



## **WEEKLY UPDATE NOVEMBER 1 - 7, 2020**

### **THIS WEEK**

**STAFF PROPOSES FEE INCREASES EVEN DURING  
COVID LOCKDOWN**

**LOS OSOS HOMELESS CAMP CLEANUP  
BUT YOU STILL CAN'T CAMP AT THE OCEANO DUNES**

**APCD DUNES ORDERS MAY BE VOID  
HEARING BOARD MEMBER DID NOT MEET LEGAL QUALIFICATIONS**

### **LAST WEEK**

**NO BOARD OF SUPERVISORS MEETING  
OTHER REGIONAL AGENCIES DORMANT**

### **COLAB IN DEPTH**

**SEE PAGE 11**

**A COLLECTION OF BOVARDIAN EPIGRAMS**

**BY JAMES BOVARD**

**HOW YOUR VOTE IS SUBVERTED BY THE DEEP STATE**

**FREEDOM IS FRAGILE**

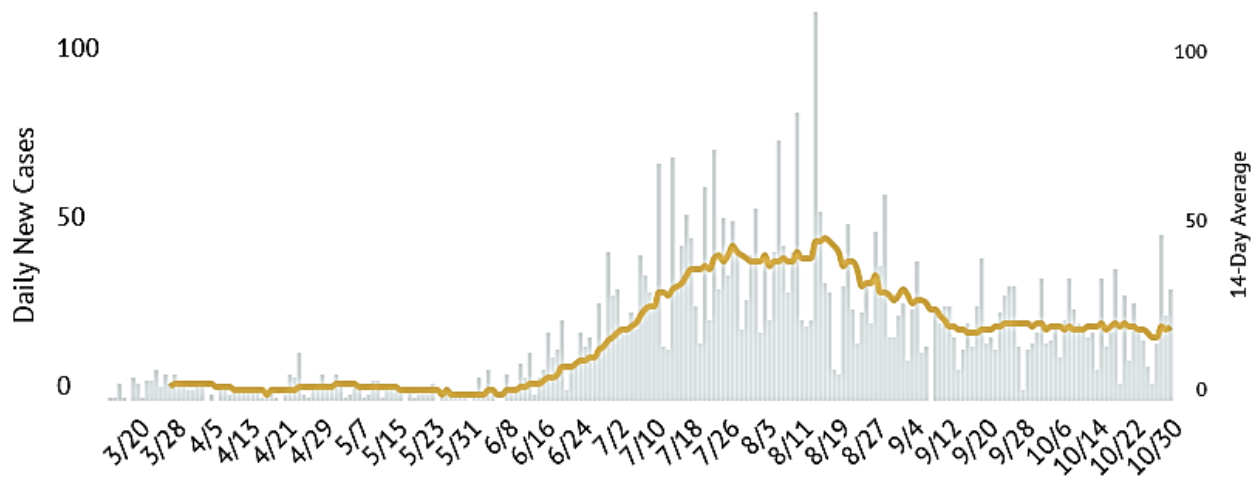
**BY RAY HAYNES**

# THIS WEEKS HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, November 3, 2020 (Scheduled)

## Item 1 - COVID Status

### Daily New Cases (and 14-Day Average)



## Currently Hospitalized

7 (of whom 3 are in ICU)

There was a slight uptick in the number of people hospitalized last week,

**Item 2 - Introduction of an ordinance implementing the County Fee Schedule "A" for Calendar Year 2021 and Fee Schedule "B" for Fiscal Year 2021-22. Hearing date set for November 17, 2020. The County is going through its annual fee increase ritual. We discuss the fees levied on business and development in detail on the pages below. The write-up states in part:**

*If fee increases are not approved, it is anticipated that the amount of General Fund support required to fund existing departmental operations would increase as a result of fee revenue not keeping up with the actual cost to provide the services and thus not fully recovering the cost of providing the service. As stated above, the total amount of budgeted revenue from General Fund departments that is anticipated to be generated from the proposed fees in FY 2021-22 constitutes an increase of \$708,629 or 3.8% over FY 2020-21 levels.*

Here the staff posits a zero sum game. Either raise the fees, or we'll suck it out of the general fund and reduce basic services. As the reader will see below, the justifications for increased and new fees are given as higher salary and benefit costs, inflation, or more intensive regulation. Since there is a COVID pandemic wherein the State and the County have locked down many businesses and tens of thousands became unemployed, why not forgo adding the new \$708,000 to the citizens' burden and direct the staff to defer some of the raises and benefit hikes, reduce the regulatory intensity, and/or

eliminate some discretionary expenditures. Everyone could take a couple of furlough days. For example, one of the reasons given for adding fees in Planning and Building is to cover costs for new expensive data systems. Stop until the Pandemic is over and the economy has recovered. Why can't the County apply some of the \$29 million in Federal/State CARES money it received?

While the public is unemployed, out of business, and banned from having weddings, church, Halloween, and everything else, raising fees is an insult.

**Agricultural Commissioner - Fund Center 141: The Agricultural Commissioner provides enforcement of state laws and regulations specific to plant quarantine, pesticide use, and weights and measures countywide.**

| Board Discretion Type | Current total | Recommended Changes |            |            |          |          | New total | Fees at full cost recovery |
|-----------------------|---------------|---------------------|------------|------------|----------|----------|-----------|----------------------------|
|                       |               | Unchanged           | Increasing | Decreasing | New      | Deleted  |           |                            |
| Full                  | 36            | 24                  | 10         | 2          | 0        | 0        | 36        | 7                          |
| Partial               | 23            | 23                  | 0          | 0          | 0        | 0        | 23        | 2                          |
| None                  | 20            | 12                  | 6          | 1          | 1        | 1        | 20        | 1                          |
| <b>Total</b>          | <b>79</b>     | <b>59</b>           | <b>16</b>  | <b>3</b>   | <b>1</b> | <b>1</b> | <b>79</b> | <b>10</b>                  |

The write-up states that the main reason the fees are to be increased is due to higher staff costs.

| Board Discretion Type | Fee   | Current Fee | Proposed Fee | Fee Increase | % Increase |
|-----------------------|---|-------------|--------------|--------------|------------|
| Full                  | Produce Certification   | \$100       | \$90         | (\$10)       | (10%)      |
| None                  | Small Capacity Scales (all scales up to 50 lbs. capacity)                       | \$100       | \$110        | \$10         | 10%        |
| None                  | Medium Capacity Scales (all scales greater than 50 lbs. to 5,000 lbs. capacity) | \$100       | \$125        | \$25         | 25%        |
| None                  | Retail Motor Fuel Dispensers and Diesel Exhaust Fluid Dispenser                 | \$70        | \$80         | \$10         | 14%        |
| None                  | Liquefied Petroleum Gas Meter   | \$90        | \$125        | \$35         | 39%        |
| None                  | All other Commercial Devices  | \$70        | \$100        | \$30         | 43%        |

### County Fire - Fund Center 140

County Fire provides fire protection services and emergency medical response to the unincorporated areas of the county. Services are provided under a contract with the State of California through CAL FIRE.

| Board Discretion Type | Current total | Recommended Changes |            |            |           |          | New total | Fees at full cost recovery |
|-----------------------|---------------|---------------------|------------|------------|-----------|----------|-----------|----------------------------|
|                       |               | Unchanged           | Increasing | Decreasing | New       | Deleted  |           |                            |
| Full                  | 0             | 0                   | 0          | 0          | 0         | 0        | 0         | 0                          |
| Partial               | 17            | 17                  | 0          | 0          | 10        | 0        | 27        | 27                         |
| None                  | 0             | 0                   | 0          | 0          | 0         | 0        | 0         | 0                          |
| <b>Total</b>          | <b>17</b>     | <b>17</b>           | <b>0</b>   | <b>0</b>   | <b>10</b> | <b>0</b> | <b>27</b> | <b>27</b>                  |

The Fire Department is not proposing fee increases but is proposing 10 new fees.

Since the County pays for fire services under a 3-year fixed price contract, why would the Board charge its citizens more in the middle of the contract? Wouldn't the new fees simply be gravy to the State if they are passed through or simply new overhead money for the County?

| Board Discretion Type | Fee  | New Proposed FY 21-20 Fee | Explanation  |
|-----------------------|--|---------------------------|--|
| Partial               | Pre-Application Meeting General Projects and Cannabis        | \$355                     | County Fire attends planning review meetings and reviews various plan sets with no current cost recovery.                          |
| Partial               | Pre-Application Meeting with Site Visit General and Cannabis | \$499                     | County Fire attends planning review meetings and reviews various plan sets and performs site visits with no current cost recovery. |
| Partial               | Code Exception Request                                       | \$589                     | Projects requesting exceptions to the code submit additional documents which require review and site visits.                       |

| Board Discretion Type | Fee                      | Proposed FY 21-20 Fee | Explanation  |
|-----------------------|--------------------------|-----------------------|--|
| Partial               | Minor Operational Permit | \$234                 | The California Fire Code identifies 51 activities which require permits. |
| Partial               | Major Operational Permit | \$414                 | The California Fire Code identifies 51 activities which require permits. |

| Board Discretion Type | Fee              | Proposed FY 21-20 Fee | Explanation  |
|-----------------------|------------------|-----------------------|--|
| Partial               | False Fire Alarm | \$321                 | Recover fees when fire alarm systems in structures become a nuisance requiring multiple fire engine responses. |

The write-up states that new fees below are needed to cover additional site visits to the locations where there are permit applications. Why are more visits needed than in past years?

| Board Discretion Type | Fee                                 | Proposed FY 21-20 Fee | Explanation                         |
|-----------------------|-------------------------------------|-----------------------|-------------------------------------|
| Partial               | Third Plan Review - Residential     | 273.00                | Additional fee for incomplete plans |
| Partial               | Third Plan Review - Commercial      | 318.00                | Additional fee for incomplete plans |
| Partial               | Third Site Inspection - Residential | 273.00                | Additional fee for site visits      |
| Partial               | Third Site Inspection - Commercial  | 351.00                | Additional fee for site visits      |

### Planning and Building - Fund Center 142

Planning and Building provides land use planning, development and permit review, and resource management and monitoring for the unincorporated areas of the county.

| Board Discretion Type | Current total | Recommended Changes |            |            |          |          | New total  | Fees at full cost recovery |
|-----------------------|---------------|---------------------|------------|------------|----------|----------|------------|----------------------------|
|                       |               | Unchanged           | Increasing | Decreasing | New      | Deleted  |            |                            |
| Full                  | 923           | 884                 | 28         | 11         | 9        | 0        | 932        | 900                        |
| Partial               | 0             | 0                   | 0          | 0          | 0        | 0        | 0          | 0                          |
| None                  | 4             | 4                   | 0          | 0          | 0        | 0        | 4          | 4                          |
| <b>Total</b>          | <b>927</b>    | <b>888</b>          | <b>28</b>  | <b>11</b>  | <b>9</b> | <b>0</b> | <b>936</b> | <b>904</b>                 |

The reasons given for justifying the increases are that the Department has made large investments in technology and is doing Plan Updates for which the public cannot be charged.

| Significant Fee Increases |                 |   |                                       |                             |                                  |  |                        |                    |
|---------------------------|-----------------|---|---------------------------------------|-----------------------------|----------------------------------|--|------------------------|--------------------|
| Board Discretion Type     | Fee Indicator # | Fee   | Current FY 20-21 Fee (LUP + Environ.) | Proposed FY 21-22 Fee (LUP) | Proposed FY 21-22 Fee (Environ.) | Effective Proposed FY 21-22 Fee (LUP + Environ.) | Effective Fee Increase | Effective % Change |
| Full                      | 1003            | Contract Cancellation Request of Preserve with Initial Study  | \$13,229                              | \$10,657                    | \$3,731                          | \$14,388   | \$1,159                | 9%                 |
| Full                      | 1007            | Farmland Security Zone Application and Farmland Security Zone Contract with categorical exemption or previously issued environmental document | \$4,467                               | \$4,285                     | \$986                            | \$5,271  | \$804                  | 18%                |
| Full                      | 5011            | Parcel Map with Development Plan/Conditional Use Permit with Initial Study  | \$11,306                              | \$8,104                     | \$3,731                          | \$11,835   | \$529                  | 5%                 |
| Full                      | 6004            | Development Plan/ Conditional Use Permit with Initial Study   | \$18,118                              | \$15,073                    | \$3,731                          | \$18,804   | \$686                  | 4%                 |

|      |      |  |          |          |         |          |         |    |
|------|------|--|----------|----------|---------|----------|---------|----|
| Full | 6005 | Development Plan/ Conditional Use Permit with Initial Study - "Cannabis" Deposit   | \$33,254 | \$28,166 | \$7,919 | \$36,085 | \$2,831 | 9% |
| Full | 6009 | Minor Use Permit - Tier II with Categorical Exemption or General Rule Exemption or previously issued environmental document - "Cannabis" Deposit | \$8,759  | \$8,383  | \$975   | \$9,358  | \$599   | 7% |
| Full | 6014 | Minor Use Permit - Tier III with Initial Study - "Cannabis" Deposit  | \$25,297 | \$18,132 | \$7,919 | \$26,051 | \$754   | 3% |

From the table above, it would appear that cannabis is great new industry for expanding and providing tenure for County staff.

**Public Health – Multiple Divisions – Fund Center 160**

Public Health provides a broad range of services and programs to residents countywide related to community and environmental health, medical services, and public health.

**Public Health – Environmental Health – Fund Center 160**

| Board Discretion Type | Current total | Recommended Changes |            |            |          |          | New total  | Fees at full cost recovery |
|-----------------------|---------------|---------------------|------------|------------|----------|----------|------------|----------------------------|
|                       |               | Unchanged           | Increasing | Decreasing | New      | Deleted  |            |                            |
| Full                  | 41            | 3                   | 36         | 2          | 2        | 0        | 43         | 39                         |
| Partial               | 128           | 6                   | 119        | 2          | 2        | 1        | 129        | 96                         |
| None                  | 0             | 0                   | 0          | 0          | 0        | 0        | 0          | 0                          |
| <b>Total</b>          | <b>169</b>    | <b>9</b>            | <b>155</b> | <b>4</b>   | <b>4</b> | <b>1</b> | <b>172</b> | <b>135</b>                 |

How about the paragraph below for an obfusatory explanation for the increases?

Overall, the hourly rate increased by 0.7% over the prior year’s cost due primarily to an increase in direct benefits, with offsetting reductions from indirect labor absorption due to a direct labor productivity hours increase for headcount and a reduction in the State-determined indirect cost rate plan (California Department of Public Health ICRP) from 25.00% to 24.19%.

Wages and benefits are up.

**Public Works – Special Services – Fund Center 201**

Special Services provides review of recommended land development, water and wastewater for the County operations center, services for special districts, and franchise administration.

The justification for the 2 fee increases below:

Two fees are recommended to have a substantial (more than 10%) increase, primarily due to increases in CPI and Countywide Overhead costs.

| Fee Indicator No. | Fee                            | Current Fee | Proposed Fee | Fee Increase | % Increase |
|-------------------|--------------------------------|-------------|--------------|--------------|------------|
| Full              | Minor Use Permit Application   | \$349       | \$438        | \$89         | 26%        |
| Full              | Drainage Flood Building Permit | \$184       | \$207        | \$23         | 13%        |

We hadn’t heard that the CPI went up 10%. It’s actually been low.

**Public Works – Roads – Fund Center 245**

Roads provides for the maintenance and construction of roadways and bridges within the county. Roads is a Special Revenue Fund outside the County General Fund and is funded primarily by State and Federal funds, contributions from the County General Fund, and tax revenue.

| Board Discretion Type | Current total | Recommended Changes |            |            |          |          | New total | Fees at full cost recovery |
|-----------------------|---------------|---------------------|------------|------------|----------|----------|-----------|----------------------------|
|                       |               | Unchanged           | Increasing | Decreasing | New      | Deleted  |           |                            |
| Full                  | 11            | 3                   | 7          | 1          | 1        | 0        | 12        | 8                          |
| Partial               | 0             | 0                   | 0          | 0          | 0        | 0        | 0         | 0                          |
| None                  | 2             | 2                   | 0          | 0          | 0        | 0        | 2         | 0                          |
| <b>Total</b>          | <b>13</b>     | <b>5</b>            | <b>7</b>   | <b>1</b>   | <b>1</b> | <b>0</b> | <b>14</b> | <b>8</b>                   |

| Fee Indicator No. | Fee                          | Current Fee | Proposed Fee | Fee Increase | % Increase |
|-------------------|------------------------------|-------------|--------------|--------------|------------|
| Full              | Utility Blanket Encroachment | \$1,884     | \$5,500      | \$3,616      | 192%       |
| Full              | Driveway Encroachment        | \$822       | \$1,073      | \$251        | 31%        |

**Item 5 - Request to approve an agreement with the County of San Luis Obispo Department of Public Works allocating a total of up to \$10,000 from District 2 Community Project Funds - Fund Center #106 to be used for the Midtown Los Osos Encampment Clean-Up Project.** What will prevent the camp from coming back? When will the County adopt behavioral standards that forbid drug addicts, mentally ill people, and those who simply prefer the life style from getting way with wrecking communities?

Why doesn't the County have supervised homeless campgrounds? After all, it's in the camping business already.

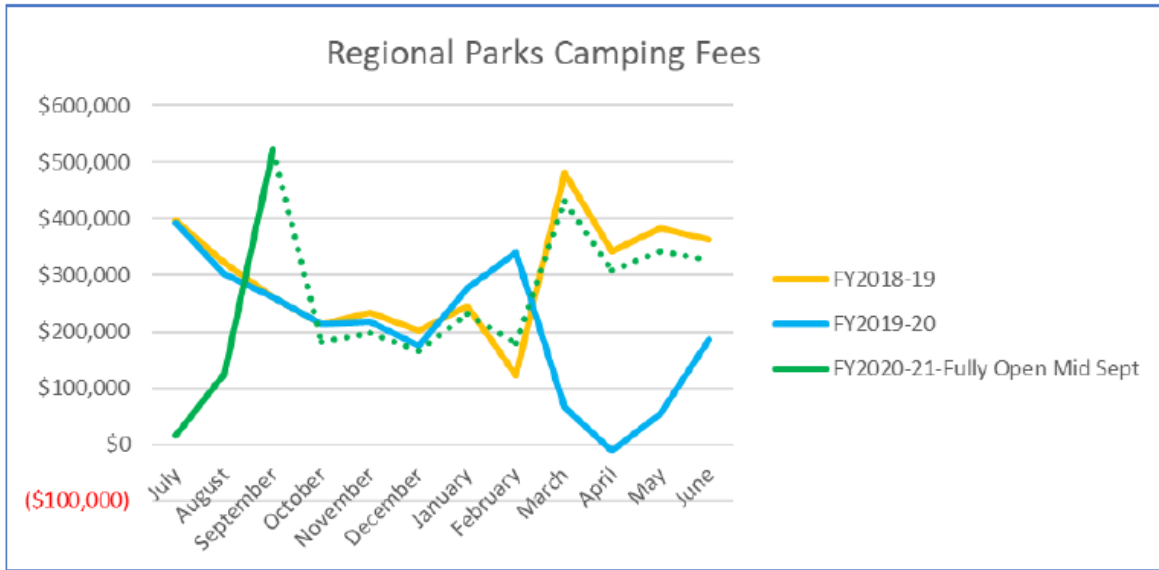


**Perhaps they can list it on MLS for \$500,000**

**Item 19 - County Regional Parks Suffers Revenue Shortfalls.** The regional parks, which receive revenues from camping and group activities, have lost revenues due to the COVID lockdowns.

Regional Parks - Estimated Budget Gap

|   |               |
|---|---------------|
| Projected Revenues through Q4 FY2020-21     | \$4,870,541   |
| Projected Expenditures through Q4 FY2020-21 | \$6,125,441   |
| Funding Gap through Q4 FY2020-21            | (\$1,254,900) |



**Golf Bounced Back – They project eliminating a \$330,000 deficit:**

Apparently people have figured out that they can play golf and not catch COVID. Ironically, the State wouldn't let the general public camp. But if you're homeless you can camp.

**SLO COUNTY AIR POLLUTION CONTROL DISTRICT (APCD) SUED AGAIN**

**It turns out that one of the members of the APCD Hearing Board was not legally qualified to serve. Check out the legal compliant below:** This could mean that many actions including the enforcement of Rule 1001 restricting use of the Oceano Dunes riding and camping area is void.

**LAW OFFICES OF THOMAS D. ROTH**  
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**By E-Mail**  
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*Jim Anderson*  
*William Johnson*  
*Paul Ready*  
*Robert Carr*



*Thomas Richards*

*Clerk*

*San Luis Obispo County  
Air Pollution Control District Hearing Board  
3433 Roberto Court San Luis Obispo, CA 9340*

*Gary Willey  
Air Pollution Control Officer  
SLO County APCD  
3433 Roberto Court  
San Luis Obispo, CA 93401*

*Armando Quintero, Director  
California Department of Parks and Recreation  
1416 9th Street  
Sacramento, CA 95814*

*Re: SLO APCD Hearing Board Unlawful Actions*

*Dear SLO APCD Hearing Board, Clerk and other Government Officials:*

*This firm represents Friends of Oceano Dunes, a California nonprofit Dunes 28,000 users of Oceano Dunes SVRA ("Friends"). This letter is sent on behalf of Friends and its members.*

*It has just come to Friends' attention that the San Luis Obispo County Air Pollution Control District Hearing Board has been operating unlawfully for the past several years because it was not properly constituted during that time.*

*State law codified in the Health and Safety Code sets forth certain minimum requirements for hearing boards in air pollution control districts.*

*Health and Safety Code s 40800 requires that the Hearing Board consist of 5 members. Section 40801(b) provides that the Hearing Board "shall include certain members with special expertise and qualifications. One member "shall be "a professional engineer registered as such pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) Division 3 of the Business and Professions Code). This has been the law since 1975- The SLO APCD Hearing Board has met no less than five times since October 2017, and has taken action during these meetings.*

*During this time period, Yarow Nelson served on the Hearing Board and was held out as the person serving as the engineer in compliance with Health and Safety Code s 40801(b). He also served as Chair or "acting Chair, so he was in a position to greatly influence on the Board. He also has greater powers under state law than other Board members. However, at no time during his tenure was Mr. Nelson a licensed engineer.*

*I understand that an alternate who served during this time was a licensed engineer so clearly a licensed engineer was available to serve. Also, applications during the past several months by at least three licensed engineers demonstrate an interest to serve on the Hearing Board by persons who meet state law qualifications.*

*The Hearing Board operates in excess of its powers and jurisdiction if it purports to take action by a Board that includes members who do not meet state law qualifications. That is what this Hearing Board has done since at least October 2017.*

*Accordingly, all actions taken by the Hearing Board from October 2017 through August 2020 exceed its authority and are void. This includes the Stipulated Order of Abatement and amendments to that Order. Indeed, Mr. Nelson pushed for the Stipulated Order and its Amendment and signed those Orders as Acting Chair.*

*Please immediately cease enforcing the Stipulated Order of Abatement.as amended*

*Friends is open to discuss settlement options to resolve the unlawful actions of this Board without litigation, but Friends requests that any such discussions commence within the next 7 days.*

*Sincerely,  
Tom Roth*

**Wow!** The Tribune and other media are focused on the Environmental Defense Center's (EDC) suit against State Parks for opening the Dunes to street legal vehicles. EDC asserts that Snowy Plovers will be harmed. Why has the media ignored this blockbuster bomb?



## LAST WEEK'S HIGHLIGHTS

**No Board of Supervisors Meeting on Tuesday, October 27, 2020 (Not Scheduled)**

**The Board will meet on Tuesday, November 3, 2020 (Scheduled).**

# 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



## A COLLECTION OF BOVARDIAN EPIGRAMS

BY JAMES BOVARD

Election Day can be the longest day of the year. Especially if the presidential race remains undecided late into the evening, neither Xanax nor vodka may be enough to kill the pain. In lieu of other sedatives, following are some cheerful lines which might blunt the impact of the prattling on CNN or MSNBC, though there is no known antidote to PBS's piety.

### Voting

- The most dangerous political illusion is that votes limit politicians' power.
- Nowadays, we have elections in lieu of freedom.
- The defects in any system of choosing rulers outweigh the risks of letting people run their own lives.
- People are entitled to far more information when testing baldness cures than when casting votes that could lead to war.
- What's the point of voting if "government under the law" is not a choice on Election Day?
- Having a vote does nothing to prevent a person from being molested by the TSA, spied on by the NSA, or harassed by the IRS.
- Politicians are increasingly dividing Americans into two classes—those who work for a living and those who vote for a living.
- Voting for lesser evils makes Washington no less odious.
- Politicians have mandated warning labels for almost everything except voting booths.
- On Election Day, Americans are more likely to be deluded by their own government than by foreigners.
- Politicians talk as if voting magically protects the rights of everyone within a fifty-mile radius of the polling booth.
- Political consent is defined these days as rape was defined a generation or two ago: people consent to anything which they do not forcibly resist.

## Democracy

- Modern democracy pretends that people can control what they do not understand.
- We have a drive-by democracy where politicians wave to voters every few years and otherwise do as they please.
- The more power politician's capture, the more illusory democracy becomes.
- A democratic government that respects no limits on its own power is a ticking time bomb, waiting to destroy the rights it was created to protect.
- The surest effect of exalting democracy is to make it easier for politicians to drag everyone else down.
- The *Washington Post's* motto is "Democracy Dies in Darkness." But democracy also dies from too many Iron Fists.
- The phrases which consecrate democracy seep into Americans' minds like buried hazardous waste.
- Rather than a democracy, we increasingly have an elective dictatorship. Voters merely designate who will violate the laws and the Constitution.
- Democracy unleashes the State in the name of the people.
- The more that democracy is presumed to be inevitable, the more likely it will self-destruct.
- America is now an Attention Deficit Democracy where citizens' ignorance and apathy entitle politicians to do as they damn well please.
- Democracy must be something more than two wolves and a sheep voting on what to have for dinner.
- Americans now embrace the same myths about democracy that downtrodden European peasants formerly swallowed about monarchy.
- Instead of revealing the "will of the people," election results are often only a one-day snapshot of transient mass delusions.
- Nothing happens after Election Day to make politicians less venal.

## Lying

- A lie that is accepted by a sufficient number of ignorant voters becomes a political truth.
- America is increasingly a "Garbage In, Garbage Out" democracy. Politicians dupe citizens and then invoke deluded votes to stretch their power.
- Promising to "speak truth to power" is the favorite vow in the most deceitful city in America.
- Truth delayed is truth defused.
- A successful politician is often merely someone who bamboozled more voters than the other liar running for office.
- The biggest election frauds usually occur before the voting booths open.
- Politicians nowadays treat Americans like medical orderlies treat Alzheimer's patients, telling them anything that will keep them subdued. It doesn't matter what untruths the people are fed because they will quickly forget.
- When people blindly trust politicians, the biggest liars win.
- Secrecy and lying are often two sides of the same political coin.
- The more powerful government becomes, the more abuses it commits, and the more lies it must tell.

- America is rapidly becoming a two-tier society: those whom the law fails to restrain, and those whom the law fails to protect.
- Idealism these days is often only positive thinking about growing servitude.
- It is naïve to expect governments to descend step-by-step into barbarism—as if there is a train schedule to political hell with easy exits along the way.
- The first duty of today's citizen is to assume the best of government, while federal agents assume the worst of him.
- America needs fewer laws, not more prisons.
- Every recent American commander in chief has expanded and exploited the dictatorial potential of the presidency.
- Many people reason about political power like sheep that ignore the wolf until they feel its teeth.
- Political saviors almost always cost more than they deliver.
- There is no such thing as retroactive self-government.
- The arrogance of power is the best hope for the survival of freedom.
- Washingtonians view individual freedom like an ancient superstition they must pretend to respect.
- Paternalism is a desperate gamble that lying politicians will honestly care for those who fall under their sway.
- Citizens should distrust politicians who distrust freedom.
- The Night Watchman State has been replaced by Highway Robber States in which no asset or right is safe from marauding politicians.
- P.T. Barnum may have been thinking of Washington journalists when he said there's a sucker born every minute.

*James Bovard is the author of ten books, including 2012's Public Policy Hooligan, and 2006's Attention Deficit Democracy. He has written for the New York Times, Wall Street Journal, Playboy, Washington Post, and many other publications. This article first appeared in Mises Institute of October 10, 2020.*

## **FREEDOM IS FRAGILE**

**RAY HAYNES**

The history of government in this world tilts almost totally towards authoritarianism. A free society is the exception, authoritarianism is the rule.

People, driven by fear, are often willing to give up their freedom for protection from some amorphous, imagined, unseen or even perceived evil, and there is usually someone in government willing to capitalize on that fear to consolidate their power. In a constitutional Republic, those in position of government authority need more than just the bald assertion of power to institute an authoritarian government. Throughout history, authoritarians have used many excuses to displace the legislative process and consolidate power, and many have used an emergency as a reason to displace constitutional processes, because those processes “are just too slow” to deal with the effects of the emergency. If a

political officeholder has authoritarian tendencies, any excuse will do. That is why the exercise of emergency powers in a free society must be strictly limited in scope and in time. The potential for abuse of freedom is just too great.

Which leads to the discussion of the corona virus responses by our California government. I begin with this famous observation by Hank Williams “No matter how I struggle and strive, I’ll never get out of this world alive...” Strictly speaking, we all start dying from the day we are born. Disease surrounds us on a daily basis. The problem in California now, however, is that is quickly becoming evident that no slowing of the disease will curtail the Governor’s exercise of autocratic power through this so-called emergency.

In their lawsuit against the Governor for his abuse of power, Assembly Members James Gallagher and Kevin Kiley list off the breadth of the Governor’s exercise of his so-called “emergency” power (see <https://assets.documentcloud.org/documents/6943706/GallagherKiley-v-Newsom.pdf>, see exhibit A to the complaint). The number of laws enacted by the Legislature that the Governor has allowed to be totally ignored is staggering, and crosses almost every part of the codes of California. The Governor’s most recent rulings about how we are to celebrate Thanksgiving and Christmas are absurd on their face.

Yet through it all, our other elected officials, **ALL** of whom have taken an oath to uphold the Constitution of the United States and the State of California, sit silent. We are guaranteed by the US Constitution a republican form of government. The California Constitution states clearly that the legislative power resides in the Legislature, not the Governor. Yet, the Legislature stands mute, tacitly accepting the illegal exercise of power by the Governor. All of the other elected officials in this state meekly cave into the threats of the state government. Some sue, but none have yet to say “**NO**” to his unconstitutional efforts. Even the courts don’t limit the power that must be limited. The evidence supporting his authoritarian use of power is weak, and there is little link between the means he is using to inject himself into every aspect of our lives, and the ends he says he wants to achieve by the use of that power. More important, there is no foreseeable end to the exercise of that power. Unlimited power exercised for an unlimited period of time is inconsistent with the structure of a constitutional Republic, no matter the excuse.

Other Governors have issued emergency executive orders, but they have been limited in size, scope and time. When Pete Wilson was Governor, he declared an emergency suspension of the California Environment Quality Act for the sole purpose of rebuilding the Santa Monica Freeway after the Northridge earthquake as quickly as possible. Turns out it could be done in 60 days. Then the emergency order went away. One code, one place, one project, two months. That is the correct use of an emergency order. What Newsom is doing now cannot be justified on any level. Yet he continues to justify his exercise of authority. That is why I have referred to him as an Arrogant Lazy Authoritarian (ALA).

Yet the silence from our other political leaders is deafening. Like every other legislative body in history, from the Roman Senate to the German Reichstag, that capitulated to executive abuse, our state legislature is abdicating its responsibility and the members are abandoning their oath, to protect the Constitution and our freedom. Why is it only Assembly Members Gallagher and Kiley that are fighting the Governor? Why are our legislative leaders not fighting to protect their piece of power? What can possibly justify their lack of action? And if we return them to power on Tuesday, who are we as citizens of this great state? Are we conceding to our elected leadership that we no longer desire political or economic freedom?

The bible tells us that God raises up evil leaders in a society to discipline the people in that society. Have we fallen so far from a “righteous society” that we deserve ALA Newsom and his apparatchiks in the Legislature? The evidence I see says we have. Our government is falling apart, and we are descending into the autocratic exercise of authoritarian power in total contravention of the constitutional limits on that power.

I have said it before, and I’ll say it again. We deserve the government we get.

*This entry was posted on Thursday, October 29th, 2020 on Flashreport. Ray Haynes was elected as the Assemblyman for the 66th Assembly District in November, 2002, and re-elected in 2004, representing Western Riverside and Northern San Diego Counties. In 1994 Haynes won the 36th Senate district seat, where he was re-elected in 1998. Ray Haynes was originally elected to the Assembly in 1992, where he served a two-year term. In 1996, Haynes was elected by the Senate Republican Caucus to serve as Republican Whip. He was responsible for generating Republican analyses for the thousands of bills that reach the Senate Floor. In the Senate, he served as Chair of Constitutional Amendments Committee, Vice Chair of the Senate Judiciary, Health and Human Services, and Public Employment and Retirement Committees, and served on the Budget and Education Committees. In 2000, Haynes served as the National Chairman of the American Legislative Exchange Council (ALEC), a national bipartisan organization of over 2,500 state legislators from around the country. Senator Haynes is routinely quoted in newspapers throughout California and is a frequent guest on television and radio news programs. He has appeared on the Today Show, World News Tonight, Fox News, The 700 Club and National Public Radio. Ray has three daughters -- Jennifer, Caitlin and Sarah. Since leaving the Legislature, Ray has been practicing law, and doing government relations work. He is the Vice President and General Counsel to Omstar Environmental Products, the President of Omstar Productions, and is currently providing counsel and help to the National Popular Vote project, which is working in the state capitols to change how the states award their presidential electors*



## ANNOUNCEMENTS

### November 3, 2020 Ballot Measures:

**Prop. 14:** In 2004, voters approved \$3 billion for a publicly funded stem-cell agency, the California Institute for Regenerative Medicine, to support research into new treatments and possible cures. The money has been spent, and the backers of Proposition 14 want voters to approve \$5.5 billion more. But CORM has been widely criticized for inefficiency and insider dealing. **Vote no.**

**Prop 15:** This is the treacherous “split roll” property tax, a direct attack on Proposition 13. Proposition 15 would repeal part of Prop. 13 and require reassessment to market value of business properties. It would raise taxes on supermarkets, shopping malls, office buildings, factories, movie theaters, hotels, restaurants, sports stadiums, warehouses, self-storage facilities, major retailers and other businesses where Californians work or shop. Even the smallest businesses that lease space will face higher rents, or will have to pay the higher property taxes as part of their “triple net” lease agreement. Those higher costs are passed on to consumers. **Vote No.**

**Prop 18:** Proposition 18 would change the voting age in California to allow 17-year-olds to vote in primaries and special elections if they will turn 18 by the date of the next general election. While some states allow this, California is different than other states because under Prop. 13 and Prop. 218, tax increases must go on the ballot for voter approval. These proposed tax increases are frequently on primary and special election ballots. Proposition 18 would allow high school students to vote on tax increases. Proposition 18 would change the voting age in California to allow 17-year-olds to vote in primaries and special elections if they will turn 18 by the date of the next general election. While some states allow this, California is different than other states because under Prop. 13 and Prop. 218, tax increases must go on the ballot for voter approval. These proposed tax increases are frequently on primary and special election ballots. Proposition 18 would allow high school students to vote on tax increases. **Vote No.**

**Prop: 19:** Proposition 19 takes away important taxpayer protections that have been enshrined in the State Constitution since 1986. That’s when 76% of voters approved Proposition 58 to allow parents to transfer a home and limited other property to their children without an increase in property taxes. Proposition 19 eliminates Proposition 58 and a similar measure, Proposition 193, which gives the same protection to transfers between grandparents and grandchildren if the children’s parents are deceased. Proposition 19 would require property transferred within families to be reassessed to market value as of the date of transfer, resulting in a huge property tax increase for long-held family homes. **Vote No.**

**Prop 21:** Proposition 21 would change state law to allow radical rent control laws to be passed in cities that are already suffering from an inadequate supply of housing. In 2016, California’s nonpartisan Legislative Analyst’s Office issued a report that found that expanding rent control “likely would discourage new construction” by limiting the profitability of new rental housing. Under current law—the 1995 Costa-Hawkins Rental Housing Act—housing providers have the right to raise the rent on a vacant unit to market value after a tenant moves out. The same law also bans rent control on units constructed after February 1995 and on single-family homes and condos. Proposition 21 would repeal this law and allow unelected rent boards (or elected rent boards) to impose radical rent control and regulations, even on single-family homes. **Vote No.**

**Prop 22:** In 2019, the Legislature passed, and the governor signed Assembly Bill 5, a law aimed at destroying the “gig economy” and forcing companies to stop using independent contractors as part of their business. Supporters said companies must put all workers on the regular payroll as employees, with control over their hours and wages. The Legislature carved out exceptions for many industries, but the ride-share and restaurant delivery industry wasn’t granted an exception. Proposition 22 was put on the ballot by Uber, Lyft and DoorDash. It would create an exemption from AB 5 for the companies’ drivers, while providing them with basic benefits and protections. Without this exemption, the companies would likely stop offering their services in California, depriving state residents of convenient and affordable transportation and delivery services. **VOTE YES ON PROPOSITION 22.**



**Prop 25:** Proposition 25 is a referendum on a state law, Senate Bill 10, that eliminated cash bail and replaced it with a system based on judging risk, specifically the risk that an arrested person poses to public safety and the risk that the person will fail to show up for a court appearance. Because opponents of the law qualified a referendum, SB 10 did not take effect. A “yes” vote is in favor of the law going into effect; a “no” vote means you do not want the law to take effect. Proposition 25 would result in immense new costs to counties. The new system of risk-based release instead of cash bail would cost taxpayers somewhere in the mid-hundreds of millions of dollars, according to the Legislative Analyst.  
**Vote No.**

## **CENTRAL COAST** **TAXPAYERS ASSOCIATION**

### **CCTA OPPOSES NOVEMBER BALLOT SALES TAX INCREASES OF SIX CITIES IN SLO COUNTY**

When cities need money, the default reaction is always to raise taxes: sales taxes, transient occupancy taxes, surcharges on utility bills, increases in every fee and additional fees, ad nauseam. Senior staff has a vested interest in staving off bad news, wrapping their tax proposals as reasonable, logical, and painless. “It will be paid by tourists,” “it’s only one percent,” and of course, “Everyone is doing it so we won’t be uncompetitive.” It’s so easy.

But we know from recent past experience that this approach doesn’t work. Taxes with sunset clauses, pushed to provide “extras,” are now funding routine maintenance and permanent positions. And now the demand is for even more taxes, permanently.

No tax increase should even be considered without a thorough review of the structure of the city and its long and short term goals. Consolidation of services and outsourcing are only a start. No amount of sales taxes, TOT and other fees can make up for the structural compounding growth in salaries, staffing and pension debts of small cities. These pension debts have been growing exponentially for at least two decades. Administrators and department heads, often paid more than the Governor, will block any and every attempt to make reforms, preferring a permanent sales tax hike to create another source for leveraging debt, via bonds. Thus they can postpone the inevitable pain a little longer or at least until retirement looms.

The current pandemic provides an excellent opportunity to break this cycle of tax and overspend and finally institute overdue, sound, long term financial planning in city government. Anyone breathing knows the lockdowns have created unprecedented drops in revenue for everyone. We literally are all in this together. It is time that local governments like families and businesses, take a good long hard look at their expenses and priorities, or risk losing everything.

**Six Cities have sales tax increases on the November ballot. Only the City of Arroyo Grande does not! See below!**

**City of Arroyo Grande - No Sales Tax Increase on November Ballot**

Arroyo Grande's proposed sales tax increase fails - Cal Coast ...

**City of Atascadero - 1%**

Council Votes to Add Sales Tax Measure to Ballot

**City of Grover Beach - 1%**

Grover Beach City Council supports raising sales tax

**City of Morro Bay - 1%**

UPDATE: Morro Bay City sales tax increase placed on ...

**City of Paso Robles - 1%**

Paso Robles City Council votes to put 1-cent sales tax ...

**City of San Luis Obispo - 1%**

UPDATE: SLO City Council approves added 1% sales tax for ...

**City of Pismo Beach - 1%**

The City Council has adopted Resolution R-2020-053, adding the following measure to the November 3, 2020 ballot.

**CITY OF PISMO BEACH  
MEASURE B-20**

**PISMO BEACH PUBLIC SAFETY AND COMMUNITY SERVICES PROTECTION MEASURE.** To maintain police and firefighter service levels; reduce 911 emergency response times; protect local groundwater and beaches; and enhance senior programming and other essential services, shall the hotel/visitor tax be increased by 1%, paid by visitors, generating approximately \$1 million annually, until ended by voters, requiring annual audits and local control of funds?

## **ALERT**

# **ANDY CALDWELL SHOW NOW LOCAL IN SLO COUNTY**

Now you can listen to **THE ANDY CALDWELL SHOW**  
in *Santa Barbara, Santa Maria & San Luis Obispo*  
*Counties!*

We are pleased to announce that The Andy Caldwell Show is now broadcasting out of San Luis Obispo County on FM 98.5 in addition to AM 1290 Santa Barbara and AM 1440 Santa Maria



The show now covers the broadcast area from Ventura to Templeton -  
THE only show of its kind on the Central Coast covering local, state, national and  
international issues!

**3:00 – 5:00 PM WEEKDAYS**

You can also listen to The Andy Caldwell Show LIVE on the [Tune In Radio App](#)  
and previously aired shows at:



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



**SUPPORT COLAB!  
PLEASE COMPLETE THE  
MEMBERSHIP/DONATION FORM ON THE  
LAST PAGE BELOW**



**MIKE BROWN  
ADVOCATES BEFORE THE BOS**



**VICTOR DAVIS HANSON ADDRESSES A COLAB FORUM**



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



NATIONAL RADIO AND TV COMMENTATOR HIGH HEWITT AT COLAB DINNER



MIKE BROWN RALLIES THE FORCES OUTDOORS DURING COVID LOCKDOWN.

Coalition of Labor, Agriculture and Business  
San Luis Obispo County  
"Your Property - Your Taxes - Our Future"  
PO Box 13601 - San Luis Obispo, CA 93406 / Phone: 805.548-0340  
Email: colabslo@gmail.com / Website: colabslo.org

## MEMBERSHIP APPLICATION

### MEMBERSHIP OPTIONS:

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.

### MEMBER INFORMATION:

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### How Did You Hear About COLAB?

Radio  Internet  Public Hearing  Friend

COLAB Member(s) / Sponsor(s): \_\_\_\_\_

### NON MEMBER DONATION/CONTRIBUTION OPTION:

For those who choose not to join as a member but would like to support COLAB via a contribution/donation. I would like to contribute \$ \_\_\_\_\_ to COLAB and my check or credit card information is enclosed/provided.

Donations/Contributions do not require membership though it is encouraged in order to provide updates and information.

Memberships and donation will be kept confidential if that is your preference.

Confidential Donation/Contribution/Membership

### PAYMENT METHOD:

Check  Visa  MasterCard  Discover  Amex NOT accepted.

Cardholder Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Card Number: \_\_\_\_\_ Exp Date: \_\_\_/\_\_\_ Billing Zip Code: \_\_\_\_\_ CVV: \_\_\_\_\_

TODAY'S DATE: \_\_\_\_\_

(Revised 2/2017)