



WEEKLY UPDATE
MAY 23 - 29, 2021

COLAB
San Luis Obispo County



DINNER & FUNDRAISER

12th Anniversary

SAVE THE DATE!

Thursday September 9th, 2021

Alex Madonna Expo Center

more details coming soon...

***We're Back
& We Will always Be Here!***

COLAB San Luis Obispo County
805-548-0340 colabslo@gmail.com



SEE PAGE 21 VIDEO

THIS WEEK

NO BOS MEETING

**PENSION RATES TO INCREASE
UNFUNDED LIABILITY RISES**

**APCD TO REVISE DUST MEASUREMENT BOUNDARIES
DOWNWIND FROM OCEANO DUNES**

**PLANNING COMMISSION
REVISED SUBDIVISION IN PRICE CANYON
CANNABIS DISPENSARY IN NIPOMO**

OTHER ISSUES

COVID UPDATE

**YOUR GREAT GREAT GRANDMOTHER WAS NOT A
RACIST COLONIAL EXPLOITER**

LAST WEEK

**IWMA PULLOUT STUDY APPROVED
4/5 VOTE REQUIREMENT DEBUNKED**

**COVID UPDATE DATA LACKING
REASON OBSCURE - SOMETHING TO DO WITH THE STATE**

**3RD QUARTER FINANCIAL REPORT
TONS OF DETAIL BUT IT'S HARD TO KNOW HOW WE ARE DOING**

**PROPOSED FY 2021-22 BUDGET SUBMITTED
HEARING IS ON JUNE 14TH - MORE DETAILS COMING SOON**

**BOARD MAJORITY OPPOSES VACCINATION PASSPORTS
OTHERS WANT YOU CHIPPED LIKE A DOG OR CAT**

COLAB IN DEPTH

SEE PAGE 19

**HOW COVID PUT AN END TO YOUR RIGHT TO
DUE PROCESS
BY DAREN WILESEY**

THIS WEEK'S HIGHLIGHTS

No Board of Supervisors on Monday, Tuesday, May 25, 2021 (Not Scheduled)

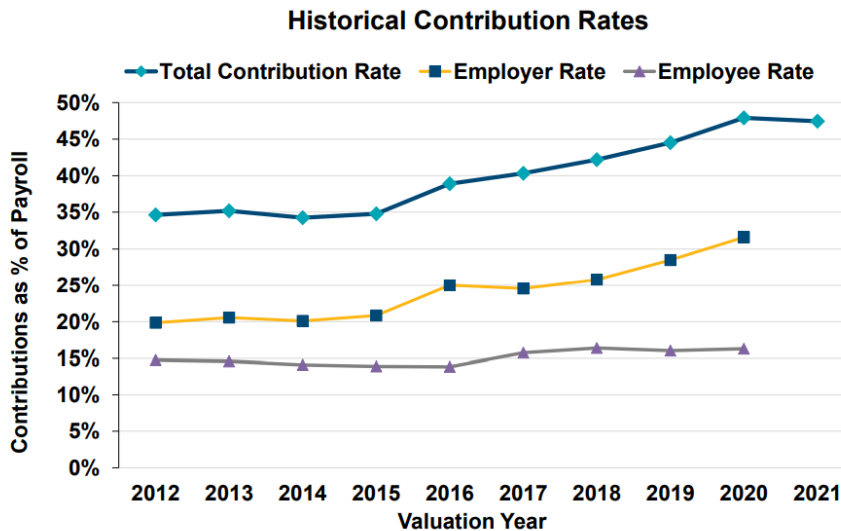
The next meeting is scheduled for Tuesday, June 8, 2021.

San Luis Obispo County Pension Trust Board of Monday, May 24, 2021 (Scheduled)

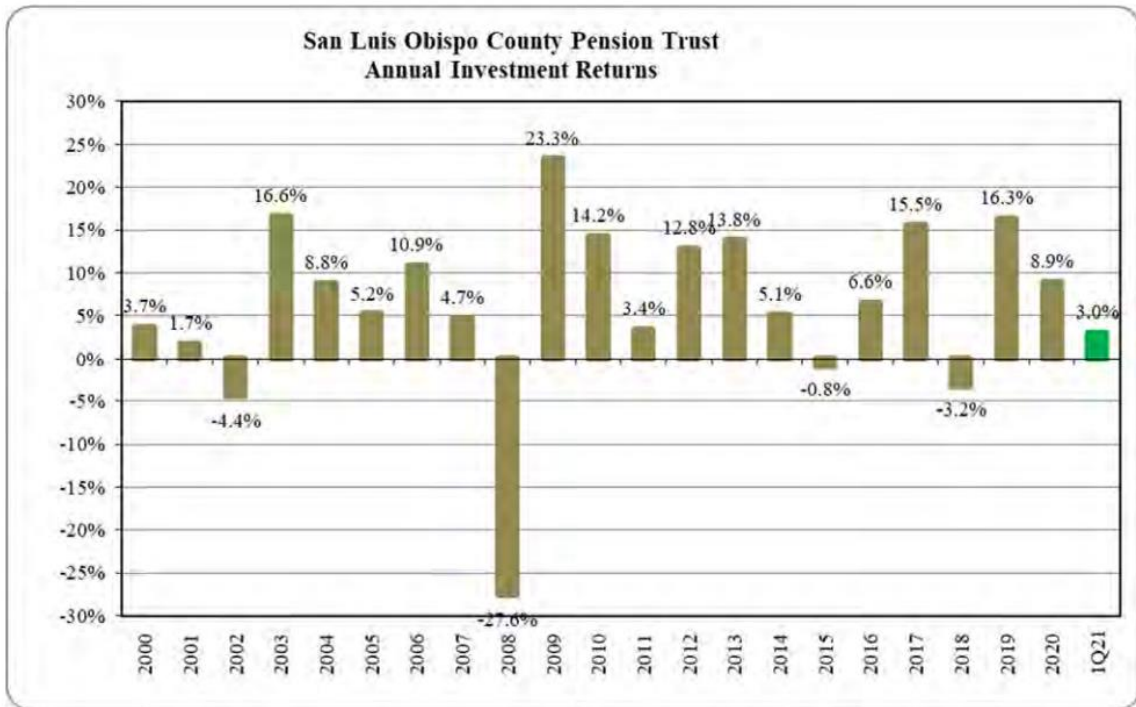
Item 11 - Actuarial Valuation – 2021 Actuarial Assumptions Approval. The quasi-independent Pension Trust Board will consider the rates that it will charge the County and the employees for FY 2021-22. It will also consider the assumption rate (the estimated return on investments) for FY 2021-22. These decisions are properly not under the jurisdiction of the Board of Supervisors. The Supervisors set the salaries and pension benefit levels through labor negotiations with the County’s 11 employee unions. The employee unions provide campaign contributions and election assistance to some Supervisors, which in turn can influence the level of pay and benefits that are negotiated. The general public is pretty much out of the loop and oblivious to the closed system cycle, which endlessly ratchets up costs. SLO County, to its credit, has attempted to limit salary increases (so called cost of living adjustments) to about 2.5% per year.

The Pension Board then independently determines the costs over the long term and sets rates to attempt to cover them. Factors such as raises, employee average years of service, age of retirement, length of retirees’ lives, lengths of surviving spouses’ lives, return on investment, and the retirement plan benefits are all analyzed in a study called an actuarial evaluation. The Board also analyzes past and projected long-term investment return along with all the other data to set the rates.

The rates are important because the portion assigned to the County (the taxpayers) impacts the budget by driving out service funding. The costs assigned to the employees impact the Budget because they put pressure on labor negotiations for bigger raises. As noted in the table below, the employees carry about 15% of the cost while the County covers about 35%. The overall rate is around 45%. Thus for every dollar of salary expended, the County (the taxpayer) puts in 35 cents.



In good stock market years the system makes money, which helps defray the costs and stabilize the rates. In poor years the system loses money, which must be made up by the County.

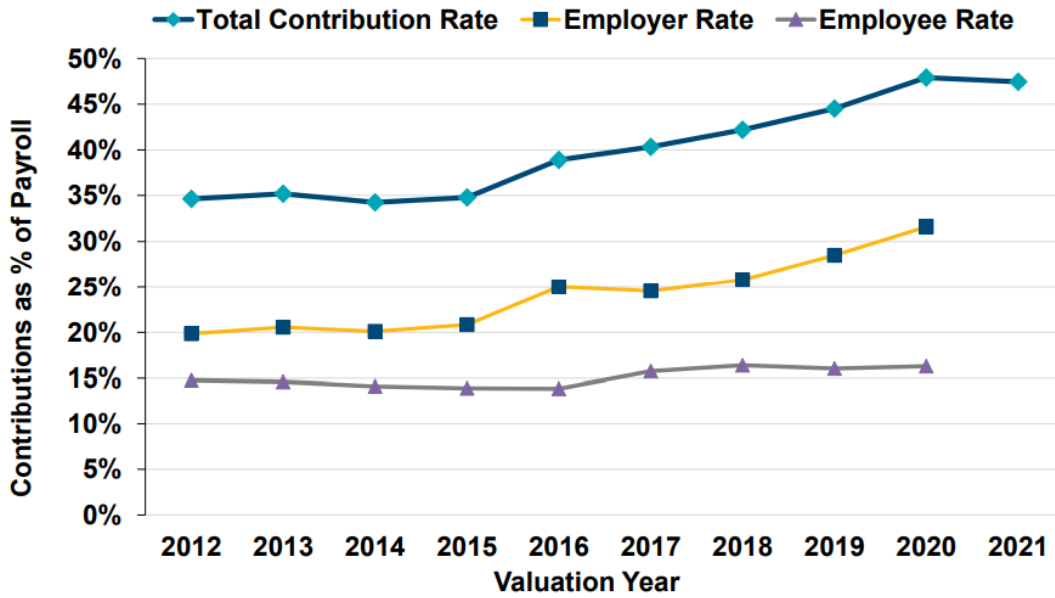


Notwithstanding the strong investment market, the unfunded liability increased.

Change in Unfunded Actuarial Liability (in thousands)	
Unfunded Actuarial Liability, January 1, 2020	\$ 753,309
Actuarial transition	\$ 2,802
Expected change in Unfunded Actuarial Liability	(5,370)
Unfunded decrease due to actuarial asset gain ¹	(5,684)
Unfunded increase due to liability loss	<u>26,101</u>
Total change	\$ 17,849
Unfunded Actuarial Liability, January 1, 2021	\$ 771,158

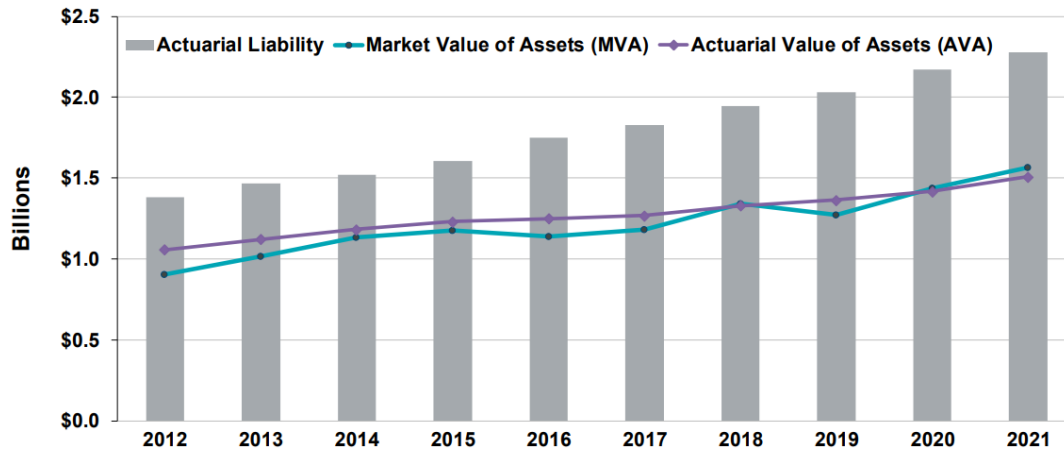
¹ Includes net loss due to contribution-timing lag.

Historical Contribution Rates



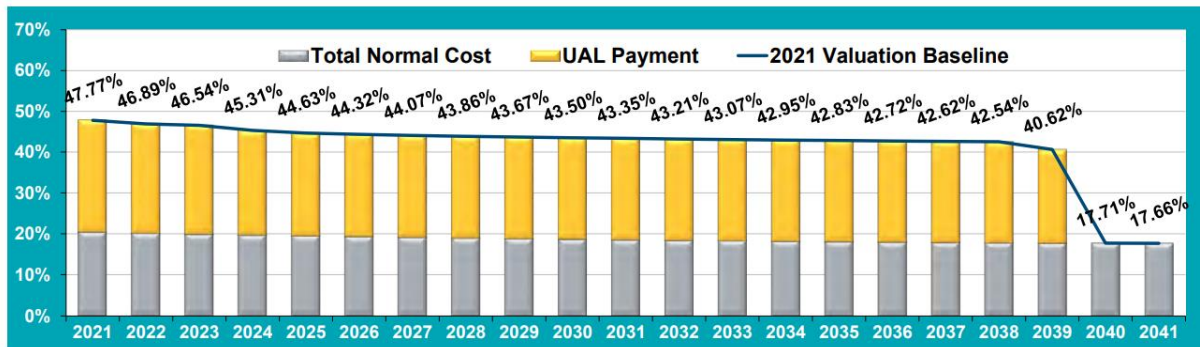
As the unfunded liability increases, the County has to divert funding from the service budget to the Pension Fund.

Assets and Liabilities



Funded Ratio (AVA)	76.7%	76.4%	77.9%	76.7%	71.4%	69.4%	68.3%	67.1%	65.3%	66.1%
UAL (Billions)	\$ 0.32	\$ 0.35	\$ 0.34	\$ 0.37	\$ 0.50	\$ 0.56	\$ 0.62	\$ 0.67	\$ 0.75	\$ 0.77

- Increase in funded ratio from 65.3% in 2020 to 66.1% in 2021 was primarily due to asset gains
- Actuarial liability growth has outpaced asset growth, leading to a decreased funded ratio from 76.7% in 2012 to 66.1% in 2021
- Large decrease in 2016 funded ratio was due to changes in actuarial assumptions and asset losses; Recent assumption changes in 2020 also decreased the funded ratio



The plan for payoff of the unfunded liability is shown in yellow. This is based on an average interest assumption rate 6.85%, year in and year out for the next 20 years. The Actuaries recommend that a lower, more conservative rate be adopted, such as 6.75% or 6.50%. Adoption of a lower assumed rate could push the annual contribution rate to 50% of payroll or more, depending on the performance of the financial markets.

Item 14 - Monthly Investment Report for April 2021. The system is benefiting from the strong stock market performance. It has largely wiped out the huge losses from the March 2020 COVID setback. The problem is that 4% is well below the current assumption rate of 6.85%.

	April	Year to Date 2021	2020	2019	2018	2017	2016
Total Trust Investments (\$ millions)	\$1,630		\$1,552 year end	\$1,446 year end	\$1,285 year end	\$1,351 year end	\$1,196 year end
Total Fund Return	2.4% Gross	5.6% Gross	8.9 % Gross	16.3 % Gross	-3.2 % Gross	15.5 % Gross	6.6 % Gross
Policy Index Return (r)	2.1%	4.4%	10.0 %	16.4 %	-3.2 %	13.4 %	7.7 %

San Luis Obispo Air Pollution Control District (APCD) Meeting of Wednesday, May 26, 2021 (Scheduled)

In General: Most of the meeting is devoted to housekeeping matters, such as financial reports and extending the Air Pollution Control Officer’s contract. There are no major budgetary changes.

Item B-4 - Monitoring Forecast Map Revisions. The District Board will receive a technical report which changes some of the boundaries of how they classify the severity of the dust in certain monitoring areas that experience Oceano Dunes dust. The changes seem to remove some small areas from the most severe zones. It is not clear how the new data boundaries will impact policy in the

future. Of course, the whole issue may be moot if the Coastal Commission is successful in shutting down the off-road riding and camping.



Figure 4: Nipomo Mesa Monitoring Locations in the South County Community Monitoring Project. Reproduced from Figure 6 in Reference 2

Planning Commission Meeting of Thursday, May 27, 2021 (Scheduled)

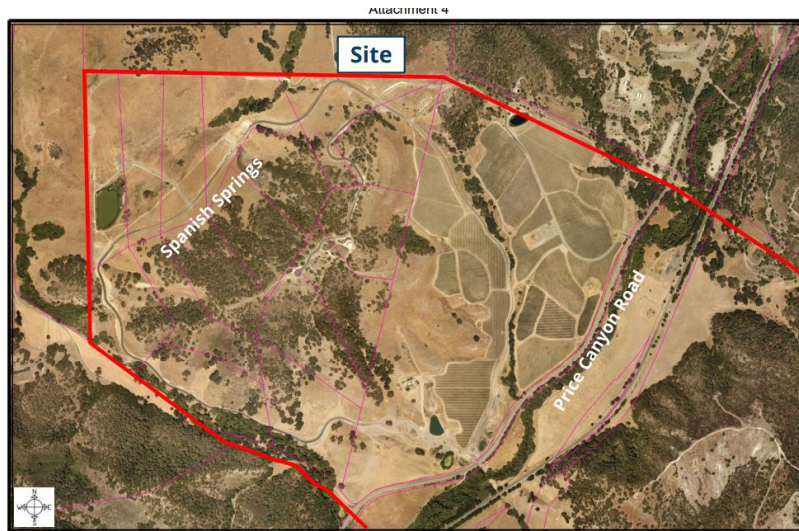
Item 4 - Hearing to consider a request by VRE Spanish Springs, LLC to amend the conditions of approval and the additional map sheet for Tract 2388, a 17-parcel subdivision that includes 16 residential parcels, one agricultural parcel, and one remainder parcel. The subdivision is located on the east and west side of Price Canyon Road approximately 0.5 mile north Of the City of Pismo Beach. The Commission will consider revisions to previously approved subdivision off Price Canyon Road. The write-up summarizes the request as follows:

The applicant, VRE Spanish Springs, LLC is requesting an amendment to the conditions of approval and the additional map sheet for Tract 2388, a 17-parcel subdivision that includes 16 residential parcels, one agricultural parcel, and one remainder parcel. The amendments and clarifications include:

- 1) Reducing the 300-foot agricultural buffer on parcels 6, 12, 13, 14, 15, and 16 to 200 feet to create a uniform Residential Building Exclusion Areas along the northern and western property line,*
- 2) Prohibit the planting of vineyards within 200 foot Residential Building Exclusion Areas on the additional map sheet,*
- 3) Clarifying that all residential structures within the subdivision will maintain a minimum 300-foot buffer from vineyards within the subdivision, and*
- 4) Amending the additional map sheet to show the adjusted lot lines between Lots 6 and 12*

consistent with the Lot Line Adjustment that was approved and recorded in 2017.

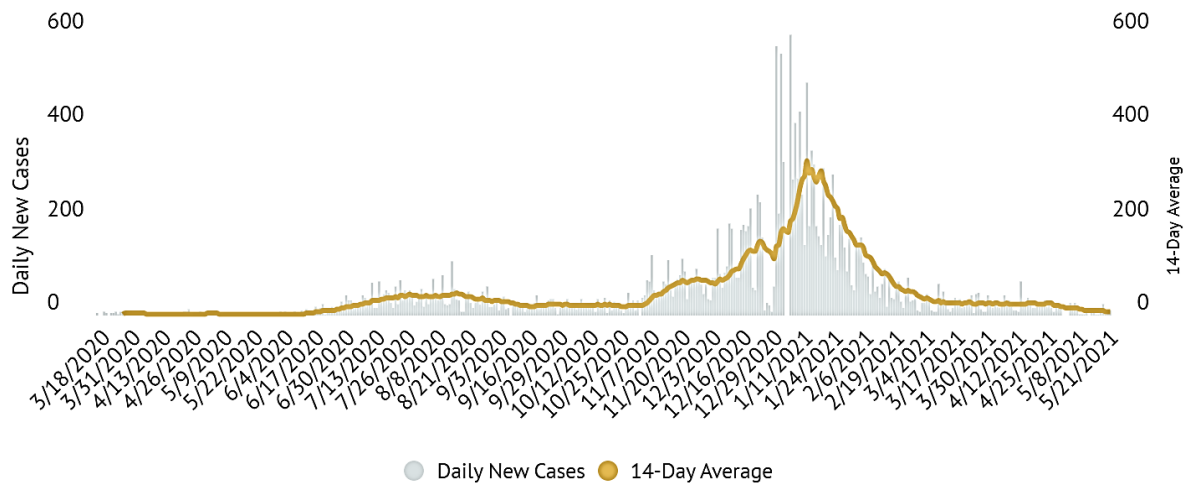
There is no recorded opposition in the agenda materials.



OTHER ISSUES

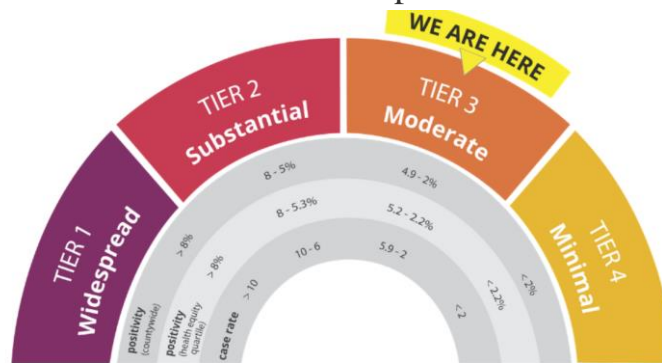
Item 1 - COVID Status: The number of new cases and hospitalizations remains low. There is national and local confusion about mask requirements. The issue of governments requiring vaccination passports remains unresolved and controversial.

Daily New Cases (and 14-Day Average)



5 (0 ICU)**

SLO County Residents with COVID-19 in Hospital



Item 2 - SLO Leftist Media Outlets Yowl About Conservative Organizing. Recent citizen testimony at the Board of Supervisors and the Integrated Waste Management Authority has sparked considerable complaint by the SLO Tribune Editorial Board, Tribune guest columnist Tom Fulks, the New Times Shredder, and even CNN. Related votes by the Board's moderately conservative majority have received heavy criticism. Similarly, COLAB's Mike Brown has been called out in a Tribune editorial which ended up amplifying his article on Federal secrecy about plans for using Camp Roberts as a refugee center.

Positively, this is testimony to the effectiveness of community organizing by various conservative groups in the County which realize that they must fight back against the enviro-socialist hegemony at the local level if they are ever to recover our society and heritage at the state and national levels.

County and north county cities withdrawal from the IWMA and questions about the November ballot harvesting; no required voter ID; same day registration and voting; and anomalies in election demographics, voter data, and registration data have been the pretexts for the left's swift and vigorous retorts. They clearly fear being on the receiving end of their own multi-decade medicine.

As one of their hollowed saints, Saul Alinsky taught them in the manual Rules For Radicals:

The disruption of the present organization is the first step toward community organization. Present arrangements must be disorganized if they are to be displaced by new patterns.... All change means disorganization of the old and organization of the new.

The national government, the State of California, and many local entities have adopted policies such as elimination of the southern border/sanctuary cities, massive debt issuance, interminable lockdowns, children being held hostage by teacher unions unless huge economic demands are met, mandated critical race theory brainwashing of children, rationing of land and water, socialization of energy, global warming propaganda, stack-and-pack housing, weakening of law enforcement and justice, social equity doctrine, relentless tax and fee increases, historical revisionism, and outright racist hostility toward descendants of European immigrants to North America.

The left will now reap what it has sown over the past 50 decades.

Keep organizing, protesting, disrupting, and running for office. In the end the so-called progressive left can be defeated and brought to accountability. All it requires is constant commitment and

pressure. Our European forbear pioneers bequeathed us the most successful, safe, free, prosperous, and beautiful civilization in the history of humankind.



They were not racists in 1620 and their descendants demanded the end of slavery and then fought and died by the hundreds of thousands to end it.





They made the free heartland from Ohio to California. Your Celtic great great grandmother was not a colonialist exploiter. She herself may have fled famine, religious discrimination, and ethnic oppression. Her ancestors bred oxen for 1000's of years to survive. Do the descendants of the Romans, Goths, Anglo-Saxons, Vikings, Franks, and Normans owe you reparations for their conquests and feudalization of the British Isles, France, Low Countries, Spain and Portugal? If so, should the Federal Government compensate you on their behalf?

LAST WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, May 18, 2021 (Completed)

Item 3 - Request to approve a sole source contract with MSW Consultants, in an amount not to exceed \$32,050 to perform a cost-benefit analysis of the County's participation in the San Luis Obispo County Integrated Waste Management Authority; and provide staff direction to confirm the scope and schedule for considering withdrawal; and authorize a budget adjustment in the amount of \$32,050 from General Fund Contingencies to increase appropriation in Fund Center 104 – Administrative Office, by 4/5 vote. The study was approved on a 5/0 vote. Gibson and Ortiz-Legg had opposed having a vote in the first place. They then voted for the study because they believe it will show that the County assumption of the function to be more expensive than continuing with the IWMA.

The staff report stated that the Board would have to approve the matter on a 4/5ths vote. After COLAB exposed the error, the contract was approved by 3 votes. As we pointed out, the 4/5 vote was not necessary. The Administrative Office (Fund Center 104) is forecasting a \$152,000 surplus on June 20, 2021, per the 3rd Quarter Financial Report. This might have been a blocking tactic, as it was certain that Supervisor Gibson and Supervisor Ortiz-Legg will vote against the study. Reportedly, staff said it was a mistake.

Supervisor Gibson condemned the study as an appeal to certain interests and an illusion. He predicted that having County Public works takeover would cost far more than the IWMA.

Background: Per Board direction, the staff has returned with a request to fund a feasibility study of the County withdrawing from the Integrated Waste Management District (IWMA). If found to be operationally and financially advantageous, the Board could have the County Public Works Department run source reduction and recycling programs. It is possible that some of the cities would contract with the County for the services.

The study will examine the following issues:

Criteria necessary to be reviewed so your Board can make an informed decision, include, but is not limited to:

1. *What County Departments, in addition to Public Works, will be impacted?*
2. *What programs must be created to achieve compliance with Senate Bill 1383 requirements?*
3. *How many permanent employees will be necessary?*
4. *What work efforts could be accomplished by consultants or waste haulers?*
5. *Will withdrawal result in a cost savings or cost increase to the County?*
6. *How does the County end the JPA and other contractual agreements?*
7. *How will the County negotiate cessation of tipping fees paid under the MOU with the cities?*
8. *What assets are retained by the JPA?*
9. *What assets may be transferred to the County?*
10. *How is risk (fines/liability) exposure changed?*

Item 26 - COVID Update. The Health Director updated the Board and confirmed that trends continue in the right direction. Apparently the Board will return to live in person public meetings at some point in June.

Item 28 - Third Quarter FY 2020-21 Financial Report. Although the report provided no overall forecast, it appears that the County will end its fiscal year in the black. The document contains many pages of anecdotal written detail covering those departments which are experiencing higher than projected expenditures and/or lower than projected revenues. At one point the document reports a \$20 charitable contribution to the \$128 million Social Services Department. The Board actually had to vote to accept the twenty bucks.

Meanwhile, there was no projection for how the overall County budget will end the current fiscal year on June 30th. Is there any real problem, and if so, how will it be addressed? Likewise, what will be the impact on next year's budget? What is the big picture?

There is a substantial section on County debt.

Click on the link to access last week's Update to see all the details:

[Weekly Update May-16_May-22_2021.pdf \(colabslo.org\)](#)

Item 30 - Submittal of the Proposed FY 2021-22 County Budget. The County Administrator presented a \$693.3 million Proposed Budget for next year, which contains an overall \$13.9 million increase. By way of perspective, the Budget has increased from \$594.0 million in 2018-19 to a recommended \$693.3 million this year, a \$99.3 million increase in 4 years, which is an average of about \$25 million per year.

The Board listened to the presentation, had very few questions, and gave no policy direction.

Troublingly, over the past 11 years, the Board has given the Budget very cursory attention. For many years, the entire proposal was reviewed in one morning before lunch. Last year the review continued into the afternoon, still less than 8 hours of review for nearly 3 quarters of a billion dollars of taxpayer money. There was no indication that the Board will take a more intense and pro-active approach this year. Again, we suggested that beginning next week, the Board should set Budget workshops for several afternoons each week between now and June 14, 2021, which is the first day of formal consideration. This would provide the members an opportunity to examine proposed expenditures in more detail, consider the relevance and actual results of the performance measures, and determine if each program is necessary. No one appeared interested.

Financing Sources and Uses Summary

Description	2018-19 Actual	2019-20 Actual	2020-21 Final	2021-22 Recommended
Financing Sources				
Taxes	209,372,811	220,423,832	221,650,580	233,442,082
Licenses and Permits	12,156,793	11,426,188	12,127,391	12,749,136
Fines, Forfeitures and Penalties	4,480,593	3,843,176	5,262,189	4,568,467
Revenue from Use of Money & Property	7,420,990	7,743,115	4,282,169	2,423,841
Intergovernmental Revenues	265,470,304	297,285,285	288,345,284	298,190,401
Charges for Services	34,571,017	29,802,426	31,854,315	33,882,347
Other Revenues	29,179,373	43,993,139	34,047,773	35,697,608
Fund Balance	0*	0*	44,880,217	35,480,239
Use of Reserves & Designations	0*	0*	11,788,387	11,773,924
Other Financing Sources	31,438,362	36,796,014	25,188,301	25,129,089
Decreases to Fund Balance	0	0	0	0
*cancellation of reserves and designations and use of fund balance included in Other Financial Sources				
Total Financing Sources	594,090,243	651,313,175	679,426,606	693,337,133
Uses of Financing by Function				
Land Based	61,463,537	69,646,020	63,135,685	63,702,075
Public Protection	163,725,205	172,461,145	180,434,461	185,295,334
Health and Human Services	227,934,832	243,627,450	259,865,655	276,038,757
Community Services	21,886,634	23,897,423	22,747,329	23,847,487
Fiscal and Administrative	26,190,133	29,174,207	27,835,955	28,855,075
Support to County Departments	31,891,586	32,471,236	36,654,631	36,695,268
Financing	31,011,020	32,665,435	21,567,214	23,022,914
Capital and Maintenance	12,954,994	14,105,305	10,285,084	11,853,987
Contingencies	0	0	28,035,891	28,723,663
Reserves & Designations	0	0	28,864,701	15,302,572
Increases (Decreases) to Fund Balance	17,032,302	33,264,954	0	0
Total Financing by Function	594,090,243	651,313,175	679,426,606	693,337,133
Uses of Financing by Type				
Salary & Benefits	291,782,613	307,285,080	321,304,541	342,825,761
Services & Supplies	186,045,716	201,164,873	216,897,950	219,499,571
Other Charges	101,469,538	109,704,017	101,199,956	102,996,506
Fixed Assets	24,689,409	31,680,223	18,475,845	21,251,283
Transfers	(26,929,335)	(31,785,971)	(35,352,278)	(37,262,222)
Increases to Reserves/Designations	0*	0*	28,864,701	15,302,572
Increases/(decreases) to Fund Balance	17,032,302	33,264,954	0	0
Contingencies	0*	0*	28,035,891	28,723,663
*use of reserves and designations and contingencies are included in individual financing types				
Total Financing by Type	594,090,243	651,313,175	679,426,606	693,337,133

Apparently, the County is controlling the \$91 million out of a designation instead of a separate accounting fund, which would be the better practice. We still have no idea how much has been expended, how much is remaining, how it is being spent this year, and how it is being plugged into next year's budget.

Again and once the funding dries up, are there any cliffs expected in future years? As we are seeing, there is so much loose cash being injected into the economy that inflation is beginning to accelerate. This, in combination with green energy policies and the suppression of gas and oil production, is ratcheting up food prices, construction material prices, and energy prices, as well as putting pressure on the Fed to raise interest rates. Meanwhile, there are such lush unemployment benefits, along with rent deferment payments and stay-at-home benefits, that there is a problem getting people in the lower service sector to come back to work.

Bigger Picture: At some point these accumulative impacts will drive up inflation and interest rates, and along with the vastly proposed tax increase, will bring on stagflation. At that point, the interest rate payments on the \$30 trillion of national debt will savage the Federal Budget, which will drive out expenditures for actual service programs and defense just at the time that the Chinese, Iranians, North Koreans, and Russians are becoming ever more well-armed and bellicose.

Meanwhile the County, other local governments, and the blue states are happily wallowing in the trillions of slush dollars, oblivious of the fact that the piper will have to be paid sooner or later. Shouldn't the County be spending these dollars on one-time expenditures to the greatest extent possible?

We will provide more commentary on the Budget as the June 14th Board review date approaches.

Item 38 - Request for approval of a letter of support for AB 327 (Kiley) and amend the County's 2021 Legislative Platform pertaining to COVID vaccination status. The Board approved the amendment to its Legislative program on a 3/2 vote, with Gibson and Ortiz-Legg dissenting. There were many speakers in support of the action. Gibson indicated that the issue was a waste of time and a political ploy from the Board majority to constituents.

Relatedly, the leftist media in the County continues to chastise the Board majority for even considering the matter, not to mention its vote. Also, the SLO Tribune has raised the specter of limiting public comments as a result of the protracted public comment during the last meeting, where hundreds chimed in to oppose vaccine passports.

It was OK with the Fib Trib and the SLO Bad Times to have 3 days of public comment opposing parking more tank cars at Phillips 66 several years ago. Many of those hundreds of speakers were not even SLO County residents, but were professional activists from LA and Bay Area.

It is time to learn a lesson from this. Conservative forces should rally and generate hundreds of speakers when necessary to oppose the insidious projects of the progressive left socialists.

Vaccine passports would be a dangerous infringement on personal liberty, and proposed electronic versions could be used to track private citizens. Governments might as well put electronic bracelets

on every one or chip us like dogs. Later other data could be added, such as race, sexual preference, voter record, memberships, and if we have passed mandatory racial and wokeness training. Ultimately our physical location could be monitored. Of course anyone with a smart phone can be tracked now.

The excellent article displayed below by Sacramento Investigative Reporter Katy Grimes illuminates the issue further:

A Lawmaker Disparaged for Legislation to Prohibit State from Creating Vaccine Passport

May 13, 2021 By Katy Grimes



Photo by Daniel Schludi on Unsplash

Assemblyman Kevin Kiley has come under fire recently for his proposed legislation prohibiting the state from creating a government-sanctioned “vaccine passport,” among other resolute acts befitting his office.

A recent Sacramento Bee op ed by opinion assistant Hannah Holzer claims: “Kiley’s legislation to ban vaccine passports, Assembly Bill 327, is a mostly meaningless stunt. Gov. Gavin Newsom has not announced any plans for a statewide COVID vaccination documentation policy and the White House has said there will be no federal requirement that Americans carry proof of vaccination.”

Is she arguing Kiley’s position? She says the governor isn’t going to issue a vaccine passport anyway, despite the governor clearly taking steps to impose a passport system barely a week after saying he wouldn’t, as Kiley noted. But Kiley said no one should be forced to surrender personal health information simply to go about daily activities.

Kiley also noted the important bipartisan support for his bill, including the American Civil Liberties Union, which recently warned against “a checkpoint society that outlasts the danger of COVID and that casually excludes people without credentials from facilities where vaccine mandates are not highly justified.”

This position should have guaranteed committee hearings on AB 327, but hearings won’t likely happen.

Kiley told the Globe that [AB 327](#) was supposed to have been heard by the Privacy Committee, but legislative leaders suddenly transferred it to the Health Committee, whose Chairman refused to hear it and announced the bill wouldn't get a hearing or a vote. This means the Legislature was unwilling to debate the issue – even with ACLU opposition to vaccine passports.

The University of California and California State University systems already announced they will require proof of COVID vaccines before any student will be allowed on campus. This sounds like a vaccine passport. UC and CSU are state government systems. Will other state agencies also require vaccine passports of employees to be admitted into their offices? Where does this end with state government agencies imposing “a checkpoint society that outlasts the danger of COVID and that casually excludes people without credentials from facilities where vaccine mandates are not highly justified,” as the American Civil Liberties Union warned against?

The issue of vaccine passports is so important, Kiley garnered bipartisan support across ideological lines for his legislation. But legislators punted it, as they have for over a year now on many important policy issues, yielding policy and lawmaking to Gov. Newsom while he still operates under state emergency powers due to “COVID.”

Which brings us to the next issue in the Bee op ed: Kiley's lawsuit, together with Assemblyman James Gallagher, to determine whether the governor has the emergency authority to make law without legislative authority, by using his emergency powers during the COVID shutdown of the state.

Holzer says the following about their lawsuit in her op ed:

In April, Kiley's overheated tactics got a reality check.

Kiley and Assemblyman James Gallagher sued [Newsom](#) on claims that he overstepped his executive power when issuing stay-at-home orders during the pandemic. According to a story by [Bee reporter Lara Korte](#), Kiley and Gallagher “sparred with appeals court judges or talked over them during a contentious oral argument” on April 20.

“Kiley, maybe this is the time for the Legislature to end the emergency if that's what you think has happened and it's gone too far,” said Judge Ronald B. Robie. “That's up to the Legislature. You're part of the Legislature, go do it.”

On Wednesday, the appeals court officially shot down Kiley and Gallagher's lawsuit.

Justice Robie is right – the Legislature has the power to end the emergency and has all along. But the Democratic supermajority and Democratic leadership meekly abdicated their important powers to the governor, disrupting the balance of power.

This was the very intent and objective of Kiley and Gallagher's original lawsuit.

Kiley and Gallagher [sued](#) to stop California Governor Gavin Newsom's “one man rule,” as California Globe has [reported](#) for more than six months. Anyone following the lawsuit knows Kiley and Gallagher say this case needs to be heard by the California Supreme Court.

The Globe has attended court hearings, written numerous articles and talked with Kiley and Gallagher about the case. This is what they wrote in their [return response](#) to the Appeals Court after Gov. Newsom filed an appeal of the State Superior Court decision favoring Kiley and Gallagher:

The die is cast and the Governor Newsom is on the road to Rome. That is the context we find ourselves in with a runaway executive who continues to push the envelope outside his clearly delineated powers. We face a serious emergency in the COVID-19 pandemic, but even during an emergency our form of government does not change. The time for a judicial check on runaway executive power has come. It begins with this case.

As for Holzer's claim that "the appeals court officially shot down Kiley and Gallagher's lawsuit," the Third District Court of Appeals didn't do anything of the sort. Justices Raye, Robie and Renner actually shot down the governor on a majority of his arguments. They even said, "the Emergency Services Act is not a statute of indefinite duration."

However, despite that important point and the others they challenged, they pivoted at the very end and said, "We conclude the Emergency Services Act is not an unconstitutional delegation of power." It's apparent the justices know this case will get appealed.

As for Kiley's book, "Recall Newsom: The Case Against America's Most Corrupt Governor," Holzer apparently only made it to the first page and notes the famous quote Kiley used from historian and writer John Dalberg-Acton: "Power tends to corrupt and absolute power corrupts absolutely." Holzer said, "Kiley should revisit another of Dalberg-Acton's famous quotes: 'Liberty is not the power of doing what we like, but the right of being able to do what we ought.' In this case, Kiley ought to start looking out for the best interests of his constituents." She must not have made it past the quote page to the preface where Kiley writes about how he made numerous attempts, even on the record in the Assembly, to work with newly elected Gov. Newsom, to no avail. The supermajority rules, and currently, Newsom is still enjoying his "one man rule."

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

Local Agency Formation Commission Meeting of Thursday, May 20, 2021 (Completed)

The meeting agenda contained no large policy items and focused on internal housekeeping matters and the esoterica of State Association of LAFCOs' (Support for adjustments to LAFCO governance legislation).

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

HOW COVID PUT AN END TO YOUR RIGHT TO DUE PROCESS BY DAREN WILESEY

Over a year ago, the COVID panic shook the world. We were told it would only be “15 days to flatten the curve” as businesses were locked down, “nonessential” employees were forced out of work (I’ve written about the myth of the nonessential employee [here](#)), masks were mandated, and individuals were not allowed to gather in groups or attend religious services.



In typical fashion, a government-mandated “temporary” usurpation of liberty turned into an indefinite infringement, as shown by the fact that we’re still under COVID orders four hundred days later. Regardless of the length of time, the question remains that few have asked: What authority does the government have to lock us down and force us out of work?

This brings us to the issue of due process, which at minimum requires the right to appear in front of a judge and represent oneself to a jury of his peers before being stripped of essential liberty. Did the thousands of businesses closed and millions put out of work get this opportunity? Of course not. They were unilaterally stripped of their ability to put food on the table and pay their bills without any opportunity to object.

Sick until Proven Healthy

The concept of “quarantine” has been well established in American jurisprudence for well over one hundred years. When an individual is sick, and at risk of infecting others, the individual could be put in quarantine or isolation by a court until they are no longer infectious. Quarantine still requires basic due process. The individual subject to potential quarantine is still entitled to a court proceeding and evidence must be established of the individual’s risk to public health.

The past year has placed the entirety of the United States in de facto quarantine under the perceived threat of spreading COVID. While quarantine is for the sick, most of those subject to the long list of restrictions have been healthy. Not a single person affected has had the opportunity to get in court and object. These blanket measures have denied every single citizen the constitutional right to due process

they supposedly possess. Deemed sick until proven healthy, unfortunately, no one has had the opportunity to even prove their health. Governments have argued that “stay-at-home” orders are not quarantine as a way to end-run the issue. If that is the case, where do they get their authority? Neither the US Constitution nor that of any of the states provides an exception to due process in the case of a pandemic. Many states have relied on ambiguous statutes meant for use in a foreign invasion to justify these actions, but anyone who looks at the scenario objectively can see that there are no “pandemic exceptions” to due process of law. These powers were made up out of thin air, with absolutely no authority to grant itself this power.

Eviction Moratorium

If the lockdowns weren't enough, all but seven states issued moratoriums on evictions or foreclosures, allowing tenants to squat on landlord property rent-free until further notice. It gets worse: landlords are still stuck with fulfilling the basic legal duties of landlord-tenant law, such as the warranty of habitability, even though they are receiving nothing in return. A landlord is not receiving rent for someone staying on his property, and is not allowed to evict a squatter from the land, stuck without the ability to use his property.

The landlord's property is essentially taken as a result of his deprivation, clearly a government “taking.”

In a saner world, this would be regarded as a violation of the property rights ostensibly protected by the Fifth Amendment of the Bill of Rights. The basic idea there is that a property owner must be provided “just compensation” when private property is taken by a government agency. This can be violated in at least two ways. First, the landlord has his property taken and given to someone else without ANY compensation as a result of the moratoriums, flying in the face of the idea of “just compensation.” Second, the landlord is denied the right to a hearing to contest the taking, even though this is typically permitted in an eminent domain case. Certainly, the lack of ability to object to the property taken without a hearing is a violation of due process of law. Where does the authority rest to take property with no compensation and deny a hearing on the matter? As previously stated, there is no “pandemic exception”—another example of government granting itself authority out of thin air.

Compounding these issues are violations of the right to a speedy trial (as mentioned in the Sixth Amendment of the Bill of Rights.) Courts around the country closed during the COVID lockdowns, and since opening up have been left with an incredibly lengthy backlog. Many are still only doing proceedings via video after reopening. Defendants wait months and months in jail, as Ryan McMaken has written about [here](#). The threat to basic due process rights should be obvious.

With states starting to end their eviction moratoriums, many landlords are still not receiving rent for those on their property. While they should be allowed to evict a delinquent tenant, the court backlog makes this impractical. With court proceedings delayed months due to the shutdowns, landlords are stuck with their property occupied by squatters indefinitely. The legal system prohibits a landlord from exercising the right of eviction on his own, requiring the landlord to do so via the courts. The delay on the landlord's ability to use his own property until an indefinite court date, on which the court may still rule against him or grant the tenant a stay for more time, is another way landlords are deprived of due process under the COVID orders.

Conclusion

The essential liberties Americans are told are protected by the Bill of Rights, such as freedom of assembly and religion, the ability to redress government, the right to a speedy trial, and due process of law, whatever they were prior to, have been routinely ignored in response to COVID.

The past year has made it ever more clear that due process and property rights—no matter how explicitly protected in both the federal and in state constitutions—are mere inconveniences to governments imposing their will on residents within their jurisdictions. These arms of the state will always use lawyers and judges to twist the law to achieve the ends they desire, granting the state whatever power is necessary to accomplish a desired goal. This abomination to natural rights shreds apart the fantasy that Americans live under a “limited government” system. Government power is instead limited only by the ambitions of those that occupy it. I’m sure Lysander Spooner would be saying, “I told you so.”

Daren Wiseley has a J.D. from Indiana University. More of his work can be found at choosewiseley.org.



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(Revised 2/2017)