



**COLAB SAN LUIS OBISPO  
WEEK OF JUNE 25 - JULY 1, 2017**

**THIS WEEK**

**NO BOARD MEETING THIS WEEK  
SUMMER RECESS**

**NO BOS MEETING NEXT WEEK  
4<sup>TH</sup> OF JULY**



**OTHER AGENCIES DORMANT NEXT WEEK**

**LAST WEEK**

**2017-18 BUDGET ADOPTED**

**LABOR CONTRACT QUESTIONS IGNORED**

**MARIJUANA ORDINANCE DETAIL PRETTY MUCH  
DELEGATED TO PLANNING COMMISSION**

**APCD MEETING GETS UGLY  
(NO MATTER WHAT THEY SAY, SOME OF THEM WANT TO CLOSE  
THE DUNES TO RIDING)**

**HILL EVEN CHASTISED A STATE PEACE OFFICER IN UNIFORM FOR  
CARRYING HIS WEAPON IN THE BOARD ROOM**

**SLO COLAB IN DEPTH**

**(SEE PAGE 9)**

**THE PUBLIC UNION NEGOTIATION TRAP**

**By Mike Brown**

**THE ARCHITECTURE OF REGIME CHANGE**

**By Victor Davis Hanson**

**THIS WEEK'S HIGHLIGHTS**

**No Board of Supervisors Meeting on Tuesday June 27, 2017.**

**The 27<sup>th</sup> is both 4<sup>th</sup> Tuesday and occurs during the Board's 2 week summer recess.** Enjoy the respite. The left is queuing up a whole series of tests for the Board majority including community choice electric aggregation (think socialization), non-strategic affordable housing ploys, Obama Care backfill, and 4<sup>th</sup> district meddling schemes.

**LAST WEEK'S HIGHLIGHTS**

## Board of Supervisors Meeting of Tuesday, June 20, 2017 (Completed)

**Item 4 - Grand Jury Report on Expanded Juvenile Hall.** The item was received on the consent calendar without Board comment. The report found that the expanded Juvenile Hall is usually about 50% occupied and recommends that the Board consider some alternative programs that have either been considered in the past or that might be examined for feasibility now. The staff and Board responses were not enthusiastic about the recommendations.

**Items 18, 19 and 20 - Summary.** The 3 items increasing salaries and benefits were all approved. Supervisor Arnold voted against items 19 and 20. There was no public comment or questions from the Board other than by Supervisor Arnold. We are astonished that these things glide through without any real public interest or Board questioning. Part of the problem is the nature of public sector labor negotiations in California.

**Please see the article, “The Public Negotiation Trap”, in the COLAB IN DEPTH SECTION starting on page 9 below for a complete review of the problem and a proposal for reform.**

Since there is no Board meeting next week, we have saved our review of these contracts and repeat them here for our readers' convenience. Please take a quick review and then see the article on page 9 for the context.

**Item 18 - New labor contract with District Attorney Investigators Union.** This is a 2-year contract which will cost the County a new \$158,000 over the life of the contract. There are 12 subject employees. Accordingly, over 2 years they will receive an average increase of \$13,166 apiece. This does not include any scheduled annual steps for those who have not reached the top of the 5-step range.

**Item 19 - New 2 year labor contract with the San Luis Obispo County Employees' Association Trades, Crafts, and Services Union.** The contract will cost the County a new \$969,286 over the 2 years. There are 170 members in the union. Thus, on average, each will receive an increase of \$5,701 by the end of the 2<sup>nd</sup> year.

### **Key provisions included:**

- *A 3.5% across the board wage increase effective the pay period that includes September 1, 2016.*
- *A 3.0% across the board wage increase effective the pay period that includes July 1, 2017.*
- *An equity adjustment equating to 0.5% of SLOCEA bargaining units' payroll to be applied to classifications determined to be 7.5% or more behind market according to the County's selected comparable wage survey agencies, effective the pay period including July 1, 2017. This increase will be proportional based on market position and internal job family alignments*

**Apparently the negotiations with this group were difficult. According to the write-up:**

*On September 22, 2016, after nine (9) negotiation sessions, the County declared impasse in an effort to bring resolution to those negotiations. Pursuant to the County's Employee Relations Policy, an impasse meeting was held on October 27, 2016 during which the parties were still unable to reach agreement for a successor MOU. The parties then mutually agreed to bring the items in dispute to mediation, which was scheduled for December 19 and 20, 2016.*

*After two days of mediation the parties were still unable to reach agreement and proceeded to factfinding pursuant to Assembly Bill 646. A factfinder was selected from the Public Employment Relations Board (PERB), and three days of factfinding hearings were held on March 16, 17 and 27, 2017. The parties were able to reach a tentative agreement for successor MOUs on May 15, 2017, prior to the factfinder issuing a report with recommended terms of settlement.*

The Budget, which ironically was being adopted on the same day as this raise, does not contain the funding. Instead the County CEO states in the Board letter:

*To the extent departmental savings are not available to cover the amount, staff will recommend that your Board authorize a transfer of the deficit amount out of the General Fund Contingencies and/or reserves to the department operating budgets, as needed, as part of the third quarter report. Third quarter is when any such year-end adjustments are made.*

We see this practice year in and year out. Millions of dollars in "savings" due to budget underruns are applied to the unfunded known costs of negotiated contracts. The Board should ask:

- a. If we have these underruns year after year, are we budgeting too much?
- b. Similarly, the County budgets over \$600 million dollars per year for mandated programs and, to the extent the Board has discretion, for Board priority policies. If there are millions left over in the 3<sup>rd</sup> quarter each year, are the Board policies not being carried out on time?

Relatedly, the Board has given up its power to set budget policy by allowing this process to operate. Two years ago and during the 3<sup>rd</sup> Quarter Financial report, the Board transferred \$7 million, composed of over \$6 million in department "savings" and the balance from contingency to cover the unbudgeted costs of raises. This year it was somewhere north of \$3 million.

What if the Board said, "No, we want the general fund portion (which the reports never break out) to go for Board programmatic policies." These might include housing, homeless, SGMA planning, Nipomo parks facilities, and other priorities which various Board members have expressed. Why is the Budget underfunded, hiding the true cost of raises?

This Board item and its two accompanying items are deficient in that there is no overall aggregate picture of what raises are due (for all units) in FY 2017-18, how much of the amount is actually budgeted, and how much will have to be made up from transfers next May. At that point

the Board's back will be against the wall and it will have no choice and be compelled to approve the transfers.

c. What accounts for the underruns? Inaccurate budgeting, inefficient and slow hiring, absenteeism, lack of a sense of urgency, or what?

**Item 20 - Submittal of a resolution approving the July 1, 2016 - June 30, 2018 Memoranda of Understanding between the County of San Luis Obispo and the San Luis Obispo County Employees' Association, Public Services Unit, Bargaining Unit 01, Supervisory Unit, Bargaining Unit 05, and Clerical Unit, Bargaining Unit.** This one was even worse. First of all it is partially a retroactive contract slated to cover the 2-year period of June 1, 2016-June 30, 2018. Jurisdictions should never agree to retroactivity. Once unions understand that they can obtain retroactivity they have much less incentive to settle timely. They then prolong negotiations, invoke mediation and fact finding, and end up getting more money.

The result is described in the County write-up:

*On September 22, 2016, after ten (10) negotiation sessions, the County declared impasse in an effort to bring resolution to those negotiations. Pursuant to the County's Employee Relations Policy, an impasse meeting was held on October 27, 2016 during which the parties were still unable to reach agreement for successor MOUs. The parties then mutually agreed to bring the items in dispute to mediation, which was scheduled for December 19 and 20, 2016.*

*After two days of mediation the parties were still unable to reach agreement and proceeded to factfinding pursuant to Assembly Bill 646. A factfinder was selected from the Public Employment Relations Board (PERB), and three days of factfinding hearings were held on March 16, 17 and 27, 2017. The parties were able to reach a tentative agreement for successor MOUs on May 15, 2017, prior to the factfinder issuing a report with recommended terms of settlement.*

The contract covers 1,546 employees as displayed in the table below:

<b>Bargaining Unit and Description</b>	<b>Number of Employees</b>
Public Services Unit, BU01	967
Supervisory Unit, BU05	208
Clerical Unit, BU13	371
Total	1,546

Given the \$9.2 million total, the average raise for each of the 1,546 employees will be \$5,950 for the 2-year period (of which one portion is a lump sum retroactive payment – Have a Happy 4<sup>th</sup> of July. Depending on job classification, rank, and time in service some will receive more and some less. It would be interesting to know how much of the \$9.2 million will go to the 208 employees in the Supervisory Unit?

The cost of the onetime lump sum retroactive payment, which will cover ten months, will be \$3.8 million. This is base building and when annualized adds a new \$4.5 million per year.

The FY 2017-18 cost is \$4.7 million. The 2-year cost is \$9.2 million base building and recurring essentially forever.

Again, and as pointed out in the item above, the costs are not fully funded in the proposed budget, which ironically is being adopted on the same day as these raises are being approved. The write-up again states:

*Departmental savings and/or unanticipated revenue will be the primary source of funding for these unbudgeted expenditures associated with these compensation increases. To the extent departmental savings are not available to cover the amount, staff will recommend that your Board authorize a transfer of the deficit amount out of the General Fund Contingencies and/or reserves to the department operating budgets, as needed. Third quarter is when any such year-end adjustments are made.*

- a. What portion of these raises is included in the Budget to be adopted?
- b. How much is true local discretionary general fund?
- c. Will the necessary savings be achieved by stalling board approved service programs or running them at slower velocity than intended?
- d. Is the County vacancy rate so high that this is a safe bet each year?

It turns out that not all the issues were settled and there are still disputes about the employees paying for a small portion of the attributable increase in pension costs. In fact the item does not say how much of the increase is in pension costs and how much is in salaries. **Caution: are the attributable pension costs to the County even included?**

How much of the aggregate salary and pension increases for all employee groups are included in the proposed budget? How much will have to come in the 3<sup>rd</sup> quarter from “salary savings”?

All this demonstrates that the Board’s true top strategic policy is making sure the unions are happy. After debt service, Public Safety and all the other policies are just rhetoric. Given the endless growth of taxes and fees, it is clear that in California the public works for the “public servants.” And you thought feudal times were long gone.

**Item 21 - Women’s Jail Expansion Project Cost Overruns.** The transfer was approved unanimously on the consent calendar and without comment. The project is now \$2,840,000 over budget. Staff requested a transfer. The table to the right details the numbers.

Table #2

Sources of Funding			
Funding			
	State Funding	County Funding	Proposed Authorized Funding
State - AB 900	\$25,125,630		\$25,125,630
County - Detention Facilities Reserve		\$7,000,000	\$7,000,000
County - Criminal Justice Facility Const. Reserve		\$4,421,504	\$4,421,504
County - Facility Planning Reserve		\$3,656,652	\$3,656,652
County - General Fund		\$694,000	\$694,000
County - General Building Replacement Fund		\$50,000	\$50,000
County - Capital Project Savings		\$897,000	\$897,000
<b>Subtotal Board Approved Funding</b>	\$25,125,630	\$16,719,156	\$41,844,786
County - Capital Project Savings		\$300,000	\$300,000
Prop 172 Solar Designation		\$2,540,000	\$2,540,000
<b>Budget Adjustment Request</b>		\$2,840,000	\$2,840,000
<b>Total Project Funding</b>	\$25,125,630	\$19,559,156	\$44,684,786

According to the write-up, the County is blaming the contractor for delays and will seek to recover costs through arbitration or other legal recourse. The contractor blames the County for design errors. The original budget contained a \$2.8 million contingency, which has already been exhausted through 31 change orders. There are similar problems with the Juvenile Hall expansion, and there is a \$10 million-plus contractor's claim on the Los Osos Sewer Plan relating to the installation of the sewer mains and street pipes. That contractor asserts improper design specifications by the County, which led it to underbid the project. These matters are discussed in closed session, so we have no idea what the legal bets are on the outcomes.

**Item 41 - Formal Budget Adoption.** The Budget was adopted on a 4/1 vote with Hill dissenting. Hill objected to funding for SGMA, Nipomo Parks, roads, and addition of 2 Sheriff's Deputies in the north County. He labeled these items as "political pork." Gibson said he agreed with Hill but would vote for the budget overall because it contains many important programs. He strongly objected to the same items. Gibson went on to call Supervisor Compton's concern for the Nipomo Parks a "fabricated injustice."

**Item 48 - Check In on the Proposed Recreational Marijuana Regulatory Ordinance.** Over 20 public speakers overwhelmingly recommended that the County not regulate the number of grows. There was no one suggesting stronger restrictions. Key provisions receiving sympathy from the Board included:

- No arbitrary caps on cultivation (location, size, etc.).
- No limits on the number of new grows.
- Multiple licenses on the same site.
- Dispensaries in industrial zones and perhaps elsewhere.
- Unlimited delivery services.

In fact Supervisor Hill stated that "marijuana should be treated like any other crop."

Conversely, Supervisor Peschong is adamant that edibles should not be allowed in SLO County as they are attractive to children.

In the end the issue was referred to the Planning Commission to work out the details and to prepare a recommended ordinance for submission to the Board of Supervisors.

**Background:** Things got out of control. In this case the Board had assigned Planning Department staff to take a skeleton draft ordinance out to the community, receive community/industry input, and report back. Instead the staff went out and developed a new full version of an ordinance and was about to submit it to the Planning Commission without checking back with the Board. The Planning staff never came back to Deputy County Administrator Guy Savage, who is in charge of the policy and ordinance development project.

**San Luis Obispo County Air Pollution Control District (APCD) Meeting of Wednesday, June 21, 2017 (Completed)**

**Item B-2: Joint Presentation on the Status of Rule 1001 Implementation, Emissions and Dispersion Modeling Effort for the Oceano Dunes and Next Steps for Implementing Emission Controls.** This one meandered along for a while and then got ugly.

First of all, there was no write-up other than the statement that a California Air Resources Board (CARB) dust expert, the State Parks Department Off Road Vehicle Riding Division Deputy Director, and the APCD staff would be making a joint presentation. For this reason, neither the public nor the Board could know what was coming.

Secondly, there were some extensive PowerPoints, which constituted the presentations, which had not been made available in advance.

Thirdly, the item was announced in the write-up as a no action presentation.

Fourthly, Supervisor Peschong was excused to attend the funeral of his father and Supervisor Compton was excused to attend a meeting of the California State Association of Counties (CSAC) Rural Counties Caucus. Supervisor Gibson was absent in the morning, perhaps for a medical appointment (More on his sudden appearance later).

Finally, a group of Nipomo Mesa residents showed up to demand action on limiting riding at the Oceano Dunes State Vehicular Recreation Area (ODSVRA).

The State Air Resources presentation consisted of a very scientific explanation of a new 3-dimensional model which the State and APCD have developed which will give them a better idea of how the wind generated particles are concentrated and travel. The bottom line on this one seems to be that no matter what is ultimately done (reducing riding areas, prohibiting riding on windy days, or even eliminating riding) the problem will not go away. The amount of dust reduced will never get below the violation level, which occurred on about 35 days per year in 2016.

Several of the PowerPoint slides made this clear but we don't have them here because they were not posted with the agenda. No one actually elaborated on this. Whether anyone noticed the data or not is unknown.

After the CARB Rep finished, the State Parks Deputy Director (a uniformed peace officer/ranger type) got up. Previously Hill had made a gratuitous and unprofessional snide comment to the effect – oh and here is the State's gun toting representative.

When his turn came, the Deputy Director began by introducing himself and his 35-year history in the State Parks Department. He then pointed out to Hill that as a uniformed sworn peace officer, he was required to carry his weapon on duty. He pointed out that he was not a politician and that he was not a bureaucrat, but a professional Peace Officer under California law. Hill, ever the low life reptile, was definitively put in his place. In a statement sure to tick off all the

anti-riding groups, the Deputy Director pointed out that over the decades the riding area has been reduced over and over again and is a very small and concentrated part of the Park. If the riding area were to be substantially expanded and deconcentrated, the new 3-dimensional model suggests that there could be a significant reduction in dust. Of course this idea drove some of the APCD Board and most of the audience nuts.

APCD meetings generally last until noon and are adjourned. This one went until 3PM, as the politicians and bureaucrats maneuvered to pander to the audience and to figure out ways to expedite restricting or closing the riding area, even though no action was specifically stated on the agenda item. Once Hill realized that potential pro-riding members were in the minority, he may have texted Gibson to rush down to the meeting to add his vote.

In the end Supervisor Arnold, who is APCD Chair this year, was criticized for attempting to keep the meeting on track.

#### **Planning Commission Meeting of Thursday, June 22, 2017 (Completed)**

**Item 4 - A request by the Cayucos Sanitary District for a Conditional Use Permit and Development Plan / Coastal Development Permit, DRC2016-00063, for the Cayucos Sustainable Water Facility (CSWP). The proposed CSWP consists of: 1) a Water Resource Recovery Facility (WRRF), solar array, and landscaping in an approximately 8-acre development area; and 2) related pipelines and conveyance infrastructure.** The project is complex and would generate upgraded tertiary treated sewer water, which can be legally discharged into the ocean or for irrigation. It will correct issues that have been pending before the Regional Water Quality Board and Coastal Commission for years.

## **COLAB IN DEPTH**

IN FIGHTING THE TROUBLESOME, LOCAL DAY-TO-DAY ASSAULTS ON OUR FREEDOM AND PROPERTY, IT IS ALSO IMPORTANT TO KEEP IN MIND THE LARGER UNDERLYING IDEOLOGICAL, POLITICAL, AND ECONOMIC CAUSES AND FORCES

## **The Public Union Negotiation Trap**

**By Mike Brown**

The Board of Supervisors' recent ratification of several expensive employee labor contracts reminds us that the process is devastating for the taxpayers and the public interest. The problem

is that the contracts are negotiated in secret by County staffers, labor law consultants, and the employee unions' expert negotiators. The process entraps the County and ultimately the taxpayers.

The public is not allowed to observe the negotiating sessions. Staff communication with the Board of Supervisors to receive direction takes place in confidential executive sessions. The public and media have no idea about the scope and cost of union demands or the County's counter proposals.

In the end the finished contract is placed on the Board agenda, and it is only then that the public finds out what it's going to cost and other details. At that point it is too late for the Board to reject the contract even if the public objects. This is because of a State law (the *Meyers-Milias-Brown Act*. – not to be confused with the Ralph M. Brown Act, which pertains to open meetings), and which among other provisions, requires “bargaining in good faith.” Once the Supervisors have tentatively agreed, and the union has been informed and its members have ratified the contract, the Board may not change its mind. If it did, the union would file an unfair labor practice with the State Public Employment Relations Board (PERB), charging the Board of Supervisors members with bargaining in bad faith. Board members and the County could face legal penalties.

Supervisors who vote against the contract in closed session are allowed to vote against it when it reaches the public meeting, but those who supported it may not change their minds. Supervisor Arnold actually did vote against several of the contracts and had apparently voted against them in closed sessions.

Currently, there is no law requiring that the contracts be negotiated in secret or forbidding local governments from reporting periodically on demands and progress to keep the public informed. Instead, the secret arrangement is a practice supported by both governments and unions and is usually embedded in negotiation ground rules adopted by mutual agreement of the parties at the start of negotiations. It should be noted that there is a current effort, Assembly Bill 1455, which has passed the Assembly and is under consideration in the Senate, which would make public disclosure of proposals illegal. The Bill is in response to efforts by the City of Costa Mesa and other jurisdictions to make their process more transparent to the public.

Another problem is that the California Open Meeting Law, the Ralph M. Brown Act, exempts City Councils, Boards of Supervisors, and Boards of special districts from being required to discuss their labor strategy or direction with respect to a particular set of negotiations in public. Note that the Act does not forbid them from holding the discussions in public. California's open meeting laws allow a local agency governing body to meet in closed session to provide instructions to the agency's bargaining representatives. These sessions may take place both before and during labor negotiations. The instructions can include parameters on salaries,

benefits, and working conditions. Discussions on funding priorities and available funds may occur, but only insofar as necessary to instruct the agency's bargaining representatives.

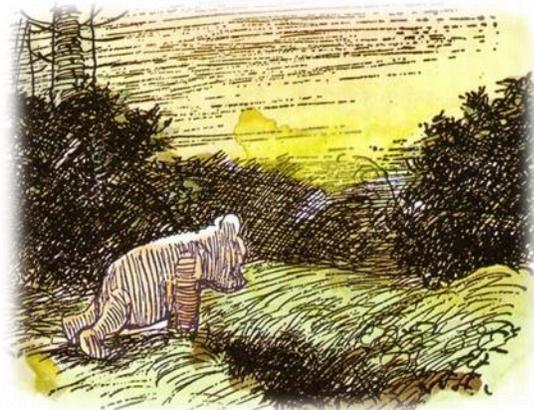
In fact, if someone comes out of closed session and reports on details, he or she can be charged with both an unfair labor practice and violation of the open meeting law. They may be subject to sanctions by the PERB as well as fines by the State Fair Political Practices Commission.

Over the decades, and when multiplied across 58 counties, 450 cities, and thousands of special districts, this exception to public transparency has been a major cause of California's unsustainable governmental salary and pension costs. These in turn have displaced funds that would otherwise go to maintaining and expanding roads, jails, parks, and other vital facilities. Of course these out of control expenditures also burn up funding for the actual ongoing services such as public safety.

As a step toward transparency, we hope the board of Supervisors (and all the City councils) would oppose AB 1455 as part of their legislative programs. Moreover we recommend that the Board adopt a new labor bargaining transparency policy, which would take place during negotiations and at a minimum would include:

- Publication of the union's initial demands and positions (and estimated costs) at the start of negotiations.
- Publication of the County's initial counter proposal.
- Periodic updates of changes proposed by both parties.
- Periodic publication of the reasons for impasse and resulting mediation, arbitration, and other mandatory facilitated processes that may take place if agreement is not reached.
- Periodic cost updates for the various proposals as they evolve, and explanation of the funding sources and impacts on service levels.
- Periodic publication of the costs for salary increases, reclassification of positions (job titles), pensions, health benefits, overtime, standby time, increased vacation, and all the rest.

Why should members of the public be denied this information until it is too late for them to express their concerns to the Board of Supervisors and for the Supervisors to consider them?



Here is a perfect no cost opportunity for all the Supervisors to promote transparency and lead the way in San Luis Obispo County. At the least, the process should allow the public and media to peer

into the trap. We think that over the years such provisions might save tens of millions.

Who would object to that?

## **THE ARCHITECTURE OF REGIME CHANGE**

**By Victor Davis Hanson**

The ‘Resistance’ is using any and all means — lies, leaks, lawbreaking, and violence — to overturn the results of the 2016 election. The problem with the election of President Donald J. Trump was not just that he presented a roadblock to an ongoing progressive revolution. Instead, unlike recent Republican presidential nominees, he was indifferent to the cultural and political restraints on conservative pushback — ironic given how checkered Trump’s own prior conservative credentials are. Trump brawled in a way McCain or Romney did not. He certainly did not prefer losing nobly to winning ugly.

Even more ominously, Trump found a seam in the supposedly invincible new progressive electoral paradigm of Barack Obama. He then blew it apart — by showing the nation that Obama’s identity-politics voting bloc was not transferrable to most other Democratic candidates, while the downside of his polarization of the now proverbial clingers most assuredly was. To her regret, Hillary Clinton learned that paradox when the deplorables and irredeemables of the formerly blue-wall states rose up to cost her the presidency.

And now?

We are witnessing a desperate putsch to remove Trump before he can do any more damage to the Obama project. Political, journalistic, and cultural elites of a progressive coastal culture aim at destroying the Trump presidency before it can finish its full four-year term.

The branches of this insidious coup d’état are quite unlikely anything our generation has ever witnessed.

### **I Political and Judicial**

#### **a. Warping the Electoral College**

As soon as Trump was elected, progressives mobilized to overturn the very architecture of the Electoral College. They organized efforts to persuade delegated electors not to vote according to their own state results — as they were legally or informally pledged to do so. Had the effort succeeded, it would have destroyed the entire constitutional notion of an Electoral College.

### **b. Challenging the 2016 Vote.**

Simultaneously, we saw another failed insurrectionary effort, through the stalking horse of failed leftist candidate Jill Stein, to sue on false grounds of voting-machine fraud that would have required recounts in three swing states that Trump won.

### **c. Delaying, Stalling, and Accusing.**

Then Democrats in the Senate systematically delayed customary approval of dozens of key appointments of the newly inaugurated president. Obama holdovers such as Acting Attorney General Sally Yates sought to oppose Trump initiatives while political appointees such as Obama federal attorney Preet Bharara complained of inordinate pressures to step down. The normal assumption is that a new president appoints key federal officials of his own party; liberals abandoned this custom and depicted Trump's staffing efforts as some sort of insurrectionary subversion of the federal government.

### **d. Recusal.**

Meanwhile, Democrats in Congress orchestrated false charges of "Russian collusion" against Trump himself, based on leaks of false information and fake-news stories, some of them originally orchestrated by Never Trump primary opponents and the Clinton campaign. No evidence emerged of Trump's culpability. But investigations were aimed at diverting attention from, and thereby stalling, the Trump legislative agenda. Again, the goal was driving his popularity ratings down to levels that would advance the cause of future impeachment should the Democrats ride the anti-Trump collusion hoaxes to midterm victory in the House. An effective way to emasculate Trump was to demand recusals, supposedly due to some sort of hyper-partisanship on the part of Attorney General Jeff Sessions and House Intelligence Chairman Devin Nunes. No sooner had each agreed to step aside from some limited aspects of their investigations than Democrats insisted that their magnanimous recusals were both proof of guilt and yet too narrow — as they pressed on to seek recusals from ever more Trump White house officials.

### **e. The 25th Amendment.**

A few of the more desperate in the progressive resistance were calling for Trump to be removed due to supposed physical or mental incapacity — a trial balloon sent up that quickly imploded when only a few op-ed writers and fringe talking heads seconded the idea.

### **f. Justice-Shopping.**

To stop Trump’s plan to temporarily suspend immigration from war-torn Middle Eastern nations unable to establish proper vetting procedures, attorneys and activists sought out liberal justices on the federal bench. Such judges in some cases extra-judiciously sought to cite Trump’s campaign statements as proof that his orders were unconstitutional, when the law did not provide them with the necessary progressive ammunition.

**g. “The Resistance.”**

Democratic politicians and media figures announced that they had formed a “Resistance” to thwart all initiatives by Donald Trump. The nadir of this movement came when failed candidate Hillary Clinton announced that she too was officially enlisting — as if Trump were some sort of Hilterian or Vichy figure that required Hillary, as a freedom fighter of the Maquis, to metaphorically go up into the scrub with beret and Sten to ambush and harass.

**h. “Special Investigator.”**

The crown jewel in the Democratic efforts to overthrow the Trump administration was to replay, endlessly, the golden moment of Watergate. Here the playbook was to shout out so many purported transgressions — collusions, obstructions of justice, profiteering, etc. — that their sheer number would demand a special prosecutor, who through months of endless and always expanding inquiries could effectively enervate the Trump administration. By first demanding a special prosecutor, Democrats were able to negotiate downward to a special investigator. Former FBI head Robert Mueller — long a close friend to Trump nemesis James Comey — almost immediately staffed his team with a number of Democratic kingpins. And on cue, “unnamed sources” almost immediately leaked news of renewed and expanded investigations to the appropriate progressive papers.

**i. Nullification.**

Following the model of 1860s South Carolina, a number of states declared that Trump’s efforts to enforce federal immigration law were null and void within many of their own counties and cities. California went so far as to pass a bill in its senate that blacklists any employer contracting with the federal government to complete the border wall. Governor Jerry Brown announced that he would be forging special climate-change agreements with foreign government — as if his state was a sovereign nation. Nullification was based on the premise that liberal progressivism trumped existing federal law — and that no conservative state or local jurisdiction would ever dare to employ the same extra-legal strategies to nullify federal progressive statutes.

**j. Emoluments.**

A final rearguard effort brought lawsuits by various Democrats under the so-called emoluments clause found under Article 1 of the Constitution. Forbidding federal officials from receiving

foreign titles, perks, and profits, the clause was originally intended to prevent the creation of an entrenched nobility. Democrats are suing Trump on charges that some overseas holdings of his business, now put in a trust, are unconstitutional and grounds for impeachment — although not in the sense that Bill and Hillary Clinton profited enormously, via honoraria and cash payments to their foundation, while Hillary was secretary of state.

## **II. Media and Popular Culture**

### **a. Fake News.**

At the same time of the political putsch, the mainstream media outlets, in particular the Washington Post, the New York Times, CNN, MSNBC, and the major networks, via broadcasts and social media, began an orchestrated campaign of defamation and delegitimization.

The crazier and more diverse the media mythologies, the better. Melania Trump was a former call girl and illegal alien. Ivanka Trump was peddling her business wares from the West Wing. Jared Kushner was a profiteering collusionist. Steve Bannon was a racist, Sebastian Gorka an unrepentant Nazi. Baron Trump was a spoiled, autistic child. The late elder Trump had run a racist campaign for mayor. And on and on.

Simultaneously, there were the daily Trump false buffoonery stories: Trump had screamed at the Australian prime minister. He had leaked Israeli intelligence. He had removed Martin Luther King's bust from the White House. He greedily ate two ice-creams scoops while selfishly offering his guests only one.

Other fake chaos narratives added to the sense of presidential malpractice: Jeff Sessions was about to resign. So was his assistant, Rod Rosenstein. James Comey soon would announce to the Congress that Trump was under current FBI investigation. Steven Bannon was out. General Mattis was liable to quit. Trump threatened the Mexican president with an invasion. Trump was lying about sending carriers to the Korean coast. All false stories, but all useful to the regime-change narrative.

The media's opinion journalists grew unhinged. Even the past scandals of JournoList and the 2016 WikiLeaks troves — which exposed collusion between the media, the DNC, and the Clinton campaign — did not prepare us for what followed after the election. Journalists Jim Rutenberg, Christiane Amanpour, and Jorge Ramos, among others, insisted that the president did not deserve unbiased news coverage but rather orthodox hostility from journalists who were impatient with the slow progress of the Democrats' Resistance efforts.

The daily fare of major media columnists and anchors exclaimed that Trump was either inept, criminal, or traitorous, and therefore he should summarily resign, face trial, or be impeached.

### **b. Scatology and Obscenity.**

Democratic politicians as well as celebrities felt that by customarily employing crude language and scatology, they could mobilize the base, blame the new uncouth environment on Trump (who deserved such an obscene counterpunch), and lower the bar even further for more attacks.

Read more at: <http://www.nationalreview.com/article/448781/resistance-regime-change-any-means-necessary-lies-leaks-violence>

So Democratic grandees such as DNC chairman Tom Perez, would-be Obama 2.0 candidate Senator Kamala Harris, or New York's Senator Kirsten Gillibrand routinely began using "f\*\*\*\*" and "s\*\*\*\*" in efforts to arouse and coarsen. The implication was that Trump's ascendance had ruined political discourse by forcing formerly sober and judicious politicians like themselves to lower themselves in kind. A New Republic author cheered the politicians on and demanded even more scatology.

CNN's Anderson Cooper insulted a Trump supporter by saying he'd slavishly defend Trump even if Trump deposited feces on his desk. Politico's Julia Joffe suggested that Trump had committed incest with his daughter. Bill Maher went graphic by envisioning father and daughter engaged in oral sex. Stephen Colbert thundered that Trump was a routine fellator of Vladimir Putin. The cruder the allusion, the higher the standing of the slanderer in the Resistance — again creating a landscape in which a president guilty of the worst sorts of crimes against nature should logically deserve . . . what next, exactly?

### **c. Assassination Chic.**

So far, we have heard that Snoop Dogg wants to shoot an effigy of Trump in the head. Comedian Kathy Griffin dreams of beheading him. A New York Shakespearean troupe night after night stabs an iconic Trump into a bloody pulp, Caesarian style, cheered on by the thrilled audience. Madonna dreams of blowing Trump up, along with everyone else in the White House. Actor Robert de Niro will settle for battering his face. Mickey Rourke prefers a club. Martha Stewart is content with flipping him off, while flashing the V-sign to heroic assassination cultist Snoop Dogg. A writer for the Huffington Post demands Trump's trial and execution. Even near my home at the CSU Fresno campus, a history professor has openly called for Trump to be hanged while a colleague at the Hoover Institution mused that Trump could be removed by a murder in the White House

Yet where does one go after rhetorical killing becomes commonplace and the vocabulary of

death is exhausted? We almost had our answer last week, with the planned targeted assassinations of Republican members of Congress.

#### **d. Burn, Storm, and Disrupt.**

Campuses, from Middlebury to UC Santa Cruz, from Berkeley to Claremont, are on fire. Taking their street cue from the Resistance, they now have all but abolished the right of free speech on campus, lawful assembly, and nonviolent protest. At first, careerist campus presidents sought to channel the violence profitably into the larger Trump Resistance. Now their Frankenstein monster threatens to swallow its academic parent. All the while, the subtext of the campus meltdown is \$1 trillion in student debt, millions of students unable to do basic college work, and no job guarantees for indebted graduates with worthless therapeutic degrees.

### **III. Will These Efforts to Remove Trump Work?**

Not if he can mobilize the Congress to pass health care and tax reform and give the nation a sense of political momentum, to add to his already substantial executive orders. A 3 percent annual economic growth rate would silence a lot of shrill voices, as would the restoration of U.S. deterrence abroad without the step of invading a Middle East country.

To create a sense of political deterrence, the Congress should call in former Obama attorney general Loretta Lynch to explain to the nation why she sought to massage and impede an ongoing FBI investigation, and why she met — secretly — with the husband of Hillary Clinton, who was then under investigation.

Why is James Comey to be exempt from violating FBI protocols and perhaps federal statutes by leaking a privileged government document to the press, and why did he allow his agency to be manipulated by the former attorney general? No one has adequately explained how Bill Clinton freely and with exemption warped his wife's office of secretary of state to rake in donations to the family foundation and honoraria for himself.

The House investigations of the improper surveillance, unmasking, and leaking by the Obama administration should accelerate.

Anyone, celebrities included, who talks of maiming or killing the president of the United States should be put on a terrorist no-fly list for six months.

There is an easy standard of acceptable public discourse: If the same violent rhetoric were directed at Barack Obama, would it have been acceptable? (Recall that Obama jailed a YouTube video maker for an inconvenient film, and had political opponent Dinesh D'Souza sent to prison

on an inflated campaign-donation violation.)

For now, the Democrats and the progressive movement cannot find ways to oppose Donald Trump through traditional political means either in the Congress or through the ballot box. They have resorted to an any-means-necessary effort to dehumanize Trump and politically emasculate him before the 2020 election.

Unfortunately, the logical succession to such progressive political hate speech, and assassination-wishing, is still more political violence of the sort we saw last week.

And this is only the beginning.

*This article first appeared in the June 20, 2017 edition of the Hoover Institution of Stanford University Daily Report. Victor Davis Hanson is a Fellow of the Hoover Institution, New York Times bestselling author, Historian, Classicist, and preeminent commentator on public affairs. He has appeared from time to time at COLAB of SLO events.*



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## SANTA BARBARA WINE COUNTRY: *Do We Have a Viable Future?*

Wednesday, July 26, 2017  
Santa Ynez Marriott • 1:30 – 5:30 p.m.



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### PROGRAM

**1:30 p.m. Welcome/Opening Remarks**  
Steve Pepe, *President, EconAlliance*

**1:40 p.m. Keynote: Facts of Life About Direct to Consumer Sales**  
Robert McMillan, *VP/Founder, Silicon Valley Bank Wine Division*

**2:15 p.m. Panel: Direct to Consumer Sales - Key to Financial Sustainability?**  
Moderator: Robert McMillan  
Panelists:  
Sonja Magdevski, *Owner, Casa Dumetz*  
Katy Rogers, *Director of Direct to Consumer South Coast, Jackson FamilyWines*  
Third Panelist TBA

**3:00 p.m. BREAK**

**3:15 p.m. Panel: Wine and Tourism – A Perfect Pairing?**  
Moderator: TBA  
Panelists:  
Gilda Cordova, *Explore Lompoc*  
Jennifer Harrison, *Director of Tourism, Santa Maria Valley Convention & Visitors Bureau*  
Shelby Sim, *Executive Director, Visit SYV*  
Jennifer Walker, *Vice President Strategy & Marketing, Visit Santa Barbara*

**4:00 p.m. Overview Presentation: Santa Barbara Vintners Good Neighbor Policy**  
SB Vintners Board Member - TBA

**4:30 p.m. Panel: Wine, Visitors, Venues and Regulations**  
Moderator: Mike Brown, *former Santa Barbara County CEO*  
Panelists:  
Steve Lavagnino, *5th District Supervisor, Santa Barbara County*  
Das Williams, *1st District Supervisor, Santa Barbara County*  
John Peschong, *1st District Supervisor, San Luis Obispo County*

**5:15 p.m. Reception**

**TICKETS: \$65 Individual price**  
**Registration link:**  
[www.econalliancewineforum.eventbrite.com](http://www.econalliancewineforum.eventbrite.com)  
For event, table and exhibit sponsorships, contact: [Initiatives@EconAlliance.org](mailto:Initiatives@EconAlliance.org) or 805-345-0688  
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Dear Taxpayer:

State Senator Robert Hetzberg, D-Van Nuys, is pushing yet another tax on homeowners.

Hertzberg's Senate Bill 231 would remove your right to vote on assessments to process storm water, and allow new charges to be added to your property tax bill. Hertzberg wants you to pay more because it rains. **This could cost you hundreds of dollars, or more, each year.**

Lawmakers will soon vote on SB 231 and now is the time to tell them NO!

Please call your representatives and tell them to vote NO on SB 231 storm water charges, NO on new property taxes.

Don't know who your representatives are? [Click here.](#)

**Please act now! Time is of the essence if we are to block another tax increase by the Sacramento politicians.**

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## MEMBERSHIP APPLICATION

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General Member: \$100 – \$249  \$ \_\_\_\_\_ Voting Member: \$250 - \$5,000  \$ \_\_\_\_\_

Sustaining Member: \$5,000 +  \$ \_\_\_\_\_

*(Sustaining Membership includes a table of 10 at the Annual Fundraiser Dinner)*

General members will receive all COLAB updates and newsletters. Voting privileges are limited to Voting Members and Sustainable Members with one vote per membership.

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(Revised 2/2017)