



**WEEKLY UPDATE**  
**JUNE 7 - 13, 2020**

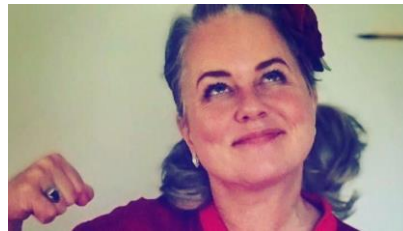
**ALERT**

**SLO CITY TO PUSH GAS BAN AT JUNE 16<sup>th</sup> MEETING**

THE PLAN TO IMPOSE A NATURAL GAS BAN WITHOUT CALLING IT A BAN IS BACK & IS DISHONEST

THE CITY IS ESTABLISHING INCENTIVES, DISINCENTIVES, AND FEES WHICH ARE ULTIMATELY A BAN – PLUS THIS IS SCHEDULED WHEN THE PUBLIC CANNOT ATTEND IN PERSON DURING THE COVID-19 STAY AT HOME ORDER

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**COUNTY UPDATES OCCUR MONDAYS AT 4:30 PM**

## **THIS WEEK**

### **BOS TO BEGIN LONG BUDGET SLOG**

**THEY CAN ADOPT A PRELIMINARY BUDGET NOW BUT IT WILL  
REQUIRE PHASED REDUCTIONS OVER THE FISCAL YEAR**

### **\$36-\$52 MILLION DEFICIT FORECAST**

**THE FIRST \$19 MILLION REDUCTION IS ON THE TABLE FOR THIS WEEK**

### **PLANNING COMMISSION TO TAKE UP REVISED**

### **PASO BASIN LOCKDOWN REGULATIONS**

**THE ITEM SHOULD BE POSTPONED UNTIL AFTER THE COVID  
LOCKDOWN ENDS**

**&**

**THE PUBLIC CAN ATTEND IN PERSON**

## **LAST WEEK**

### **COVID OPERATIONS EXPOSE COUNTY VERSION OF DEEP STATE**

**WHO'S IN CHARGE - THE CAO & COUNTY COUNSEL OR THE SUPES?**

### **HOTEL AND LODGING RESTRICTIONS LIFTED**

**AFTER BOARD MAJORITY COMPLAINS**

### **\$30 MILLION NO BID PUBLIC DEFENDER**

### **CONTRACT RACKET POSTPONED**

**BOARD WANTS TO BID IT OUT- SEEKS EXTENSION FROM CURRENT  
CONTRACT HOLDER**

**SLO COLAB IN DEPTH**  
**SEE PAGE 16**

**JUSTICE REQUIRES THAT ALL LOCAL  
GOVERNMENT BE REFORMED – NOT JUST THE  
POLICE – ESPECIALLY RACE BASED LAND USE**  
**BY MIKE BROWN**

**THE WALL STREET JOURNAL**  
**REVIEW & OUTLOOK**  
**JUSTICE AND DISORDER**

**THREE WAYS LOCKDOWNS PAVED THE WAY  
FOR THESE RIOTS**  
**BY RYAN MCMAKEN**

**THIS WEEK'S HIGHLIGHTS**

**San Luis Obispo County Board of Supervisors Meetings of Monday, June 8, 2020 and  
Wednesday, June 10, 2020 (Budget Week)**

**Item 1 - Update and possible action on COVID-19 in San Luis Obispo County.** Again there is no write-up or attached material. The report will be verbal. It has been 14 days since the County began to roll back some of the lockdown restrictions. COVID-19 apparently has a 14-day incubation period. It will be important to see if there is any increase in the infection rate.

**Item 3 - Proposed FY 2020-21 Budget Review.** As noted above, this meeting is on Monday and carries over to Wednesday. The purpose is to review the proposed FY 2020-21 Budget, ask questions, direct reductions and additions, and otherwise set the finances for the new fiscal year

which starts July 1, 2020. If the Board gets everything settled this week, they may legally adopt the Budget on Tuesday June 16, 2020.

The process is complicated this year because of the Impact of the COVID-19 Pandemic on revenues.

1. The lockdown means that sales taxes, hotel taxes, state grants, and a number of fees are down. At this point and per the slide below, the problem in the General Fund is believed to be somewhere between \$32 and \$56 million in FY 2020-2021. There are also problems in special revenue funds, which are not projected here.

<b>General Fund Revenue Budget Gap</b>			
<b>Revenue Category</b>	<b>FY 2020-21 Budget</b>	<b>Est. Decrease due to COVID-19</b>	<b>Driven By</b>
Departmental Revenue	315,439,082	\$12-20M	State budget State economy
Non-Departmental Revenue	228,765,429	\$8-12M	Local economy
Fund Balance Available	32,768,135	\$12-24M	Decisions we make in the current year
<b>TOTAL</b>	<b>576,972,646</b>	<b>\$32-56M</b>	

2. The Budget was prepared prior to the COVID lockdown and now must be reduced. As a first step the staff recommends a reduction of \$19.3 million, which is summarized in the table below.

Following are the recommendations for the Board's consideration during the Budget Hearing:

<b>Long-Term Reductions (addresses gaps over multiple years)</b>	
<b>Recommendation</b>	<b>Expected Savings</b>
4% reduction to non-public safety departments FY 2020-21 recommended General Fund support	\$5.5M
1% reduction to public safety departments FY 2020-21 recommended General Fund support	\$966K
Prop 172 reductions for Sheriff-Coroner, Probation, District Attorney, County Fire	\$2.4M
<b>Subtotal</b>	<b>\$8.8M</b>
<b>Short-Term Reductions (addresses gap in a single year)</b>	
<b>Recommendation</b>	<b>Expected Savings</b>
Use of Prop 172 Trust funds	\$1.0M
Decrease General Reserve	\$3.0M
Eliminate Property Tax Litigation Designation	\$798K
Decrease General Government Building Replacement designation	\$2.0M
Eliminate FY 2020-21 depreciation provided to General Government Building Replacement designation	\$3.7M
<b>Subtotal</b>	<b>\$10.5M</b>
<b>TOTAL</b>	<b>\$19.3M</b>

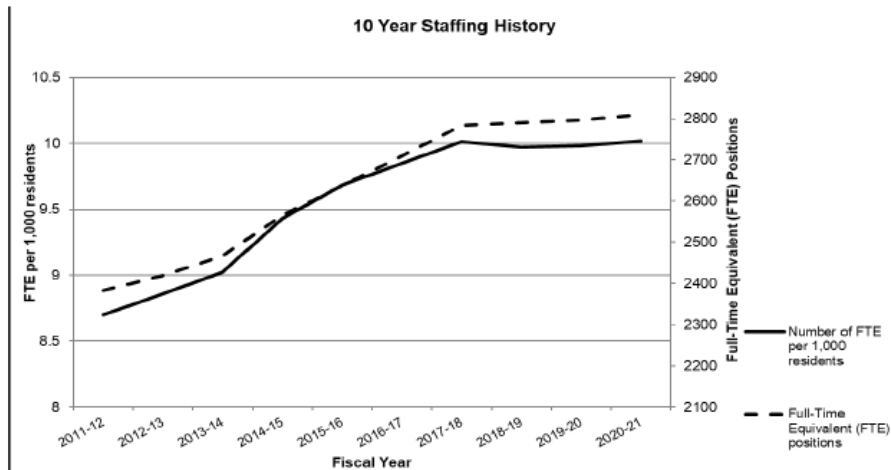
The detail of the \$8.8 million of initially recommended reductions is displayed in the table below. The \$10.5 million of reductions in the bottom half the table come from use of reserves or deferring contributions to reserves for building maintenance and replacement.

Department Name	FY 2020-21 Recommended General Fund support	All Non-Safety Fund Centers 4% Reduction to FY 2020-21 Recommended General Fund support	Public Safety Fund Centers 1% Reduction to FY 2020-21 Recommended General Fund support	Prop 172 Reductions to Public Safety Fund Centers	Total Proposed General Fund support Reduction from FY 2020-21 Recommended Budget
Administrative Office	2,913,011	116,520	-	-	116,520
Administrative Office - Emergency Services	412,608	16,504	-	-	16,504
Administrative Office - Communications and Outreach	148,779	5,951	-	-	5,951
Agricultural Commissioner	2,836,156	113,446	-	-	113,446
Assessor	11,143,753	445,750	-	-	445,750
Auditor-Controller-Treasurer-Tax Collector-Public Admin	6,406,071	256,243	-	-	256,243
Board of Supervisors	1,746,009	69,840	-	-	69,840
Central Services	3,708,635	148,345	-	-	148,345
Child Support Services	255,459	10,218	-	-	10,218
Clerk-Recorder	1,118,116	44,725	-	-	44,725
Contributions to Other Agencies	1,582,418	63,297	-	-	63,297
County Counsel	4,979,529	199,181	-	-	199,181
County Fire	18,568,034	-	165,680	222,234	407,964
District Attorney	12,797,208	-	127,972	375,013	502,985
Grand Jury	131,940	5,278	-	-	5,278
Health Agency - Animal Services	1,899,616	75,985	-	-	75,985
Health Agency - Behavioral Health	14,408,693	576,348	-	-	576,348
Health Agency - Public Health	9,006,392	360,256	-	-	360,256
Human Resources	4,493,799	179,752	-	-	179,752
Human Resources - Talent Development	627,995	25,120	-	-	25,120
Information Technology	10,875,012	435,000	-	-	435,000
Maintenance Projects	3,190,893	127,636	-	-	127,636
Non-Departmental Other Expenditures	520,765	20,831	-	-	20,831
Parks and Recreation - Community Parks	3,977,039	159,082	-	-	159,082
Planning and Building	8,509,666	340,387	-	-	340,387
Probation	12,459,619	-	124,596	317,308	441,904
Public Defender	6,933,107	277,324	-	-	277,324
Public Works - Facilities Management	5,263,404	210,536	-	-	210,536
Public Works - Special Services	3,654,745	146,190	-	-	146,190
Public Works - Waste Management	1,356,451	54,258	-	-	54,258
Sheriff-Coroner	52,771,429	-	527,714	1,451,067	1,978,781
Sheriff-Coroner - Law Enforcement Health Care	5,755,892	230,236	-	-	230,236
Social Services - Administration	11,369,378	454,775	-	-	454,775
Social Services- CalWORKs	261,080	10,443	-	-	10,443
Social Services - Foster Care/Adoptions	1,400,604	56,024	-	-	56,024
Social Services - General Assistance	1,149,252	45,970	-	-	45,970
UC Cooperative Extension	639,134	25,565	-	-	25,565
Veterans Services	680,448	27,218	-	-	27,218
Airports	512,500	500	-	-	500
Capital Projects	4,632,000	185,280	-	-	185,280
Community Development	40,161	1,606	-	-	1,606
Countywide Automation	3,870,033	-	-	-	-
General Government Building Replacement	3,703,657	-	-	-	-
Golf	12,500	500	-	-	500
Library	666,552	26,662	-	-	26,662
Public Works- Roads	6,219,224	-	-	-	-
<b>Total</b>	<b>249,108,768</b>	<b>5,548,783</b>	<b>965,963</b>	<b>2,365,672</b>	<b>8,880,417</b>

3. After the reduction of the first \$19.3 million, there will still exist an estimated gap of \$12.7 million to \$36.7 million. The Budget indicates that as originally presented, it contained funding for 2,810 full time equivalent positions (FTEs). The 3<sup>rd</sup> quarter financial report showed that the vacancy rate was about 5.7%. The total salary and benefits included in the budget are about \$327 million. A 5.7% vacancy rate would yield about \$18.6 million, which could be saved across all funds; however some of the non-general fund portions may not help, as they are based on categorical revenues earmarked marked for specific purposes. It is also not known if the vacancy savings has already been applied to the calculations prior to the analysis that developed the \$19.3 million figure above. In any case leaving the vacant positions open could save a substantial amount. The County has imposed a hiring freeze, but how it impacts the calculation here is not explicated.

4. By the end of the 2009-2011 recession the County was operating with about 2,400 FTEs. At that point the County seemed to be operating fine. The current average value of fully loaded FTE (salary and benefits) is about \$116,370. If the County reduced the FTE count beyond the

vacancies by, say 200 in the general fund, it could save \$23,374,000 million. This would entail layoffs and/or furloughs.



The graph does not include FTEs in contracted services such as Cal Fire, The Public Defender Law Group, or the Public Safety Medical Group. If those FTE's were counted the total would be well over 3,000.

5. As an alternative the County might be able to negotiate tradeoffs with its unions to forestall layoffs. This has the benefit of preserving services and protecting the employees' jobs, health care, and pensions. The Budget Book shows that the salaries and benefits should increase from \$311,766,145 to \$326,977,944 million from FY 2020 to FY 2021, up \$15.2 million. If the unions were to agree to defer or not take these, the County could save the \$15.2 million. This would also require that the unions agree to not receive the 5% steps within the existing salary ranges.

By adding steps 3, 4, and 5, above, the County can theoretically generate \$57.2 million in savings. One caveat is that some of this amount is contained within restricted categorical funds where reductions have less benefit unless the related revenues are being reduced. Another is that as a matter of policy, the County does not wish to reduce public safety, as in Sheriff, Jail, District Attorney, Public Defender, and Probation. Thus it would not be possible to achieve the entire \$57 million. On the other hand, we know that the County was operating with about 400 fewer employees 10 years ago. There may be a sweet spot in the calculation range.

6. At this point the State of California is reporting a \$54 billion impending deficit. A significant portion of County revenue is derived from grants, reimbursements, and direct revenues from the State. The staff and Board can only speculate on how these may be impacted once the State actually adopts a budget. For this reason, once the first round of reductions takes place in the County budget, a 2<sup>nd</sup> round or even 3<sup>rd</sup> will have to occur, perhaps in early autumn. Governor Newsome is banking on his Aunt Nancy's \$3 trillion dollar pork debt financed proposal to bail out the blue states, which are all facing huge deficits. Whether such a bill will pass and in what form is hard to predict at this point. The County will stall a little to see what happens.

7. It is unlikely that the Board of Supervisors will raise fees to offset some of the reductions. Raising fees in the teeth of business lockdowns and tens of thousands of unemployed would be

murder. Tax increases require the vote of the people and again would be generally opposed. Relatedly, there is not time to go through the required ballot measure process.

8. Another possibility is that the revenue loss estimates are too high and based on data from March, April, and May. Recent data show that the economy seems to be resurging, even with the country and state still in partial lockdown. Time may show that fewer reductions are needed. Again the budget reductions will be a moving target over time. Of course, an alternative is to bite the bullet now, and make broad reductions. The City of Santa Monica realized that it had fattened up over the prior decade and used the crisis as an opportunity to retire, lay off, and privatize its staff by hundreds. It was rough going in that the City Manager was fired or quit and Deputy City Manager Katy Lichtig (of former SLO City fame) retired.

### Financing Sources and Uses Summary

Description	2017-18 Actual	2018-19 Actual	2019-20 Final	2020-21 Recommended
<b>Financing Sources</b>				
Taxes	204,280,821	209,372,811	215,322,816	228,124,595
Licenses and Permits	11,154,935	12,156,793	12,370,090	12,127,391
Fines, Forfeitures and Penalties	5,008,443	4,480,593	5,174,734	5,262,189
Revenue from Use of Money & Property	5,846,742	7,420,990	3,443,565	4,282,169
Intergovernmental Revenues	258,580,140	265,470,304	283,064,642	288,667,460
Charges for Services	35,048,698	34,571,017	31,333,821	31,854,315
Other Revenues	41,501,459	29,979,373	28,378,532	34,047,773
Fund Balance	0*	0*	36,489,298	34,377,121
Use of Reserves & Designations	0*	0*	5,277,570	5,964,933
Other Financing Sources	41,081,357	31,438,362	27,176,666	26,034,277
Decreases to Fund Balance	0	0	0	0
*cancellation of reserves and designations and use of fund balance included in Other Financial Sources				
<b>Total Financing Sources</b>	<b>602,502,595</b>	<b>594,890,243</b>	<b>648,031,734</b>	<b>670,742,223</b>

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### Uses of Financing by Function

Land Based	69,884,349	61,463,537	60,031,985	63,846,361
Public Protection	155,085,214	163,725,205	172,858,222	182,107,642
Health and Human Services	218,717,311	227,934,832	253,032,322	257,422,439
Community Services	21,226,799	21,886,634	22,012,218	22,925,769
Fiscal and Administrative	27,462,857	26,190,133	30,065,408	28,774,984
Support to County Departments	30,861,985	31,891,586	33,933,663	36,352,565
Financing	98,843,386	31,011,020	21,317,082	22,467,890
Capital and Maintenance	17,541,723	12,954,994	8,590,345	10,598,000
Contingencies	0	0	26,932,259	27,667,444
Reserves & Designations	0	0	19,258,230	18,579,129
Increases (Decreases) to Fund Balance	(37,121,028)	17,832,302	0	0



**Uses of Financing by Type**

Salary & Benefits	288,035,642	291,782,613	311,766,145	326,977,944
Services & Supplies	171,273,424	186,045,716	199,118,761	212,019,490
Other Charges	172,123,973	101,469,538	103,186,033	102,189,369
Fixed Assets	34,276,971	24,689,409	17,390,163	18,661,125
Transfers	(26,086,387)	(26,929,335)	(29,619,857)	(35,352,278)
Increases to Reserves/Designations	0*	0*	19,258,230	18,579,129
Increases/(decreases) to Fund Balance	(37,121,028)	17,832,302	0	0
Contingencies	0*	0*	26,932,259	27,667,444

\*use of reserves and designations and contingencies are included in individual financing types

<b>Total Financing by Type</b>	<b>602,502,595</b>	<b>594,890,243</b>	<b>648,031,734</b>	<b>670,742,223</b>
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The Budget Book contains much useful information for those interested in the County. For example, the table below describes the anti-economic development policy.

**Principal Taxpayers 2019-2020**  
(Secured, Utility, Unsecured & Aircraft)

PG&E is closing Diablo which is being replaced by tax exempt Central Coast Power.

Top 10 Taxpayers	Type of Property	Taxable Assessed Value	% of Total Assessed Value
Pacific Gas & Electric Co.	Utility	\$2,001,973,104	3.37%
High Plains Ranch II LLC	Solar Ranch	\$823,210,175	1.38%
Phillips 66 Company	Oil Refinery	\$164,854,426	0.28%
Southern California Gas Company	Utility	\$119,953,547	0.20%
Jamestown Premier	Commercial	\$115,502,974	0.19%
CAP VIII - Mustang Village LLC	Apartments	\$94,501,067	0.16%
E & J Gallo Winery/Vineyards	Winery	\$93,203,556	0.16%
Treasury Wine Estates Americas	Winery	\$92,492,856	0.16%
Firestone Walker LLC	Brewery	\$90,903,302	0.15%
Sierra Vista Hospital	Hospital	\$78,295,740	0.13%
<b>Total Top 10 Taxpayers</b>		<b>\$3,674,990,747</b>	<b>6.18%</b>

The City of SLO wants to drive SCG out of the County.

This is a \$4billion installation which is largely exempt under green energy preferences.

Phillips can't grow because the County banned tank cars.



You can read all 577 pages at:  
<https://www.slocounty.ca.gov/getattachment/Departments/Administrative->

**Planning Commission Meeting of Thursday, June 11, 2020 (Scheduled)**

**Item 8 - Hearing to consider a request by the County of San Luis Obispo to amend the County Land Use Ordinance (Title 22) and Construction Ordinance (Title 19) to be consistent with the Paso Robles Sub basin Groundwater Sustainability Plan (GSP) to: 1) Update the mapping boundary of the Paso Robles Groundwater Basin; 2) Update the mapping boundary of the Area of Severe Decline within the Paso Robles Groundwater Basin; 3) Clarify the requirements for fallowing per the Agricultural Offset Ordinance; and 4) Clarify “de minimis” terminology. Also to be considered is an addendum to the Supplemental Environmental Impact Report (SCH 2014081056) certified for the Countywide Water Conservation Program in 2015, prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq., is proposed for amendments to Title 22 Section 22.30.204 Agricultural Offset Requirements and Title 19 Section 19.07.042 Water Conservation Provisions.** This was considered in February. There were so many problems that the Commission sent it back for rework. It has profound implications for farmers, ranchers, and other overlies in the Paso Basin.

It should not be on the agenda during the lockdown, when the public cannot organize, attend, or comment in person. To that end we have requested the Commission to postpone it until the public can attend.

*Dear Planning Commissioners and Director Keith:*

*June 4, 2020*

*This item contains major policy which will have substantial impact on overlies of all types. The matter should be postponed until after the COVID lockdown is phased out to when the meeting can be held with the public in attendance in person. This is too important to handle by zoom. Please continue the meeting until we can be present. Staff will be in the room but we won't.*

*Just the sudden changes in the maps of the serious overdraft areas raise a myriad of questions about the whole set of policies and regulations. How could the picture change so profoundly from a few years ago to be less severe?*

*It is possible that many concerned citizens don't even have Zoom. Just the slide deck is 25 PowerPoints, which at 3 minutes per slide, is 75 minutes. This is a complex matter .*

*Also this matter should be advertised beyond the normal agenda posting. According to the write up, some of the meetings with various Basin interest groups and citizens were held by zoom which is not sufficient in this case.*

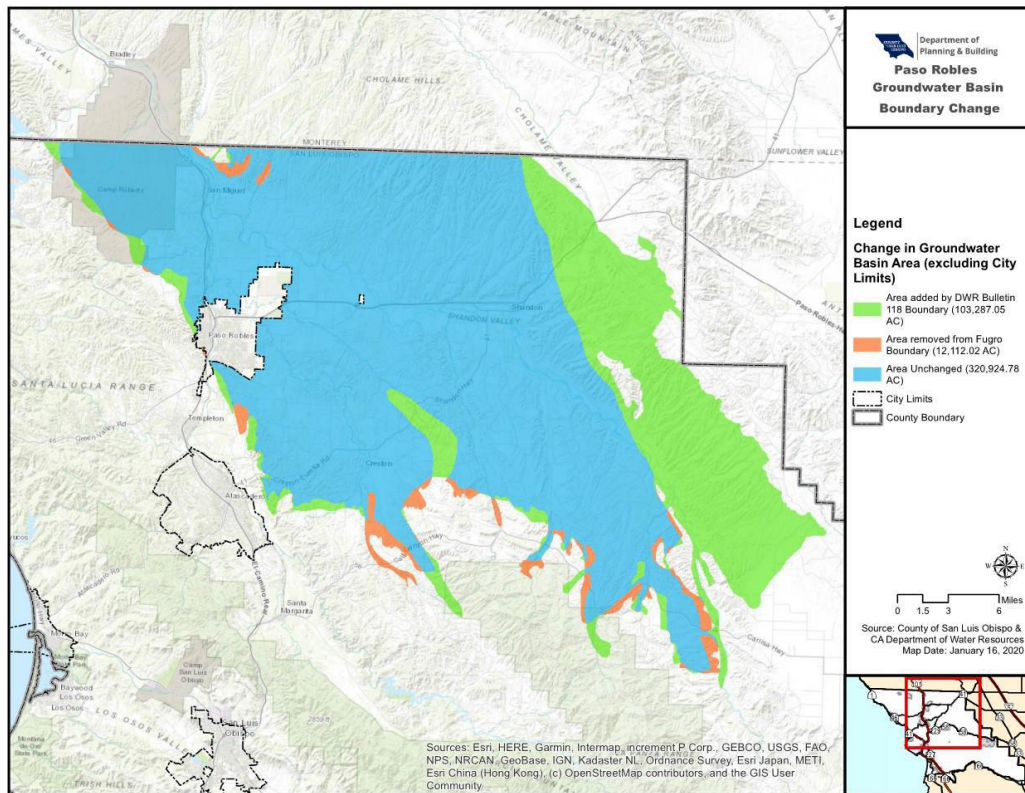
Please postpone until you can have a live meeting with the public in the chambers. Thank you for your understanding.

Mike Brown, Government Affairs Director COLAB

### Background:

The staff recommends that the boundary of the area subject to the Paso Basin water moratorium and its sub-component regulations be brought into conformance with State designated Paso Basin boundaries. This action is necessary to conform the boundaries of the area recognized by the State and the Paso Basin Groundwater Sustainability Plan (GSP).

It means that the areas shown in green (in the map below) are added, and the areas shown in orange are deleted.



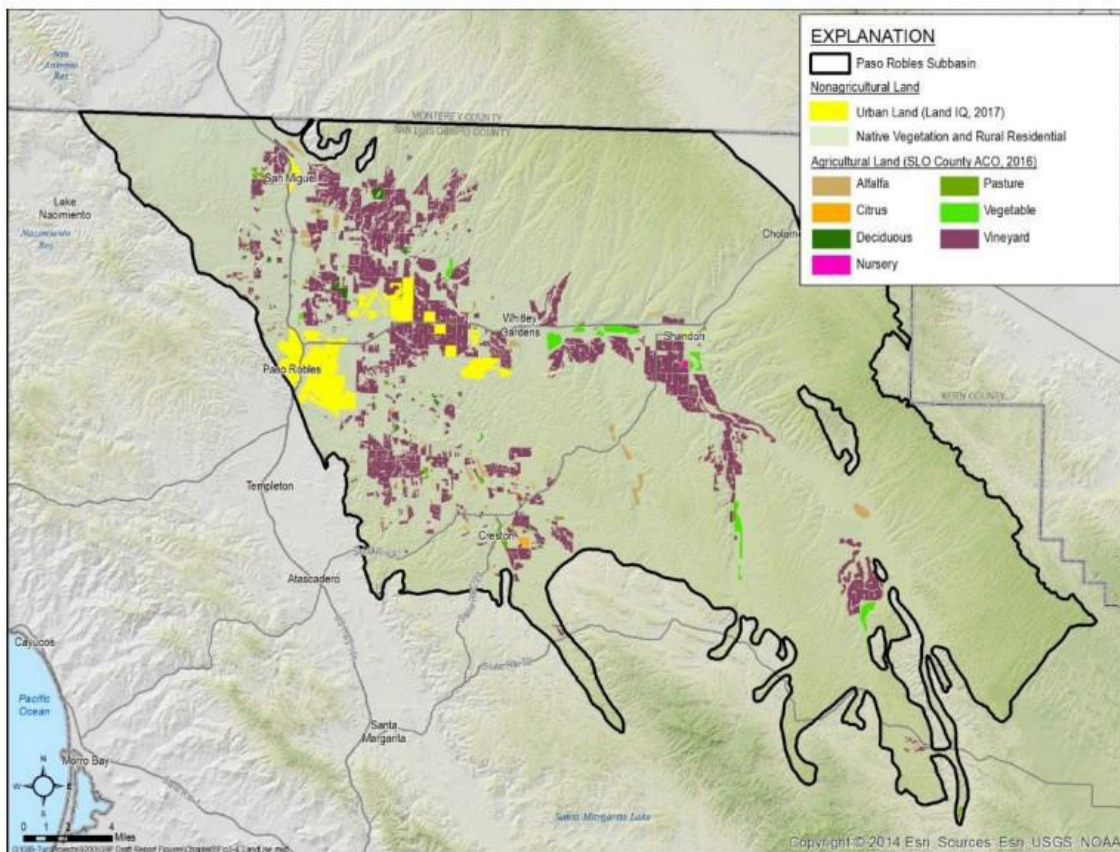
**Figure 3: Change in Paso Basin Area**

A summary of the differences between the Fugro and Bulletin 118 Paso Basin maps in terms of the number of included acres, properties, and property owners is shown in Table 1 below. With this update, 945 properties (524 owners) that are not currently considered to be in the Paso Basin would now be within the basin. 301 properties (244 owners) that are currently considered to be

in the Paso Basin would be removed. Overall, the changes would be a 27% increase in area, 8% increase in affected properties, and 5% increase in affected property owners.

Table 1: Summary of Changes to the Paso Basin Map

Paso Robles Groundwater Basin			
Change	Area (acres)	Properties	Property Owners
Added	103,287	945	524
Removed	12,112	301	244
Net Change	91,175	644	280
Percent Change	27%	8%	5%



This change is actually pretty significant, and many cattle ranches are included. The staff writes the impact off as diminimus, stating in part:

*Most of the acres added to the Paso Basin in the updated map are properties in the eastern portion of the basin where the existing land use is native vegetation and rural residential uses without existing irrigated crop production on-site. The Agricultural Offset Ordinance (Section 22.30.204) would prohibit planting new commercial irrigated crops on these properties, (except for a 5 AFY de minimus exemption if the property is not located in the Area of Severe Decline) unless off-site agricultural offsets are re-allowed in the future. Most of the added area is composed of large grazing properties with low residential density that will be minimally*

*impacted by the 1:1 offset requirement for new construction (Section 19.07.042). The Paso Basin Planning Area Standards (Section 22.94.025) would 1) require a 2:1 water offset and low-water using landscaping for projects approved through a discretionary land use permit, and 2) prohibit General Plan Amendments that increase water demand and land divisions in the added areas, excluding San Miguel and Shandon. The Phase 2 WNND Amendments will re-examine the requirements of the 1:1 offset ordinances and the planning area standards. Should the impacted ranchers wish to add a residence or irrigated crops, they will now be subject to the various basin moratorium requirements.*

### **San Luis Obispo County Board of Supervisors Board Meeting of Wednesday, June 10, 2020 (Scheduled)**

**Continuation of Budget Review Hearing on the FY 2021 Proposed Budget.** This session will be primarily devoted to hearing over \$2 million in requests from a multitude of not-for-profit health, social service, youth serving, aging serving, economic development, and other community-based agencies. Beginning in the late 1960s, many of these were funded under the Federal Office Of Economic Opportunity's "War On Poverty Program." When the program ended in the 1980's, the County took over the funding using its local general fund tax dollars. The agencies submit competitive proposals, and there is never enough money.

It is doubtful that the Board will enact any reductions below last year's level, due to the criticality of the County funding, which allows the agencies to leverage other State, Federal, and private funding, thus providing a multiplier effect. If the County had to run the programs itself, the programs would cost millions more in the public sector unionized civil service model.

## **LAST WEEK'S HIGHLIGHTS**

### **Board of Supervisors Meeting of Tuesday, June 2, 2020 (Completed)**

**Item 1 - Update and possible action on COVID-19 in San Luis Obispo County.** There was no written report in the packet. As expected, the hot issue was the controversial short term lodging rule (50% occupancy limitation). The rule, known as Order 6, forbids hotels, motels, RV parks and other short term lodging from renting more than 50% of their rooms at any one time on the grounds that visitors will import COVID-19 into the community. The order also forbids them to rent rooms to non-SLO County residents who are not deemed "essential workers in the COVID fight."

About 40 representatives of the hospitality industry participated remotely, strenuously objecting to the rule. Even Firestone Rubber scion Adam Firestone objected.

Supervisor Debbie Arnold, seconded by Supervisor Compton, put forth a Resolution limiting the powers of the CAO and Health officer under the original declaration of emergency. The purpose was to require them to seek Board concurrence on future orders as well as obtain approval for the instant hotel limitation. The Resolution failed on a 3/2 vote with Supervisors Gibson, Hill, and Peschong dissenting.

Peschong figured that the staff had already gotten the message and that the order was going to expire on the following Friday anyhow. He guessed, as it turned out right, that the staff would not renew the order. Had the Board passed the Resolution, the Health Officer might have renewed the order to emphasize her powers under a declaration of a pandemic emergency. In any case, the issue is resolved for now.

In fact, in not renewing it, the Health Officer stated that it didn't work out as expected. Other than all the complaints, what didn't work out? Perhaps it didn't prevent the spread of COVID-19 or perhaps there is not much danger of catching COVID-19 in a hotel room.

### **Growing Controversy Over Who Is In Charge:**

This leaves the issue of who is in overall charge smoldering but not flaring at the moment. The order was issued by the County Administrator on May 16, 2020 and came as a surprise to the Board of Supervisors. Some of the Supervisors are hearing complaints from the hospitality industry and individual citizens about the suddenness and severity of the order. The Board was being blamed for the order, which was actually issued by the County Administrative Officer, who is a Board appointment.

Collaterally, the County Counsel "opined" that once the Board delegated emergency powers to manage the COVID-19 lockdown to the CAO, they can't overrule his orders.

This circumstance in combination with the fact that some Board members perceive that the CAO and Health Officer are running the show and excluding the Board is generating major friction and may result in a bad taste in the mouths of some after the whole COVID-19 problem resolves, assuming it does.

Other community groups are concerned about the control by appointed bureaucrats and the lack of authority by the elected Board. Board members who push back are being warned by the County Counsel that they are overstepping their bounds. According to some rumors, the County Counsel has opined that as long as the emergency declaration is in effect, the CAO in the guise of Emergency Operations Director can do almost anything he wants to do, and the Board cannot reverse or amend his decisions. Supposedly, the Board could declare an end to the emergency, but the County Counsel reportedly said that such an action would jeopardize the Federal and State reimbursement of millions of dollars which the County has made in connection with the CAOVID-19 operations.

**Item 2 - Request to 1) approve a four-year renewal agreement with private attorney firm San Luis Obispo Defenders, a Professional Law Corporation in the amount of \$4,856,934 for the first year (FY 2020-21) as well as other negotiated compensation as outlined in the**

**attached contract for the provision services as the County Primary Public Defender; and 2) authorize the County Administrative Officer to execute an additional two-year extended term to the contract.** Ultimately the Board postponed consideration and set up an ad hoc committee of Supervisors Gibson and Arnold to ask the Law Corporation to extend the existing contract for 7 months. The time would be used to prepare a request proposal and bid document, put it out on the street, receive responses, and pick the successful vendor.

As of this writing it is not known what position the Law Corporation will take on the request. If it says no, things could get difficult.

**Background:** Here again was another controversy in which the staff was asserting its power to control a matter which should ultimately be Board Policy. In this case it involves the award of a contract that will ultimately cost somewhere north of \$20 million over 4 years and could actually cost \$30 million if a 2-year contractual extension is exercised.

The contract is with a law group called the San Luis Obispo Defenders (SLOD), which provides the County's primary public defender services, which are mandated by law. Some counties provide the service using in house staff and some contract the service out. The SLOD has held the contract for at least 20 or more years. For all of that time the contract has contained a clause which requires the County to negotiate with SLOD for a new contract prior to going out with a bid. Due to this circumstance, the County has no idea what other law firms or consortia might propose.

It is very bad public policy and irresponsible to keep rolling contracts over and over without coming up for air to see what the market would provide. The County could be wasting millions of dollars and providing a huge financial windfall to SLOD.

### **NOT A NEW ISSUE**

In fact, four years ago on June 21, 2016, the current contract was presented to the Board on the consent calendar by then County Administrative Officer (CAO) Dan Buckshi. At that time Supervisor Arnold asked why after a decade and a half it was not rebid. Buckshi and the staff stated that the SLOD provided great service and that there was no reason to rebid. Arnold pressed her point and eventually offered a motion, seconded by Compton, to require that the staff go out to bid net next time (the 2020 version). There was considerable discussion, including with the President of the firm, Patricia A. Ashbaugh, who told the Board what a great deal the contract is. In the end the Board voted 3/2 against Arnold's motion but expressed consensus, which was acknowledged by CAO Buckshi, that the next contract would be bid. Gibson, Hill, and Meacham voted against the bid requirement.

**The Requirement To Renegotiate Clause:** It turns out that both the County staff and the SLOD knew full well that there was a clause in the contract that required that the County negotiate with SLOD prior to going out to bid the next time – 2020. They never mentioned this during the Board deliberation. This omission borders on dishonesty, given the subject. It is also yet another example of the rampant cronyism that plagues the County government.

**Fast Forward to June 2, 2020:** The staff recommended approval of the new contract, asserting that there is not sufficient time to go out to bid between now and July 1, 2020 and that it will promise to go out to bid in 2024. They neglect to mention that the contract contains a 2-year extension clause.

## **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**

# **JUSTICE REQUIRES THAT ALL LOCAL GOVERNMENT BE REFORMED – NOT JUST THE POLICE**

**BY MIKE BROWN**

The fact that 4 Minneapolis police officers could not place the handcuffed man into the back seat of a police car is inexplicably outrageous. The chief offender, Derek Chauvin, was in fact a Field Training officer who cut off an arrested black man's breathing for 9 minutes. No sergeant or lieutenant showed up to see why it was taking four officers so long to make a routine arrest or why a crowd had gathered. It is not clear if a supervisor showed up even after an ambulance was called.

Recent articles reveal that the standards for becoming a police officer in Minneapolis are woefully low. At least one of the now charged officers didn't even complete high school. The involved officers started their working lives at fast food places, stocking store shelves, and as security guards. One may have obtained a criminal justice certificate from a community college. Derek Chauvin had been a in the military police for 2 years, probably working traffic and parking on various bases.

Many government officials who are wringing their hands about the plight of black people might reflect that zoning in the 20<sup>th</sup> and 21<sup>st</sup> centuries was and is one of the most powerful tools on the planet for promoting spatial racial segregation. How many of the new homes being built in the City of San Luis Obispo are available to what few African Americans live in the city? How many are available to Hispanics?

While the Mayor decries the situation, and demands a paltry and symbolic \$160,000 to examine the plight of African Americans, she is simultaneously running one to the most discriminatory cumbersome, costly, and opportunity limiting zoning systems in the Country. Plus she wants to make it worse by banning natural gas appliances, socializing electric energy, and closing the County's largest private sector employer (\$1 billion annual impact).



Housing decentralization for all is a tool for solving racial discrimination. After all, where you live determines your chances in life, who you associate with, where you go to school, where you go to church, who mentors you, and what influences your basic values. These are largely a function of the location of your home during your formative years.

Some of the protests were hijacked by outside flying squads of agitators whose sponsorship is not clear. However they flared up all over the State and in other parts of the country, which suggests a coordinated, planned, and financially backed effort. Those protests that did involve rioting and looting were relatively mild when compared with those which occurred in the past in major metropolitan cities. They were also limited in area, and the police agencies were able to restore and maintain order fairly quickly. A few buildings were damaged, but unlike some areas of LA, Berkeley, Newark, Hartford, New York (particularly the Bronx), Baltimore, and where whole sections and blocks were burned to the ground in past decades, the damage was fairly narrow.

In part this may be due to the lack of experience or resources of the groups that wish to ignite destructive riots, as well as the evolution and training of law enforcement over the decades in riot control. We did not see tactics such as feinting attacks on a university headquarters or a police station designed to draw in and decoy law enforcement, while a larger pre-staged group attacked an undefended downtown or commercial boulevard.

Nor did we see the police attacked or ambushed with sharpened rebar, automatic weapons, large scale fire bombs, or bomb traps (the latter tactic involves hiding a large explosive device such as a large tank of gasoline or propane and in a building and then lighting a small fire in the building to draw in the firemen who would then be killed in the explosion of the large device). Also San Luis Obispo County is a relatively small community and cannot draw upon large groups which as in the metro cities.

Transit systems in metro areas also provide a ready mechanism to deploy and concentrate rioters. Santa Monica discovered this two weeks ago as its new light rail line from downtown LA delivered thousands of protestors, some of whom looted and torched the downtown.

Real progress requires that government officials at all levels undertake major reforms including:

1. Abolition of land use regulatory systems as they now stand and instead, promotion of land use justice that facilitates the ability of minorities who have heretofore been locked in the cities and some inner ring suburbs to fully live in the suburbs. This also means that the current doctrine of prohibiting the creation of new suburbs must be abandoned. Of course this would require that the green prejudice against creating more suburbs be retired.
2. The public schools must be reformed to become like private day schools in the lower grades and the prep schools in the higher grades. The early 20th Century industrial factory model of junior high and high schools must give way to a more gentile and intellectually oriented seminar system in contrast to the regimented current military row and file system, prison style bells systems, and sterile facilities. Privatization can do much to accomplish this. Students should be

inculcated with values needed for success. The dress code should signal that the students of all races are important. (Ditto for the teachers.)



3. In high school everyone should be in music, Jr. ROTC, a public service corps including assisting the police, health care, etc., or athletics in the afternoon after school, depending on their abilities and predilections. The community should provide homework centers in the libraries and other locations in the evening. Volunteer tutors should help.



4. Typically, teachers' daily attire is what would be considered business casual attire in other work places. In middle school and high school they should look like executives and professionals. For example most successful medical practices require the docs to where a suit or sport coat and tie in the office and a lab coat on the medical floor. For most kids, the teacher is the primary societal professional example.



5. Another reform should be to require that police agencies be headed up by a civilian instead of a career sworn officer. The commissioner, director, or however it is styled, should be a broadly educated person with a law degree, advanced degree in public administration, criminology, or similar credential, and he or she should have substantial expertise leading large public agencies.

The townie whose whole career has been in policing in one jurisdiction may not be the best choice. Past sworn officers could qualify but should be civilians when they take the reins. The retired Army Colonel is not usually the best choice either, especially in complex diverse urban environments with unionized forces. In the Army when the Colonel tells the lieutenant to do something, it's done. In a city or county, it may result in a grievance.

That being said we have seen some very excellent police chiefs who have come up through the traditional path. The best one we ever saw was an African American careerist promoted from lieutenant to chief, skipping over many higher ranking colleagues. He had an advanced degree in Classics, was a cop's cop, and was superb. Another was a lieutenant with an AA Degree who was promoted above others and was a great chief.

Elected sheriffs may be a special case in that they are directly appointed by and removable by the people. On the one hand this gives them enormous independent power, but on the other hand they can choose to operate independently of their jurisdiction's governing body. Some of the best agency heads, we have seen over the years, have been elected sheriffs. Elected sheriffs often have both the advantage and disadvantage of being prominent in political party affairs, giving endorsements, and having to solicit political campaign funds.

6. Police management including the chief, assistant chiefs, commanders /captains, and lieutenants should be exempt from the civil service and not be in unions. If they are superior officers they should be structured as superior officers. In fact, this principle should not be limited to police agencies but should be carried across all government services. The department head, deputy department heads, and division heads, as well as high-end specialists, should not be in the civil service and should not be in unions. They are officers of their city, county, state, school district, or whatever, and should implicitly represent management, and through management, their elected governing body. How can one be management and labor at the same time?

7. In California the Peace Officers Bill of Rights, a state statute limiting public access to police disciplinary affairs, should be reviewed and reformed.

It will be telling to see if the elected officials who are now calling for reform will actually take any meaningful actions such as those noted above. How about zoning in several thousand units of nice garden apartments around the cities and County? How about converting the schools to the country day model for the little kids and the prep school model for the big kids. Sending all the adults to re-education camps won't work.

Pathetically, the officials and candidates calling for the abolition of law enforcement are dangerously loony. Once the force of law dissolves, gangs of strongman would devastate society. They would mostly be heavily armed thugs like the pre-Nazi militias which disrupted Germany

after World War I. You may remember Corporal Hitler, Sargent Rohm, Captain Goering, chicken farmer Himmler, and the rest. You may also remember the ultimate holocaust which resulted.

Minneapolis police officer Derek Chauvin is a representative example of the species.

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## THE WALL STREET JOURNAL

### REVIEW & OUTLOOK

#### JUSTICE AND DISORDER

The violence that broke out in American cities this weekend goes far beyond justified anger at the killing of George Floyd on Monday. The rioters are looting shops and attacking police with impunity, and they threaten a larger breakdown of public order. Protecting the innocent and restoring order is the first duty of government.

The violent scenes in more than 30 cities were the worst in decades. Minneapolis police were overrun on Friday as neighborhoods and a police precinct burned. Los Angeles police were assaulted and their vehicles vandalized and burned. In Milwaukee a 38-year-old police officer was shot and 16 buildings were looted. In Dallas a shop owner trying to defend his property with a machete was stoned, beaten and left bleeding in the street.

Americans watching on TV saw reporters grabbed and pushed by protesters who flashed obscene gestures for the cameras. Police were pelted with rocks and bottles amid "Defund the Police" signs. Mayors across the country set curfews, and in Minneapolis and elsewhere the National Guard was called in.

This was more than spontaneous anger at the grotesque video of a white cop, Derek Chauvin, kneeling on the neck of the African-American Floyd for nearly nine minutes as he pleaded to breathe. Many protests were peaceful. But the riots in many places had the earmarks of planned chaos by those using Floyd as an excuse for criminality.

Gov. Tim Walz blamed agitators from outside Minnesota, including white supremacists and drug cartels, for feeding the violence, though he offered no evidence. Attorney General Bill Barr

on Saturday blamed much of the trouble on “anarchistic and far left extremists, using Antifa-like tactics, many of whom travel from out of state to promote the violence.”

Antifa are loosely affiliated agitators who claim to be anti-fascists. They dress in black and cover their heads, often letting others man the front lines while directing assaults on police from a distance.

Amid this chaos, police in most cities have shown notable discipline. A police car drove into a crowd surrounding it in New York City, but even Mayor Bill de Blasio noted it would not have happened if protesters had not been threatening. The risk is that, as confrontations escalate, some police will lose their cool and someone will be killed, producing another cycle of protest and violence.

Contrast all of this with the progress of the justice system in the Floyd case. Officer Chauvin was charged Friday with third-degree murder and second-degree manslaughter. The Hennepin County district attorney brought charges in record time that he will have to prove beyond a reasonable doubt, and he says he may bring more charges, presumably against one or more of the three other officers involved in Floyd’s arrest.

The Justice Department and FBI have assisted the investigation, as the D.A. has noted. Mr. Barr condemned the acts in the video and has launched a civil-rights investigation. Current and former police across the political spectrum have denounced the acts on the video as a gross violation of proper police methods. President Trump issued an awful tweet that “when the looting starts, the shooting starts,” but his remarks otherwise have supported Floyd and shown sympathy with peaceful protesters as opposed to rioters.

Police brutality is too common, and it should be prosecuted. But these events have become national causes precisely because they are exposed in the media. Cameras on cops have made it harder to cover up abuses and may have deterred some. There are white racists in our midst but they are condemned everywhere except in the fever swamps of the internet.

There are also consequences for black lives when police retreat from policing. Roland Fryer, the Harvard economist, has found that when a high-profile police incident goes viral and is followed by a Justice Department investigation, homicides and felonies spike in succeeding months. “It’s costing black lives,” he told our columnist Jason Riley last week in a Manhattan Institute video. “That pains me” and no one is talking about it.

All of this poses a particular challenge to the liberal establishment that runs most of these cities and states. The mayors of Atlanta and Denver were excellent in distinguishing between peaceful protest and violent destruction. But others have encouraged rage against police,

and so-called social justice prosecutors have risen to power in such cities as Philadelphia, San Francisco and St. Louis. Now we'll see if they protect the neighborhoods they claim to represent against violent mobs.

The same goes for liberal media and intellectuals, who are in general portraying the riots as an understandable response to social injustice. Most of them live far from the burning neighborhoods as they denounce police. They ignore that there is no chance of addressing social injustice without underlying civil order.

The main victims of a summer of chaos in America will be the poor and minority neighborhoods going up in flames. Violence and looting harm poor and minority neighborhoods the most.

*This editorial appeared on Monday June 1, 2020 on the Wall Street Journal Opinion page.*

## THREE WAYS LOCKDOWNS PAVED THE WAY FOR THESE RIOTS

BY RYAN MCMAKEN



There were many reasons to oppose the COVID-19 lockdowns.

They cost human lives in terms of deferred medical treatment. They cost human lives in terms of greater suicide and drug overdoses. Domestic abuse and child abuse have increased. There is also good reason to believe that lockdowns don't actually work. The lockdown activists capitalized on media-stoked fear to push their authoritarian agenda based not on science, but on the whims of a handful of experts who insisted that they need not present any actual evidence that their bizarre, draconian, and extreme scheme was worth the danger posed to human rights, health, and the economic well-being of billions of human beings.

Those who lacked the obsessive and irresponsible tunnel vision of the prolockdown people warned that there were other dangers as well, in terms of social and political conflict.

[RELATED: "[COVID Panic: The New War on Human Rights](#)" by Ryan McMaken.]

It didn't require an especially clear crystal ball to see that destroying the livelihoods of countless millions while empowering a police state to harass and arrest law-abiding citizens would create a situation that maybe—*just maybe*—could lead to greater social and political conflict.

Specifically, there are three ways in which the lockdowns laid the groundwork for our current state of unrest.

### **The Lockdowns Created an Economic Disaster**

The COVID-19 stay-at-home orders, business closures, and other forms of coerced social distancing have so far led to job losses for well over 30 million Americans. The unemployment rate has risen to levels not seen since the Great Depression. Food banks are under strain as Americans line up for free food. Thanks to government moratoria on evictions in many areas, it is still unknown to what extent homeowners and renters are unable to pay mortgages and rents, but a wave of delinquencies is almost certainly coming.

To advocates of lockdowns, this is all "worth it" even though these sorts of economic stresses often lead to suicide, stress-induced disease, and death. But impoverishment, unemployment, and financial ruin are all merely "inconvenient," as described by head lockdown advocate Anthony Fauci.

To someone who *isn't* enamored of lockdowns, however, it is clear that millions of job losses are likely to worsen a variety of social ills, sometimes even resulting in violence. Moreover, the current job losses appear to be affecting the young and those who earn lower incomes most.

Lockdown advocates have attempted to avoid responsibility for all this by claiming that it is the pandemic itself that has caused the current economic disaster, and not the lockdowns. This is a baseless assertion. As has been shown, neither the pandemics of 1918 or 1958 led to the sorts of job losses and decline in economic growth that we're now seeing.

### **The Lockdowns Destroyed Social Institutions**

Another outcome of the lockdowns has been the destruction of American social institutions. These institutions include schools (both public and private), churches, coffee shops, bars, libraries, barbershops, and many others.

Lockdown advocates continue to claim that this is no big deal and insist that people just sit at home and "binge watch" television shows. But researchers have long pointed to the importance of these institutions in preserving peace and as a means of defusing social tensions and problems.

As much as lockdown advocates may wish that human beings could be reduced to creatures that do nothing more than work all day and watch television all night, the fact is that no society can long endure such conditions.

Human beings need what are known as "third places." In a 2016 report, the Brookings Institution described what these places are:

the most effective ones for building real community seem to be physical places where people can easily and routinely connect with each other: churches, parks, recreation centers, hairdressers, gyms and even fast-food restaurants. A recent newspaper article on McDonald's found that for lower-income Americans, the twin arches are becoming almost the equivalent of the English "pub," which after all is short for "public house": groups of retirees meeting for coffee and talk, they might hold regular Bible study meetings there, and people treat the restaurant as an inexpensive hangout.

Third places have a number of important community-building attributes. Depending on their location, social classes and backgrounds can be “leveled-out” in ways that are unfortunately rare these days, with people feeling they are treated as social equals. Informal conversation is the main activity and most important linking function. One commentator refers to third places as the “living room” of society.

The lockdown advocates, in a matter of a few days, cut people off from their third places and insisted, in many cases, that this would be the "new normal" for a year or more.

Yet, these third places cannot simply be shut down—and the public told to just forget about them indefinitely—without creating the potential for violence and other antisocial behavior.

Indeed, third places act as institutions that provide a type of social control that is key to a well-functioning society. In his trenchant book *The Revolt of the Elites and the Betrayal of Democracy*, historian and social critic Christopher Lasch described the importance of third places in communicating political and social values and conventions to young people, and in setting the bounds of acceptable behavior within the community. Lasch notes these institutions are also important in defusing violent impulses among the young. Moreover, of great importance is the fact third places provide a means of social control that is *voluntary and not a form of state coercion*.

Writing in the 1990s, Lasch was lamenting the decline of the third places, although he emphasized their importance even in their modern reduced form. Thanks to the lockdowns, however, these places have been crippled far beyond what Lasch might ever have imagined.

### **The Lockdowns Empowered the Police State**

The lockdowns have created a situation in which millions of law-abiding citizens have been deemed criminals merely for seeking to make a living, leave their homes, or engage in peaceful trade.

In many areas, violations of the lockdown orders have been—or even still are in many places—treated as *criminal* acts by police. This has greatly increased negative interactions between police and citizens who by no moral definition are criminals of any sort.

Many have already seen the stories: police arresting mothers for using playground equipment, police arresting business owners for using their own property, police beating people for the "crime" of standing on a sidewalk.

Complicating the issue is the apparent fact that police have not enforced social distancing edicts “uniformly.” Some have alleged, for example, that the NYPD has lopsidedly targeted nonwhites in enforcement:

of the 40 people arrested [for social distancing violations in Brooklyn between [March 17 and May 4], 35 were African American, 4 were Hispanic and 1 was white. The arrests were made in neighborhoods—Brownsville, Bedford-Stuyvesant, Cypress Hills and East New York—which have large concentrations of blacks and Latinos.



This may or may not reflect the reality of the *general* situation, but the fact is the lockdowns created the *perception* among many that this is just yet another case of law enforcement targeting certain populations over small-time violations.

Moreover, it is quite plausible that lower-income populations more often been on the receiving end of state harassment in the name of social distancing. After all, compliance with lockdowns is something of a luxury reserved for higher-income, white-collar residents who can work from home and remain comfortable for long periods in their roomy houses. Working-class people and those with fewer resources are far more likely to need to find income and venture outside during lockdowns. This attracts the attention of police.

Lockdown advocates, apparently in their usual state of extreme naïvete, perhaps believed that further empowering police to violently enforce government decrees against petty infractions would not lead to any unfortunate side effects down the road. Yet, criminalizing millions of Americans, and subjecting them to heightened police harassment, is not a recipe for social tranquility.

### **Worsening a Volatile Situation**

Of course, my comments here should not be interpreted as making excuses for rioters. Smashing up the property of innocent small business owners—or worse, physically harming innocent people—is reprehensible in all circumstances. But this isn't about making excuses. We're talking about avoiding extreme and immoral government policies (i.e., police-enforced lockdowns) that remove those institutions and conditions which are important in helping minimize conflict.

Some may insist the riots would have occurred no matter what, but it's easy to see how the lockdowns made a bad situation worse. Yes, some of the rioters are lifelong thugs who are always on the lookout for new opportunities to steal and maim. But experience suggests that the pool of people willing to engage in riots is often larger during periods of mass unemployment than during other periods. In addition, those people who exist on the margins of criminality—the sorts of people for whom third places serve an important role in moderating their more antisocial tendencies—are more likely to be swept up in these events when third places are abolished. And, as we have seen, lockdowns also create more opportunities for police abuse that ignite riots of the sort we've seen in recent days.

It's true the responsibility for the riots lies primarily with the rioters. But we cannot deny policymakers fuel the flames of conflict when they outlaw jobs and destroy people's social support systems by cutting people off from their communities. It's also wise to not provoke people by pushing for widespread human rights violations and additional police harassment. But this is what lockdown advocates have done, and their imprudence should not be forgotten.

*Author: Ryan McMaken (@ryanmcmaken) is a senior editor at the Mises Institute. Send him your article submissions for the Mises Wire and The Austrian, but read article guidelines first. Ryan has degrees in economics and political science from the University of Colorado and was the economist for the Colorado Division of Housing from 2009 to 2014. He is the author of Commie Cowboys: The Bourgeoisie and the Nation-State in the Western Genre.*



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