



## WEEKLY UPDATE NOVEMBER 21 - 27, 2021

NOVEMBER 1620



*After long beating at sea they fell with that land which is called Cape Cod; the which being made & certainly known to be it, they were not a little joyful*

*After some deliberation had amongst themselves & with the master of the ship, they tacked about and resolved to stand for the southward (the wind & weather being fair) to find some place about Hudson's river for their habitation. But after they had sailed that course about half the day, they fell amongst dangerous shoals and roaring breakers, and they were so far entangled there with as they conceived themselves in greater danger; & the wind shrinking upon them withall, they resolved to bear up again for the Cape, and thought themselves happy to get out of those dangers before night overtook them, as by God's providence they did. And the next day they got into the Cape harbor where they rode in safety.<sup>1</sup>*

### THIS WEEK

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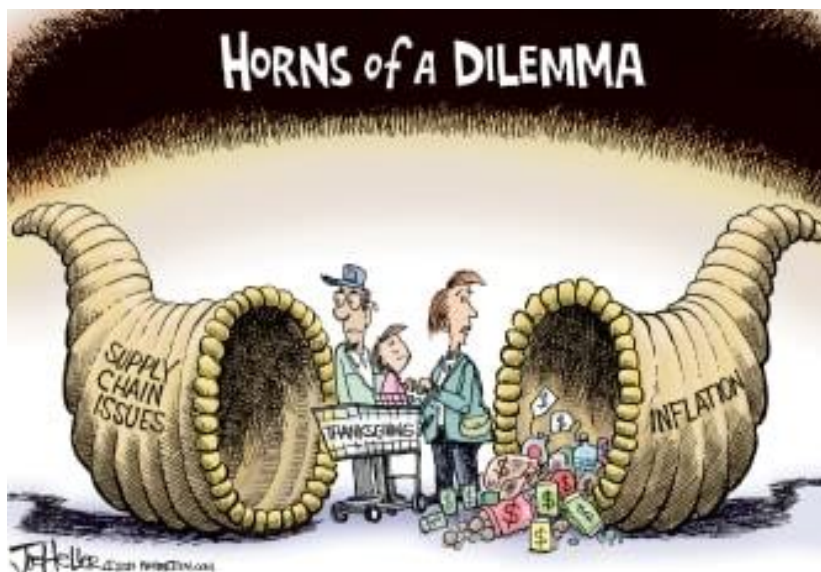
<sup>1</sup> William Bradford, *History of Plymouth Plantation*. An organizer of the exodus of one hundred-odd Pilgrims from England and Holland, and a framer of the social compact signed aboard the Mayflower, Bradford was elected governor of the Plymouth Colony in 1621. Re-elected to the office thirty times before he died in 1657, he kept journals from 1620 to 1647 that form the definitive account of the American pilgrimage.

# **THANKSGIVING WEEK**

## **NO BOS MEETING**

**SPECIAL IWMA MEETING TUESDAY, NOV 23 – 3PM**

## **OTHER AGENCIES DORMANT**



## **LAST WEEK**

### **REGULAR TUESDAY BOS MEETING**

**LOADED WITH FEE INCREASES**

**PROPOSED PLANNING AND DEVELOPMENT PROJECTS FOR MORE REGS**

**BOS MEMBER APPOINTMENTS TO OTHER BOARDS & COMMISSIONS**

**INTRODUCTION OF MAJOR PLANNING & DEVELOPMENT FEE HIKES**

**PUBLIC FACILITY FEE HIKES APPROVED**

**ROAD FEE HIKES APPROVED**

**FY 2022-23 GOALS AND “STRATEGIES” RE-REVISED**

**ADOPTION OF NEW WET GARBAGE RECYCLING ORDINANCE**

**ROAD FEE INCREASES FOR LOS OSOS AREA APPROVED**

**ALL FEES OTHER THAN PLANNING & DEVELOPMENT APPROVED  
MINISTERIAL ACTIONS RELATED TO IWMA DIVORCE**

**SPECIAL REDISTRICTING MEETING PICKS 2 MAPS  
BOARD ADVANCES 2 MAPS ON SPLIT VOTE - SEE PAGE 14**

**SLO PENSION TRUST MEETING ROUTINE**

**COASTAL COMMISSION SEES PROBLEMS WITH  
SLO COUNTY VACATION RENTAL RESTRICTIONS  
PLUS THEY HAD 7 DUNES CLOSURE LAWSUITS ON EXEC SESSION**

**LAFCO MEETING THURSDAY  
BIG PASO ANNEXATION ADVANCES**

## **EMERGENT ISSUES**

**COVID LOW BUT HANGING AROUND**

**APCD MUST PAY \$121,000 IN LAWSUIT LOSS**

## **COLAB IN DEPTH SEE PAGE 23**

**IS THE UNITED STATES IN DECLINE?**

*None of our recent setbacks is irreparable, but it is dismaying that they continue to happen and no one does anything to reverse course. A strong nation can do better.*

***BY JOSEPH F. JOHNSTON, JR.***

**THIS WEEK'S HIGHLIGHTS**  
**ALL MEETINGS ARE 9:00 AM UNLESS OTHERWISE NOTED**

Most of the agencies are not conducting public meetings this week. The IWMA has called a special meeting to ratify the transition agreement between itself and the County. Thanksgiving is on Thursday, November 25<sup>th</sup>. Remember, in the politically correct world, conservatives are to refrain from discussion issues of the day or politics at Thanksgiving affairs.

**No Board of Supervisors Meeting on Tuesday November 23, 2021 (Not Scheduled)**

The next regular Board meeting is scheduled for December 7, 2021.

**Special Integrated Waste Management Authority (IWMA) meeting of Tuesday, November 23, 2021 (Just Scheduled)**

**Item 6 - Memorandum of Understanding (MOA) By And Between The County Of San Luis Obispo And The San Luis Obispo County Integrated Waste Management Authority.** The MOA will allow the IWMA to keep providing certain services to County residents during the transition from the IWMA operation to County operation.

*On October 15, 2021, the IWMA received formal notice of the County's intent to withdraw from the IWMA JPA, effective November 15, 2021. On Thursday, October 28, 2021, IWMA Board President, Legal Counsel, and staff met with County Legal Counsel and staff to discuss the impact of the County's withdrawal and how to best manage this transition of programs for the next six (6) months. The attached MOU was developed to address the scope of services and IWMA reimbursement for:*

- A. School Education and Outreach*
- B. Household Hazardous Waste, Hazardous Waste, Universal Waste, and Electronic Waste*
- C. Retail Take-Back Services*
- D. Curbside Used Motor Oil and Filter Recycling*

**LAST WEEK'S HIGHLIGHTS**

**Board of Supervisors Meeting of Tuesday, November 16, 2021 (Completed)**

**Item 1 - New Planning, Building Inspection, Subdivision, and other permitting fees – Set Hearing for December 14, 2021.** The Board approved setting the Hearing for Tuesday, December 14, 2021, even though we pointed out that the hearing would be the same day as the final hearing on redistricting. Moreover, the issue is not simply a fee increases, but a major consolidation of 950 fees down to 250.

The effect of this item is to set the Board meeting of December 14, 2021, as the hearing date for a revision of the structure and cost of the fees. If adopted, it will result in the addition of new fees and a massive increase in fees.

Redistricting Timeline			
Official Hearings	Required Action(s)	Date	Known/Legal Timelines
Hearing #2	Board Hearing - Consideration of Initial Draft Maps and Provide Staff Direction	October 26, 2021 (Special Evening Meeting)	
	<b>Last day to submit maps/comment for consideration in revised maps for November 19 hearing</b>	<b>November 5, 2021</b>	Allows 1 week for drawing before publication
	Publish revised maps	November 12, 2021	
Hearing #3	Board Hearing - Second consideration of Draft Maps and Provide Staff Direction	November 19, 2021 (Special Meeting)	
	<b>Last day to submit maps/comment for consideration in revised maps for November 30 hearing</b>	<b>November 21, 2021</b>	Allows only three days for finalization of maps
	Publish revised maps	November 24	At least 7 days before final adoption (12/14)
Hearing #4	Final hearing to approve redistricting plan	November 30, 2021 (Special Meeting)	
	Legal Metes and Bounds complete and ordinance drafted	December 3, 2021	72 hours agenda publication deadline
	Introduce County ordinance amendment	December 7, 2021	
Hearing #5	Amend County ordinance to reflect Board approved revised redistricting map	December 14, 2021	1 day before legal deadline
	Effective date of ordinance amendment	January 14, 2022	

**Item 4 - Request to review and determine the appointments of Board members to various committees and commissions.** The Board pretty much re-adopted the current assignments.

Board members serve on boards and commissions, community not-for-profit boards, and professional/lobbying organizations. See last week's Update for the details.

Remember, that by statute they already serve on the Boards of the APCD and SLOCOG. Two are also on the Board of LAFCO. It is far too much. No wonder the staffs have such power.

**Item 21 - Public Facility Fees.** The item was approved unanimously on the consent calendar without discussion or opposition.

**Background:** These fees (really zoning exactions) are collected from the developers of projects on a per unit or per sq. ft. basis. They are designed to help offset the costs of new facilities, which are needed accumulatively, as the resulting population, traffic, service needs, or whatever increase.

**ANNUAL REPORT FOR FY 2020-21  
PUBLIC FACILITY FEES  
For Fiscal Year Ended June 30, 2021**

FACILITY FEE TYPE	BEGINNING BALANCE AS OF 7/1/2020	AMOUNT RECEIVED	INTEREST EARNED	EXPENDED		ENDING BALANCE AS OF 6/30/2021
FIRE FACILITIES	8,571,335	722,622	91,064	-	(1)	9,385,021
GENERAL GOVERNMENT	195,244	345,404	1,276	396,834	(1)	145,090
LAW ENFORCEMENT	2,195,548	158,908	23,211	-	(1)	2,377,667
PARKS	2,607,492	575,784	27,038	473,778		2,736,536
LIBRARY FACILITIES	906,100	207,138	10,174	-		1,123,412
AFFORDABLE HOUSING	-	1,521	-	1,521	(1)	-
CAYUCOS FIRE	-	-	-	-		-
SAN MIGUEL FIRE	-	6,058	-	6,058		-
SANTA MARGARITA FIRE DIS	-	2,868	-	2,868		-
OCEANO FIRE DISTRICT	-	20,528	-	20,528		-
TOTAL	14,475,719	2,040,831	152,763	901,587		15,767,726

2020 PUBLIC FACILITIES FEES					
Fee Category	RESIDENTIAL (per unit)		NON-RESIDENTIAL (per 1000 Sq ')		
	Single Family	Multi-Family	Commercial	Office	Industrial
Parks	\$2,492	\$1,752	-	-	-
Sheriff	\$693	\$482	\$244	\$542	\$174
General Gov't	\$1,038	\$723	\$366	\$812	\$261
Fire	\$2,025	\$1,409	\$714	\$1,584	\$510
Library	\$696	\$499	\$71	\$157	\$51
Admin Fee 2.0%	\$139	\$97	\$28	\$62	\$20
<b>Total Fees</b>	<b>\$7,083</b>	<b>\$4,962</b>	<b>\$1,423</b>	<b>\$3,157</b>	<b>\$1,016</b>
2021 PUBLIC FACILITIES FEES					
Fee Category	RESIDENTIAL (per unit)		NON-RESIDENTIAL (per 1000 Sq ')		
	Single Family	Multi-Family	Commercial	Office	Industrial
Parks	\$2,517	\$1,769	-	-	-
Sheriff	\$705	\$490	\$248	\$551	\$177
General Gov't	\$1,055	\$735	\$372	\$825	\$265
Fire	\$2,059	\$1,432	\$726	\$1,610	\$518
Library	\$708	\$507	\$72	\$160	\$52
Admin Fee 2.0%	\$141	\$99	\$28	\$63	\$20
<b>Total Fees</b>	<b>\$7,185</b>	<b>\$5,032</b>	<b>\$1,446</b>	<b>\$3,209</b>	<b>\$1,032</b>

**Item 23 - Road Fees.** Similarly to the item above, these fees (again really zoning exactions) were approved without comment on the the Consent Calendar.

**Background:** Road fees are assessed against developers of homes, commercial, and other types of development. They are based on the vehicle miles traveled (the peak hour trips) generated by the new project. They are escalated each year based on a formula tied to a regional cost index on road construction.

The County Road Improvement Fee (RIF) Program was initiated in the early 1990's to mitigate traffic impacts caused by new development to the County Road System. To date, these road improvement fee programs have collected over \$60M and helped fund completed projects such as:

- Las Tablas Road Interchange Improvements, Templeton
- Main Street Improvements, Cambria
- Mary Avenue Extension, Nipomo
- San Luis Bay Drive Bridge Replacement, Avila
- Tefft Street Operational Improvements, Nipomo
- Vineyard Drive Interchange, Templeton
- Willow Road Extension and Interchange Project, Nipomo

The road fees accumulated as of June 30, 2021 are displayed in the table below on the next page:



Back in the day – we had roads, gas was 28 cents, and no development exactions.

**Attachment 2 - Fee Summary Table**

Fee Area	Residential (Per pht)	Retail (Per pht)	Other (Per pht)	Advisory Council Review	Account Balance As of 7/1/20	No. of Permits Subject to Road Fees	Fees Received	Interest	Expenses	Account Balance As of 6/30/21	Major Work Effort
Avila	\$ 10,858	\$ 10,858	\$ 10,858	Oct-21	\$ 261,352	5	\$ 474,215	\$ 4,542	\$ 6,879	\$ 733,230	Avila Beach Drive Interchange
North Coast	Area A	\$ 555	\$ 276	\$ 424	Oct-21						N/A
	Area B	\$ 1,045	\$ 276	\$ 424							
	Area C	\$ 1,335	\$ 276	\$ 424							
	Area D	\$ 617	\$ 276	\$ 424							
	Area E	\$ 297	\$ 276	\$ 424							
San Miguel	\$ 6,372	\$ 6,372	\$ 6,372	Oct-21	\$ 950,993	1	\$ 49,803	\$ 10,150	\$ 13,645	\$ 997,301	Major Update Completed
South County	Area 1	\$ 12,657	\$ 3,515	\$ 5,409	Oct-21		\$ 583,651	\$ 10,828	\$ 522,650	\$ 986,319	Tefft Street Interchange
	Area 2	\$ 10,588	\$ 4,783	\$ 7,359							\$ 3,635,465
Templeton	Area A/B	\$ 8,917	\$ 8,917	\$ 8,917	Oct-21		\$ 270,159	\$ 6,280	\$ 263,619	\$ 626,315	Main Street Interchange
	Area C	\$ 8,917	\$ 8,917	\$ 8,917							
State Route 227	Fees Calculated per Individual Projects			n/a	\$ 130,910	6	\$ 45,486	\$ 1,505	\$ 312	\$ 177,589	SR 227 at Los Ranchos Road

\*PHT = peak hour trip

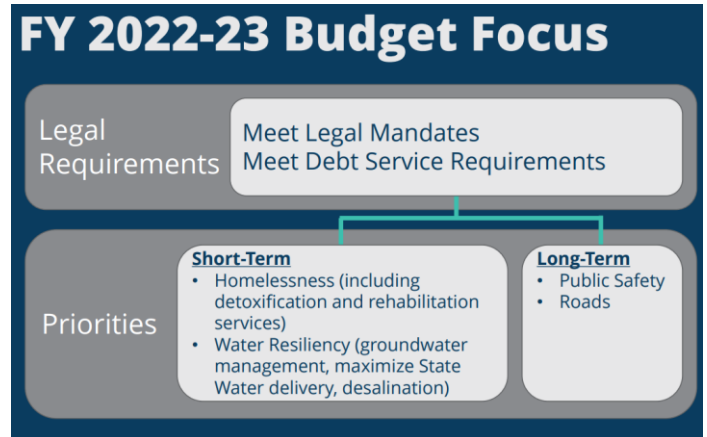
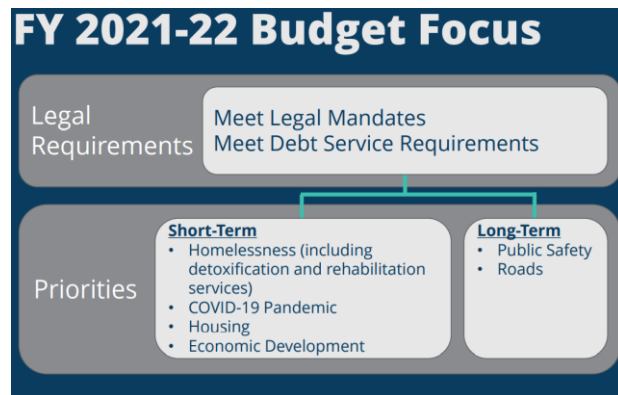
CONSTRUCTION COST INDEX			
Engineering News-Record (ENR)			
Year	Index Value	% increase	3-yr Average
2012	9,291	-	
2013	9,542	2.70%	
2014	9,800	2.70%	
2015	10,039	2.44%	2.61%
2016	10,337	2.97%	2.70%
2017	10,703	3.54%	2.98%
2018	11,069	3.42%	3.31%
2019	11,268	1.80%	2.92%
2020	11,436	1.49%	2.24%
2021	12,112	5.91%	3.07%

*The 3-year average shown is calculated based on the most recent 3-years of indexed construction cost increases. (shown in green)*

These numbers are used to justify annual increases in the road fees.

**Item 35 - FY 2022-23 Budget Priorities.** The Board adopted budget policy priorities after restoring the Housing and Economic Development priorities. For whatever reason, Staff has dropped housing and economic development from the priority list. We do not recall the Board indicating that these should be dropped in previous discussions. With Diablo closing, Phillips 66 closing, the Dunes closure order in 2023, many vacant storefronts, and lingering unemployment, we wonder what sort of rationale has been concocted for this one. Whatever happened to the Economic Development Manager position, which was approved back in 2020?

This is the time of year when the staff checks in with the Board to make sure that the Budget priorities that have been set in past years are still valid. It also presents an opportunity for the staff to recommend alternate policies and for the Board to change policies.



Perhaps it is being decided that economic development is too hard to do in San Luis Obispo County, given its smart growth and “resource” based scheme of land use. Could they just be attempting to let it slide? What tangible developments have been produced in new economic development in the County outside of big box stores and hotels in the cities? After all, the Board has spent many hundreds of thousands on economic development not-for-profits. Has any significant export base type firm<sup>2</sup> with career benefitted head of household jobs been added to the County in the past 5 years? Is there any strategic thought relating to the economic trend impacts on the Proposed Budget?

Obviously, COVID has become an ongoing endemic conditon that will linger in the environment for years or decades. Thus the pandemic response priority should be dropped as indicated.

“Legal mandates” is a very subjective concept, and the Board should scrutinize budget items that are asserted to be mandates. There are hard mandates, soft mandates, and mandates which can be worked around.

The write-up indicates that they are facing a potential revenue expenditure gap of from \$2 million to \$8 million on next year’s budget. Why? By June, and unless the Federal government collapses under it own loony policies, we bet that the gap will not exist. Besides, the County has ample reserves and is piling up more. Finally, the County is awash in State and Federal COVID and economic recovery funding. Much of this can be used to fund homeless programs, which appear to be the top non-mandated operational policy.

**Item 37 - Request to 1) receive and file a report on Department of Planning and Building Activities and provide staff direction as necessary on the Department Tiered Priority Projects; and 2) receive and file the Annual General Plan Progress Report.** The Board heard the presentation, and members expressed some preferences for projects that should be

<sup>2</sup> An export base firm is one that sells products or services outside the immediate economic region, thereby importing income and jobs.



worked on next year. The staff will study the cost and time requirements and report back in February.

**Background:** This item was another staff check-in with the Board to make sure that the Planning and Building Department is working on long-range planning projects that are Board priorities. For example, the list below contains projects that the staff completed.

*Completed Tiered Priority Projects The tiered priority projects completed since the November 17, 2020:*

- *2020 Housing Element Update*
- *2021 Annual Ordinance Clean-up Package (scheduled for completion on December 14, 2021)*
- *Agricultural Offset Ordinance – Extension and Table Grapes Water Duty Factor*
- *Airport Land Use Plan Update • Cannabis Ordinance – Local Coastal Plan Amendment*
- *Code Enforcement Abatement Process*
- *Density Bonus Ordinance – Inland (State mandated)*
- *Emergency Shelter Crisis Declaration and Ordinance*
- *Hemp Ordinance – Local Coastal Plan Amendment*
- *Local Agency Management Plan*
- *Sign Ordinance – Local Coastal Plan Amendment*
- *Vacation Rental Hearing Officer Process*

There are 2 lists of projects in process:

***Tier I Priority Projects In Progress*** *These are discretionary (nonmandated) projects that were directed by the Board during past priority reports. There are currently 2.5 FTEs (1 FTE expires on 8/31/22) working on Board-directed Priority Projects. There is no additional capacity to work on any additional priorities except the following Tier I projects listed below:*

- *ADU Ordinance – Local Coastal Plan Amendment • ADU Ordinance Pre-Approved Plans*
- *Agricultural Worker Housing Ordinance – Local Coastal Plan Amendment*
- *2022 Annual Ordinance Clean-Up Package – Williamson Act Rules of Procedure and Inclusionary Housing Ordinance*
- *Avila Community Plan*
- *Density Bonus Ordinance – Local Coastal Plan Amendment • Los Osos Community Plan – Local Coastal Plan Amendment*
- *Los Osos Vacation Rental Ordinance – Local Coastal Plan Amendment*
- *Paso Basin Planting Ordinance • Los Osos Habitat Conservation Plan – Finalize plan*

These are projects which staff believes should be initiated or which the Board has indicated at one time or another that it would like initiated:

***Tier II Projects*** *The Department's The Department can begin work on Tier II priority projects once resources become available or as the Board allocates additional resources.*

- *Airport Review (AR) Combining Designation • California Valley Land Acquisition Program (Abandon Cannabis Site Clean Up)*
- *Cambria Dark Skies Ordinance*
- *Craft Distilleries Ordinance*

- *Inland Vacation Rental Ordinance*
- *Mineral Resource Area Combining Designation • Safety Element Update*
- *Temporary Events Ordinance*
- *Urban Small Wineries*

The products of these projects are new plans, updates of plans, new regulatory ordinances, and other requirements. These cut two ways. On the one hand, they add cost, time, and money to development or may prohibit certain types of development entirely. On the other hand, they may clarify and expedite permitting for new types of businesses that have developed.

Unfortunately, it is mostly the former. Why should there be an inland vacation rental regulatory ordinance? What problem are they trying to solve? How many valid complaints has the Department received on inland vacation rentals over the past 3 years?

**Item 40 - Hearing to consider an Ordinance amending Title 8 of the San Luis Obispo County Code, by adding Chapter 8.99 to comply with the Short-Lived Climate Pollutants legislation SB 1383 and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA) – (Wet Garbage Recycling.)** The mandated ordinance was approved unanimously. Stay tuned in the Spring for more detail on operational provisions and costs.

**Background:** The new regulatory ordinance is required pursuant to SB 1383. “Short lived climate pollutant” is the State’s euphemism for wet garbage – fish guts, etc. SB 1383 requires all manner of new handling of recycling, storage, and disposal of wet garbage. The County must operate the following programs to be considered compliant.

***Organic Waste Collection***

*Provide organic waste collection services to all residences and businesses and recycle these organic materials at facilities such as an anaerobic digestion facility or composting facility. Part of the organic waste collection service could include waivers for low population, rural, elevation, emergency, and disaster. The County anticipates qualifying for several low population waivers.*

***Ordinance and Franchise Agreement Amendments.***

*The legislation requires the adoption of a specific SB 1383 ordinance or update of a current Solid Waste Ordinance and amendments to franchise agreements to support compliance include specifics related to the inspection, compliance, and reporting on SB 1383. Public Works is working with our local franchise haulers on a contract amendment and will bring an item before your Board December 2021. This item is to adopt a specific SB 1383 ordinance. Create Local Procurement Policies. In order to support the purchase of recycled products such as paper products, compost, mulch, renewable natural gas (RNG) and electricity, the County will need to adopt a new policy and purchase, acquire or secure for use, or giveaway, a certain amount of recycled products each year. The County is working on this effort and will come back to your Board with a procurement policy to support SB 1383 requirements.*

**Item 41 - Hearing to adopt a resolution continuing the Road Improvement Fee for all development within portions of the Estero Planning Area of the County of San Luis Obispo and adopting the required 2021 Los Osos Road Improvement Fee Study Update and considering the previously adopted Mitigated Negative Declaration (MND) and MND September 2021 Addendum per Section 21000 et seq. of the California Public Resources Code (CEQA).** The item was approved unanimously. There was no opposition. Separately from **Item 23**, above (road fee increases), this one actually lowers fees for residential development in the Los Osos and Bay View Park area of the County. It raises the commercial and other nonresidential fees.

PROPOSED FEE UPDATE		
Land Use Type	Current Fee per PHT*	Proposed Fee per PHT
Residential	\$4,198	\$3,449
Commercial	\$2,068	\$3,449
Other Non-Residential	\$3,182	\$3,449

\* PHT = peak hour trip

The Board letter states in part:

*As a result of the changes in community build-out and population forecast in the community plan update, the total list of transportation projects required to support growth has reduced from 19 projects (2009) to 12 (2021). A noted change in the update is that South Bay Boulevard no longer requires widening to 4 travel lanes to support growth. Finally, the Fee Study Update includes minor adjustments to the fee area to coincide with the Urban Reserve Line (URL). The affected areas are limited to small portions of State-owned land along the fringe of the URL.*

**Item 42 - Hearing to consider an ordinance implementing the County Fee Schedule "A" for Calendar Year 2022 and Fee Schedule "B" for Fiscal Year 2022-23.** The fee increases were approved on a 4/1 vote with Arnold dissenting.

This item was introduced back in October for today's hearing. In the meantime, we are concerned that the staff is not actually following the Board's policy that the fees be regularly reviewed. The policy is outlined in italics below.

*Fee Review Process County departments are directed to conduct a thorough analysis and justification for the fees they charge and to update their fee schedules annually. This involves reviewing any changes to the cost of providing a service and then working with the Auditor-Controller-Treasurer-Tax Collector Public Administrator's Office (ACTTCPA) and the Administrative Office to determine that all laws, policies, and cost assumptions are correctly applied. For the FY 2022-23 fee cycle, the Department of Planning and Building (Department) hired MGT Consulting Group to complete a full fee study including all fee structures and rates. The last external fee study review of this type for the Department was completed in 2007. Due to timing of the Department fee study, the Department of Planning and Building fees were not included as part of the Countywide Fee Hearing.*

*1) Calculation of Actual Cost Based on Historical Information (Cost Method). This is the preferred method for determining the cost of providing a service. This information is derived from the County's cost accounting system. Most departments use this information to determine recommended fee amounts.*

*(2) Time-and-Motion Studies (Time Study Method). Where a large volume of services is provided and it is impractical to determine the actual cost for each service, a time-and-motion study based on an average hourly rate is used. The departments employing this method include but are not limited to the Health Agency, the Clerk-Recorder, County Fire, Agriculture, and Planning and Building. For each service, the amount of time it takes to perform all related tasks is multiplied by the average hourly rate. Page 5 of 9*

*(3) Comparable Fee Survey (Survey Method). When cost accounting and time-and-motion studies are impractical, rates charged by comparable agencies for a similar service can be used as cost indicators. The departments using this method include but are not limited to Central Services, Parks and Recreation (including Golf), Library, and the Clerk-Recorder. This method is especially relevant for services which operate in an industry with private or other competing entities, such as golf courses, campgrounds, or airports.*

*(4) Statutory Fees (Statutory). Departments using fees based on statute may request changes to their fees that are within the allowable range as defined by statute. Several departments also have fees which are set at a specific amount by statute, or that are determined by the judicial system.*

Note that this year, the fee increases for Planning and Building are not included here but are being introduced separately for a December 14 hearing. (See consent **Item 1**, above, for the introduction). The County conducted a major consulting study on the adequacy of the fees, and as expected, determined that they are millions of dollars too low. This resulted in adding new fees, raising many fees, and a major consolidation of Planning and Building fees into macro fees. This reduced the number of P&B fees from about 1000 to 250. Again, see **Item 1**, above, which will be heard on December 14.

Otherwise the report summarizes the results as:

*The total amount of revenue from departments that is anticipated to be generated from fees in FY 2022-23 constitutes an increase of \$2.3 million or 8% over FY 2021-22 budgeted levels. Only accounting for General Fund departments, the total amount of revenue that is anticipated to be generated from fees in FY 2022-23 constitutes a \$601,642 or 5% increase over FY 2021-22. It is not expected that these percentage changes will change the percentage of overall budget that is financed by fee revenue given the expected growth in the overall budget. In addition to changes in the volume of business, some of which is due to reduced impact from the COVID-19 pandemic, two other primary factors for this increase are negotiated wage and benefit increases for various bargaining units, and a CPI increase of 1%.*

The County policy on fees states:

*The Board of Supervisors' Budget Policy 21, Cost Recovery Through Fees, directs departments to recover costs through fees where reasonable and after all cost-saving options have been explored. Each year, the Board reviews its budget goals and policies in advance of the budget preparation process. The policies were reviewed on December 8, 2020, in advance of the FY 2021-22 Recommended Budget; the next review is scheduled for November 16, 2021. As noted later in this staff report, not all fees are set at a level to allow for full recovery of costs (i.e. other funding sources, including the General Fund, offset some portion of these costs). It is important to note, that while the Board's policy is to recover costs of providing services; this only applies to services which carry a specific benefit to an individual or entity and does not pertain to basic tax-supported services which benefit the broader community (e.g. law enforcement, fire protection, health services, general government administration, etc.)*

This policy results in the fees heavily impacting business operations, land improvement, home building, commercial development, agriculture, economic development, and job creation.

**Item 43 - Submittal of a resolution continuing the collection of fees for solid waste management; and request to approve amendments to the Integrated Waste Management Authority (IWMA) Joint Powers Agreement and Memorandum of Agreement to remove the County; and request to approve and execute a transitional Memorandum of Understanding with the IWMA necessary for the successful transition from solid waste services provided by IWMA to Public Works.** The approval of the item provided interim management for the transition period as solid waste management functions are transferred from the IWMA to the County. These include fee collections, maintenance of services until the transition is complete, and other activities. The transition period is expected to last through June 30, 2022.

- 1. The County will continue to collect and remit to the IWMA tipping fee surcharges generated by residents and businesses of the IWMA's member jurisdictions at landfills located in the unincorporated areas of the county.*
- 2. The IWMA will continue to collect and remit to the County tipping fee surcharges generated by residents and businesses within the County's solid waste jurisdiction at any landfill located in the incorporated areas of the county.*
- 3. The Parties will coordinate with each other regarding any changes to the established tipping fee surcharges of \$3.00 per ton.*
- 4. Until a mutually acceptable amendment has been reached, the Parties shall each track tipping fee surcharges received by jurisdiction and keep adequate records to identify collection and remittance of fees.*

#### **Special Board of Supervisors Meeting of Friday, November 19, 2021 (Completed)**

**Item 1 - Hearing to consider County Staff Advisory Committee draft maps and publicly submitted maps for the County's 2021 redistricting of supervisorial districts and give staff formal direction.** The Board winnowed the proposed maps down to two for further consideration. The Patten map (so named for its proposer) and the SLO Chamber of Commerce maps were chosen on a vote of 4/1 with Supervisor Dawn Ortiz Legg dissenting. Supervisor

Gibson voted for the package under protest, as he is adamantly opposed to the Patten map, but as a matter of hedging his bets, he wanted to give the Chamber map a chance.

Gibson then proposed staff map B, which is very similar to the current map. The motion failed 3/2 with Arnold, Compton, and Peaching dissenting.

Maps displayed below include:

1. The current districts map.
2. The Patten proposed map.
3. The San Luis Obispo Chamber of Commerce proposed map

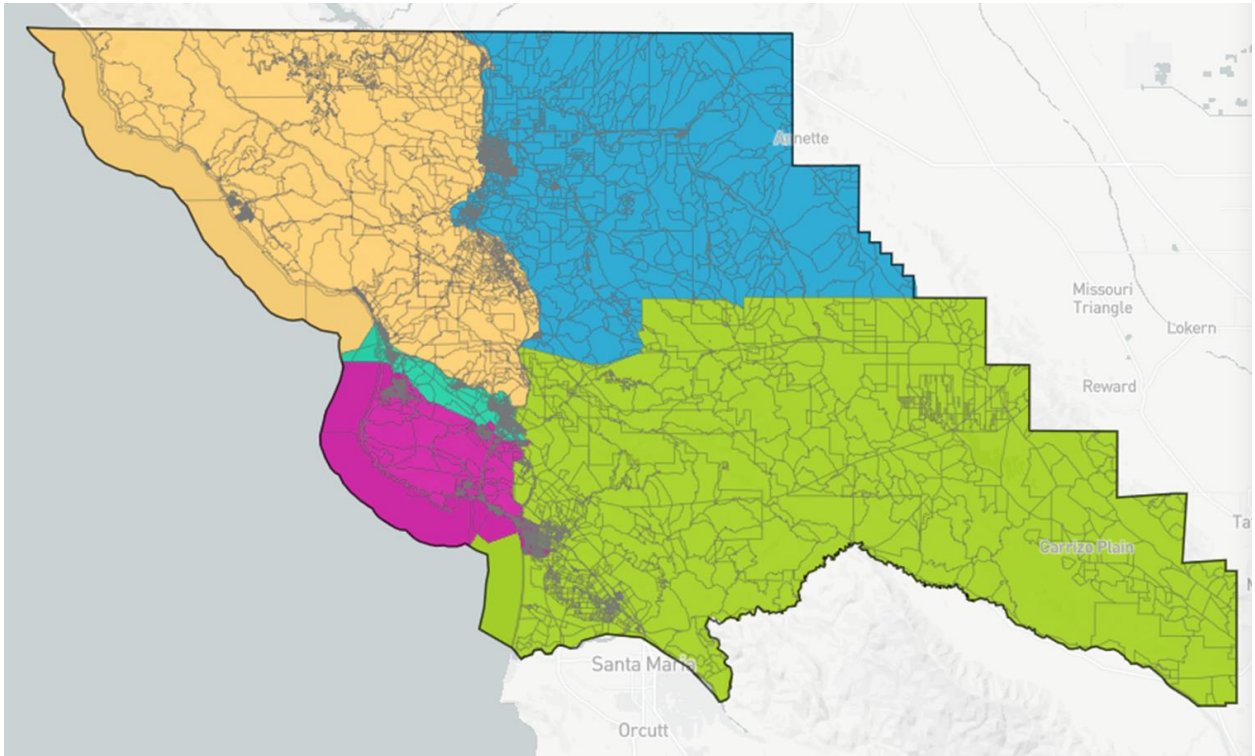
The final map will be chosen at a special Board meeting on Tuesday, November 30, 2021.



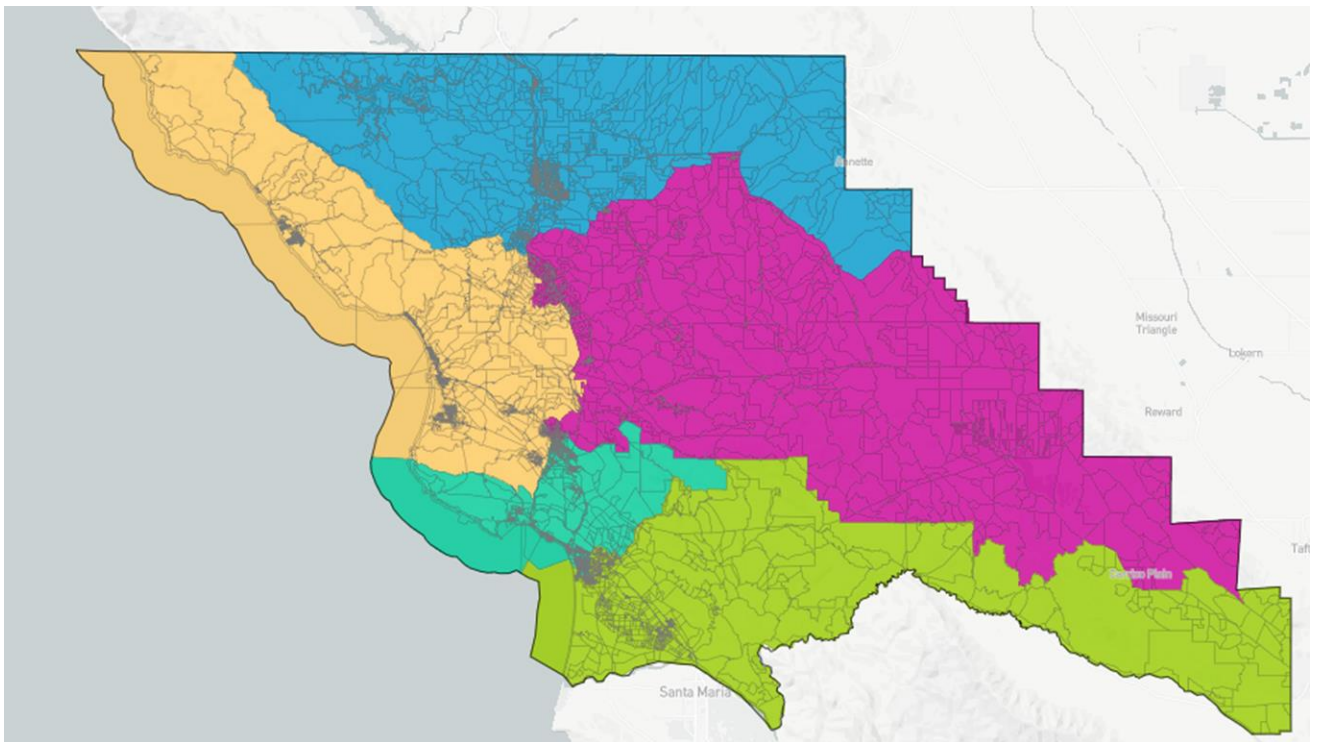
2011 EXISTING DISTRICTS



**THEY WERE FRUGAL, FOCUSED, AND GAVE THEIR FRIENDS CONTRACTS BACK IN THE DAY. NOW IT'S SPEND, TAX, & FEE, SOUND WOMBS, RATIONING, AND FREE INCOMES FOR ALL.**



MAP 74786 – PATTEN PROPOSED MAP



SLO CHAMBER OF COMMERCE PROPOSED MAP

**At The Meeting:**

The meeting was lengthy, with over 100 public speakers. The basic split was over whether the current map should be retained or the Patten map should be adopted. The debate was cloaked in a discussion of which map best represented “communities of interest”. The communities of interest rhetoric was really a surrogate for which map most benefits the progressive left (existing) or the conservatives (Patten). Of course this division impacts everything.

The progressive left advocates were aided by a number of retired public officials, including two former police chiefs, a former SLO City Manager, a former Clerk Recorder Assessor, and a former Project Manager from the County CAO’s office. The League of Women voters, former and sitting city councilmembers (representing themselves), and some members of area advisory committees all supported keeping the current map.

Citizens of the northwest coast (Supervisors Gibson’s District) appeared in force and submitted a letter with over 500 signatures supporting retention of current districts. They are particularly fond of Supervisor Gibson’s generally anti-development, anti-fossil fuel, land rationing, water rationing, anti-Diablo, and “keep the homeless in SLO and other cities” stances. Many are boujee retirees, who could care less about good jobs and housing for the County’s up and coming children and grandchildren, who of course are in school or at work and could not be at the hearing. One problem is that when Gibson is part of a Board majority, he imposes his policies on the entire County, not just the northwest coast.

The conservatives are seeking to detach portions of the City of SLO from District 5 (Arnold). The City of SLO is the Berkeley of the central coast and dilutes the basic communities of interest and their votes by having tentacles into that district.

Apparently, the left progressives are planning a lawsuit if the Patten map or something like it is ultimately chosen.

All the draft maps which were submitted are displayed at the link:

<https://www.slocounty.ca.gov/Departments/Administrative-Office/Countywide-Projects-Programs/Redistricting/Draft-Maps-Publicly-Submitted-Maps.aspx>

When it opens, there is a list of plans which are hot links to each map.

**Side Note on this meeting:** The County did not publish the agenda and staff recommendations until sometime just before 9:00 AM on Thursday, November 18, 2021. This did not allow much time for citizens to react to and/or prepare for the Friday, November 19, 2021, 9:00 special meeting. The staff and consultant presentations for totally cold dish as a result.

We had always thought that per the California Open Meeting Law, meeting notices, agendas, and meeting packages were required to be published 72 hours prior to a meeting of a public body.

*54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency’s Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate*



*alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.*

Instead, the County invoked a separate clause used for Special Meetings:

**54956.**

*(a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency’s Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.*

This process is generally reserved for matters that come up suddenly and that are not emergencies (for which there is a separate process). You would think that given that the schedule for the “special meetings” has been known for months, they could have followed the 72-hour timeline. The only thing special about the meeting was that it was not part of the regular Tuesday cadence.

Redistricting Timeline			
Official Hearings	Required Action(s)	Date	Known/Legal Timelines
Hearing #2	Board Hearing - Consideration of Initial Draft Maps and Provide Staff Direction	October 26, 2021 (Special Evening Meeting)	
	<b>Last day to submit maps/comment for consideration in revised maps for November 19 hearing</b>	<b>November 5, 2021</b>	Allows 1 week for drawing before publication
	Publish revised maps	November 12, 2021	
Hearing #3	Board Hearing - Second consideration of Draft Maps and Provide Staff Direction	November 19, 2021 (Special Meeting)	
	<b>Last day to submit maps/comment for consideration in revised maps for November 30 hearing</b>	<b>November 21, 2021</b>	Allows only three days for finalization of maps
	Publish revised maps	November 24	At least 7 days before final adoption (12/14)
Hearing #4	Final hearing to approve redistricting plan	November 30, 2021 (Special Meeting)	
	Legal Metes and Bounds complete and ordinance drafted	December 3, 2021	72 hours agenda publication deadline
	Introduce County ordinance amendment	December 7, 2021	
Hearing #5	Amend County ordinance to reflect Board approved revised redistricting map	December 14, 2021	1 day before legal deadline
	Effective date of ordinance amendment	January 14, 2022	

\* Legal deadline to adopt – December 15, 2021

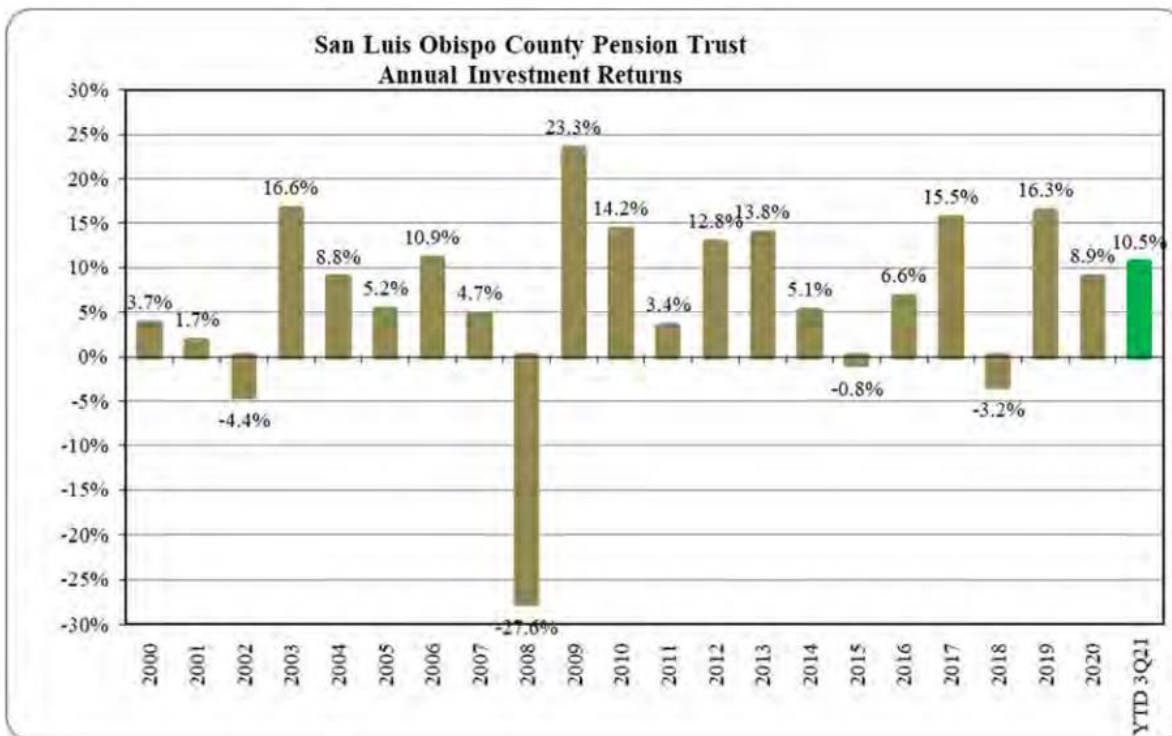
**San Luis Obispo Pension Trust Meeting of Monday, November 15, 2021, 9:30 AM (Completed)**

**Item 12 - Monthly Investment Report.** The Board received the extensive presentations by various consultant experts.

The solid investment year continues.

	September	Year to Date 2021	2020	2019	2018	2017	2016
Total Trust Investments (\$ millions)	\$1,728		\$1,552 year end	\$1,446 year end	\$1,285 year end	\$1,351 year end	\$1,196 year end
<b>Total Fund Return</b>	-1.8% Gross	<b>10.1% Gross</b>	8.9 % Gross	16.3 % Gross	-3.2 % Gross	15.5 % Gross	6.6 % Gross
Policy Index Return (r)	-2.0%	7.8%	10.0 %	16.4 %	-3.2 %	13.4 %	7.7 %

• *The Social Security cost of living increase for 2022 will be 5.9%, the largest SS increase since 1982. The Social Security COLA is based on the increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) since the last COLA increase. The Social Security COLA affects 65 million recipients. Those on SS retirements have an average benefit of \$1,555/month.*



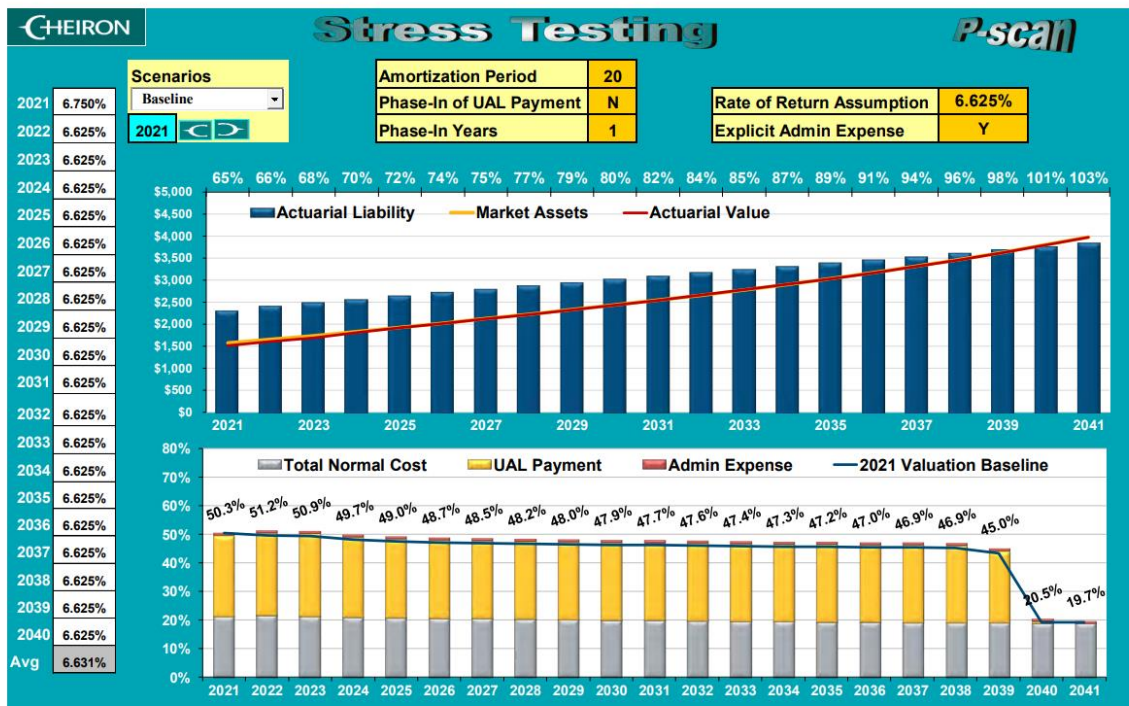
**Item 19 - Funding Policy Update.** The Board received the presentation.

**Background:** The item contained analyses of how the unfunded liability changes, depending on the system investment returns assumptions. Currently, it is set at 6.75%. The graphic below illustrates how it would look if the discount rate were lowered to 6.625%. The actuaries are not recommending any change at this time. They will wait until the next actuarial valuation of the

system is completed next spring. If inflation rages, they will probably recommend a reduction, as inflation erodes the value of investment gains. In another portion of the agenda they report:

*The September report on CPI inflation jumped more than expected with a 5.4% year-over-year change. Food, rent, and furniture costs led the increase fueled in part by limited housing supply and supply chain disruptions. The continued uptick in inflation continues to provide a source of worry for the Fed and for the stock market.*

**6.625% Discount Rate effective for 1/1/2022 Valuation**



Note that at this level, in 2022, for every dollar of salary paid by the County, the County and the employees would have to pay 51.2 cents into the Retirement Trust. The split is about 2/3 County and 1/3 employees on average.

However, the employees receive pension deduction pay “offsets” in their salaries which, in effect, lowers their share even further. Every year when chart is updated, they show a 20-year amortization period for the amortization of the unfunded liability. Thus, it never really goes away. The rates in the near-term years just rise to higher levels and never really decrease.

The rate was 47.9% in 2020, which is now not included in the updated chart. As displayed in the chart, it will take until 2030 to decrease to 47.9% again. That is if inflation, higher wages, or poor stock market performance doesn’t even add more unfunded liability.

**California Coastal Commission Meeting of Wednesday, November 17, 2021 (Completed)**

**Item W13a - Extension of Time Limit for Commission Action on San Luis Obispo County Local Coastal Program (LCP) Amendment Number LCP-3-SLO21-0027-1-Part F (Los Osos Vacation Rentals).** The Commission extended its own deadline for one year for the reviewing of the County proposal. During this interval the staff will investigate SLO County's policies in Los Osos and other coastal communities.

*Osos Vacation Rentals – Time Extension) Page 2 Cambria, Cayucos, and Avila Beach), these questions are also pertinent more globally to the LCP's vacation rental provisions overall. Staff recommends that the Commission extend the deadline for Commission action on the proposed amendment by one year. Staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present*

*Because the proposed Los Osos provisions mirror the structure of the LCP's community-specific vacation rental provisions in other areas of the County (i.e., LCP-3-SLO-21-0027-1-Part F (Los Osos Vacation Rentals – Time Extension) Cambria, Cayucos, and Avila Beach), these questions are also pertinent more globally to the LCP's vacation rental provisions overall.*

**Closed Session.**

- Friends of Oceano Dunes v. CCC, et al. (Case 16CV-0160), Govt. Code § 11126(e)(2)(A)
- Friends of Oceano Dunes v. CCC, et al. (Case 20CV-0100), Govt. Code § 11126(e)(2)(A)
- Friends of Oceano Dunes v. CCC, et al. (Case 17CV-0267), Govt. Code § 11126(e)(2)(A)
- Friends of Oceano Dunes v. California Department of Parks and Recreation, et al., (Case 21CV-0275) Govt. Code § 11126(e)(2)(A)
- Friends of Oceano Dunes, Inc. v. CCC (California Department of Parks and Recreation, et al. RPIs) (Case 21CV-0246), Govt. Code § 11126(e)(2)(A)
- Friends of Oceano Dunes, Inc. v. CCC, et al. (County of San Luis Obispo, et al., RPIs) (Case 21CV-0214), Govt. Code § 11126(e)(2)(A)
- Friends of Oceano Dunes, Inc. v. CCC (California Department of Parks and Recreation, et al., RPIs) (Case 21CV-0541), Govt. Code § 11126(e)(2)(A)

**Planning Commission Meeting of Wednesday, November 17, 2021 (Completed)**

The agenda contained only 2 items, minor subdivisions. There are no consequential policy matters.

**Local Agency Formation Commission (LAFCO) Meeting of Thursday, November 18, 2021 (Completed)**

**Item B-1: Annexation No. 90 and Sphere of Influence Amendment to the city of Paso Robles (Gateway) – recommend Review and Approve.** The annexation has been in the works for a few years. Staff recommends most of it but seeks deferral of one piece.

*LAFCO Staff Recommendation. The SOI should exclude Area Five. If the Specific Plan, General Plan Amendment and EIR are prepared by the City, more information would be available and the area could be reconsidered for inclusion into the SOI and annexation. The Specific Plan and Environmental Impact Report could address the circulation system and development pattern that would impact fewer environmental resources. The City could be capable of providing services needed to serve the area.*

**Table 1 – Development Detail of Each Area**

Area	Proposed Zoning	Component	Description
1	Regional Lodging (RL)	Vine Street Hotel	100 rooms, 76,000 SF, conference room, pool, 84 parking spaces
2	Regional Commercial (RC)	Village Commercial Center	37,100 SF, retail, restaurants, office, 17 workforce residential units, 159 parking spaces
3	Regional Lodging (RL)	Hillside Hotel	225 rooms, 200,000 SF, restaurants, spa, administration, 581 parking spaces
4	Regional Commercial (RC)	Promontory Commercial Center	24,000 SF commercial/office, 73 parking spaces
5B	Residential Multi-Family (RMF)	Multi-Family w/ Resort Overlay	80 attached units, may be used as resort rentals
6	Regional Commercial (RC)	Vine Street Commercial	22,000 SF, commercial/office, 66 parking spaces
7	Agriculture	Agriculture / Open Space	98 acres, of which includes 32 acres of permanent conservation

The project at buildout will consume about 9600 of Paso Roble’s stated 17,246 acre feet of remaining water availability. The table below lists the City as having 4,000 acre-feet of Paso Basin groundwater per year. However, this was reduced by the Court in the Quiet Title suit to about 1,900. LAFCO may not be aware of the judge’s order limiting the amount to which certain prescriptors such as the City are entitled. Thus their cushion is not as large as portrayed.

**Table 3 - City of Paso Robles Supply & Demand Projections (Source 2015 UWMP)**

Water Source	Acre Feet per year
Paso Robles Groundwater Basin	4,000
Salinas River – Surface Wells	4,558
Nacimiento Water/Treatment & Recovery Well	6,488
Recycled Water for Potable Offset	2,200
<b>Total Water Supply Available</b>	<b>17,246</b>
Water Demand in 2045-General Plan Build-Out with Project	9,663
<b>Available Surplus in 2045 with Project</b>	<b>7,583</b>

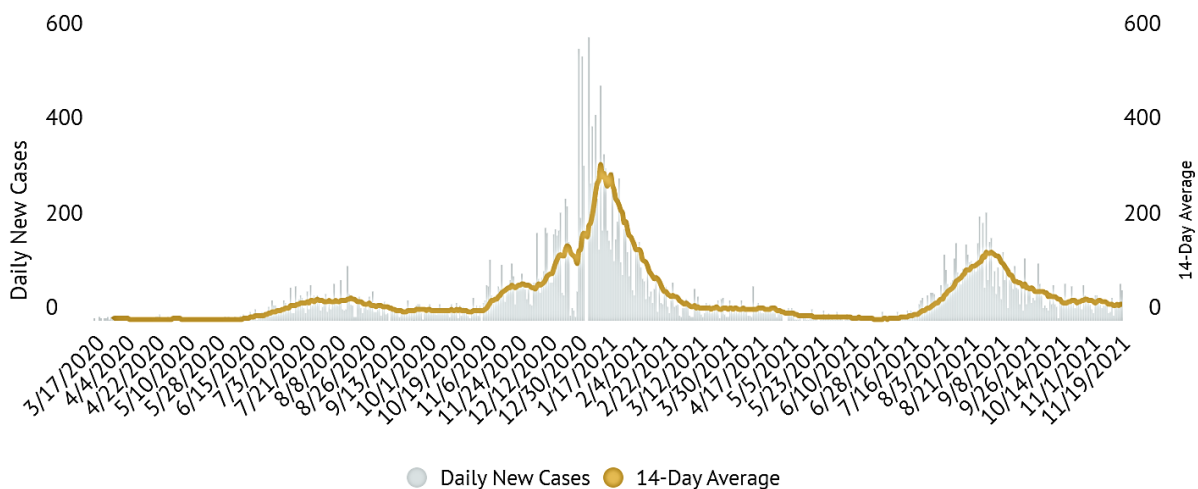
The project EIR found that the project is a contributor to global warming.

*Greenhouse Gas Emissions Impact GHG - 1: Construction and operation of the project would generate temporary and long-term increases in GHG emissions. **These emissions would result in a significant contribution to global climate change.** This impact would be Class I, significant and unavoidable. Just what % of global CO<sub>2</sub> generation does this project contribute that would be significant to global climate change? The Commissioners should ask to see the math on this one. The write-up up states that it will be 3,146 metric tons per year*

## EMERGENT ISSUES

**Item 1- COVID.** The virus is currently idling at a low level. The problem is that it can break out any time. This has caused the Governor and local officials maintain mask requirements and mandatory vaccination requirements in schools, commercial, spaces and governmental organizations. The efficacy of vaccinations is not clear.

Daily New Cases (and 14-Day Average)



**12 (2 ICU) \*\*SLO County Residents with COVID-19 in Hospital**

**Item 2 - APCD To Pay \$121,000 For Lost Lawsuit.** The Cal Coast News has been covering this lawsuit. The latest development is reported below.

## **Friends of Oceano Dunes wins another victory against the APCD**

November 16, 2021

By KAREN VELIE

*The court awarded Friends of the Oceano Dunes \$121,241 on Monday for attorney's fees and court costs for litigation the group filed objecting to the San Luis Obispo County Air Pollution Control Board's (APCD) agreement to implement its dust rule. The dust rule requires state parks to reduce the particulate matter blowing from the Oceano Dunes State Vehicular Recreation Area or face fines of \$1,000 per day.*

*The court ruled that the agreement is void because it effectively changed Rule 1001 by making it tougher on State Parks without subjecting the change to a public hearing. Instead, the APCD Board adopted the agreement in "closed session" out of view of the public and without public input.*

*The ruling also allows State Parks or the public to seek reimbursement from the APCD for monies State Parks expended under the void agreement, which exceeds \$10 million.*

*The APCD has faced multiple lawsuits pertaining to its dust rule and regulation of the Oceano Dunes off-road riding area, many of which they have lost. The APCD has incurred costs of approximately \$2 million fighting the lawsuits.*

*Friends of the Oceano Dunes is a not-for-profit corporation expressly created to preserve camping and off-highway vehicle recreation at the Oceano Dunes State Vehicular Recreation Area. Friends represents approximately 28,000 members and users of the Oceano Dunes*

### **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**

## IS THE UNITED STATES IN DECLINE?

*None of our recent setbacks is irreparable, but it is dismaying that they continue to happen and no one does anything to reverse course. A strong nation can do better.*

**BY JOSEPH F. JOHNSTON, JR.**

In *The Decline of Nations*, published last year, I provided some historical examples of national decline and discussed some evidence of decline in the United States. Among the more worrisome trends included a massive increase in the size and intrusiveness of the federal government including huge deficit spending and indebtedness; serious weaknesses in America's military capacity and capability; a weak educational system; a decline in America's culture (including a deterioration in art, literature, manners, morals and religious observance); the superficiality of the media; the decline of traditional institutions such as the family and marriage; a rise in crime and illegal immigration; and an erosion of the rule of law.

Recent events since the book was published confirm these trends. Every one of these weaknesses has gotten worse. While I wrote in my concluding chapter that "the signals early in the twenty-first century are mixed," two years later it appears clear that the United States is approaching full decline. It is still possible to reverse the trend, but the situation is grave.

### **Government Extravagance and Mass Democracy**

The federal government spent \$6.8 trillion in fiscal year 2021. The excess of spending over tax revenue created a \$2.8 trillion deficit in that year. The Biden Administration proposes to spend additional trillions and to raise taxes substantially. The Congressional Budget Office projects that deficits will total \$15.1 trillion between FY2021 and 2031, and that federal debt held by the public will rise from 100 percent of Gross Domestic Product (\$22.3 trillion) today to 106 percent of GDP (\$35.8 trillion) by 2031, which would surpass the record level of federal debt set during World War II. The CBO also projects higher inflation (which is already occurring) and rising interest rates, which will adversely affect the budgets and savings of all Americans.

Massive government spending accomplishes two goals for politicians. First and most obviously, it buys votes. Public officials spend the public's money in the places where it will do the most for the politicians, although it may incidentally benefit others. Second, over time, government spending creates a growing class of people who become dependent on government through entitlement programs such as Medicare, Medicaid, food stamps, housing allowances, subsidized child care, unemployment benefits, and many other subsidy programs. These programs never go away; they only expand. The dependent classes accordingly grow larger. Most of the programs do not require the beneficiaries to work. Paying people not to work is socially destructive. And, of course, those who receive subsidies tend to vote for the ones who subsidize them. This, again, is the irresistible logic of mass democracy.

Our founders, of course, being well-versed in history, completely understood the political dangers inherent in democracy, and took steps to provide, in the federal Constitution, some restraints on fiscal irresponsibility, including a limitation on the federal government's power to



impose direct taxes. Direct taxation was authorized much later by the 16th Amendment, adopted in 1913.□

The 16th Amendment was one of the first important products of the Progressive movement, whose intellectual leader was Woodrow Wilson. It was followed by the 17th Amendment, which provided that senators shall be elected by popular vote rather than by state legislatures. These progressive measures destroyed two of the carefully designed checks and balances on mass democracy included in the original Constitution.□

The Progressives were an enormously influential group of statist liberals who regarded the original constitutional understanding (which featured limited government; separation of legislative, executive, and judicial powers; and federalism) as obsolete and inefficient and believed that the power of the national government, and in particular its executive branch, must be greatly expanded in order to regulate the economy and permit open-ended spending on social welfare. Similarly, the Progressives inaugurated a cult of expertise, which led to an administrative welfare state staffed by “experts” who would run powerful and permanent agencies of government.□

The noxious consequences of the Progressive movement are with us still. To give a current example, the federal government and its compliant corporate allies are imposing mandates requiring employees to submit to involuntary vaccinations. We are the helpless subjects of a gigantic and uncontrollable Leviathan which is the historical fulfillment of the New Deal political ideal of “tax and tax, spend and spend, elect and elect.”□

The federal courts, beginning in the 1930s, acquiesced by abandoning constitutional limitations on the administrative state. There are now no effective limits on federal government spending, as evidenced by ever-increasing deficits, public debt and the accompanying inflation. The triumph of the Progressive movement is a part of the abandonment of the original limited and federalist republic and its replacement by mass democracy under the management of the progressive centralized state. Just as the erosion of limits on personal behavior leads to the decline of morals and manners, the disappearance of constitutional limits on government opens the way to every kind of governmental excess.



Tian Jianmin / Costfoto/Barcroft Media via Getty Images

## Foreign Policy and National Defense

The United States faces serious challenges to its national interests from potentially hostile nations such as China, Russia, Iran and North Korea. The Chinese People's Liberation Army (PLA) is rapidly modernizing its capabilities. China's recent launch of a long-range maneuverable hypersonic missile capable of carrying a nuclear warhead is a potential game changer. China is expanding its militarization of the South China Sea and poses a threat to Taiwan and possibly to other east Asian nations. Its "Belt and Road" initiative seeks to make China the dominant economic power in Eurasia. To pay insufficient attention to the Chinese threat is to repeat the mistake of Britain and its allies in the 1930s in underestimating the German menace.

In terms of the military's capacity, capability and readiness, the Heritage Foundation's Index of Military Strength rates the U.S. Army and Navy as marginal, the Air Force as weak, the Marines as strong, the nuclear forces as strong but tending toward marginal, and the Space Force as weak. Recent reports show that the United States is losing the cyber and artificial intelligence war with China and that America's declining shipbuilding capacity has weakened the Navy's ability to keep up with China. The reason for these deficiencies is not any lack of competence on the part of America's warriors, but is due to a lack of funding and support from the legislative and executive branches and neglect by the media and the public generally, who are not sufficiently attentive to the importance of national defense. Neglecting the realities of external threats and the requirements of self-defense is a sure sign of decline.



MARCUS YAM / LOS ANGELES TIMES

## The Afghanistan Debacle

When the September 11, 2001 terrorist attacks on the United States occurred, it was clear that Afghanistan had harbored and supported the Taliban and al-Qaeda, so our military invaded Afghanistan and successfully disabled those terrorist entities in that country. The George W. Bush Administration decided to keep U.S. forces in Afghanistan and to encourage the formation of a modern, democratic government in the country. This process became known as "nation building," which we also tried (with equal lack of success) in Iraq. Subsequent administrations continued America's involvement in Afghanistan.

A limited number of U.S. troops in Afghanistan were sufficient to keep the Taliban and al-Qaeda out of power for 20 years. The American effort in Afghanistan was supported by our NATO allies and by many Afghan civilians and military units. In the summer of 2021, the Biden Administration simply walked away and abandoned our allies without any prior notice. This hasty and dishonorable withdrawal was one of the worst foreign policy decisions in recent American history. □

Without U.S. air and logistical support, the Afghan military collapsed and its president fled the country in the face of a determined Taliban onslaught. The United States then frantically tried to evacuate Americans and some Afghan civilians. In an act of unforgivable negligence, our government had abandoned Bagram Air Force Base in July 2021, depriving our military of the best facility for accomplishing a successful evacuation. The result was chaos. The frenzied evacuation from the much smaller Kabul Air Base was able to extract most, but not all, Americans and some Afghan allies, but billions of dollars of first-rate military hardware was left to be captured by the enemy.

This process violated the most basic principles of a military withdrawal: get the civilians and dependents out first, then the equipment (or destroy what you cannot get out) and then get the troops out. Our leaders did it ass-backward, to use ordinary soldiers' language. Afghanistan is now back to where it was in 2001—under the control of the Taliban and related groups of ruthless terrorists. Soon enough it will once again be a training ground for terrorists. After this surrender to a third-rate enemy, it may be a stretch to refer to the United States as a superpower.

## **Education**

American education continues to deteriorate. The coronavirus pandemic of 2020 forced the closure of many public schools, and children had to learn online or through home instruction. As a consequence, parents discovered, to their dismay, what their kids were actually being taught in the public schools. It was obvious that the quality of the teaching did not match what the parents expected. □

Parents are losing faith in the public schools' ability to teach the fundamentals of literacy, mathematics, science, and civics. Two generations of children have graduated from K-12 schools with inadequate skills in reading and math while being indoctrinated with race and gender theory, the politics of resentment and victimhood. Parents now have to fight with school boards and teachers' unions to prevent further leftist indoctrination of their children. Under the critical race theory teachers employ in many schools, white people are labelled as racists and oppressors, while American history is portrayed as bigoted and hateful. Nature and common sense are denied as the difference between men and women is abandoned to hallucinatory notions of "gender fluidity." Fortunately, Americans are beginning to rise up against this poisonous and divisive nonsense.

The traditional goals of excellence and achievement are being undermined by a new norm of mediocrity and conformity to the lowest common denominator. The College Board has announced that it is eliminating the essay portion of the Scholastic Aptitude Test (SAT) because it is too burdensome for some students. Grades are de-emphasized in college admissions in favor

of “diversity and inclusion.” Difficult courses are being dropped across the board. The right of parents to participate in their children’s education is under attack. In the name of equity, we are moving toward mediocrity. It is a race to the bottom.

It is hard to avoid the conclusion that the public schools are inadequate. They are plagued by violent and disruptive students. As a part of the recent “defund the police” movement, school resource officers whose job was to help prevent such conduct are being removed in some school districts. Parents are surely aware of the many deficiencies of the public schools, but many parents lack the resources to send their children to private schools.

The obvious solution is to break the public school monopoly (which, like all monopolies, is designed to benefit the monopolists and not the customers) and offer school choice. Instead of funding the public schools, state education funds should follow the student. This could be done by legislation at the state level requiring that a major portion of the tax dollars devoted to education be allocated to every K-12 student in the form of an education savings account. Parents of students would be credited annually with a share of this fund which they could direct to an accredited charter, private, or parochial school. A state ballot initiative along these lines, called the California Education Freedom Act, is moving through the signature-gathering process. If passed (and, of course, it will be strongly opposed by the teachers’ unions and other statist and leftist voices), the initiative would fundamentally transform education in California and would quickly spread to other states.



Joshua Lott/The Washington Post via Getty Images

### **Social Breakdown**

Following the killing of a black man by a white police officer in Minneapolis in May 2020, rioting, looting and outbreaks of mob violence occurred in cities all across the country. The police officer was tried, convicted, and sent to prison, but the appropriate use of legal process did not stop the rioters, led by Antifa, Black Lives Matter and other radical organizations who were supported by America’s leftist media and academic elites. Political leaders in American cities did little or nothing to stop the violence. We know from history what happens when mobs in the street begin to control what happens in the cities. In the United States, the FBI reported that in 2020 murders rose by 29.4 percent compared to the previous year and the overall violent crime rate was up by five percent.

A recent survey indicated that the upward trend in crime rates is continuing in 2021—for example, the number of shootings and carjackings increased during the first seven months of 2021. Some of the rise in crime can be attributed to the anti-police sentiment that arose in 2020 (“defund the police”) and was hyped by the leftist media. The demand to defund the police was part of a broader push for radical social changes such as a moratorium on evictions, postponement of rent, release of prisoners, elimination of bail, redistribution of wealth and similar demands for “social justice.” A reluctance to enforce the rule of law will erode the bonds that hold a society together.

## American Culture

During the first two-thirds of the 20th century, the United States still had what could be described as a common culture. While modernism had certainly produced a certain amount of disruption in art, manners, and taste, there was a general acceptance of traditional moral and religious values, including personal responsibility, standards of behavior, and respect for law and order—even during the Great Depression. In the 1960s, these values began to deteriorate. Academic standards were lowered. A culture of rock music and drugs contributed to a mindless ethos of noise and vulgarity. Now, in the early decades of the 21st century, the “post-modern” culture reflects a culture that is rootless, devoid of spiritual values, disconnected from the past, infatuated with technology and driven by global markets with no traditional moorings or permanent ideals. In a secularized culture, God is forgotten and mammon reigns.

The old upper middle class capitalist elite that dominated American culture from the 1870s until the late 20th century supported traditional values of individual liberty and responsibility, respectability, self-restraint, and respect for religion. The old elite has been replaced by a new “progressive” elite that values equality, secularism, self-indulgence, antinomianism, redistribution of wealth, and the paternalistic welfare state. The old bourgeois elite supported the high culture celebrated by T.S. Eliot in his *Notes Toward the Definition of Culture* (1948), and this culture has not entirely disappeared—it persists in a few remaining art museums, symphony orchestras, opera companies and a handful of book publishers; but the dominant trends today celebrate the mundane, banal, and vulgar aspects of modern life. □

Popular music today ranges from insipid to degraded. Modern galleries feature some modernist masters to be sure, but also display works designed to shock, amuse, or titillate. Most modern architecture, in the words of Britain’s Prince Charles, is “soulless, bureaucratic and inhuman.” In literature, it is hard to find writers today of the stature of Ernest Hemingway, William Faulkner, Scott Fitzgerald, John Dos Passos, Edith Wharton, John Steinbeck, Saul Bellow, Tom Wolfe, or Walker Percy.

U.S. political and social culture has taken a sharp turn to the left. Left-leaning ideologues are prominent in universities, the media and the Democratic Party. They believe in a kind of cultural Marxism, which holds that America’s traditional economic system—based on free markets, private property, self-reliance, entrepreneurialism, limited government, subsidiarity, and the rule of law—is systematically racist and unfair and should be replaced by some form of collectivist, centralized, administrative welfare state. The Left dislikes the nuclear family as well as the custom-based local community, free enterprise, and separation of powers that go along with it. □

## The Media

The news media have always been a vital part of American culture. Traditionally, American newspapers and other media outlets have reflected a wide variety of opinions. Today's dominant "mainstream media" (including the *New York Times*, the *Washington Post*, ABC, CBS, NBC, MSNBC, CNN, National Public Radio and their acolytes) have become politicized followers of the leftist agenda.

The clearest example of this agenda is the *New York Times*' "1619 Project," launched in 2019, the 400th anniversary of the arrival of the first slave ship in America. The real founding of America, according to the Project, was not Jamestown or the arrival of the *Mayflower* or 1776, but the introduction of slavery into America, which was the foundation of everything that happened thereafter, including the American Revolution, which, the *Times* argued, was fought to protect the interests of slaveholders. The Project declared slavery to be the centerpiece of American history.

This perverse narrative was a wholly distorted portrayal of history and was promptly denounced by many prominent historians. Yet it reflected the obsession with slavery on the part of a large number of academics, journalists, and other progressive voices. What the media does not distort it neglects. For example, the media refused to cover the story of Hunter Biden's corrupt dealings with Chinese entities, which was revealed by the *New York Post* but buried by the rest of the press.

There is no longer any pretext of objectivity on the part of America's establishment media in the era of woke politics. The overwhelming left-wing bias of the media is accompanied by a striking ignorance of history. The news bias toward the Left can also be seen in other aspects of American life, including academia, the entertainment business, big sports, big corporations, and the military. This reflects the general cultural shift toward the progressive left.



Jordan Vonderhaar/Getty Images

## Immigration

Since its founding, the United States has benefited from a steady and relatively manageable influx of productive and motivated immigrants, mostly from European countries. Until the 1960s, the flow of immigrants was limited by various quotas and restrictions. Under the Immigration and Naturalization Act of 1965, however, which permitted "chain migration" of family members, there was a surge of immigration, especially from Mexico and Central America

and more recently from Africa and Asia. Much of this immigration in recent decades has been illegal, and many of the migrants are lacking in basic skills and are less likely to assimilate than previous immigrants.]

In addition, thousands of pounds of fentanyl, methamphetamine, and other dangerous drugs cross the border every month. When the Biden Administration took office in January 2021, it stopped construction of the Trump Administration's border wall, eliminated every other meaningful border restriction including Trump's "remain in Mexico" policy, and reinstated the "catch-and-release" policy. The result was a disaster on the southern border.]

In 2021, the number of illegal immigrants apprehended at the border has exceeded 170,000 per month and in July 2021 it exceeded 210,000. Border Patrol officers are overwhelmed. Among the hordes of migrants are criminals and terrorists, brought in by human smugglers and cartels. Year-to-date apprehensions are over 1 million, the largest increase in decades. Under the catch and release policy, most migrants are released into the interior of the United States to await their asylum hearing; few show up. This chaotic situation at our border is an additional sign of decline. A nation that cannot control its borders is not a fully sovereign nation.]

### **The Leadership Crisis**

To overcome crises like those described above requires competent leadership. But such leadership is in short supply in America today. The leadership of Joe Biden since his inauguration in January 2021 has been an abject failure. His management of the withdrawal from Afghanistan was a disaster.]

The crisis on our southern border is another example of inept leadership. Administration officials have repeated disinformation, including statements that "the border is closed," when it plainly was not. Biden named Vice President Kamala Harris as the designated leader to take charge of the border but she did nothing whatever to alleviate the crisis and has seldom even visited the border.]

Biden's financial management has been appalling, proposing trillions of dollars of new spending with the support of Congressional Democrats in what would become the biggest spending spree since Lyndon Johnson's Great Society of the 1960s.

In sum, the nation's growing deficits and debt, its weakened military, rising inflation, feckless leadership, foreign policy retreat, educational malpractice, urban unrest, cultural decline and out-of-control border, taken together, are clear evidence of decline.

So early in the 21st century the good ship United States, several times retrofitted and re-launched, sails into a turbulent sea with an incompetent captain, an undependable first mate and a crew it would be generous to call motley.

## What Is To Be Done?

First of all, it is necessary to change the crew. The 25th amendment provides a legal process for doing so, but the will to invoke it does not exist in either the executive branch or in Congress. In 2022, the voters will elect a new Congress and that will give the American people the opportunity to exercise the most important vote since World War II. It is Congress, after all, that has “all legislative powers” under the Constitution. The results of state and local elections in 2021 indicate that a political readjustment may be under way. An example is Glenn Youngkin’s successful gubernatorial campaign in Virginia, which emphasized higher standards and student achievement in schools, empowering parents, more support for law enforcement and public safety, and more efficient and accountable government.

Above all, we need to return to the institutions and principles on which the nation was founded.

As Adam Smith said, “There is a great deal of ruin in a nation,” referring to General Burgoyne’s defeat by American revolutionary troops at Saratoga in 1777. Smith correctly perceived that Britain was unlikely to be “ruined” by this defeat or other defeats in the American Revolution. But the capacity of a nation to endure defeats is not infinite. Our nation has endured a number of setbacks in recent years, some of which have been described above, including our defeat in Afghanistan, the continuing invasion of aliens on our southern border, massive fiscal irresponsibility by our government, a deteriorating educational system, and a decadent culture. None of these occurrences is irreparable, but it is dismaying that they continue to happen and no one does anything to reverse course. A strong nation can do better.

*Mr. Johnston graduated from Princeton University before receiving a master’s degree and law degree from Harvard University. He practiced law in New York City and Washington, D.C., and was a visiting lecturer at the University of Virginia law school. He is the author of the newly released book [The Decline of Nations: Lessons for Strengthening America at Home and in the World](#) as well as [The Limits of Government](#).*





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