



COLAB SAN LUIS OBISPO COUNTY

WEEK OF NOVEMBER 29-DEC. 5, 2015

LAST WEEK

**COUNTYWIDE ORDINANCE RESTRICTING
LANDSCAPING ADOPTED**

**FEE INCREASES ADOPTED 3/2
(ARNOLD AND COMPTON VOTE NO)**

**DAN CARPENTER CALLS ON BOARD TO
INVESTIGATE HILL THREAT
(FAILURE OF THE COUNTY TO INVESTIGATE CONSTITUTES
VIOLATION OF ITS OWN ANTI-VIOLENCE POLICY)**

THIS WEEK

**NO BOARD MEETING ON TUES. DEC. 1ST
(BOS WILL BE IN MONTEREY)
CALIF. COUNTIES ANNUAL CONFERENCE
(FOLLOW THE SPONSOR MONEY ON THIS ONE ON PAGE 7)**



COLAB
San Luis Obispo County

7th
ANNUAL



DINNER & FUNDRAISER

SAVE THE DATE

Friday, March 11th
Alex Madonna Expo Center

details coming soon...

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

COLAB San Luis Obispo County
805-548-0340 colabslo@gmail.com

THIS WEEK

No Board of Supervisors Meeting on Tuesday, December 1, 2015 (Not Scheduled)

California State Association of Counties (CSAC) Conference. There will be no Board meeting as the members and staffers will be attending the CSAC conference in Monterey for most of the week. The program contains seminars on various policy matters of concern to counties, self-improvement classes, and the tedious matters pertaining to running a voluntary industry association. There are also the usual luncheons and dinners where officers are sworn in and awards are presented for innovative programs and longevity in the business. There is also the normal jockeying for Association offices and other political maneuvering. In some ways it's similar to an annual Diocesan Convention of the Episcopal Church or a State Federation of Cat Fanciers Convention – just the subject matter and personnel have different nomenclature. There is considerable handwringing about the lack of State support and/or



outright interference in the management and funding of counties. Numerous resolutions in these regards are adopted and later included in CSAC's annual Legislative program. There are topical and inspirational guest speakers at the opening session at the beginning of each day and at the luncheons. In addition to booths in the Exhibit Hall, some vendors maintain suites with open bars at night.

The week used to include an evening event, promoted as "County Night," which featured a dance. This seems to have given way to a dinner with a professional comic named Jeff Allen. Could the spouses who were left at home have gotten this one quashed?

Jeff Allen
Stand-up Comedian

For three decades, Jeff Allen has been performing on television and radio, at churches for fundraisers and at corporate functions all across the country. Jeff combines clean, hilarious

humor with inspiration like no other comedian working today. He performs sidesplitting standup and is a favorite at many different types of events, like churches, where church members can freely invite their un-churched friends, and know they'll have a great experience too. Prepare to laugh out loud at Jeff's unique style of comedy.



Perhaps the dance wasn't so bad after all. The conference is thickly populated with a variety of lobbyists, computer software sales people, insurance company reps, investment bankers, utility community affairs execs, and consultants, who are often quite attractive. Vendor reps greet a conventioneer in the Exhibit Hall in the scene to the right. *Hi, I'm from LA County and I need 10,000 lap tops.*



One year, when the conference was held in Ontario, County Night was held at a Buster and Billie's Restaurant at a strip mall (just across from the Chucky Cheese's). This is a chain where the format includes not only food and drink, but also a variety of game machines to entertain the adult patrons and their children. Another time (in San Diego) a cocktail hour was held on a decommissioned aircraft carrier that has been converted into a museum. It was about 40 degrees and damp on the hanger deck with the wind blowing through. Several years ago the conference was hosted by LA County in Long Beach – you got it - cocktails on the Queen Mary.

We would hope that in future years, CSAC would be less provincial and go for a little elegance. How about the Ritz Carlton at Northstar (Tahoe). The State Sheriff's Association held theirs there a few years back suggesting they know what they are doing. Of course, then there is the Bacara just down the road in Goleta, which has very nice facilities for a small convention.

Alas, CSAC is not the Screen Actors' Guild.

Policy Stuff: CSAC implicitly supports Cap-and-Trade carbon taxes. It advocates for a greater proportion of the revenue to be sent down to the counties from the State. We must be vigilant when the next County Legislative program is presented (any day) to question where the various

supervisors (and candidates) are on this one. CSAC is devoting a major session to this issue. The schedule states:

Cap and Trade Implementation

*A significant majority of cap and trade auction revenues were continuously appropriated in the FY 2014-15 state budget, including 20-percent of all future cap and trade auction proceeds for affordable housing and sustainable communities. With the fuels coming under the cap in 2015, auction revenues are expected to grow significantly into the future. CSAC will continue to work with the **Strategic Growth** Council (charged with implementing the AHSC program) and other state agencies and departments to ensure all counties are eligible to apply for grants and loans under the program and that eligible projects include improvements to the local street and road network that have greenhouse gas (GHG) emissions reductions benefits and provide the right-of-way for active transportation and mass transit.*

Sixty-percent of all cap and trade auction proceeds have been budgeted on an on-going basis. The other 40-percent of revenues were allocated on a one-time basis in FY 2014-15 for energy, water and natural resource programs and projects. This puts the appropriation of 40-percent of cap and trade revenues squarely in the middle of budget negotiations between the Administration and Legislature on an annual basis.

Another cap-and-trade session will focus on the economics of climate change. Note that in the session description below, the portion highlighted in yellow clearly demonstrates the bias for Cap and Trade. There is no indication of any objective discussion that includes negative impacts.

An Economic Perspective of California's Climate Policies

*California recently launched its cap-and-trade program, which uses a market-based mechanism to lower greenhouse gas (GHG) emissions in California. This economic component of AB 32 is meant to reduce a significant proportion of GHG emissions while generating revenue to invest back into state and local climate programs. **This workshop will focus on the economics of climate change and the implications of a market-based system on local economies, including the opportunities for local governments to benefit from cap and trade.***

Drought: A major session on drought is scheduled. As noted in the highlighted section of the program schedule below, our own water expert **Bruce Gibson** is leading the session.

Long-Term Impacts of the Drought

10:00 am – 3:30 pm

Monday, Nov. 30

The extensiveness and duration of the drought is posing long-term policy decisions for counties related to land use, economic development, and human services.

This conversation will explore how State and local policy decisions could have long-term impacts on agriculture and ranching; sale or transfers of ag water to urban uses; loss or conversion of ag lands; and how drought-caused changes may impact the food availability. The broader economic and employment impacts to communities and to county human services programs will also be discussed. Local perspectives beyond the immediate water shortages will be examined to assess the potential consequences and responses to these and other drought-related impacts.

Facilitators: *Napa County Supervisor Diane Dillon and San Luis Obispo County Supervisor Bruce Gibson.*

Is Gibson in favor of the sale or transfers of ag water to urban uses?

CSAC Consistently Supports Weakening of Proposition 13

One plank in it's the current Legislative Program states:

Prop 13

Vote Thresholds for Locally-Approved Taxes. CSAC has long-supported greater revenue raising authority at the local level and will support legislative constitutional amendments to reduce vote thresholds for local taxes. Depending on the outcome of the November election, the Legislature may seriously consider a number of measures that reduce voter approval requirements for a variety of specific purposes; as such a change requires a constitutional amendment, the challenge ahead is to determine the approach that has the best chance for voter support.

This needs to be brought up when the Board considers its Legislative Program and demanded that SLO County vigorously seek this provision's removal from the CSAC Platform.

Cap-and-Trade Funds

CSAC supports the sustainable communities program, which is simply a policy euphemism for so-called "smart growth stack-and-pack."

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Again, when the County considers its annual Legislative Program, these CSAC positions must be pointed out and the position of each Supervisor made clear.

CSAC Sponsors:

There are a number of private sector firms that help underwrite the cost of the CSAC annual conference. These are euphemistically called “CSAC Premier Members.” Some samples of participating firms’ logos are displayed below:



Follow the Money: Not so coincidentally, HERO, one of the PACE contractors described in item 11 from last week’s COLAB Update, pops up here. What a great system. HERO is awarded franchises (quasi monopolies) by Boards of Supervisors to make property tax secured home improvement loans in counties all over the State. Separately they help underwrite martinis, hors d'oeuvres, dinners, and comic entertainment at the boards of supervisors’ annual conference.



The machine rolls. Be a wasp!¹

See the link below for PACE details if you missed it last week:

http://www.colabslo.org/prior_actions/Weekly_Update_November_22-28_2015.pdf

¹ In the civic context a wasp is a person who seeks to overturn a seemingly all-powerful regime through organizing, educating, irritating regime members, and direct action. An analogy would be a wasp (a small stinging insect) which seeks to stop a large semi-truck. It can’t stop the truck physically, but if it gets into the cab, it can distract the driver and run it off the road. The more wasps in action, the better the chances.



LAST WEEK

Board of Supervisors Meeting of Tuesday, November 24, 2015 (Completed)

Item 17 - General Public Comment for Matters not on the Agenda. SLO City Councilman and 3rd District Supervisor Candidate Dan Carpenter requested that the Board of Supervisors investigate 3rd District Supervisor Adam Hill. Hill was mad at Carpenter for allegedly soliciting one of Hill's major campaign funders about a campaign contribution. The Cal Coast News published verbatim Carpenter's request to the Board for help as an opinion piece:

Carpenter asks supervisors to publicly condemn Hill

November 25, 2015

OPINION By DAN CARPENTER

Open communication from San Luis Obispo Councilman Dan Carpenter to the San Luis Obispo County Board of Supervisors on Tuesday.

Good morning madam Chair and supervisors. My name is Dan Carpenter, I'm a resident of District 3...and I speak today as a councilman from the city of San Luis Obispo.

I'm here to inform you of an unfortunate and disturbing incident involving your colleague Adam Hill while acting in his capacity as a representative of this board. Last Tuesday at a public ribbon cutting ceremony in Pismo Beach, he digressed to his bullying and intimidating ways by threatening me with bodily harm in front of numerous attendees.

This unprovoked, despicable behavior took place while I was attending the event at the invitation of the host, and in my official capacity as a representative of the city. This threat of violence was nothing less than thuggery...embarrassing the host and ultimately your board and the entire county.

When will this erratic and destructive behavior cease? Possibly when the citizens of District 3 realize that a public servant's character actually matters.....and have the courage to stop electing people like Mr. Hill who use their position as a license to abuse others.

Our county prides itself on quality leaders where integrity is derived from conduct.....and not voting records.

Ironically, this summer each of you signed on to a resolution adopting a Civility and Civil Discourse Accord presented by the League of Women Voters. It's obvious, Mr. Hill's support was disingenuous at best.

Shame on all of us if we allow this unstable temperament to continue untethered. As a reflection on your board, I would hope each of you would publicly condemn this reprehensible behavior as part of your commitment to the civility resolution you signed.

There was no visible reaction from Hill or any of the other Board members. No one asked Carpenter to explain in detail what happened. The Board did not direct County Counsel or any other official to investigate and report back. The failure of the Board to investigate is a violation of the County's official Anti-Violence Policy, which requires (among other things) that if a citizen or employee reports a threat of violence by a County employee or official, any County executive or official who hears of or witnesses such a violation must report it and the County must investigate it. In this case Carpenter requested the Board for help and they ignored him. This may well expose the Board (and the taxpayers) to major and costly liability in the future. Since the Board members willfully appear to have violated their own policy, they could be individually liable for misfeasance in this case. In Hill's case, and given that threatening a citizen with violence is not in the normal course of his duties (and is in fact prohibited in both County policy and law), the County could not use public resources to defend him.

The County's anti-violence policy states in part:

EMPLOYEES

The County of San Luis Obispo will not tolerate validated violent acts or threats of violence (either verbal, written or implied) by employees.

a. What about elected members of its Board of Supervisors?

The County will not discriminate or retaliate against employees who express a concern regarding threats of violence in the workplace. In such cases, the County endorses immediate and definitive use of the disciplinary process up to and including discharge from County employment, consistent with ensuring the safety of coworkers. Criminal prosecution will be pursued as appropriate.

INVESTIGATION

The County will investigate all threats, regardless of the nature of the threat to verify the source of information. The purpose of the investigation is to establish a probable cause and a good faith belief the potential for violence is real. The investigation may intrude into the perpetrator's private matters and to prevent defamation claims it should be prompt, thorough and confidential before warning other employees.

If the investigation reveals the threat is genuine and perhaps imminent, the County will take immediate action. Safety or security measures may have to be provided for the intended victim. Depending on the circumstances, security measures might be necessary before meeting with the person making the threat. The investigation will be non-threatening and non-confrontational. The facts and County action taken will be documented to demonstrate that the County took prompt and reasonable steps based on the evidence available.

This was a threat against a citizen by a County official. This was a threat against a sitting City of San Luis Obispo City Councilmember by a County official. This was a threat against a political opponent by a County official.

Will the Board of Supervisors follow its own Threat Investigation Policy?

THREAT INVESTIGATION

Investigate all threats, regardless of the nature of the threat. Ask the following questions, and keep proper notes and records.

- Who made the threat?*
- Whom against was the threat made?*
- What is the alleged perpetrator's relationship with the victim?*
- What was the specific language of the threat?*
- Was there any physical contact that would lead you to believe the threatening person will follow through?*
- Determine the names, addresses and telephone numbers of witnesses to any threats.*
- What was the time and place where the threat occurred?*
- Have there been any prior incidents of violence or threats?*
- Is there any documentation such as letters or recorded phone messages, or*

other physical evidence?

Item 18 - 2016-17 Annual Budget Development Policies. The Board accepted CEO's recommendation for continuation of the current budget strategy and format. Board members expressed strong satisfaction with the current policies to which they attribute the County's relatively painless (they called the strategy the 7-year pain plan) passage through the recession.

Arnold pushed for adding road maintenance to the list of priority policies. Her motion for this provision failed for lack of a second. Gibson and Hill were adamantly opposed to any changes. Interestingly, Hill repeated the mantra that road costs were too high because previous Boards of Supervisors had allowed urban sprawl.

COLAB pointed out that the current policy and conceptualization of the budget strategy misses important issues and understates the real financial difficulties faced by the County.

Key Strategic Issues which could have been examined and direction given include:

- a. Reprioritization and revenue strategy to address large deferred road maintenance deficit.
- b. Reprioritization and revenue strategy to address large unfunded buildings and parks maintenance deficits.
- c. Land use and economic development strategies related to items a and b above.
- d. Upcoming Pension Bond refinancing cliff.
- e. Contingency plan for Diablo plant phase-out or immediate shut down (like San Onofre).
- f. Housing crisis and inability to finance required infrastructure necessary for housing to be permitted.
- g. Expiration of Proposition 30 State income tax and sales tax surcharges.
- h. Planning for real water management and facility expansion (and concomitant financing) as opposed to and in addition to the current conservation emphasis.
- i. Decline in State and Federal highway and bridge revenue to counties and cities.

Item 19 - Hearing to consider an ordinance amending Title 19 (Building and Construction Ordinance) to adopt by reference Sections 490-495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations the Model Water Efficient Landscape Ordinance as mandated by the State of California Department of Water Resources per Gubernatorial

Executive Order B-29-15. The Board incorporated the new State mandated restrictions on water use to include landscaping and restrictions on the amount of landscaping into the Building Code. These include broadened and more complex application requirements. The regulations are being imposed by Executive Order of the Governor. Some of the Board members said that they did not like the new regulations but that there was nothing they could really do about them.

COLAB asked if the County's lobbyist or anyone else spotted this? Was the County notified for purposes of comment during the State's normal administrative review rule making process? If so, was it ignored? Or did folks say, "This is great! Another way for us to regulate the heck out of every one and not even get the blame!"?

Clearly most of the public is going to be upset by the complicated and invasive provisions once they encounter them in daily life.

What's the point of having a locally elected Board of Supervisors if they are just going to roll over every time someone in Sacramento thinks up new taxes and regulations?

The actual text of the new regulation is contained in the link below:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/5319/QXR0YWNobWVudCAyX01vZGVsIFdhZGVyIEVmZmljaWVudCBMYW5kc2NhcGUgT3JkaWFuYW5jZS5wZGY=/12/n/52442.doc>

It's big and dense so it may take a minute to open.

Item 22 - Annual Fee Increases for 2016. The Board adopted the higher fees on a 3/2 vote with Arnold and Compton dissenting.

The County reports that it has almost 2,000 fees for various services and for processing regulatory matters. Many are for direct services to the public for parks use, golf, medical services, childcare, purchasing publications, and so forth. COLAB is concerned with those that impact business and agriculture (particularly annual operating permit and license fees). COLAB is also concerned about the fees related to land use, building matters, and annual business licensing and regulation.

The general policy of the County is that fees should cover the costs of the "special things" that the public wants, so that the costs of providing them do not subtract revenues away from those services that are provided to everyone, such as Fire, Sheriff, Jail, Probation, District Attorney, road maintenance, etc. The specific rule within the County's Budget development policy states:

21. Cost Recovery through Fees: Utilize fees to recover costs where reasonable and after all cost saving options have been explored. Exceptions will be reviewed on a case-by-case basis. County

departments will review fees annually to ensure that they meet statutory requirements, fall within the range of fees being charged by comparator counties and achieve cost recovery.

This theory is fine as applied to discretionary activities such golf, launching a boat, or getting a flu shot. The problem is that applying it across the board to business regulation and to land use and building permitting can undermine the operational viability of existing business, the expansion of existing business, or creation of a new business. Obviously the time/money factor in processing many permits is a companion issue of great importance. Relatedly, some permits are so technically difficult to process that in addition to the actual permit fees, applicants must engage and pay a variety of experts in order to prepare and process their applications. Accordingly, the entire cost package is of great concern.

Gibson and Hill rejected these concerns out of hand. Mecham went along with them.

Another issue is what determines the actual price of the particular annual license or permit? Similarly, the price of a particular type of land use permit is of great concern. Do these prices bear any real relationship to the cost of the time the staff spends analyzing a particular application? The County says, yes, and it says that it does studies to verify the cost of each permit type.

a. Are these studies available to the public?

There is constant upward pressure on the costs because California local governments have bought into the theory and practice that employee salary and benefit cost must inexorably rise. Furthermore, they have bought into the theory and practice that virtually all public safety activities (Fire, Sheriff) must be provided by career benefited civil service, unionized employees. The same situation is true for most of the civilian regulatory departments, such as Planning, Public Works, Public Health, and Agricultural Commissioner. These rank-and-file employees are some of the best compensated in society. Thus the pressure to raise fees is endless and self-inflicted.

