manipulative

disrespect for public comment with which he disagrees. Also he was particularly nasty to Supervisor Arnold during the first part of her term. His arrogance is well known. When comment with which he disagrees is made, or when colleagues propose a course of action with which he disagrees, he often becomes petulant and impatient, stating that their opinions are a waste of time and that the Board has more important work to do. Similarly, Supervisor Hill is famous and infamous for bullying tactics outside the public meetings but which are linked to the issues and some of the people with which he disagrees. Additionally, tactics such as limiting public comment to 3 minutes on broad functional sections of the Budget (rather than department by department) are designed to forestall proper review and public participation. The swift and shoddy consideration of the County's LAFCO "application" for the creation of the proposed Paso Basin Water Authority is yet another example.

Now comes the League of Women Voters, which at best is unaware of this behavior or at worst is seeking to cover it up by promoting Gibson and Hill as champions of "Civil Discourse."

The Board letter does not say there has been a problem but infers that there is one, as described in the highlighted section below:

*The League of Women Voters is a nonpartisan political organization whose members encourage informed and active participation in government, strive to increase the understanding of major public policy issues and works to influence public policy through education and advocacy. In 2014, the League of Women Voters of San Luis Obispo chose Civil Discourse as the Recommended Program for Local Study and expanded the league's local government position to include the following statement: "Promote civil discourse through action and education for all government bodies, staff and citizens for the purpose of improved public policy decisions and processes. Civil discourse means, at a minimum, mutually respectful, courteous, constructive, and orderly communication." Over the next year, League members completed the study, met with all current members of the Board of Supervisors, and with financial support from the Board members, developed printed materials and buttons defining and promoting civil discourse. The presentation of this resolution promoting civil discourse for adoption by the Board of Supervisors is the first step in the League's promotion of civil discourse throughout San Luis Obispo County.*

Presumably we will see the printed materials and buttons "defining and promoting civil discourse" at the hearing. There is also likely to be a PowerPoint, which characteristically has not been included with the posting of this item. This in itself undermines the credibility of this effort. How is anyone to have a discourse, let alone a civil discourse if key pieces of the public information are suppressed until an actual hearing, when it is too late to analyze them and prepare.

**The Resolution:** Accompanying this item is a Resolution which is proposed to be adopted by the Board of Supervisors. The Resolution is shockingly problematical and would actually, if

literally observed (for example if the Board shut down public speakers who it deemed to be in violation), would curtail First Amendment protected speech.

**A significant threshold question:** Does the Resolution pertain only to the Board members themselves or does it carry over to public speakers, demonstrators, protestors, organizational advocates, and others? The Board letter states in this regard that the League’s goal is to:

*“Promote civil discourse through action and education for all government bodies, staff and citizens for the purpose of improved public policy decisions and processes. Civil discourse means, at a minimum, mutually respectful, courteous, constructive, and orderly communication.”*

This would suggest that it is the intent of the resolution to not only regulate the behavior of the Board members but also the citizens. Does this mean that if the Board determined that a citizen speaker or demonstrator violated the provisions of the Resolution, that they would be admonished, shut down, or arrested? Such a provision would be clearly illegal. Even the admission of intent to control the tone of comment by the public would be illegal. Cursing, yelling, threatening violence, and other such behavior is already prohibited. Given this fact, what is the actual intent here?

*RESOLUTION NO.*

*RESOLUTION OF THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS*

*SUPPORTING THE CIVILITY AND CIVIL DISCOURSE ACCORD*

*The following resolution is hereby offered and read:*

*WHEREAS, we, the members of the San Luis Obispo County Board of Supervisors, in order to ensure civility and civil discourse in all of our meetings, pledge our commitment to the following best practices of civility and civil discourse; and*

*WHEREAS, we pledge our commitment to respect the right of all people to hold different opinions in all our meetings; and*

**a. So how does this square with the treatment of Will Harris, who criticized the APCD dunes dust calculation and was called out by Hill, Gibson, and Mayor Marx?**

*WHEREAS, we pledge our commitment to avoid rhetoric intended to humiliate, malign, or question the motivation of those whose opinions are different from ours in all our meetings; and*

**a. Again, this is exactly what Hill, Gibson, and Marx actually did at the APCD meeting. Similarly Hill and Gibson refused Compton and Arnold’s request for a break to formulate the findings for approving the Las Pilitas Quarry application.**



**b. Also does this pertain to just the Board members or will the public be barred from questioning the motives of its elected and appointed officials?**

*WHEREAS, we pledge our commitment to strive to understand differing perspectives in all our meetings; and*

*WHEREAS, we pledge our commitment to choose words carefully in all our meetings; and*

*WHEREAS, we pledge our commitment to speak truthfully without accusation, and avoid distortion in all our meetings; and*

*WHEREAS, we pledge our commitment to speak out against violence, prejudice, and incivility in all their forms whenever and wherever they occur in all our meetings; and*

**a. By speaking out, would this mean that the Board would suspend, prohibit, or criticize a public speaker who it thought was exhibiting prejudice or incivility? For example, what about circumstances when a member of the public may criticize personal behavior of a member of the Board or appointed County executives?**

**b. How does this work outside the boardroom, when a board member might attack a citizen personally in a guest editorial, by telephone, or other media?**

*WHEREAS, we commit ourselves to building a civil political community in which each person is respected and spirited public and political debate is aimed at the betterment of San Luis Obispo County and its people and not the disparagement of those with whom we disagree.*

**a. Does this mean that Board members will no longer castigate citizens who have questions about global warming and attendant public policies such as “smart growth” with the very pejorative and historically negative term “climate change deniers”?**

*NOW, THEREFORE, BE IT RESOLVED that the members of the San Luis Obispo County Board of Supervisors,*

*State of California, shall promote the use of and adherence to the principles of civility and civil discourse in conducting business with elected officials, staff and citizens.*

**a. Again, what if a member of the public is considered to be “uncivil”? How will this be defined?**

*Upon motion of Supervisor, seconded by Supervisor, and on the following roll call vote, to wit:*

*AYES:*

*NOES:*

*ABSENT:*

**In General:**

- a. Separately from the Board’s treatment of citizens at public meetings, is this Resolution legal even as to the Board members themselves in their own debates? It would seem to violate their First Amendment rights (not to mention their duty to fiercely represent their constituents).
- b. If they promise to “choose their words carefully in all meetings,” and subsequently a Board member determines that his or her colleague’s words violate the “careful” standard, what will happen? Exactly what is “careful”?
- c. Who is to determine if a Board member is “speaking truthfully”?
- d. Who is to determine if a Board member is speaking without “distortion”?
- e. How can the Board ban itself from accusing someone of some egregious error or omission (particularly staff) and exercise control of the organization? Would uncivil speech also include other techniques of debate such as irony, humor, ridicule, rhetorical questions, etc.?

**League’s Website Promotes Gibson and Hill to the Exclusion of Other Supervisors:** The League’s website contains a special section on the “Civil Discourse Project.” It prominently features Supervisor Gibson as the key benefactor and Honorary Chairman of the “Civil Discourse Team”:



*Emily Penfield, Chair of the LWVSLO Civil Discourse Action Team announced that the Roll-Out of Civil Discourse actions in the San Luis Obispo County Board of Supervisors will be held on July 7, 2015, 1:30 pm. The Team, under the leadership of the Honorary Chair of the Civil Discourse Action Team, Supervisor Bruce Gibson, and the entire membership of LWVSLO will introduce a complete program to adopt and support the practice of Civil Discourse at all Supervisors' meetings. It will be a media event with TV and news coverage AND a League photo with the Supervisors. The public is invited to come and show support and promote civility at all government meetings throughout the County.*

*The Roll-Out event will be in the Meeting Room of the San Luis Obispo County Government Center at 1055 Monterey Street in San Luis Obispo, CA 93408*

It continues with a very special and complimentary section featuring Gibson:

*Our first new study in ten years concerning civil discourse in local government was completed during this period and voted to be included in our local government position. Receiving the unanimous support of the San Luis Obispo County Board of Supervisors, and Honorary Chair Bruce Gibson, the Team is moving ahead to lay the foundation for action in promoting the practice of Civil Discourse among **citizens**, staff and elected officials in governmental meetings throughout the County of San Luis Obispo. [Review the results of their study!](#)*



**Note again, in our red highlight above, that the text here indicates that citizens are expected to be subjected to the standards of the program.**

*The original impetus came from members who came to the Program Planning meeting in January 2013 and noted the lack of civility in public meetings, the media, and Congress. In traditional League fashion, members felt that our local league should promote civil discourse. It seemed simple enough. However, we soon realized it was not so simple. The members voted to conduct a study on Civil Discourse, its definition, good and bad practices, and (as in any adopted League program), an action plan. A study committee was formed with Sharon Kimball as Chair*

**Hill Gets Special Billing As Well:** The website also contains a special section in praise of Supervisor Adam Hill (a currently running candidate), casting him as a very positive and almost cuddly figure under a headline which infers that Hill is a key champion of the Civil Discourse Program. Shockingly, this is so contrary to his demeanor, behavior, and record that it leaves one speechless. It also raises a question of whether this is simply a ploy to bolster his re-election Campaign. The League ostensibly does not endorse candidates for public office, but given the active campaign for 3<sup>rd</sup> district, which is already underway, why is Hill featured so prominently even to the exclusion of 3 other supervisors? Why is he portrayed as a positive figure in terms of civil discourse?

**By the way, would COLAB's exposure of these facts and displays which raise questions about the program and the League's fairness, constitute "uncivil discourse" under the proposal?**

## Well Received



Democracy in Dialogue Workshop - May 16, 2015

LWVC Convention 2015

15

The League's definition of civility:

## What do we mean by civility?

**Being civil does not mean being silent.**

**It does not mean avoiding contentious public issues.**

**On the contrary, healthy disagreement is central to a robust, flourishing democracy.**

**Civil dialogue strengthens policy.**

**Only by considering all sides is it possible for us to make progress while keeping everyone's dignity and rights intact.**

Linnea Hirst & Kim Abel, Co-presidents LWVWA 2012

LWVC Convention 2015

### Planning Commission Meeting of Thursday, July 9, 2015 (Scheduled)

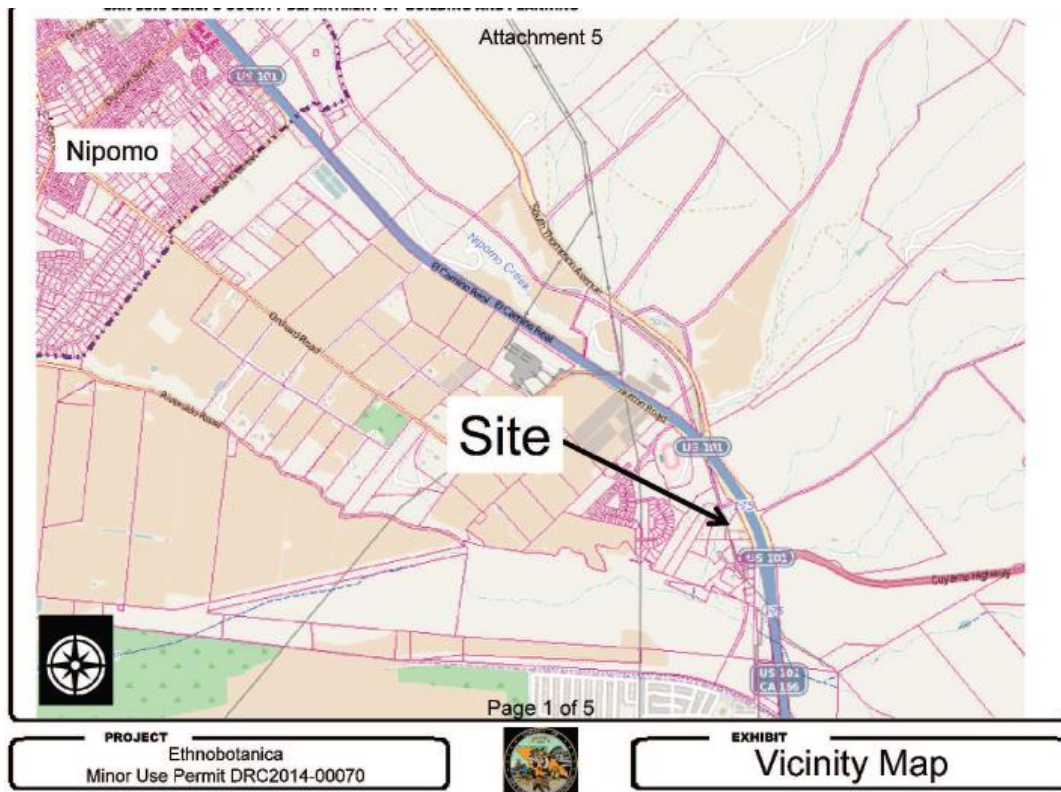
**Item 5 - Continued Laetitia Agricultural Cluster Subdivision/Hearing to consider a request by JANNECK, LIMITED for a Tentative Tract Map and Conditional Use Permit to allow an agricultural cluster subdivision of twenty-one parcels (totaling 1,910 acres) into one hundred and two (102) residential lots and four (4) open space lots. The proposed project includes 102 1-acre residential lots, a homeowner's association facility, recreation center, and community center (ranch headquarters), 25 acres of internal access roads, and a wastewater treatment plant. The applicant has requested that the hearing be continued to August 13, 2015 to provide more time to respond to issues raised in the Environmental Impact Report.**

**Item 6 - Marijuana Dispensary /Hearing to consider a request by ETHNOBOTANICA for a Minor Use Permit to establish a medical marijuana dispensary and construct related tenant improvements in an existing 2,636 square-foot commercial/office suite, which is part**

of an existing 11,675 square-foot building. The 2.72-acre parcel is in the Commercial Service land use category and is located at 2122 Hutton Road, approximately 450 feet north of the Highway 101/Highway 166 off-ramp, approximately 3 miles south of the community of Nipomo. The project has been referred to the Commission by the Planning Director because “it has the potential to be controversial.” The staff provides no recommendation for approval or denial of the permit. Instead, the report lists conditions which should be adopted if it is approved. The report also lists 3 instances in which the County denied permits for marijuana dispensaries over the past 5 years.

The folks who are yowling about dunes dust and oil tank cars don’t seem to be bothered by this one. There is no indication in the write-up about what the City of Santa Maria may think about the project.

Other pain suppressing narcotics such as Percodan, Demerol, Morphine sulphate, etc., are administered by physician’s prescription, and each doctor must maintain a log subject to Drug Enforcement Agency (DEA) inspection. The drugs are actually distributed by licensed pharmacists, medical clinics, and hospitals, which also keep records of the volumes by patient and prescriber. Why has “medical” marijuana been given this special status outside the regular medical system?



This location is designed for volume sales to customers from a wide area at the intersection of two state highways. All they need is the drive through window.