



**COLAB SAN LUIS OBISPO COUNTY**  
**WEEK OF SEPTEMBER 20-26, 2015**



**COLAB**  
 San Luis Obispo County

**FALL FORUM**



**USURPING DEMOCRACY**  
**STATE & REGIONAL DISPLACEMENT**  
**OF LOCAL AUTHORITY**

**Who can really do  
 what to whom?  
 What does it all  
 mean?**

Thursday, October 8th

5:30—7:30 PM

Holland Barn  
 2275 Carpenter Canyon Rd.  
 San Luis Obispo

(From SLO: just past the Cold Canyon Landfill entrance, on the right. From AG: just past the Cold Canyon Landfill entrance, on the left.)

Appetizers and beverages will be served.

**Guest Panelists**



**Fred Aguiar** — Former City Councilman of Chino, County Supervisor of San Bernardino, Speaker Pro Tem of the California State Assembly, and Chief of Staff for Governor Schwarzenegger.

**Sam Blakeslee** — Former State Assembly Member, State Senator, and founding Director of the Institute for Advanced Technology & Public Policy at Cal Poly.



**Mike Brown** — Retired CEO of Santa Barbara County, and former City Manager of Tucson and Berkeley. Brown also served as Chief Deputy Commissioner of Housing of the State of Connecticut and as a City of Hartford Washington staff advocate.

RSVP's appreciated by Monday, October 5th  
 Email: colabslo@gmail.com or call (805) 548-0340

**SAVE THURSDAY OCTOBER 8  
COLAB FALL FORUM-FREE EVENT  
SEE FLYER ON PAGE ABOVE  
(RSVP 805 548-0340)**

**LAFCO STEAMROLLS PASO WATER  
DISTRICT APPROVAL  
SENDS IT TO THE VOTERS  
(THOSE WITH QUESTIONS BLOWN OFF)**

**COUNTY TO FUND LOCAL SHARE OF  
APCD ADVOCACY PROGRAM**

**Board of Supervisors Meeting of Tuesday, September 15, 2015 (Completed)**

There were no major policy actions on this agenda.

**Item 17- General Public Comment for Matters not on the Agenda.** COLAB asked the Board members to explain why they are opposing the quiet title action by 500 of their constituent landowners representing 17,000 acres in the Paso Basin. The matter is repeatedly considered in closed session under provisions of the Brown Act, which allows public bodies to consider active litigation in private. We are not asking the Board to disclose any legal strategy but to simply explain what operative public interest is being served by their opposition. The only response came from Supervisor Arnold, who suggested that she supported the rights of the citizen plaintiffs to undertake the confirmation of their historic water rights. This did not shed any light on the fundamental question.

One issue at stake is the inherent historic superiority of the basin overlies' water rights in comparison with the municipal appropriators. Are the Board and its codefendant cities and water districts simply attempting to gain control of groundwater to which they have only secondary rights. If they don't get that control, is the whole theory of their so-called water conservation ordinance nullified? Or do they simply want to be able to pump groundwater unfettered and force the rural residents and agriculturalists to be the ones who must bring the basin into balance?

**Board of Supervisors Meeting of Tuesday, September 22, 2015 (Scheduled)**

**Item 3 - Monthly Drought Report.** The drought continues unabated. There is much speculation about the El Nino phenomenon, but the County staff report indicates that even if there is significant El Nino rain generated this winter, it will not be sufficient to remedy the current deficits. Moreover the report indicates that the drought is more than likely to be part of long-term ongoing condition.

*An El Niño (ENSO) Advisory continues in effect, with the September 10, 2015 ENSO Diagnostic Discussion indicating a 95 percent chance of El Niño conditions continuing through Northern Hemisphere winter 2015-16, gradually weakening through spring 2016. However, long-term hydrological drought is likely to continue. The U.S. Seasonal Drought Outlook is calling for the drought to persist or intensify throughout California and most of the far western U.S.*

This last warning suggests that the State and localities need to develop an alternative strategic plan for the continuation and development of California society if the drought is permanent. Again, we hope the County, in addition to the Diablo desal feasibility, will partner with other jurisdictions to look at the feasibility of large scale desal. Instead of wasting time (and millions of dollars) on Santa Barbara County’s request to partner on community choice electric aggregation, the two counties should lead an effort on large scale desal.



Otherwise, and someday, they along with the state could be looking at total growth moratoria and deporting citizens to Waco and Boise.

A proposed new logo for the State Department of Water Resources is displayed here. The Goddess of Plenty, who favored California for 200 years, has run dry. Did the designer deliberately include chem trails?

**Reservoir Levels (% of capacity):**

Reservoir	% of Capacity	Current Acre Feet Storage
Nacimiento	22%	81,930
Whale Rock	39%	15,126
Lopez	33%	16,164
Salinas	13%	3,193

Source: [www.slocountywater.org](http://www.slocountywater.org) County of San Luis Obispo

**Item 13 - Further Expansion and Extension of the Environmental Impact Report for the Phillips 66 Rail Spurs.** This item adds \$204,000 and 3 months for further studies. So far the company has 4 years and millions of dollars in the project application.

The item sheds some light on the future processing schedule:

There is a significant amount of work that needs to be completed prior to the finalization of the EIR. With the completion of the work as a result of this Contract Amendment No. 4B it is anticipated that the Final EIR will be available by the end of December of 2015. This schedule is based on the information submitted to date, and any new information may impact the schedule. Once the Final EIR is available, the Planning Department will release the dates for upcoming public hearings before the Planning Commission, which will be fully noticed. The County recognizes the public interest with regards to this project application, therefore the project will receive extensive notification prior to any hearings.

Figure 2-6 Plot Plan of Rail Unloading Facility



Source: Phillips 66 updated drawing, 2014.

**Item 20 - Update on County’s Legislative Program – Hiding Attack on Proposition 13?**

This item is a semi-annual report from the County’s State lobbyist. One disturbing issue is that the lobbyist mischaracterizes the content and purpose of SCA 5 (the bill to weaken Prop. 13 by removing commercial and industrial property from Prop. 13 protections). The lobbyist’s report describes the bill as:

*Summary:*

*Would exempt from taxation for each taxpayer an amount up to \$500,000 of tangible personal property used for business purposes. This measure would prohibit the Legislature from lowering this exemption amount or from changing its application, but would authorize it to be increased consistent with the authority described above. This measure would provide that this provision shall become operative on January 1, 2019. This bill contains other related provisions and other existing laws.*

*Position: Oppose*

While the provision above is included in the bill, it is not the main purpose. It is a trick to make people believe that the bill is OK.

The real dangerous and odious provisions in the bill include:

*This measure, commencing on the lien date for the 2018-19 fiscal year, would require the full cash value of commercial and industrial property, as defined, to be the fair market value of that property as of the lien date. This measure, for the 2018-19 fiscal year, would require only 50% of those properties that have not been reassessed at fair market value, as specified, to be assessed at fair market value, and by the 2019-20 fiscal year would require all other properties that have not been brought to fair market value to be assessed at fair market value*

3) "Real property used for commercial agricultural production" is real property that is used and zoned for producing commercial agricultural commodities

The Board, after being informed by various groups including COLAB and the Jarvis Gann Taxpayers Association wrote a letter to State officials opposing the bill. The problem here is that the County's paid lobby firm does not even state the real purpose of the bill in its report. What if we had not spotted it and pressured the Board to oppose it?

It makes you wonder how accurate and contextually correct the rest of the lobbyist's descriptions are.

**Local Agency Formation Commission (LAFCO) Meeting of Thursday, September 17, 2015 (Completed)**

**Item A-1: File# 2-R-15: Formation of the Paso Robles Basin Water District-Financial and Formation Matters (Recommendation: Consideration of the Formation of a Water District, Subject to Elections for Formation, the Board of Directors, and Funding pursuant to Proposition 218).** The LAFCO approved the County's application for the creation of an AB 2453 Water Management District on a 6-1 vote with Atascadero City Council member Roberta Fonzi dissenting. First District County Supervisor Frank Mecham made the motion for approval and was seconded by Second District Supervisor Bruce Gibson. Both Supervisors have been forceful and consistent supporters and authors of the district plan from the beginning. Commissioners Marshall Ochyliski of the Los Osos Community Services District, Muril Clift of the Cambria Community Services District, and Ed Waage of the Pismo Beach City Council also voted for approval of the district. Tom Murray, who is the Commission's citizen appointment, enthusiastically supported the vote. The LAFCO Board is displayed in the box below:

COMMISSIONERS	
Tom Murray, Chair, Public	Muril Clift, Special District
Frank Mecham, Vice-Chair, County	Bruce Gibson, County
Roberta Fonzi, City	Ed Waage, City
Marshall Ochyliski, Special District	

Previously, Mecham and Gibson also supported the special legislation which allowed the County to front for the district proponents. There were 36 public speakers during the hearing of which 14 supported the district, 20 were opposed, and 2 were unclear.

**A Railroad Job Under Any Other Name:** The Commission totally ignored 1,220 protest letters which had been submitted to them as of the day prior to the meeting. In fact, and even as of the day after the meeting, we can find no posting of the letters or even a representative sample with a note that says “we (LAFCO) received over 1,200 of these.”

The Commission totally ignored the 500-plus separate property owners, representing over 17,000 acres in the basin, who have become part of the quiet title process.

**Commission Refused to Consider Future Operational Costs:** The Commission totally ignored the requests for an analysis of the real financial projections for the costs and taxes beyond the 5-year, \$5 million start-up period during which the district’s only product may be a groundwater management plan (GSA). Instead, the Commissioners and their staff deflected the issue by conflating potential operating costs with future capital project costs. We know they are smart enough and experienced enough to know the difference, so their action was simply an evasion of the issue. This affront to reasonableness and their duties as LAFCO Commissioners and staffers raises serious questions.

**Bogey Man Invoked:** Both the LAFCO staff and some of the Commissioners justified their vote, in part, on the basis that if the district is not approved, the State will come in and take over. Of course, as has been pointed out numerous times (including in a LAFCO briefing report earlier this year), there are a variety of ways for localities to deal with the State Groundwater Management Act of 2014 (SGMA). For the commissioners to set up bogey man in an effort to scare their constituents into their preferred course of action is despicable.

**LAFCO Analysis Unbalanced:** Many of the Commissioners justified their vote, in part, on the fact that the voters in the proposed strict will have a chance to approve or reject. One problem is that they are being asked to make this decision without a real analysis of the true recurring costs (not capital costs) of the district in its full operating mode. Similarly, in “considering” the proposal, the commissioners actually had no detailed conversations about suitability and impacts of the vast regulatory powers assigned to the district. They simply received lists of these and then later said this constituted a thorough review. Worse yet, they accepted all of the powers and functions without modification, or deletion.<sup>1</sup>

**Next Steps:** The Board of Supervisors will now place the matter on the ballot. There are a number of required steps, as shown in the schedule below. The Board’s role is ministerial. It does not have a choice about whether or not to place the questions on the ballot. There will be 3 actual parts to the ballot, including:

1. A decision to approve or reject the establishment of the district (1 vote per registered voter within the proposed district – 50% + 1 of those voting is required to pass).

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<sup>1</sup> One power was not activated. This is a provision which would allow 4 members of the proposed district board of 9 to adopt emergency ordinances by 4 votes. It was included by mistake when the language of the AB 2453 enabling legislation was in large part copied from a large district in Ventura County.

2. A decision to impose a tax to fund the district (1 vote per registered voter within the proposed district – 2/3rds of those voting required to pass).

If either 1 or 2 fail, approval of the district fails. If item 1 fails and item 2 passes the County may use the money to fund preparation of a SGMA groundwater sustainability plan (GSP).

3. The election of the board of directors of the district (9 members). This will be a very complicated ballot, as there are 4 classes of directors and overlapping eligibility for voters based on property size and ownership status or lack thereof.

The vote will be by mail and, as noted in the schedule, will take place between February 8 and March 8, 2016. Proponents will have an advantage because, as an organized and well-funded interest group, they will be able to concentrate their forces and message. Since there is no “election day” and there are no other offices or propositions on the ballot, they hope that disorganized and distracted opponents will forget to vote.

**The Election Campaign:** It has been announced that a campaign promotion group, CALM, has been formed by proponents of the district to finance and execute a political campaign designed to achieve voter approval.

As of this writing we could not see that CALM has filed with the County Clerk Recorders Office Elections Division for reporting political campaign donations and expenditures in connection with conducting its activities. Perhaps they were waiting to see if LAFCO approved the district formation.

Disturbingly several basin residents report that in discussing the matter with CALM members, they have allegedly said that they are a private organization and not subject to campaign finance reporting. This matter will have to be presented to the Supervisors, County Counsel, and perhaps the District Attorney for ultimate resolution.

Draft Proposition 218 Funding Calendar

**SAN LUIS OBISPO COUNTY ELECTION OFFICIAL'S ACTIVITY SCHEDULE FOR PLACING A SPECIAL PARCEL TAX MEASURE ON THE BALLOT FOR THE MARCH 8, 2016, SPECIAL ELECTION FUNDING FOR SUSTAINABLE GROUNDWATER MANAGEMENT ACT OF 2014 COMPLIANCE WITHIN THE AREA OF THE PASO ROBLES GROUNDWATER BASIN**

NOTE: THE DEADLINES FOR SUBMITTAL OF ARGUMENTS, IMPARTIAL ANALYSIS AND OTHER DOCUMENTS FOR ACTUAL MEASURES WILL BE DETERMINED ONCE A MEASURE IS PLACED ON THE BALLOT. THE FINAL CALENDAR FOR EACH BALLOT MEASURE WILL BE POSTED ON THE WEBSITE.

November 3, 2015 EC Sec 4000, 4108	LAST DAY for Governing Boards to submit their resolutions calling for and placing a measure regarding the funding of the Paso Robles Basin Water District on a Special Election ballot. The resolutions must contain the FULL TEXT OF THE MEASURE and the EXACT FORM OF THE QUESTION as it is to appear on the ballot. If the question is the Full Text of the Measure, this needs to be stated in the resolution. File the original resolution with the Elections Official
November 4-13, 2015 EC Sec 9190, 9380	PUBLIC EXAMINATION PERIOD – Ten day examination period begins the day after the adoption of the resolution by the Governing Board.
November 16, 2015 EC Sec 9163, 9316	BY THIS DATE the Elections Official shall send the Notice Calling for Submission of arguments FOR or AGAINST the measure to be published.
December 11, 2015 EC Sec 9161-9163, 9315-9316, 9600-9601	PRIMARY ARGUMENTS DUE – The dates for Impartial Analysis, Arguments and Rebuttals will be established once a resolution is filed with the County Elections Official. LAST DAY for proponent(s) to change or withdraw Primary Arguments.
December 11, 2015 EC Sec 9160, 9313	IMPARTIAL ANALYSIS DUE from County Counsel. FISCAL IMPACT STATEMENT DUE from Auditor (if directed by B.O.S.)
December 12-21, 2015 EC Sec 9190, 9380	PUBLIC EXAMINATION PERIOD - Primary Arguments, Analysis, & Fiscal Impact Statement.
December 21, 2015 EC Sec 9167, 9317, 9600-9601	REBUTTAL ARGUMENTS DUE - File with the County Elections Official. LAST DAY for proponent(s) to change or withdraw Rebuttal Arguments.
December 22-31, 2015 EC Sec 9190, 9380	PUBLIC EXAMINATION PERIOD - For Rebuttals Only.
February 8, 2016 (E-29) EC Sec 3001	FIRST DAY BALLOTS ARE AVAILABLE
February 22, 2016 (E-15) EC Sec 2107	CLOSE OF REGISTRATION
March 8, 2016	ELECTION DAY
April 7, 2016 EC Sec 15372	COMPLETE OFFICIAL CANVAS

The CALM website contains a list of its Steering Committee members and fairly detailed bios. The sophisticated and well-designed website suggests that a strongly financed and serious effort will be undertaken to secure approval of the proposed district. CALM'S IRS filing status could not be determined from its website. The website is copyrighted, which would suggest that it is a structured organizational entity subject to various campaign and tax laws.



The County is using taxpayer dollars to front for the proponents (an estimated \$350,000 for application costs including finance consultants, geologists, surveyors, election costs, and others). This frees the proponents to use their own money for the election campaign. In this regard and by being the applicant and paying the costs, the Board of Supervisor is in effect indirectly funding the campaign.

<http://www.calmthebasin.org/>

**Planning Commission Meeting of Thursday, September 24, 2015 (Scheduled)**

**Item 5 - Hearing to consider a request by DLP AG PARTNERSHIP, L.P. for a Conditional Use Permit (DRC2013-00113) to allow for the phased development of wine production facility and tasting room/hospitality facility as well as a special event program. At buildout the winery would total 17,408 sf and the tasting room/hospitality facility would total 5,063 sf. Events are proposed to include 20 events per year with a maximum of 150 attendees and additional wine industrywide and non-profit events. The request also includes amplified music past 5 PM. The project will result in the disturbance of approximately 3.0 acres on a 42.28 acre parcel. The proposed project is located in the Agricultural land use category and is located on the north side of Adelaida Road (3590 Adelaida Road) approximately 3 miles west of the City of Paso Robles, in the Adelaida Sub Area of the North County Planning Area. We are in a state of shock. The staff recommends the project and there are no opposition letters or attorney briefs in the file. In fact there is letter of support from a neighbor.**

The letter (on the next page) does not suggest that vineyard development in the Adelaida area has reached some tipping point that would require strengthening the Events Ordinance, which had been suggested as the result of another application in the area.

Dear David, Lisa and Cecily:

Thank you, very much, for the hospitality and the discussion of your family's plans for your Adelaida Road winery and tasting room!

It was very informative and delightful experience to gather all of the neighbors there, on-site, to show us all exactly what you are planning and why. I believe that your development of that property is very well thought-out; and will greatly add to the area's prominence in the wine industry and the its reputation as a premium wine region.

On behalf of my wife, Gail, and I ... we support all of your efforts to make your plans come true!

Good luck. If we can ever be of assistance or help to you, please let us know.

Sincerely,

Greg and Gail Shipley

**Air Pollution Control District (APCD) Meeting of Wednesday, September 23, 2015  
(Scheduled)**

**Item B-6: Authorization to proceed with implementation Year 2 of the CivicSpark Program and receive funds in the amount of \$80,100.** Back in March the staff recommended the renewal of the CivicSpark Program, which is a kind of domestic Peace Corps-like program that hires recent college graduates and has them proselytize on climate change and greenhouse gas reduction, and provide “technical” assistance to cities, civic groups, and other organizations to ramp up their greenhouse gas reduction efforts. It is funded by an outfit called the Local Government Commission (which is really a government funded not-for-profit) with an 18% local share (about \$75,000).

**Shell Game:** The staff took a while to find the local share match (March until now). In the end the County is paying for it, utilizing utility grant funds which had been given to the Planning and Building Department as well as County General funds:

*The APCD has secured dedicated funding in the amount of \$50,000 from the SLO County Planning and Building Department's Energy Watch Program to cover a significant portion of the required matching funds for the second year of the program. In addition, \$14,693 has been*

*secured from the SLO County General Fund for help meet the match requirement for three CivicSpark members.*

According to the Planning department:

*Energy Watch is a partnership between the [County of San Luis Obispo](#), [Pacific Gas and Electric Company](#), [Southern California Gas Company](#), and participating cities and Community Service Districts. Energy Watch is a comprehensive program that provides information to targeted customers regarding energy use and cost associated with facilities and infrastructure. This information is used to identify, finance and implement energy and cost savings measures, as well as track building performance.*

*Energy Watch is also responsible for overseeing the monitoring and implementation of the County's EnergyWise Plan, which was adopted by the Board of Supervisors in November 2011 and aims to reduce GHG emissions in accordance with state mandates.*

**Slush Fund:** In the end, the local share component for this unnecessary patronage program and advocacy program is being funded by higher utility rates. The Energy Watch program is apparently a slush fund with no measurable performance or real purpose for that matter.

We don't recall an item on the Board of Supervisors agenda authorizing the granting of these funds to the APCD or making the necessary transfers.

The write-up states in part:

*This program is a partnership with the Local Government Commission (LGC), Governor's Office of Planning and Research and AmeriCorps to help local governments overcome capacity limitations to implementing CAPs throughout the region. San Luis Obispo County APCD was selected as one of nine Regional Partners throughout California to implement CivicSpark, which is a three-year program with a sunset date of December 2017. This program allows the APCD to build on its prior efforts and continue to serve local governments in their climate action planning needs.*

The LGC website says:

*The Local Government Commission (LGC) is a nonprofit organization fostering innovation in environmental sustainability, economic prosperity and social equity. The LGC is helping to transform communities through inspiration, practical assistance and a network of Since 1980 LGC has been a pioneer cultivating innovative local approaches to improving communities including promoting clean energy and waste reduction. In 1991, LGC developed the Ahwahnee Principles for Resource-Efficient Communities, which helped pave the way for the smart growth movement and has since worked to build awareness about the impact land use decisions have on transportation, natural resources, public health, climate change and fiscal strength. Members'*

*names and sources of financing are not listed on its website. The Board of Directors is comprised of some California mayors, city council members, and county supervisors.*

The staff report lists CivicSparks' overall accomplishments as:

*GRAND TOTALS:*

*People reached: 1,600+*

*Publications: 4*

*Monthly e-newsletters: 6*

*Materials developed: 9*

*Total developed materials distributed: 1,400+*

*Presentations delivered: 11*

*Events attended: 50*

*Cumulative number of photovoltaic (PV) permits completed & tracked for CAP progress in 2014: 1,25*

Details can be seen at the site:

[http://slocounty.granicus.com/MetaViewer.php?view\\_id=7&event\\_id=1390&meta\\_id=307229](http://slocounty.granicus.com/MetaViewer.php?view_id=7&event_id=1390&meta_id=307229)

**Item C-2: Establishment of Ad-Hoc Board Subcommittee to Work with Staff on Fiscal Planning.** This will be an important committee because the APCD will be experiencing pressure on its budget and finances due to the phasing out of the Morro Bay power plant. Its annual permit fee was a significant piece of the district's general revenue. There will be pressure to raise fees to cover the constant increase in salaries and retirement costs.