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The Coalition of Labor Agriculture and Business

WEEKLY UPDATE DECEMBER 1-7, 2019

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THIS WEEK

NO BOARD MEETING
ANNUAL COUNTIES CONFERENCE IN SAN FRANCISCO
“REMEMBER THE CITY THAT WAS”

SLOCOG DEC. 4 MEETING CANCELLED

OTHER AGENCIES NOT SCHEDULED.

LAST WEEK

NO BOS MEETING – BE THANKFUL

OTHER AGENCIES NOT SCHEDULED

SLO COLAB IN DEPTH
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GOVERNMENT IS FAILING AT SOLVING
CALIFORNIA’S SELF-IMPOSED HOMELESS CRISIS

If the problem or crisis is solved, the need for more money dries up

BY KATY GRIMES

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THE FOUNDATIONS OF THE 'ADMINISTRATIVE/DEEP STATE'

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BY MACKUBIN OWENS

THIS WEEK'S HIGHLIGHTS

No Board of Supervisors Meeting on Tuesday, December 3, 2019 (Not Scheduled)

California State Association of Counties (CSAC) Conference (December 2 - 5). There will be no meeting. Some Board members and staffers may attend the 4-day CSAC Annual Conference in San Francisco. The conference is a pretty typical meeting, during which there are briefings and pretend problem solving. Supervisor Bruce Gibson is the County's official representative to CSAC and has been fairly prominent in its activities over the years. Some of the other Supervisors have tried it but are not enamored with association politics and find many of the meetings tedious and boring (our words – not theirs). As for the actual governance of CSAC, the permanent staff has tremendous influence as the supervisors come and go over the years. An exception seems to be the Rural Counties Caucus, which the Supervisors report to be very useful and beneficial. Obviously, the rural counties are at a disadvantage in the State Legislature and CSAC given the metropolitan counties' populations, finances, and overall predominance in state affairs generally.

CSAC's purpose is to closely monitor the State Legislature to head off legislation which is harmful to counties and to support legislation which benefits them. The most harmful bills are the ones which impose requirements on the counties to provide new or expanded services without supplying a commensurate amount of revenue to cover the costs. The second most important category is bills that diminish the counties' ability to control their revenue, staffing,

and independent governance responsibilities. There are many other issues, but these two shape CSAC's main efforts.

The organization also seeks to improve the skill, knowledge, and general overall competency of county supervisors and senior staffers through issue analysis, bulletins, and training. These focus on substantive issues of the day, such as homelessness, cannabis regulation, wildfires, water policy, transportation funding, affordable housing, and climate change. Of course these issues evolve with the times and with national and State pressures.

The training programs focus on county structure and functions, budgeting, policy formulation, governing skills, working with the media, personnel matters, organizational development, technology, and similar matters pertaining to the operation of large multi-purpose complex government agencies.

The organization maintains a Sacramento staff, a Training Institute, a Finance Corporation, a Charitable Foundation, and partnership with corporations which are interested in doing business with counties. The latter includes the large public utilities, banks, bond houses, recruiters, engineering firms, and so forth.



This year's version will take place at the SF Hilton and Conference Center, which is in the downtown Financial District and near the concentrated shopping area just to the south. Social events include several dinners during which officers are installed, service awards are given, and counties which have developed innovative programs are recognized.

Unfortunately, the sessions will deal with the state and societal issues superficially or not at all. For example, the City/County of San Francisco's homeless mitigation programs will be featured.

(The Supes won't have to go far to see how they are working). But there will be no real discussion of the underlying problem of the failure of government and society to impose standards of behavior and sanctions on alcoholics, drug abusers, and failure of individuals to take their medicines. These real discussions are not politically correct. Instead the whole bureaucratic mess is chalked up to a failure of society to spend enough money and an accusation that society is heartless.

There will be discussions on the State Groundwater Management Act (SGMA). The entire focus is on rationing and regulation. No one will mention the idea of developing abundance and having an expansive vision of the future.

There will be sessions on transportation and the need to force people out of their cars, but no one will dare bring up an alternative vision of distributed free standing homes and road building. Has anyone visited Phoenix lately?

Accordingly, great opportunities will be missed to examine the viability of current policies and trendiology.

The best social event will probably be the Latino Caucus of California Counties Reception from 9 to 11 PM on Wednesday evening. They used of have something called County Night, which most peopled bailed on. During one conference they held it at a Dave and Busters of all places. Here you had all these County Supervisors who are mainly grandmothers and grandfathers at a Dave and Busters in a godforsaken strip mall somewhere in the wilds of the Inland Empire. The cold Santa Ana wind was roaring through the parking lot as you waited for the shuttle buses back to the hotel area. This one sounds better. After that, there should be an after party.

You would think that Governor Newsome would have invited all the Supes over for late night drinks and hot apple crisp with vanilla ice cream (to die for) at his family's Pacific Heights Restaurant, the Balboa Café.



Balboa Cafe celebrates a century

Pat Kelley (left), PlumpJack Group founder Lt. Gov. Gavin Newsom, his sister Hilary Newsom Callan, cousin Jeremy Scherer, Gordon Getty, Bill Newsom and PlumpJack winemaker John Conover.

- From the Chron.

The Bal is one of SF's most spirited neighborhood bars, later in the evening past most supervisors' bedtimes (they have to be at a motivational session at 8:00 AM).



The Cafe nostalgia can be palpable.

One of our favorite tables in all of SF is inside this window.

As Herb Caen said, "Lift a glass to the City that was..."

Wonder what he would say about the State that is?

LAST WEEK'S HIGHLIGHTS

No Board of Supervisors Meeting on Tuesday, November 26, 2019 (Not Scheduled)

The next meeting is scheduled for Tuesday, December 10, 2019. The last scheduled meeting of the year is Tuesday, December 17, 2019.

The other agencies have not scheduled any meetings for this week.

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

GOVERNMENT IS FAILING AT SOLVING CALIFORNIA’S SELF-IMPOSED HOMELESS CRISIS

If the problem or crisis is solved, the need for more money dries up

BY KATY GRIMES

Local Mayors value their worth on how much public funding they can spend and spread around to campaign donors.

In a new White House strategy on homelessness aimed at California, Trump administration officials say that housing needs to be deregulated to reduce skyrocketing costs, shelters delay launching into permanent housing, and police presence must be increased in the interest of public safety.

“Almost half of all unsheltered homeless people in the United States are found in California, about four times as high as their share of the overall United States population,” says a recent report from the Trump Administration, [The State of Homelessness in America](#). “Among the five cities with the highest rates of unsheltered homelessness, four are in California (San Francisco, Los Angeles, Santa Rosa, and San Jose), and the other is Seattle.”

Reacting, Los Angeles Mayor Eric Garcetti and California Governor Gavin Newsom accused President Trump of using the hundreds of thousands of homeless vagrants living on California streets as political fodder. In fact, many “homeless advocates” targeted the Trump administration for lacking in solutions — for a problem not created by the federal government.

“If joining and funding real solutions to homelessness, instead of political theater and points scoring, are the Trump administration’s objective, California continues to be ready to engage,” says California Gov. Gavin Newsom spokesman Jesse Melgar, USA Today [reported](#).

California politicians, homeless advocates and state government agency heads say the federal government has always had the power to provide relief, yet never taking time to self-evaluate to understand the complexity of the issue, but more importantly, what policies led to this crisis.

/>Homeless camp at WW Street and 22nd, Sacramento.

What they want is more federal funding without any strings attached.

USA Today [reported](#):

“It is my hope that if the administration issues an Executive Order, it will be one that supports and expedites proven solutions to homelessness,” [says](#) Nan Roman, president and CEO of the nonpartisan National Alliance to End Homelessness in Washington, D.C.



Roman says helpful measures could include providing access to surplus federal properties for shelter and linking health and behavioral care to housing.

“Instead, the administration has suggested providing more shelter, but nothing about getting people from those shelters into the housing that would end their homelessness,” she says. “It has promoted more aggressive policing, which has proven not to end homelessness, and proposed policies that create barriers for people trying to access shelter and housing.”

While members of the Trump administration, including Health and Human Services Secretary Ben Carson have met with faith leaders in California to observe the crisis first hand and discuss temporary and long-term solutions, the California state government and city governments have kept faith-based organizations out of the loop on real solutions.

Yet it is the faith based organizations which actually have any real success at getting people off of the streets through accountability measures and faith.

“We can’t let Los Angeles, San Francisco and numerous other cities destroy themselves by allowing what’s happening,” Trump told reporters in September. “The people of San Francisco are fed up and the people of Los Angeles are fed up, and we’re looking at it, and we will be doing something about it at the appropriate time,” Trump said.

The President is correct. Los Angeles, San Diego, San Francisco, Sacramento, Fresno, Modesto, and Redding residents feel local politicians care more about the rights of those living on the streets than the victims of their drug use, theft, property damage, and even personal assaults.

It has become abundantly clear that local Mayors are merely holding their hands out for state and federal funds – and that is because they value their worth on how much public funding they can spend and spread around to campaign donors.

Yet money doesn't solve everything, as we see in California.

The more California spends on anything, the worse it gets: public education, roads and highways, Covered California (Obamacare), DMV, utility costs, illegal immigration, and housing, to name just a few issues with record-high spending and historical crises.

If the problem or crisis is solved, the need for more money dries up.

After Trump officials visited Los Angeles to discuss homelessness, his team presented a conservative approach to addressing the homeless crisis in its report, "[The State of Homelessness in America](#)."

"More liberal prescriptions favored in the city include a [massive and costly plan to build apartments for the homeless](#)."

Los Angeles has already failed at housing, including their attempt at providing tiny homes to drug addicts living on the street. These tiny homes became tiny crack houses.

"Due to decades of misguided and faulty policies, homelessness is a serious problem," the White House report on homeless opens with.

"Homelessness almost always involves people facing desperate situations and extreme hardship. They must make choices among very limited options, often in the context of extreme duress, substance abuse disorders, untreated mental illness, or unintended consequences from well-intentioned policies," the Trump strategy says. "Improved policies that address the underlying causes of the problem and more effectively serve some of the most vulnerable members of society are needed."

The Trump Administration is addressing the root causes of homelessness. "President Trump signed an executive order that will seek to remove regulatory barriers in the housing market, which would reduce homelessness due to an outward shift in the supply of homes."

The Trump Administration is addressing this several ways:

- the expansion of drug treatment and reduction in the supply of illicit drugs;
- an increased emphasis on serious mental illness and helping formerly incarcerated individuals reconnect with society;
- supporting the police in promoting safe cities;

- the U.S. Department of Housing and Urban Development has improved Federal homeless assistance programs by providing flexibility for communities to utilize service participation requirements and more strongly encouraging self-sufficiency.

The Trump Administration report identifies mental illness, substance abuse disorders, former incarceration, poverty, and weak social ties that place individuals at a higher risk of homelessness.

With California cities increasing the “tolerability of sleeping on the streets,” outside of housing or shelter, increases homelessness as well.

Lastly, cities with right-to-shelter policies in place will have a larger supply of homeless shelters, which only encourages more homelessness.

Read the entire report: [*The State of Homelessness in America*](#)

Katy Grimes

Katy Grimes, the Editor of the California Globe, is a long-time Investigative Journalist covering the California State Capitol, and the co-author of California's War Against Donald Trump: Who Wins? Who Loses? This article first appeared in the November 25, 2019 issue of California Globe.

THE FOUNDATIONS OF THE 'ADMINISTRATIVE/DEEP STATE'

Reversing the administrative state will take a major effort. Recognizing that it exists and that it is not merely unconstitutional but in fact anti-constitutional is at least a beginning.

BY MACKUBIN OWENS

We hear a great deal these days about the “deep state,” especially as it applies to the Trump Administration. The president’s supporters use the term to describe the entrenched federal bureaucracy and what they believe to be its efforts to derail the president’s policies. Until recently, the president’s critics have dismissed the idea of a deep state as a crazy right-wing conspiracy.

But, in fact, the deep state is a particularly virulent form of the “administrative state,” which has been described by such scholars as John Marini, Ronald Prestritto, and Paul Moreno as a perversion of constitutional self-government. Essentially a “state within a state,” it substitutes

rulemaking by unelected bureaucrats for legislation passed according to the constitutional process.

The administrative state is far more than the permanent bureaucracy about which many Americans complain: a realm of wastefulness, inefficiency, and red-tape. It is a “fourth branch of government” that fits nowhere within the scheme of the Constitution as understood by its authors. It is enabled by Congress’s unconstitutional delegation of its legislative powers to the executive, leading to the creation of the pestilent “alphabet agencies” that plague American life.

The Very Definition of Tyranny

Embracing the idea that the only legitimate government is one based on the consent of the governed, the Founders believed that a law could obligate citizens only if a constitutionally established legislature elected by the people passed it, and that a judicial decision could obligate citizens only if a constitutionally appointed judge exercising independent judgment rendered it. But entities such as the Environmental Protection Agency (EPA) and the Consumer Financial Protection Bureau (CFPB) make their own rules, enforce them, and then adjudicate disputes.

In *Federalist 47*, James Madison wrote that the accumulation of all powers, legislative, executive, and judicial, in the same hands “may justly be pronounced the very definition of tyranny.” It was to avoid this dangerous accumulation of power in a single branch that the Founders embedded separation of powers in the Constitution. But by exercising executive, legislative and judicial powers, these administrative agencies are constitutional anomalies that violate the separation of powers.

The administrative state is the legacy of Progressives such as Woodrow Wilson, who rejected the Declaration of Independence as the cornerstone of American Republican government and the Founders’ view that the only purpose of government is to protect the natural rights of its citizens. Instead, the Progressives embraced the idea that the purpose of government is to ameliorate the human condition; they saw the Founders’ Constitution as a hindrance to this enterprise.

In pursuit of their goal, the Progressives sought to separate “politics,” the realm of *ends*, from “administration,” the realm of *means*. But in doing so, they replaced the Founders’ limited conception of politics with an essentially unlimited one.

Government By the Experts, For the Experts

Meanwhile, the actual administration of governmental affairs was to be entrusted to scientifically trained and disinterested experts, insulated from political pressure. Of course, in practice, the “neutral” and “disinterested” experts within the “independent” bureaucratic agencies soon became active agents for particular interests and ideological impulses, mainly client groups of the Democratic Party.

Ironically, as Philip Hamburger has shown in his remarkable book, *Is Administrative Law Unlawful?*, the Progressives' view was in fact *reactionary*, reaching backward rather than forward. He shows that the institutions of the administrative state essentially are the equivalent of royal prerogative commissions and tribunals such as the Star Chamber and High Commission established by King James I.

Although the most complete description of the administrative state is to be found in the work of such political philosophers as Marini, Prestritto, and Moreno, the workings of the administrative state can be discerned in the disciplines of economics and public policy. In the former, the standard narrative held that while individuals in the private sector were motivated by the incentive of profit, those in the public sector were motivated by altruism and selfless service to the common good. Thus, during the recent impeachment hearings, a caravan of government officials, whose job it is to advise the president and then implement his policies, were portrayed as disinterested heroes, who see it as their duty to save the republic from the president in the name of the "policy community."

But the public choice school of economics, especially James Buchanan, upended this notion half a century ago, illustrating that individuals in the public sector also respond to incentives, albeit bureaucratic ones that differ from those in the private sector. Promotions, honors, the victory of one's agency over another are major sources of individual motivation in the public sector.

Acute Danger to Republican Government

In the realm of public policy, the spawn of the Progressives' political science, we see how bureaucratic decision-making leads to suboptimal outcomes, even if the bureaucrats do not purposely set out to undercut the president's policies. Graham Allison provided the classic treatment of government decision-making in *Essence of Decision*, his study of the Cuban Missile Crisis.

Why did the United States and the Soviet Union behave the way they did? Especially in the case of the United States, why did certain elements of the government act in ways that seemed to undercut the policy preferences of President Kennedy and his close advisors?

Here Allison showed how the dominant decision-making model, the "rational actor" model—which treats the government as a unitary actor that examines a set of goals, evaluates them according to their utility, then chooses the one that has the highest "payoff"—didn't explain the actual behavior of the players. He then offered two alternatives that disaggregated decision-making: the "organizational process" model; and the "governmental politics" model.

In the former, decision-makers break down a problem and assign its parts to subordinate decision-makers according to pre-established organizational lines. Then, rather than evaluating all possible courses of action to see which one is most likely to work, leaders settle on the first proposal that adequately addresses the issue from the standpoint of the various government

agencies and organizations. Thus, decisions tend to focus on the short term and result in a sub-optimal result.

In the latter model, leaders, even if they share a goal, differ among themselves as to how best to achieve it because of such factors as personal interests and background. In other words, “where one stands is based on where one sits.” As a result, even the president must gain a consensus with his underlings or risk having his order misunderstood or, in some cases, ignored.

Thus both economics and public policy reinforce the idea that parts of the government act in their bureaucratic interest rather than in the general interest, which is the essence of the administrative state. The danger that the administrative state poses to republican self-government is acute. It is more suited to a government of unlimited powers and tyranny than to a government of limited powers and freedom.

What accounts for the rise of the administrative state? There is plenty of blame to go around. Citizens have been willing to exchange their liberty and independence for entitlements, the “soft despotism” that Alexis de Tocqueville foresaw in *Democracy in America*. Congress has abdicated its constitutional authority to legislate. The courts no longer distinguish between the administration of a law clearly written by Congress and the wholesale delegation of lawmaking powers to the alphabet agencies.

Reversing the administrative state will take a major effort. Recognizing that it exists and that it is not merely unconstitutional but in fact *anti-constitutional* is at least a beginning.

Mackubin Thomas Owens is a Senior Fellow of the Foreign Policy Research Institute (FPRI) in Philadelphia, and editor of Orbis, FPRI's quarterly journal. This article first appeared in the November 22, 2019 edition of American Greatness.

ANNOUNCEMENTS





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DAN WALTERS EXPLAINS SACTO MACHINATIONS AT A COLAB FORUM

See the presentation at the link: <https://youtu.be/eEdP4cvf-zA>



AUTHOR & NATIONALLY SYNDICATED COMMENTATOR BEN SHAPIRO APPEARED AT A COLAB ANNUAL DINNER



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(Revised 2/2017)