



**WEEKLY UPDATE
APRIL 11 - 17, 2021**

THIS WEEK

NO BOS MEETING

**WASTE AUTHORITY TO CONSIDER END TO POLY
STYRENE BAN - LEFTISTS DEMAND SUPER VOTE
(WILL ATTEMPT TO INVOKE SUPER MAJORITY CLAUSE)**

**COASTAL COMMISSION TO REDUCE RIDING AREA
EVEN WITH THE DUNES CLOSING IN 3 YEARS – MORE CUTS NOW**

LAFCO TO APPOINT ROBERT FITZROY DIRECTOR

LAST WEEK

BOARD OF SUPERVISORS

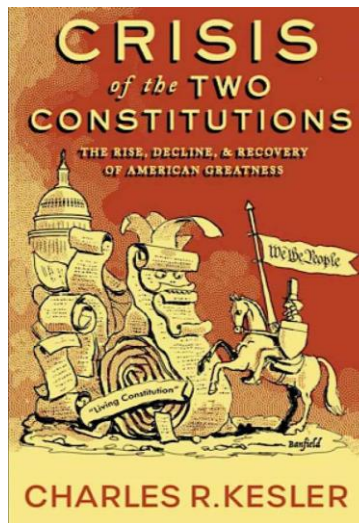
**\$10 MILLION COVID PROGRAM – APPROVED EVEN AS PANDEMIC ENDS
COVID HOSPITALIZATIONS AT SIX – STATE TO END LOCKDOWN TIERS IN JUNE
CANNABIS OPERATION NEAR POZO REJECTED
PASO WATER MORATORIUM TO BE REVISED – PERMIT EIRs REJECTED**

**SHANDON-SAN JUAN WATER DISTRICT SEEKS
CONTROL OF WET YEAR SURPLUSES
(WILL PARTNER JURISDICTIONS SAY ANYTHING?)**

**SLOCOG REJECTS SLOW COUNTY GROWTH RATE
EXPERT CONSULTANTS PROJECTIONS THROWN OUT
Truth Betrays Leadership Failure On Strategic Planning for Future**

**PLANNING COMMISSION
CRESTON AREA CANNABIS OPERATION REJECTED**

**COLAB IN DEPTH
SEE PAGE 13**



BY DANIEL GREENFIELD

ANNOUNCEMENTS – SEE PAGE 16

**THE 2021 LIST OF FAMILY VALUES KILLER
BILLS IS OUT AND IT'S BAD**

Life, parental rights, education, religious liberty, healthcare, public safety

BY KATY GRIMES

THIS WEEK'S HIGHLIGHTS

Item 9 - PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCE NO. 2021-3-1 AN ORDINANCE REPEALING ORDINANCE NO. 2019-1 REGARDING THE REGULATION OF POLYSTYRENE AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS AND PRODUCTS Recommendation: Staff recommends that the Board (1) approve ORDINANCE NO. 2021-3-1 AN ORDINANCE REPEALING ORDINANCE NO 2019-1 REGARDING THE REGULATION OF POLYSTYRENE AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS AND PRODUCTS; (2) waive the second reading of the Ordinance following a reading of the title in full; and (3) direct Staff to publish the Ordinance in a newspaper of general circulation within 15 days after adoption with the names of the members voting for and against the Ordinance. By a 7/6 vote last month, the IWMA Board voted to agendize the ban for repeal. The progressive left dominated by the cites is going crazy over the idea. They geared up last month, attempting to get one of the member agencies to replace one of those officials who voted for the opportunity to rescind the ordinance. At this point they are pushing the fact that the Rules of Procedure of the IWMA contain a provision by which any member agency can demand a super majority vote. It is likely that repeal of the ordinance would not obtain 8 votes.

- 4.2 Vote Required No action shall be effective without the affirmative votes of a majority of those present. However, eight (8) affirmative votes shall be required for taking any action in the event any agency demands such a vote.

Some members are exploring the legality of this provision, which would violate the one man one vote provision of the Constitution by giving an agency an effective veto as illustrated by this case. Remember, these Rules of Procedure are not the Joint Powers Agreement, which created and set the overall authority of the IWMA. The Board that adopted it decades ago may have had no knowledge of whether it was and is even legal.

Background: The Board approved introducing the ordinance to repeal the ban on a 7/6 vote. The actual hearing and vote was scheduled for the April 14, 2021 IWMA meeting. Supervisor Gibson was highly critical of rescinding the ban and labeled the proponents of the rescission as “ideological.” Supervisor Ortiz-Legg proposed a compromise that would limit the ban to coastal areas where the polystyrene cups and packaging get into the ocean. Supervisor Arnold refuted Gibson and pointed out that people are sick of the activism, don’t want a regulatory ordinance countywide (one size does not fit all), and proposing countywide regulatory ordinances is far off the mission of the IWMA.

The usual lefties City Council members such as Jan Marx, Karen Bright, and Jeff Heller were among those opposing the rescission and supporting the ban. The polystyrene ban was adopted back in 2019. It never took effect because the IWMA Board pended it due to the COVID lockdown. Even the looniest enviro-sycophantic elected official figured that banning polystyrene containers during the restaurant lockdown would result in public outrage. The ordinance would automatically go into effect in April 2021 if no one stops

it. The progressive left was running all around the county attempting get either one of the cities or the Special District Association to replace one of the Board reps who voted to bring the issue back for possible rescission. Apparently, they were unsuccessful. The County Board majority had floated the idea of withdrawing from the IWMA if it does not drop the ban. This got everyone's attention. Everyone is sick of this agency conjuring up bans, posturing about global warming, and other ideological politicking instead of efficiently running landfills and recycling.

California Coastal Commission of Thursday, April 15, 2021 (Scheduled)

Item Thursday 11b - Certification Review for San Luis Obispo County's Local Coastal Program (LCP) Amendment Number LCP-3-SLO-20-0043-1 (Industrial Hemp Ordinance). The staff recommends that the Commission certify the County's Hemp Regulatory Ordinance in the Coastal Zone.

Executive Director's Recommendation. *Staff recommends that the Commission concur with the Executive Director's determination that the action of San Luis Obispo County in accepting the Commission's certification of LCP Amendment Number LCP-3-SLO-20-0043-1, with modifications, is legally adequate.*

Item Thursday 11e - Concurrence with the Executive Director's determination that the request by San Luis Obispo County to amend the Implementation Plan's existing cannabis ordinance is minor. (BO-SC). The staff recommends that the Commission certify the County's cannabis regulatory ordinance in the Coastal Zone if no one complains about it,

Item Thursday 12a- Appeal by Jeff Edwards of San Luis Obispo County decision granting permit with conditions to the Phillips 66 Company for remediation of 14,520 cu. yds. of soil impacted with hydrocarbons, asbestos, and domestic waste, and revegetation of this impacted area, at existing Phillips 66 oil refinery at 2555 Willow Road, Arroyo Grande, and San Luis Obispo County (AM-SC). The staff recommends in effect, that the appeal be rejected.

Figure ES-1 Proposed Project Location



San Luis Obispo County approved a CDP for a soil remediation project covering almost 1.5 acres at the Phillips 66 refinery facility in southern San Luis Obispo County. The project includes removal of contaminated soils for proper inland disposal, and then revegetation/restoration of the affected area. The Appellant contends that the County should have conditioned the project to require the Applicant to grant a revised public access easement (i.e., there already exists a recorded offer for a public access easement on this site by virtue of a prior unrelated CDP¹) large enough to accommodate a southern vehicular access route into the seaward Oceano Dunes State Vehicular Recreation Area (ODSVRA). However, the project does not affect public access, it is located in a different part of the site than the existing recorded offer, and is not related to that offer in any way. In fact, although it is clear that the Appellant wants the County to require such a road, it is also clear that the LCP does not require it here. Thus, staff recommends that the Commission find that the appeal raises no substantial LCP conformance issue and decline to take jurisdiction over the CDP application for the project. The motion to do so is found on page 4 below.

Item Thursday 13 - Application of State Parks to amend CDP No. 3-12-050 (which authorized a five-year program between 2017 and 2022 to reduce dust and particulate matter emissions at State Parks' Oceano Dunes park) to: allow an additional 93 acres of permanent dust control mitigation (with 66 acres in the OHV riding and camping areas and 27 acre outside of these areas) in the dunes, for a total of roughly 250 acres (222 acres in the OHV riding and camping areas and 27 acres outside of these areas). All at Oceano Dunes, which spans the City of Grover Beach and the unincorporated community of Oceano in southern San Luis Obispo County? The Commission had pressured the State Parks Department to add 93 acres to the hundreds which are already off limits. Thus, the item here approves the action which it had already imposed. This is your State dollars at work.

Remember that last month, the Commission ordered shut down of the dunes riding and camping in 3 years. Thus this action is simply further reducing the riding area in the interim.

Local Agency Formation Commission (LAFCO) Meeting of Thursday, April 15, (Scheduled)

Item B-1: Appointment of Robert Fitzroy as Executive Director of LAFCO. Mr. Fitzroy worked previously for County Planning and Building. The Commission agenda item states in part:

The annual salary of the under the Contract is \$166,742 payable in bi-weekly increments. The Contract provides for a salary adjustment to including any consumer price index (CPI) increase provided to other LAFCO employees. In addition, the Contract provides that salary increases may be approved by the Commission based on performance. In addition to salary, the Contract provides for benefits which on an annualized basis will be \$86,396.00.

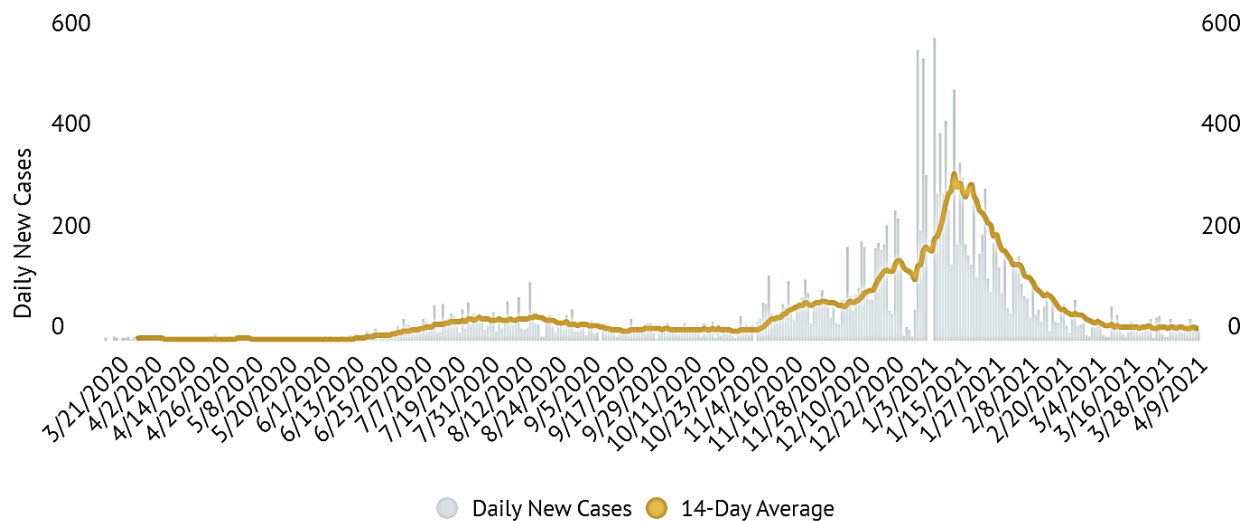
Mr. Fitzroy is currently the Director of the Community Development Department for the City of Arroyo Grande. Prior employment includes working for the County of San Luis Obispo in the Planning & Building Department with the most recent position being Assistant Director. Prior to his work for the County, Mr. Fitzroy was employed by Rincon Consultants as a Planning &

Environmental Impact Consultant. Mr. Fitzroy graduated from Cal Poly San Luis Obispo with a Bachelor's Degree and he also has a Masters of Natural Resource Management, Environmental Planning & Public Policy.

ISSUES

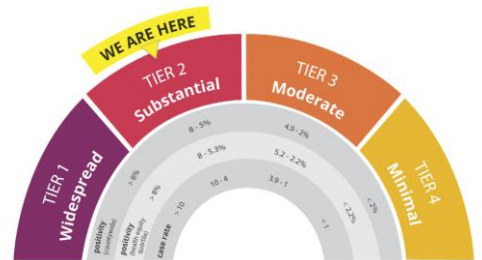
Item 1 - COVID Status. Hopefully, the trends will continue, and any adaptive variants of the virus will not be resistant to the vaccines.

Daily New Cases (and 14-Day Average)



6 (1 ICU)**

SLO County Residents with COVID-19 in Hospital



LAST WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, April 6, 2021 (Completed)

Item 11 - Large Health Grant to County – Includes Staff Expansion. The Board adopted the program on the consent calendar without question or comment.

Background: The SLO County Health Department has received a huge \$10.7 grant related to COVID. It will hire 11 new employees and offset the cost of some existing employees whose positions are currently financed by the County General Fund. The write-up shows a \$4 million savings due to the offset. The County treats these grants as free money, but we are paying for them in our State and Federal Taxes.

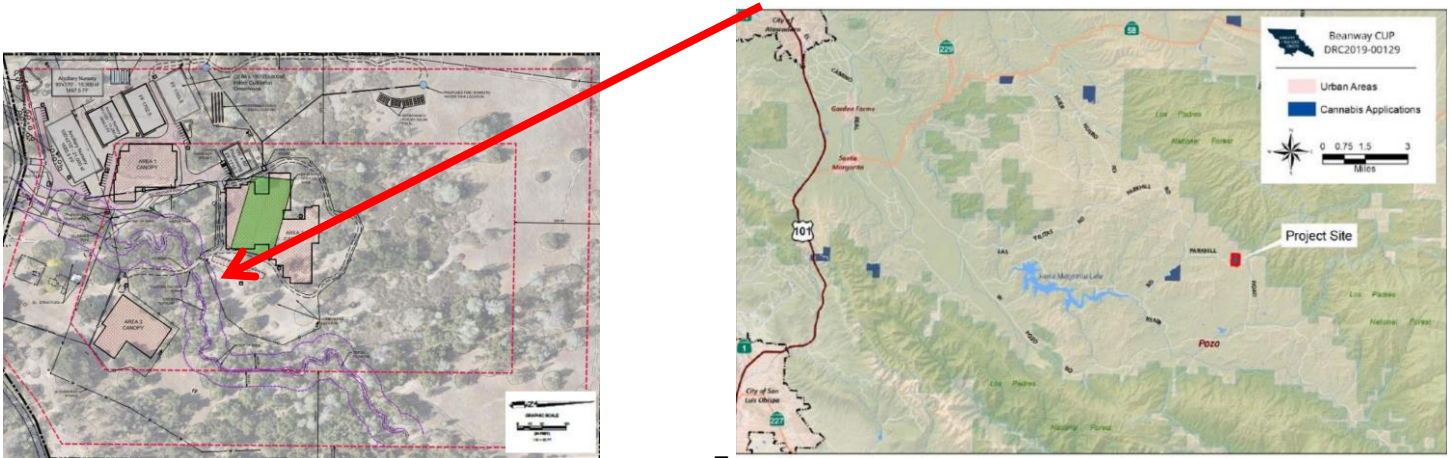
Moreover, added staff rarely ever go away even if they are originally labeled as limited term. The County staff has grown by nearly 600 FTE since the 2009 recession. Staffing also creates a tail (residual costs) in pension payments, workers comp, space acquisition, vehicle fleet expansion, health benefits, etc. Just as the Board requested staff to consider a consultant for the implementation of the Paso Groundwater Sustainability Plan last month, could a not-for-profit or regular contractor administer this “temporary” program?

Item 19 - COVID Update. As predicted, the Governor announced the abolition of the 4-tier infection and lockdown system for counties. It will end on June 15th. The infection rate, hospitalizations, and deaths continued to decline. It is time for the Board of Supervisors to open up and start having live meetings. If people show up who haven’t had the vaccine, they could receive it down the hall on their way in. It is also time to quit fiddling around with delayed openings, banning events, and otherwise trying to prolong the ill-conceived government controls. The Board did not discuss a reopening date for in-person public attendance.

We are now attending events with hundreds of people, beverages and snacks, no masks, and some hugging, etc. The sponsors are, of course, keeping them low-key so the authorities won’t cite people.

Item 24 - Appeal of the Planning Commission Denial of a Cannabis Operation near Pozo. The Board denied the appeal and rejected approval of the project by a 3/2 vote, Gibson and Ortiz-Legg dissenting.

The Planning Commission had denied the project on the grounds of water impact, size, neighborhood incompatibility, and oak tree removal. The Pozo area neighbors are opposed, have retained an attorney, and have submitted many letters and emails opposing the project. Subsequently, the applicant had proposed a scaled back project as part of his appeal, but to no avail.



Item 26 - Proposed Project to Draft Amendments to the Paso Basin Water Moratorium Ordinance. The Board approved direction to staff to prepare a revision to the ordinance, which would allow smaller farmers and other residents who are trapped in the moratorium some opportunity to apply for a permit to resume or expand pumping. The vote was 3/2, with Gibson and Ortiz-Legg dissenting.

The project to revise the ordinance will take until March of 2022 and will cost about \$1.6 million. This provision and tier 3 were removed during the meeting.

A key problem in the ordinance as originally proposed was that tier 3 permits could require an EIR, and discretionary land use permits would be required for larger users. Tier 3 was removed, thus forestalling this problem. It does mean that larger users would still be subject to the original water offset provisions of the moratorium, if and when revisions are adopted.

Background: The specter and precedence of subjecting any agricultural use to CEQA is dangerous for the future of agriculture in the County. Thus, what is an admirable idea, allowing people trapped by the ordinance a process to recover or expand some of their pumping, becomes a greater danger than the problem needing remedy in the first place. That is, in an attempt to rectify the negative impacts of the moratorium, project level CEQA is invoked on some applications for relief). As a result, the major agriculture organizations, including the SLO Farm Bureau, Growershipper of San Luis Obispo County, vintner organizations, COLAB of Santa Barbara County, and COLAB of San Luis Obispo County are opposed to the development of the prospective ordinance, which itself is subject to a program EIR and which in turn could require project EIRs under its provisions related to larger applications (called Tier 3 applications) in the general proposal.

We have been advocating for an approach that does not rely on land use controls, but that would be included in the County's impending decision to implement its already adopted SGMA Plan in the PASO basin. The go-ahead is likely to be given at the April 20th Board meeting. The Plan contains mechanisms to reduce pumping, recharge water, install best irrigation practices, etc. The County, as SGMA GSA (Groundwater Sustainability Agency) within its area, could manage the process, including an offset program separate from the Moratorium Ordinance, which would get CEQA substantially out of the picture. The other GSAs (groundwater sustainability agencies) in the area could do the same. It could all be dovetailed through the Paso Basin Coordinating Committee.

The structure of the proposed ordinance would contain 3 regulatory tiers per the Board letter:

Board Direction On Tuesday, January 26, 2021, the County Board of Supervisors (Board) directed staff to return as soon as possible with a detailed budget impact analysis, project timeline, and ordinance framework to develop a new land use policy to 0000Irequire planting permits for irrigated crops using water from the Paso Robles Groundwater Basin until 2045 with a 3-tiered framework (Paso Robles Groundwater Basin Planting Ordinance):

- Tier 1: Exemption Clearance Permit for plantings using up to 25 AFY/site of irrigation;

- Tier 2: Ministerial Permit for plantings maintaining neutral water use with a 6-year lookback period; and

- Tier 3: Discretionary Permit with California Environmental Quality Act (CEQA) review for plantings that do not fall under Tier 1 or 2. The Board direction also acknowledged that developing a new land use framework to be effective until 2045 will require preparation of an EIR to be legally defensible.

Shandon - San Juan Water District Meeting of Tuesday, March 16, 2021 (Completed)

Related Issue to BOS Item 26 Immediately Above: On March 16, 2021, the District announced to its members that it had applied to the State Water Regional Control Board (SWRCB) for up to 14,000 acre-feet of Santa Margarita Lake water, which they believe is surplus in wet years. There is a rumor that it has also applied for 14,000 acre feet of Lake Nacimiento water. It was not clear from the minutes of recent meetings if the District Board had actually agendized and voted in public to authorize submittal of the application to the State.

In so far as we were able to determine, neither SLO County nor Monterey County had any communication or advance discussions from the District prior to its action. It is not clear if the County Water Resources Advisory Committee or the Paso Basin SGMA Coordinating Committee know anything about this. The water would originate in Santa Margarita Lake, from whence it would be released to future transmission facilities constructed by the District. The water would be banked underground in the surplus years and sold to its members in the dry years.

Since last week we have received some inquiries from Monterey County farmers who are concerned about stream flow recharge requirements for the Salinas River. So far, the San Luis Obispo Board of Supervisors has not reacted to questions that have arisen from the applications which have been filed. These are extensive. See last week's Update for all the details at the link [Weekly Update Apr-4 Apr-10 2021.pdf \(colabslo.org\)](#)

San Luis Obispo County Council of Governments (SLOCOG) Meeting of Wednesday, April 7, 2021 (Completed)

In General: The meeting was crammed with updates and actions on various components of the Federal/State transportation funding bowl of coleslaw. Board members will attempt to determine the impacts on their respective jurisdictions. Aside from these mind numbing details, there were several items of policy and informational importance to business, agriculture, labor, and general public.

Item E-4: 2023 Regional Transportation Plan (RTP) – Draft Financial Element. The Board gave tentative approval to the item on a unanimous vote. This is an update report on how recent conditions and trends have impacted the status of the long term potentials for funding

transportation infrastructure and services. There was some faint discussion by staff of the potential of a tax override measure to attempt to fill the funding gap.

A key finding of the report was that over the life of the RTP (the next 21 years) and based on current and expected transportation funding, the County (including Caltrans allotments for the County) and cities can reasonably expect about \$2.8 billion. The actual need is estimated to be about \$5 billion. From time to time it is proposed that the gap be made up in part by a new ½ cent sales tax covering the entire county, including the cities. It is expected that the tax will be re-proposed the next time there is a left majority on the Board of Supervisors.

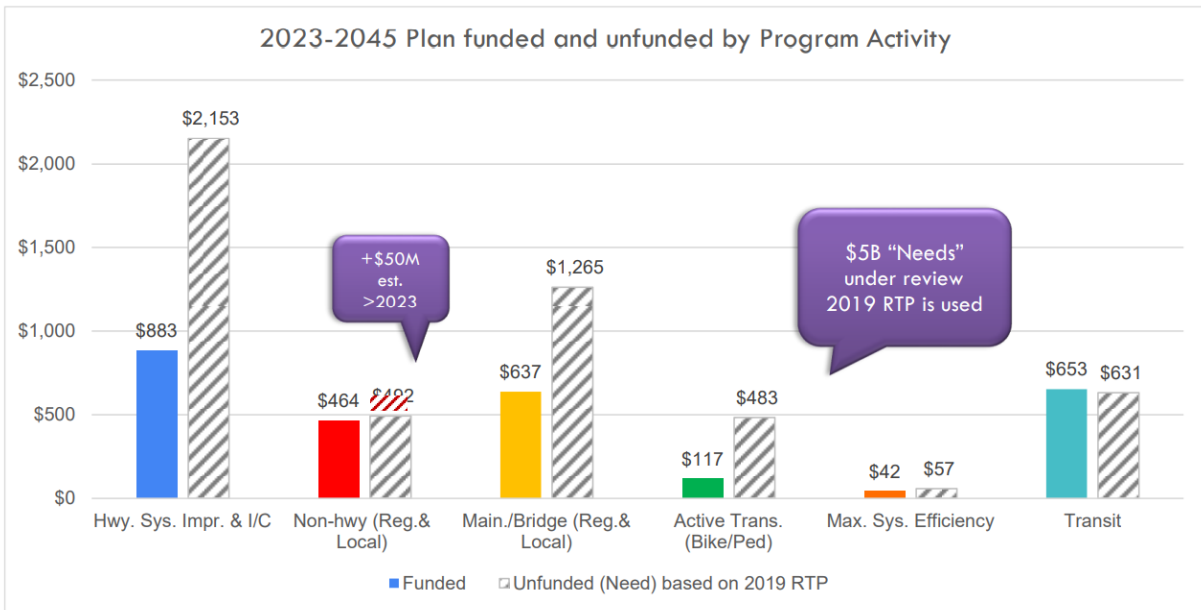
Table 1. Program Category Expenditure Summary

Program Category Expenditure Summary	Millions	% of Total
Highway System Impr. & Interchanges	\$883	32%
Non-hwy projects (Regional and Local)	\$464	17%
Maintenance/bridges (Regional and Local)	\$637	23%
Active Transportation (Bike/Ped)	\$117	4%
Maximizing System Efficiency	\$42	2%
Transit	\$653	23%
TOTAL	\$2,796	

REASONABLY-EXPECTED: \$2.8 Billion

Needs (2019 RTP) \$5 Billion

Again and as usual, no matter how much your taxes are increased, there is never enough money. Even the recently imposed **SB-1** gas tax is faltering because of more efficient vehicles, conversion to electric vehicles in the name of climate change, and “inflation.”



Item E-5: Updated Population and Employment Projections. Essentially the staff recommended rejecting updating population estimates and job growth estimates which are

contained in the Regional Transportation Plan (RPT). Staff believes the estimates are significantly too low. They were developed by an expert consulting firm. Supervisor Gibson asked the key questions: What do you propose instead? How are your estimates better than the expert consultants whom we paid? The answer was a muddle about alternative uses at Diablo, housing growth which is in progress now, revival from the COVID lockdown, and the attractiveness of the central coast. The Board did not pursue Gibson’s line of questing.

Our guess is that the low numbers are politically unacceptable to County Supervisors and city council members, as they demonstrate a failure of public policy as noted in the Background section below:

Background: According to the latest data, SLO County’s population will only grow by about 8,531 over the next 29 years. Such low growth, combined with an aging population, which makes less large capital expenditures (cars, appliances, homes, recreational equipment), means a slower economy. The closures of the Diablo Nuclear Power Plant, Phillips 66 Refinery, and Oceano Dunes Recreation; the addition of more tax-exempt open space; the bans on natural gas appliances; the higher cost energy; and the growing irrelevancy of public education will all combine to throttle the economy.

The County and cities had better wake up and support some destination resorts, more estates and ranchettes, horse racing, a casino, transition of CAL POLY Football to Division IA, and other major attractions. Of course, there are still millions of barrels of developed and undeveloped oil reserves in the County that will become absolutely essential in the coming world conflict with China, Russia, Iran, and North Korea.

Figure 2: Population Forecast Comparison

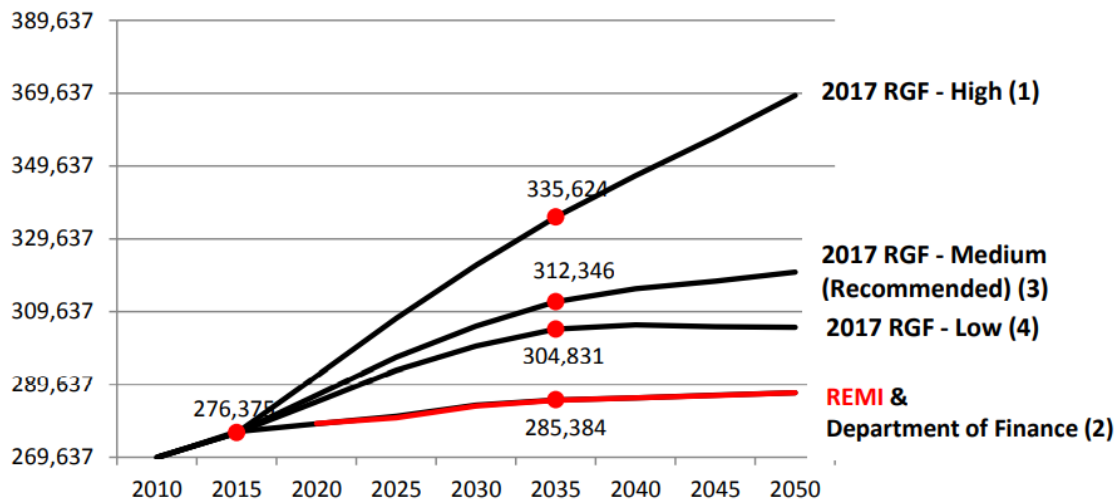
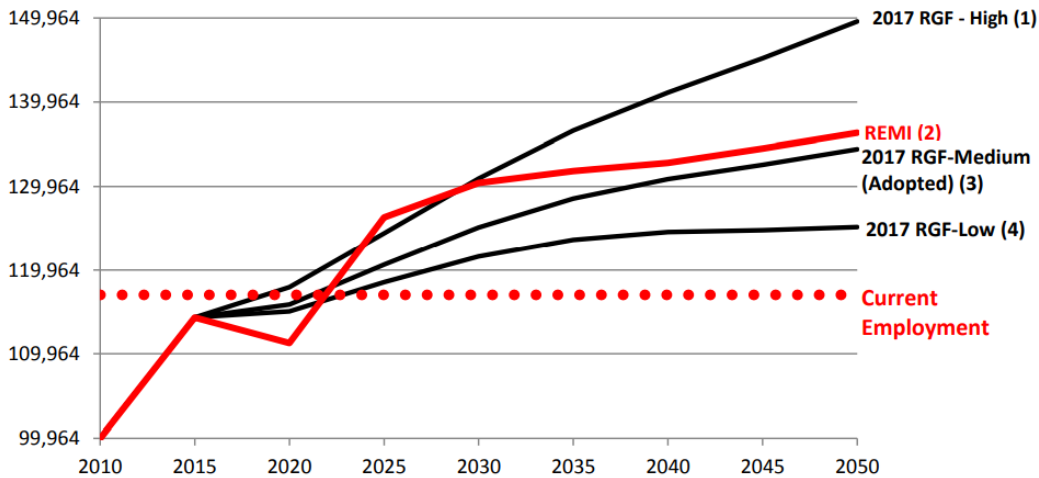


Figure 2 presents known data for years 2010 and 2015 to provide a foundation for the population projections. The REMI population projections demonstrate an overall population growth of 8,531 by 2050 from year 2020, and closely aligns with the DoF projections. In comparison to the previous forecast, the population growth seen in the REMI model is relatively flat as it forecasts an overall population of 285,384 in 2035, which is considerably less than the low and medium growth scenarios seen in the 2017 RGF.

The job forecast does not make sense in terms of the population data and generally anti-economic growth disposition of the local political leadership.

Figure 1: Employment Forecast Comparison

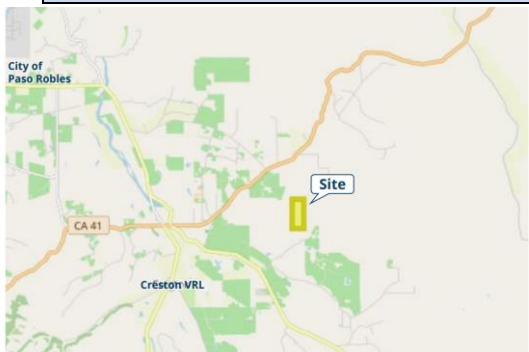


The staff forecast is for 20,000 new jobs by 2050 (The Medium Scenario). How can this be true if the population is increasing by only 8,000 and the County’s largest private sector employer (1,800 jobs at Diablo) is shutting down in 3 years?

Planning Commission Meeting of Thursday, April 9, 2021 (Completed)

Item 4 - Hearing to consider a request by Engrained LLC for a Minor Use Permit (DRC2020-00115, previously DRC2018-00188) to establish 2 acres of outdoor cannabis cultivation canopy, 15,576 square feet of indoor (mixed-light) ancillary cannabis nursery canopy, ancillary processing, and ancillary distribution - transport only. Ancillary cannabis nursery cultivation would occur within 3 new greenhouses totaling 13,608 square feet; ancillary nursery cloning activities would occur in a 4,690-square-foot area within a proposed 20,000-square-foot building. Ancillary processing activities would occur within a 14,880-square-foot area within the proposed 20,000-square-foot building.

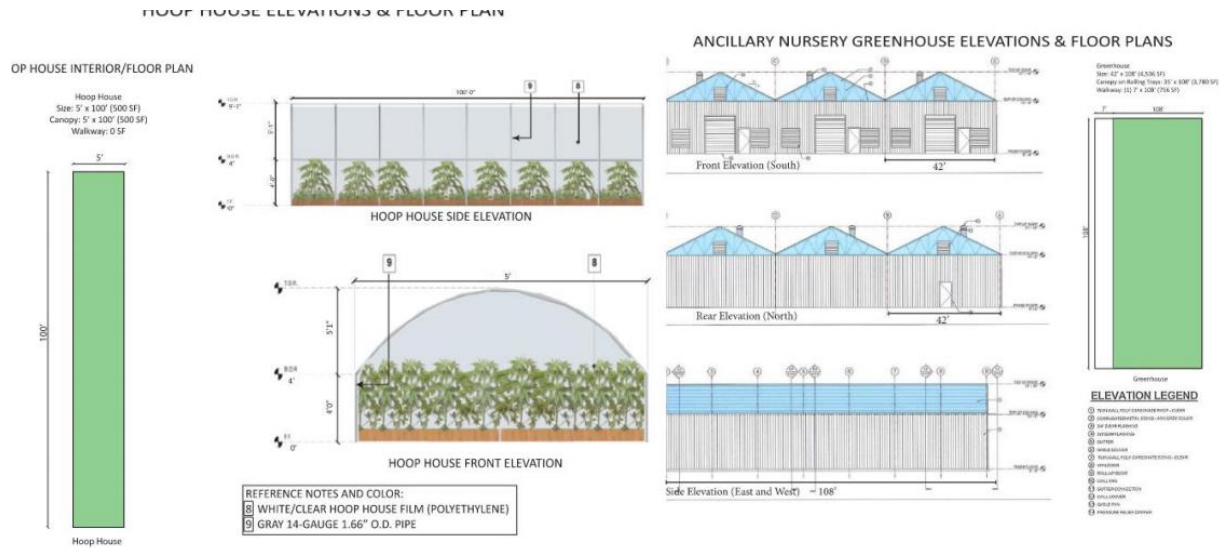
The Commission denied the permit 3/2 with Henry and Simpson-Spearman dissenting. The Commission spent a good deal of time carefully reviewing provisions the of cannabis regulation and the ordinance in general. The current version of the Commission seems very engaged and incisive. They should be encouraged by the Board to bring forward strategic and process recommendations and not just serve as an application processor. The Board should guard against County Counsel and Planning staff from circumscribing the potential of this body at this time.



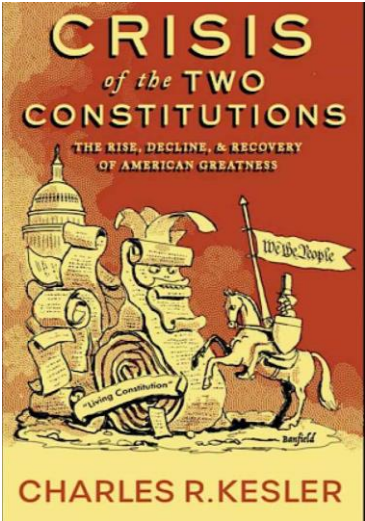
The project site is located at 4150 North Ryan Road, approximately 2.25 miles northeast of the community of Creston. The project is within the Agriculture land use category and within the EI

Pomar-Estrella Sub-Area of the North County Planning Area.

Background: The staff report indicated that they scheduled the application on the Commission agenda because they think it might be controversial. A group called the Creston Community Alliance has filed a 29-page legal brief challenging the adequacy of the CEQA mitigated negative declaration and demanding a full EIR.



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



BY DANIEL GREENFIELD

"In thinking through the crisis of American national identity, we should keep in mind the opening words of the second paragraph of the Declaration of Independence: 'We hold these truths'. Usually, and correctly, we emphasize the truths that are held in common, but we must not forget the 'We' who holds them. The American creed is the keystone of American national identity: but it requires a culture to sustain it," Charles Kesler writes in *Crisis of the Two Constitutions*.

That to some degree encapsulates the complex textual journey through a history of American political ideas to the fundamental cultural challenges captured in *Crisis of the Two Constitutions*.

Crisis of the Two Constitutions: The Rise, Decline, and Recovery of American Greatness, refers to what the respected Claremont McKenna College professor calls a struggle "between two rival cultures, two constitutions, two ways of life". This linkage between culture and constitution, between how we live and our laws, is often tragically neglected in conservative thought.

But there's no constitution without a culture. The "self-evident" truths of the Declaration of Independence and its natural rights are only natural and self-evident to a culture that has reached the same conclusions. When Americans revolted against British rule, their rhetoric of independence was neither foreign nor alien to the intellectual traditions of both sides.

The two nations may have been, as Churchill much later quipped, divided by a common language, but America now contains two nations that no longer share a common language of values. And even when speaking of the Constitution, they are really speaking of the two constitutions of the book's title, the original Constitution and the "living constitution".

The two constitutions also reflect two cultures, one traditional and the other forever changing, and two peoples, one centered in its origins, and the other pursuing an impossible future.

The vast gap between conservatives and the Left is a gap of culture and peoplehood, and it is also therefore inevitably a gap of constitutions with each fighting for the constitution that best reflects its identity, its values, its goals, and its hopes for the future. On one side are Washington and Jefferson, and on the other the bending moral arc of the universe envisioned as a utopian rainbow at whose end waits a sociological leprechaun with a theoretical pot of fool's gold.

As Charles Kesler notes, we have become "two countries with divergent ways of life". The urgent question of *Crisis of the Two Constitutions* is whether we can live together, or whether like China's One Country, Two Systems experiment, American conservatives will become the Hong Kong to a progressive people's republic determined to crush them in its political jaws.

Crisis of the Two Constitutions surveys five options, including the darkest of them, secession and civil war, even as Kesler dives deep into the intellectual history of the two constitutions, and, almost as importantly, what leftists and the conservative movement actually believe.

As the editor of the *Claremont Review*, Kesler has a deep understanding of the evolution of the conservative movement, and the goal of *Crisis of the Two Constitutions* is not just to issue another set of warnings, but to trace a conceptual pathway for the rebirth of conservatism.

If these truths are dependent on a 'We' who hold them, then it follows that a viable conservative movement is one that can serve as a vessel for these truths and for truth in general.

In the struggle between the Constitution and the so-called "living constitution", which as Kesler aptly notes, "implies that the original Constitution is dead", he argues that conservatives have too often abandoned the struggle for justice and the moral authority of the Constitution.

"Conservatives avoid arguing about questions of justice whenever possible, which means they eschew politics (whose central issue is justice) whenever possible," he argues. Too many Republicans use pragmatic arguments rather than moral ones, they use policy to evade the issues of justice that leftists enthusiastically embrace and transform into their political brand.

America's revolution and its founding documents, from the Declaration of Independence to the Constitution, were built by asserting the justice of self-evident rights and republicanism. Conservatives neglect this at their peril. And so Kesler praises the revivals of the movement under Reagan and Trump, while not being blind to the miles on the broken road ahead.

And to the ruthless difficulty of the battle.

"Trump has his eye on the contemporary Left's extremism, but this is not so much the statist Left that the libertarians oppose, nor the values-and-autonomy Left resisted by the religious Right, but the anti-American Left. This Left plunged its knife into our politics in the 1960s and has been twisting it ever since," Kesler writes. And the knife seems to only reach deeper every year.

Can America be saved under the conditions of a culture war, divided not merely by ideas, but by fierce and towering hatreds, by value systems as incompatible as those of Iraqi Shiites and New England Presbyterians in which higher education, as Kesler notes, turns children into "hostile aliens", and in which all of life becomes a cultural battlefield in an endless war against 'isms'?

Crisis of the Two Constitutions: The Rise, Decline, and Recovery of American Greatness argues that we cannot escape the crucible of history and we cannot count on the courts to salvage the country from its crisis. Politics, policy, and law are expressions of a people's sense of itself.

The conservative movement is not a singular entity, *Crisis of the Two Constitutions* argues, but an evolutionary process, sometimes shaped more by what it opposes than by what it holds dear. Kesler's book, gathering together valuable essays from a conservative thinker and intellectual titan across the decades to address the crisis of the present, is a powerful argument for reviving the positive power of the conservative movement to speak to the American people.

"Modern liberalism," he writes, "has done its best to strip natural rights and the founders' Constitution out of the American creed." The conservative movement faces the challenge of reclaiming the ideas of the Founders, and *Crisis of the Two Constitutions* would be invaluable alone for its histories of the ideas and movements that moved our Founding Fathers, and for its study of the progressives and their evolving constitution which exists to grant new rights, but it most compellingly brings these two elements together in its overview of the road ahead.

Americans have kept the parties in an electoral stalemate, moving power from one party to the other. Politics has become inescapable, and as Kesler notes, no external crisis appears likely to transcend the internal crisis of a fractured nation and that leaves three alternatives, federalism, secession, or civil war. "To appeal to the better angels of our nature we must first reacquaint ourselves with that nature," *Crisis of the Two Constitutions* argues.

To sustain our self-evident truths, we must become a culture of "We the people" again.

Daniel Greenfield, a Shillman Journalism Fellow at the Freedom Center, is an investigative journalist and writer focusing on the radical Left and Islamic terrorism. This article first appeared in the Front Page Magazine of April 9, 2021.



ANNOUNCEMENTS

THE 2021 LIST OF FAMILY VALUES KILLER BILLS IS OUT AND IT'S BAD

Life, parental rights, education, religious liberty, healthcare, public safety

BY KATY GRIMES

Last week California Globe presented the [CalChamber's list of Job Killer bills](#). This week we are presenting the [Capitol Resource Institute's list of family values killer bills](#). Focused on life, parental rights, education, religious liberty, CRI advocates for pro-family issues, and vehemently opposes legislation that interferes with and undermines Judeo-Christian values.

Not all of the bills on their list are killers, but far too many these bills run counter to values of freedom, religious liberty, and family values.

Here is their list:

Conscience Rights: AB 705: Health Care: Facilities: Medical Privileges by Sydney Kamlager-Dove (D-54) OPPOSE

Prohibits a health facility from requiring a physician or surgeon, as a condition of obtaining or maintaining clinical privileges, to agree to comply with criteria, rules, regulations, or other policies or procedures that are

not knowingly and explicitly ratified, issued, or promulgated by the medical staff, that directly or indirectly prohibit, limit, or restrict the ability of the physician or surgeon to provide a particular medical treatment or service that falls within the scope of their privileges.

AB 797: Health Care Coverage: Treatment for Infertility by Buffy Wicks (D-15) OPPOSE

Requires every health care service plan contract or health insurance policy that is issued, amended, or renewed on or after January 1, 2022, to provide coverage for the treatment of infertility. Deletes the exemption for religiously affiliated employers, health care service plans, and health insurance policies, from the requirements relating to coverage for the treatment of infertility.

Education

AB 101: Pupil Instruction: High School Graduation Requirements by Jose Medina (D-61) OPPOSE

Adds the completion of a one-semester course in ethnic studies, meeting specified requirements, to the high school graduation requirements commencing with pupils graduating in the 2029-30 school year, including pupils enrolled in a charter school. Expressly authorizes local educational agencies, including charter schools, to require a full-year course in ethnic studies at their discretion.

SB 217: Comprehensive Sexual Health Education and HIV Education by Brian Dahle (R-1) SUPPORT

Requires a specified notice to parents and guardians of pupils and the written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education to be translated if certain conditions are met, as specified. The bill would require the governing board of a school district to adopt a policy specifying how parents and guardians of may inspect the written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education, including applicable translations and updates or changes to the materials, within prescribed timeframes, at each school site and, except as provided, publicly posted on the school district's internet website or, if applicable, on a school district's parent or guardian portal.

SB 224: Pupil Instruction: Mental Health Education by Anthony Portantino (D-25) OPPOSE

Requires each school district to ensure that all pupils in grades 1 to 12, inclusive, receive medically accurate, age-appropriate mental health education from instructors trained in the appropriate courses at least once in elementary school, at least once in junior high school or middle school, as applicable, and at least once in high school. Requires that instruction to include, among other things, reasonably designed instruction on the overarching themes and core principles of mental health.

AB 309: Pupil Mental Health: Model Referral Protocols by Jesse Gabriel (D-45) OPPOSE

Requires the State Department of Education to develop model referral protocols, as provided, for addressing pupil mental health concerns. Requires the department to consult with various entities in developing the protocols, including current classroom teachers and administrators.

AB 366: Welfare and Institutions Code: Foster Youth by Blanca Rubio (D-48) OPPOSE

Relates to existing Law that requires a county social worker to create a case plan for foster youth within a specified timeframe after the child is introduced into the foster care system. Requires a county social worker or probation officer to include in certain reports to the juvenile court a factual discussion of whether the youth or no minor dependent has received comprehensive sexual health education.

AB 552: Integrated School-Based Behavioral Health Program by Sharon Quirk-Silva (D-65) OPPOSE

Establishes the Integrated School-Based Behavioral Health Partnership Program to provide prevention and early intervention for, and access to, behavioral health services for pupils. Authorizes a county behavioral health agency and the governing board or governing body of a local educational agency to agree to collaborate on and implement an integrated school-based behavioral health partnership program.

AB 1378: State Department of Education: Spending Authority by Carlos Villapudua (D-13) OPPOSE
This bill would require the State Department of Education to establish a peer-to-peer mental health support model program to enable pupils in high school to act as peer supporters for fellow pupils on campus. The bill would require each governing board of a school district, on or before July 1, 2022, to implement the model program on each school site of the school district that contains a high school. By imposing new duties on school districts, the bill would create a state-mandated program.

Free Speech

SB 238: Fair Employment and Housing Protections by Melissa Melendez (R-28) SUPPORT
Adds “political affiliation” as a protected characteristic in connection with the employment and housing provisions of the California Fair Employment and Housing Act.

SB 249: Educational Equity: Political Affiliation by Melissa Melendez (R-28) SUPPORT
Includes “political affiliation” for purposes of provisions prohibiting discrimination in education.

AB 465: Professional Fiduciaries: Prelicensing and Renewal by Adrin Nazarian (D-46) OPPOSE
Requires the pre licensing education courses for professional fiduciaries to include at least one hour of instruction in cultural competency, as defined by the bill. Requires a licensee to complete at least one hour of instruction in cultural competency every 3 years as a condition of license renewal or restoration.

AB 1379: False Campaign Speech and Online Platform Disclosures by Eduardo Garcia (D-56) OPPOSE
Prohibits a committee, within a certain number of days of an election, from distributing a false material statement of fact relating to the candidate or measure with the intent to deceive a voter into voting for or against the candidate or measure. Requires an online platform to maintain a description of the audience requested by the committee and the types of personal information used to target advertisements.

AB 1440: Civil Rights Crimes by Rebecca Bauer-Kahan (D-16) OPPOSE
Relates to existing law which makes it a misdemeanor to, by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten another person in the free exercise or enjoyment of a right or privilege secured by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of specified actual or perceived characteristics of the victim. Makes the above crime punishable either as a misdemeanor or as a felony.

AB 655: California Law Enforcement Accountability Reform Act by Ash Karla (D-27) OPPOSE
Requires the background investigation for peace officer candidates to include an inquiry into whether a candidate for specified peace officer positions has engaged in membership in a hate group, participation in hate group activities, or public expressions of hate, as those terms are defined. Provides that certain findings would disqualify a person from employment.

Gender

AB 218: Change of Gender and Sex Identifier by Christopher Ward (D-78) OPPOSE
Recasts provisions relating to new birth certificates to provide for a change in gender and sex identifier and to specify that a person who was issued a birth certificate by this state, rather than a person born in this state, may obtain a new birth certificate. Authorizes a person to file a petition with the superior court for a court order to issue a new marriage license and certificate, or birth certificate for their minor or adult child to reflect the person’s change in gender and sex identifier.

AB 1084: Gender Neutral Retail Departments by Evan Low (D-28) OPPOSE

AB 245: Educational Equity: Student Records: Name and Gender by David Chiu (D-17) OPPOSE
Requires a campus of the University of California, California State University, or California Community Colleges to update a former student’s records to include the student’s updated legal name or gender if the

institution receives government-issued documentation, as described, from the student demonstrating that the former student's legal name or gender has been changed.

AB 609: College Athlete Race and Gender Equity Act by Sydney Kamlager-Dove (D-54) WATCHING
Enacts the College Athlete Race and Gender Equity Act. Requires institutions of higher education with sports in which 50% of the institution's total sports revenue in the state exceeds the total aggregate grant-in-aid athletics scholarship amount provided to the institution's college athletes in the sport during the reporting year to pay a name, image, and likeness royalty fee to each qualifying college athlete, as specified.

AB 1094: Sexual Orientation and Gender Identity Data Collection by Joaquin Arambula (D-31) OPPOSE
Requires the Department of Public Health to establish a 3-year pilot program in up to 6 counties that agree to participate, for the identification and collection by coroners and medical examiners of gender identity and sexual orientation in cases of violent death. Requires the counties to be trained in the data collection by a public or private agency with expertise in identifying and collecting clinical data pertaining to sexual orientation and gender identity.

Parental Rights

AB 272: Enrollment Agreements by Kevin Kiley (R-6) SUPPORT
Authorizes a minor to disaffirm a provision in an educational institution's enrollment agreement that purports to waive a legal right, remedy, forum, proceeding, or procedure, regardless of whether a parent or legal guardian has signed the enrollment agreement on the minor's behalf, to the extent that the provision is construed to require the minor to waive a legal right, remedy, forum, proceeding, or procedure arising out of a criminal sexual assault or criminal sexual battery, as defined, on that minor.

SB 14: Pupil Health: Employee and Pupil Training by Anthony J. Portantino (D-25) OPPOSE
Includes as another type of required excused absence an absence that is for the benefit of the behavioral health of the pupil. Requires the State Department of Education to identify an evidence-based training program for a local educational agency to use to train classified and certificated school employees having direct contact with pupils on youth behavioral health.

AB 76: Interdistrict Transfer of Pupils by Kevin Kiley (R-6) SUPPORT
Prohibits a school district of residence from prohibiting the transfer of a pupil who is not receiving in-person instruction to a school district of proposed enrollment that is offering in-person instruction if the school district of proposed enrollment approves the application for transfer.

Public Safety

SB 57: Controlled Substances: Overdose Prevention Program by Scott Wiener (D-11) OPPOSE
Authorizes the City and County of San Francisco, the County of Los Angeles, and the City of Oakland to approve entities to operate overdose prevention programs for persons that satisfy specified requirements, including, among other things, providing a hygienic space supervised by trained staff where people who use drugs can consume preobtained drugs, providing sterile consumption supplies, and providing access or referrals to substance use disorder treatment.

SB 615: Unlawful Sexual Intercourse with a Minor by Melissa Melendez (R-28) SUPPORT
This bill would make changes to existing law and only exempt a person from registering on the sex offenders list if the person is not more than 3 years older than the minor. The bill also states a person convicted of statutory rape must register if they are more than 3 years older than the minor.

AB 1509: Enhancements: Firearms by Alex Lee (D-25) OPPOSE
Relates to existing law which imposes a sentence enhancement in the state prison of 10 years for personally using a firearm in the commission of specified felonies, 20 years for personally and intentionally discharging a

firearm in the commission of those felonies, and 25 years to life for personally and intentionally discharging a firearm and causing great bodily injury or death to any other person during the commission of those felonies. Reduces those enhancements to 1, 2, and 3 years, respectively.

Religious Liberty

SB 397: Emergency Powers: Essential Service: Religious Services by Brian Jones (R-38) SUPPORT
Declares the Religion is Essential Act and would, during a state of emergency or local emergency, require the Governor or the local government to deem religious services to be an essential service and to be necessary and vital to the health and welfare of the public. Prohibits the state and local government from taking a discriminatory action against a religious organization.

Katy Grimes, the Editor of the California Globe, is a long-time Investigative Journalist covering the California State Capitol, and the co-author of California's War Against Donald Trump: Who Wins? Who Loses?

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