COLAB
San Luis Obispo County

The Coalition of Labor Agriculture and Business

WEEKLY UPDATE
APRIL 25 - MAY 1, 2021

THIS WEEK

NO BOS MEETING THIS WEEK

SLOCOG, APCD, IWMA, & COASTAL COMM DORMANT

ISSUES

IWMA SUPER MAJORITY VOTE WAS ILLEGAL

BOARD TO STUDY COUNTY AS TRASH MANAGER

COVID STILL FLAT
IT'S TIME TO OPEN EVERY THING UP

WHEN WILLTHE AGENCIES RESUME LIVE MEETINGS?

LAST WEEK

WILDLIFE GET FEE BREAK

REDISTRICTING WORK TO BEGIN

BOARD SETS HEARING FOR THEIR OWN RAISES
COMPTON & PESCHONG TRY TO STOP IT

$54 MILLION IN TAX SLUSH PLAN WILL TAKE TIME
BIDEN "AMERICAN RESCUE PLAN" – IT'S ALL DEBT- $1.9 TRILLION

PASO BASIN WATER BANKING CAPACITY MAPPED

BOS FASCINATED BY THE HI-TECH BUT MISSED WATER BANKING IMPLICATIONS

PASO BASIN SGMA IMPLEMENATION MAY START

CANNABIS SUFFERS BAD DAY AT BOS

COVID ON LOW PLATEAU

ALLOW THINGS TO OPEN UP AND SEE WHAT HAPPENS

PLANNING COMMISION

NEW CAYUCOS HOTEL APPROVED
CANNABIS PROJECT APPROVED NEAR OAK SHORES

COLAB IN DEPTH

SEE PAGE 18

THE RESISTANCE BEGINS

BUT WE HAVE A LOT OF WORK TO DO IF WE ARE TO SAVE AMERICA

BY STEVE BALDWIN

THE COURAGE OF OUR CONVICTIONS

HOW TO FIGHT CRITICAL RACE THEORY

BY CHRISTOFER RUSSO

THIS WEEK' S HIGHLIGHTS

No Board of Supervisors Meeting on Tuesday, April 27, 2021 (Not Scheduled)

The next meeting is scheduled for Tuesday, May 4, 2021.

No San Luis Obispo County Pension Trust Board Meeting on Monday, April 26, 2021 (Not Scheduled)

No Pension Trust Meeting in April. The next meeting is set for Monday May 24, 2021.

ISSUES

Item 1 - Integrated Waste Management Authority (IWMA) Super Majority Vote Was Illegal. Prior to the April 14, 2021 IWMA meeting, Supervisor Compton attempted to obtain a written opinion on whether the progressive left scheme to require a super majority vote on the polystyrene ban is legal. The Agency's contract legal counsel, Jeffrey Minnery, demurred on the basis that an assignment for producing an opinion cannot be given by one Board member, but must be approved by a vote of the Authority Board.

COLAB raised the issue, but no one put the question before the Board. Accordingly, the vote to repeal the ordinance was numerically approved on a 7/6 vote. However, as noted below, any member can demand a super majority vote. In this case Councilwoman Marx of the City of San Luis Obispo invoked the procedure. Consequently, the vote to repeal the ordinance failed, as there were not 8 votes for repeal.

Fortuitously, a reader of the COLAB Weekly Update did the research which Minnery refused to do and has found that the IWMA vote was illegal on both statutory and case law bases. The IWMA should correct its illegal action at its next meeting and recognize the correct 7/6 majority vote and deem the polystyrene ban repealed.

A summary of the analysis is outlined below:

Gov Code 6509 precludes IWMA from establishing non-standard quorum and voting procedures

The IWMA JPA Agreement expressly designates SLO County as its "§ 6509 agency;" therefore, IWMA is subject to the same general law restrictions that are imposed upon SLO county in exercising power.

Joint Power Authorities such as SLO IWMA possess and may exercise any power common to the "contracting parties" (the member agencies).

Because each of the contracting parties (member agencies) may have different and conflicting procedural restrictions, California law requires JPAs to select and designate one of the parties to the JPA Agreement to be the party whose "restrictions upon the manner of exercising the power" will apply to the JPA.

Government Code Section 6509 imposes this requirement: 6509. Such power is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party shall be designated by the agreement.

Section 6509 means that statutes that apply to—and place requirements upon—the designated entity will apply to the operations of the JPA. The designated party is referred to as the "statutory mode".

A Supreme Court: *Rider v. City of San Diego*

The Supreme Court of California (*Rider v. City of San Diego* (1998), 77 Cal.Rptr.2d 189; 18 Cal.4th 1035) spoke thusly of Government Code Section 6509 (at p. 198):

In 1947, [] the Legislature added a section to the [Joint Exercise of Powers] Act that allowed contracting parties *—that is, the local governmental entities that enter into a joint powers agreement—to create a separate board or commission (a joint powers agency) to exercise on their behalf powers they hold in common. The section also provided that the agency administering the agreement—whether one of the contracting parties or a separate joint powers agency— need not comply with all the possibly conflicting procedural restrictions that apply to the various contracting parties. Rather, the agency need only comply with the procedural restrictions that apply to one. of the contracting parties. (Stats.1947, ch. 1045, § 3, p. 2447.) This principle now appears in Government Code section 6509 [], which provides that the "common power" (Gov.Code, § 6508) specified in the joint powers agreement "is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party shall be designated by the agreement.*

WMA DESIGNATES SLO COUNTY AS ITS § 6509 AGENCY, THUS IS RESTRICTED TO COUNTY GENERAL LAW PROCEDURES

The SLO IWMA Joint Powers Agreement (at Section 5.3, pp. 10-11) **designates San Luis Obispo County as its § 6509 agency**

As a general law county, Government Code Section 25005 dictates the procedures for conducting business:

25005. A majority of the members of the board constitute a quorum for the transaction of business. No act of the board shall be valid or binding unless a majority of all the members concur therein.

IWMA JPA AGREEMENT ATTEMPTS TO EXPAND QUORUM/VOTING BEYOND SLO COUNTY'S GENERAL LAW RESTRICTIONS

Section 8.5 of the SLO IWMA's JPA Agreement (at p. 17) attempts to expand upon California's county general law quorum and voting restrictions in two ways:

1. The JPA Agreement attempts to require a county representative be present in order to take action.

2. The JPA Agreement attempts to require eight affirmative votes (two-thirds of the twelve member board) to take action if any member arbitrarily demands such a vote.

From the JPA Agreement:

8.5 Quorum and voting. For the purposes of conducting business, there shall be present a quorum consisting of a majority of representatives, including one COUNTY representative. Each representative shall have one vote. 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 Member demands such a vote. The representatives to the Authority shall adopt such procedures as are consistent with this Agreement and necessary to conduct the business of the Authority in an orderly manner.

In modifying the quorum and voting requirements that apply to San Luis Obispo County, SLO IWMA is not complying with the procedural restrictions that apply to its designated contracting party (the County of SLO).

CASE LAW ON § 6509

The legal question at issue is whether or not SLO IWMA is "subject to the restrictions upon the manner of exercising power" that apply to San Luis Obispo County, or can the JPA Agreement modify the quorum and voting requirements that California general law imposes upon the IWMA's designated § 6509 agency (SLO County)?

Marin Emergency Radio Authority JPA enjoys exemption from city land use regulations because it's § 6509 agency (Marin County) is exempt

The Marin Emergency Radio Authority (MERA) JPA was not required to comply with the City of Tiburon's land use ordinances and EIR processes because it named the County of Marin as it's § 6509 agency (Zack v. MERA (2004), 13 Cal.Rptr.3d 323, 338; 118 Cal.App.4th 617):

MERA possesses the "common power" to construct and operate an emergency communications system. The manner in which it exercises that power is therefore subject only to those restrictions that would apply to the County of Marin, the party designated by the joint powers agreement. (§ 6509.) Because the County is not subject to Tiburon's land use regulations (§ 53090), neither is MERA.

6509 imposed competitive bidding requirements on LA County Civic Center Authority JPA because LA County is subject to competitive bidding

In San Diego Service Authority v. Superior Court, 198 Cal.App.3d 1466, the court distinguished the instant case from *City of Inglewood-L.A. County Civic Center Auth. v. Superior Court, 7 Cal.3d 861,* stating § 6509 ***"imposed"*** competitive bidding requirements (at FN 4):

The joint powers agreement between the City of Inglewood and Los Angeles County provided that the powers of the joint power entity would be subject to the restrictions imposed upon the county in exercising its powers. (*Id.* at p. 864, fn. 2.) The court therefore used the competitive bidding requirements imposed on a county in discussing the competitive bidding requirements imposed upon the joint powers entity.

If § 6509 "imposes" restrictions, it follows that SLO IWMA cannot modify the quorum and voting restrictions "imposed" upon SLO County by California's general law.

San Diego Convention Center Financing Authority NOT RESTRICTED by § 6509 because JPAs have independent power to issue bonds

The plaintiffs in Rider (Rider v. City of San Diego (1998), 77 Cal.Rptr.2d 189; 18 Cal.4th 1035) argued section 6509 required the Convention Center Expansion Financing Authority JPA to comply with the two-thirds vote requirement that applies when the City of San Diego issues bonds since the JPA agreement designated the City of San Diego as its § 6509 agency. However, the high court found § 6509 inapplicable in this instance because JPAs have separate and independent power to issue bonds that does not derive from the "common powers" of the contracting agencies (at pp 199-200):

[S]ection 6509, by its terms, applies only to the exercise of "[s]uch power" (italics added), which refers to the "common power" described in Government Code section 6508; that is, a power held in common by the parties that created the joint powers agency and derived from those parties. Section 6509, therefore, does not apply when a joint powers agency exercises a power it holds independently of the contracting parties. The joint powers agreement in this case reflects this distinction. It provides that "[t]he [Financing] Authority shall have the power common to the City and the [Port] District.... Such power shall be exercised in the manner provided in the Act, and ... subject only to such restrictions upon the manner of exercising such powers as are imposed upon the City in the exercise of similar powers.

The Authority may also issue revenue bonds pursuant to the Act...." (Italics added.) By stating that the Financing Authority may "also" issue bonds—that is, in addition to exercising the "power common to the City and the [Port] District"—and then by expressly referencing the Act, the joint powers agreement makes clear that the Financing Authority's power to issue bonds is derivative of state law, not the contracting parties. Moreover, the requirement in the agreement that the Financing Authority comply with "restrictions ... imposed upon the City" expressly applies only to the exercise of "power common to the City and the [Port] District"—that is, powers derived from the contracting parties, not powers held independently.

Item 2 - IWMA Cost Benefit Analysis. During last week's Board of Supervisors meeting, 1st District County Supervisor John Peschong made a motion to have the County Administrator place an item on the agenda to hire a consultant to perform a cost benefit analysis on retaining

the IWMA versus the County providing the service. The motion passed 3/2 with Supervisors Gibson and Ortiz-Legg dissenting. It is expected that the item will be scheduled next week for the May 4th meeting.

As we have pointed out in the past, the County can do a cost benefit analysis (using an expert refuse rate consulting firm) to determine the relative costs of the current system or using Public Works to take over refuse disposal and recycling. The actual running of the landfills and collecting trash is already largely privatized at this point. Some members of the current JPA could simply contract with the County.

Moreover, several of the cities have expressed an interest in using the County service if it takes it over.

In the end, the cost per trashcan per month, which we all pay, is what counts. It's worth it to come up for air and study these services in any case. Just what are the costs in SLO County compared with other similarly sized and demographically parallel entities?

This would eliminate the overhead of the IWMA staff, lawyers, advocacy, and all the trappings of a separate government agency. Moreover, there would be no meetings and no board overhead. This is how it works in Santa Barbara County, which has no IWMA and is fully compliant with AB 939, which passed way back in the 1990's and mandated regional recycling.

The current guy who runs the IWMA, and who seems reasonable, could be moved over to County Public Works to run the program without all the drama.

Many residents and businesses might even be willing to pay a few cents more per can per month to get the current envro-socialists on the IWMA Board off their necks and teach them a lesson.

IWMA Board of Directors

Robert Enns, President, Authorized Districts;
Charles Bourbeau, Vice President,
City of Atascadero Keith Storton,
Past President Vacated,

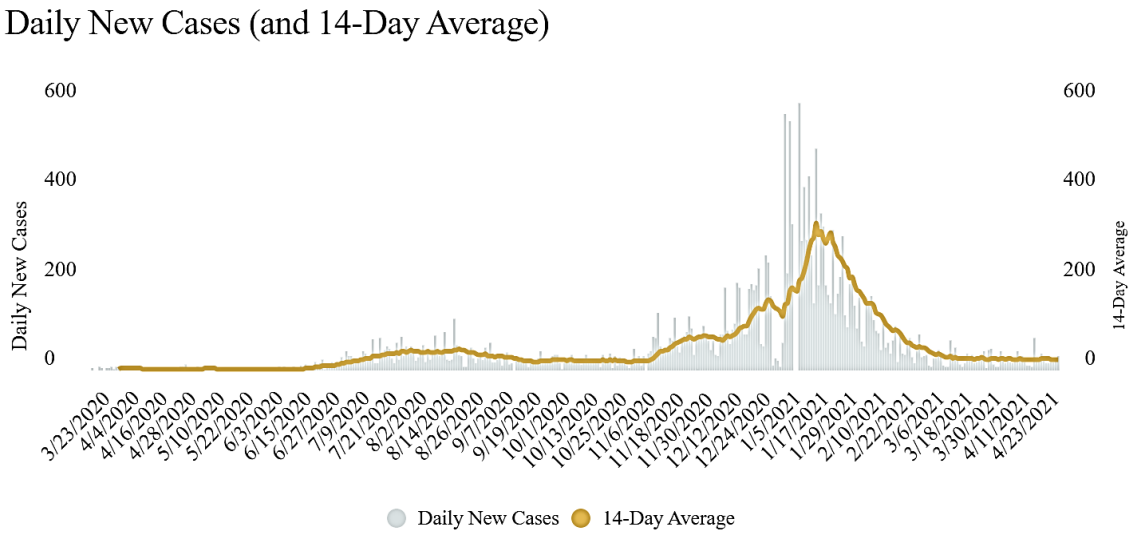
Karen Bright, City of Grover Beach
Debbie Arnold, San Luis Obispo County
Jeff Heller, City of Morro Bay
Lynn Compton, San Luis Obispo County
John Hamon, City of Paso Robles
Bruce Gibson, San Luis Obispo County
Scott Newton, City of Pismo Beach
Dawn Ortiz-Legg, San Luis Obispo County
Jan Marx, City of San Luis Obispo
John Peschong, San Luis Obispo County

Item 3 - COVID Update. The county remains at a low level of hospitalizations. A glitch in the State's handling of the County's data report resulted in the County remaining in the red tier. Also as a smaller county, SLO suffers from smaller base denominators in calculating the various COVID ratio measures. Again we have observed a variety of gatherings where there were no masks, no 6-foot table separations, and no 25% of capacity facility limitations. In other words, the State and the County have lost most control in any case.

We are encountering businesspeople and public school parents who have been and are still suffering grievously from the lockdown. Some are organizing outside of traditional political party and civic group organizations to call the elected leaders and administrative officials to account. Once you have nothing left to lose, your home life is in shambles, and your officials refuse to fight for you, there is nothing left to do but remove them.

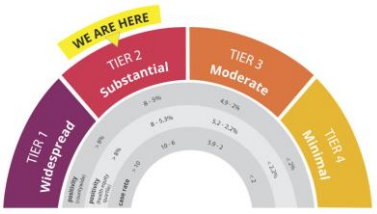
Hopefully this energy can be harnessed to restructure the County, drive some of the lefties out of office in the cities, and privatize the so-called public "education" system. Imagine, if you are a high school Senior and didn't get Intermediate Algebra or Calculus, no 3rd year of language and no 4th year of History or English. The state requires 4 years of English and History (now watered down to "social studies") . You have to compete on grades, course requirements, and the SATs with kids who went every day all four years. The teachers, counselors, principals, and everyone else got and are getting full pay, benefits, and a full year of pension credit, while you got screwed. There should be no more business as usual.

As the progressives prove, never let a crisis go to waste. Or as Joe Profaci would have said, "All debts must be paid."



6 (2 ICU) **

SLO County Residents with COVID-19 in Hospital



LAST WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, April 20, 2021 (Completed)

Item 2 - Introduction of an ordinance amending Section 2.48.095 of the County Ordinance Code regarding compensation increases for the Board of Supervisors. The hearing date is set for May 4, 2021. The Board voted 3/2 (Peschong and Compton dissenting) to schedule a hearing on a pay raise for the Board on May 4, 2021. The Board letter states in part:

The current annual salary for the Board members is $86,115.12. The increase effective July 11, 2021 will result in an annual salary of $90,417.60. This increase is estimated to increase Fiscal Year 2021-22 and annual ongoing County costs by $29,708, provided all Board members elect to receive this increase. The annual increased cost per individual Board member is approximately $5,942 per year.

Apparently, the salaries of the Board legislative aides, who are subordinates of the Board members, are approaching the point where they will exceed the Board salaries. Bureaucrats who run the system refer to the problem as "compaction." They believe that a superior must always be paid more than their subordinates.

Item 5 - Request to allocate $5,000 from General Fund Contingencies to Fund Center 104, to support the Oceano Dunes Economic Impact Assessment which will be led by Visit SLO CAL. The Board approved the request unanimously. They justified the contribution in part on the grounds that new economic uses in the area must be examined as the dunes are being closed by the Coastal Commission. Sadly, this evinces their lack of resolve to help mobilize a huge public attack on the Coastal Commission and its appointers, especially the Governor.

Item 19 - Submittal of a resolution to approve a request by Pacific Wildlife Care, to authorize the waiver of land use and construction permit fees in an amount not to exceed $207,293 for Minor Use Permit (DRC2021-00020) and subsequent construction permits for a new animal care/rehabilitation facility, located at the northwest corner of Esparanza Lane and Buckley Road, on a parcel adjacent to the City of San Luis Obispo. The waiver was approved unanimously on the consent calendar without discussion or comment. The not-for-profit, which cares for sick and injured wild animals, is being evicted from its current site on the Morro Bay Power Plant property. It has requested that County building inspection and permitting fees be waived. The County's policy for such requests is quoted below.

The adopted County Fee Schedule authorizes the Director of Planning and Building to waive up to $5,000 in permit processing fees for projects that provide broad public benefit. When fees exceed $5,000, the Board must approve the fee waiver request. Evidence of public benefit may include but is not limited to:

- *The project meets a need previously identified or recognized by the Board of Supervisors.*
- *The project replaces another facility that previously provided benefit.*

- *The project provides a facility not presently available in the community.*
- *The project has generated substantial, obvious community support.*
- *The project would reduce other County costs or increase other County revenues*

This organization provides a valuable and popular service, and the request, as noted above, was approved. The amount will have to be made up from general tax dollars to balance Planning and Building's budget.

Item 33 - Submittal of an update on the County's 2021 redistricting effort; and request to authorize a budget adjustment in the amount of $150,139 from General Fund Contingencies to increase appropriation in Fund Center 104 – Administrative Office to fund expenses related to redistricting, by 4/5 vote. The Board received a briefing on the process, the extensive tasks involved, including public engagement, and the short timeline. It then approved the funding request.

Background: Staff sought transfer of $150,000 from contingency reserves to cover consulting costs, extra labor, and materials to carry out the constitutionally required process to bring the boundaries of the 5 districts as close to population balance as possible. There are other requirements for setting the boundaries, which include not splitting communities of interest and providing relative compactness in terms of the district boundary shapes.

All this must be done in a tight time frame that results from the Federal census delay. The data will not be available until August, and the job must be legally completed by December 15, 2021.

The stakes are high, as boundaries can alter the balance between left progressives and conservatives and thus impact the future of the County operation as well as larger issues of taxes, fees, preservation of private property, capitalism, and liberty.

Item 34 - It is recommended that the Board receive and file a report on the American Rescue Plan Act of 2021 (ARPA) and provide direction to staff. The Board heard a report on activities which are eligible for funding, but took no action. It appears that the staff is going somehow merge the proposed programming into the regular budget process, which is not all bad.

Background: The County is to receive $54 million under this round of the COVID financial slush and government expansion program. The general guidelines require that the funding be expended by 2024 for the purposes listed below:

1. Respond to the COVID-19 emergency and address its negative economic impacts, including aid to households, small businesses, nonprofits, and industries such as tourism and hospitality.
2. Provide premium pay to essential employees or grants to their employers. Premium pay could not exceed $13 per hour or $25,000 per worker.

3. Provide government services affected by a revenue reduction during the pandemic (relative to revenues collected by the local government in the most recent full fiscal year prior to the emergency).

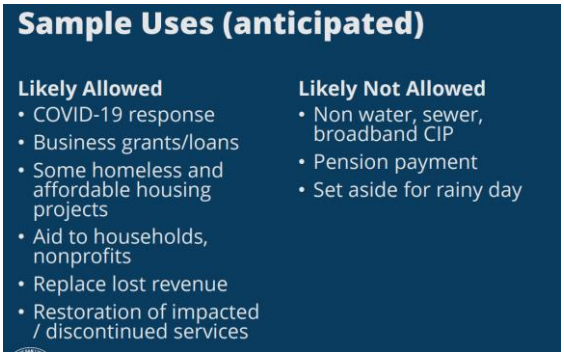
4. Make investments in water, sewer, and broadband infrastructure.

5. No funds can be used to deposit into pension funds or to offset revenue resulting from a tax cut.

County lobbying groups are begging the Feds to be more specific, as they are worried about spending the money, then having negative audit findings in the future, and having to pay it back.

Congress should amend the Act to include more types of infrastructure such as roads, bridges, and building projects.

State of California	$26.2 billion
County of San Luis Obispo	$54.9 million
City of Arroyo Grande	$ 3.4 million
City of Atascadero	$ 5.7 million
City of Grover Beach	$ 2.5 million
City of Morro Bay	$ 2.0 million
City of Paso Robles	$ 6.1 million
City of Pismo Beach	$ 1.5 million
City of San Luis Obispo	$ 8.9 million



The Board of Supervisors should:

1. Take a strategic approach and resolve not to fritter the funding away on small short-term feel-good grants and projects which have no long-term benefit.

2. Prior to taking action on a proposed program budget for these funds, provide an update for the public on:

- How much of the $27 million provided in the prior round has been expended, for what was it expended, how much remains, and how is any remainder programmed?

- What has been the work/impact of the ad hoc committee of Supervisors Gibson and Peschong on the issue to date? What is planned in the future in this regard?

- Are there any unresolved revenue shortfalls in the current (FY 2020-21) Budget or are any impending in the prospective FY 2021-22 Budget? Are any of these attributable to COVID costs or revenue shortfalls?

Item 35 - Receive and file a presentation of the Paso Basin Aerial Groundwater Mapping Pilot Study. The Board received the report on the findings of an aerial survey using

underground airborne reflective beams to detail permeability of the aquifer at different locations. They were quite enchanted by the high tech process and the cross-section diagrams of various locations in the Paso Basin Aquifer.

The study was a joint effort of the State Department of Water Resources (DWR) and Stanford University. The methodology and results are highly technical. One summary paragraph states:

Potential groundwater recharge areas were interpreted where the AEM data, correlated with information from previous studies, well data, and the Paso Basin Groundwater Model, indicate favorable recharge characteristics of course sediments and/or sandy deposits. These areas include the southern Creston area, San Juan Creek, Huer Huero Creek and Shedd Canyon Creek. The HCM Report and MPS Report indicate these areas may benefit from additional investigations to further define the underlying hydrology and confirm other critical factors are suitable for recharge efforts, such as groundwater quality, water availability and conveyance.

No one seemed to care that there was no bottom-line number about how many thousand or million acre-feet of storage capacity are available. Of course many Paso Basin overliers are concerned over DWR's ultimate intent. It is speculated that DWR does not wish to expend the money to expand California Water Project reservoirs or build new reservoirs, as the enviros, who have the State by the throat, are opposed. It might be easier and less costly to simply store millions of acre-feet in the Paso Basin.

Item 36 - It is recommended that the Board provide direction on the staffing approach for County Groundwater Sustainability Agency (GSA) activities in the Paso Robles Sub basin. The Board approved hiring the project manager but demurred on the rest of the request until it sees the cost of using consultants for the bulk of the project.

Background:
Staff has returned and, per Board conservative majority direction, provided revised recommendations, which may be less costly. The problem is that the staff did not obtain any preliminary estimates for what it would cost to start the program using a private sector consulting firm. The Board should continue the matter until they have some numbers.

GSA Staffing Workload and Costs	County Staff Option	Consultant Option
Permanent County staff required	5.25 FTE	1.00 FTE
Estimated cost of County staff	$1,403,768	$235,000-$265,000[1]
Estimated cost of consultant & other expenditures	$294,724	TBD[2]

Past History: Back on March 16th staff recommended that the County (as Groundwater Sustainability Agency {GSA} for about 61% of the Paso Basin) move ahead and staff up to begin implementing the Groundwater Sustainability Plan (GSP) under the mandatory State Groundwater Management Act (SGMA). The joint plan, which is dovetailed with several water districts, the City of Paso, and several community service districts, was submitted to the State Department of Water Resources by the legal deadline in January of 2020. The State has not yet reviewed the GSP, let alone commented on it or approved it. It turns out that the State is actually encouraging GSAs to begin implementing their plans and not wait for formal approval.

Originally, the Public Works Department the staff recommended that the Board fund a large staff expansion to begin to implement the GSP. The PowerPoint at the link below provides an overall picture of the staff recommendation:

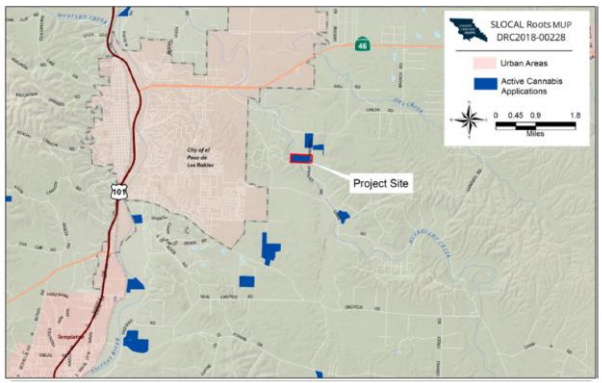
https://agenda.slocounty.ca.gov/iip/sanluisobispo/file/getfile/131158

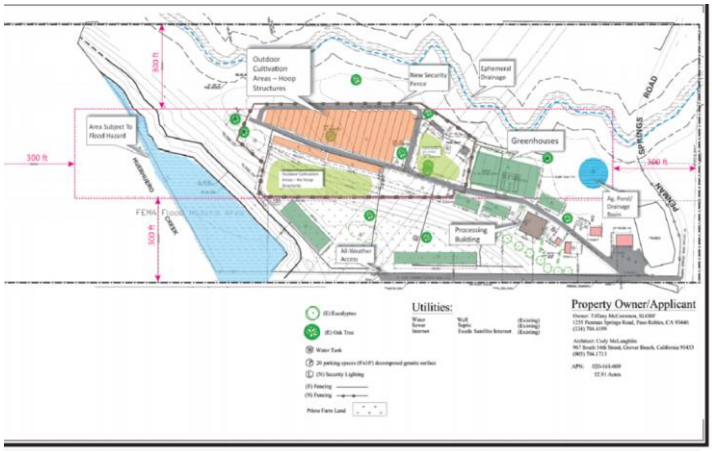
The cost was hefty and was proposed to be supported by general fund tax dollars or a regulatory fee on the overliers subject to SGMA. This could be based on the amount of water which they pump. People who use 2 acre-feet or less are exempt from SGMA.

The staff report, however, did recognize that there are alternatives to adding staff, including use of a private consulting firm or cutting other County water programs administered by Public Works to free up individuals to work on the Paso SGMA GSA. Staff favored the in-house employee model, citing continuity and control as being important.

The Board directed staff to do a Request For Information (not a full RFP) to test the issue and see what private sector firms might propose and at what costs generally.

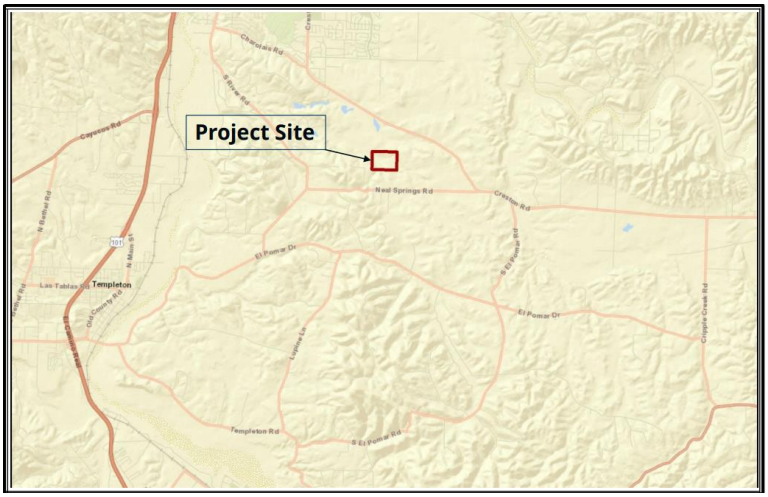
Item 38 - Hearing to consider an appeal (APPL2020-00022) by Christina Maldonado of the Planning Department Hearing Officer's approval of a Minor Use Permit (DRC2018-00228) for SLO Cal Roots to establish: 3.39 acres of outdoor cannabis cultivation area; 27,500 square feet (sf) of indoor cannabis cultivation area; 34,800 sf of indoor ancillary nursery; 6,000 sf of ancillary indoor cannabis processing; and approximately 25,000 square feet of related site improvements. **The project would result in approximately 6.2 acres of disturbance including 5,000 cubic yards of cut and fill on an approximately 54-acre site located at 1255 Penman Springs Road, approximately 1.25 miles east of the City of Paso Robles.** The matter was continued to July 13th after considerable discussion. The applicant had apparently requested a continuance. It was alleged that the appellant also requested a continuance, but she testified that she didn't. Further confusing the matter was a letter from the appellant's attorney requesting the continuance. There was also a lengthy and confusing discussion of the easement, which accesses the otherwise landlocked property. The staff had recommended that the appeal be denied.

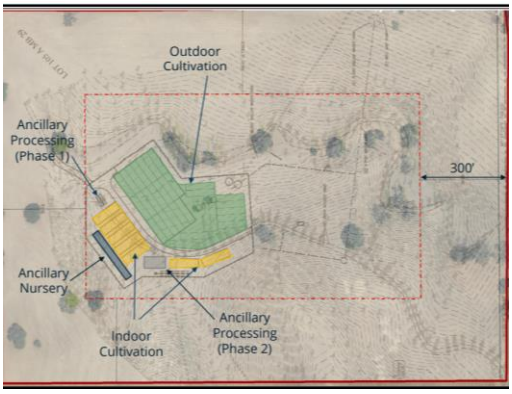




Item 39 - Hearing to consider an appeal (APPL2020-00015) of Cliff Bianchine of the Planning Department Hearing Officer's decision to conditionally approve the application of Copper Creek Farms, LLC, for a Minor Use Permit (DRC2019-00042) to establish a phased cannabis cultivation operation including up to three acres of outdoor cannabis cultivation canopy, 22,000 square-feet of indoor mixed-light cannabis canopy, 5,000 square-feet of ancillary nursery, and 3,000 square feet of ancillary processing on a portion of a 54-acre project site and reduce the required number of parking spaces from 55 to 3. The proposed project would result in the disturbance of approximately 5.7 acres. The project is located on the north side of Neal Spring Road, approximately 2.5 miles east of the Templeton Urban Reserve Line. The appeal was sustained (project denied) on a 3/2 vote with Gibson and Ortiz-Legg supporting the approval of the project. The Board majority denied the project on the grounds that it is incompatible with the neighborhood, the applicant could not prove that odors would not escape, and that the applicant had $35,000 in back property taxes owed.

The staff had recommended denial of the appeal.





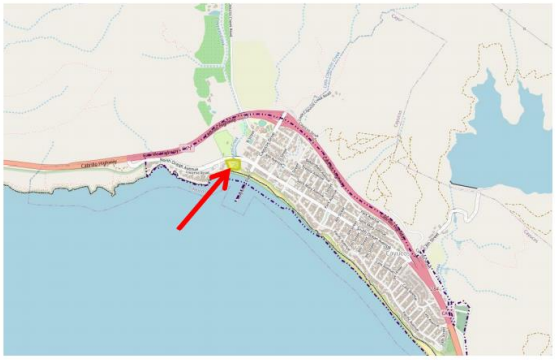
Planning Commission Meeting of Thursday, April 22, 2021 (Completed)

Item 4 - Hearing to consider a request by Jay and Lisa Cobb for a Development Plan/Coastal Development Permit (DRC2019-00297) to allow for the construction of a three-story, 17-unit hotel with onsite public amenities for passive and active recreational activities. The applicant is requesting a modification to the off-street parking standards from 77 spaces to 21 per the exceptions process in Section 23.08.012.b. The applicant is also requesting a modification to the parking design standards per 23.04.162.h. The project would result in disturbance of approximately 0.7 acres on a 1.1-acre property. The proposed project is within the Recreation land use category and is located on the south side of North Ocean Ave within the Locarno area of the community of Cayucos. The hotel was

approved unanimously with praise from the Commission. There are many costly conditions imposed on the project. In the end, and perhaps in view of this, several Commissioners said, "Good luck."

The item was on the March 11, 2021 agenda but was continued when the Coastal Commission sent a letter on the morning of March 11, 2021 raising issues at the last minute. It appears that the Coastal Commission's concerns were resolved.

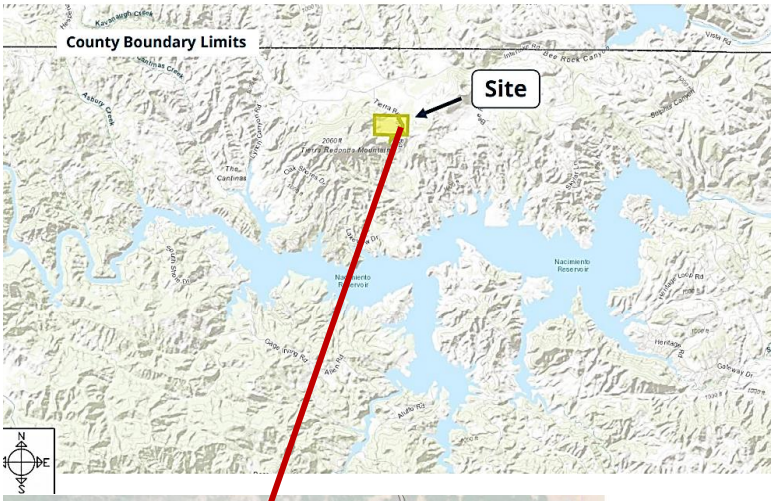
Background: Last month the project application was continued off calendar because the Coastal Commission sent a letter opposing many aspects of the application just one-half hour before the hearing began. The Planning Commissioners didn't see the letter until the meeting started, and the applicant didn't see it until the hearing was in progress. Just think, the Coastal Commission staff is unable to complete its work in a timely fashion, and an applicant is therefore penalized by time and costs. This is the outrageous arrogance of the Coastal Commission and other public agencies. They repeatedly hurt citizens all the time, and there are no consequences. Late reports from the Coastal Commission should be deemed moot by statute and should end the Commission's jurisdiction on the related subject at that point.

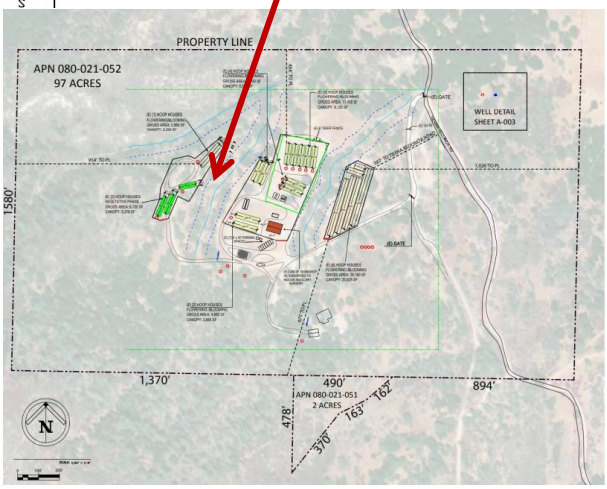


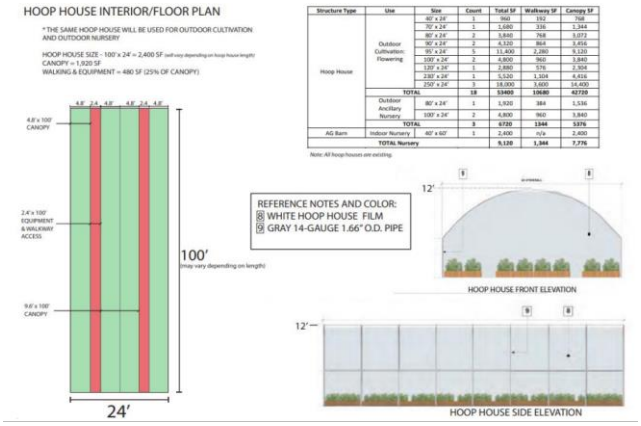
Item 5 - Hearing to consider a request by Bradley Canyon Farms, LLC for a Conditional Use Permit (DRC2018-00110) to establish 1.23 acres (53,400 square feet) of outdoor cannabis cultivation area and 6,720 square feet of outdoor ancillary cannabis nursery within 21 existing hoop structures, and 2,400 square feet of indoor ancillary cannabis nursery on a 100-acre parcel. The project would also include installation of new security

fencing, surveillance cameras, eight new water tanks, portable restrooms, and two seatrain containers for storage of planting materials and equipment. The project would result in approximately 48,702 square feet of site disturbance, including 49 cubic yards of cut and 49 cubic yards of fill, to be balanced on-site. The project site is located within the Rural Lands land use designation category and is located at 1255 Tierra Redonda Road, approximately 0.75 miles north of the community village of Oak Shores in the Nacimiento sub-area of the North County Planning Area. After a very lengthy hearing, the Commission approved the project's permit on a 4/1 vote with Villicana dissenting. They also added more conditions to an already long list. The applicant's extensive industry experience made an impression on the Commission.

Background: The staff report indicated that the project complies with the Cannabis Permitting Ordinance. There is significant neighborhood and area opposition. The Oak Shores association, other neighborhood groups, and ranchers filed extensive letters of opposition.







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

THE RESISTANCE BEGINS

But we have a lot of work to do if we are to save America.

BY STEVE BALDWIN

It is now clear that the Biden Administration poses the greatest threat to the American experiment we have seen in modern history. To be sure, the Obama Administration was a major threat but the Biden team seems determined to push the boundaries of radicalism far beyond even what Barack Obama had fantasized, even though we must admit he laid the foundation for Biden.

Whether it's support for open borders, the use of illegal Executive Orders, the undermining of our constitutional rights, or the unprecedented demonization and harassment of conservatives based on phony racial narratives, the Biden agenda is a total assault on America's founding principles, the rule of law, and our democratic institutions.

It is not known at this time whether America will survive this assault. To be sure, if Biden succeeds with packing the court, converting D.C. or Puerto Rico into new states, granting amnesty to millions of illegal aliens, and institutionalizing the corruption of our electoral system, we may never recover the America of our fathers. Rather, we will witness the evolution of what one could call a "soft" police state, characterized by cronyism, socialism, globalism, and the complete censorship and ostracization of everyone and anyone not supportive of the revolution.

It is clearly the duty of traditional Americans to challenge this illegitimate regime and every grassroots group, PAC, think tank, and foundation on the Right needs to be solely focused on defeating this monster or our movement will cease to exist. Groups that shy away from this challenge, need to go down, and if old-line conservative groups are not up to the fight, new groups yet to be formed need to take their place. A successful resistance needs big numbers, but the good news is that the MAGA movement inspired by Trump has created the largest grassroots political movement in modern political history.

The Rise of the Grassroots

Last week, former Vice President Mike Pence announced the formation of Advancing America Freedom to serve as a clearinghouse for the MAGA grassroots. We can hope that this is not just a group to promote Mike Pence but rather a real effort to harness the energy of the millions of MAGA volunteers and put them to work fighting cancel culture, recruiting candidates, and working to win back Congress in 2022. Right off the bat, I hope they kick off their efforts by hosting a series of massive MAGA rallies featuring Trump himself.

But the MAGA movement has also given birth to hundreds of smaller grassroots groups all over the country, many involving people fairly new to politics. Groups such as Moms for Liberty and 1776 Forever Free. Other groups are forming that focus on specific issues such as Stop Corporate Tyranny, which was recently formed to educate the grassroots about what corporations should be boycotted for selling out America.

Challenging the Social Media Monopoly

In order to organize in today's world, conservatives need social media but they have had it with the pompous liberals running social media companies as if they were the media department for the Democrat Party. Of course, Trump himself has announced the formation of his own platform, set to open sometime this summer. And MyPillow CEO Mike Lindell has created a new platform, called Frank, which he says will "handle over a billion users."

Then there are a number of other social media platforms that were never part of the Twitter/Facebook/Google monopoly and are very popular with conservatives, such as Gab, MeWe, Rumble, and Parler.

Resistance by State Attorney Generals

The growing resistance movement also includes states and attorney generals who have filed a flood of lawsuits challenging the legality of Biden's power-grabbing executive orders. Thirteen states are suing Biden for an order that prohibited them from cutting taxes if they've accepted coronavirus funds. Louisiana and Texas are suing to force Biden to take custody of criminal illegal aliens instead of releasing them into America's cities to commit more crimes.

Arizona and Montana are suing the Biden open borders crowd for limiting the detention and deportation of illegal aliens, which is clearly in violation of federal law. Twenty-one state attorneys are suing Biden over his illegal cancellation of the Keystone Pipeline. Twelve states are in court with Biden over his fraud-based climate policies, which will do great damage to their economies.

And there are many others. Just about every Biden executive order is under legal challenge.

State Legislators Attack Election Fraud

While the MAGA movement is outraged at how many Republican state legislators sat on their hands while their election laws were watered down right in front of them, these folks have finally awakened and belatedly have joined the resistance. At least 40 bills have been introduced in over 20 states dealing with the integrity of our elections.

In response to revelations that Facebook poured millions of dollars into shadowy groups engaged in shady election work such as "ballot harvesting," Arizona introduced a bill to prohibit private donations from funding this kind of activity.

Also in Arizona, the Senate finally got around to announcing a forensic audit of the 2020 results which was riddled with illegal voting. And in Wisconsin, the assembly authorized a new investigation of the 2020 results in that state. And of course, Georgia has passed a somewhat tepid package of election reforms, but the bill does call for showing an ID for absentee voters, a huge improvement.

Not to get lost in the rush, Florida Governor Ron DeSantis has just proposed a slew of voter integrity measures, including a ban on mail-in voting.

Finally, former Trump policy advisor Stephen Miller has formed a group called America First Legal to assist Republican attorneys with challenging executive branch abuses in addition to filing lawsuits of its own.

Private Legal Action Targeting Vote Fraud Continues

Lastly, there are groups that continue to research vote fraud and litigate when necessary. Some of these groups have been at this for years such as Judicial Watch. Some are newer to the game. JW is the grandfather of such groups and they've been suing states for years for refusing to clean up their voter rolls regarding dead people, out-of-state voters, etc., as required by federal law. Indeed, Judicial Watch conducted a study that revealed "353 U.S. counties had 1.8 million more registered voters than eligible voting-age citizens. In other words, the registration rates of those counties exceeded 100% of eligible voters."

But other groups are also doing similar work such as the Public Interest Legal Foundation, which recently forced Pennsylvania to remove 21,000 people from the state voter database.

Then there's Heritage Action for America, which "plans to spend at least $10 million on a wide-ranging election integrity campaign to strengthen voting laws in eight swing states."

Even the staid Republican National Committee has announced the creation of a committee to "work alongside state governments to push for election reforms including a voter ID requirement and having poll watchers count every vote."

Moreover, unbeknownst to many people, lawyers and researchers are continuing to dig up evidence of voter fraud. Attorney Matthew DePerno, for example, just discovered modem chips embedded in the Michigan voting system motherboard, which means the machines were online, something the Left constantly told us was a "conspiracy theory."

Nor has Sydney Powell given up on legal efforts. And in Wisconsin, the private Amistad Project continues to unveil election fraud and just last week filed a formal complaint filed with the Wisconsin Election Commission alleging that city officials allowed private activist groups to control significant aspects of the 2020 elections, including ballot "curing" and vote counting.

And there are other less well-known groups working tirelessly on voter fraud, such as Valor America and True the Vote.

The liberals, NeverTrumpers, and RINOs have been pushing the narrative that the election was relatively clean, but if that was the case, why are so many states enacting voter integrity laws? And why are some many legal groups still involved with litigation? Even a nonpartisan fact-check group called Just the Facts has just released research showing that it's very possible the illegal alien vote alone cost Trump the 2020 election.

The resistance is just beginning but we have a lot of work to do if we are to save America.

Steve Baldwin served as a California State Assemblyman representing the 77th District in the San Diego area from 1994-2000. For a decade after that, he served as the executive director for the Council for National Policy. He works currently as a freelance writer and is the author of From Crayons to Condoms: The Ugly Truth About America's Public Schools. His work has been published in The American Spectator, WorldNetDaily, Barbwire, Newsmax, Human Events, National Review, and many other publications and blogs.

THE COURAGE OF OUR CONVICTIONS

HOW TO FIGHT CRITICAL RACE THEORY

BY CHRISTOFER RUSSO

Critical race theory is fast becoming America's new institutional orthodoxy. Yet most Americans have never heard of it—and of those who have, many don't understand it. This must change. We need to know what it is so we can know how to fight it.
To explain critical race theory, it helps to begin with a brief history of Marxism. Originally, the Marxist Left built its political program on the theory of class conflict.

Karl Marx believed that the primary characteristic of industrial societies was the imbalance of power between capitalists and workers. The solution to that imbalance, according to Marx, was revolution: the workers would eventually gain consciousness of their plight, seize the means of production, overthrow the capitalist class, and usher in a new socialist society.

During the twentieth century, a number of regimes underwent Marxist-style revolutions, and each ended in disaster. Socialist governments in the Soviet Union, China, Cambodia, Cuba, and elsewhere racked up a body count of nearly 100 million people. They are remembered for gulags, show trials, executions, and mass starvations. In practice, Marx's ideas unleashed man's darkest brutalities.

By the mid-1960s, Marxist intellectuals in the West had begun to acknowledge these failures. They recoiled at revelations of Soviet atrocities and came to realize that workers' revolutions would never occur in Western Europe or the United States, which had large middle classes and rapidly improving standards of living. Americans in particular had never developed a sense of class consciousness or class division.

Most Americans believed in the American dream—the idea that they could transcend their origins through education, hard work, and good citizenship.

But rather than abandon their political project, Marxist scholars in the West simply adapted their revolutionary theory to the social and racial unrest of the 1960s. Abandoning Marx's economic dialectic of capitalists and workers, they substituted race for class and sought to create a revolutionary coalition of the dispossessed based on racial and ethnic categories.

Fortunately, the early proponents of this revolutionary coalition in the U.S. lost out in the 1960s to the civil rights movement, which sought instead the fulfillment of the American promise of freedom and equality under the law. Americans preferred the idea of improving their country to that of overthrowing it. Martin Luther King Jr.'s vision, President Lyndon Johnson's pursuit of the Great Society, and the restoration of law and order promised by President Richard Nixon in his 1968 campaign defined the post-1960s American political consensus.

But the radical Left has proved resilient and enduring—which is where critical race theory comes in.

Critical race theory is an academic discipline, formulated in the 1990s and built on the intellectual framework of identity-based Marxism. Relegated for many years to universities and obscure academic journals, it has increasingly become the default ideology in our public institutions over the past decade. It has been injected into government agencies, public school systems, teacher training programs, and corporate human-resources departments, in the form of diversity-training programs, human-resources modules, public-policy frameworks, and school curricula.

Its supporters deploy a series of euphemisms to describe critical race theory, including "equity," "social justice," "diversity and inclusion," and "culturally responsive teaching." Critical race theorists, masters of language construction, realize that "neo-Marxism" would be a hard sell. *Equity*, on the other hand, sounds non-threatening and is easily confused with the American principle of *equality*. But the distinction is vast and important. Indeed, critical race theorists explicitly reject equality—the principle proclaimed in the Declaration of Independence, defended in the Civil War, and codified into law with the Fourteenth and Fifteenth Amendments, the Civil Rights Act of 1964, and the Voting Rights Act of 1965. To them, equality represents "mere nondiscrimination" and provides "camouflage" for white supremacy, patriarchy, and oppression.

In contrast to equality, equity as defined and promoted by critical race theorists is little more than reformulated Marxism. In the name of equity, UCLA law professor and critical race theorist Cheryl Harris has proposed suspending private property rights, seizing land and wealth, and redistributing them along racial lines. Critical race guru Ibram X. Kendi, who directs the Center for Antiracist Research at Boston University, has proposed the creation of a federal Department of Antiracism. This department would be independent of (i.e., unaccountable to) the elected branches of government, and would have the power to nullify, veto, or abolish any law at any level of government and curtail the speech of political leaders and others deemed insufficiently "antiracist."

One practical result of the creation of such a department would be the overthrow of capitalism, since, according to Kendi, "In order to truly be antiracist, you also have to truly be anti-capitalist." In other words, identity is the means; Marxism is the end.
An equity-based form of government would mean the end not only of private property but also of individual rights, equality under the law, federalism, and freedom of speech. These would be replaced by race-based redistribution of wealth, group-based rights, active discrimination, and omnipotent bureaucratic authority. Historically, the accusation of "anti-Americanism" has been overused. But in this case, it's not a matter of interpretation: critical race theory prescribes a revolutionary program that would overturn the principles of the Declaration and destroy the remaining structure of the Constitution.

What does critical race theory look like in practice? Last year, I authored a series of reports focused on critical race theory in the federal government. The FBI was holding workshops on intersectionality theory. The Department of Homeland Security was telling white employees that they were committing "microinequities" and had been "socialized into oppressor roles." The Treasury Department held a training session telling staff members that "virtually all white people contribute to racism" and that they must convert "everyone in the federal government" to the ideology of "antiracism." And the Sandia National Laboratories, which designs America's nuclear arsenal, sent white male executives to a three-day reeducation camp, where they were told that "white male culture" was analogous to the "KKK," "white supremacists," and "mass killings." The executives were then forced to renounce their "white male privilege" and to write letters of apology to fictitious women and people of color.

This year, I produced another series of reports focused on critical race theory in education. In Cupertino, California, an elementary school forced first-graders to deconstruct their racial and sexual identities and rank themselves according to their "power and privilege." In Springfield, Missouri, a middle school forced teachers to locate themselves on an "oppression matrix," based on the idea that straight, white, English-speaking, Christian males are members of the oppressor class and must atone for their privilege and "covert white supremacy." In Philadelphia, an elementary school forced fifth-graders to celebrate "Black communism" and simulate a Black Power rally to free 1960s radical Angela Davis from prison, where she had once been held on charges of murder. And in Seattle, the school district told white teachers that they are guilty of "spirit murder" against black children and must "bankrupt [their] privilege in acknowledgement of [their] thieved inheritance."

I'm just one investigative journalist, but I've developed a database of more than 1,000 of these stories. When I say that critical race theory is becoming the operating ideology of our public institutions, I am not exaggerating—from the universities to bureaucracies to K-12 school systems, critical race theory has permeated the collective intelligence and decision-making process of American government, with no sign of slowing down.

This is a revolutionary change. When originally established, these government institutions were presented as neutral, technocratic, and oriented toward broadly held perceptions of the public good. Today, under the increasing sway of critical race theory and related ideologies, they are being turned against the American people. This isn't limited to the permanent bureaucracy in Washington, D.C., but is true as well of institutions in the states—even red states. It is spreading to county public health departments, small midwestern school districts, and more. This ideology will not stop until it has devoured all of our institutions.

So far, attempts to halt the encroachment of critical race theory have been ineffective. There are a number of reasons for this.

First, too many Americans have developed an acute fear of speaking up about social and political issues, especially those involving race. According to a recent Gallup poll, 77 percent of conservatives are afraid to share their political beliefs publicly. Worried about getting mobbed on social media, fired from their jobs, or worse, they remain quiet, largely ceding the public debate to those pushing these anti-American ideologies. Consequently, the institutions themselves become monocultures: dogmatic, suspicious, and hostile to a diversity of opinion. Conservatives in both the federal government and public school systems have told me that their "equity and inclusion" departments serve as political offices, searching for and stamping out any dissent from the official orthodoxy.

Second, critical race theorists have constructed their argument like a mousetrap. Disagreement with their program becomes irrefutable evidence of a dissenter's "white fragility," "unconscious bias," or "internalized white supremacy." I've seen this projection of false consciousness on their opponents play out dozens of times in my reporting. Diversity trainers will make an outrageous claim—such as "all whites are intrinsically oppressors" or "white teachers are guilty of spirit murdering black children"—and then, when confronted with disagreement, adopt a patronizing tone and explain that participants who feel "defensiveness" or "anger" are reacting out of guilt and shame. Dissenters are instructed to remain silent, "lean into the discomfort," and accept their "complicity in white supremacy."

Third, Americans across the political spectrum have failed to separate the premise of critical race theory from its conclusion. Its premise—that American history includes slavery and other injustices, and that we should examine and learn from that history—is undeniable. But its revolutionary conclusion—that America was founded on and defined by racism and that our founding principles, our Constitution, and our way of life should be overthrown—does not rightly, much less necessarily, follow.

Fourth and finally, the writers and activists who have had the courage to speak out against critical race theory have tended to address it on the theoretical level, pointing out the theory's

logical contradictions and dishonest account of history. These criticisms are worthy and good, but they move the debate into the academic realm—friendly terrain for proponents of critical race theory. They fail to force defenders of this revolutionary ideology to defend the practical consequences of their ideas in the realm of politics.
No longer simply an academic matter, critical race theory has become a tool of political power. To borrow a phrase from the Marxist theoretician Antonio Gramsci, it is fast achieving cultural hegemony in America's public institutions. It is driving the vast machinery of the state and society. If we want to succeed in opposing it, we must address it politically at every level.

Critical race theorists must be confronted with and forced to speak to the facts. Do they support public schools separating first-graders into groups of "oppressors" and "oppressed"? Do they support mandatory curricula teaching that "all white people play a part in perpetuating systemic racism"? Do they support public schools instructing white parents to become "white traitors" and advocate for "white abolition"? Do they want those who work in government to be required to undergo this kind of reeducation? How about managers and workers in corporate America?

How about the men and women in our military? How about every one of us?
There are three parts to a successful strategy to defeat the forces of critical race theory: governmental action, grassroots mobilization, and an appeal to principle.
We already see examples of governmental action. Last year, one of my reports led President Trump to issue an executive order banning critical race theory–based training programs in the federal government. President Biden rescinded this order on his first day in office, but it provides a model for governors and municipal leaders to follow.

This year, several state legislatures have introduced bills to achieve the same goal: preventing public institutions from conducting programs that stereotype, scapegoat, or demean people on the basis of race. And I have organized a coalition of attorneys to file lawsuits against schools and government agencies that impose critical race theory–based programs on grounds of the First Amendment (which protects citizens from compelled speech), the Fourteenth Amendment (which provides equal protection under the law), and the Civil Rights Act of 1964 (which prohibits public institutions from discriminating on the basis of race).

On the grassroots level, a multiracial and bipartisan coalition is emerging to fight critical race theory. Parents are mobilizing against racially divisive curricula in public schools and employees are increasingly speaking out against Orwellian reeducation in the workplace. When they see what is happening, Americans are naturally outraged that critical race theory promotes three ideas—race essentialism, collective guilt, and neo-segregation—that violate the basic principles of equality and justice. Anecdotally, many Chinese-Americans have told me that, having survived the Cultural Revolution in their former country, they refuse to let the same thing happen here.

In terms of principles, we need to employ our own moral language rather than allow ourselves to be confined by the categories of critical race theory. For example, we often find ourselves debating "diversity." Diversity as most of us understand it is generally good, all things being equal, but it is of secondary value. We should be talking about and aiming at *excellence*, a

common standard that challenges people of all backgrounds to achieve their potential. On the scale of desirable ends, excellence beats diversity every time.

Similarly, in addition to pointing out the dishonesty of the historical narrative on which critical race theory is predicated, we must promote the true story of America—a story that is honest about injustices in American history, but that places them in the context of our nation's high ideals and the progress we have made toward realizing them. Genuine American history is rich with stories of achievements and sacrifices that will move the hearts of Americans, in stark contrast to the grim and pessimistic narrative pressed by critical race theorists.

Above all, we must have courage, the fundamental virtue required in our time: courage to stand and speak the truth, courage to withstand epithets, courage to face the mob, and courage to shrug off the scorn of elites. When enough of us overcome the fear that currently prevents so many from speaking out, the hold of critical race theory will begin to slip. And courage begets courage. It's easy to stop a lone dissenter; it's much harder to stop 10, 20, 100, 1,000, 1 million, or more who stand up together for the principles of America. Truth and justice are on our side. If we can muster the courage, we will win.

Christopher F. Rufo** is a **senior fellow at the Manhattan Institute** and a contributing editor of* **City Journal.** ***This article, adapted from a lecture delivered at Hillsdale College, is reprinted with permission from Imprimis, a publication of Hillsdale. CITY JOURNAL APRIL22, 2021.

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